

## ARTICLE 6. SUBDIVISION REVIEW

As Amended & Adopted by the Warren Select Board March 25, 2008

### Section 6.1 Applicability

(A) In accordance with the Act [§4418], whenever any subdivision of land is proposed that is not specifically exempted from these provisions under Subsection (B), subdivision approval by the Development Review Board is required prior to undertaking:

- any construction, building development, grading, land clearing (excluding forestry, or agricultural or surveying activities) associated with the subdivision of land; or
- any sale, conveyance or lease of any subdivided portion of a property; or
- the issuance of any permit for any land development involving land to be subdivided; or
- the filing of a subdivision plat with the Town Clerk.

**Subdivision of Land:** 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 re-subdivision involving the adjustment of boundaries between two or more

Such approval shall be granted in accordance with the procedures outlined in Table 6.1 and as provided below.

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

- (1) Parcels leased for agricultural purposes, and no new roads are created for uses other than accepted agricultural practices.
- (2) The conveyance of rights-of way or easements that do not result in the subdivision of land.
- (3) Boundary or lot line adjustments between parcels that do not increase the degree of nonconformance of an existing lot, do not result in the creation of new or nonconforming lots under these regulations, do not substantially alter an approved subdivision plat or conditions of subdivision approval, and do not result in the creation of a major subdivision. Boundary adjustments shall be surveyed by a licensed surveyor, issued an administrative approval by the Administrative Officer, and recorded in the town land records under Section 6.5 and 9.8(H).

(C) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the Development Review Board, following an initial meeting with the subdivider, as minor or major subdivisions in accordance with the following:

- (1) **Minor Subdivisions** shall include amendments to an approved subdivision plan, including boundary or lot line adjustments, that will not substantially change the nature of any previous subdivision or conditions of approval; or any subdivision containing two (2) or more but less than six (6) lots, which does not otherwise qualify as a major subdivision.
- (2) **Major subdivisions** shall include any subdivision containing six (6) or more lots or requiring any new (public or private) road greater than 800 feet in length; amendments to an approved major subdivision which substantially changes the nature of any previous subdivision or conditions of approval; or any planned unit or planned residential development that meets the definition of a subdivision.

(D) **Coordination with Planned Unit or Planned Residential Development Review.** Subdivision applications for Planned Unit or Planned Residential Developments (PUDs and PRDs) that meet the

definition of subdivision under Article 10 shall be reviewed as major subdivisions under this Article. Conditional use review under Article 5 may occur concurrently with final subdivision review if all application and procedural requirements pertaining to each respective review process are met.

Table 6.1 Subdivision Review At A Glance

<b>Sketch Plan</b> [all subdivisions]	
1. Submission of sketch plan	Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting
2. Development Review Board meeting	Applicant attendance required
3. Classification of subdivision as minor or major; written sketch plan approval	Development Review Board; within 30 days of determining that the sketch plan is complete
<b>Minor Subdivision</b> [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	Development Review Board; within 45 days of the hearing adjournment date
4. Final plat recording in the town land records	Applicant; within 180 days of the date of subdivision approval
5. Submission of as-built drawings	Applicant; upon completion
<b>Major Subdivision</b> [other than minor]	
1. Submission of preliminary subdivision plan including any waiver requests, supporting documentation	Applicant; within 6 months of the date of sketch plan 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	Development Review Board; within 45 days of the hearing adjournment date
4. Submission of final subdivision plan, including supporting documentation	Applicant; within 6 months of the date of preliminary plan approval
5. Final Development Review Board public hearing	Development Review Board; within 30 days of receipt of the final subdivision plan
6. Final subdivision/plat approval	Development Review Board; within 45 days of the hearing adjournment date.
7. Final plat recording in the town land records	Applicant; within 180 days of the date of final subdivision and plat approval
8. Submission of as-built drawings	Applicant; upon completion

PUDs and PRDs shall meet the standards set forth in Article 8, as well as subdivision standards

included in Article 7, unless otherwise waived by the Development Review Board.

(E) **Waiver Authority.** In accordance with the Act [§4418((2)(A))], the Development Review Board may waive or vary one or more application requirements specified in Table 6.2, or subdivision standards under Article 7, if the Board determines that the requirement:

- (1) is not requisite in the interest of public health, safety, and general welfare;
- (2) is inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision; and
- (3) will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the Warren Town Plan and/or other municipal bylaws and ordinances in effect.

The request for a waiver shall be submitted in writing by the subdivider with the sketch plan submitted under Section 6.2. It shall be the responsibility of the subdivider to provide sufficient information to allow the Board to justify the waiver or variance. In granting waivers, the Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

#### **Section 6.2 Sketch Plan Review [applying to all applications for subdivision]**

(A) **Application Requirements.** The applicant shall submit to the Administrative Officer, at least 15 days prior to a regularly scheduled Development Review Board meeting, a subdivision application and associated fee. The application shall include, with the required fee, 1 original and 5 copies of a subdivision application, and 1 original and 5 copies of the proposed sketch plan that include the information for sketch plan applications specified in Table 6.2. Copies of the proposed sketch plan shall be 11" X 17" or smaller.

(B) **Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Board, to discuss the subdivision application and proposed sketch plan. At this meeting the Development Review Board may request any additional information as needed to act on the sketch plan.

(C) **Action on Sketch Plan** Within 30 days of finding that a sketch plan application is complete, the Development Review Board, based on the information provided, shall issue in writing:

- (1) a determination of whether the subdivision is a minor subdivision to be reviewed under Section 6.4, or major subdivision to be reviewed under Sections 6.3 and 6.4;
- (2) the granting or denial of requested waiver provisions;
- (3) a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations currently in effect;
- (4) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation.

(D) **Effect of Sketch Plan Determinations.** Development Review Board determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise

approved or extended in the written determinations issued by the Development Review Board. Within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan review for a major subdivision under Section 6.3 or final plan and plat approval for a minor subdivision under Section 6.4.

(E) **Boundary Adjustments.** Applications for boundary adjustments which are determined by the Administrative Officer to not result in the creation of a non-conforming lot, or the significant increase of the development density of one or more lots, may be exempted from sketch plan review requirements and proceed immediately from initial application to final plat approval.

### **Section 6.3 Preliminary Plan Review [applying only to major subdivisions]**

(A) **Application Requirements.** Within six (6) months of the date of action on a sketch plan by the Development Review Board, the applicant shall submit an application and associated fees for preliminary plan and plat approval to include, unless otherwise specified or waived by the Development Review Board under Section 6.2(C), one (1) original and five (5) copies (sketch plan copies may be 8.5" x 11" or 11" x 17" reductions) of the information required for preliminary plan review as specified in Table 6.2.

(B) **Public Hearing.** Within 30 days of deeming that the preliminary plan application is complete, the Development Review Board shall hold a public hearing on the preliminary plan, warned in accordance with Section 9.8(C).

(C) **Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations in effect. The Development Review Board may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision issued in accordance with Section 9.8(E). The approval of a preliminary plan shall be effective for a period of six (6) months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written decision.

(D) **Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the Warren Town Plan and Capital Budget and Program currently in effect. Conditions may be imposed upon the filing of application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.

(E) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of municipal officials and/or agencies having jurisdiction over the project (e.g., Select Board, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan approval under Section 6.4.

**Section 6.4 Final Plan Approval**

(A) **Application Requirements.** Within six (6) months of the date of sketch plan approval for minor subdivisions, or preliminary plan approval for major subdivisions, unless otherwise waived by the Development Review Board, the subdivider shall submit an application for final subdivision plan approval, including plat approval. If the subdivider fails to do so, s/he will be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a new preliminary plan, for approval subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under Section 6.3(C), one (1) original and five (5) copies (plat copies may be 8.5" x 11" or 11" x 17" reductions) of the information for final plan and plat review specified under Table 6.2.

(B) **Public Hearing.** In accordance with the Act [ §§4463, 4464], within 30 days of the date that the Development Review Board deems that a final plan application is complete, the Board shall hold a public hearing on the final plan and associated plat, warned and held in accordance with Section 9.8. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(C) **Final Plan Approval.** In accordance with the Act [S4464(B)], within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, effective the 46<sup>th</sup> day, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision issued in accordance with Section 9.8(E). The decision shall be sent by certified mail to the applicant within the 45-day period. Copies of the decision shall also be sent to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the municipality.

(D) **Effect of Final Plan Approval.** The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Select Board, in accordance with state statute. Each approval for a final plan may contain a time limit within which all improvements necessary for the subsequent development of the subdivided lots (e.g., roads, utilities) shall be completed, not to exceed 3 years unless otherwise required or extended by the Development Review Board.

**Table 6.2 Subdivision Application Requirements**

<b>(A) Application Information</b>	<b>Sketch Plan</b>	<b>Preliminary Plan</b>	<b>Final Plan</b>
Application Form [number of copies]	1 original & 5 copies	1 original & 5 copies	1 original & 5 copies
Application Fee	✓	✓	✓
Name of project, if any	✓	✓	✓
Name, address of applicant (landowner and/or subdivider)	✓	✓	✓
Written description of proposed development plans, including number and size of lots; general timing of development	✓	✓	✓
Waiver request, in writing [optional]	✓	✓	
Names, addresses of all adjoining property owners*	✓		
Evidence of written notification to adjoining owners of intent to subdivide; to include copies of any waiver request*	✓		
<b>(B) Plan/Plat Mapping Requirements</b>	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Materials	Paper	Paper	Mylar
Date	✓	✓	✓
Preparer Information, Certifications	✓	✓	✓
Scale (minimum 1 inch = 200 feet)	✓	✓	✓
North Arrow, Legend	✓	✓	✓
Project boundaries and property lines	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed
Adjoining land uses, roads and drainage	✓	✓	✓
Zoning district designations and boundaries	✓	✓	✓
Location of all Primary Conservation Resources, to include wetlands, flood hazard area, slopes with a gradient of 25% or greater; designated Meadowland; and surface waters and associated buffer areas.	✓	✓	✓
Location of all Secondary Conservation Resources, to include critical wildlife habitat; slopes between 15% and 25%; scenic features identified in the Warren Town Plan; historic sites and features, including stone walls; and prominent knolls and ridgelines.	✓	✓	✓
Existing and proposed elevations, contour lines*		5' interval	5' interval
Base Flood Elevations (in FHO) – if more than 50 lots or 5 acres		✓	✓
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Surveyed	Surveyed
Proposed building envelopes	✓	✓	✓
Proposed utilities, water and wastewater systems and associated rights-of-way or easements*	✓	✓	✓

**Table 6.2 Subdivision Application Requirements (cont.)**

<b>(B) Plan/Plat Mapping Requirements (continued)</b>	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Road profiles; road, intersection and parking area geometry and construction schematics*		✓	✓
Proposed landscaping and screening*		✓	✓
Proposed conservation buffer and/or easement areas*		✓	✓
Monument locations*			✓
<b>(C) Supporting Information &amp; Documentation</b>	<b>Sketch Plan</b>	<b>Preliminary Plan</b>	<b>Final Plan</b>
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	✓	✓	✓
Statement of compliance with the Warren Town Plan and applicable local regulations	✓	✓	✓
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
<b>(D) As may be required by the Development Review Board</b>			
Erosion prevention and sediment control and stormwater management plans as required under Sections 3.4 and 7.5.		As required under sketch plan approval	As required under sketch plan or preliminary approval
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)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the Town)			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
Other			
* Upon written request may be waived by the Development Review Board.			

### **Section 6.5 Plat Recording Requirements**

(A) In accordance with the Act [§4463(b)], within 180 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file four (4) copies of the final subdivision plat, including one (1) mylar copy and three (3) paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180 day period shall expire. The Zoning Administrator may, however, grant one 90-day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.

- (1) As of January 1, 2008, the applicant shall also file one copy of any final subdivision plat and "as-built" plans prepared by an engineer or land surveyor licenced by the state in an electronic format that is compatible with the Town of Warren's digital parcel mapping system and consistent with the Digital Plat Filing Standards of the town.

(B) Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the authorized members of the Board may require the subdivider to post a performance bond or comparable surety to ensure completion of the improvements in accordance with approved specifications.

(D) The municipality shall meet all recording requirements for final subdivision plan approvals as specified for municipal land use permits under Section 9.8(G).

### **Section 6.6 Certificate of Compliance**

(A) If specifically required by the Development Review Board as a condition of final subdivision plan approval, prior to any development of an approved subdivision plan that requires application for a zoning permit the subdivder shall submit a Certificate of Compliance in accordance with Section 9.4.

### **Section 6.7 Revisions to an Approved Plat**

(A) No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless:

- (1) an administrative amendment is issued by the Administrative Officer, in accordance with the Act [§4464(c)] and Section 9.8(F), or ,
- (2) the proposed revisions are resubmitted to the Development Review Board as a minor subdivision and the Board approves such revisions after public hearing.

(B) All amendments or revisions to an approved subdivision plat, including administrative amendments, shall be recorded in accordance with Section 6.5. In the event that such subdivision plan revisions are recorded without complying with the requirements of Section 6.5, the revisions shall be considered null and void.