

Article 7. Subdivision Review

Section 7.1 Applicability

(A) Whenever any subdivision of land is proposed, the subdivider or authorized agent shall apply for and secure approval of the proposed subdivision prior to undertaking:

- (1) any construction, lot, building, or road development or clear cutting (excluding forestry or agricultural activities);
- (2) the issuance of any permit for any land development involving land to be subdivided;
- (3) any sale, conveyance or lease of any subdivided portion of a property; and/or
- (4) the filing of a subdivision plat with the Town Clerk.

<p><i>Subdivision of Land.</i> The division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term “subdivision” includes boundary adjustments, amended subdivisions, re-subdivisions of previously subdivided land, and planned residential and planned unit development.</p>

Approval shall be granted in accordance with the procedures outlined in Table 7.1 and as provided below.

[Statutory reference. 24 VSA Chapter 117 §4418].

(B) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the DRB, as minor or major subdivisions in accordance with the following:

- (1) **Minor Subdivisions** shall include lot line or boundary adjustments between existing lots that do not result in new or nonconforming lots; the subdivision of land, or the re-subdivision of a previously subdivided parcel, that results in the creation of five or fewer lots, regardless of any change in ownership; and amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.
- (2) **Major subdivisions** shall include any subdivision containing six or more lots, or requiring any new road greater than 800 feet in length; and planned unit or planned residential development.

(C) **Coordination with Planned Residential or Planned Unit Development Review.**

Subdivision applications for Planned Unit or Planned Residential Developments (PUDs and PRDs) shall be reviewed as major subdivisions under this Article. PUDs and PRDs shall meet the standards set forth in Article 8, as well as subdivision standards included in Article 6, unless waived by the DRB.

**Table 7.1
Subdivision Review At A Glance**

Action	Responsibility/ Time Frame
Discussion/Sketch Plan Phase [all subdivisions]:	
1. Submission of sketch plan & any waiver requests	Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting
2. Development Review Board meeting	Applicant (or authorized agent) attendance required
3. Classification of subdivision as minor or major; written sketch plan approval or within minutes	Development Review Board; within 30 days of determining that the sketch plan is complete
Minor Subdivision [residential < 6 lots]:	
1. Submission of final subdivision plan, including any waiver requests, proposed plat and supporting documentation	Applicant; within 6 months of the date of sketch plan approval
2. Development Review Board public hearing	Development Review Board; within 30 days of receipt of the final subdivision plan
3. Subdivision/plat approval & Notice of Decision	Development Review Board; within 45 days of the hearing adjournment date
4. Final Mylar recording in the town records	Applicant; within 180 days of the date of subdivision approval
5. Certificate of compliance (if required)	Administrative Officer; upon completion of required improvements
Major Subdivision [residential 6 or more lots; 2 or more hearings required]:	
1. Submission of preliminary subdivision plan including any waiver requests, supporting documentation	Applicant; within 6 months of the date of sketch plan approval
2. Development Review Board public hearing	Development Review Board; within 30 days of receipt of the preliminary subdivision plan
3. Preliminary subdivision/plat approval, following 1 st public hearing	Development Review Board; within 45 days of the hearing adjournment date of first public hearing
4. Submission of final subdivision plan, including final plat, documentation of compliance with preliminary approval and other supporting documentation	Applicant; within 6 months of the date of preliminary plan approval
5. Final Development Review Board public hearing	Development Review Board; within 30 days of receipt of the final subdivision plan
6. Final subdivision/plat approval, following 2 ^{ed} public hearing	Development Review Board; within 45 days of the hearing adjournment date of 2 nd public hearing.
7. Final Mylar recording	Applicant; within 180 days of the date of final subdivision and plat approval
8. Certificate of Compliance (if required)	Administrative Officer; upon completion of required improvements

Table 7.2 – Subdivision Application Requirements

(A) Application Information (due 15 days prior to DRB meeting/hearing)	Discussion/ Sketch Plan	1st Major Subdivision Public Hearing	Minor Subdivision Hearing/ 2nd Major Subdivision Hearing
Application Form - 1 original & 6 copy		✓	✓
Application Fee		✓	✓
Name of project, if any		✓	✓
Name, address, telephone number of applicant (landowner and/or subdivider). Name, address, telephone number of land owner.	✓	✓	✓
Written description of proposed development plans, including number and size of lots, maps, etc.; general timing of development	✓	✓	✓
Waiver request, in writing (if any)	✓	✓	✓
Names, addresses of all adjoining property owners		✓	✓
Evidence of written notification to adjoiners of intent to subdivide; to include copies of any waiver requests		✓	✓
Disclosures of existing permits and/or previous denials on parcel	✓	✓	✓
(B) Plan/Plat Mapping Requirements	Sketch	Draft Plat	Final Plat
Notice of Decision Reference Number			Mylar
Materials	Paper	Paper	Mylar
Date, North Arrow, Legend		✓	✓
Preparer Information, Certifications		✓	✓
Scale (minimum 1 inch = 100 feet)		✓	✓
Project boundaries, property lines, existing and proposed lot lines and dimensions	Drawn	Drawn	Surveyed
Adjoining land uses, roads and drainage, names of adjoining landowners		✓	✓
Zoning district designations and boundaries	✓	✓	✓
Location of significant natural features, including but not limited to: <ul style="list-style-type: none"> - slopes with a gradient of 25% or greater; - critical and significant wildlife habitat; - flood hazard areas; - surface waters, wetlands and associated buffer areas; - historic sites and features, including stone walls; and - other significant geologic features and landforms, including prominent knolls and ridgelines, - The base flood elevation for subdivisions of greater than 5 acres or 50 lots and within the special flood hazard overlay district. Note. An acceptable resource could be the Arrowwood Environment maps as relating to the Town of Fayston		✓	✓
Existing and proposed elevations, contour lines		min 5' interval	min 5' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements, springs, and shallow wells, driveway locations and driveway profiles.	Drawn	Drawn	Surveyed
Proposed building envelopes		✓	✓
Proposed utilities, water and wastewater systems and associated rights-of-way or easements		✓	✓
Road profiles; road, intersection and parking area geometry and construction schematics		✓	✓

**Table 7.2 (continued)
Subdivision Application Requirements**

(B) Plan/Plat Mapping Requirements (continued)	Discussion/ Sketch	Draft Plat	Final Plat
Proposed landscaping and screening		✓	✓
Proposed conservation buffer and/or easement areas		✓	✓
Monument locations		✓	✓
(C) Supporting Information & Documentation (due 15 days prior to DRB meeting/hearing)	Discussion Sketch Plan	1st Public Hearing for Major Subdivisions	Minor Subdivision Hearing/ 2nd Major Subdivision Hearing
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Sketch	Draft	Final
Statement of compliance with the Town Plan and applicable local regulations	✓	✓	✓
Proof of notification of adjacent land owners. see under definitions "Certification of Service"		Letter	Letter
Notice of Decision Reference Number			✓
Engineering reports (water and wastewater systems)		✓	✓
Existing and proposed traffic generation rates, volumes		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)	Description	Draft	Final
Proposed phasing schedule	Description	Draft	Final
Proposed covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Proposed performance bond or surety		Description	Final
Ecological/Biological Report if required	Draft	Draft	Final
(D) As may be required by the Development Review Board (due 15 days prior to DRB meeting/hearing)	Discussion Sketch Plan	1st Public Hearing for Major Subdivisions	Minor Subdivision Hearing and 2nd Major Subdivision Hearing
Stormwater and erosion control plan			
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Contour lines < 5'			
Fiscal impact analysis (analysis of fiscal costs and benefits to the Town)			
Visual impact analysis and mitigation plan			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
Site visit made by the DRB at a time that on-the-ground conditions allow for observation of all relevant site characteristics.			
Other			
		As required under sketch plan approval	As required under sketch plan or 1st public hearing