



# Subdivision Regulations

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## **ARTICLE I. TITLE, PURPOSE, AND AUTHORIZATION**

### **SECTION 100 Title**

These Bylaws shall be known as the Richmond Subdivision Regulations. This bylaw contains definitions in its last Article for each term that is capitalized in the text.

### **SECTION 110 Authority and Intent**

110.1 The Town of Richmond regulates SUBDIVISION and subsequent LAND DEVELOPMENT through these Subdivision Regulations and ZONING REGULATIONS. The Town enacts these Subdivision Regulations under the authority of the Vermont Planning and Development Act, V.S.A. Title 24, Chapter 117 (the ACT).

These Subdivision Regulations are adopted for purposes specified in the ACT (§4302) and to implement the TOWN PLAN, and shall be adopted and administered in conformance with the TOWN PLAN. The Town intends to promote the orderly and planned development of Richmond so as to maintain and improve the quality of life in Richmond, enhance Richmond's economy, and sustain the environment.

### **SECTION 120 Purpose**

The Town of Richmond adopts these Subdivision Regulations for the following purposes:

- (1) to protect the public health, safety and general welfare of the Town of Richmond;
- (2) to guide the orderly development of the Town in accordance with the ACT, the TOWN PLAN, the ZONING REGULATIONS and all other Town ordinances and bylaws enacted to implement the TOWN PLAN;
- (3) to provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent developments which exceed the capacity of the land;
- (4) to provide for housing in appropriate locations to meet the community's housing needs as identified in the TOWN PLAN;
- (5) to guide public and private actions to provide adequate transportation, potable water, wastewater disposal, parks, playgrounds, recreation, schools and other public facilities;
- (6) to provide the most beneficial circulation of traffic throughout the Town, to avoid congestion on the roads, and to maximize pedestrian and cyclist safety;
- (7) to prevent adverse impact on public facilities;
- (8) to prevent the pollution of air, ground water, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; to prevent environmental degradation; and to encourage the prudent use and management of natural resources throughout the Town;

- (9) to preserve the village and rural characters, natural resources, natural beauty and topography of the Town; and,
- (10) to preserve sites that are historically significant.

**SECTION 130 Applicability**

These Subdivision Regulations apply to all SUBDIVISIONS including MINOR REVISIONS except for boundary (lot line) adjustments governed by the ZONING REGULATIONS. No LOT shall be subdivided until the SUBDIVIDER has obtained final approval of the FINAL SUBDIVISION from the Development Review Board (DRB) and the approved FINAL SUBDIVISION PLAT is recorded in the Richmond Land Records.

**SECTION 140 General Procedure**

- 140.1. The SUBDIVIDER shall file all applications with the Administrative Officer.
- 140.2. The first step in the process for a SUBDIVISION application is optional, and is a SKETCH PLAN review. The SKETCH PLAN review is an informal exchange of ideas between the SUBDIVIDER and the DRB.
- 140.3. The second step in a SUBDIVISION application is for the SUBDIVIDER to prepare and submit a PRELIMINARY SUBDIVISION application. Major issues and concerns will be identified and potential solutions explored. The DRB will hold a warned public hearing at this stage. DRB approval of a PRELIMINARY SUBDIVISION is required prior to application for a FINAL SUBDIVISION.
- 140.4. The third step in a SUBDIVISION application is for the SUBDIVIDER to submit an application for approval of a FINAL SUBDIVISION to the DRB. The DRB will hold a warned public hearing during the application process to consider the final application. The DRB shall approve or deny the proposed FINAL SUBDIVISION and shall issue its final decision in writing.

**ARTICLE II SUBDIVISION SKETCH PLAN**

**SECTION 200 Purpose and Procedure**

The purpose of the SKETCH PLAN review is to acquaint the DRB with the intent of the SUBDIVISION at an early stage in the design process. The SUBDIVIDER will explore, with the DRB, alternative design schemes that could satisfy the standards of these Subdivision Regulations, the TOWN PLAN, ZONING REGULATIONS, and all other applicable Town ordinances. SKETCH PLAN review is a voluntary, informal review, and is not binding on the DRB or the SUBDIVIDER. SKETCH PLAN review determinations by the DRB are advisory only and, as such, are not appealable to the Environmental Court.

**SECTION 210 Sketch Plan Requirements**

SKETCH PLAN review is optional, but encouraged for all SUBDIVIDERS. To facilitate an exchange of ideas, the Administrative Officer shall invite ADJOINING PROPERTY OWNERS to participate to the first SKETCH PLAN review meeting for a given project. Accompanying the request for SKETCH PLAN review shall be: one copy of the applicable section(s) of the Town orthophoto map(s) (which are available at the Town offices) or other referencing materials with the subject area defined; a sketch plan of the land to be subdivided that depicts the proposed development; and one set of stamped envelopes addressed to each ADJOINING PROPERTY OWNER. The DRB shall consider the sketch plan materials and may hold more than one meeting on any SKETCH PLAN review.

**ARTICLE III PRELIMINARY SUBDIVISION****SECTION 300 Purpose**

The purpose of the PRELIMINARY SUBDIVISION application is to require a landowner to present a plan for a proposed SUBDIVISION to the DRB. Major issues and concerns will be identified and potential solutions will be explored. All applications for PRELIMINARY SUBDIVISION review must be approved by the DRB before an application for FINAL SUBDIVISION will be considered.

**SECTION 310 Preliminary Subdivision Application Submission Requirements**

Any SUBDIVIDER of land shall follow the application submission requirements as set forth in Section 800.2 and Section 800.3. The SUBDIVIDER shall also submit three (3) (24" by 36") copies of a PRELIMINARY SUBDIVISION plat and separate plan showing project boundaries and proposed LOT layout, and eight (8) (11" by 17") copies of the foregoing and any other supporting materials as provided in Section 310.1 and Section 310.2

The DRB may vote to waive any of the application requirements in accordance with Section 704, if it finds that the information waived is not necessary to determine PRELIMINARY SUBDIVISION conformance with the standards and requirements of these Subdivision Regulations, the ZONING REGULATIONS, or any other Town bylaws.

310.1 The PRELIMINARY SUBDIVISION plat shall include the following information:

- (1) proposed SUBDIVISION name or identifying title, tax map number and the name of the Town;
- (2) name and address of the owner of record of the property, and of the SUBDIVIDER if different;

- (3) a location map showing the relationship of the proposed SUBDIVISION to adjacent property and surrounding areas within two thousand (2,000) feet of any property line of the proposed project. Such location map may be shown on a USGS map at a scale of 1 inch equals 2,000 feet;
- (4) boundaries of the proposed SUBDIVISION and the names of the owners of record of all adjoining properties, to the proposed SUBDIVISION;
- (5) existing easements within the proposed SUBDIVISION;
- (6) the zoning district, including overlay districts, in which the property is located and the relevant ZONING REGULATION provisions applicable to the site;
- (7) the location, names and widths of existing roads, easements, and building setbacks;
- (8) the location of any bridges, drains, drainage ways or culverts which are proposed in the SUBDIVISION;
- (9) proposed LOT lines with dimensions and planned locations and uses for buildings, any stream and wetland buffer zones, and any overlay district(s) applicable to the proposed SUBDIVISION;
- (10) potential layouts for the SUBDIVISION showing all roads, pedestrian ways, recreational trails, utilities, and all proposed access to the SUBDIVISION; and
- (11) date, true north arrow and scale.

310.2 The PRELIMINARY SUBDIVISION plan shall include the following information:

- (1) name of the designer of the SUBDIVISION;
- (2) number of acres within the proposed SUBDIVISION, buildings, water courses and other noteworthy physical features;
- (3) the location of all natural features or resources on the site such as streams, ponds, wetlands, flood plain, floodway, forest stands, established LARGE ANIMAL HABITAT;
- (4) designation of each segment of adjoining property boundaries of all adjoining properties common with the proposed SUBDIVISION ;
- (5) the location of known archaeological sites such as cellar holes, building foundations, wells, or known fences;
- (6) the location and dimensions of any existing wastewater disposal systems, water supplies, culverts, drains, drainage ways, or underground cables on the site;
- (7) the location, names and widths of parks, public open space, trails, etc. on the site as well as similar information regarding adjacent properties;
- (8) contour lines, at intervals of twenty (20) feet, of existing grades;
- (9) means of providing water supply to the proposed SUBDIVISION;
- (10) general information regarding the location(s) of potential wastewater systems and potable water supplies in the proposed SUBDIVISION
- (11) proposals for maintaining open spaces, natural features and resources on the site;

- (12) As specified in Section 6.10.1, a master development plan prepared by an engineer, land use planner, or other professional acceptable to the DRB.
- (13) a list of waivers, if any, which the SUBDIVIDER requests from the requirements of these Subdivision Regulations, and the justification for the request; and,
- (14) written authorization appointing a representative, if appropriate.

**SECTION 320 Field Markers**

Field markers shall be located on the site and maintained until a final decision is made on the application to enable the DRB to readily locate and evaluate the proposed layout in the field. Field markers shall have different labels or color codes to show proposed roads, rights-of-way, corners of proposed structures or building envelopes, and all LOTS, plus any areas to be dedicated to public use.

**SECTION 330 Preliminary Subdivision Public Hearing**

The DRB shall hold a public hearing in accordance with Sections 800.3 and 800.4. of these Subdivision Regulations

- (1) The SUBDIVIDER, or a duly authorized representative, shall attend the PRELIMINARY SUBDIVISION public hearing to discuss with the DRB the SUBDIVISION, possible alternatives, and the proposal's compliance with these Subdivision Regulations;
- (2) The DRB shall study the information provided and consider whether or not the proposed development conforms to the ACT, the ZONING REGULATIONS and any other Town bylaws in effect. The DRB may request alternative layouts and arrangements of the SUBDIVISION and identify key features or provisions which it feels should be recognized in the final layout. The DRB may recess the public hearing for a time and date certain within six months of the initial hearing date.

**SECTION 340 Action on Preliminary Subdivision**

The DRB shall act to approve, to approve with recommendations or to deny the PRELIMINARY SUBDIVISION application within forty-five (45) days of the date when the DRB closed the public hearing, in accordance with Section 800.4.

Approval of PRELIMINARY SUBDIVISION does not imply approval of the FINAL SUBDIVISION by the DRB but is simply authorization to proceed with a formal application for FINAL SUBDIVISION approval.



## **ARTICLE IV FINAL SUBDIVISION**

### **SECTION 400 Purpose**

The FINAL SUBDIVISION review is the final step in the DRB review of a SUBDIVISION plan, the SUBDIVISION PLAT, and all evidence regarding a SUBDIVISION application to ensure compliance with the Subdivision Regulations, the ZONING REGULATIONS, and all other applicable Town standards.

### **SECTION 410 Final Subdivision Application**

Within six (6) months of PRELIMINARY SUBDIVISION approval, the SUBDIVIDER shall submit a COMPLETE APPLICATION and associated fees for FINAL SUBDIVISION to the Administrative Officer, or request an extension in writing from the DRB. If a COMPLETE APPLICATION is not received within six months or as extended, the SUBDIVIDER shall resubmit a PRELIMINARY SUBDIVISION or SKETCH PLAN application. The FINAL SUBDIVISION application shall be consistent with and incorporate all conditions made by the DRB in its PRELIMINARY SUBDIVISION decision.

### **SECTION 420 Final Subdivision Application Submission Requirements**

- 420.1 The SUBDIVIDER shall submit to the Administrative Officer three (3) full sized (24" by 36") plans and eight (8) copies (11" by 17") of the following: a complete FINAL SUBDIVISION application, FINAL SUBDIVISION PLAT, FINAL SUBDIVISION plan, and any other supporting documentation. The FINAL SUBDIVISION PLAT shall be prepared by a licensed surveyor and marked "DRAFT – For Review Only." The FINAL SUBDIVISION plan shall be prepared by a qualified surveyor, professional planner, engineer, architect, or landscape planner.
- 420.2 The FINAL SUBDIVISION PLAT shall be consistent in all respects to the layout as approved by the DRB for the PRELIMINARY SUBDIVISION. The final plat shall be drawn to a scale of not more than two hundred (200) feet to the inch, and shall show:
- (1) proposed SUBDIVISION name or identifying title, the name of the municipality, the name and address of the owner of record and of the SUBDIVIDER (if different), the name, registration number and seal of the registered land surveyor, the boundaries of the SUBDIVISION and its general location in relation to existing roads or other landmarks, scale, date, magnetic north, with true north declination and legend;
  - (2) road names and lines, pedestrian ways, recreational trails, LOTS, reservations, easements and areas to be dedicated to public use, if any;
  - (3) the location, bearing and length of every road line, LOT line and boundary line. All locations should be tied to known reference points such as road intersections;
  - (4) the length of all straight lines, the deflection angles, radii, length of curves, tangent distances and bearings for each road;

- (5) all public open space for which offers of dedication are made by the SUBDIVIDER, and those spaces for which title is reserved by the SUBDIVIDER;
- (6) LOTS within the SUBDIVISION numbered sequentially (any reserved land shall have the highest number). Below each LOT number, within the LOT boundaries, the following shall be listed: the acreage, new parcel ID number, and building envelope to contain all proposed primary structures.
- (7) the location of any zoning overlay district(s) applicable to the proposed SUBDIVISION;
- (8) location of well shields on all LOTS;
- (9) location of any existing or proposed easements on all LOTS;
- (10) location of all of the improvements referred to in ARTICLE VI, landscaping, utility poles, and rough grading and other devices for draining the area within the SUBDIVISION;
- (11) locations of proposed MONUMENTS at all right-of-way intersections and at all points of curvature (P.C.) and points of tangency (PT) on both sides of any road lines, and at any other critical points in the road lines as will enable a land surveyor to correctly stake out any LOT in the SUBDIVISION.;
- (12) names of all SUBDIVISIONS immediately adjacent and the names of ADJOINING PROPERTY OWNERS; and,
- (13) SUBDIVISION location map.

#### 420.3 FINAL SUBDIVISION PLAT AND PLAN AND SUPPORTING DOCUMENTS

Along with the FINAL SUBDIVISION PLAT, the SUBDIVIDER shall submit to the Town a set of materials that constitute a FINAL SUBDIVISION plan, which shall include the following information:

- (1) location and envelope area of wastewater disposal system(s) including primary and any required replacement areas, and a letter from the wastewater disposal system designer stating that all such systems will be designed and constructed in conformance with all applicable state regulations and standards;
- (2) location of and envelope area of all existing and proposed sources of potable water and wastewater system(s); ;
- (3) location and design of all of the considerations and improvements referred to in Article V (Planning Standards) and Article VI (Required Improvements and Design Standards);
- (4) identification and methods of protection of natural features or site elements (i.e., streams, ponds, wetlands, flood plain, forest stands, established LARGE ANIMAL HABITAT, rock outcroppings, etc.);
- (5) typical cross sections and proposed grading of roadways;
- (6) designs of any bridges or culverts which may be required on the SUBDIVISION;
- (7) A signed statement reciting:
  - a) the location, type and length of any proposed road or roads. All roads shall be designed to the specifications in SECTION 600 of these Subdivision Regulations;

- b) the nature and extent of any recreational features, open spaces, parks, or playgrounds to be provided, if any, and whether or not and under what conditions they are intended to be dedicated to the Town.
- (8) contours of finish grades at five (5) foot intervals if finished grade varies from existing grade by five (5) feet or more, except that contours at two (2) foot intervals shall be shown in areas where wastewater disposal systems are to be located;
- (9) At the discretion of the DRB, letters from the Chittenden East School District Superintendent, the Richmond Police Chief, the head of Richmond Rescue, and the Richmond Fire Chief indicating their assessment of the impact of the proposed SUBDIVISION on the provision of school, police, rescue or fire protection services, or letters from others on relevant issues;
- (10) A letter from a professional engineer retained by the SUBDIVIDER stating that all proposed public and private infrastructure is in compliance with these Subdivision Regulations and other standards established by the Town of Richmond such as ZONING REGULATIONS, Public Works Specifications or other standards; and,
- (11) Any other documents required by the DRB as a result of SKETCH PLAN, PRELIMINARY SUBDIVISION, or FINAL SUBDIVISION review and these Subdivision Regulations.

The DRB may vote to waive any of these application requirements in accordance with Section 704, if it finds that the information waived is not necessary to determine whether the FINAL SUBDIVISION plan is in conformance with the standards and requirements of these Subdivision Regulations and the ZONING REGULATIONS.

**SECTION 430 Public Hearing For Final Subdivision Application**

The DRB shall hold a public hearing after the submission of a COMPLETE APPLICATION for a FINAL SUBDIVISION review to the Administrative Officer, warned and held in accordance with the ACT and Sections 800.3 and 800.4.

The DRB may recess the public hearing for a time and date certain within six months of the initial hearing date.

**SECTION 440 Action on Final Subdivision Application**

The DRB shall, within forty-five (45) days after the date the public hearing is closed, act to approve or deny the FINAL SUBDIVISION, in accordance with Section 800.3. The DRB shall describe the grounds for any required conditions of approval or detail the reasons for denial in a written notice of decision..

**ARTICLE V PLANNING STANDARDS**

**SECTION 500 General Planning Standards**

The DRB shall evaluate any application for SUBDIVISION approval in accordance with the following considerations. The DRB may require the SUBDIVIDER to submit information addressing impacts related to these considerations.

- (1) Whether SUBDIVISION or development would be harmful to the safety, health and general welfare of the present or future inhabitants of the SUBDIVISION and/or its surrounding areas, due to flooding, improper drainage, steep slopes, rock formations, topography, utility easements or other features;
- (2) Whether the proposed SUBDIVISION has an UNDUE ADVERSE IMPACT on existing historical resources or natural features, trees, brooks, rock outcroppings, water bodies, ground water, or other natural and/or historical resources;
- (3) Whether the proposed SUBDIVISION includes adequate provision for the control of runoff and erosion during and after construction;
- (3) Whether the proposed SUBDIVISION is in compliance with the ACT, the ZONING REGULATIONS and any other bylaws or town ordinances in effect;
- (4) Whether the proposed design and configuration of parcel boundaries and location of associated improvements achieve the desired settlement pattern for the zoning district and neighborhood in which the SUBDIVISION is located;
- (5) Whether the site is suitable for the proposed density;
- (6) Whether the proposed SUBDIVISION, when reviewed in the context of the Town's adopted capital budget and program, and other developments in the Town, will place an unreasonable burden on the ability of the local governmental units to provide municipal or governmental services or facilities;
- (8) Whether there is a sufficient potable water supply and adequate area for wastewater disposal;
- (9) That the wastewater disposal system(s) and potable water supply will not impair or pollute surface water and groundwater;
- (10) Whether the proposed SUBDIVISION will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town;
- (11) Whether the proposed development avoids UNDUE ADVERSE IMPACT on established LARGE ANIMAL HABITAT and prevents UNDUE ADVERSE IMPACT to, or provides adequate protection for, such habitat, and retains unrestricted animal access to the identified habitat; and,
- (12) Whether the proposed development would cause undue air, water, noise or light pollution.

## **ARTICLE VI      REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

### **SECTION      600      Roads and Other Facilities**

All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a SUBDIVISION (each a "Facility") shall remain private until formally accepted by vote of the Town Selectboard. If the Applicant intends to offer any Facility to the Town, then, with the application for FINAL SUBDIVISION approval, the Applicant shall submit the following:

- (1) A draft irrevocable offer of dedication;
- (2) A draft warranty deed conveying to the Town:
  - a. For a road Facility, fee simple title to a 60 foot wide area of land, 30 feet on either side of the road centerline; and
  - b. For any other Facility, either fee simple title to an area where the Facility will be located, or an easement for the Facility's use, maintenance, repair, enlargement, and replacement. The warranty deed shall not be subject to any encumbrances, including but not limited to mortgages, liens and easements (including utility easements), restrictions, and common area declarations.

FINAL SUBDIVISION approval shall not constitute acceptance of the facility as a public facility, as acceptance can only occur by vote of the Selectboard. Nothing in this Section shall obligate the Town to accept any Facility as a municipal Facility. FINAL SUBDIVISION approval shall not be deemed to prevent the Town Selectboard from requiring any modifications to the irrevocable offer or any instruments or the deed that the Selectboard deems appropriate prior to acceptance.

- 600.1 **CONSTRUCTION:** The SUBDIVIDER shall construct all roads to meet the of the Town of Richmond Public Works Specifications standards and specifications for public infrastructure, including roads. Specifications for driveways must meet the requirements established in the ZONING REGULATIONS.
- 600.2 **ARRANGEMENT:** The arrangement of roads in the SUBDIVISION shall provide for continuation of roads within adjacent SUBDIVISIONS and, at suitable locations, shall continue to the boundary of the SUBDIVISION in order to facilitate access to adjacent land if and when it may be developed. The DRB may modify this requirement where topographic or other conditions make it impractical to comply, or where the DRB determines that compliance is not in the public interest.
- 600.3 **TOPOGRAPHY:** Roads shall be logically related to the topography so that they have reasonable grades and safe intersections, and create reasonable LOTS. Roads shall not have any UNDUE ADVERSE IMPACT on streams, woodlands, slopes and other natural features.
- 600.4 **CURB CUTS:** Access points to public or private rights-of-way shall be consolidated to minimize multiple curb cuts.

- 600.5 RESERVED STRIPS: There shall be no reserved strips which deny access to a proposed road from a property adjacent to that road.
- 600.6 DEAD END ROADS: Dead end roads shall terminate in a circular turnaround with an outside radius of not less than sixty feet approved by the DRB or in a hammerhead approved by the Selectboard
- 600.7 INTERSECTIONS: There shall be no "jog" intersections, i.e., where opposing roads have centerlines separated by less than two hundred (200) feet. All road intersections shall be as nearly at right angles as feasible.
- 600.8 ACCESSIBILITY: Emergency and service vehicles must have access to all LOTS and buildings.
- 600.9 SIGHT DISTANCES: Sight distances at all intersections should be consistent with anticipated traffic speeds, terrain, alignments and climatic extremes.
- 600.10 DRAINAGE: All roads shall be adequately shaped and drained, with adequate ditches or other storm water system.
- 600.11 ROAD NAMES: Road names shall be approved by the Selectboard prior to the submittal of the FINAL SUBDIVISION PLAT applicaton.
- 600.12 DEDICATION FOR ROAD REALIGNMENT OR WIDENING: Where the proposed SUBDIVISION borders on an existing road, and where the DRB determines that the SUBDIVISION creates a need for realignment or widening of said road, the DRB may require that the SUBDIVIDER reserve a right-of-way for such realignment or widening. The FINAL SUBDIVISION PLAT shall depict this area, identified as "Reserved for Future Road Realignment and/or Widening Purposes," under Section 600.13.
- 600.13 CONSTRUCTION OF STRUCTURES IN THE ABSENCE OF SECURITY: Unless Security is required pursuant to Section 708.1(3), no ZONING PERMIT shall issue for construction of a STRUCTURE until: (i) all FACILITIES as defined in Section 600 are in place to service the STRUCTURE (excepting road top course); (ii) as-built drawings for the FACILITIES prepared by a registered professional engineer and approved by the Town engineer are submitted to the Administrative Officer. For purposes herein, STRUCTURE means an assembly of materials for occupancy or use, excepting the FACILITIES themselves."
- 600.14 SIDEWALKS: The DRB may require sidewalks, bicycle paths and/or recreational paths to safely accommodate pedestrian, bicycle and/or other recreational circulation within the SUBDIVISION or from the SUBDIVISION to other points of interest such as a village areas, higher density neighborhoods, parks, or shopping areas. Construction of sidewalks shall meet the Public Works Specifications. If the Town has an adopted recreation plan or sidewalk plan, the SUBDIVIDER shall be required to construct and dedicate such amenities within the SUBDIVISION required by those plans.

**SECTION 610 Lot Layout**

- 610.1 ZONING REGULATIONS: The layout of all LOTS and their setback requirements shall conform to the requirements of the ZONING REGULATIONS and these Subdivision Regulations to achieve the desired settlement pattern for the zoning district, area, and neighborhood in which the SUBDIVISION is located, including associated overlay districts. All LOTS must have the required frontage. If the SUBDIVISION meets the requirements and is approved as a Planned Unit Development or as a Planned Residential Development, the DRB may waive or modify specific requirements of the ZONING REGULATIONS as provided in the PUD or Residential PUD sections of the ZONING REGULATIONS. For any portion of the parcel or LOT not proposed for LAND DEVELOPMENT in the SUBDIVISION as of the application date, a master development plan is required. The master development plan shall conceptually show future roads, future stormwater infrastructure, future building areas, future open areas, and future uses on such remaining land, including those that the SUBDIVIDER expects to offer to the Town of Richmond.
- 610.2 OTHER CONSIDERATIONS: The SUBDIVIDER shall design LOTS and building envelopes consistent with topography, existing vegetation, drainage, soil conditions, and aesthetic considerations.

**SECTION 620 Pedestrian and Bicycle Access**

To facilitate pedestrian, bicycle and/or other recreational access from or across the proposed SUBDIVISION, the DRB may require the dedication of easements at least ten (10) feet in width. Such easements shall be indicated on the FINAL SUBDIVISION PLAT.

**SECTION 630 Outdoor Lighting**

Lighting shall comply with the Richmond ZONING REGULATIONS.

**SECTION 640 Trees, Shrubs and Landscaping**

- 640.1 NEW TREES OR SHRUBS: The DRB may require the permanent planting of new trees and shrubs in SUBDIVISIONS which are lacking in trees or shrubs or in which substantial loss of trees or shrubs will result from road construction and development of the SUBDIVISION. Such trees or shrubs shall be of a type indigenous to Vermont, preferably of high wildlife conservation value, shall be planted in fertile and fertilized ground in accord with standard horticultural practices, and shall be watered and nurtured until growth is assured. Trees shall have a minimum trunk diameter at a point six (6) inches above the ground level of two (2) inches, shall be planted close to the right-of-way line at average intervals of no more than sixty (60) feet, and shall be free of branches between ground level and a point six (6) feet above ground level.
- 640.2 LANDSCAPING: The DRB may require a detailed landscaping plan which shows suitable vegetation or earth buffers to minimize noise or visual

impacts, to conserve existing vegetation, or to otherwise implement the standards of these Subdivision Regulations.

**SECTION 650 Drainage and Fill**

- 650.1 DESIGN OF DRAINAGE SYSTEM: The SUBDIVIDER shall provide a design for a drainage system which will remove any water and storm run-off which may traverse the site. The drainage system may include pipes or open drainage ways, and shall be located in road rights-of-way or in unobstructed easements not less than twenty (20) feet in width. The design of the drainage system shall utilize natural waterways and drainage ways to the extent possible. The drainage system shall identify all waterways into which water exiting the site will flow.
- 650.2 ACCOMMODATION OF ANTICIPATED FLOWS: Drainage facilities shall accommodate all existing surface water and run-off, plus run-off anticipated from the proposed development.
- 650.3 DOWNSTREAM DRAINAGE FACILITIES: The SUBDIVIDER shall demonstrate that existing drainage facilities below the grade of the SUBDIVISION will accommodate the anticipated additional run-off from the proposed SUBDIVISION. If the additional run-off will overload down gradient facilities so that there will be undue drainage onto other property, or an increase in expenditure of public funds, the DRB shall require the SUBDIVIDER to design and implement facilities to correct such overloads within the SUBDIVISION or offsite with associated easements or agreements with one or more ADJOINING PROPERTY OWNER.
- 650.4 TWENTY-FIVE YEAR STORM: The drainage system and all easements shall be designed to accommodate water from a twenty-five (25) year storm.
- 650.5 EROSION CONTROL: The smallest practical area of land shall be bare at any one time during development. Any exposure shall be kept to the shortest practical period of time. The DRB may require temporary vegetation, mulching, and/or structural measures to protect exposed areas. The SUBDIVIDER shall install and maintain appropriate sediment basins during development to remove silt and to control runoff. The SUBDIVIDER shall install permanent vegetation and erosion/runoff control measures as soon as practical. There shall be adequate permanent measures at culvert outfalls to prevent erosion and disruption of drainage ways.
- 650.6 FILL: The SUBDIVIDER shall not use stumps, wood, roots or other fibrous materials or refuse as fill, except in areas stipulated for no development. The DRB shall require the SUBDIVIDER to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within road sections or on the site of structures.

**SECTION 660 Water Supply and Wastewater Disposal Systems**

All LAND DEVELOPMENT shall be located to prevent contamination of any water supply or water resource by run-off or leachate from wastewater disposal systems.



LAND DEVELOPMENT may be serviced by private or community potable water supply and/or wastewater systems which shall be designed, installed, and maintained in accordance with all applicable State of Vermont regulations and standards. The SUBDIVIDER shall provide the Town of Richmond with a copy of any required state or federal permits, including a Wastewater System and Potable Water Supply Permit, before any zoning permit for LAND DEVELOPMENT will be granted.

**SECTION 670 Utilities**

- 670.1 GENERAL: The FINAL SUBDIVISION PLAT shall show all utility systems, existing and proposed. The SUBDIVIDER shall coordinate SUBDIVISION design with the utility companies to ensure adequate and suitable areas for installation, both for proposed SUBDIVISION and for areas adjacent to the SUBDIVISION.
- 670.2 UNDERGROUND INSTALLATION: All utility systems, including but not limited to electric, gas, telephone and cable television, shall be located underground throughout the SUBDIVISION.
- 670.3 EASEMENTS: All easements shall be of sufficient width to serve the proposed SUBDIVISION, existing development and planned development outside of the SUBDIVISION. The FINAL SUBDIVISION PLAT shall show all easements.

**SECTION 680 Phasing**

The DRB may require that a SUBDIVISION creating six or more LOTS be divided into two or more phases to ameliorate, avoid or mitigate any UNDUE ADVERSE IMPACTS of the SUBDIVISION on existing or planned community facilities or services, in accordance with the Town's adopted capital budget and improvement program. Any phasing decision shall be based on the timing of construction or implementation of planned facilities and services, but shall allow at a minimum the development of five LOTS per year. The DRB may require phasing to avoid or mitigate undue, adverse impacts on the community's schools, roads, bridges, transportation infrastructure, police, fire, rescue, municipal services or the local economy. Any DRB decision requiring phasing shall describe the specific circumstances that warrant phasing under these standards.

**ARTICLE VII GENERAL REQUIREMENTS**

**SECTION 700 Application Fees**

The SUBDIVIDER shall pay the fees established by the Selectboard. The fees shall be due with the filing of the PRELIMINARY SUBDIVISION application.

**SECTION 701 Legal Data**

The SUBDIVIDER shall provide a draft of all restrictions which will run with the land and become covenants with the final application. The DRB may require the SUBDIVIDER to provide a certificate of title for all property to be conveyed to the Town as part of the SUBDIVISION. The DRB may require the filing of such other legal data (including rights-of way, easements, road agreements, etc.) as it deems appropriate to enforce these Subdivision Regulations.

**SECTION 702 Continuing Maintenance Requirements**

The SUBDIVIDER, and the SUBDIVIDER's successors and assigns, including the organization or trust required by Section 703, shall continuously maintain to the condition when originally installed, all Facilities (as defined in Section 600) and other improvements (as defined in Article VI), including all required SUBDIVISION landscaping. Diseased, dying, or dead landscaping shall be replaced with landscaping of a size equal to that as of the time of replacement, but in no event to exceed the size the landscaping would have reached by ten years after installation. The obligations of this Section 702: (1) shall not apply to Facilities or landscaping which have been accepted by the Town: and (2) shall only apply to an individual LOT owner as to landscaping on the owner's LOT.

**SECTION 703 Association of Owners**

The SUBDIVIDER shall provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space: the organization or trust shall not be dissolved or revoked nor shall it dispose of any common facilities or open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common facilities or open space, without first offering to dedicate the same to the Town or other government agency to maintain those common facilities or that open space.

**SECTION 704 Waivers**

No public road or public infrastructure requirement may be waived. In accordance with the ACT (24 V.S.A. §4418), the DRB may waive or modify, subject to appropriate conditions, the provisions of any other improvements and requirements in these Subdivision Regulations provided that, in its judgment of the special circumstances of a particular plat or plats, the requirements are not requisite in the interest of the public health, safety or general welfare or, in its judgment, are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the SUBDIVISION.

In granting waivers, the DRB shall require any conditions that will secure substantially the objectives of the requirements so waived. No such waiver will be granted if it would have the effect of nullifying the intent and purpose of the ACT, any provisions of the ZONING REGULATIONS, these Subdivision Regulations, or other Town bylaws.

**SECTION 705 Filing of Final Plat and Expiration Dates**

Upon final approval of a FINAL SUBDIVISION application by the DRB, the SUBDIVIDER shall prepare a copy of the FINAL SUBDIVISION PLAT for recording in the Town Land Records in accordance with the requirements of 27 V.S.A., Chapter 17 and Chapter 117, Section 4463 of the ACT, plus all other associated materials required by the DRB for inclusion in the DRB's records. No plat shall be recorded in the Town Land Records until it has received final approval by the DRB, as endorsed in writing on the plat. The wording on the plat shall be:

“Approved for recording in the Town of Richmond Land Records by decision of the Richmond Development Review Board on [add date], with permit number [add permit number] and signed this [add date].”

The plat shall be recorded within 180 days of the date of DRB approval, or, as extended by Section 4463(b)(1) of the ACT, the approval shall expire. In accordance with the Act (§4463), after an approved plat or certification by the clerk is filed, the approval or certification shall not expire. It shall be the SUBDIVIDER's responsibility to timely record the plat.

**SECTION 706 Revisions**

No changes, modifications, or revisions shall be made on any FINAL SUBDIVISION after final approval, unless said FINAL SUBDIVISION is first resubmitted to the DRB and the DRB has approved the modifications, except as provided in Section 800.1.

**SECTION 707 Effect of Final Approval**

Final approval by the DRB under these Subdivision Regulations shall not be deemed to constitute, or be evidence of, any acceptance by the Town of any road, easement, utilities, park, recreation area or open space shown upon the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard. In addition, FINAL SUBDIVISION approval by the DRB shall not imply approval under any other regulations or bylaws in effect in the Town. Approval of a SUBDIVISION plat and a review and acceptance of any other written materials shall not imply that the DRB has independently ascertained the accuracy, completeness, effectiveness or suitability of the plans, designs and documents. Neither the DRB nor the Town shall incur any liability for SUBDIVISION approval.

**SECTION 708 Conditions to All Final Approvals**

In granting FINAL SUBDIVISION approval, the DRB may attach reasonable conditions and safeguards as it deems necessary to implement the purposes of these Subdivision Regulations, the ZONING REGULATIONS, or any other Town bylaws or standards and to mitigate any UNDUE ADVERSE EFFECT associated with the SUBDIVISION. In addition to required modifications or

improvements, such conditions may include but are not limited to SUBDIVISION general standards, project phasing, and Security options.

- 708.1 Security – In lieu of the completion of public roads or infrastructure, private roads, and any other infrastructure improvements, the DRB may condition the SUBDIVISION permit on the submission of a bond, escrow account, or other surety to assure the completion of the SUBDIVISION, provision of adequate land stabilization measures, or protection of public facilities that may be affected by the SUBDIVISION.
- (1) For the purpose of this Section, the Term “Security” shall mean a performance bond issued by either a bonding or surety company approved by the Town’s Selectboard or issued by the owner with security acceptable to the Town’s Selectboard or an escrow or letter of credit arrangement acceptable to the Town’s Selectboard, in each case securing to the Town the completion of the required improvements for which the Security is supplied, their required maintenance and site restoration or remediation, as provided below in(3). In the event of non-performance, the bonding or surety company, or the Town, as the case may be, may complete the required improvements and perform the maintenance, to the extent of the Security, and may enter onto the owner’s property for such purposes.
  - (2) The DRB may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for approved land development unless the required streets and improvements on or in those streets, parking areas, stormwater facilities, sewer and water systems, and other required infrastructure improvements (including those anticipated to be dedicated to the Town and those anticipated to remain private) have been satisfactorily installed in accordance with the approval decision, and these regulations, and as-built plans submitted by a registered professional engineer.
  - (3) In lieu of the condition in (2) above, the DRB may require, prior to commencement of any Land Development, Security in an amount sufficient to cover the full cost of required streets, improvements on or in those streets, parking areas, stormwater facilities, water and sewer systems, and other required infrastructure improvements, submission of as-built plans by a registered professional engineer, the maintenance of all forgoing improvements for a period of two years after submission to and approval by the Administrative Officer of as-built plans, and also including restoration or remediation in the event the applicant abandons or otherwise fails to complete the project or required infrastructure improvements, as such full cost is estimated by the DRB or by such Town departments or officials as the DRB may designate. Such security shall secure to the Town completion of such required improvements within three years of the start of construction of the first of such required improvements and the maintenance of such required improvements for such period of two years after completion of the last of such required improvements.
  - (4) The DRB may also require, prior to commencement of any Land Development, Security in an amount sufficient to cover the full cost of any required landscaping, screening, buffers, and site restoration, adequate stabilization, and protection of public facilities that may be

affected by the project, and maintenance of all the foregoing for a period of two years after completion, as such full cost is estimated by the DRB or such municipal departments or officials as the DRB may designate. Such security shall secure the Town the completion of all such required improvements within three years from the start of installation of the first such required improvements and their maintenance for a period of two years after completion of the last of such a required improvements.

- (5) The time periods for completion in (3) and (4) above may be extended by the DRB for an additional 3 years with the consent of the land owner.
- (6) The Security required by (3) and (4) above may be by one consolidated instrument, or by separate instruments.
- (7) Prior to the issuance of a certificate of occupancy for any required improvements, the applicant shall reimburse the Town within 30 days of invoice for the Town's engineering, legal, and other professional fees related to the inspection of the work, preparing reports to the Town, and other related activities. This provision shall be deemed a condition of every approval whether or not expressly stated in the approval.

## **ARTICLE VIII MISCELLANEOUS**

### **SECTION 800 Decisions and Administration**

The DRB shall decide matters regarding these Subdivision Regulations and the Administrative Officer shall administer these Subdivision Regulations in accordance with the ACT, ZONING REGULATIONS, and all state or Town ordinances and the DRB's adopted rules of procedure with respect to conflicts of interest.

The DRB shall conduct site visits for each proposed SUBDIVISION, unless, in the DRB's judgement, such a visit is not necessary for a specific application.

800.1 MINOR REVISION: The Administrative Officer may approve a permit for a revision to an approved SUBDIVISION for the following modifications only:

- (1) Adjust a LOT boundary, provided that no LOT is diminished in total area by more than ten (10) percent;
- (2) Change a road location, provided that the centerline is moved by no more than twenty (20) feet and/or no more than one hundred (100) feet of the length of the road segment is moved and provided that the Town engineer approves any such changes.
- (3) Modify the location of a wastewater system leach field, provided that the State of Vermont has issued an amended Wastewater and Potable Water Supply permit for the leach field as relocated;
- (4) Move a building envelope by no more than twenty (20) feet in any direction, provided that no ADJOINING PROPERTY OWNER or an INTERESTED PERSON has requested a public hearing before

the DRB. If a public hearing is requested with the DRB, the procedure in Sections 800.2, 800.3, and 800.4 shall apply;

- a. To determine whether a public hearing shall be required under this subsection (4), the Administrative Officer shall send notice to ADJOINING PROPERTY OWNERS or any INTERESTED PERSON. As part of the request for a MINOR REVISION, the SUBDIVIDER shall submit to the Administrative Officer one set of stamped envelopes addressed to each current ADJOINING PROPERTY OWNER to the proposed SUBDIVISION. For addresses for any INTERESTED PERSON, the Applicant shall provide an updated list of INTERESTED PERSONS who participated at the previous public hearing(s) for the approved SUBDIVISION. Along with a letter of notice, the Administrative Officer shall send the following information:
  - i. Copy of proposed draft permit;
  - ii. Specified date by which written request must be received (15 calendar days from the date of the notice mailing); and
  - iii. Contact information for making the request.

Any MINOR REVISION must comply with requirements for approval and notice and must receive a zoning permit as part of the Richmond ZONING REGULATIONS and requirements for RECORDING in Section 800.6 below.

800.2 APPLICATION REQUIREMENTS: Any SUBDIVIDER shall submit to the Administrative Officer at least twenty one (21) days prior to a regularly scheduled meeting of the DRB, a COMPLETE APPLICATION and all associated application fees for a SKETCH PLAN, PRELIMINARY SUBDIVISION, or FINAL SUBDIVISION.

800.3 NOTICE: In accordance with the ACT (§§4463, 4464), notice for public hearings, as required for PRELIMINARY SUBDIVISION applications and FINAL SUBDIVISION applications, shall be given not less than 15 days in advance of the hearing date by all of the following:

- (1) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the Town;
- (2) Posting the same information in three (3) or more public places in Town, including posting by the SUBDIVIDER on the subject property within view of the nearest public right-of-way;
- (3) Written notification to the SUBDIVIDER and to all ADJOINING PROPERTY OWNERS. The SUBDIVIDER shall submit to the Town of Richmond a list of all adjoining property owners and one set of stamped envelopes addressed for each ADJOINING PROPERTY OWNER to the proposed SUBDIVISION. These envelopes shall be used by the Administrative Officer to send notice of the public hearing;

- (4) For proposed subdivisions located within 500 feet of a Town boundary, a copy of the notice shall be sent to the clerk of the adjoining municipality;
- (5) The notification for a public hearing shall include a description of the proposed project, and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the hearing process is a prerequisite to the right to take any subsequent appeal. The DRB may also direct that written notice be provided to any other person;
- (6) The SUBDIVIDER shall be required to bear the cost of public warning, and the cost of notifying each ADJOINING PROPERTY OWNER; and,
- (7) No defect in the form or substance of any public notice required under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content.

800.4 HEARINGS: All public hearings of the DRB shall be conducted in accordance with the ACT (§§4461, 4464). All provisions of §4464(b)(1) of the ACT shall apply :

- (1) The DRB may examine or cause to be examined any property, maps, books or records bearing upon the matters concerned in the proceeding, may require the attendance of any person having knowledge of the premises, and may administer oaths, take testimony and require proof material for its information;
- (2) The DRB may require an independent technical review of one or more aspects of an application, the reasonable cost of which shall be paid by the SUBDIVIDER, in accordance with procedures and standards for such reviews established by the Selectboard;
- (3) Any person may comment during the public hearing at times provided by the DRB. Opportunity shall be provided for each person wishing to achieve status as an INTERESTED PERSON, for purposes of appeal under Section 840, to demonstrate that the criteria for achieving such status are met. The DRB shall keep a written record of the name, address and participation of each of these persons; and,
- (4) The DRB may recess the public hearing proceedings on any application pending submission of additional information for a time and date certain within six months of the hearing date.

800.5 DECISIONS: In accordance with the ACT (§4464), all decisions of the DRB shall be issued within 45 days after the date of the hearing adjournment. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day , provided, however, that for a “deemed approval” to be effective, the SUBDIVIDER must seek court affirmation of the applicability of this remedy by direct appeal of the DRB’s decision or lack

thereof to the Environmental Court. All provisions of §4464(b)(1) of the ACT shall apply.

- (1) All decisions of the DRB shall be sent by certified mail to the applicant, or appellant. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and shall be filed with the Administrative Officer and the approval or notice of approval filed with the Richmond Town Clerk as part of the public records of the municipality.
- (2) Any SUBDIVISION approval granted by the DRB shall not be personal to the applicant, but shall run with the land.

800.6 RECORDING: Within 30 days of the issuance of a FINAL SUBDIVISION approval or notice of violation, the SUBDIVIDER shall deliver either the original, a legible copy, or a notice of the approval to the Town Clerk for recording in the Town Land Records, as required in §4449(c) of the ACT.

800.7 OTHER REQUIREMENTS:

The SUBDIVIDER shall comply with the the following required actions to comply with the FINAL SUBDIVISION approval before ZONING PERMITS for LAND DEVELOPMENT for infrastructure construction are issued:

- (1) Comply with the written FINAL SUBDIVISION approval for plat and plans:
- (2) Set in place all MONUMENTS after all road improvements are completed and before the commencement of construction of any structures. Each MONUMENT shall have an identification on the top, so that the marked center shall be the point of reference. The tops of all MONUMENTS shall be flush with finished grades. In addition, MONUMENTS shall be shown on all corners of the boundary.

**SECTION 810 Severability**

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

**SECTION 820 Enforcement and Penalties**

§ 4451 and § of the ACT shall control any violation of these Subdivision Regulations.

**SECTION 830 Saving Provision**

No one shall construe these Subdivision Regulations to impair any actions now pending under prior regulations.

**SECTION 840 Appeals**

Appeals are conducted in accordance with the provisions of the ACT, §4471 and §4475.



**SECTION 850 Amendments of Statutes Referenced Herein**

Certain provisions of the Act and specific Town of Richmond regulations are incorporated in substance or verbatim as sections or subsections of these Subdivision Regulations. If any such regulatory or statutory referenced provision is amended after the effective date of these regulations, the corresponding section or subsection of these Subdivision Regulations shall be deemed automatically amended to conform with the language of such amendment.

**ARTICLE IX DEFINITIONS**

Unless otherwise defined herein, definitions contained in the Title 24 V.S.A. Annotated, Chapter 117 shall be applicable throughout these Subdivision Regulations.

**ACT:** The Vermont Planning and Development ACT, Title 24, Chapter 117, Vermont Statutes Annotated, as subsequently amended. If any provision of these Subdivision Regulations are or become inconsistent with the Act, the Act shall control.

**ADJOINING PROPERTY OWNER:** Owners of properties adjoining the property subject to LAND DEVELOPMENT, including the owners of properties which would be contiguous to the property subject to LAND DEVELOPMENT but for the interposition of a highway or other public right-of-way.

**AFFILIATED OWNERSHIP:** Any legal or equitable title interest to lands held by individuals or entities affiliated with each other for profit or other consideration. A legal or equitable title interest held by an individual's spouse, civil union partner, natural or adopted children, parents, or siblings, and the spouse or civil union partner of an individual's parents, children or siblings, shall be presumed to be affiliated ownership *unless* satisfactory evidence is provided that such person will not derive any profit or other consideration from the contiguous lands.

The following rules shall apply in determination of whether certain types of ownership interests are affiliated:

- a) a stockholder in a corporation which holds the legal or equitable title interest shall be presumed to be affiliated if the stockholder and the stockholder's spouse, civil union partner, natural or adopted children, parents, and siblings own, control or have a beneficial interest in more than five percent (5%) of the outstanding shares in the corporation
- b) an individual who owns the legal or equitable interest solely as an agent of another, such as a court appointed guardian, a licensed attorney, or similar agency relationship, shall not be deemed affiliated unless the compensation received or other consideration obtained as a result of those duties indicates more than an agency relationship;

- c) a seller or chartered lending institution holding a legal or equitable title interest as security for money loaned to the individual shall not be deemed to be affiliated.

**BOUNDARY ADJUSTMENT:** Adjustment of a boundary line between only two adjacent LOTS such that the adjustment does not substantially change the nature of any previous SUBDIVISION, does not create any new LOTS, does not change the land use, and does not make any existing LOT non-conforming. All boundary adjustments shall have accurate field measurements or be surveyed, if deemed necessary by the Administrative Officer, and recorded in the Town Land Records. Any BOUNDARY ADJUSTMENT must meet all requirements as specified in the Richmond Zoning Regulations, Section 5.8.

**.COMMUNITY WASTEWATER DISPOSAL SYSTEM:** Any wastewater disposal system, other than a municipal system, that disposes of wastewater from two (2) or more DWELLINGS or establishments.

**COMMUNITY WATER SYSTEM:** Any water system that supplies potable water for domestic, general commercial or industrial uses to two (2) or more DWELLINGS or establishments.

**COMPLETE APPLICATION:** All required elements, materials, documentation, maps, site plans, etc. are determined to be complete. The Administrative Officer makes the determination prior to scheduling a PRELIMINARY SUBDIVISION hearing or FINAL SUBDIVISION hearing.

**DRB:** Development Review Board of the Town of Richmond.

**DWELLING:** A structure or portion thereof, containing sleeping, kitchen and bathroom facilities, designed or used for occupancy by one or more individuals living together as a single housekeeping unit.

**FINAL SUBDIVISION:** The final drawings and associated materials for the SUBDIVISION which is approved by the DRB.

**FINAL SUBDIVISION PLAT:** The final survey of the SUBDIVISION which is approved by the DRB for recording in the Town Land Records.

**INTERESTED PERSON:** An interested person, for purposes of participation in DRB hearings and appeal, includes any one of the following, as defined under the ACT (§4465):

- a) A person owning title to property, a municipality, or a solid waste management district empowered to condemn it or an interest in it, affected by these Subdivision Regulations, who alleges that these Subdivision Regulations impose on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
- b) The Town of Richmond or any adjoining municipality;

- c) A person owning or occupying property in the immediate neighborhood of a property that is subject of any decision or act taken under these Subdivision Regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of these Subdivision Regulations or any bylaws of the Town of Richmond;
- d) Any ten persons who may be any combination of voters or real property owners within the Town of Richmond who, by signed petition to the DRB, allege that any relief requested by a person under these Subdivision Regulations, if granted, will not be in accord with the policies, purposes or terms of these Subdivision Regulations or ZONING REGULATIONS. The petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to an appeal; and,
- e) Any department or administrative subdivision of the state owning property or any interest in property within the municipality, and the Vermont Agency of Commerce and Community Development.

**LAND DEVELOPMENT:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or any other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. LAND DEVELOPMENT shall not include maintenance or interior re-modeling projects. This exemption does not apply to a structural alteration which results in an exterior addition or enlargement. LAND DEVELOPMENT shall not include any stairway landings or ramps up to 50 square feet in size providing external access to a building which is built in the agricultural-residential district, provided that the entry ways must be in compliance with all other elements of the ZONING REGULATIONS.

**LARGE ANIMAL HABITAT:** An area which has been identified as a seasonal or permanent congregating place for large animals (such as bear, deer, moose, coyote or felines) for extended feeding, breeding or wintering purposes. Sources for identifying such habitat include but are not limited to Vermont Heritage survey of natural features (on file at the Regional Planning Commission), the Agency of Natural Resources, and/or local knowledge.

**LOT:** Any contiguous land in AFFILIATED OWNERSHIP or control on the effective date of this Ordinance. Land which has a common boundary is contiguous, regardless of whether it is separated by an easement. Land which is separated by a state or municipal highway right-of-way, or surface water with a drainage area of greater than ten square miles is not contiguous. If a LOT is approved for SUBDIVISION or re-SUBDIVISION, and a FINAL SUBDIVISION PLAT is recorded in the Town land records, each area of land approved for division shall also be a LOT. Land which has been previously identified and properly recorded in surveys or through deeds prior to the effective date of the ZONING REGULATIONS and Subdivision Regulations shall also be deemed to be LOTS.

- MINOR REVISIONS:** A revision to an approved subdivision that meets the specifications as laid out in Section 800.1.
- MONUMENTS:** MONUMENTS are granite or reinforced concrete markers constructed of at least 3,000 p.s.i. concrete and containing four (4) number 3 reinforcing bars set one in each corner. The MONUMENTS shall be a minimum of four (4) inches square and thirty six (36) inches long.
- PRELIMINARY SUBDIVISION:** The first required step in SUBDIVISION approval process, where major issues are addressed, and potential solutions explored.
- RESUBDIVISION OR AMENDED SUBDIVISION:** Any change in a recorded SUBDIVISION plat, other than a MINOR REVISION as defined above, or a change that affects any area to be reserved for public use, or a change that affects any map or plan legally recorded prior to the adoption of any SUBDIVISION regulations by the Town of Richmond.
- SELECTBOARD:** The Selectboard of the Town of Richmond.
- SKETCH PLAN:** An informal review of a sketch of the proposed SUBDIVISION.
- STRUCTURE:** An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence.
- SUBDIVIDER:** Any person who shall lay out for the purpose of sale, development or other purpose, any subdivision or part thereof as defined in this ordinance, either for him/herself or others. The term shall include an applicant for subdivision approval.
- SUBDIVISION:** Any LOT or parcel, vacant or improved, which is divided into two (2) or more LOTS and any other division of land, for , sale, development, lease, or any other purpose. The term includes AMENDED SUBDIVISIONS, RESUBDIVISIONS., , Planned Unit Developments or Residential Planned Unit Developments as defined in the ZONING REGULATIONS, and condominiums and other common interest communities as defined in 27A VSA 1-103. BOUNDARY ADJUSTMENTS shall not be considered to be SUBDIVISIONS. SUBDIVISION does not include administratively created LOTS, which are defined in Section 2.6 of the ZONING REGULATIONS.
- TOWN PLAN:** The Richmond Town Plan, including any subsequent amendments, which is adopted under subchapter five of Chapter 117 in Title 24 of Vermont Statutes Annotated.
- UNDUE ADVERSE EFFECT or UNDUE ADVERSE IMPACT:** An effect or impact which is substantial or material. In making a determination of undue adverse impact or effect, the DRB may consider any factors it deems relevant under the applicable section of these regulations where the term is being used, including but not limited to, the nature of the project's surroundings, compatibility with the project's surroundings, whether the project violates a clear written community standard in a Town bylaw or regulation, or in the

Town Plan, whether the project's applicant has failed to take generally available mitigating steps which a reasonable person would take to minimize the impact, the purpose or purposes of the zoning district in which the project is located and the specifically stated policies and standards of the Town Plan and, in the case of traffic issues, safety considerations and resulting levels of service.

**ZONING PERMIT:** Officially known as "Zoning and Construction Permit" issued by the Administrative Officer for construction, LAND DEVELOPMENT, building, change in use, etc.

**ZONING REGULATIONS:** The Richmond Town Zoning Regulations, including any subsequent amendments or interim regulations, which is adopted under the ACT (24 V.S.A. Chapter 117).