

~~Adopted~~ added + adopted

March 2, 1993

at Town Meeting

**TOWN OF CALAIS
LAND USE AND ZONING REGULATIONS
(Including Rules for Subdivision of Land)**

Article V Subdivision of Land

Section 1. Purpose

The Subdivision Section of the Town of Calais Land Use and Zoning Regulations was adopted for the purposes of: ensuring that development conforms to the policies set forth in the Calais Town Plan; protecting and providing for the health, safety, and general welfare of the Town of Calais, its property owners and its inhabitants; and guiding the future growth and orderly development of the Town. This ordinance is not intended to reduce the existing jurisdiction of Title 10 Chapter 151 with respect to commercial or industrial developments in the Town of Calais.

Section 2. Subdivision of Land

A. Procedure

All major subdivisions shall be reviewed by the Planning Commission at a properly warned public hearing. The Planning Commission will review the plat and will do a site plan review for any development proposed, even if the development follows the subdivision by a number of years.

Permits for minor subdivisions may be approved and issued by the Zoning Officer upon receipt of the complete application and sketch map to scale. When subdivision of a lot turns a minor subdivision into a major subdivision, the previously divided lots will be considered as part of the major subdivision review. If there is any subdivision (any land development which will result in subdivision of land totalling five or more units or lots within a period of eight years), you should consider the standards and other sections of this ordinance.

B. Waiver Authority

As authorized by Section 4413(b) of the Act, the Planning Commission may waive or vary certain requirements of the Calais Zoning Ordinance concerning roads, drainage facilities, public utilities, and other necessary public improvements that will not impact public health, safety, and general welfare. If any such provisions are waived or varied, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. Any waiver or variance must be supported by written findings setting forth the factual basis thereof, and the conditions to be imposed. Waivers of the zoning regulations with respect to lot sizes, building sizes, road frontage and setback requirements shall be permitted as part of the subdivision review under the procedures for Planned Residential Development, as authorized by Sections 4407(3) of the Act, and Article II Section B of the Calais Zoning Ordinance.

Section 3. General Standards

In reviewing major subdivisions, the Planning Commission shall consider the following:

A. Consistency of planned land use with the objectives of the zoning district in which the subdivision is located, and the character of the area affected; provided that affecting character of the area shall not, in itself, be grounds for denial of a subdivision permit, but rather, it may be used to condition approval of such request.

B. The character of the land, lot layout, and the preservation of significant existing features.

C. The impact on existing wildlife habitat.

D. Adequacy of proposed water supply, sewage, and septic systems, and impacts on existing water supplies and septic systems.

E. Conservation of energy and utilization of renewable natural resources.

F. Adequacy of planned roads and impact on existing roads.

G. Adequacy of erosion-control measures.

H. Impact on municipal facilities and services.

I. Other criteria as contained in the Planning Standards of (Section 5.).

In conducting the review, the Planning Commission shall follow procedures and apply the standards set forth in Sections 4 and 5.

Section 4. Major Subdivision Application Procedure

A. General

Whenever any major subdivision of land is proposed, before any construction, land clearing, or building development is begun, before any contract of sale of all or any part of the land or structures involved, before any permit for the erection of any building in the proposed subdivision plat may be filed with the Town Clerk, the subdivider or his/her authorized agent shall apply for and secure approval of the proposed subdivision.

B. Conformance with Town Bylaws, Ordinances, and Plan

A subdivision review is a three-step process — (1) Preliminary Proposal Review, (2) Preliminary Subdivision Plan and Public Hearing, and (3) Final Subdivision Plan and Public Hearing by the Planning Commission.

The commission shall review the subdivision plan taking into consideration the requirements of the Town Plan, Zoning Bylaws, Health Ordinance, and Capital Budget and Program.

C. Preliminary Proposal Review

1. The purpose of the Preliminary Proposal review is to acquaint the Planning Commission with the general subdivision ideas without requiring the presentation of extensive surveying, engineering, or design data. Preliminary Proposal review is intended to be an informal exchange of ideas between the applicant and the Planning Commission.

- a. A written description of the proposed development plans, including the number and size of the lots and general schedule of construction.
- b. A list of names and addresses of adjacent landowners. This includes properties across any roads. Applicant is required to send a notice of intent to subdivide land to all adjacent property owners and file with the Clerk evidence that such notice has been made within 5 days of filing the application. Names and addresses of adjacent landowners are available at the Town Clerk's office.
- c. A location map of proposed subdivision. A town map is attached to the application package on which to mark the general location of the proposed subdivision.
- d. A sketch plan of proposed subdivision. The sketch plan submitted can be illustrated on the appropriate town parcel map (enlarged to no greater than 1" = 100') or on a proposed plat map and show the project boundaries, north point, adjacent land uses (e.g., residential, agricultural or open, commercial, etc.), layout of streets, lots, and other important features such as streams, springs, etc. or on a map prepared by a licensed surveyor.
- e. Depiction of zoning and setback requirements on the Plan.

2. Approval of Preliminary Plan

Within forty-five days after formal submission of all required information, the Commission may hold one or more public hearings. The hearings will be publicly warned at least fifteen days in advance of the hearing date. Within forty-five days of the date of adjournment of the hearing, or of submission of the Preliminary Plan if there is no hearing, the

2. Application for Planning Commission review of the Preliminary Subdivision Proposal shall be made on a form provided by the Zoning Administrator, and shall be filed, together with any fees therefore set by the Selectboard pursuant to Article II, Section 4, at the office of the Town Clerk.
3. Prior to a formal public hearing, the applicant meets with the Planning Commission to review the Preliminary Proposal. The Preliminary Proposal, to include a draft sketch plan, should include the entire planned subdivision, even if approval is to be requested for only an initial phase of the development. The plans shall be submitted to the Administrator. During Preliminary Proposal review, the Commission may make suggestions about layout. The Commission may amend the plat to preserve open space areas and significant natural resources. The Commission may also require additional information such as contours and building elevations to be submitted with the Preliminary Plan application. Applicants are encouraged to explore different schemes by presenting several alternative proposals that represent thoughtful site planning and are in keeping with the goals of the Calais Town Plan.

D. Preliminary Subdivision Plan Approval

1. Preliminary Plan Application

Within six months of the initial meeting of Planning Commission, the subdivider shall submit an application for approval of a Preliminary Plan to the Planning Commission. The application shall conform to the layout shown on the draft sketch plan plus any recommendations made by the Commission. Failure to do so will require resubmission of the draft sketch plan to the Commission for Preliminary Proposal review. Submission requirements for Preliminary Plan approval include the following items.

Commission shall approve, with or without modifications, or disapprove the Preliminary Plan. The conditions of the approval or grounds for disapproval shall be set forth in a written notice of decision. One of the conditions for approval may include phasing of the project. Preliminary approval authorizes the preparation of the plat for the Final Plan hearing. Approval of a Preliminary Plan shall not constitute approval of the subdivision plat and is merely authorization to proceed to the next step in the subdivision review process. Failure to act within a forty-five day period after adjournment of the hearing, or after formal submission of the Preliminary Plan if there is no hearing shall be deemed approval of the Preliminary Plan.

3. Validity of Preliminary Plan Approval

- a. Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved Plan to all local agencies having jurisdiction over the project (Selectboard, Board of Adjustment, and Health) and such regional, State, and Federal agencies as may be required by law.
- b. Approval of the Preliminary Plan shall not constitute approval of the subdivision plan.
- c. The Approval of a Preliminary Plan shall be effective for a period of six months from the date of the written notice of approval.

E. Final Subdivision Public Hearing

1. Within six months of Preliminary Plan approval, the subdivider shall submit an application for approval of the Final Subdivision Plat. If the subdivider fails to do so, the subdivider shall be required to resubmit a new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations.

2. Subdivision Final Plan Requirements

The final application must conform to the requirements set forth below:

- a. All materials requested at the initial meeting by the Planning Commission.
- b. A sketch plan or proposed plat of proposed subdivision. (Only if it is different from the Preliminary Plan.) The sketch plan submitted shall be illustrated on the appropriate town parcel map (enlarged to a scale no greater than 1" = 100') or on a proposed plat and show the project boundaries, adjacent land uses, layout of streets, lots, and other important features such as streams, springs, etc. Map should also include north direction arrow. (Town parcel maps are available for copying at the Town Clerk's office.)
- c. A description of proposed source of water (drilled well, spring, pond, etc.) for each lot and location. If the water source is to be shared with other lots, submit evidence of the right to use that water source and that there is an adequate water supply for the new lots.
- d. A description of the proposed sewage disposal system (septic, mound, etc.) and location. If the disposal system is to be shared with other lots, submit evidence of the right to use the system and that there is an adequate system to handle the new waste flow.
- e. A map (drawn to scale no greater than 1" = 100') showing all existing and proposed rights-of-way, widths of roads, road profiles, access points to town or state highways, dimensions and area of all lots, location of utility lines and other important proposed improvements. The building footprint should be indicated for each lot.

- f. A description of homeowners association agreement or other forms of management organization, if proposed.
- g. If applicable, the subdivider will provide written acknowledgement of the subdivider's responsibility for maintenance of easement areas.

3. Final Plan Hearing

Within forty-five days of the submission of Final Plan materials, a public hearing shall be held by the Commission. The hearing will be publicly warned at least fifteen days in advance of the hearing date in accordance with 24 V.S.A. Chapter 177, Section 4414. The Commission shall mail a copy of the notice of hearing to the Central Vermont Regional Planning Commission, to the clerk of any adjacent town in the case of a lot located within 500 feet of a municipal boundary, as well as to any adjoining property owner, at least fifteen days prior to the public hearing.

F. Final Plan Approval

Within forty-five days from the hearing, the Commission shall approve, with or without conditions, adjournment of the Final Plan modify, or disapprove the Final Plan, in writing, in accordance with the general and specific standards set forth in Article V, Sections 1, 3, 4, and 5 of the Town of Calais Land Use and Zoning Regulations and 24 V.S.A. Chapter 117, Section 4415. Failure to act within forty-five days shall be deemed approval.

G. Plat Recording

All subdivisions must be recorded in the office of the Town Clerk within ninety days of the date of Final Plan approval or the approval expires. Prior to recording, the plat must be signed by two authorized members of the Commission. For any subdivision which requires the construction of roads or other public improvements by the applicant, the Commission may require the posting of a Performance Bond. The authorized members of the Commission may not sign the approved plat until the subdivider has posted the Performance Bond.

Section 5 Planning Standards

The following section contains the standards the Planning Commission is required to consider as it reviews the proposed subdivision. The checklist is designed to help the applicant review the standards prior to submitting an application.

A. Land

1. **Characteristics of the Land:** All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for the intended purposes without danger to the public health or safety or to the environment. Land designated as flood hazard areas or characterized by poor drainage, steep slopes, inadequate capability to support structures (including roads and utilities) or subject to other hazardous conditions shall not ordinarily be subdivided for development purposes. See Article IV, Sections 1, 2, 3, and 4 of this Ordinance. Paragraph A of each section describes the purpose of the four Zoning Districts of Calais.
2. **Lot Layout:** The layout of lots and the pattern of development and open space shall conform to the requirements of the Town of Calais Land Use and Zoning Regulations, including those set out in Article II, Section 7, B. and C., and shall be appropriate for the intended construction.

Corner lots should have extra size to permit frontage and setback on each road. Consideration in lot layout shall be given to topographic and soil conditions; the subdivision shall be designed in conformance with the purpose of each district as identified in the Town Plan.
3. **Preservation of Significant Existing Features:** The applicant shall demonstrate that the subdivision has been planned to minimize undue negative impact on significant existing features such as, but not limited to: trees, scenic points and roads,

brooks, streams, rock outcroppings, water bodies, forest resources, other natural resources, wildlife habitat, historic resources, and prime agricultural land.

4. **Energy Conservation:** Energy-efficient site planning and layout shall be encouraged to take advantage of southern orientation of structures in the review of the proposed subdivision. Landscaping should be effectively used for providing wind barriers and reducing heat loss. The use of renewable resources for heating or other systems will be encouraged.

B. Roads

1. **Layout:** All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles. Roads should be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right-of-way across the subdivider's property may be required.
2. **Capacity of Existing Roads:** Projects that are judged to generate traffic that exceeds the existing capacity of adjacent roadways or intersections shall be phased in a manner that allows the upgrading of the existing highway system. In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing road, or where the Town Plan or Capital Program indicates such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.
3. **Location and Design of Intersections:** Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing roads should be at a grade as determined by the existing topography with due consideration

for safety. Intersections should be located as to provide a minimum sight stopping distance in accordance with the standards of the American Association of State Transportation Officials.

4. **Design Standards for Rural Roads:** All roads should comply with A-76, State of Vermont Design Standards as adopted by the Selectboard.
5. **Cul-de-sac:** All dead end roads in excess of 800 feet in length shall terminate in a turn-around having a minimum inside radius of 50 feet and travel lane width of 20 feet unless emergency vehicles access requires greater dimensions.
6. **Road Maintenance:** The maintenance of all roads not designated as Class 3 Town Highways or higher shall be the responsibility of the subdivider. The subdivider shall supply evidence and assurance that the roads will be adequately maintained either by the subdivider or by an owner's association.
7. **Parking:** Parking requirements shall be as established in the Town of Calais Land Use and Zoning Regulations, Article III, Section 6. However, the Planning Commission may require additional parking if, in its judgment, more parking is needed to accommodate the proposed development.
8. **Pedestrian and Public Access:** The Commission may require designated rights-of-way to facilitate pedestrian circulation within the subdivision.
9. Nothing in this Article shall constitute any implied or expressed acceptance of any roads, public ways, curbs, or other highway amenities by the Town, nor shall anything in this Article limit the authority of the Selectboard and/or the Road Commissioner with respect to Town highways and curb cuts. The Commission may require the filing of a written agreement between the subdivider and the Selectboard.

C. Utilities

1. **Water Supply:** Water supply systems, both individual and community, shall be designed and built to meet all applicable State and local requirements. The Commission may require evidence that adequate water supply is available prior to granting final approval.
2. **Sewage Disposal:** Subsurface disposal of sewage shall meet all State and local requirements. Where connection to pre-existing community sewage disposal system is proposed, the subdivider shall provide evidence as to the adequacy and availability of such a system.
3. **Power and Telephone:** The Commission may require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character of an area.
4. **Fire Protection:** The Commission may require the provision of facilities necessary for adequate fire protection. These facilities shall be designed in consultation with the appropriate local fire department.
5. **Lighting:** The Commission may require adequate lighting to protect the safety of pedestrians and motorists, but no lighting should produce glare or visual disturbance.

D. Site Preservation and Improvements

1. **Drainage and Erosion Control:** Temporary and permanent drainage and erosion control techniques may be necessary to control surface runoff.
 - a. The Commission may require the phasing of construction to reduce the amount of land disturbed by construction at any one time, and may stipulate deadlines for the installation of erosion control or soil stabilization measures.

- b. The Commission may request determination of the effect of the subdivision on the existing downstream drainage capacity outside of the area of the subdivision. Where the Commission anticipates that the increased runoff will overload the capacity of the downstream system, it may request the subdivider to delay construction until permanent drainage capacities are adequate, and may request the subdivider to assist in the capacity improvements deemed necessary.

2. **Signs:** The Commission may place more restrictive conditions regarding the size, height, location, and number of signs than those specified in the Town of Calais Land Use and Zoning Regulations, Article III, Section 7, or by State regulations in order to maintain the visual character of the area and to insure the safety and efficiency of pedestrian and vehicular circulation.
3. **Provision of Buffer Areas:** The Commission may require greater setback from property boundaries than specified in the Town of Calais Land Use and Zoning Regulations in order to create buffer zones between adjoining uses and public thoroughfares. The Commission may request that the subdivider coordinate buffer zones on his/her parcel with buffer areas on adjoining parcels.
4. **Trees:** The Commission may require that suitable trees be planted. The Commission may determine the minimum acceptable size and types of trees.
5. **Excavation and Grading:** The entire area of work shall be brought to the finished grade as shown in the approved Plan. A minimum of 4 inches of topsoil shall be provided to cover all finished slopes. The Commission may require embankments to be planted with a stabilizing shrub or ground cover to prevent erosion.

E. Affordable Housing

When considering an application for creating of 10 or more lots, some of or all of which are intended for residential use, the Commission may impose as a condition to any permit that up to 20% of the total lots be dedicated to the construction of affordable housing units as that term is then currently defined by the Vermont State Housing Authority.

The following definitions are to be added to those in Article I, Section 8 (Definitions.)

Building Footprint: The pattern on the land covered by a building.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the land to be developed. The word "person" also means any municipality or State agency.

Plan: A map or representation on paper or mylar of a piece of land subdivided into lots and roads, drawn to scale.

Plat: Means the defining of a property line on a plan by measurement and direction, to scale, to be used as visual reference to define ownership of property for legal filing purposes.

Parcel: Means a portion or plot of land which is usually a division of a larger area.

The definitions of Lot and Subdivision, in Article I, Section 8 are amended to read:

Lot: A parcel of land with or without a structure thereon. Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, 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 street, or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a permit for a building on such land. It also means any undivided interest in land whether freehold or leased including parcels created by trust, partnerships, corporations, contracts, and individuals.

Subdivision of Property: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

Major Subdivision: Any land development which will result in subdivision of land totalling five or more units or lots within a period of eight years.

Minor Subdivision: A minor subdivision is any subdivision which is not a major subdivision.

Exception: Sale of a single parcel to an abutting landowner shall not constitute a subdivision when merged with the purchaser's abutting parcel.

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