TOWN OF CORINTH

SUBDIVISION BYLAWS

PROPOSED
SUBDIVISION BYLAWS
Applications are available at the office of the Town Clerk, Corinth Town Hall
Cookeville, Vermont 05039. Telephone (802) 439-5850
http://www.corinthvt.org/

SECTION I: GENERAL PROVISIONS

1.1 Title and Enactment

These Bylaws shall be known as the Corinth Subdivision Bylaws. The subdivision and development of land shall be subject to these Bylaws in accordance with the authority given by the Vermont Planning and Development Act, 24 VSA Chapter 117.

1.2 Application of These Bylaws

These Bylaws shall apply to the division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat in the Town Land Records.

1.3 Purpose

These Bylaws shall serve to ensure that future subdivision plans reflect the goals and policies contained in the Corinth Town Plan including the following:

a) To provide for the wise use and conservation of the natural, visual, and historical assets of the Town,
b) To provide for the preservation of the Town's rural character,
c) To ensure the wise use of public resources, and
d) To ensure that existing or planned community facilities and services have sufficient capacity to serve proposed new subdivisions.

1.4 Definitions

ABUTTER: Any landowner who shares a common boundary with any portion of a proposed subdivision. Abutters include landowners whose property is separated by a state or town highway or by surface water.

ANNEXATION: The subdivision of a parcel for the purpose of merging the newly created lot with an abutting parcel. Any lot which has been subject to merger remains eligible for treatment as a primary subdivision.
APPLICANT: The owner or designated agent of the owner of the land proposed to be subdivided.

BOUNDARY AGREEMENT: A conveyance of land or other transfer of title intended to reconcile the boundary between two parcels in order to resolve discrepancies or vagueness in deeds or surveys, or to make property boundaries conform to historical use of land, provided: 1) that the boundary being reconciled has not been altered in a previously permitted subdivision; and, 2) that the agreement does not change the size of either parcel by more than 10% in any dimension.

CORINTH TOWN PLAN: The current plan, prepared by the Planning Commission and adopted by the Selectboard pursuant to the Vermont Planning and Development Act, 24 V.S.A. Chapter 117.

EXEMPT SUBDIVISION: The following types of subdivisions, as each is defined in this section, are Exempt Subdivisions: Annexations, Boundary Agreements, Lot Line Adjustments, and Primary Subdivisions. Exempt Subdivisions are subject to the provisions of Section 2 of these Bylaws.

EXISTING SUBDIVISION: A subdivision which was approved by the State pursuant to state laws prior to the effective date of these Bylaws, November 7, 1995, or a plat which was recorded with the Town in accordance with Vermont law prior to the effective date of these Bylaws.

LOT: A portion of land in a subdivision or plat that is separated from other portions of land by a property line.

LOT LINE ADJUSTMENT: The reconfiguration of the boundary between two abutting lots, provided: 1) that the boundary line being reconfigured is has not changed

since the date of adoption of these Bylaws; 2) the adjustment does not create additional lots; and, 3) that the adjustment does not change the size of either lot by more than 10% in any dimension.

MAJOR SUBDIVISION: Any subdivision of land that is not a Primary Subdivision, an Exempt Subdivison, or a Minor Subdivision as those terms are defined in this section.

MINOR SUBDIVISION: The subdivision of a lot that existed before November 7, 1995, into no more than three lots, provided: 1) that all resulting lots have an area of at least one acre; 2) have at least one hundred (100) feet of frontage on a Class 3 or better town or state highway; and, 3) have all necessary state permits and required deed notices for potable water supply and wastewater systems.
PARCEL: Any contiguous land under one ownership is considered to be one parcel, except:

a) Where the land is divided by a state or town highway, or by surface water with a drainage area greater than ten square miles, in which case, for town purposes, a subdivision is deemed to have occurred, so long as each resulting lot is at least one acre in size, or, if smaller than one acre and developed, has a functioning water supply and wastewater system; or,
b) Where the land has been divided into lots by a local or state subdivision permit or approval; or,
c) Any land acquired by separate deed or other instrument, provided that it has an area of at least one acre, or, if smaller than one acre and developed, has a functioning water supply and wastewater system.

PLAT: A map representing a tract of land showing the boundaries of lots, roads, and other features drawn to scale as defined in 27 VSA § 1403 *et. seq*.

PRIMARY SUBDIVISION: The subdivision of a parcel that existed before November 7, 1995, into two lots, where each lot conforms to all of the following requirements: 1) it is at least one acre; 2) it has all necessary state permits and required deed notices for potable water supply and wastewater systems; and, 3) it is restricted to single-family residential use. Except, a Primary Subdivision does not include the simultaneous or serial first-time division of existing, contiguous parcels.

ROAD: A highway, street, or other way, which exists for vehicular travel, exclusive of a driveway serving one lot.

SKETCH PLAN: A scale drawing (approximate) of the affected land which includes all boundary lines of the original lot and the proposed subdivision. The Sketch Plan shall include the acreage for the original and proposed lots and dimensions for each boundary line. The Sketch Plan shall also include points of reference, such as name and number of town or state highway, street, north arrow, abutting landowners, and any structures. The Sketch Plan must be signed and dated by the preparer.

SUBDIVISION: The division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat in the Town Land Records, where the – division creates two or more lots after the effective date of these Bylaws, March 8, 1995. A subdivision shall be deemed to have occurred upon either the transfer of title of any portion of the original lot other than by Annexation, Boundary Agreement or Lot Line Adjustment, the filing of a plat, or the recording of a Certificate of Exempt Subdivision in the Town Land Records.

SECTION 2: EXEMPT SUBDIVISIONS

2.1 Application Procedure for Exempt Subdivision

The Applicant must file the following items with the office of the Town Clerk to initiate review by the Administrative Officer :

a) A completed Exempt Subdivision Application (available at the Town Office);
b) A map showing the location of the property;
c) A Sketch Plan of the proposed exempt subdivision;
d) All fees; and,
e) One of the following:
   i. the required deed notice; ii. a state subdivision permit; or, iii. a letter from the Regional Engineer confirming that the subdivision does not require a state wastewater and potable water supply permit.

2.2 Issuance of Certificate of Exempt Subdivision

If the Administrative Officer determines that the Application is complete and that the proposed subdivision is an Exempt Subdivision as defined in Section 1.4 of these Bylaws, the Administrative Officer shall issue a Certificate of Exempt Subdivision to the Applicant.

The Certificate of Exempt Subdivision, shall become valid fifteen (15) days after issuance unless appealed. A copy of the decision to issue the Certificate shall be posted at

the Town Office. Once valid, the Certificate shall be filed in the Town Land Records of the Town and a copy sent to the Town Listers.

2.3 _ Denial of a Certificate of Exempt Subdivision

In the event that an application is rejected for being either incomplete or ineligible for Exempt Subdivision process, the Administrative Officer shall notify the Applicant in writing, specifying the reason for rejection. The Applicant shall have 30 days to either ask the Planning Commission for review of the decision of the Administrative Officer, or to provide information to complete the application.

SECTION 3: MAJOR AND MINOR SUBDIVISIONS

3.1 General

Applications for Major Subdivisions shall be reviewed by the Planning Commission.

Applications for Minor Subdivisions shall be reviewed by the Administrative Officer.

No plat shall be filed, no construction shall be commenced and no title shall be transferred, in connection with any Major or Minor Subdivision, unless a permit has been issued by the Corinth Planning Commission or the Administrative Officer.

3.2 _ Major Subdivision - Informational Meeting

The Applicant shall initiate the process by requesting a meeting (hereafter called the Informational Meeting) with the Planning Commission to discuss the general aspects of the proposed Major Subdivision. At least twelve (12) days prior to the Informational Meeting, the Applicant shall submit the following information to the Administrative Officer:

a) the name and address of the owner, the name and address of the applicant, the names and addresses of all abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;
b) A map showing the location of the proposed subdivision within the Town of Corinth relative to the town highway system and including general topographic features;
c) A sketch plan in accordance with Section 1.4; and,

d) A written description of: the proposed subdivision; proposed uses and development; proposed water supply and septic/sewage systems; and the anticipated timing of any construction including initiation and completion of the development.

At the Informational Meeting, in addition to providing the foregoing information, the Applicant shall provide information in support of the Application relative to compliance with the Town Plan and the Criteria listed in Section 4. No comments made by the Applicant or members of the Planning Commission at the meeting are binding**.**

3.3 Major Subdivision – Formal Application and Required Information

An Applicant for a Major Subdivision shall submit a Major Subdivision Application (available at the Town Clerk's Office) with all required fees and the supporting documents listed below, to the Administrative Officer within six (6) months after the Informational Meeting. Failure to submit a completed Subdivision Application with all supporting documents within this period will terminate the process.

Supporting Documents:

a) The name and address of the owner, the name and address of the Applicant, the names and addresses of all Abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;
b) A map showing the proposed subdivision relative to abutting properties, streams and other water bodies, and existing roads;
c) A draft surveyed plat drawn to a scale adequate for showing the subdivision boundary with lot lines and lot size, and abutters' names, floodplains, permanent streams, mapped wetlands, any known critical wildlife habitats, natural heritage areas, deer wintering areas, stone walls, and existing/proposed roads. If construction is proposed, the plat shall also show at least the locations of existing/proposed leach fields, existing/proposed wells, existing/proposed buildings, Subdivisions with lots to be accessed by and have frontage on new proposed roads shall have the road locations shown as well as a longitudinal profile showing road grades;
d) Approved septic plans and/or a deed notice;
e) Access permits;
f) Any other information requested in writing by the Planning Commission following the pre-application meeting.

The Planning Commission may require that other existing and proposed facilities also be located on the plat, and that land surface contours be shown.

3.4 Minor Subdivisions – Formal Application and Required Information

An Applicant for a minor Subdivision shall initiate the process by submitting a Completed Minor Subdivision Application (available at the Town Clerk's Office) with all required fees and the following supporting documents to the Administrative officer.

Supporting Documents:

a) The name and address of the owner, the name and address of the Applicant, the names and addresses of all Abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;
b) A map showing the proposed subdivision relative to abutting properties, streams and other water bodies, and existing roads;
c) A draft surveyed plat drawn to a scale adequate for showing the subdivision boundary with lot lines and lot size, and abutters' names, floodplains, permanent streams, mapped wetlands, any known critical wildlife habitats, natural heritage areas, deer wintering areas, stone walls, and existing/proposed roads. If construction is proposed, the plat shall also show at least the locations of existing/proposed leach fields, existing/proposed wells, existing/proposed buildings, Subdivisions with lots to be accessed by and have frontage on new proposed roads shall have the road locations shown as well as a longitudinal profile showing road grades;
d) Approved septic plans and/or a deed notice; and,
e) Access permits;

The Administrative Officer may require that other existing and proposed facilities also be located on the plat, and that land surface contours be shown.

3.5 Initial Review by Administrative Officer – Major and Minor Subdivisions

The Administrative Officer shall notify the Applicant of the acceptance of a complete Subdivision Application for review. The Administrative Officer shall notify the Applicant if an Application is not complete, and identify missing information. The

Applicant then has 90 days to provide the missing information. Failure to complete the Application within 90 days of the notice from the Administrative Officer will lead to denial of the Application and forfeiture of all fees.

The Planning Commission and/or Administrative Officer may conduct site visits after receipt of an application.

3.6 _ Major Subdivisions – Process

The Planning Commission shall conduct a public hearing on Major Subdivisions to consider the proposed subdivision application. Notification of the public hearing shall be made as required in 24 VSA § 4464 and sent to the Applicant, Abutters, and other interested parties, posted as required, and printed in the newspaper no less than fifteen (15) days prior to the hearing date. For applications within five hundred (500) feet of adjacent towns, notice must also be provided to that town's planning commission.

The Planning Commission shall continue the hearing as needed to develop sufficient evidence to make all required findings. Within forty-five (45) days following the conclusion of the public hearing, the Planning Commission shall issue a written decision approving, disapproving, or approving with conditions, the subdivision application. All decisions shall include findings of facts and conclusions, and be forwarded to the Applicant, the Abutters, the Administrative Officer, and other interested parties. Failure of the Planning Commission to act within the allotted forty-five (45) days shall constitute approval of the application.

The Administrative Officer shall issue any permit consistent with the decision with 10 days of the decision.

3.7 Minor Subdivisions – Process

The Administrative Officer shall consider the proposed Minor Subdivision application without a hearing, in light of the evidence presented by the Applicant in the Application and supporting documents and with reference to the goals of the Corinth Town Plan and the design criteria in Section 3. Within 30 days of the receipt of a complete application for a Minor Subdivision, the Administrative Officer shall act, either by issuing a permit, by issuing a permit with conditions, or by denying a permit. Failure of the Administrative Officer to act within the allotted 30 days shall constitute approval of the application.

The Applicant may ask the Planning Commission to review the action of the

Administrative Officer by sending a notice of appeal to the Planning Commission within 30 days of the Administrative Officer's action.

3.8 Permits

Permits issued by either the Planning Commission for Major Subdivisions, or the Administrative Officer for Minor Subdivision, shall be void and expired unless an appropriate plat is filed in the Town Clerk's Office within one hundred eighty (180) days.

3.9 Waivers

The Planning Commission may waive or vary the provisions for application or review procedures and requirements when, in its judgment, it is found that unique or special circumstances exist, and that the public interest would not be served by denying the waiver.

The request for a waiver shall be made by the Applicant to the Planning Commission and shall include sufficient information to justify the waiver and to enable the Planning Commission to reach a decision. Such request shall be made in writing and shall be specific to Section 3 or Section 4.

The Planning Commission shall provide a written response to the applicant within 30 days of having received a request for waiver. Upon approval, the waiver becomes part of the full application and will be recorded in the permit file.

SECTION 4: SUBDIVISION DESIGN CRITERIA

4.1 Criteria

Applications shall not be approved unless the Reviewer finds (in addition to any other necessary findings) by a preponderance of the evidence that the proposed development meets the goals of the Corinth Town Plan and the following design criteria:

4.1.1 Preservation of Existing Resources

Design of the subdivision, including placement of lot lines, utilities, roads, septic areas and building sites (if proposed) shall minimize impacts on streams, forest blocks greater than twenty-five (25) acres, agricultural soils, cemeteries, stone walls, critical wildlife habitats, deer wintering areas, natural heritage areas, wetlands, and floodplains in order to conserve and protect these existing resources.

4.1.2 Energy Conservation

Design of residential subdivisions shall promote solar access through the locations of lot lines that would enable homes to take advantage of natural light and solar heating/electrical generation.

4.1.3 Roads and Driveways

Design of the subdivision shall:

a) Ensure safe and efficient movement of vehicles including road maintenance, firefighting, and emergencies; and
b) Meet the design criteria set forth in Section 4.2 of the Town of Corinth Highway Ordinance. *Note: These standards are Class III Road standards and apply to all roads that access subdivisions coming before the Planning Commission for approval.*

4.1.4 Parking

Design of the subdivision shall provide off-road parking adequate to accommodate proposed uses.

4.1.5 Utilities

Design of the subdivision shall ensure that proposed power, telephone, outdoor lighting, and other utilities do not have an undue adverse impact on the visual character of the site as seen from public roads by locating utilities along road corridors, or using underground cables if cutting directly across open land, and using fully shielded lighting.

4.1.6. Drainage and Erosion Control

Design and construction of the subdivision shall minimize soil erosion or reduction in the capacity of the land to hold water does not result. All subdivisions that disturb more than one acre of land require a separate state stormwater construction permit

and those that will at full buildout create more than one acre of impervious surface, including gravel roads, require a separate state operational stormwater permit. All land clearing and grubbing will follow at least the standards for sites with low risk in the Vermont Erosion Control Handbook. The subdivision and road drainage systems shall be designed to keep runoff on site and away from surface waters.

4.1.7 Fire Protection and Other Emergency Services

Design of the subdivision shall not cause an unreasonable burden on the ability of the Town to provide fire protection and other emergency services by ensuring safe access and water supply. Access roads must have all stream crossings designed to pass a 1% chance flood, and all subdivisions serving more than 5 homes on a private road shall construct a fire pond with dry hydrant acceptable to the fire department, unless there is an existing alternative suitable water supply within 1,000 feet of the road.

4.1.8 Water and Sewage

Design of the subdivision shall provide for adequate potable water supply and for sewage disposal in accordance with applicable State laws and regulations and either have an approved system design or the appropriate deed notice in place as a condition of approval. Lots with deed notices shall have such notices printed in no less than 12 point font on the plat.

4.2 Viable lots

All lots created by any subdivision, whether it be Exempt, Primary, Minor or Major, shall be at least one acre in size, have at least one hundred (100) feet of frontage on a state, town or private road, and have at least one-half acre that is not floodplain unless the lot is burdened by a permanent conservation easement which prohibits structural development.

4.3 Applications Without Proposed Uses/Development

An Applicant may apply for a subdivision that simply divides land and does not propose any uses. When such an application is filed any permit issued shall include a condition that no development is allowed. Thereafter, an Amended Application seeking permits to develop the lots must be filed and granted before any development can take place.

SECTION 5: RECORDING

5.1 Recording of Subdivision Plat

No subdivision plat may be recorded by the Town Clerk without the endorsement of either the Planning Commission, for a Major Subdivision, or the Administrative Officer, for a minor subdivision.
In the event that a permit is automatically issued because either the Planning Commission or Administrative Officer has failed to take action within the time period specified in Section 3, no plat may be recorded without the endorsement of the Town Clerk attesting to the failure to act.
An appropriately endorsed subdivision plat shall be delivered by the Applicant to the Town Clerk for recording in the land records of the Town within one hundred eighty (180) days of the issuance of the permit.

Any plat not delivered within one hundred eighty (180) of the issuance of the permit by the Planning Commission/Administrative Officer, or within one hundred eighty (180) days of the date upon which such plan of subdivision is taken as approved by reason of the failure of the Planning Commission/Administrative Officer to act, shall be void and expired.

5. 2 Recording of Certificates of Exempt Subdivision

Certificates of Exempt Subdivision issued by the Administrative Officer shall be recorded in the Town Land Records, with a copy to the Town Listers once valid.

SECTION 6: ADMINISTRATION

6.1 Fees

No Application shall be considered without payment of any required fees. A Schedule of Fees shall be set by the Selectboard and shall be available at the Town Clerk's Office.

6.2 Revisions to an Approved Subdivision

Revisions or modifications to an approved subdivision permit require reapplication through the relevant process. A revised plat recorded without Planning Commission/Administrative Officer signature shall be considered null and void.

6.3 Public Acceptance of Roads and Open Spaces

Nothing in these Bylaws shall be construed to constitute the acceptance by the Town of Corinth of a road, easement, utility, or recreation area shown on a subdivision application or approved plat as publicly owned or maintained.

6.4 Performance Security

The Planning Commission may require from any applicant, for the benefit of the Town and sufficient to cover the full costs of constructing any public or private improvements that the Planning Commission may require in approving the subdivision, security that the improvements shall be completed and maintained as approved. The required security shall be submitted prior to final approval of the subdivision, and may be required in the form including, but not limited to, a surety bond, a letter of credit, a performance bond, or any other form, on terms and conditions acceptable to the Planning Commission and the Selectboard. A separate bond or other security shall also cover maintenance for three years. The construction bond shall only be released by the Selectboard upon their inspection, along with a certification by the Administrative Officer that conditions have been met. Bonds may be partially released as applicable.

6.5 Completion Date

Approvals of subdivisions shall contain a time limit within which all public components shall be completed. The time limit shall not exceed three (3) years unless extended for unusual circumstances upon request of the applicant and approval of the Planning Commission.

6.6 Compliance With Other Laws

Nothing in these Bylaws shall supersede the conditions or criteria for approvals set forth in other bylaws, statutes, ordinances, or rules including Vermont State Subdivision rules, Act 250, and Highway Ordinances.

SECTION 7: MISCELLANEOUS

7.1 Appeals, Enforcement, and Amendments

The procedures and conditions for appeals, enforcement, and amendments shall be in accordance with the provisions of 24 V.S.A. Chapter 117.

7.2 Savings Provision

These Bylaws shall not be construed as abating any action now pending under preexisting bylaws, ordinances, regulations, or rules.

7.3 Severability

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

7.4 Penalties

Violators of this Bylaw shall be provided 7 days written notice of alleged violation to cure the violation as specified in 24 V.S.A. § 4451 or appeal the notice as specified in 24 V.S.A. § 4465. The Administrative Officer shall file all notices of alleged violation and final decisions in the Town Land Records. If the violation is not successfully appealed or cured, the town may institute action to cure the violation, including the recovery of fines as allowed under 24 V.S.A. § 4451-54. Improper filing of unauthorized plats may also result in action by the State of Vermont or private parties.