

1. Call to order
The meeting came to order at 6:01 p.m., in person at Cole Hall and remotely via Zoom. Present were commissioners Chris Williams (chair), Mike Foley, and Martha Cornwell (via Zoom). Also present was zoning administrator Shelly Stiles.
2. Outstanding minutes
Mr. Foley moved to approve the November 29 minutes. Mr. Williams seconded the motion, which passed 3-0-0.
3. Welcome new member
Ms. Burns was not present.
4. Discussion, rewrite subdivision regulations section 6.
A wide-ranging discussion was led by Ms. Cornwell. Several changes were agreed upon. They are shown in Word's Track Changes format below.
5. Other business
Mr. Foley suggested permitting "natural" burials, i.e. those in which no chemicals or manufactured products are used, in certain zones. Mr. Williams and Ms. Stiles said they thought it was already allowed by the state and therefore legal, if not mentioned in the bylaw.

It was agreed that going forward the PC will meet once monthly. The next meeting will be held January 24.

The meeting adjourned by acclamation at 7:10 p.m.

6.0 APPLICATION & APPROVAL PROCEDURE

6.1 APPLICABILITY

before any grading, clearing, logging, permit for erection of a structure in such proposed subdivision is granted, The applicant shall apply in writing to the DRB to secure approval of the proposed subdivision, for which see definition p. 25. .



6.2 SKETCH PLAN SUBMISSION

Prior to submitting an application for subdivision, the applicant shall submit to the Zoning Administrator a sketch plan of the proposed subdivision which shall include: existing and proposed property lines; type, location, and size of existing and proposed streets, utilities, and existing structures; name and address of owner of record and applicant; and name of owners of record of adjacent properties. The sketch plan shall be presented at a scale which adequately depicts natural features, proposed improvements and general site conditions.

The applicant or his authorized representative shall attend a meeting of the DRB to discuss the requirements of these regulations.

The DRB shall study the sketch plan to

- determine its conformance to or conflict with the town plan and zoning bylaws; evaluate its compatibility with existing or proposed private or public developments;
- assess potential impacts to public facilities and services;
- consider any special problems that may be encountered.

The DRB shall determine whether the sketch plan meets the purposes of these regulations and may make specific recommendations for changes.

6.3 GENERAL APPLICATION PROCEDURES

The Zoning Administrator shall provide to any applicant the necessary forms for any municipal permit, and will coordinate the municipal effort in administering its development review programs. The Zoning Administrator shall also inform applicants that they should contact the Agency of Natural Resources Permit Specialist for possible requisite state permits.

The applicant shall file an application on forms provided by the Zoning Administrator and prepared/approved by the DRB.

Upon submission of the application,

- the applicant shall pay a fee in accordance with the schedule established by the DRB and approved by the Board of Selectpersons for the administration of subdivision review
- the applicant shall notify all adjacent landowners to the proposed subdivision, in writing, of the intent of application, including the date, time, and location of the first public hearing to be held by the DRB; such notification to be mailed or delivered not less than ten days prior to the first public hearing.

6.4 PRELIMINARY PLAT SUBMISSION REQUIREMENTS

Four copies of the preliminary plat shall be submitted at least ten days prior to the warned public hearing, conforming to the layout shown on the sketch plan plus any recommendations made by the DRB, and shall contain, or be accompanied by, the following information:

1. Proposed subdivision name or identifying title;
2. Name and address of owner of record, with deed identification, subdivider, and designer of the plat, said designer to be qualified to perform such design under applicable regulations of the State of Vermont.
3. Location and dimensions of all boundaries and area of entire parcel and/or contiguous parcels in single ownership, whether or not all land therein is to be subdivided, along with location and dimensions of proposed lot lines and areas of proposed lots;
4. Location of existing and proposed easements, structures, watercourses and wetlands, wooded

areas, and other essential existing physical features;

5. Names of adjacent landowners of record and evidence of notification, such as a certificate of mailing;
6. Location and details of existing or proposed water mains, sewer lines, drainage ways, drainage structures;
7. Applicable zoning designation and district boundaries;
8. Existing street(s) names, rights-of-way boundaries and present widths, private ways, curb cuts and intersections;
9. Proposed street(s) limits, profiles, cross sections and construction specifications/details;
10. Contours in sufficient detail to clearly indicate existing and proposed grades where proposed change in elevation will be five feet or more, and/or in order for the DRB to properly evaluate specific aspects of the project, such as storm water drainage, landscaping, etc.;
11. Proposed connection with existing municipal water supply or proposed location of on-site water supplies;
12. Proposed locations of any wastewater disposal systems, including location and results of test pits and percolation tests;
13. Drainage plan, indicating provisions for collection and discharge of storm drainage;
14. Soil classification, if required by the DRB, taken from U.S.S.C.S. delineation/designation;
15. Landscaping plan, satisfying the requirements of Section 2.7 of these regulations at a minimum, and indicating proposed erosion control procedures;
16. Vicinity map at a scale not greater than 1" = 1500' , locating the outline of the entire parcel in relation to surrounding area, and including the nearest street intersection, if possible;
17. Numerical and graphic scale with plan not to exceed a scale of 1" = 100' , unless a smaller scale is approved by the DRB, original and revision dates, magnetic and true north arrows;

In the case where a subdivision creates only one new lot and said lot comprises not more than 10% of the gross land area of the original parcel, the requirements of Section 5.5 shall apply only to the new lot and a sketch plan of the subdivision with original parcel boundaries shall be required.

6.5 REVIEW AND APPROVAL OF PRELIMINARY PLAT

The DRB shall consider the preliminary plat at a public hearing following a fifteen day public notice period, advertised and warned.

The DRB shall review the impact of each major subdivision and determine that such subdivision:

1. Will not result in undue water or air pollution. In making this determination, consideration shall be given to elevation of land in relation to flood plains, nature of soils and their ability to adequately support waste disposal, slope of the land and its effect on effluents, potential effects of construction and continued activity on air quality, applicable state and local health and resource regulations.
2. Does have sufficient water available for reasonably foreseeable needs of the development, and will not burden existing water supplies.
3. Will not cause unreasonable soil erosion or undue reduction in the capacity of the land to hold water.
4. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of highways existing or proposed.
5. Will not have undue adverse impact on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas.
6. Maintains efficiency of allocation and distribution of street, facility, and utility installation, construction, and maintenance.
7. Will not cause unreasonable burden on the ability of the municipality to provide services, including education, fire, rescue and police protection, solid waste disposal, water supply and wastewater disposal, and road maintenance.

In light of findings made on these standards, the DRB may require reasonable modifications, impose conditions, and/or mandate appropriate phasing of the proposed subdivision.

Within forty-five days after the meeting on the preliminary plat, the DRB shall take action to approve, with or without modifications, or disapprove said preliminary plat. The DRB shall state in its records any modifications which it will require, or the grounds for disapproval. The records and preliminary plat shall also reflect the amount, surety, and conditions of any bonds which will be required before final approval.

Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the DRB may require additional modifications as a result of further review of the subdivision or as a result of new information obtained at any public hearing held pursuant to these regulations.

6.6 FINAL PLAT SUBMISSION REQUIREMENTS

Within six months of the preliminary approval for a major subdivision, or sketch plan approval for a minor subdivision, the applicant shall submit four copies of the final plat at least ten days prior to the public hearing, conforming to the layout shown on the preliminary plat and/or sketch plan plus any recommendations made by the DRB, and shall contain, or be accompanied by, the following

information:

1. All requirements for a preliminary plat as delineated in section 5.5;
2. Evidence of acceptance of location, design, and specifications of proposed driveways, private streets and drainage plans by the Town Road Foreman, together with existing and proposed road profiles and cross sections, construction plans, and specifications; also, acceptance by Board of Selectmen of streets intended for dedication to the Town;
3. Evidence of approval by the Zoning Administrator of the design of those improvements required pursuant to section 4 (Water Supply and Wastewater Disposal), of these regulations and if applicable, copies of Vermont Agency of Natural Resources permits regarding same;
4. Copies of such covenants or deed restrictions as are intended to cover all or part of the parcel, and methods of dedication of proposed easements, rights-of way, and open spaces, which may be required by these regulations. A written acknowledgment of the subdivider's responsibility for maintenance, and the assumption by him/her of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has legally been accepted by the town;
5. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a statement from the Vermont Agency of Transportation approving such;
6. If a subdivision is to be served by a public water supply or by public sewers, a statement from the municipal department or company involved, attesting to availability of such service and approval of design and connection;
7. The plat shall contain the following statement: "The subdivision regulations of the Town of Shaftsbury are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said regulations, excepting only any variances or modifications made in writing by the DRB, and attached hereto.";
8. The identifying number and date of approval of all applicable state and local permits, including the town subdivision permit number;
9. Space shall be reserved on the plat for endorsement by all appropriate parties;

6.7 REVIEW AND APPROVAL OF FINAL PLAT

A public hearing on the final plat shall be held by the DRB within thirty days after the time of its submission to the Zoning Administrator. Said hearing shall be advertised and warned in accordance with the 24 V.S.A. S4447. In addition, notice of such hearing shall be forwarded to the Bennington County Regional Commission, and to the clerk of an adjacent municipality, in the case of a project located within five hundred feet of a municipal boundary, at least fifteen days prior to the hearing.

Within forty-five days following the public hearing, the DRB shall take action to approve, with or without modifications and/or conditions, or disapprove, the final plat. The DRB shall state in its records any modifications and/or conditions which it will require, or the grounds for disapproval.

6.8 PERFORMANCE GUARANTEE REQUIREMENTS

To ensure that all required improvements are undertaken and completed in conformance with the final plat, the DRB may require that no building permit be issued for any structure on any lot within the subdivision until a licensed professional engineer certifies that all such improvements have been completed. For a subdivision that is to be developed in phases, all required improvements for a phase must be certified complete prior to the issuance of a building permit for any structure on any lot within that phase of the subdivision. Alternatively, the DRB may require that the subdivider follow the procedures set forth in subparagraph (1) and (2) below.

1. In an amount set by the DRB, the subdivider shall file with the Board of Selectmen a certified check, irrevocable letter of credit, performance bond, or other performance guarantee approved by the Board of Selectmen, to cover the full cost of required improvements. Any such performance guarantee shall be satisfactory to the Board of Selectmen and municipal attorney as to form, sufficiency, manner of execution, and surety. The DRB shall fix the term of any bond up to three years. The term of such bond may, with the consent of the owner, be extended for a period of time which may extend to the date of completion of the improvements covered by the bond. For projects to be completed in phases, the provisions of this section may be applied separately to each phase of the project. As improvements are completed, the developer shall be released from all liability except for the portion of the improvements not yet completed. The DRB shall require the subdivider to submit construction cost estimates to establish an appropriate figure for said performance guarantee.
2. In addition to surety guaranteeing completion of improvements, surety covering maintenance of roads and improvements for a period of two years from completion shall be furnished in an amount not to exceed ten (10) percent of the cost of the improvement.

6.9 FILING OF APPROVED PLAT

Four copies of the approved final plat shall be submitted and distributed as follows: one each to the DRB files, Building Inspector, Road Foreman, Board of Listers. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the DRB and endorsed in writing on the plat, unless the plat is first resubmitted to the DRB and the DRB approves any modifications.

The express approval or assent by omission of the subdivision plat shall expire in 180 days unless within that period the plat shall have been duly filed and recorded in the office of the Town Clerk in accordance with 27 V.S.A. S 1403.