

CHARLOTTE SUBDIVISION BYLAWS

Approved

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Chapter I. GENERAL PROVISIONS

Section 1. TITLE

These regulations shall be known as the Charlotte Subdivision Bylaws.

Section 2. POLICY

- A. It is hereby declared to be the policy of the Town of Charlotte to consider the subdivision of land and the subsequent development of the subdivided plots to be subject to the control of the Town of Charlotte pursuant to Title 24 V.S.A. Chapter 117 - The Vermont Planning and Development Act (the Act) and the Charlotte Town Plan (the Plan) for the orderly, planned, efficient and economical development of the Town.
- B. Land shall be subdivided only in such a way that: it can be used safely or without danger to health or peril from fire, flood, or other menace; it will not adversely impact significant natural resources, views and vistas, geological sites, historic resources, or scenic roads; there are adequate public facilities and improvements; and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

Section 3. PURPOSE

These Bylaws are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the Town of Charlotte.
- B. To guide the future growth and orderly development of the Town in accordance with the Plan, Zoning Bylaws, Capital Budget and Program, the Town of Charlotte Zoning Map, and all other bylaws enabled by the Act for implementing the Plan.

Section 4. APPROVAL REQUIREMENT

After the adoption of these Bylaws no subdivision of land shall occur unless approved by the Planning Commission in conformance with these Bylaws.

Section 5. APPROVAL PROCESS SUMMARY

All applicants for subdivision approval shall comply with the following procedures.

- A. **SKETCH PLAN**
Any subdivider of land shall, prior to submitting an application for subdivision approval, submit a sketch plan of the proposed subdivision to the clerk of the Planning Commission. The Planning Commission informally review the sketch plan for conformance with applicable town bylaws and standards and will classify the sketch plan as a boundary adjustment, minor subdivision, or major subdivision.

B. MINOR SUBDIVISION

Any residential subdivision involving three or less lots, including all lots created from a parcel within the past ten years, and which does not require installation of public roads or utilities will be classified as a minor subdivision. Application for a minor subdivision may be approved after one plat submission and one public hearing.

C. MAJOR SUBDIVISION

Any residential subdivision containing four or more lots, including all lots created from a single parcel within the past ten years; any subdivision requiring installation of new public streets; any non-residential subdivision; any shopping complex or multifamily housing project. Applications for major subdivisions require at least two plat submissions and two public hearings (preliminary and final).

Chapter II. DEFINITIONS

Section 1. GENERAL

Definitions contained in the Act and in the Charlotte Zoning Bylaws shall be applicable throughout these Bylaws unless specifically defined in this section.

Section 2. SPECIFIC DEFINITIONS

ACT: The Vermont Planning and Development Act. Title 24 V.S.A. Chapter 117.

BUILDING ENVELOPE: A specific area on a lot, delineated on a subdivision plat, within which structures shall be located and outside of which no structures may be located.

COMMISSION: The Planning Commission of the Town of Charlotte.

COMMUNITY SEWAGE DISPOSAL SYSTEM: A sewage disposal system, other than a sewage disposal system owned by a municipality, that provides sewage disposal for residential, commercial, industrial or institutional uses to three or more customers.

COMMUNITY WATER SYSTEM: A water system, other than a water system owned by a municipality, that supplies water for residential, commercial, industrial, or institutional uses to three or more customers.

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

DRIVEWAY: The portion of a lot and right-of-way used for vehicular access between an abutting road and vehicular parking area.

FARM STRUCTURE: A building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, but excluding a dwelling for human habitation as defined by Title 24 VSA §4495, or as amended. To qualify as a farm structure, the structure has to be part of an active agricultural operation.

FINAL SUBDIVISION PLAT: The final drawings on which the subdivision is presented to the Commission for approval and which, if approved, shall be filed for record with the Town Clerk.

HIGH AND GOOD AGRICULTURAL SOILS: Soils classified by the U. S. Soil Conservation Service as having high or good potential for agriculture. The location of such soils in the Town of Charlotte is illustrated on the map entitled "Agricultural Potential of Soils" in the Town Plan.

LEVEL OF SERVICE: A term in the field of traffic engineering used by the Town and the State that refers to the operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed,

travel time, and traffic density. Measures of the operating conditions are expressed by letter designations. Levels of service range from "A" with stable free flow to "F" with congestion.

LOT: A lot is a parcel of land, occupied or to be occupied, by no more than one principal building or other structure, or use with any accessory building or open space (unless otherwise provided by the Charlotte Zoning Bylaws or herein), not divided by any public road, highway, street or railroad, sufficient to meet the minimum zoning requirements, subdivision bylaws, and health regulations in effect at the time of creation of the lot.

MAJOR SUBDIVISION: Any residential subdivision containing four or more lots, including all lots created from a single parcel within the past ten years; any subdivision requiring installation of new public streets; any non-residential subdivision; any shopping complex or multifamily housing project. Applications for major subdivisions require at least two plat submissions and two public hearings (preliminary and final).

MINOR SUBDIVISION: Any residential subdivision involving three or less lots, including all lots created from a parcel within the past ten years, and which does not require installation of public roads or utilities will be classified as a minor subdivision. Application for a minor subdivision may be approved after one plat submission and one public hearing.

PLAN: The Charlotte Town Plan adopted pursuant to the Vermont Planning and Development Act. (24 V.S.A. 117)

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An allowed method of land development for residential use in which an area of land is planned as a single entity for a number of dwelling units. In a PRD, the standards set forth in the zoning bylaws including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

PLANNED UNIT DEVELOPMENT (PUD): An allowed method of land development in which an area of land is planned as a single entity for a number of mixed uses including dwelling units, commercial and industrial. In a PUD, the standards set forth in the zoning bylaws including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

PRELIMINARY PLAT: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Commission for its consideration.

ROAD: Any public or private way designed for use by motorized vehicles and providing access to adjoining lots.

SIGNIFICANT NATURAL RESOURCE: Any of the natural resources identified and/or mapped in the Town Plan.

SKETCH PLAN: An informal sketch of the proposed subdivision, the purpose of which

is to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the subdivision and objectives and requirements of these Bylaws.

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

SUBDIVISION: Any land, vacant or improved, which is divided, or proposed to be divided, into two or more lots, or interests. The term includes alteration of boundaries in an approved subdivision, amended subdivisions and re-subdivisions. The term shall also include the development of a parcel of land as a planned residential development or planned unit development.

Chapter III. SKETCH PLAN REVIEW

Section 1. SUBMISSION REQUIREMENTS

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Clerk of the Planning Commission at least ten (10) days prior to a regularly scheduled meeting of the Commission a sketch plan of the proposed subdivision. At a minimum, the following information shall be submitted to the Planning Commission for sketch plan review:

- A. Name and address of the owner of record and applicant.
- B. Copy of the tax map showing the name of owners of record of contiguous properties.
- C. A conceptual plan of the proposed subdivision with a date and north arrow showing the proposed lot layout, roads, easements, open space, drainage, and existing structures.
- D. Approximate delineation of significant natural resources, wetlands, shoreline management areas, water courses, rare, threatened or endangered plant and animal species, geological sites, historic sites, scenic roads, agricultural lands, open spaces, view sheds, streams and bodies of water, and woodlands.
- E. Approximate delineation of future land use in the overall parcel including but not limited to areas for residences and other structures, roads, and other uses.
- F. Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

Section 2. ATTENDANCE AT MEETING

The subdivider, or a duly authorized representative, shall attend the review meeting of the sketch plan by the Planning Commission and discuss the requirements of these Bylaws for lot layout, building location, roads, improvements, drainage, sewage disposal, water supply, fire protection, open space, natural resource protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Section 3. CLASSIFICATION AS MAJOR OR MINOR SUBDIVISION

The Commission shall classify the sketch plan at the meeting as either a major subdivision, a minor subdivision, or a boundary adjustment. The Commission may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these Bylaws for major subdivisions.

Section 4. BOUNDARY ADJUSTMENT

Realignment or relocation of boundary lines between existing adjacent lots which are not included in an approved subdivision shall be considered a boundary adjustment if the Commission determines that such realignment or relocation does not create any new lots,

will not impact access to any parcel, will not adversely impact any significant natural resource, and will not create a non-conforming lot. All boundary adjustments shall be surveyed and recorded.

Section 5. ACTION ON SKETCH PLAN

The Commission shall study the sketch plan to determine whether or not it conforms to the Plan, the Zoning Bylaws, Capital Budget and Program, the Official Zoning Map, and any other bylaws then in effect, and shall, where it deems necessary, make specific recommendations for changes. The Commission will take no formal action on sketch plans except to classify the plan as a major or minor subdivision or a boundary adjustment. A sketch plan is valid for a period of six months from the date of Planning Commission review and classification.

Section 6. NUMBER OF REVIEWS

More than one sketch plan review is permitted should it be requested by the applicant or required by the Planning Commission.

Chapter IV. MINOR SUBDIVISION

Section 1. APPLICATION

Within six (6) months of classification by the Commission of the sketch plan as a minor subdivision, the subdivider shall submit an application for subdivision. The application shall contain those items set forth in Chapter IV, Section 5 of these Bylaws, plus any other items that may be required by the Commission, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission. In the event that more than six months pass between the sketch plan review and the subdivision application, the applicant shall be required to re-submit a sketch plan before applying for the subdivision.

Section 2. PUBLIC HEARING

Prior to the scheduling of any public hearing, the application with appropriate supporting information, shall be reviewed and accepted as complete by the clerk of the Planning Commission, the application fee paid, and the application filed in the planning office for inspection by the public. The public hearing shall be warned by the Planning Commission in accordance with the public notice provisions of the Act, (§4414 and §4447) and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

Section 3. ACTION

The Commission shall within forty-five (45) days after the completion of the public hearing, approve, modify and approve, or disapprove such application. Failure to act within such forty-five days shall be deemed approval.

Section 4. COORDINATION WITH THE ZONING REVIEW OF PLANNED RESIDENTIAL AND PLANNED UNIT DEVELOPMENTS

The Planning Commission may combine its reviews for subdivision approval of Planned Residential and Planned Unit Developments with the review required in the Zoning Bylaws for PRDs and PUDs. Any subdivision creating building lots and involving 25 acres or more shall be evaluated under the standards applicable to PRD's contained in the Zoning Bylaws. The applicant shall comply with all procedures, submittal requirements, and standards for both sets of bylaws in this review process.

Section 5. SUBMISSION REQUIREMENTS

- A. Requirements for minor subdivision applications consist of submitting a final subdivision plat. The final subdivision plat shall consist of drawings and submittals which show the following:
 - 1. Proposed subdivision name or identifying title, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date, and true north point.

2. Street names and lines, pedestrian ways, lots, reservations, easements, building envelopes, and area to be dedicated to public use.
 3. Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, building envelope, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
 4. Final design of all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street, cross sections of roadways, and road profiles.
 5. By proper designation on such plat, all public open space or recreation land for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
 6. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
 7. The location of all the improvements including but not limited to roads, utilities, sewage disposal systems, water supply systems, drainage, grading, signs, site lighting, and landscaping within the subdivision.
 8. Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; monuments for new roads, at all street intersections, angle points in streets lines, points of curve and such intermediate points as shall be required by the town; and lot corner markers.
 9. Final design of all bridges and culverts that are a part of the subdivision.
- B. There shall be submitted to the Commission with the final plat the following supporting documents:
1. Copies of proposed deeds, agreements or other documents showing the manner in which streets and open space, including park and recreational areas, are to be dedicated, reserved and maintained and in which significant natural resources are to be protected and maintained, as applicable, and a certificate from the Selectboard or town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Charlotte of any areas proposed to be dedicated to the town.
 2. A performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard or town attorney that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider. This requirement may be waived by the Planning Commission.
 3. Any other documents required by the Commission.

Chapter V. MAJOR SUBDIVISION

Section 1. PRELIMINARY PLAT APPLICATION

Within six (6) months of classification by the Commission of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Chapter V, Section 10 of these Bylaws and any other items required by the Planning Commission, and shall conform to the layout shown on the sketch plan except as amended as a result of recommendations made by the Planning Commission during sketch plan review. In the event that more than six months pass between the sketch plan review and the subdivision application, the subdivider shall be required to re-submit a sketch plan before applying for the subdivision.

Section 2. PRELIMINARY PLAT PUBLIC HEARING

A public hearing on the preliminary plat shall be held by the Planning Commission after the preliminary plat application is accepted as complete by the clerk of the Planning Commission and said public hearing is warned in accordance with the public notice provisions of the Act (§4414 and §4447). In no case shall the public hearing be warned before the application is made and accepted as complete by the clerk of the Planning Commission.

Section 3. ACTION ON PRELIMINARY PLATS

Within forty-five (45) days of the completion of the public hearing, or any continuation thereof, the Planning Commission shall approve, modify and approve, or disapprove said preliminary plat. Failure of the Planning Commission to act within said forty-five day period shall constitute an approval of the preliminary plat.

Section 4. PHASING

At the time the Planning Commission grants preliminary plat approval, it may require the plat be divided into two or more phases to be developed at separate times and may impose such conditions upon the filing of application for final plat approval as it deems necessary to assure the timely development of the plat and coordination with the planned and orderly growth of the town as outlined in the Town Plan and Capital Budget and Program.

Section 5. EFFECT OF PRELIMINARY PLAT APPROVAL

Approval of a preliminary plat shall not constitute approval of the subdivision. Prior to approval of the final plat, the Planning Commission may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year, and any approved preliminary plat not receiving final plat approval prior to the expiration of the one (1) year period shall be null and void, and the subdivider shall be required to resubmit a new plat for sketch plan review subject to all new zoning and subdivision bylaws in effect at the time of the new sketch plan. A new subdivision application shall be submitted accompanied by full application fees. Should the Planning Commission impose phasing as a condition of preliminary plat approval, it may extend the one-year effective period of preliminary approval.

Section 6. FINAL PLAT APPLICATION

Within six (6) months of preliminary plat approval, the subdivider shall submit an application for final plat approval. This application shall contain those items set forth in Chapter V Section 11 of these Bylaws, and shall conform to the layout shown on the approved preliminary plat, except as amended as a result of recommendations made by the Planning Commission. One (1) year after the preliminary plat approval by the Planning Commission, the subdivider shall be required to resubmit a sketch plan in accordance with Chapter III, unless an extension is granted by the Planning Commission under Chapter V Section 5 of these Bylaws. If phasing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods specified in the preliminary plat approval.

Section 7. FINAL PLAT HEARING

A public hearing on the final plat shall be held by the Planning Commission after the final plat application is accepted as complete by the clerk of the Planning Commission and said public hearing is warned in accordance with the public notice provisions of the Act (§4414 and §4447). In no case shall the public hearing be warned before the application is made and accepted as complete by the clerk of the Planning Commission.

Section 8. FINAL PLAT ACTION

The Commission shall within forty-five (45) days after the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure so to act within such forty-five days shall be deemed approval.

Section 9. COORDINATION WITH ZONING REVIEW OF PLANNED RESIDENTIAL AND PLANNED UNIT DEVELOPMENTS

In reviewing subdivision applications involving Planned Residential and Planned Unit Developments, the Planning Commission may combine its subdivision review with the review required in the Zoning Bylaws for PRDs and PUDs. Any subdivision creating building lots and involving 25 acres or more shall be evaluated under the standards applicable to PRD's contained in the Zoning Bylaws. The applicant shall comply with all procedures, submittal requirements, and standards for both sets of bylaws in this review process.

Section 10. PRELIMINARY PLAT SUBMISSION REQUIREMENTS

- A. The preliminary subdivision plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch, showing or accompanied by the following information:
 - 1. The name of the town and the address where the subdivision is proposed.
 - 2. Name and address of owner of record of the property and of adjoining properties. Name and address of person or firm preparing the map. Scale of map, north arrow, and date. Name, address and interest of the applicant in the

- subject property. List of adjoining property owners and interested parties.
3. Survey of the property prepared by a licensed land surveyor showing number of acres within the proposed subdivision; location of property lines; existing easements, deed restrictions and existing features, including contour lines at intervals of at least five (5) feet; existing buildings; wooded areas; streets; water courses; and other existing physical features, including large trees and rock outcroppings.
 4. All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, or any off-site improvements required for the subdivision, and the names of owners of record of such adjacent acreage.
 5. The provisions of the Zoning Bylaws and any zoning district boundaries applicable to the proposed subdivision.
 6. The location and size, as applicable, of any existing sewers and water mains, individual or community sewage disposal systems, wells, culverts and drains on the property to be subdivided and on adjacent properties when appropriate.
 7. A site plan, prepared by a landscape architect, licensed land surveyor, registered civil engineer, or registered architect, showing the proposed lot lines with approximate dimensions, building envelopes, and an indication of the future probable lot lines and building envelopes of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding; the site plan shall also show the location of other proposed structures and their use; streets; driveways, traffic circulation and parking; pedestrian ways; a landscape plan, including site grading, landscape design, street trees, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land to be set aside for public use or open space.
 8. Contour lines of existing and proposed grades where required by the Planning Commission.
 9. A site resource map of the parcel at the same scale as the site development plan, showing the location of following resources, identified in the Town Plan, on the entire parcel within which the subdivision is proposed: significant natural resources; wetlands; shoreline wetland management areas; water courses and water bodies; rare, threatened or endangered plant and animal species; agricultural lands; open spaces; wooded areas; geological sites; historic sites; scenic roads; and views and vistas. The applicant may present additional information on the location of these resources. The application should demonstrate how these resources will be protected. In addition the map should indicate flood hazard areas, as shown on the town flood hazard area maps, and slopes of 25% grade or greater.
 10. Typical cross sections of the proposed roadways, and sidewalks. Profiles of roadways within the subdivision when requested by the Planning Commission.
 11. Construction sequence and time schedule for completion of each phase of the subdivision if the subdivision is phased.

12. Means of providing water supply to the proposed subdivision, including any fire ponds.
13. Means of disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of seven (7) feet; location and results of percolation tests.
14. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
15. Preliminary designs of any bridges or culverts which may be required.
16. All parcels of land proposed to be dedicated to public use and conditions of such dedication.
17. List of waivers, if any, the subdivider desires from the requirements of these Bylaws.
18. Photographs of the subdivision site.

B. The preliminary plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

1. All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision and related improvements.
2. Locations, widths, and names of existing, filed or proposed streets, roads and driveways, easements, pedestrian ways, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph (1), above.
3. An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plat covers only part of the subdivider's entire holding.

Section 11. FINAL PLAT SUBMISSION REQUIREMENTS

- A. The final subdivision plat shall consist of one or more sheets of drawings which shall conform in all aspects to the preliminary plat as approved by the Commission and which shall show:
1. Proposed subdivision name or identifying title, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date, and true north point.
 2. Road or driveway names and lines, pedestrian ways, lots, reservations, easements, building envelopes, and area to be dedicated to public use.
 3. Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street, road, or driveway line, lot line, building envelope, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
 4. Final design of all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street, cross sections of roadways, and road profiles.
 5. By proper designation of such plat, all public open space or recreation land for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
 6. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
 7. The location of all the improvements referred to in Chapter VII, and in addition thereto the location of all utilities, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area within the subdivision.
 8. Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; monuments required by municipal specifications for new roads, at all street intersections, angle points in streets lines, points of curve and such intermediate points as shall be required by the engineer; and lot corner markers.
 9. Final design of all bridges and culverts that are a part of the subdivision.

B. The following supporting documents shall be submitted to the Commission with the final plat:

1. Copies of proposed deeds, agreements or other documents showing the manner in which streets and open space, including park and recreational areas, are to be dedicated, reserved and maintained and in which significant natural resources are to be protected and maintained, as applicable, and a certificate from the Selectboard or town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Charlotte of any areas proposed to be dedicated to the town.
2. A performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard or town attorney that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
3. Any other documents required by the Commission as a result of preliminary plat approval.

Section 12. SUBMITTAL OF AS-BUILTS

A building permit will not be issued for any portion of a project involving the installation of common utilities and roads until an initial set of as-built drawings has been approved by the Administrative Officer.

A. As-built drawings should include plans, profiles, and cross-sections to accurately indicate the horizontal and vertical positions of the following items:

1. 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.
2. Accurate locations of all water lines and fire hydrants, including at least three (3) field measured ties and an as-built elevation to each and every valve, tee, elbow, curb stop, and other fitting. Such ties should be measured from permanent structures such as telephone poles, hydrants, buildings, transformers, etc. Indicate the waterline depth.
3. 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 (3) field measure ties and invert and rim elevations.
4. 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.
5. Accurate locations of all underground telephone, electric, and television lines including transformer and service box locations and the depth of cover.

6. Accurate locations and widths of all utility, drainage, water, sewer, and road and pedestrian easements and rights-of-way.
7. Accurate locations and elevations of any other structure or improvement within the subdivision if required by the Planning Commission such as building heights, etc.

B. Certification

1. As-built drawings shall be stamped by the developer's professional 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 the approved plans and specifications.
2. As-built drawings shall be stamped by the developer's 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.

Chapter VI. PLANNING STANDARDS

Section 1. APPLICABILITY

The Commission shall evaluate any minor or major subdivision in accordance with the following standards. The Commission or its Clerk may require the subdivider to submit data addressing impacts related to these standards. In light of findings made on these standards, the Commission may require modification and/or phasing of the proposed subdivision or correction of any adverse impacts.

Section 2. STANDARDS

A. Natural features protection

The proposal gives due regard to the preservation of existing significant natural features, including: agricultural lands, open spaces, view sheds, wildlife habitat, flood plain areas, large trees, groups of trees, hedge rows, rock outcroppings, steep slopes, ridge tops, streams, the lake shore, water bodies and wetlands.

B. Historic features protection

The proposal gives due regard to the preservation of historic structures and areas, including villages, covered bridges, agricultural structures, stone walls, and public buildings.

C. Compatibility with surroundings

The proposed density, building sizes, pattern of development, and configurations of open space are compatible with the surrounding natural and/or built environment.

D. Soil erosion and storm water runoff

The proposal includes adequate provision for the control of storm water and the prevention of soil erosion and the degradation of water quality during and after construction.

E. Water supply

There is sufficient water available for the foreseeable needs of the proposed development without impacting on existing water supplies.

F. Sewage disposal

The soils on the site provide an adequate capacity to treat the sewage flows from the proposed development.

G. Pedestrian access

The proposal contains adequate provision for pedestrian movement in terms of safety, convenience, access to points of destination and attractiveness, and connections with pedestrian ways on adjoining properties.

H. Traffic

The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the town. The layout and/or extension of any roads will provide for appropriate access to the project and possible future projects. The Planning Commission shall consider the

long term road network as it relates to other existing, proposed, and potential developments in the town, safety, emergency vehicle access, aesthetics, and any other impacts identified in the course of the review of the project.

I. Fiscal Impacts

The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or education services and facilities.

J. Agriculture

The proposed development will preserve agricultural land and property in accordance with the Town Plan.

K. Energy Conservation

The proposed development will promote energy conservation by encouraging compact patterns of development, and through orientation of structures on a site to gain maximum benefit for solar access and wind protection.

L. Conformance with the Town Bylaws and Plan

The proposed development is in compliance with the Town Plan, Zoning Bylaws, Capital Budget and Program and any other bylaws then in effect.

M. In addition to the standards set forth above, any subdivision creating building lots and involving 25 acres or more shall be evaluated under the standards applicable to planned residential developments and planned unit developments contained in the Charlotte Zoning Bylaws.

Chapter VII. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Section 1. NATURAL AND HISTORIC FEATURES PROTECTION

A. Existing Features

Existing site resources including but not limited to wetlands, agricultural lands, open space, view sheds, wildlife habitat, streams and bodies of water, wooded areas and forest lands, significant geologic features, flood plain areas, groundwater resources, significant natural areas, and significant historical features, as identified in the Town Plan or as identified by the Planning Commission shall be preserved insofar as possible through harmonious design and appropriate construction methods and in accordance with the policies and standards set forth in the Town Plan and Bylaws.

B. Natural Cover

Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision except in accordance with the Town Zoning Bylaws.

Section 2. EROSION CONTROL AND STORM WATER RUNOFF

A. 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 established according to a schedule by the Commission.

B. Removal of Spring and Surface Water

The subdivider shall remove, either by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, the subdivision, with the exception of pre-existing springs or surface water associated with a wetland. Such drainage facilities shall be located in the street right-of-way where feasible, or in unobstructed easements of adequate width for maintenance but not less than 20 feet in width. In design of the drainage system, natural waterways and drainage ways shall be utilized to the fullest extent possible keeping in mind that such waterways may lie in a conservation zone.

C. Accommodation of Potential Development Upstream

Drainage facilities shall be designed to accommodate potential run-off from the entire upstream drainage area, based on conditions of total potential development.

D. Responsibility for Drainage Downstream

To prevent flooding and erosion, the Planning Commission may require the subdivider to maintain the post-development peak storm water flows at pre-development levels, reduce post-development peak storm water flows below pre-development levels, and/or make down-gradient improvements.

E. Storm Water Treatment

The subdivider shall provide an appropriate level of storm water treatment to insure that receiving waterways are not adversely affected.

F. Design Storm

All drainage facilities and easements shall be designed for the following storm frequency based on the location of the facility or easement, except when the Commission determines it is appropriate to design for a less frequent event:

Subdivision system: 10 Year Storm
Town road system: 25 Year Storm
State highway system: 50 Year Storm

Section 3. WATER SUPPLY

A. Community Systems

Community water systems will be permitted where a specific town land conservation objective, such as protection of farmland or wildlife habitat, is served or to serve elderly housing and perpetually affordable housing. In these areas the Commission may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and state bylaws and standards. Any such design shall be approved by the Planning Commission.

Community water systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system. However, the town will not permit the extension of water lines that are part of or connected to the Champlain Water District or any other water district within its boundaries, or approve creation of lots served by such lines. Long term provisions for the replacement and maintenance of these community systems by the users must be provided in a form acceptable to the town attorney or Selectboard. The users may be required to file a copy of an annual service contract and performance report for the system.

B. Individual Water Supplies

If the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities as determined by the Planning Commission. The Planning Commission may request that a well be developed and appropriately tested before a given lot is sold or a building permit is issued. Applicants may be required to have a community water system among lots in the subdivision where appropriate.

C. Water Samples

The Commission may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water sample tests by the Vermont Health Department.

D. Standards

The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:

1. Due consideration shall be given to the drainage patterns in the area.
2. Building sites and streets shall be located far enough away from any aquifer to prevent runoff from roads or leachate from septic systems from contaminating

- the water supply.
3. Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.
 4. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

E. Fire Protection Water Sources

Fire ponds or suitable alternatives may be required for subdivisions, remote from existing water sources adequate for fire protection. Fire protection facilities that are developed within a subdivision shall be accessible for the Charlotte Volunteer Fire Department to use in an emergency on other nearby properties.

Section 4. SEWAGE DISPOSAL

A. Community Systems

Community sewage disposal systems will be permitted where a specific town conservation objective, such as protection of farmland, wildlife habitat, water quality or perpetually affordable housing is served. The Commission may require that the proposed development be serviced by a community sewage disposal system which shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community sewage disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal sewage disposal system. However, the town will not permit the extension of sewer lines from or to any adjoining municipalities or approve creation of lots served by any such lines. Long term provisions for the replacement and maintenance of these systems by the users must be provided in a form acceptable to the town. The length and grade of sewer mains or other utility lines may be limited by the Planning Commission at its discretion. The users may be required to file a copy of an annual service contract for the system.

B. Individual Systems

Individual septic systems shall meet the requirements of the Health Ordinance for the Town of Charlotte Relating to Individual Sewage Disposal Systems and all other applicable municipal and state regulations and standards.

C. Standards

All septic systems shall conform to the Town of Charlotte Health Ordinance.

Section 5. PEDESTRIAN ACCESS

A. Curbs and Sidewalks

Curbs and sidewalks may be required when deemed necessary by the Planning Commission. When required, they shall be constructed to standards established by the Planning Commission. Graded areas along one side of a street or access road may be required in any district for future construction of pedestrian and/or bicycle access.

B. Pedestrian Easements

The Planning Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds, recreation and natural areas or other nearby roads and between residential areas and commercial centers, perpetual unobstructed

easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

Section 6. TRAFFIC AND ROADS

A. Public and Private Roads

The standard of this section shall apply to all proposed public roads and to private roads serving four or more lots. In addition, these standards may be applied to private driveways serving three or fewer lots when the Commission determines that such standards are necessary to provide suitable access or to accommodate potential future subdivision.

B. Arrangement

The arrangement of roads in the subdivision shall provide for the continuation of existing roads and those of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services. Where in the opinion of the Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The Commission may require easements for future roads to connect properties and to provide for the safety and well-being of Charlotte residents through a proper roadway network.

C. Access to Major Roads

Where a subdivision abuts Route 7, access points shall be limited as specified in the Charlotte Zoning Bylaws. On other major through roads, the Commission generally shall encourage common access points serving multiple properties.

D. Dead Ends

No dead end road shall be permitted without a suitable turn-around at its terminus, and no dead end road shall be more than 1800 feet in length. In general, dead ends are discouraged and interconnecting streets are encouraged.

E. Intersections

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 center line offsets of less than two hundred (200) feet shall not be permitted. All road intersections shall be as nearly at right angles as possible and in no case shall be less than 75 degrees.

F. Accessibility

All occupied structures must be accessible by emergency and service vehicles.

G. Existing Access

Where an existing access road is inadequate or unsafe, the Planning Commission may require the subdivider to upgrade that access road to the extent necessary to serve additional traffic from the subdivision.

H. Sight Distances

Sight distances should be consistent with probable traffic speed, terrain, alignments

and climactic extremes.

I. Drainage

A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Chapter VII, Section 2 of these Bylaws.

J. Rights-of-Way

Rights-of-way for all roads shall be a minimum of 40 feet in width within the Village and Commercial Districts and 60 feet in width in all other districts.

K. Design

All roads shall be designed in accordance with the road standards for the Town of Charlotte.

L. Traffic Impact

For proposed subdivisions that will cause adverse impacts on traffic circulation and flow, the Planning Commission may require modifications to the access and circulation within and to the property. Such modifications may include: reduction in curb cuts; change in location or number of access points; provisions for emergency vehicles; turning lanes; shared access with adjoining property owners; or installation of frontage or service roads.

M. Road Names and Signs

All subdivision roads, whether public or private, shall be required to be named and identified by a road sign which is of a standard approved by the town. The name shall be approved by the Selectboard and registered with the Charlotte Town Clerk.

Section 7. OUTDOOR LIGHTING

A. Outdoor Lighting

All outdoor lighting shall be approved by the Planning Commission. Outdoor lighting may be required by the Planning Commission to illuminate areas such as streets, sidewalks, and parking areas.

B. Fixtures

The type of outdoor lighting fixtures shall be designed to direct light downward with a shielded source and located and adjusted so as not to cast light directly on adjacent roadways or properties.

C. Lighting Fixture Height

The height of all lighting shall be approved by the Planning Commission and shall not be so high as to cast light on adjacent roadways and properties.

Section 8. UTILITIES

A. Underground Location

All utility systems, including but not limited to electric, gas, telephone, and cable TV, shall be located underground throughout the subdivision. All utility systems, existing and proposed, throughout the subdivision and along any connecting feeds

outside of the subdivision shall be shown on the final plat. The subdivider shall provide evidence of coordination in the subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

B. Easements

Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

Section 9. LOT LAYOUT

A. Zoning Bylaws

The layout of lots shall conform to the requirements of the Charlotte Zoning Bylaws.

B. Corner Lots

Corner lots shall have sufficient width to permit a front yard setback on each street.

C. Side Lot Lines

Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

D. Lot Shape

Lots with irregular shapes (curves, jogs, dog-legs, bowling alleys, etc.) shall not be approved unless warranted by conditions of topography, protection of natural resources, existing road location and/or shape or use of the tract being subdivided.

E. Lot Size and Density

Lots shall be appropriately sized to provide satisfactory water supply and sewage disposal and to comply with setback standards, standards for the protection of significant natural resources, aesthetic considerations, and other standards of these Bylaws. Given the physical limitations to development on land in the town and the significant natural resources in the town that are a high priority for protection in the Town Plan, lower densities may be appropriate in some cases.

F. Open Space

The Commission shall encourage lot layout that will preserve open space areas and significant natural resources that are identified in the Town Plan and by the Planning Commission. The PRD/PUD standards for Open Space Land in the Zoning Bylaws shall be met in PRDs, PUDs and subdivisions greater than 25 acres.

G. Topography

Consideration in lot layout shall be given to topographic drainage and soils conditions. Steep slopes of 25% grade or greater may be unsuitable for development of structures, roads, and public utilities.

H. Access

Lots shall be laid out so as to avoid direct access to heavily traveled streets or highways. All subdivisions shall meet the access requirements in the Site Plan Approval section of the Zoning Bylaws. The Planning Commission may require

two access points for large subdivisions of greater than ten (10) lots to protect the public health, safety, and welfare.

Section 10. PARK LAND

A. Park Land

The Commission, pursuant to 24 V.S.A. Section 4417 (as may be amended), may require the dedication of land for public park or recreation purposes where such land, or area, has been identified as suitable for this purpose in the Town Plan. Specifically, shoreline access points, green paths, and recreation land have been identified. All such land shall be of a reasonable character for park or other recreational uses.

B. Payment in Lieu of Park Land

In cases where the Commission determines that a suitable park cannot be properly located within a subdivision or is otherwise not practical, the Commission may require a payment in lieu of land under an applicable town impact fee ordinance.

Section 11. DESIGN STANDARDS WITHIN THE RURAL DISTRICT

A. All buildings, building envelopes, lots, roadways, sewage disposal sites, and sewer and water lines will be located for maximum retention of the following significant natural resources designated in the Town Plan as protected open space for their productive agricultural or forestry use:

1. Productive farmland and Medium and High Agricultural Soils within the Central Agricultural District, Agricultural and Wildlife Management District, Charlotte West Farm District
2. Productive farmland, Medium and High Agricultural Soils, and scenic vistas and views within the Scenic Corridors District
3. Productive Woodlands

B. All buildings, building envelopes, roadways, sewage disposal sites, and sewer and water lines will be located so as to protect the following significant natural resources designated in the Town Plan from incompatible uses:

1. Locally significant wildlife habitat
2. Natural areas
3. Aquifer protection areas

C. Assurances as to how existing agricultural land will be maintained may be required.

D. Residential uses and wells shall be sited so as to minimize conflicts with agricultural operations within the protected open space areas and agricultural operations on adjoining properties; setbacks of a minimum of 200 feet from residences and residential wells to the lot lines of agricultural operations may be required unless a smaller setback can be demonstrated to have no adverse impact.

- E. The management guidelines for the four agricultural districts that are set forth in the Town Plan shall be followed.
- F. Areas in agricultural and productive woodland use identified in the Town Plan should be of a size that retains their eligibility for state and town tax abatement programs and enables effective management.
- G. All open space lands within PRDs must be in common ownership or under public or non-profit conservation organization ownership or easement except where there is a benefit to the town, such as providing a single lot with farmland for the living quarters for a farm operator or employee or to provide for a single productive agricultural unit.
- H. Phased developments shall demonstrate how the natural resource values will be protected in future phases. Building envelopes may be required for future phases not presently under review.

Section 12. DESIGN STANDARDS WITHIN THE VILLAGE AND COMMERCIAL DISTRICTS

- A. The subdivision will promote and contribute to an appropriate street and pedestrian network sensitive to the historic patterns for the village area which provides for connections between parcels and between residential and commercial areas and for the continuation of streets and pedestrian ways. Where new streets within the villages are anticipated, provisions for new streets shall be provided on the plat.
- B. Lot layout shall reinforce the existing village pattern of buildings lining public streets, ways, and spaces.
- C. Pedestrian ways may include sidewalks along public streets as well as at the rear of building lots.

Section 13. SEPTIC SYSTEM REQUIREMENTS FOR SUBDIVIDING LAND WITH EXISTING RESIDENCES.

The following requirements shall be met by each existing dwelling unit involved in a subdivision of land or in a boundary adjustment where there is a significant change in a property boundary.

A. Dwelling Units With A Septic System Approved By State or Town.

Dwelling units with a septic system approved by the state or town will not need a permit for sewage disposal if the following requirements are met:

1. The applicant shall produce the permit drawings for the septic system and the Planning Commission's representative shall be satisfied that the septic system has been installed in accordance with these drawings and that any new lot lines and/or adjoining uses do not compromise the proper use of the permitted septic system and replacement area and that all applicable isolation distances are maintained.
2. Where the applicant demonstrates to the Planning Commission's representative

that the proposed development, especially water supplies, will not be adversely affected by the existing septic system.

If there is any question regarding the actual location or construction of the existing septic system, the Planning Commission's representative may require the applicant to demonstrate with field testing that the existing system is in accordance with the approved plans. The applicant shall pay for all test pits and engineering review.

B. Dwelling Units Constructed before March 3, 1973.

Dwelling units which were constructed before March 3, 1973 are not required to obtain a permit for an existing septic system, if the following conditions are met:

1. The existing septic system shall be located. Where the septic system cannot be located, the applicant shall be required to make the necessary excavations and evaluations to locate the system.
2. The septic tank shall be pumped and inspected by the applicant in the presence of the Planning Commission's representative. Where the tank is not adequately sized and/or is in some other way not functioning properly, it shall be replaced or supplemented. All steel tanks shall be replaced.
3. The infiltration area shall show no indication of surfacing effluent.
4. The existing septic system and any designated replacement area shall meet all of the outlined setbacks, without exception.
5. Any new lot lines shall be a minimum of 100' away from the extreme extent of the existing leaching area's outside edge. In the case of a mound system, the toe of the mound shall be considered to be the edge of the leaching area.
6. Where the applicant demonstrates the existence of a replacement area which meets the Charlotte Health Ordinance formally designated for the existing house on the same lot or in a location off the lot which can be used by the existing house with reasonable construction cost, the septic system will be considered to be adequate by the Planning Commission. Under this provision it will still be necessary to perform the items outlined in B.1,2,3 above.

Section 13.1 SEPTIC SYSTEM REQUIREMENTS FOR LARGE LOTS CREATED THROUGH SUBDIVISION

In cases where a large lot over 50 acres in size is created by subdivision, the Planning Commission may waive the requirements for demonstrating sewage disposal capacity provided the following requirements are satisfied:

A. Lots Greater Than 50 Acres.

Where there is a residence on the lot exceeding 50 acres in size, requirements of Chapter VII Section 13 of these bylaws shall apply.

B. Qualifier.

This waiver shall in no way guarantee that sewage disposal is possible on the created lot. At such time that a building permit is requested for the lot, all requirements of the

Charlotte Health Ordinance must be satisfied.

**Section 13.2 CREATION OF A PARCEL FOR OTHER THAN RESIDENTIAL,
COMMERCIAL OR INDUSTRIAL USE.**

During subdivision review, the requirement for demonstrating sewage disposal capability may be waived for one lot created by the subdivision if:

- A. The waived parcel is 25 acres or more or is currently in the town agricultural stabilization program.
- B. The boundaries of the parcel created follow natural and existing demarcations, respect hedge rows, fence lines and agricultural patterns of use.
- C. The parcel has an approved right of way.
- D. The owner agrees:
 - 1. That the parcel without proven septic might never meet the criteria for development since its suitability is unproven at the time of its creation.
 - 2. That the mere existence of the resulting parcel does not convey any implied right to develop the parcel unless all requirements of the Town Bylaws are met when and if development is requested.
 - 3. 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.
- E. In the case of a subdivision in which the only lot created is a parcel for other than residential, commercial, or industrial use the applicant need only provide to the Planning commission a completed subdivision application, a survey of the property to be subdivided, and any information necessary for the Commission to determine if the subdivision meets the requirements of Section 13.2 of this bylaw.

Chapter VIII. GENERAL APPLICATION REQUIREMENTS

Section 1. NUMBER OF COPIES

Refer to the application for the required number of copies.

Section 2. APPLICATION FEES

Upon submission of an application for minor subdivision approval, major subdivision preliminary approval, major subdivision final approval, or boundary adjustment, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearings, and for periodic inspections by town retained consultants during the installation of public improvements and review and services provided by town retained attorneys. Should the Commission deem it necessary to employ an engineer or other professional to review any plans for streets, drainage, water, sewage or other improvements, natural resources, and site design, the costs of such assistance shall be shared 75% by the subdivider and 25% by the town. The Selectboard may waive the portion of the fees associated with the creation of an agricultural lot where appropriate.

Section 3. LEGAL DATA

The final plat application for a minor or major subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the town, non-profit organization or the State of Vermont. All proposed deeds conveying property or easements to the town, non-profit organization or the State of Vermont, shall also accompany the final application. In addition, a draft of all restrictions of all types which are to be conditions of the approval or to which the town is a party to shall be filed with the final application. The Commission may require the filing of such other legal data as it deems necessary in the enforcement of these Bylaws.

Section 4. WAIVERS

The Commission may waive or vary, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular subdivision are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate both in the short and long term. In granting waivers or variances, the Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Bylaws, Capital Budget and Program, Zoning Map or other town bylaws.

Section 5. FILING OF FINAL PLAT

Upon approval of the final plat by the Commission, the subdivider shall prepare a copy of the plat for recording in conformance with the requirements of Title 27 V.S.A. Chapter 17. The plat shall be on mylar clearly and legibly drawn, and the size of the sheets shall be 18 inches x 24 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all

appropriate agencies. The chairman of the Commission shall endorse in writing on said plat such approval and the date thereof. The final plat with endorsement shall be filed by the subdivider with the town clerk within ninety (90) days of the Commission's final approval. Final approval shall expire if the final plat and related documents appropriately endorsed by the chairman of the Planning Commission are not filed by the subdivider within said ninety-day period.

Section 6. REVISIONS

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, unless said plat is first properly submitted in accordance with these Bylaws to the Planning Commission as a modification to the subdivision and the modified plat is approved.

Section 7. EFFECT OF FINAL APPROVAL

Final approval by the Planning Commission shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, utility, park, recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard. Approval for subdivision plats, approved by the Planning Commission and filed with the Charlotte Town Clerk after the effective date of this bylaw, shall not expire with the passage of time.

Chapter IX. ADMINISTRATION AND ENFORCEMENT

Section 1. SEVERABILITY

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

Section 2. AMENDMENTS

Amendments to these bylaws shall be enacted in accordance with the provisions of the Vermont Planning and Development Act as presently enacted or as from time to time hereafter amended.

Section 3. ENFORCEMENT AND PENALTIES

- A. Any person who violates any of the provisions of this subdivision bylaw, or who engages in land development as defined by the Vermont Planning and Development Act (24 V.S.A. 117) which does not conform to the provisions of this bylaw, shall be fined an amount in accordance with Section 4444 of the Act, currently set at not more than fifty dollars (\$50) for each offense. Each day that a violation is continued shall constitute a separate offense.
- B. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act as presently enacted or as it may be amended, nor otherwise bar any legal efforts to restrain, correct, or prevent any violations of this bylaw, or to prosecute violators.

Section 4. ENACTMENT

Upon the date these subdivision bylaws become effective, they shall amend in their entirety the Town of Charlotte Subdivision Bylaws in effect prior to such date.

Section 5. APPEALS PROCESS

Pursuant to Sections 4475 and 4471 of the Act, an interested person, as defined in Section 4464 of the Act, may appeal a decision of the Planning Commission within 30 days to the Superior Court. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the Planning Commission.

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