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## ARTICLE VI. SUBDIVISION REVIEW PROCEDURES

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### Section 6.1 Applicability

(A) **Applicability.** In accordance with the Act [§4418], whenever any subdivision of land is proposed, subdivision approval by the Development Review Board is required prior to:

- the sale or lease of any portion of a parcel of land,
- grading, clearing, construction or installation of site improvements associated with the subdivision of land, or the development of a parcel to be subdivided (excluding forestry, agricultural, and land surveying activities),
- applying for a zoning permit for the development of any parcel to be subdivided, or
- filing a subdivision plat in the land records of the town.

**Subdivision of Land:** The division of any parcel of land into two or more parcels for the purpose of offer, transfer, sale, conveyance, lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, the division of land held in common among several owners, and planned residential and planned unit developments.

Such approval shall be granted by the Board only in accordance with the procedures and standards set forth below.

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

- (1) parcels leased for agricultural or forestry purposes where no permanent roads or structures are established,
- (2) rights-of-way or easements which do not result in the subdivision of land, and
- (3) a boundary (lot line) adjustment between parcels legally in existence as of the effective date of these regulations that are not part of an approved subdivision, if the boundary adjustment does not result in the creation of new or nonconforming lots under these regulations and the adjustment is surveyed by a licensed surveyor, issued a zoning permit in accordance with Section 9.3, and recorded in the town land records under Section 9.8.

(C) **Minor & Major Subdivisions.** For the purposes of these regulations, subdivisions of land shall be classified by the Development Review Board as “minor” or “major” subdivisions as follows:

- (1) **Minor subdivisions**, to be reviewed under Section 6.5 include:
  - (a) the subdivision of land, or the resubdivision of a previously subdivided parcel, which results in the creation of a total of three (3) or fewer lots, regardless of any change in ownership, and does not require the installation of a road or shared utilities; or
  - (b) an amendment to an approved subdivision, including a boundary (lot line) adjustment, which does not substantially alter the subdivision or conditions of approval, nor result in the creation of a major subdivision.
- (2) **Major subdivisions**, to be reviewed under Sections 6.4 and 6.5 include:
  - (a) the subdivision of land, or the resubdivision of a previously subdivided parcel (e.g., a minor subdivision) which results in the creation of a total of four (4) or more lots and/or requires the installation of a new road or shared utilities;
  - (b) an amendment to an approved subdivision which substantially alters the subdivision or conditions of approval, or which results in the creation of a major subdivision or a new road; and
  - (c) all planned residential and planned unit developments.

<b>Table 6.1 Subdivision Review At A Glance</b>	
<b>Action</b>	<b>Responsibility/Time Frame</b>
<b>Sketch Plan [all subdivisions]:</b>	
1. Submission of sketch plan; any waiver requests [in writing]	Subdivider/ at least 10 days prior to a regularly scheduled Development Review Board meeting
2. Development Review Board meeting	Subdivider/ attendance at meeting required
3. Classification of subdivision as minor or major; action on request for waivers (if any); written recommendations for modifications, additional information	Development Review Board/ within 45 days of the date of the final sketch plan meeting
<b>Minor Subdivision [3 or fewer lots]:</b>	
1. Submission of final subdivision plan, proposed plat and supporting documentation; any waiver requests [in writing]	Subdivider/ within 6 months of the date of sketch plan review
2. Development Review Board public hearing	Development Review Board/ hearing to be warned in accordance with Section 9.8(D).
3. Subdivision and plat approval	Development Review Board/ within 45 days of the hearing adjournment date
4. Final plat recording in the town records	Subdivider/ within 180 days of the date of subdivision approval.
5. Certificate of Compliance (if required)	Subdivider & Zoning Administrator/ upon completion of all improvements [see Sections 6.5, 9.8(F)]
<b>Major Subdivision [4 or more lots]:</b>	
1. Submission of preliminary subdivision plan, supporting documentation; any waiver requests [in writing]	Subdivider/ within 6 months of the date of sketch plan approval
2. Preliminary Development Review Board public hearing	Development Review Board/ hearing to be warned in accordance with Section 9.8(D).
3. Preliminary subdivision/plat approval	Development Review Board/ within 45 days of the hearing adjournment date
4. Submission of final subdivision plan and plat, including supporting documentation	Subdivider/ within 6 months of the date of preliminary plan approval
5. Final Development Review Board public hearing	Development Review Board/ hearing to be warned in accordance with Section 9.8(D)
6. Final subdivision and plat approval	Development Review Board/ within 45 days of the hearing adjournment date.
7. Final plat recording in the town records	Subdivider/ within 180 days of the date of final subdivision approval.
8. Certificate of Compliance (if required)	Subdivider and Zoning Administrator/ upon completion of all improvements [see Sections 6.5 and 9.8(F)]

(D) **Coordination with Planned Residential and Planned Unit Development Review.** Applications for planned residential or planned unit developments (PRDs or PUDs) shall be reviewed by the Development Review Board as major subdivisions, concurrently with PRD or PUD review under Article VIII.

### **Section 6.2 Waiver Authority**

(A) In accordance with the Act [§4418((2)(A)]], the Development Review Board may waive one or more application requirements specified in Table 6.2, or one or more subdivision standards under Article VII, 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 *Bolton Town Plan* and/or other municipal bylaws and ordinances in effect.

(B) The Development Review Board may waive preliminary subdivision review under Section 6.4 for major subdivisions that do not require the installation of roads or other improvements, and all resulting parcels are 30 acres or more.

(C) The Development Review Board may waive one or more application or review requirements (e.g., boundary survey requirements) for the retained portion of a parcel to be subdivided, if the retained parcel is 30 acres or more and is to remain unimproved and undeveloped. In granting such a waiver, the Development Review Board shall require that any portion of the subdivision to be separately conveyed and/or developed comply with all applicable requirements of these regulations.

(D) The request for a waiver shall be submitted in writing by the subdivider with the sketch plan submitted under Section 6.3. 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 6.3 Sketch Plan Review [all subdivisions]**

(A) **Purpose.** The purpose of a pre-hearing sketch plan review is to acquaint the Board with a proposed subdivision at a conceptual stage in the design process, prior to the submission of a formal application. This is intended to help identify the type of subdivision and a subdivision design that best meet the needs of the subdivider and the requirements of these regulations prior to the subdivider incurring significant expense. A sketch plan shall be submitted for all proposed subdivisions, prior to the submission of a subdivision application, for the purposes of:

- (1) classification as a minor or major subdivision;
- (2) to allow for initial consideration of a proposed subdivision plan's compliance with the town plan, these regulations, and any other municipal regulations currently in effect; and
- (3) to consider any associated waivers requested under Section 6.2.

(B) **Application Requirements.** The subdivider shall submit to the Zoning Administrator, at least 10 days prior to a regularly scheduled Development Review Board meeting, two (2) originals and five (5) copies of a proposed sketch plan which includes the information specified for conceptual plan review in Table 6.2. The application may also include, in writing, any requested waivers to be considered under Section 6.2 and the reasons for such waivers.

**Table 6.2 Subdivision Application Requirements**

	<b>Sketch Plan</b>	<b>Preliminary Plan</b>	<b>Final Plan</b>
<b>(A) Application Information [unless waived by the DRB]</b>			
Application Form [number of copies]	2 originals & 5 copies	2 originals & 5 copies	2 originals & 5 copies
Application Fee [as set by the Selectboard]		✓	✓
Name of project, if any		✓	✓
Name, address of subdivider [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 adjoining property owners [from Bolton Grand List]		✓	✓
Evidence of written notification to all adjoining property owners of intent to subdivide (certificate of service or mailing receipts)		✓	✓
<b>(B) Plan/Plat Mapping Requirements</b>			
	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Materials [original, copies may be paper]	Paper	Paper	Mylar
Preparer Information, Certifications [Surveyors, Designers, etc.]		✓	✓
Scale [minimum 1 inch = 200' ; or as specified by Board]	✓	✓	✓
Date, North Arrow, Legend`	✓	✓	✓
Project boundaries and property lines	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions, numbers	Drawn	Drawn	Surveyed
Monument Locations			✓
Adjoining land uses, roads and drainage	✓	✓	✓
Zoning district designations and boundaries	✓	✓	✓
Contour Lines [minimum 5' intervals, 2' in septic areas, or as specified]		✓	✓
A general indication of land cover, including forested areas and forest type, tree lines, and land in current or recent (prior 3 years) agricultural production	✓	✓	✓
The location of natural and physical site features, including watercourses, wetlands and associated buffers; flood hazard areas; areas of steep slope (15 to 25%) and very steep slope (>25%); critical wildlife habitat areas; historic sites and structures; and all buildings, fences and walls	General Locations	Specific Locations	Specific Locations
Existing and proposed roads, paths, shared parking areas, associated rights-of- way or easements, distances and dimensions	Drawn	Drawn	Surveyed
Proposed building envelopes, dimensions [or footprints if specified]		✓	✓
Existing and proposed utilities: power, water, wastewater and stormwater systems, and associated rights-of-way or easements		Drawn	Surveyed
Proposed park, playground or other recreation areas, or areas to be dedicated for public use		Drawn	Surveyed
Proposed landscaping and screening		✓	✓

<b>Table 6.2 Subdivision Application Requirements (cont.)</b>			
<b>(B) Plan/Plat Mapping Requirements, cont.</b>	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Proposed conservation, buffer and/or open space easement areas		✓	✓
Certification block and associated plat requirements (see section 6.6)			✓
<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 within a minimum radius of 2,000 feet [e.g., USGS or Vermont orthophoto base]	✓	✓	✓
Statement of compliance with town plan and applicable local regulations	✓	✓	✓
Road profiles; road, intersection and parking area geometry and construction schematics		Preliminary	Approved by Road Foreman
Engineering reports and certifications: water, wastewater and stormwater systems (or copies of relevant state permits)		Preliminary	Final
Existing and proposed traffic generation rates, volumes		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)		Draft	Final
Proposed phasing schedule		Draft	Final
Proposed covenants and/or deed restrictions		Draft	Final
Proposed homeowner or tenant association or agreements		Draft	Final
Subdivision Plat in VGIS-compatible format			✓
Proposed performance bond or surety		Description	Approved by Selectboard
<b>(D) As may be required by the Development Review Board</b>			
Stormwater management and/or erosion control plan		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			
Temporary field markers, located on the site, to enable the Board to determine the proposed location of parcel boundaries, building envelopes and associated improvements			
Letters from municipal and school district officials and emergency service providers regarding adequacy of existing facilities, capacities			
Outdoor Lighting Plan			
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)			
Historic or archeological assessment			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
Visual Impact Assessment (analysis of aesthetic impacts)			

(C) **Sketch Plan Meeting.** Within 30 days of the date of sketch plan submission, the Development Review Board shall schedule time at a regular or special meeting of the Board to consider the sketch plan. This meeting shall be attended by the subdivider and/or an authorized representative. The Board may schedule additional meetings with the subdivider as needed to consider additional information and alternative subdivision designs. The Board shall conclude its review of the sketch plan within 45 days of the date of the final sketch plan meeting and take action in accordance with Subsection (D).

(D) **Action on Sketch Plan.** Within 45 days of the final meeting at which the sketch plan was considered, the Development Review Board, based on the information provided, shall issue in writing:

- (1) a determination whether the subdivision is a minor subdivision to be reviewed under Section 6.4, or major subdivision to be reviewed under Sections 6.4 and 6.5;
- (2) the granting or denial of any requests to waive any subdivision application requirements or subdivision review standards, as provided in Section 6.2;
- (3) a preliminary determination of whether or not the proposed subdivision plan will conform to applicable subdivision review standards under Article VII, or would be in conflict with the town plan and other town regulations currently in effect; and
- (4) any recommendations for modifications or changes in subsequent submissions, or requests for additional studies or supporting documentation that may be required.

(E) **Effect of Sketch Plan Determination.** A sketch plan determination is a nonbinding determination of subdivision conformance with the town plan and these regulations. It simply authorizes the subdivider to proceed with an application for subdivision approval, and does not in any way imply formal approval of the subdivision by the Development Review Board. Sketch plan determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise specifically extended by the Development Review Board. Within six (6) months of a sketch plan determination by the Development Review Board, the subdivider may apply to the Board for preliminary subdivision plan and plat approval under Section 6.4 (for major subdivisions) or final plan and plat approval under Section 6.5 (for minor subdivisions).

#### **Section 6.4 Preliminary Subdivision Review [major subdivisions]**

(A) **Purpose.** The purpose of preliminary subdivision plan review, which applies to all major subdivisions, is to identify significant issues or concerns associated with a proposed subdivision under the provisions of these regulations, and to provide the subdivider with guidance to address identified issues and concerns prior to preparing final engineering plans for the subdivision and related site improvements.

(B) **Application Requirements.** Within six (6) months of the date of the issuance of a sketch plan determination by the Development Review Board, the subdivider shall submit an application and associated fees for preliminary plan review to include, unless otherwise specified or waived by the Development Review Board under Section 6.3, two (2) originals and five (5) copies of the information specified for preliminary subdivision plans in Table 6.2.

(C) **Public Hearing.** Within 30 days of receipt of preliminary plan application, the Development Review Board shall schedule a public hearing on the preliminary plan, warned in accordance with Section 9.8(D), in order to obtain public comment on the proposed subdivision prior to final plan preparation.

(D) **Preliminary Plan Approval.** In accordance with the Act [§4464(b)] and Section 9.8(F), 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 VII, and the town plan and other municipal regulations in effect. Failure to act within this 45-day period shall be deemed approval on the 46<sup>th</sup> day, as certified by the Town Clerk. The Development Review Board also may require, as a condition of approval, the submission of proposed subdivision changes or modifications for consideration under final subdivision review. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. 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 their written decision.

(E) **Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the subdivision to be divided into two or more phases to ensure project conformity with the town plan and capital budget and program in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and/or to avoid overburdening municipal facilities and services.

(F) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat. As a condition of approval of the preliminary plan, the Development Review Board may require that the subdivider obtain all applicable approvals from municipal officials (e.g., Selectboard), and state and federal agencies having jurisdiction over the project. Once preliminary plan approvals by these officials and agencies have been obtained, and all relevant appeal periods have expired, the subdivider may apply to the Development Review Board for final plan approval under Section 6.5.

### **Section 6.5 Final Subdivision Review [all subdivisions]**

(A) **Application Requirements.** Unless otherwise waived or extended by the Development Review Board, the subdivider shall within six (6) months of the date of sketch plan approval (for minor subdivisions) or preliminary plan approval (for major subdivisions), submit an application for final subdivision approval, including final plat approval. If the subdivider fails to do so, s/he may be required to submit a new sketch plan or preliminary plan for review by the Board. The application for final subdivision approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under Section 6.2, one original and eight copies of the information specified for final plans and associated plats under Table 6.2.

(B) **Public Hearing.** Within 30 days of receipt of an application for final subdivision approval, the Development Review Board will schedule a public hearing on the final plan and associated plat, warned in accordance with Section 9.8(D). Copies of the hearing notice also will be sent, at least 15 days prior to the hearing date to the clerk of an adjacent municipality in the event that the plat is located within 500 feet of a municipal boundary.

(C) **Final Plan Approval.** In accordance with the Act [§4464(b)] and Section 9.8(F), 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 preliminary plan conforms to applicable subdivision review standards under Article VII, and the town plan and other municipal regulations in effect. Failure to act within this 45-day period shall be deemed approval on the 46<sup>th</sup> day, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval, and provisions for appeal under Section 9.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the subdivider and any other interested parties appearing at the public hearing within the 45-day period.

(D) **Performance Bonding.** In accordance with the Act [§4464(b)(2),(6)] and Section 9.8(F), for any subdivision which requires the construction of roads or other public improvements, the Development Review Board may require that the subdivider post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, and their maintenance for two years following completion, in accordance with the conditions of approval. Such bond or surety must be approved by the Bolton Selectboard prior to final plan approval. The term of the bond or surety may be fixed by the Development Review Board for a maximum of three (3) years, within which all improvements must be completed. The term of such bond or surety, by mutual consent of Board and subdivider, may be extended for an additional period not to exceed (3) three years.

(E) **Certificate of Compliance.** The Development Review Board may also require, as a condition of subdivision approval, that a certificate of compliance be obtained under Section 9.4 to ensure that required improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development. The satisfactory completion of any improvements shall be determined by the Zoning Administrator in accordance with Section 9.4. A certificate of compliance shall not be issued for any subdivision that is not in compliance with the conditions of subdivision approval. Where a certificate of compliance has been required by the Board, the Zoning Administrator shall not issue a zoning permit for the development of a subdivided lot within the subdivision until the certificate has been issued.

(F) **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 by the municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications by the subdivider may be accomplished only by a formal resolution of the Selectboard, in accordance with town road policies and state law.

### Section 6.6 Plat Recording Requirements

(A) In accordance with the Act [§4463(b)], within 180 days of the date of receipt of final subdivision approval under Section 6.5, the subdivider shall file a mylar plat in the Bolton land records in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two (2) paper copies and one (1) digital copy of the recorded plat to the Zoning Administrator. The approved plat shall:

- (1) be a minimum of 18"x24", or a multiple thereof;
- (2) have a margin of 1.5" outside of the border lines on the left side for binding and a margin of 0.5" outside the border lines along all other sides;
- (3) be signed by an authorized representative of the Development Review Board,
- (4) carry the following endorsement on the original to be filed with the Town Clerk:

*Approved by Resolution of the Development Review Board of the Town of Bolton, Vermont, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, subject to the requirements and conditions of said resolution.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
by \_\_\_\_\_, Chairperson.*

(B) Approval of subdivision plats not filed within 180 days shall expire.

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

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

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted as a subdivision amendment in accordance with Section 6.1, and are approved by the Board. In the event that subdivision plan or plat revisions are recorded without Board approval, the revisions shall be considered null and void, and subject to municipal enforcement under Section 9.7.