

# **SUBDIVISION REGULATIONS FOR THE TOWN OF RIPTON**

Article I:     General

## **SECTION 110:     PURPOSE**

The Subdivision Regulations of the Town of Ripton supplement the Town's Zoning Bylaw and other Town ordinances in providing a process for implementation of the Town Plan (“the Plan”). The fundamental principles of the Plan are to protect and enhance the Town's most important community assets (natural, environmental, social, aesthetic and economic) and to assure the individual's freedom to use and enjoy his or her own property in ways that do not impinge on the rights and well-being of his or her neighbors.

The Subdivision Regulations provide a process for evaluating proposed subdivisions in the context of the Town's physical and economic limitations and long-term goals.

The Plan also recognizes Ripton's considerable natural resources and seeks to protect, preserve and enhance them for the benefit of this and future generations. The Subdivision Regulations implement the Plan by seeking to protect wetlands, wildlife, air and water quality, forest health, agricultural resources, and the Town's general rural character.

## **SECTION 120:     ENACTMENT**

There are hereby established Subdivision Regulations for the Town of Ripton under the authority of Title 24 of the Vermont Statutes Annotated, Chapter 117 (24 V.S.A. 117), entitled “Vermont Municipal and Regional Planning and Development Act,” hereinafter referred to as “the Act.”

## **SECTION 130:     AUTHORITY**

The Town Planning Commission is hereby authorized and empowered to act as provided for in the Act as amended, including, without limitation, Section 4401(b)(2) and Sections 4413 through 4421. Its powers include, but are not limited to, the approval, modification or disapproval of all plats and deeds filed in the Town of Ripton's land records in connection with the subdivision of parcels.

## **SECTION 140:     DEFINITIONS**

**Access Ordinance:** The Town's Access Ordinance, as most recently amended.

**Access road:** Any road, public or private, constructed to provide access to three or more single-family residential uses or lots from an existing road network.

**Act, the:** Title 24 of the Vermont Statutes Annotated, Chapter 117 (24 V.S.A. 117), entitled “Vermont Municipal and Regional Planning and Development Act.”

**Boundary adjustment:** Any revision to a plat record or deed legally filed in the Town's land records which creates no new building lot(s) and which has no impact on roads, rights-of-way or other public facilities; i.e.: a case in which the owners of two abutting properties wish to move a common boundary, without the intent to create an additional lot. A boundary adjustment shall be considered a minor subdivision under the terms of these Regulations.

**Buildable envelope:** That portion of a lot which remains available for the location of structures after all setbacks and other applicable regulatory limitations have been satisfied.

**Cluster development:** A development in which building lots may be reduced in size and buildings may be sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreational use land.

**Deferral of permit:** An arrangement in which the subdivider agrees, by means of the inclusion of a restrictive covenant in the deed for the subdivided lot, that no development requiring the installation of a wastewater disposal system will be undertaken on the lot unless the appropriate permits have been applied for and granted.

**Development:** The division of a lot into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any road or driveway; and any change in the use of any building or other structure or land, or extension of use of the land.

**Driveway:** Any way commonly used for vehicular traffic, serving not more than two single-family residential uses or lots.

**Lot or Parcel:** For the purposes of land development, contiguous land and premises, with or without buildings, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated, and having frontage on a public road or public waters, or other means of access as may be required elsewhere in this Bylaw. This definition includes an existing small lot, per Section 501 of the Zoning Bylaw, which may not meet minimum area, width, or depth requirements. Lands separated by a Class 1, Class 2, Class 3 or Class 4 Town Highway shall not be considered a single "lot" for any purpose.

**Lot area:** Total area within a lot's boundary lines, excluding any part thereof lying within the boundaries of an existing or proposed Class 1, Class 2, Class 3 or Class 4 Town Highway. The areas of lands separated by a Class 1, Class 2, Class 3 or Class 4 Town Highway shall not be aggregated for purposes of calculating lot area.

**Official map:** The map authorized under the provisions of 24 V.S.A. 117, 4401(b)(3), adopted in accordance with the provisions of Sections 4403 and 4404, and modified in accordance with the provisions of Section 4423.

**Planned residential development (PRD):** An area of land that is planned and developed as a single entity for a number of dwelling units, either in a single development operation or in

phased stages, the plan for which does not conform to the zoning regulations established for the district in which it is proposed to be located. The permitted number of dwelling units shall not exceed the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations. Dwelling units may be clustered to take advantage of site locations best suited for development and to preserve open space values. A Planned Residential Development includes principal and accessory structures and uses substantially related to the purposes and objectives listed in the Zoning Bylaw, Article IV of these Regulations and Section 4407(3) of the Act.

**Planned unit development (PUD):** An area of land that is planned and developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, either in a single development operation or in phased stages. The plan for a PUD does not correspond in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space to the requirements established in any one or more of the districts created under the provisions of the Town's Zoning Regulations which have been adopted under the authority of the Act, and subsequently amended. A Planned Unit Development includes principal and accessory structures and uses which are substantially related to the purposes and objectives listed in the Zoning Bylaw, Article IV of these Regulations and Section 4407(12) of the Act.

**Plat record:** A map or representation on paper or another reproducible medium of land subdivided into lots and roads, drawn to scale.

**Resubdivision:** A change of a recorded subdivision plat record or deed if such change affects any road layout on such plat record, or area reserved thereon for public use, or any change of a lot line (other than a boundary adjustment), or any such change that affects any map or plan which has been legally recorded or approved.

**Road:** Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than two single-family residential uses or lots.

**Road, private:** A road which has been constructed for public or commercial travel over land which has not been conveyed to nor accepted by the Town or to the State of Vermont by a deed or a fee on easement interest.

**Road, public:** A road which has been constructed for public travel over land which has been conveyed to and accepted by the Town or by the State of Vermont by a deed or a fee on easement interest.

**Sewage Ordinance:** The Town's Sewage Ordinance, as most recently amended.

**Sketch plan:** A sketch of the proposed subdivision, in a form approved by the Planning Commission, showing the location of the subdivision, the names of the adjoining landowners and a description of the proposed development.

**Sketch plan meeting:** A meeting between the subdivider, or his/her authorized agent, and the Planning Commission, scheduled to review a sketch plan of the proposed subdivision and to determine what data will be required for the formal application.

**Subdivider:** Any person, firm, corporation, partnership, association, unincorporated organization, trust, or any other commercial or legal entity, including a joint venture of affiliated ownership which owns or controls the tract(s) of land to be developed or subdivided, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for him/herself or for others.

**Subdivision:** The division by recorded deed of a parcel of land with or without roads into two or more lots, plots or other legal divisions of land for transfer of ownership, building development or sale. Subdivision includes resubdivision.

**Subdivision, Major:** Any residential subdivision containing three (3) or more lots, or requiring any new road in excess of 800 feet in length, or extension of municipal services; or any commercial, industrial or commercial recreational project, multi-family housing project, planned residential development or planned unit development that meets the definition of a subdivision; or any subdivision involving issues which the Planning Commission considers too critical to be addressed under the minor subdivision procedures.

**Subdivision, Minor:** Any residential property being subdivided into 2 residential lots and otherwise not qualifying as a major subdivision.

**Town highway, Class 3:** All Town roads or highways other than Class 1, Class 2 or Class 4 highways, as designated by the Select Board.

**Town highway, Class 4:** All Town roads or highways, including trails and pent roads, other than Class 1, Class 2 or Class 3 highways, as designated by the Select Board.

## **SECTION 150: JURISDICTION OF REGULATIONS**

Whenever any subdivision of land is proposed to be made, before any grading, clearing, construction or other improvement incident to a subdivision is undertaken, before any permit for the erection of a structure in such a proposed subdivision is granted, and before any plat or subdivision deed may be filed with the Town Clerk, the subdivider, or his/her authorized agent, shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision in accordance with the provisions of these Regulations.

## **SECTION 160: ENFORCEMENT, VIOLATIONS AND PENALTIES**

These Regulations shall be enforced in accordance with the provisions of Sections 4444 and 4445 of the Act, as amended.

## **SECTION 170: SEVERABILITY**

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

# **ARTICLE II: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE**

## **SECTION 210: SKETCH PLAN MEETING**

1. **Application and Sketch Plan:** The applicant shall prepare a sketch plan of the proposed subdivision for submission to the Administrative Officer with his/her application for a subdivision permit, together with a fee set by the Select Board. The sketch plan should provide an overview of the proposal, general layout of the proposed subdivision, unique natural or man-made features and physical layout of the land.
2. **Discussion:** The applicant, or his/her authorized agent, shall attend the sketch plan meeting to discuss the requirements of these Regulations and the information submitted with the sketch plan with the members of the Planning Commission. The Commission may adjourn and reconvene the meeting to a future date if further discussion and/or the presentation of additional information on the sketch plan is deemed necessary.
3. **Classification of Project:** One of the principal purposes of the sketch plan meeting shall be classification of the applicant's project as either a **major** or a **minor subdivision**, and to specify the detailed information that will be required for review of the application at a public hearing, or hearings, on the project to be convened by the Commission. If the project qualifies as a **planned residential development (PRD)** or a **planned unit development (PUD)**, it shall be considered a major subdivision and the Commission may simultaneously review the project under the criteria established in both these Subdivision Regulations and the Town's Zoning Bylaw.
4. **Findings and Decision, Sketch Plan Meeting(s):** The Planning Commission shall inform the applicant in writing of its classification of his/her project, and what information, other than specified in these Regulations, the applicant must submit to the Commission prior to the formal hearing(s) on the application.

## **SECTION 220: MAJOR SUBDIVISION APPLICATION, PUBLIC HEARINGS AND DECISION**

The Planning Commission shall review an application for a proposed major subdivision at publicly warned hearings, as follows.

1. **Preliminary Plan:** Within six (6) months of the classification of the project as a major subdivision at the sketch plan meeting, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a preliminary subdivision plan with the Administrative Officer in a form determined by the Planning Commission at the sketch plan meeting. In addition to all the information the applicant submitted for the sketch plan meeting, the preliminary plan shall include:
  - A. An overview of the proposed use of the land, a statement of the compliance of the proposed subdivision with the provisions of the Town Plan, the Town's Zoning Bylaw including reference to any zoning action that may be requested, and any other Federal, State and Town statutes and Zoning Bylaw that may pertain to the proposed development;
  - B. A complete survey of the proposed boundaries of the subdivided parcel by a licensed surveyor, with the date, true north point and scale specified;

C. A description of the proposed water supply for the project. If the source is a community water supply system, evidence of the right to use the system and the adequacy of the system to meet the project's water supply requirements shall be presented. All design criteria shall conform to the requirements of applicable State Health Regulations and Water Supply Rules;

D. A description of the proposed sewage disposal system for the project. If an on-site sewage disposal system is proposed, a soils test report and system design data prepared by a registered professional engineer or a certified site technician in accordance with the provisions of the State's Environmental Protection Rules and the Town's Sewage Ordinance shall be presented;

E. A preliminary grading plan for the site, showing areas of cut and fill and the revised contours of the parcel, drafted at a contour interval of not more than ten (10) feet;

F. A stormwater drainage plan prepared by a registered professional engineer, drafted at a contour interval of not more than ten (10) feet, indicating methods of collecting and discharging runoff, as well as methods of temporary and permanent erosion control, including preliminary design data and certified to be in compliance with Sections 320.09 and 320.10 of these Regulations;

G. A description of all existing and proposed street right-of-way boundaries, street widths, typical road, walkway and utility profiles, dimensions and sizes of all lots, locations of all existing and proposed structures, walkways, amenities, utilities and other man-made improvements on the site. The description shall also include the locations of temporary markers, to allow the Commission to appraise the basic layout of the proposed subdivision in the field;

H. Proof that the traffic generated by the proposed project meets the criteria in Section 320.13. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation calculations and their impact on capacities, and sight/stopping distances for existing and proposed road intersections with existing and proposed Town roads;

I. Proof that the school-age population of the proposed subdivision can be accommodated in the Town's existing school facilities, or that it conforms to the provisions of the Town's capital improvement plan and budget for the school;

J. A preliminary landscaping plan for the subdivision, showing the types of plants, ground cover, lighting and signage, and the existing features and trees to be retained on the site;

K. A description of any proposed covenants and/or deed restrictions which are intended to apply to all or part of the subdivision, and a description of the homeowners' association or any other form of management organization for the subdivision, if such is proposed and;

L. Such other information as the Planning Commission may require.

2. **Preliminary Plan Hearing:** Notice of the hearing shall be provided as required under Section 240. The applicant, and/or his/her authorized agent, shall attend the preliminary plan hearing to discuss the requirements of these Regulations as they apply to the preliminary subdivision plan submitted to support his/her application. The Planning Commission may

adjourn and reconvene the hearing at a future date, and may request any other information that it believes may be useful in deciding whether the proposed subdivision complies with the requirements of these Regulations. The Commission may also adjourn the hearing pending decisions on any other Town, State or Federal permits that may be required.

3. **Findings and Decision, Preliminary Plan Hearing:** Within forty-five (45) days after the close of the preliminary plan hearing, the Planning Commission shall issue a written statement of its findings and decision to the applicant, granting or denying approval of the preliminary plan. Approval of the preliminary plan shall be deemed granted by default if a decision is not rendered within such forty-five (45) day period. When granting approval of a preliminary plan, the Commission shall state the conditions of such preliminary approval, if any, which may include, but are not limited to, the following:

- A. The specific changes the Commission will require to be included in the final plan;
- B. The character and extent of the required improvements for which waivers may have been requested by the applicant;
- C. The improvements the Commission will require as prerequisites to the approval of the final plan, as well as what, if any, bonding for these improvements will be required;
- D. Modification, phasing, or scaling back of the application to insure compliance with the provisions of the Town Plan, these Regulations, the Town's Zoning Bylaw or other statutes, ordinances and regulations in effect;
- E. Completion of the project in two or more phases, to insure compliance with the provisions of the Town Plan and the Town's capital spending plan.

Approval of the preliminary plan shall not constitute approval of the subdivision permit.

4. **Final Plan and Notice:** Within six (6) months of the approval of the preliminary subdivision plan, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a final subdivision plan with the Administrative Officer in the form determined by the Planning Commission at the preliminary plan hearing. In addition to all of the information that was submitted for the preliminary plan hearing, the final plan shall include:

- A. A written acknowledgment of the applicant's responsibility for maintenance of easement areas.
- B. Written evidence of approval by all local, regional, State and Federal agencies having jurisdiction over the project, including the expiration of all statutory periods. In lieu of meeting this requirement as a precondition to subdivision approval, the Planning Commission may instead issue Town subdivision approval first (where the application conforms to the standards of these Regulations), conditioned on the applicant's later receipt of such State and Federal approvals, where the Commission determines this sequence will reduce delays or otherwise facilitate overall consideration of the project.

- C. Such other information as the Planning Commission may require.
5. **Final Plan Hearing:** The applicant, and/or his/her authorized agent, shall attend the final plan hearing to discuss the requirements of these Regulations as they apply to the final subdivision plan submitted to support his/her application. The Planning Commission may adjourn and reconvene the hearing at a future date, and may request any other information that the Commission believes may be useful in deciding whether the proposed subdivision complies with the requirements of these Regulations. The Commission may also adjourn the hearing pending decisions on any other Town, State or Federal permits that may be required.
6. **Findings and Decision, Final Plan Hearing:** Within forty-five (45) days after the close of the final plan hearing, the Planning Commission shall issue a written statement of its findings and decision to the applicant, granting or denying approval of the final plan and the subdivision permit. Approval of the final plan and the subdivision permit shall be deemed granted by default if a decision is not rendered within such forty-five (45) day period. The Commission may approve the final plan and the permit subject to reasonable conditions and modifications.
7. **Appeal of the Planning Commission's Decision:** Any interested person, as defined in Section 4464(b) of the Act, may appeal a decision of the Planning Commission to the Environmental Court in accordance with the provisions of Section 4475 of the Act.

**SECTION 230: MINOR SUBDIVISION APPLICATION, PUBLIC HEARING AND DECISION**

The Planning Commission shall review an application for a proposed minor subdivision at a publicly warned hearing, as follows:

1. **Final Plan:** Within six (6) months of the classification of the project as a minor subdivision at the sketch plan meeting, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a final subdivision plan with the Administrative Officer in the form determined by the Planning Commission at the sketch plan meeting. Upon receiving the plan, the Administrative Officer shall notify the members of the Commission, and the Commission shall set a date for a final plan hearing to be convened, where reasonably possible, within forty-five (45) days after the date of filing. Notice of the hearing shall also be provided as required under Section 240.
2. **Final Plan Hearing:** Same requirements as Section 220.5.
3. **Findings and Decision, Final Plan Hearing:** Same requirements as Section 220.6.
4. **Appeal of the Planning Commission's Decision:** Same requirements as Section 220.7.

**SECTION 240. NOTICE OF HEARINGS.**

At least fifteen (15) calendar days prior to the preliminary plan hearing provided for in Section 220(2) or the final plan hearing provided for in Section 230(1), the applicant shall notify the owners of all adjoining lots of the pending application and the date, time and location of the hearing, either by certified mail or delivery in hand. For purposes of this provision, an adjoining landowner shall include the owner of any property with road frontage, any portion of which is

directly across a road from any portion of road frontage of the subject property. Such notice shall be acknowledged by certified mail return receipt or by affidavit of the applicant. The applicant shall furnish copies of the notice, certified mail receipts or his/her affidavit to the Administrative Officer before the date of the hearing. The date notice is received, not the date of mailing, shall be controlling for purposes of this Section.

In addition, notice of any public hearings required under these Regulations shall meet the requirements of 24 V.S.A., Sections 4413 and 4447.

## **Article III: Standards for Approval**

### **SECTION 310. REQUIREMENT FOR APPROVAL**

An application for subdivision may be approved by the Planning Commission after notice and hearing in accordance with the provisions of these Regulations only if the proposed subdivision complies with the standards set forth in these Regulations, the Town Plan, the Town's Zoning Bylaw and other statutes, ordinances, and regulations in effect. The Town bears no responsibility for determining whether any project must apply for any non-Town approval, nor for determining whether such project complies with any such requirement.

### **SECTION 320. GENERAL STANDARDS**

The applicant shall show that the proposed subdivision complies with the standards and criteria of 10 V.S.A. #6086(a) and the following general standards:

- 1. Character of the Land:** All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for the intended purpose without danger to public health or safety, or to the environment. Wetlands, land subject to periodic flooding or poor drainage, land with inadequate capability, as determined under these regulations, to accommodate structures, septic systems, roads, utilities, or other forms of development, or land with other hazardous conditions shall not be considered for improvement or development, to the extent improvement or development is inconsistent with the land's capacity.
- 2. Preservation of Existing Features:** Due regard shall be given to the preservation and protection of existing features, including but not limited to trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, and other natural and historic features. To avoid degradation, isolation or destruction of such features, irregular or elongated lots may be restricted or prohibited, and the location of structures or other development may be restricted or limited. Certain provisions for planned residential developments (PRDs) or planned unit developments (PUDs) contained within these Regulations pertain to the clustering of development in a manner which minimizes the impact on existing features. While the provisions for PRDs and PUDs are applicable only in certain circumstances, all subdividers may benefit by referring to these sections for guidance in preserving existing features.

3. **Open Space, Recreation and Privacy:** The proposed development shall provide sufficient open space for recreation and visual and aural privacy.
4. **Lot Layout and Configuration:** The layout and configuration of lots shall conform to the principles of the Town Plan and dimensional and other standards of the Zoning Bylaw and shall be appropriate for the intended purpose. Consideration shall be given to topography, soil conditions, existing features, natural resources and adjacent uses.
5. **Energy Efficiency:** Due attention shall be given to the potential for renewable energy sources in the layout and configuration of lots and in the layout, design, and construction of habitable structures. Such attention should include solar gain from south-facing sites, structure design that incorporates energy efficient materials, potential for wind power, use of Energy Star materials and appliances, and design recommendations from Efficiency Vermont.
6. **Municipal Services and Facilities:** When viewed in the context of existing and unbuilt but approved, and proposed subdivisions and developments in the Town, proposed subdivisions shall not place an unreasonable burden on the ability of the Town to provide municipal, educational or governmental services or facilities.
7. **Pollution:** Proposed subdivisions shall not cause unacceptable air, noise, soil or water pollution.
8. **Outdoor Lighting:** If proposed or required, outdoor lighting fixtures shall be of a shielded, downward directed design which do not cast direct illumination outside of a cone having a maximum angle measured from the vertical of sixty (60) degrees. The maximum mounting height shall be thirty (30) feet, and the maximum allowable initial lumen level shall be 15,000. Street lights shall be located to illuminate intersections, but shall not obstruct vision or otherwise create a vehicular safety hazard.
9. **Phasing and Municipal Services:** The Planning Commission may impose conditions or alter the scope of an application to insure that the phasing of the development is consistent with the Town Plan and Capital Budget and Program, and that the development will take place over a sufficient period of time so that it will not place an unreasonable burden on the ability of the Town to provide municipal or governmental services.
10. **Storm Water Runoff, Drainage and Erosion Control:** Subdivision applications shall include a storm water drainage plan prepared by a professional engineer. The design of all storm water and drainage facilities and site work shall be designed to accommodate fifty year storm frequency criteria. The plan may include, but not be limited to, the following:
  - A. **Erosion and Sediment Control:** During and after construction all areas 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 if the Planning Commission finds that such water will be detrimental to the subdivision, adjoining property, upstream or downstream drainage areas, or wetland. Any drainage facilities shall be located in the street right-of-way where feasible, or in unobstructed easements of adequate width but not less than 20 feet in width. In design of the drainage system, natural waterways and drainage ways shall be utilized to the extent possible.

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 applicant 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 adequate level of storm water treatment to insure that receiving waterways are not adversely affected.

11. **Utilities:** The application shall include provisions for utilities, as follows:

A. Depth of Utility Mains: Water and sewer lines shall be laid below the depth of frost penetration of the area.

B. On-Site Water Systems: The proposed subdivision shall provide for the location and availability of potable water in adequate quantities, and shall comply with standards for water supplies as set forth in the rules adopted by Vermont's Agency of Natural Resources and Department of Health.

C. On-Site and Community Sewage Treatment Systems: Individual septic systems shall meet the requirements of all municipal health regulations, State subdivision regulations, and the Town's Sewage Ordinance. A subdivision shall not be approved unless a Town Sewage Disposal System Construction Permit, a State Wastewater Disposal Permit or a Deferral of Permit has been obtained for each lot created.

D. Electric, Telephone and Cable Television Services: The applicant shall coordinate the subdivision's design with utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the area around the subdivision. Common rights-of-way shall be utilized whenever possible and, when required by the Commission, utility distribution systems shall be placed underground.

E. Fire Protection Facilities: Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission after consultation with the Ripton Fire Department. Where required by the Commission, fire ponds and dry hydrants shall be installed by the developer.

F. Easements: The Commission may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the street right-of-way is impractical, a

perpetual, unobstructed easement at least twenty (20) feet in width shall be provided with satisfactory access to the street. Common rights-of-way and/or easements shall be utilized whenever possible.

12. **Landscaping Plan:** A landscaping plan shall be provided. The plan shall integrate the various elements of the site design including components such as the plants, trees and other materials which will be retained, as well as those which will be added to the site.

13. **Preservation of Significant Natural Resources:** All buildings, buildable envelopes, roadways, sewage disposal sites, and sewer and water lines will be located so as to retain the following significant natural resources, as designated in the Town Plan and/or protected under State law:

- A. Productive farmland, and high and good agricultural soils,
- B. Productive forest lands,
- C. Scenic vistas,
- D. Locally significant wildlife habitat,
- E. Natural areas,
- F. Aquifer protection areas, and
- G. Wetlands.

14. **Roads and Driveways: Traffic, Construction and Access Standards:** The proposed subdivision shall meet the following standards with respect to roads, driveways and access:

A. All new transportation improvements associated with a proposed subdivision shall comply with the requirements of the Town of Ripton Policy For Transportation Construction and Improvements, as amended.

B. All driveways, roads and intersections affected by, or modified or constructed as a result of a subdivision approval shall be adequate to handle existing and proposed traffic. Where applicable, all such roads and intersections shall be constructed or brought up to Town road standards regardless of whether they are to be turned over to the Town. Points of access to State or Town highways or roads shall be minimized. Provisions for access for emergency vehicles, and handicapped transport shall be included.

C. The proposed subdivision shall not cause unreasonable highway congestion or unsafe conditions with respect to the current or projected use of highways, streets and roads in the Town. The proposed subdivision shall make adequate provisions for pedestrian and bicycle traffic in terms of safety, convenience and access to appropriate destinations.

D. In addition to meeting any and all other applicable standards, a subdivision shall not be approved if either (1) the traffic caused by the subdivision or (2) any driveway, road and/or intersection modifications or construction found by the Commission to be necessitated by the subdivision, would have an undue adverse impact on the rural nature of the Town, any area of Town, or the Town Plan.

## **SECTION 330. PLANNING COMMISSION ACTION**

1. **Commission Action:** If the Planning Commission determines the proposed subdivision does not meet the standards of subsection 320.13 or any other applicable standard, it may either (1) deny the application, (2) order the application be scaled back, (3) order the application be phased, or (4) approve the application with the condition that the applicant make specified road, intersection and/or related improvements or construct new roads and/or intersections, either on or off the lands involved in the application.
2. **Deviation from Regulations:** Any deviation from these Regulations shall be noted on, or appended to, the permit and the plat record. The notation on the deviation shall address specifically the standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces.
3. **Financial Impacts:** The Planning Commission may obtain independent professional analysis and review of any aspect of a proposed subdivision with the costs of obtaining this independent review being borne by the applicant in advance.
4. **Costs:** In the event the applicant proposes any improvements to private or Town facilities, or if improvements to private or Town facilities are made a condition of any approval, the applicant shall bear all the costs of this construction.
5. **Performance Bonds:** In those cases in which a performance bond is required, the applicant shall post with the Town Clerk either a certified check or a performance bond in an amount and under a term of up to two (2) years set by the Planning Commission. The form, sufficiency, manner of execution and surety of any such performance bond shall be acceptable to the Select Board and the Town's attorney. The term of such bond may be extended for an additional period not to exceed two (2) years, with the approval of the Selectboard.
6. **Filing of Approved Subdivision Plat or Deed:** An approved subdivision shall be completed by filing a plat record of the subdivided parcel (or parcels) in the Town's land records within ninety (90) calendar days of the date of the Planning Commission's approval decision under Sections 220.6 or 230.3 of these Regulations, or the approval of the permit shall expire. A subdivision plat record or deed shall be invalid unless it is signed by two authorized members of the Planning Commission, certifying that the plat record complies with the decision of the Commission rendered under the provisions of Sections 220.6 or 230.3 and that all other requirements of the decision have been satisfied. The final plat record shall consist of a drawing or drawings which conform to the requirements for a recordable plat, as specified in 27 V.S.A. Chapter 17.
7. **Changes and Modifications:** No changes, erasures, modifications or revisions shall be made in any subdivision plat record or deed after approval has been given by the Commission and endorsed in writing as specified in Section 330.6, above, unless the plat record or deed is first resubmitted to the Commission and the Commission approves the modifications. Such changes shall be considered **resubdivisions** but shall exclude **boundary adjustments**, and shall be reviewed in the same manner as subdivisions as set forth in Article II.

**ARTICLE IV: PLANNED RESIDENTIAL DEVELOPMENTS (PRDS)  
AND PLANNED UNIT DEVELOPMENTS (PUDS)**

### **Section 410. Purpose**

The purpose of these provisions is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land.

### **SECTION 420. AUTHORITY**

In accordance with the provisions of Sections 4407(3) and 4407(12) of the Act, the Planning Commission may modify the area and dimensional requirements of the Zoning Bylaw and these Regulations simultaneously with approval of a subdivision plat to allow for a Planned Residential Development (referred to herein as a PRD) or a Planned Unit Development (referred to herein as a PUD).

### **SECTION 430. APPLICATION AND REVIEW PROCEDURES**

Applications for PRDs and PUDs shall be submitted and reviewed in accordance with the procedures established for major subdivisions and the applicable provisions of the Zoning Bylaw, including Section 529.

### **SECTION 440. GENERAL AND SPECIFIC PUD/PRD REVIEW CRITERIA**

In addition to meeting the general and specific standards pertaining to all major subdivisions, all PRDs and PUDs shall also meet the general and specific standards for PRDs and PUDs provided for in the Zoning Bylaw, including Section 529.

## **ARTICLE V: WAIVERS AND VARIANCES**

Waivers and variances to the provisions of these Subdivision Regulations shall be considered under the following conditions and limits:

1. **Waivers:** The Planning Commission may waive or vary the provision of any or all improvements and requirements of these Regulations if in its judgement the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare.
2. **Variances:** Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with the standards set forth in these Regulations, it may vary such standards.
3. **Conditions:** In granting waivers and variances, the Planning Commission shall require such conditions as it determines necessary to secure the objectives of the requirements so waived or varied.
4. **Statutory Limitations:** In no case shall waivers approved under the provisions of this section constitute a waiver of the provisions of any other Town Regulation or Ordinance. No such waiver or variance may be granted if it would have the effect of contradicting the intent or purpose of the comprehensive Town Plan, any other Town Regulation or Ordinance, or these Subdivision Regulations.

5. **Application:** All requests for waivers and variances shall be made by the applicant in writing, and shall provide such information as may be necessary for the Planning Commission to reach a decision regarding such waivers and variances.