

CHAPTER VII. SUBDIVISION REVIEW STANDARDS

Section 7.1 Application of Subdivision Standards

In accordance with the Act [§4418], the Planning Commission will evaluate all subdivisions and subdivision amendments in accordance with the standards set forth in Sections 7.2 – 7.12, unless specifically waived under Section 6.2. For subdivision evaluation and approval, the Commission also may require:

- (1) disclosure of the intended use of land to be subdivided, and a general indication of future development plans for retained land when only a minor portion of an existing parcel is to be subdivided;
- (2) in the event the Commission determines that development of additional portions of the parcel is reasonably likely in the foreseeable future, a master plan for the entire parcel which identifies Areas of High Public Value and other common land; the general location of potential infrastructure, including road, utility, green space or recreation corridors; and an estimate of the type, density and timing of future development;
- (3) an independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional, to be paid for by the applicant; or
- (4) modification of the subdivision design, the phasing of development, and/or other conditions of approval as appropriate to ensure conformance with these regulations.

Section 7.2 General Standards

Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development, and shall not result in undue adverse impacts to public health and safety, public facilities and infrastructure, or the character of the surrounding area. Moreover, to the extent feasible, land development should not have an undue adverse impact on Areas of High Public Value (see Table 7.1). During the review process, the Planning Commission will identify specific characteristics of each subject parcel which may be of concern, and will prioritize those resources the Planning Commission considers most important to be addressed in the application.

Table 7.1 Areas of High Public Value

Areas of high public value include land characterized by:

- Land in active agricultural use,
- Primary (prime & statewide) agricultural soils,
- Steep slopes (equal to or in excess of 15%),
- Flood hazard areas,
- Surface waters, wetlands and associated setback and buffer areas,
- Shoreland setback and buffer areas,
- Special natural areas (identified in *Charlotte Town Plan*),
- Wildlife habitat (as identified in *Charlotte Town Plan* or as field delineated),
- Water supply source protection areas (SPAs),
- Historic districts, sites and structures,
- Scenic views and vistas (as identified in *Charlotte Town Plan*), or
- Conserved land on the same parcel or adjacent parcels.

(A) Unless otherwise allowed by the Planning Commission, subdivisions shall not designate development on those areas that are characterized by periodic flooding (including designated special flood hazard areas), wetland, very steep topography (slopes in excess of 25%), or other hazardous or clearly unsuitable conditions, or is otherwise inadequate to support structures and infrastructure. However such land may be used for lot size and density calculations.

(B) **Charlotte Town Plan & Regulations.** Subdivision review will be guided by the policies and recommendations set forth in the Charlotte Town Plan, other provisions of these regulations, a duly adopted capital improvement program, and all other applicable town regulations in effect at the time of application.

(C) **Lot Layout.** The layout of lots shall include consideration of topography, drainage, and soil conditions, and shall conform to all applicable zoning district standards (Chapter II), general regulations (Chapter III), and specific use standards (Chapter IV), including surface water, wetland, and shoreland setback and buffer requirements, and steep slope area limitations. In addition:

- (1) Zoning district lot size, frontage and density requirements under Chapter II are the minimum required, unless waived or modified by the Planning Commission for planned residential or planned unit development (see Chapter VIII), affordable housing (see Section 4.4) or access by a right-of-way (see Section 3.2).
- (2) The Planning Commission may require different lot sizes than proposed by the applicant based upon site limitations and the presence of physical and natural features, and to ensure that the parcel may accommodate anticipated development without undue adverse impact to public health and safety, and to minimize undue adverse impacts to Areas with High Public Value.
- (3) Corner lots shall have sufficient width to meet frontage requirements along both roads, and front yard setbacks from each road.
- (4) Side lot lines shall generally form right angles to the road.
- (5) Irregularly shaped lots (e.g., with curves, jogs, doglegs; excessively rectilinear, etc.) shall not be created unless warranted by topography, surface waters, or to avoid the fragmentation of significant natural or cultural features.

(D) **Density.** Development density shall be based on the allowed densities for the zoning district(s) in which the subdivision is located. Areas of High Public Value can be used for development density unless the property has been conserved through a legal mechanism such as a Grant of Development Rights, Conservation Easement, or Open Space Agreement.

(E) **Building Envelopes.** All proposed lots intended for development shall include designated building envelopes within which all structures and parking areas shall be located, unless waived in accordance with Section 6.2. The size and shape of each building envelope shall be established in accordance with these regulations, including all applicable standards under this chapter and the district. The Commission also may require the identification of specific building footprints if such information is needed to determine conformance with these regulations.

(F) **Markers & Monuments.** The Planning Commission may require that temporary markers, showing proposed lots, road rights-of-way, building envelopes, and areas dedicated for public use, be placed on site to assist in evaluating the proposed layout in the field. The locations of all permanent surveying monuments and lot corner markers, as required under the Commission of Land Surveyors' *Standards for the Practice of Land Surveying*, shall be identified on the final subdivision plat.

Section 7.3 District Standards

(A) **Settlement Patterns.** A subdivision shall be designed to achieve the purpose, objectives and intended settlement pattern of the zoning district(s) in which it is located, as defined in Chapter II and the *Charlotte Town Plan*. Subdivisions of land shall, to the extent feasible:

- (1) maintain and extend traditional or planned settlement patterns, including lot areas and configurations, building locations, and road networks;
- (2) maintain contiguous tracts of open land with adjoining parcels, including but not necessarily limited to Areas of High Public Value as defined under Section Subsection 7.2 (A); and
- (3) connect with and extend existing roads, trails, and utility corridors.

(B) **Village & Commercial Districts.**

Subdivisions within the West Charlotte Village, East Charlotte Village, Village Commercial and Commercial/Light Industrial Districts shall be designed to reflect and reinforce the historic character and the intended village neighborhood pattern of development in these districts. To achieve this objective, all subdivisions within these districts shall be designed and reviewed as either a planned residential development or planned unit development in accordance with the terms and standards under Chapter VIII, which allows greater flexibility with regard to the respective district dimensional standards.

(C) **Route 7 Scenic Overlay District.**

Subdivisions of land located within the Route 7 Scenic Overlay District shall be configured and developed in accordance with applicable criteria under Table 2.9.

(D) **Rural, Shoreland & Conservation Districts.**

Within the Rural, Shoreland and Conservation Districts, all subdivisions and associated site development shall be designed and reviewed according to the following standards:

- (1) Building envelopes, to the extent feasible, shall be located, sited and configured so as not to create any undue adverse impacts on Areas of High Public Value. In the event that no other land in the parcel to be subdivided is suitable for development, building envelopes shall be designed to minimize encroachments into these areas and to minimize undue adverse impacts.
- (2) Lot lines, infrastructure, and roads, driveways and utility corridors shall be located so as to not create any undue adverse impacts on Areas of High Public Value by the parcelization, fragmentation, isolation, or destruction of such areas.
- (3) Roads, driveways and utility corridors, to the extent feasible shall be shared, and located to follow existing linear site feature such as existing roads and utility corridors, tree lines, or field edges, and to avoid creating undue adverse impacts by fragmenting Areas of High Public Value.
- (4) Areas of High Public Value should be identified and considered for inclusion as designated open space on the subdivision plat. Buffer areas, management plans, conservation easements, restrictions on further subdivision or comparable site protection mechanisms and mitigation measures may be required to ensure the long-term conservation of these areas.
- (5) Clustering of development, including the creation of lots with an area less than the minimum lot size for the district, is be off-set with the dedication of open space. In instances in which clustering and/or the creation of small lots is needed to avoid undue adverse impacts to Areas of High Public Value, the

Commission may require that the subdivision be reviewed concurrently as a planned residential development in accordance with Chapter VIII.

- (6) To encourage ongoing production of productive agricultural land and forest-based natural features, the Planning Commission may encourage applicants to configure lots of a size necessary to remain eligible for state and municipal tax abatement programs and which enables effective management and/or long term conservation.

Section 7.4 Compatibility with Agricultural Operations

To avoid conflicts between agricultural operations and non-agricultural land uses, subdivisions of land either adjacent to or encompassing agricultural land either presently or potentially in production shall meet the following requirements.

- (1) Residential building envelopes and wells shall, to the extent feasible, be sited to minimize conflicts with agricultural operations located within the subject property and on adjoining properties. Building envelopes and wells shall be located a minimum of 200 feet from any lot line shared with an agricultural operation unless the Planning Commission determines that such a setback is unnecessary to protect water supplies and to avoid potential conflicts with agricultural uses.
- (2) Buffer areas, consisting of existing vegetation or additional plantings, may be required within all or a portion of designated setback areas.
- (3) The applicant may be required to provide a management plan detailing how conflicts between adjacent land uses will be avoided or mitigated.
- (4) An easement shall be required for the protective distance as required by the Vermont Wastewater and Water Supply Rules for drilled wells or springs which will impact adjoining parcels.

Section 7.5 Facilities, Services & Utilities

(A) **Municipal Facilities & Services.** The proposed subdivision shall not create an unreasonable burden on existing or planned municipal and educational facilities and services. The Planning Commission may consult with appropriate officials to determine whether adequate capacity exists, require a fiscal impact analysis to be paid for by the applicant, and/or require the phasing of development in accordance with a duly adopted municipal or school capital budget and program.

(B) **Emergency Services.** The Planning Commission, in consultation with the Charlotte Volunteer Fire and Rescue Service, shall ensure that the applicant provide adequate access, water storage and/or distribution facilities for fire protection in accordance with the Charlotte Fire and Safety Standards as most recently amended.

- (1) **Testing** The fire pond and dry hydrant/drafting basin shall be tested by the Charlotte Volunteer Fire and Rescue Service and deemed operational prior to the issuance of a zoning permit or occupancy permit for any dwelling located within a proposed subdivision that requires such facilities.
- (2) **Maintenance.** The maintenance of all fire ponds, dry hydrants, drafting basins, pond access and related facilities shall be the responsibility of the applicant and subsequent owners. The applicant shall supply evidence and assurance that such facilities will be adequately maintained either by the applicant, an owners' association, or other acceptable legal mechanism. The Charlotte Volunteer Fire and Rescue Service shall be ensured access to the facility for use in the case of an emergency and for periodic testing on a year-round basis.

(C) **Utilities.**

- (1) All utility lines connecting to and within the subdivision, including but not limited to electric, gas, telephone, and cable television, shall be located underground. The Planning Commission may require that all utility systems and associated easements, existing and proposed, throughout the subdivision and along any connecting feeds outside of the subdivision, be shown on the final plat.
 - (2) Utility corridors shall, to the extent feasible, be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, fragmentation of Areas of High Public Value, and undue adverse impacts to significant natural, cultural and scenic features, and to public health.
- (D) **Parks & Playgrounds.** The Planning Commission may require the dedication of up to 15% of the total plat area for a park, playground, trail, pathway or other recreation area to serve the proposed subdivision. Such land shall be suitable for recreational use, and may be included as designated open space. Priority will be given to land that is identified for such a use in a duly adopted town map or town plan. The Commission also may require, as a condition of subdivision approval, the right of first refusal for the purchase of park or recreation lands shown on the town's official map, for municipal or other public purposes.
- (E) **Outdoor Lighting.** Outdoor lighting shall meet the requirements of Section 3.9.

Section 7.6 Water Supply

The applicant shall demonstrate to the satisfaction of the Planning Commission that an adequate, potable water supply exists on- or off-site to serve the proposed subdivision without adverse impacts to existing water supplies in the vicinity, in accordance with section 3.16. In addition, water systems shall meet the following requirements.

- (1) **Community Water Supplies.** Community water systems are permitted in accordance with the following:
 - (a) Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system, should such a system become available. The extension of water lines that are part of or connected to the Champlain Water District or any other water district within the District's boundaries, however, and the creation of lots served by such lines, is prohibited.
 - (b) Long term provisions may be required for the maintenance of community systems by the users in a form acceptable to the Planning Commission. The applicant may be required to file a proposed annual service contract for maintaining the system.
 - (c) Where connection to a pre-existing water system is proposed, the applicant shall provide evidence as to the adequacy of the system, and supporting legal documentation concerning the use of, access to and maintenance of the system.
 - (d) Where applicable, the designated source protection area (SPA) for a community water supply shall be identified on the final subdivision plat.
- (2) **Individual Wells.** If the proposed subdivision is to be serviced by individual wells, the applicant may be required to provide evidence of the availability of potable water in adequate quantities. The Planning Commission may require hydrological testing, or that a well be developed and appropriately tested, prior to subdivision approval or prior to the sale of a lot or the issuance of a zoning permit for development.

- (3) **Water Supply Standards** Water systems, including individual or community water supply systems, shall be designed and installed in accordance with all applicable state regulations, as certified by a professional licensed by the state. The Commission may require as a condition of approval, or as a condition of issuing a zoning permit or a certificate of occupancy, that the applicant provide the results of water sample tests by the Vermont Health Department.
- (4) An easement shall be required for the protective distance as required by the Vermont Wastewater and Water Supply Rules for proposed wells if such protective distances will impact adjoining properties.

Section 7.7 Sewage Disposal

(A) **Sewage Disposal Standards.** The applicant shall demonstrate to the satisfaction of the Planning Commission that wastewater collection and disposal capacity is available to serve the proposed subdivision in compliance with applicable municipal and state regulations, including Section 3.16 of these regulations, and the standards below. The Planning Commission may require the applicant to obtain a Wastewater System and Potable Water Supply Permit prior to submitting a Final Plan Application or prior to submitting the approved plat in accordance with Section 6.7 of the Charlotte Land Use Regulations. The following standards also apply:

- (1) The extension of sewer lines from any wastewater treatment and/or disposal facility not located within the Town of Charlotte, as well as the creation of lots served by any such lines, is prohibited.
- (2) Where connection to a pre-existing wastewater system is proposed, the applicant shall provide evidence as to system adequacy and supporting legal documentation concerning use of, access to, and maintenance of the system.
- (3) A privately-owned septic system that is proposed to cross Town property or a Town Highway right-of-way shall only be allowed if the proposed project meets Planned Residential Development (PRD) standards (see Chapter VIII), or if the development site is located within either the West Charlotte Village District, the East Charlotte Village District, the Village Commercial District, or the Commercial/Light Industrial District.
- (4) Long term provisions may be required for the replacement and maintenance of community systems by the users in a form acceptable to the Planning Commission. The applicant may be required to file a proposed annual service contract for maintaining the system.

(B) **Standards for Developed Parcels.** The following requirements apply to the subdivision of parcels involving existing sewage disposal systems.

- (1) A septic system that has been approved by the state shall be deemed adequate provided the applicant:
 - (a) provides a copy of the permit and associated septic system design drawings and the Commission, in consultation with the Town Sewage Officer, the Town's wastewater consultant, or another qualified professional, determines that the septic system was installed in accordance with the permitted design.
 - (b) demonstrates that all applicable isolation distances and setbacks will be maintained; and
 - (c) demonstrates that the proposed subdivision and associated development, including all proposed water supplies, will not be adversely affected by the existing septic system.
- (2) In the event of uncertainty regarding the location of the septic system or whether it was constructed in accordance with approved design plans, the Commission may require the applicant to demonstrate,

through field testing paid for by the applicant, that the existing system was constructed in accordance with the plans.

- (3) The existing septic tank shall be pumped and inspected by the applicant in the presence of a designee of the Planning Commission. In the event that the septic tank is not adequately sized to meet current state or municipal regulations, is not functioning properly, or if the existing tank is fabricated of steel, the tank shall be replaced in accordance with current state and municipal standards (no permit is necessary to replace a septic tank).
- (4) The applicant's system designer or engineer shall provide a certification that the system is functioning appropriately and that infiltration area shows no indication of surfacing.

(C) **Exemptions.** The Planning Commission may waive the requirement for submission of a design for a sewage disposal system for one lot created by a subdivision in accordance with the following:

- (1) The applicant will still be required to demonstrate sewage disposal capability by submission of test pit data.
- (2) The waived parcel will be 25 acres or more and is in the Use Value Appraisal Program established under 32 VSA Chapter 124.
- (3) The proposed parcel boundaries follow natural and existing features, such as hedge rows, fence lines and agricultural patterns, and do not fragment or negatively impact Areas of High Public Value described in Table 7.1 on the subject parcel or on adjacent parcels.
- (4) The Planning Commission may evaluate the proposed subdivision under other standards within these Land Use Regulations.
- (5) In the event the Planning Commission determines that development of additional portions of the parcel is reasonably likely in the foreseeable future, it may require a master plan showing potential future development may be required by the Planning Commission.
- (6) A notice that the parcel has not been approved for sewage disposal shall be clearly stated on the approved plat and set forth in any deed conveying the property.
- (7) No zoning permit shall be issued for any use on the parcel requiring sewage disposal until such time as the owner seeks and receives an amendment to the subdivision approval resulting in the parcel's creation. The Commission shall, in granting such an amendment, determine that the proposed development of the parcel conforms to all applicable standards of these regulations.

Section 7.8 Stormwater Management & Erosion Control

(A) Subdivisions shall incorporate temporary and permanent storm water management and erosion control practices as appropriate for the type and density of proposed development and lot coverage to ensure that the subdivision and subsequent development does not result in soil erosion, the degradation of surface waters and/or hazards to properties within the vicinity. Accordingly:

- (1) All stormwater management systems shall be designed to:
 - (a) use natural drainage systems to the extent feasible, and minimize the need for system maintenance,
 - (b) maximize on-site infiltration and treatment of storm water, and minimize surface runoff,

- (c) accommodate anticipated flows, including existing surface water runoff and total runoff generated by the proposed development at build-out, including anticipated flows from storm events,
 - (d) provide storage areas and treatment to manage flows and protect water quality; and
 - (e) avoid damage to adjoining properties and downstream drainage facilities.
- (2) The Planning Commission may require the submission of stormwater management and/or erosion control plans, prepared by a licensed professional, for all phases of development. Such plans shall incorporate accepted management practices as recommended by the state in the *Vermont Stormwater Management Manual*, and the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, as most recently amended, and identify the person(s) or organization responsible for system maintenance.
- (3) The applicant shall demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the subdivision. If increased runoff exceeds the capacity of downstream drainage, storage or treatment facilities, the Commission may require that the applicant phase the subdivision and/or delay construction until such capacity exists, or install off-site improvements as needed to increase downstream capacity.
- (4) The Planning Commission also may require project phasing to minimize the extent of soil disturbance and erosion during each phase of development.
- (5) Unless the applicant provides sufficient information that supports an alternative design, or the Planning Commission determines that it is appropriate to design for a less frequent event, all drainage facilities shall be designed for the following storm frequency:
- Facilities only impacting subdivision system: 10 Year Storm
 - Facilities impacting town road system: 25 Year Storm
 - Facilities impacting state highway system: 50 Year Storm.

Section 7.9 Landscaping & Screening

The preservation of existing vegetation or additional landscaping and screening may be required by the Planning Commission as needed to:

- (1) preserve existing specimen trees, tree lines, or wooded areas of particular natural or aesthetic value;
 - (2) provide vegetative buffers to protect water quality or other natural features, in accordance with Section 3.15;
 - (3) provide a buffer between developed and undeveloped areas of the subdivision, or the subdivision and adjoining properties, to increase privacy, reduce noise or glare, or to establish a barrier between incompatible land uses, including between residential and agricultural uses in accordance with Section 7.4; and/or
 - (4) establish or maintain a tree canopy along roads or pedestrian paths where the Planning Commission deems it appropriate.
- (5) The Commission also may require a three (3) year landscaping plan, and/or a bond or other surety acceptable to the Charlotte Selectboard, to ensure landscaping installation and maintenance.

Section 7.10 Roads, Driveways & Pedestrian Access

(A) **Capacity of Existing Roads.** Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the proposed subdivision. Accordingly:

- (1) The Planning Commission may request the preparation of a traffic impact or safety study, the cost of which is to be borne by the applicant.
- (2) Where a study identifies impacts and mitigation measures necessary to ensure traffic safety and/or efficiency, an applicant may be required to make improvements to an existing road, such as realignment or widening, or install traffic control devices on or off-site that are necessary to ensure public safety and welfare.
- (3) Where the municipal plan or capital program indicate that improvements will be needed in the future on adjacent town roads, a applicant may be required to reserve land for such improvements, and show such reservations on the plat.

(B) **Standards.** All subdivision intended for development must meet the road, driveway, and pedestrian access standards set forth in Section 3.2.

Section 7.11 Common Facilities, Common Land, & Land to be Conserved

(A) Land that is to be dedicated for common facilities or for the preservation and maintenance of Areas of High Public Value (as identified in Table 7.1) may be held in common or individual ownership, or it may be conveyed to the Town, should the Town choose to accept it.

(B) **Common Land.** Land to be dedicated to shared facilities (e.g., private road, community wastewater and water supply systems, or other community facilities,), may be held in common, and will be subject to the legal requirements set forth below and in Section 7.12. Land and/or facilities to be held in common shall be subject to appropriate deed restrictions and/or covenants stipulating their allowed use, and establishing the person or entity responsible for their regular maintenance and long term management. All costs associated with administering and maintaining common land and associated facilities shall be the responsibility of applicant and subsequent property owners.

(C) **Land to be Conserved.** Land to be dedicated to the preservation and maintenance of Areas with High Public Value may be held in common or individual ownership, and may be located on one or more lots, although isolating such resources on a single lot is preferred by the Town. The ownership of the land or the benefit of an easement preserving such land shall be in a manner and form approved by the Planning Commission; such ownership or easement may be held by the municipality or a nonprofit land conservation organization, if such entities choose to accept such ownership or easement. Conservation and agricultural easement areas (“open space areas”) shall be indicated with an appropriate notation on the final plat.

Section 7.12 Legal Requirements

(A) Documentation and assurances shall be provided that all required improvements and associated rights-of-way and easements and other common facilities and land will be adequately maintained either by the applicant, subsequent or other landowners, a homeowners' association, or through other accepted legal mechanism. Such documentation shall be in a form approved by the Planning Commission and filed in the Charlotte Land Records.

(B) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Planning Commission. The Commission may require that all such improvements be completed prior to the issuance of a zoning permit or certificate of occupancy for subsequent development on approved lots. A performance bond or comparable surety acceptable to the Selectboard may be required to ensure that all improvements are completed to specification, in accordance with Section 6.5.