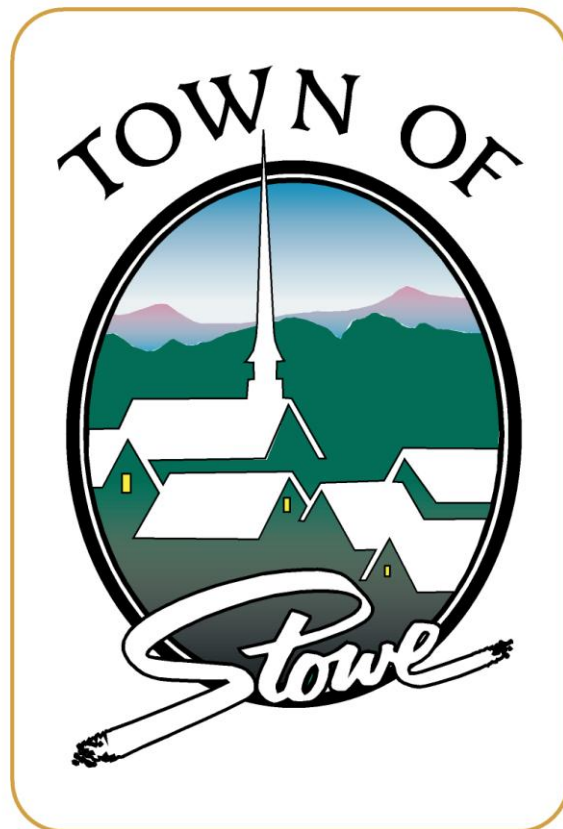


TOWN OF STOWE
SUBDIVISION REGULATIONS

Adopted June 25, 2012
Effective July 16, 2012



TOWN OF STOWE SUBDIVISION REGULATIONS

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**STOWE SUBDIVISION REGULATIONS
ADOPTED JUNE 25, 2012**

SECTION 1. STATUTORY AUTHORITY

1.1 Enactment

- (1) Whereas the Town of Stowe, Vermont has created a Development Review Board (DRB) and has in effect a Municipal Plan adopted under the Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, of Vermont Statutes (herein referred to as the "Act") there are hereby established Subdivision Regulations for the Town of Stowe. These regulations shall be known as the Subdivision Regulations of the Town of Stowe, Vermont.

1.2 Purpose

- (1) The purpose of these Subdivision Regulations is to provide for:
- Orderly growth and coordinated development in the Town of Stowe;
 - To assure the comfort, convenience, safety, health and welfare of the people;
 - To carry out the purposes of the Municipal Plan;
 - To assure conformance with the zoning regulations and capital budget and program;
 - To make proper provision for drainage, water, sewerage, streets, recreational facilities, open space and other improvements;
 - To recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water run-off, and to the ground water table;
 - To preserve natural assets; and
 - To further the purposes of Section 4302, of the Act.

1.3 Authority

- (1) The DRB is hereby authorized and empowered to do all acts and things set forth and provided in the Act including, but not limited to, the approval, modification, or disapproval of all proposed subdivisions unless administratively approved as set forth in these regulations.

SECTION 2. GENERAL PROVISIONS

2.1. General Provisions

- (1) Acceptance of streets: Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town or state.
- (2) Other regulations: These regulations shall take precedence over any other regulations contained in any bylaw or ordinance of the Town pertaining to roads or subdivisions which are inconsistent herewith.
- (3) Administration: These regulations shall be administered by the Administrative Officer (Zoning Administrator) appointed and acting in accordance with the Section 2.1 (Administrative Officer) of the Stowe Zoning Regulations.
- (4) Penalties: Any person, firm or corporation, making any subdivision of land violating any provision of these regulations, shall be subject to the penalties provided in Section 2.13 (Violations and Enforcement) of the Stowe Zoning Regulations.
- (5) Appeals: An interested person may appeal a decision of the DRB or Zoning Administrator in accordance with Section 2.11 (Appeals) of the Stowe Zoning Regulations.
- (6) Validity: If any section, subsection, or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.
- (7) Effective date: These regulations were adopted by a vote of the Stowe Selectboard on June 25, 2012. The effective date of these regulations shall be July 16, 2012.

SECTION 3 ADMINISTRATION AND ENFORCEMENT

3.1 General Subdivision Application Procedures

- (1) Compliance with regulations: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of these regulations, has been approved as per these regulations, and has been recorded in the office of the town clerk. This requirement shall not apply to pre-existing subdivisions where there are no changes in the pre-existing lot configurations.
- (2) Modification of regulations: The DRB, or Zoning Administrator (for minimal alterations) may waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.
- (3) Review Process: DRB approval is required for all subdivisions except those determined to be a minimal alteration as defined in these regulations. Minor subdivisions are defined as all subdivisions that propose less than five lots, do not involve the construction of a public road, do not involve the construction of public utilities, and are not deemed to be a minimal alteration.
- (4) Minimal alterations, as defined in these regulations, may be approved by the Zoning Administrator and are not required to follow the notice and hearing requirements for proposed subdivisions requiring DRB approval. Minimal Alteration shall mean a change to existing parcels that either 1) involve the alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner which does not result in any additional lots, plots, parcels of land (also referred to as a lot line adjustment) or movement of town highway and does not result in more than a 20% change in existing area of any existing lots or 2) involves the alteration, reconfiguration or relocation of existing approved driveways and related easements that are not within the RHOD or 3) involves the alteration, reconfiguration or relocation of existing approved building/clearing zones that are not within the RHOD which do not change the area of the building/clearing zone by more than 10%.
- (5) Minor subdivisions allow the submission of one application and related materials to be reviewed by the DRB.
- (6) Major subdivisions require submittal of a preliminary application and a final application. Both applications require separate notifications and hearings as prescribed in these regulations.
- (7) Within 30 days of receipt of a complete application, the Zoning Administrator shall act to either refer, issue or deny the subdivision application.

3.2 Preliminary Application

- (1) Preliminary Application: All major subdivisions require approval of a preliminary application by the DRB. The application shall be submitted to the DRB by the owner of record, an optionee, or by his agent. The application shall include a preliminary layout and information set forth in these regulations, and shall be accompanied by a fee for processing, payable to the town, in an amount established by the Select Board.
- (2) Public Hearings: Public hearings shall require public notice and shall be conducted as outlined in Section 2.14 of the Stowe Zoning Regulations and 24 V.SA Chapter 117.
- (3) Phasing: At such time the DRB grants preliminary layout approval, it may require the project to be divided into two or more phases to insure conformity with the Town Plan and Capital Program, if one is in effect, and may impose such conditions upon the filing of application for final subdivision plat approval for each phase as it deems necessary to assure the orderly development of the project and to avoid overburdening Town facilities and services.
- (4) Preliminary Approval: Approval of the preliminary application shall not constitute final approval of the subdivision.
- (5) Expiration: A final application shall be filed within 24 months of approval of any required preliminary application or else the applicant shall be required to file a new preliminary application.

3.3 Final Subdivision Application

- (1) Final Subdivision Application: All major and minor subdivisions require approval of a final application by the DRB. The application shall be submitted to the DRB by the owner of record, an optionee, or by their agent. The application shall include a preliminary layout and information set forth in these regulations, and shall be accompanied by a fee for processing, payable to the Town, in an amount established by the Selectboard.
- (2) Public Hearings: Public hearings shall require public notice and shall be conducted as outlined in Section 2.14 of the Zoning Regulations and 24 V.SA Chapter 117.

3.4 Minimal Alteration Subdivision Application

- (1) Minimal Alteration Application: All minimal alterations require approval of the Zoning Administrator. The application shall be submitted to the Zoning Administrator by the owner of record, an optionee, or by their agent. The application shall include a preliminary layout and information set forth in these regulations, and shall be accompanied by a fee for processing, payable to the Town, in an amount established by the Selectboard. The Zoning Administrator shall review the plan in accordance with the Section 5, Planning and Design Standards in lieu of the DRB. The Zoning Administrator shall refer a minimal alteration application to the DRB for review and approval where it is found that the proposed alteration will substantially alter the most recent DRB approval, or where it is found that the proposed alteration will result in a substantial impact under the Section 5, Planning and Design Standards.

- (2) Public Notice: A notice of approval shall be posted within view of the nearest public right-of-way until a 15-day appeal period has expired.

3.5 Subdivision Plat Filing Requirements

- (1) Filing with the Town Clerk and Listers: The approval of the final subdivision application, shall expire 180 days from such approval, unless, within such 180-day period, a final subdivision plat shall have been duly filed or recorded in the office of the Town Clerk. No plat showing a new street or highway may be filed or recorded in the office of the town clerk until it has been approved by the DRB, and such approval is endorsed in writing on such plat, or the certification of the town clerk showing the failure of the DRB to take action within forty-five (45) days is attached thereto and filed or recorded with said plat. The Zoning Administrator may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending. If a final subdivision plat has not been recorded within the above deadline, the applicant may request re-approval by the DRB within 12 months from the date of the DRB decision. The DRB may re-approve the final plan for recording if the DRB finds there are no changes proposed from the previous approval and there have been no bylaw changes that would affect the previous approval. Any updating approval requires a public hearing and notice as outlined in Section 2.14 of the Zoning Ordinance and 24 V.S.A Chapter 117.

SECTION 4. SUBMISSION REQUIREMENTS

4.1 Preliminary Application

(1) Submittal Requirement: At least one full-size drawing shall be submitted with the preliminary application. In addition, nine copies, which may be at a reduced scale, if readable, shall be submitted for distribution to the DRB. Dimensions may be approximate and the data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision plat. Maps shall be at an appropriate, readable scale as approved by the DRB. The preliminary layout shall contain or be accompanied by the following information:

- a) Name of subdivision, name and address of the owner of record, subdivider and designer;
- b) Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided, north point, scale, date and dates of any revisions;
- c) Names of abutting property owners, including owners of parcels across a common highway;
- d) Location of buildings;
- e) Existing and proposed street lines, widths of streets, existing and proposed lot lines;
- f) Location of existing and proposed easements, building lines, parks and other open space, water mains, sanitary sewers, stormwater drainage lines, drainage structures, and drainage ways;
- g) Boundaries of zoning districts lying within the subdivision, municipal boundary if any;
- h) An inset locus map indicating the location of the land depicted;
- i) A sketch map showing future subdivisions, if known, in and adjacent to the subject subdivision;
- j) Existing and proposed contours in sufficient detail to evaluate the proposed subdivision.
- k) Stormwater management plans in accordance with Section 3.12 of the Stowe Zoning Regulations.
- l) An outline of the proposed building zone for each lot.
- m) Existing site conditions, including watercourses and ponds, wetlands, floodplains, significant rock outcrops, areas of steep slope, forest type and vegetative cover and other significant natural features.
- n) All land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes, and the methods for assuring and maintaining such dedication or reservation.
- o) P. Proposed landscaping plans, if any, including plant types, existing forest cover and extent of proposed land clearing, lighting and signage.
- p) Necessary information and/or mapping to evaluate the visual impact.
- q) A narrative describing how the proposed project meets the planning and design standards set forth in these regulations.

4.2 Final Subdivision Application

(1) Submittal Requirements: At least one full-size drawing shall be submitted with the final application. In addition, nine copies, which may be at a reduced scale if readable, shall be submitted for distribution to the DRB. Maps shall be at an appropriate, readable scale as approved by the DRB. All information required for the Preliminary Layout, specified in Section 4.1 of these regulations, shall be submitted in final form, including any revision or additional detail requested by the DRB. In the event that a preliminary layout was not required, the applicant shall submit the information set forth in these regulations in addition to the following:

- a) The areas of all lots noted thereon; lots shall be numbered or lettered consecutively;
- b) Accurate location of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
- c) In the event that the entire project is unable to be presented on a single sheet, a plan at an appropriate scale to present the entire project on a single sheet shall also be provided.
- d) A plan showing any work required for existing streets to meet the minimum standards established hereunder, together with a statement of the proposed method of meeting the cost of such work;
- e) Existing and proposed contours in sufficient detail to evaluate the proposed subdivision.
- f) Methods of dedication of proposed easements, rights-of-way, and open spaces, which may be required by these regulations;
- g) Road profiles, showing accurate existing and finished grades, existing and proposed cross sections, together with construction plans, and such other information as the DRB may require;
- h) A Vermont Agency of Transportation letter of intent to approve any new access onto a state highway, if proposed. A letter or right-of-way modification permit from the appropriate official designated by the Town Manager approving the location of any new access onto a local road.
- i) If required by the DRB, evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with public highways. The DRB reserves the right to DRB independent traffic impact studies the cost of which may be charged to the applicant.

4.3 Final Subdivision Plat Recording

(1) Submittal Requirements: The subdivision plat shall be prepared in accordance with 27 VSA 1403 and the standards for recording established by the Stowe Town Clerk. . Space shall be reserved on the plat for signature of the DRB chair or Zoning Administrator (if the plan is a minimal alteration). The subdivision plat shall conform to plan approved by the DRB.

(2) The plat shall contain the following statement: "This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB (or Zoning Administrator if

appropriate) per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".

- (3) The plat shall contain the following second note if private roads are to be constructed: "A registered engineer shall certify that any new private roads were constructed in accordance with the DRB-approved specifications. Such certification shall be required for any section of road serving a new development before a Certificate of Occupancy is issued for said development".
- (4) In addition, the following information shall be on the final plat:
 - a) Name of town, name of subdivision, Town-assigned subdivision number, name of owner of record, subdivider, name and seal of engineer, if any, and land surveyor, licensed by the State of Vermont, names of abutting property owners, including owners of parcels across a common highway;
 - b) True north point, scale date, dates of all revisions, and approved title block in lower right-hand corner;
 - c) Existing and proposed streets, boundary lines of the subdivision and of all lots and areas reserved for parks, playgrounds, open space, or other purposes, with accurate distances, true bearings, angles, and curve data;
 - d) Easements and rights-of-way, including those for utilities, water mains, sewers, and drainage, either on or off the site, accurately located with metes and bounds; Names of proposed streets and all drives or rights-of-way serving four or more lots
 - e) The areas of all lots and lot numbers along with previous lot lines;
 - f)
 - g) Accurate location of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
 - h) The outline of the building and/or clearing zone for each lot.
 - i) The DRB may require an additional statement(s) referencing specific conditions of subdivision approval to be included on the final plat to be filed in the Town land records.
 - j) The DRB may require that separate site plans depicting information pertinent to the final subdivision approval be filed in the Town land records.
- (5) In conducting its review of an application for subdivision approval, the DRB may, upon request of an applicant and for good cause shown, waive the requirement that any lot, plot or parcel to be retained by the land owner be surveyed, provided said retained land is at least twenty (20) acres in size.
- (6) Electronic files of the approved final plan and recordable plat in a .pdf format (or other format acceptable by the Zoning Administrator) shall be submitted before the plat is recorded.

4.4 Legal Requirements

- (1) Where applicable to a specific subdivision, one or more of the following may be required, in form as approved by the town attorney, prior to approval of a subdivision plat:

- a) Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interest to be effective on such date as the Town accepts such land;
- b) Easements and rights-of-way over property to remain in private ownership;
- c) Right to drain onto or across other property whether public or private, including a street;
- d) Performance bond, described in section 4.5 hereafter.

4.5 Bonding Requirements

- (1) Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the DRB may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the DRB or such municipal departments or officials as the DRB may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the 5 years unless extended by the DRB and for the maintenance of those improvements for a period of two years after completion.
- (2) The legislative body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.
- (3) The performance bond required by this section shall run for a three-year term. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.
- (4) When the DRB grants approval for construction of part of a subdivision the surety bond may be required to cover only partial development of the subdivision

SECTION 5. PLANNING AND DESIGN STANDARDS

5.1 General Planning Standards.

- 1) Character of land for subdivision: Prior to the approval of a subdivision plat by the DRB, the subdivider has the responsibility to satisfy the DRB that the land to be subdivided is of such a character that it can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community as outlined in these regulations. Subdivision plats shall conform to the zoning regulations, any interim zoning, subdivision regulations, and other applicable statutes, ordinances, bylaws and/or regulations. In addition, subdivision plans should be in general accordance with Stowe's Municipal Plan.
- 2) Natural and Scenic Features: All subdivisions shall be designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property. In order to preserve natural and scenic features, the DRB is authorized to:
 - a) Establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of natural features;
 - b) Require setbacks from property boundaries or identified natural features greater than specified in the Zoning Regulations in order to create buffer zones and prevent degradation to significant natural features;
 - c) Establish preserve areas where development is restricted or prohibited and specific land management techniques are employed to protect or enhance significant natural features
- 3) Protection of Significant Wildlife Habitat and Natural Communities: All mapped significant wildlife habitat areas shall be shown on subdivision site plans. If any portion of a proposed subdivision is within an identified significant wildlife habitat area the DRB may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify potentially impacted habitat and provide recommended management strategies. Vermont Fish and Wildlife Department staff may also be consulted to provide guidance with this review. In order to prevent undue adverse impact on significant wildlife habitat areas, the DRB is authorized to:
 - a) Require the preservation of open space, preferably in contiguous blocks or linear corridors for the protection of identified significant wildlife habitat areas.
 - b) Establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of identified significant wildlife habitat areas;
 - c) Require setbacks from property boundaries or identified significant wildlife habitat greater than specified in the Zoning Regulations in order to create buffer zones and prevent degradation to identified significant wildlife habitat areas;
 - d) Require other land management strategies recommended in a wildlife habitat assessment study to protect the identified significant wildlife habitat areas.

- 4) Historic Sites and Community Character: Subdivisions shall be designed to minimize undue adverse impact on historic sites and the rural character of the Town. In granting subdivision approval, the DRB is authorized to require the following:
- a) Subdivisions in or adjacent to existing village areas, including Stowe Village, Lower Village, Moscow and designated commercial growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.
 - b) Subdivisions in rural areas shall result in minimum undue adverse impact on the rural landscape as characterized by open fields, forested mountains and hillsides. The rural character exists due to the scenic vistas, large uninterrupted forested areas, open fields along public roads, and limited development along roads. Individual lots and building zones shall be delineated so as to mitigate the visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points. Methods for preserving rural character include, but are not be limited to, the following:
 - i. Prohibiting the placement of building zones in visually prominent areas that cannot be adequately screened.
 - ii. Restricting development within open fields along public roads. If development must be located within open fields due to constraints elsewhere on the site, building zones should be located at the edges of the field to the maximum extent possible. Additional landscaping may be required to provide a sufficient visual buffer for new development.
 - iii. Requiring that building zones be delineated to maximize the privacy afforded to each dwelling unit, by, for example, positioning homes to eliminate direct sight lines to neighboring homes and to prevent a building from being positioned directly above another building on a vertical slope, unless an adequate separation distance and vegetated buffer exists or is provided.
 - iv. Requiring a vegetated buffer to provide screening between developments and/or between development and public roadways.
 - v. Requiring lots having frontage on an existing public road to maintain a 50-foot vegetated, screening buffer from the existing public road to minimize the effect of the development on the streetscape. The buffer area shall remain free of buildings, parking, or other structures.
 - vi. Requiring the maintenance and preservation of public scenic vistas.
 - c) Subdivisions within or adjacent to historic districts or structures shall result in a minimal adverse impact on the historic context of the affected property(s). The scale, location or design of proposed development may be restricted to ensure that new development is consistent and complementary of the historic district or structure.
- 5) Reserved strips: No privately owned reserved strip which controls access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use shall be permitted.

- 6) Screening: The DRB is authorized to require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect in developed areas and where existing street trees are already present in the vicinity. The size, type, or location of such trees shall depend on the particular land parcel. Section 4.6 (Landscaping Standards) of the Zoning Regulations shall be used as a guideline for any required landscaping. A maintenance plan of all existing and proposed landscaping shall be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary replacement, of designated landscaping during and after the construction; parties to be responsible for ongoing maintenance; and any Town obligations for maintenance.
- 7) Pedestrian Access: The DRB is authorized to require rights- of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses. Access to and across existing trails, including the Catamount and Long Trails, shall be preserved. In areas designated on the municipal plan for "village type development" or where the DRB finds highway traffic conditions to be specifically hazardous to pedestrians, the DRB is authorized to require rights-of-way or sidewalks for pedestrian travel and access between subdivisions or their parts, such as a school or park or playground. The DRB is authorized to require the construction of walks in such rights-of-way or of sidewalks along streets where it deems it desirable in the interests of public safety and convenience.
- 8) Traffic: Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways. To satisfy this standard, the DRB is authorized to request the preparation of a traffic impact study to address all concerns relative to traffic impact and safety. The DRB shall use nationally accepted traffic engineering standards when evaluating the impact of traffic.
- 9) Municipal Facilities: The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.
- 10) Lot Configuration: Flag lots, elongated lots, and other odd shaped lots which include narrow strips of land are prohibited unless the DRB finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.
- 11) Building Zone: The DRB shall find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building zone, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of these regulations.
- 12) Fire Protection Facilities: Adequate water storage or distribution facilities for fire protection shall be available. This may include the installation of ponds and dry fire hydrants and the extension of public water with fire hydrants. Where practicable, or where required by the DRB, fire hydrants shall be installed by the subdivider. Construction of driveways and roads shall be in general compliance with the Stowe Fire Department Construction Standards where

applicable. All lots shall be designed to allow for reasonable access by emergency vehicles to the building zones.

- 13) Disclosure of Subsequent Development Plans: Whenever a subdivider submits a proposal for development on only a portion of a parcel, the DRB is authorized to require a general indication of the intended uses of the remaining portion of land. Such an indication shall include access, type of use, intensity of use, and phasing. The DRB is authorized to require the execution of a development agreement between the applicant and Town which ensures the ongoing integration of future development with each phase of subdivision or may require a note on the plat restricting future development of the remaining land without further review by the DRB.
- 14) Private Enforcement Mechanisms: As a condition of subdivision approval, the DRB may require the formation of a homeowners association, consisting of the owners of all properties within the subdivision, to ensure the continual maintenance of shared driveways and other shared facilities. The DRB shall require that such enforcement mechanisms be recorded before any zoning permits are issued.

5.2 Subdivision within the Ridgeline and Hillside Overlay District (RHOD)

- (1) All subdivisions located within the Ridgeline and Hillside Overlay District shall conform to the submission requirements, standards and guidelines of Section 9 of the Stowe Zoning Regulations.

5.3 Open Space and Planned Unit Development

- (1) Required open space: Except for exemptions granted under Section 5.3(6) below, the DRB shall, in subdivisions having lots or potential dwelling sites for five (5) or more family dwelling units (excluding accessory apartments), and for all Planned Residential Developments (PRDs), require that the subdivision plat designate one (1) or more areas of character, size, shape and location suitable to be used as open space, park or playground. The DRB may require the designation of open space when a subdivision consists of the creation of additional lots from a previously approved subdivision where the total new and previously approved lots is greater than four (4) lots.
- (2) Planned unit development: In the case of planned unit development (PUD) or planned residential development (PRD), the open space shall meet the purposes required in the zoning and subdivision regulations. The plat shall identify all areas of open space, and shall contain the following statement relating to those lands so designated: "The lands designated as open space on this plat shall remain in open space. The open space shall run with the land and shall apply to future conveyances of all or parts of the herein open space, unless otherwise specifically approved by the DRB".
- (3) Objectives of open space design: The following objectives shall be used to guide the design and locations of open space:
 - a) Conservation and improvement of natural features and green areas, including areas

along roads; the banks of rivers, streams and lakes; agricultural lands and open meadows; and ridgelines.

- b) Retention of fish and wildlife refuge areas and nature observation areas; protection of the quality of water bodies.
 - c) Protection of natural drainage ways and floodwater retention areas.
 - d) Provision, in appropriate areas of population concentration, of areas of land for active recreation use.
 - e) The provision of adequate controls to ensure the permanence of open space use in areas so designated, through public acquisition of easement or other suitable type of agreement.
 - f) Open space plans shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such open space easily available, if not adjacent to all of the lots in the subdivision.
 - g) When a property line of a subdivision abuts an existing public or community open space, the DRB may require the new community open space to form a continuation of the existing open space to provide a single large unified area.
- (4) Access to community open space: To provide for maintenance and authorized access, community open space shall abut or have direct access to a street through a right-of-way dedicated to such purpose. Such right-of-way shall be not less than twenty (20) feet wide and shall be graded in a manner suitable for traffic of pedestrians and maintenance vehicles.
- (5) Development of open space: Land to be used as public open space shall be left in condition for the purpose intended. The existing natural characteristics of open space land shall not be altered from its original condition, until a site plan has been approved by the DRB.
- (6) Open Space Exemption: An applicant may request an exemption from this open space requirement in instances where a proposed subdivision is poorly suited for open space design because of unique characteristics of the land or other constraints related to site conditions. Such a request shall be submitted to the DRB, in writing, together with the application for preliminary layout approval. The request for exemption shall describe the rationale for not incorporating open space into the subdivision design and shall explain how the proposed layout achieves other standards set forth in Section 5 of these regulations. The DRB will determine whether an exemption is warranted and notify the applicant concurrent with the DRB's decision to approve, approve with conditions or disapprove the preliminary layout application.

5.4 Road Standards and Coordination with Public Highways

- (1) Road Layout: All proposed public and private roads shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to topography so as to produce usable lots and reasonable road grades and shall be in harmony with existing and proposed public highways. 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) Intersection Design: Roads shall intersect so that within seventy-five (75) feet of the

intersection the street lines are at right angles, and the grade does not exceed plus or minus two (2) percent. No structure or planting shall impair corner visibility at intersections.

(3) Access Roads and Driveways: All access shall meet the requirements of Section 3.1 (Access Management and Frontage Requirements) of the Stowe Zoning Regulations.

(4) Road Design Standards:

a) Public Roads: All proposed roads intended for consideration for acceptance as Town highways shall be built in conformance with the standards set forth in the "Town of Stowe Highways and other Public Ways and Public Places Ordinance". Acceptance of a private road by the Town is subject to the approval of the Stowe Selectboard and construction of a road(s) to these standards does not insure such acceptance. All new development shall have access to roads designed to a minimum of a Class 3 road standard.

b) Private Roads: All proposed roads intended to remain as private roads shall be constructed in conformance with the Vermont Agency of Transportation Class 3 road standards, as amended. Per Section 3.1 (2) of these regulations, the DRB may modify these standards if the applicant can document that the road, as designed, is readily accessible to emergency response vehicles; is in compliance with other applicable standards set forth in Section 5. Planning and Design Standards of these regulations; and will not pose a threat to public health and safety. A registered engineer shall certify that any new private roads were constructed in accordance with the DRB approval. Such certification shall be required for any section of road serving a new development before a Certificate of Occupancy is issued for said development.

(5) Designation of Rights-of Way: Every subdivision plat shall show the necessary right-of-way for all proposed roads, as required by these regulations and the Stowe Zoning Regulations, regardless of whether the proposed road is intended to be accepted by the Town. In the event the road is not intended for acceptance by the Town, the mechanism with which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

(6) Modification of Road Standards: The DRB is authorized to require greater width of right-of-way where the demand of present or future traffic makes it desirable or where topographic conditions create a need for greater width for grading.

(7) Capacity of Existing Roads: 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 that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. The subdivider can be required to contribute to any or all of the expenses involved with road improvements necessitated by his or her project. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet the minimum standards established in this section. Where a subdivision requires undue expenditures by the town to improve existing town roads to conform to minimum requirements the DRB may disapprove such subdivision unless the Select Board certifies that

funds for the improvements have been ensured.

5.5 Utilities and Stormwater Management

- (1) Utilities: All subdivisions shall make adequate provisions for stormwater I, and required utilities
- (2) Power and Telecommunications: The DRB is authorized to require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character and property values of an area or neighborhood. In addition, the DRB may place restrictions on the location and design of utility transformers, enclosures, meter boards and related equipment in order to minimize adverse visual impact
- (3) Street Lighting: The DRB is authorized to require the installation of street lighting in any subdivision in the Stowe Village or commercial areas. Lighting shall be installed in accordance with the Stowe Zoning Regulations.
- (4) Stormwater Management (Erosion Prevention and Sediment Control): All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards and to the requirements of Section 3.12 of the Stowe Zoning Regulations.
- (5) Monuments: Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.

SECTION 2. DEFINITIONS

By reference, all definitions in the Stowe Zoning Regulations are adopted as part of these regulations.

Applicant: Shall mean the owner of record, an optionee, or his agent duly authorized in writing.

Area, rural: Any area in the Town of Stowe not defined as a village area.

Area, Village: All areas within the VC, VR, MRV, MCR, LVC, and MC Zoning Districts

Building Zone: The area designated on a plat within which shall be located the principal building and/or house site.

Buffer Area: Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

Community open space: Land not to be developed for building purposes, but to remain permanently available for purposes of recreation, including recreation facilities, and for conservation, including agriculture, for the benefit of the neighborhood community, without buildings, except as incidental accessories to agricultural, forestry, conservation and recreational purposes and maintenance.

Historic Sites: Properties containing one or more Historic Buildings as defined by the Stowe Zoning Regulations.

Landscaping: The addition of lawn, trees, plants, grading and other natural and decorative features to land.

Open space: An undeveloped area meeting the objectives of Section 5.3 (3), Objectives of open space design.

Pre-existing subdivision: For the purposes of these regulations a pre-existing subdivision shall be a lot plan filed in the office of the town clerk prior to June 25, 1974.

Preliminary layout: Shall mean a plan submitted to the DRB for discussion purposes only, sufficiently clear to work out detailed solutions prior to preparing the final subdivision plat prepared in accordance with the requirements of these regulations.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Significant Wildlife Habitat: Areas that have been identified and mapped as significant wildlife habitat and natural communities by the Vermont Fish and Wildlife Department including Rare, Threatened and Endangered Species & Significant Communities and Deer Wintering Areas.

Subdivider: The owner of record of the land to be divided, including any subsequent owner of record making any subdivision of such land or any part thereof.

Subdivision:

- a) The division of any parcel or area of land into two (2) or more lots, plots or parcels.
- b) Any reconfiguration of lots within a previously approved subdivision.
- c) Any application for approval of a planned unit/residential development
- d) A minimal alteration of existing parcels.

Subdivision, Major: All subdivisions not determined to be a minimal alteration or a minor subdivision.

Subdivision, Minimal Alteration: A change to existing parcels that either 1) involve the alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner which does not result in any additional lots, plots, parcels of land (also referred to as a lot line adjustment) or movement of public right-of-ways and does not result in more than a 20% change in existing area of any existing lots or 2) involves the minor alteration, reconfiguration or relocation of existing approved driveways and related easements that are not within the RHOD or 3) involves the minor alteration, reconfiguration or relocation of existing approved building/clearing zones that are not within the RHOD which do not change the building/clearing zone by more than 10%.

Subdivision, Minor: shall be all subdivisions that propose less than five lots, do not involve the construction of a public road, and are not deemed to be a minimal alteration. .

Subdivision plat: The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under these regulations.

Wetlands: Those areas indicated on the current National Wetland Inventory (NWI) maps as digitized on the Stowe Wetlands Map. Also, those areas that are not on the NWI maps but are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas upon which food or crops are grown in connection with farming activities.