

DRAFT

**Revision**

of the

**Mount Holly**

**Subdivision Regulations**

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# **Article 1. Authority and Purpose**

## **SECTION 1.1 ENACTMENT AND AUTHORITY**

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §4302 and §4401 and §4413 through §4421], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Mount Holly, Vermont. These regulations shall be known and cited as the “Mount Holly Subdivision Regulations.”

(B) It is the policy of the Town of Mount Holly to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Planning Commission.

## **SECTION 1.2 PURPOSE**

(A) These regulations are adopted to further the following objectives:

- (1) To guide future development in accordance with the Mount Holly Town Plan, capital budget and program, and all other bylaws and regulations enacted to implement the Town Plan.
- (2) To protect and provide for the public health, safety, and general welfare of the Town of Mount Holly.
- (3) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services which are available and will have sufficient capacity to serve any proposed subdivision.
- (4) To provide the most efficient relationship between land use and the circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections and provide for access by emergency vehicles.
- (5) To prevent the pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (6) To minimize the fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.
- (7) To further the purposes contained in the Act, and in particular those purposes set forth in §4302 Goals.
- (8) To balance the needs of the community as expressed in the Town Plan.

## **SECTION 1.3 ADOPTION & AMENDMENT**

(A) These regulations shall take effect 21 days after being adopted by a majority of the members of the Mount Holly Select Board at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§4404].

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4403, 4404].

## **SECTION 1.4 SEVERABILITY**

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

## **Article 2. Subdivision Application Procedures**

### **SECTION 2.1 APPLICABILITY**

#### **(A) Subdivision or Boundary Line Adjustment Approval Required**

Whenever any subdivision of land or boundary line adjustment is proposed, the applicant, landowner or authorized agent (hereinafter referred to as applicant) shall apply for and secure approval of such proposed subdivision or boundary line adjustment in accordance with the procedures set forth in these regulations prior to:

- commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
- the sale or lease of any subdivided portion of a property
- the filing of a subdivision plat with the Town Clerk

#### **(B) Waiver Authority.**

In accordance with the Act [§4413(b)], the Planning Commission may waive, subject to appropriate conditions: application requirements, preliminary plan review, and/or subdivision standards.

The applicant shall identify the specific requirements for which the waiver is requested and what the basis is for the requested waiver.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Planning Commission to make a decision. The Planning Commission may grant or deny waivers, in whole or in part. In granting waivers, the Planning Commission shall require such conditions, as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. The Planning Commission shall make the following findings including the rationale for each finding:

- that the subdivision standards for which the waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics, and
- that granting the waiver will be consistent with the purposes of these regulations, and
- that, in consultation with the appropriate authorities granting the waiver will not adversely affect public safety, and
- that granting the waiver will not adversely affect the character of the neighborhood.

### **SECTION 2.2 OPTIONAL PRE-APPLICATION MEETING WITH PLANNING COMMISSION**

#### **(A) Applicability.**

Any person contemplating submitting an application for subdivision in accordance with these regulations is encouraged to meet with the Planning Commission to discuss preliminary conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion.

#### **(B) Information.**

The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site

information and/or conceptual subdivision design.

**(C) Action of the Planning Commission.**

The Planning Commission will not take formal action of any kind at the pre-application meeting. Commissioners may provide guidance as to the application and review process, and/or comment on the intent of specific standards relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be regarded as a recommended course of action nor will they be binding upon any future review of a subdivision application.

**SECTION 2.3 PRE-APPLICATION MEETING WITH ADMINISTRATIVE OFFICER**

**(A) Applicability.**

Any person contemplating submitting an application for subdivision in accordance with these regulations is encouraged to meet with the Administrative Officer prior to preparing an application for subdivision approval to receive information and guidance regarding a successful subdivision application.

**(B) Information.**

The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information, proposed subdivision design, and/or a **sketch plan**.

**(C) Action of the Administrative Officer.**

The Administrative Officer will not take formal action of any kind at the pre-application meeting. The Administrative Officer will review any **sketch plan**; provide guidance to the applicant regarding the application, review and approval process; provide check lists for the preparation of a preliminary plat and preliminary brief, and review the subdivision standards set for the in Article 3.

**SECTION 2.4 SUBDIVISION APPLICATION**

**(A) Applicability.**

All applicants for subdivision approval must submit a preliminary plat and preliminary brief for Planning Commission review.

**(B) Subdivision Application Requirements.**

The applicant shall submit to the Administrative Officer a **subdivision application form** and **any associated fee**. The application shall include a proposed **preliminary plat** and **preliminary brief** containing information showing conformance with applicable subdivision standards. The Administrative Officer shall record the date the completed **subdivision application** is received in the Town Office.

**(C) Notification of Abutters**

All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the hearing for the final plan review in accordance with Section 4.3 .

**(D) Waiver Requests.**

The applicant shall submit requests for waivers for consideration by the Planning Commission in accordance with Section 2.1 B.

**SECTION 2.5 ADMINISTRATIVE OFFICER REVIEW**

**(A) Administrative Officer Review.**

The Administrative Officer shall review the subdivision application, including the preliminary plat and preliminary brief,

for completion and determine that the application generally conforms to applicable subdivision standards under Article 3.

**(B) Site Visit.**

The Administrative Officer may make a site visit to the proposed subdivision.

**(C) Administrative Officer Action.**

Within 30 days of recording the receipt of the complete subdivision application the Administrative Officer shall issue in writing:

- (1) a determination that the proposed subdivision application (including a preliminary plat and preliminary brief) generally conforms to applicable subdivision standards under Article 3, and with other municipal regulations currently in effect; and a recommendation that the application be submitted to a Preliminary Plat and Brief Review by the Planning Commission; or
- (2) a determination that the proposed subdivision application does not conform to applicable subdivision standards and (a) requests additional information or supporting documentation and/or (b) makes recommendations for proposed changes in subsequent submissions.

**(D) Right of Appeal**

The applicant has the right of appeal of the action of the Administrative Officer. Section 4.5(C)

**SECTION 2.6 REVIEW OF PRELIMINARY PLAT AND PRELIMINARY BRIEF**

**(A) Review.**

The applicant shall attend a Review with the Planning Commission of the **subdivision application** and **preliminary plat** and **preliminary brief**.

**(B) Planning Commission Action**

The Planning Commission, based on the information provided, shall:

- (1) grant or deny any requested waivers;
- (2) make a **preliminary determination** that the proposed subdivision application generally conforms to applicable subdivision standards under Article 3, and with other municipal regulations currently in effect; and recommend that the application be submitted to a **Public Hearing for Final Approval**;
- (3) make a determination that the proposed **subdivision application** does not conform to applicable subdivision standards and (1) requests additional information or supporting documentation and/or (2) makes recommendation for proposed changes in subsequent submissions,

**SECTION 2.7 HEARING FOR FINAL PLAT AND BRIEF APPROVAL**

**(A) Hearing Requirements.**

A Public Hearing for **Final Plan** Approval shall be requested by the applicant and shall be within 6 months of the date of **preliminary determination**. Once requested, the Planning Commission shall hold a hearing within 60 days. The submission shall include:

- (1) Receipt by the Administrative Officer of the associated fees.
- (2) Three (3) paper copies of the Final Plat and Brief, covenants and agreements, and construction drawings of roads, bridges, septic systems and other land improvements as required by the Commission.
- (3) Documentation that the owners of contiguous properties have been notified in accordance with Section 4.3.

**(B) Site Visit.**

The Planning Commission may make a site visit to the proposed subdivision.

**(C) Public Hearing.**

The Commission shall hold a public hearing on the **final plat** and **final brief**, warned in accordance with Section 4.3. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

**(D) Final Approval.**

In accordance with the Act [§4464], within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the **final subdivision plat and brief**, based on a determination of whether or not the plat and brief conforms to subdivision standards under Article 3, or would be in conflict with the Town Plan and/or other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45 day period.

**(E) Effect of Final Approval.**

The approval by the Planning Commission of a **final subdivision plat and brief** shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Select Board, in accordance with state statute. The Planning Commission may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

## **SECTION 2.8 PERFORMANCE AND MAINTENANCE BONDS**

The Planning Commission may, as a condition of subdivision approval, require from the applicant a performance bond or a bank letter of credit to ensure completion of projected work which may affect the municipality. Bond Companies must be approved by the Mount Holly Select Board. If required, the bond must be submitted to the Town Clerk prior to Final Plat approval.

## **SECTION 2.9 PLAT RECORDING REQUIREMENTS**

(A) In accordance with the Act [§4463], within 180 days of the date of receipt of final plan approval under Section 2.5 (C), the applicant shall file one mylar copy and two paper copies of the final subdivision plat, for recording with the Town in conformance with the requirements of the Act. Approved plats not filed and recorded within this 180 day period shall expire. The Administrative Officer may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(B) Prior to recording the mylar and paper copies of the plat, the copies of the plat must be signed by at least three members of the Planning Commission. All final plats must include a notation to include the following statement:

*“The subdivision depicted on this plat was duly approved, as conditioned, by the Mount Holly Planning Commission in accordance with the Mount Holly Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_ 2 \_\_\_”.*

(C) The Planning Commission shall require that the subdivision brief, including any conditions of subdivision approval, be entered on or attached to the final plat.

(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.



## SECTION 2.10 BOUNDARY LINE ADJUSTMENT APPLICATION

### (A) **Applicability.**

All applicants for a boundary line adjustment approval must submit a preliminary plat showing the proposed boundary line adjustment to the Administrative Officer for review and approval.

### (B) **Application Requirements.**

The applicant shall submit to the Administrative Officer a **boundary line adjustment application** and any **associated fee**. The application shall include a copy of the original subdivision final plat (if any) and a **preliminary plat** showing the proposed boundary line adjustment. The Administrative Officer shall record the date the completed **boundary line adjustment application** is received in the Town Office.

### (C) **Administrative Officer Review.**

The Administrative Officer shall review the **boundary line adjustment application** for completion and determine that the **preliminary plat** meets the definition of a bona fide boundary line adjustment as defined in Section 5.2.

### (D) **Site Visit.**

The Administrative Officer may make a site visit to the proposed boundary line adjustment.

### (E) **Administrative Officer Action.**

Within 30 days of recording the receipt of the complete **boundary line adjustment** the Administrative Officer shall issue in writing:

- (1) a determination that the proposed **boundary line adjustment application** and **preliminary plat** generally conforms to the applicable definition in Section 5.2, and with other municipal regulations currently in effect; and that the application as submitted is approved, or
- (2) a determination that the proposed **boundary line adjustment application** and/or **preliminary plat** does not conform to afore said definitions and (a) requests additional information or supporting documentation and/or (b) makes a referral to the Planning Commission for review of the application at the next meeting of the Planning Commission.

### (F) **Planning Commission Review.**

The Planning Commission reviews the **boundary line adjustment application** and/or **preliminary plat** referred by the Administrative Officer and advises the Administrative Officer on the appropriate action.

### (G) **Recording of Boundary Line Adjustment**

A final plat for a Boundary Line Adjustment approved by the Administrative Officer shall be filed for recording with the Town in conformance with the requirements of the Act. Approved plats not filed and recorded within this 180 day period shall expire.

Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Planning Commission Chair or Vice-Chair. All final plats must include a notation to include the following statement:

*"The boundary line adjustment depicted on this plat was duly approved by the Mount Holly Planning Commission in accordance with the Mount. Holly Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_ 2 \_\_\_."*

## SECTION 2.11 COMPLIANCE WITH SUBDIVISION APPROVAL

(A) Prior to any development of an approved subdivision that requires the issuance of a building construction registration,

town regulations, and appropriate state permits, the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Planning Commission may provide for a phased schedule of completion of improvements. The Administrative Officer may rely on any information contained in the building construction registration regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, the Town does not waive future enforcement authority with the issuance of a building construction registration.

(B) To assist the Administrative Officer to determine whether public or private improvements have been met, the Planning Commission may, as a condition of subdivision approval, require the submission of “as-built drawings,” which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Administrative Officer shall rely upon any information submitted as part of the applicant’s application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Administrative Officer shall be entitled to initiate enforcement action pursuant to Section 4.4.

(C) The Planning Commission may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval.

When a certificate of compliance is required, the applicant shall submit an application containing the information identified in (B) above and any additional information that the Administrative Officer reasonably may require. Within 30 days of receipt of a building construction registration form, the Administrative Officer will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Administrative Officer the Administrative Officer shall refer the matter to the Planning Commission for further investigation and action. If the Administrative Officer fails either to grant or deny the Certificate of Compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

(D) The Commission may request a review or inspection by a disinterested qualified professional as a condition of subdivision approval, and require the applicant to fund the cost.

## **SECTION 2.12 REVISIONS TO AN APPROVED PLAT**

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision brief and/or plat shall be made unless the proposed revisions are first resubmitted to the Planning Commission as a subdivision and the Commission approves such revisions after public hearing. In the event that such subdivision brief and plat revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

## **SECTION 2.13 LIST: REQUIREMENTS FOR SUBDIVISION APPLICATION, SUBMISSION, and RECORDING**

### **(A) Pre-Application**

#### **Optional Pre-application Meeting with Planning Commission**

Applicant may submit any information s/he chooses.

#### **Optional Informational Meeting with Administrative Officer**

Sketch Plan or Map of proposed subdivision.

### **(B ) Application and Preliminary Review**

#### **1. List of Requirements**

Application Form  
Application Fee  
Preliminary Plat  
Preliminary Brief  
Waivers (if needed)  
Abutters list  
Supporting Documents

## **2. Information required on Preliminary Plat**

Three (3) paper copies of one or more maps or drawings with all dimensions shown in feet or decimals of a foot, at a scale of 1 inch = 100 feet for less than 25 acres; 1 inch = 200 feet for 25-100 acres; 1 inch = 400 feet for greater than 100 acres showing or accompanied by the following information:

### **(a) General information**

- i Proposed subdivision name.
- ii Name and address of record owner, subdivider and designer of plan.
- iii Date, north arrow, legend, vicinity map.
- iv Contour lines at intervals 20 feet or 6 meters, or otherwise specified by the Planning Commission, of existing *and* proposed grades.
- v Typical cross-sections of the site or portion of the site if required by the Planning Commission.
- vi Project boundaries, property lines, easements.
- vii Perimeter boundary survey of the subdivision tract and an accurate indication of proposed internal lot boundaries, prepared by a licensed land surveyor.
- viii Number of acres within the proposed subdivision, total acres and acres of each numbered lot; location of property lines and existing easements.
- ix Abutting parcels with names of owners including parcels located directly across any street adjoining the proposed subdivision.
- x Proposed building sites.

### **(b) Natural Features and Site Elements.**

- i The boundaries of wetlands, flood hazard areas, steep slopes, surface waters and associated buffer areas, prime and statewide agricultural soils and other open farm fields, critical wildlife habitat; steep slopes over 15% and over 25%, prominent knolls and ridgelines, and scenic features identified in Section 3.1 and 3.2 of this ordinance and in the Mount Holly Town Plan
- ii Other key features of the site, including but not limited to current land uses including structures, walls, driveways, access roads, utilities, utility corridors, historic sites and structures, wooded areas and drainage patterns.

### **(c) Site Development and Improvements**

- i Location and size of any existing sewer systems, water systems, water sources, culverts and drainage systems on the property to be subdivided.
- ii Plans and documents that will be used to obtain a state permit for potable water supply and wastewater systems.
- iii Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
- iv Permit number from the Town of Mount Holly for access/driveway(s).
- v Mapped provisions for collecting and discharging storm drainage.
- vi Preliminary designs of any bridges or culverts which may be required.
- vii The location of temporary markers adequate to enable the Administrative Officer and/or the Planning

Commission to locate readily and appraise the basic layout in the field. Unless an existing highway intersection is shown, the distance from one corner of the property to the nearest existing highway intersection shall be shown in miles and tenths of miles.

- viii Delineation of proposed open space, if any, and the location of natural features or site elements to be preserved and the method for protecting those features or elements.
- ix All parcels of land proposed to be dedicated to common public use and/or common ownership and the conditions of such dedication.

### 3. Waivers

List of waivers from the requirements of these regulations, as desired by the applicant.

### 4. Additional Documentation

(a) A description of any proposed covenants and/or deed restrictions which are intended to cover all or a portion of the subdivision.

(b) A description of any proposed homeowners association or other form of management agreement for lands, facilities or services to be held and maintained in common ownership.

(c) An indication of the construction sequence and time schedule for the completion of each phase of the subdivision.

(d) Stormwater and erosion control management plans:

- i existing condition site assessment;
- ii erosion and sediment control plan;
- iii stormwater management plan. (Section 3.3)

(e) Other information, studies or reports required by the Planning Commission under Article 3 of these regulations.

## (C) Public Hearing

### 1. List of Requirements

Processing or Subdivision Fee  
Final Plat – 3 paper copies  
Brief  
Waivers (if needed)  
Evidence of Notification of Abutters  
Additional Documents  
Statement of Compliance  
Conditions of Subdivision Approval

### 2. Information Required on Final Plat

#### a. General

The Final Plat application shall consist of three (3) copies (one for Planning Commission records, one for the Administrative Officer, and one for public review) of a complete survey of the subdivision tract, on one or more sheets 18 inches by 24 inches or a multiple thereof, prepared by a licensed land surveyor. Additional plans showing proposed lot improvements may be required and submitted for approval. Space shall be reserved thereon for endorsements by all appropriate agencies. The Final Plat for subdivision shall show everything required on the Preliminary Plat and shall conform in all aspects to the Preliminary Plat as approved by the Planning Commission.

**b. Signing Blocks**

i Planning Commission signing block:

*“The subdivision depicted on this plat was duly approved, as conditioned, by the Mount Holly Planning Commission in accordance with the Mount Holly Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_ 2\_\_\_. Subdivision Reference # \_\_\_\_\_  
Signed: \_\_\_\_\_ Chair of Planning Commission; \_\_\_\_\_; \_\_\_\_\_”*

ii Town Recording Signing Block

*“Mount Holly Town Clerk Office received for record \_\_\_\_\_AD, \_\_\_\_\_  
at \_\_\_\_\_o'clock \_\_\_\_\_ minutes and recorded in \_\_\_\_\_  
Attest \_\_\_\_\_ (Town Clerk)*

**(c) Land Surveyor**

The name, license number and seal, and signature of the licensed land surveyor

**3. Final Subdivision Brief**

Written narrative describing the proposed subdivision and its conformance with these regulations and compliance with the goals and policies of the Mount Holly Town Plan. (See Statement of Compliance, below #5)

**4. Additional Documentation**

- (a) A certificate of title showing the ownership of all property and easements.
- (b) A draft of all restrictions, if any, which will run with the land and become covenants, including proposed deed restrictions, agreements or other documents showing the manner in which streets, open space and/or other commonly held lands or facilities are to be dedicated, reserved, and maintained.
- (c) A copy of association covenants and/or bylaws if a property or homeowners' association is being proposed.
- (d) Any other legal data necessary for the administration and enforcement of these regulations.
- (e) Engineering certificate or performance bond
- (f) Any other documents required by the Planning Commission as a result of preliminary plan approval.

**5. Statement of Compliance**

A written narrative describing the proposed subdivision and its conformance with these regulations, other applicable local regulations, and the goals and policies of the Mount Holly Town Plan shall be included in the Subdivision Brief

**6. Conditions of Subdivision Approval**

Any additional notations required by the Planning Commission and/or specific conditions of subdivision approval. May be recorded on the Mylar of in the Brief.

**(D) Recording in Town Records**

**1. Recording Expiration Date**

The approval of the subdivision by the Planning Commission shall expire 180 days from that approval, unless within that 180-day period, that plat shall have duly filed or recorded in the office of the clerk of the town. The Administrative Officer may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending. After an approved plat is filed, no expiration of that approval shall be applicable.

## **2. Recording Requirements**

Recording fee

Final Plat – 1 mylar copy signed by 3 or more members of the Planning Commission

- 2 paper copies for Planning Commission records

- 1 paper copy for subdivider

Subdivision Brief and Statement of Compliance with Town Plan

Conditions of Subdivision Approval (if any)

## **SECTION 2.14 CHECKLIST FOR SUBDIVISION APPLICATION AND RECORDING REQUIREMENTS**

See Checklists 1, 2, and 3 printed separately

## **Article 3. Subdivision Standards**

It is the intent of these standards that all land to be subdivided shall be of such a character that it can be used for the intended purpose(s), as stated in the subdivision application and written in the Proposed Brief, and can be developed without danger to public health or safety, the environment, neighboring properties, or the character of the area in which it is located.

### **SECTION 3.1 PLANNING AND DESIGN PROCESS**

#### **(A) Design Steps**

1. Site Description

Identify the natural resources; physical features including topography, soils, geology, hydrology and runoff conditions; vegetation and ground cover; and natural and cultural resources, and man-made features including the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties

2. Subdivision Design

Based upon the site description identify: (a) building site locations; (b) utility and facility locations; (c) boundary configurations, and (d) the impact of these developments on the site and its resources.

3. Final Subdivision Design

In conjunction with the Planning Commission develop the final design of the subdivision to be recorded in the Final Mylar and the Final Brief. The final design shall record measures to avoid or mitigate impacts of the development of the subdivision on the site, the community, and/or surrounding area. All plans for grading, retaining wall design, erosion control and for geologically hazardous areas shall be designed by a qualified professional.

Site designers are encouraged to propose and apply innovative concepts to meet the purposes and objectives of these regulations, including for slope and soil stabilization, grading, landscaping, and building placement and design.

#### **(B) Establishment of Building Sites.**

- (1) Building sites shall be designated to identify the location of principal and accessory structures, parking areas, and associated site development (including road and utility rights-of-way or easements) on one or more portions of a lot.

- (4) The Planning Commission may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

## SECTION 3.2 PROTECTION OF FRAGILE FEATURES AND NATURAL AND CULTURAL RESOURCES

### A) **Protection of Wetlands, Floodplains and Surface Waters.**

Subdivision boundaries, lot layout and building sites shall be located and configured to avoid any adverse impact to wetlands, floodplains and surface waters, including streams, rivers and all shorelines. Methods for avoiding such impacts may include but are not be limited to the following:

- (a) Configuration of the lot, location of building sites, and the layout of roads, driveways and utilities to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure permanent protection.
- (b) Placement of buffer areas to protect the identified feature(s).  
The width of buffer areas shall be in accordance with recommendations of the Vermont Agency of Natural Resources, or an authority recognized by the Planning Commission;

Disturbance within buffer areas shall be limited to the minimum clearing and excavation necessary to create and maintain:

- i road, driveway and utility crossings;
  - ii stream bank stabilization and restoration projects, in accordance with all applicable state and federal regulations;
  - iii recreational trails;
  - iv public recreation facilities and improved river/lake accesses (e.g., beaches, boat launches, fishing accesses); and
  - v natural flow and movement of rivers and streams
- (c) Leave undeveloped and/or designate as open space shorelines, riparian areas, wetlands, vernal pools, and adjacent buffer lands.

### (B) **Protection of Steep Slopes, Hillsides, Prominent Knolls and Ridgeline**

Subdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts to slopes 16% to 25% to avoid disturbance to slopes above 26%, and to avoid the placement of structures on prominent knolls and ridgelines.

#### (1) **Avoidance of Impact on Slopes and Hillsides** \* see footnote

Methods for avoiding adverse impacts on slopes and hillsides may include but are not limited to the following:

- a. Location of building sites away from steep slopes and hillsides.
- b. Designation of land characterized by steep slopes and/or hillsides as open space

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#### \* Footnote

*Slopes are inherently unstable and changes can cause serious erosion. On slopes of 30-33 percent and more soil slips, which cause avalanche-type failures, and slower-moving earth flows, can occur. The stability of slopes is reduced by development practices such as placing fill on top of marginally stable slopes, cutting or undermining slopes, redirecting storm runoff, removing woody vegetation and adding water by means of hillside septic systems. These practices can work together and can lead to disaster.*

*For purposes of determining whether these standards apply, the natural slope of a given property shall be calculated perpendicular to topographic contours from property line to property line, prior to grading, using quadrangle maps of the United States Geological Survey, other reputable topographic maps of the subject area or, if available, a topographic survey of the subject property (See Guidelines for additional information.)*

c. Erosion control, in conformity with Section 3.3 Stormwater Management, for developments on slopes greater than 15%.

**(2) Avoidance of Impact on Ridgelines and Prominent Knolls** <sup>\*footnote</sup>

Methods for avoiding adverse impacts on ridgelines and prominent knolls may include but are not limited to the following: <sup>\*\* footnote</sup>

- a. Designation of land characterized by prominent knolls and/or ridgelines as open space
- b. Location of building sites, and associated development should be placed to minimize visibility as viewed from town roads and properties.
- c. Accomplish view corridors where possible, by thinning limbs of individual trees instead of tree removal.

**(C) Protection of Critical Wildlife Habitat and Natural Areas.**

Subdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts on critical wildlife habitat, including travel corridors and deer yards, and natural areas identified in the Mount Holly Town Plan, the Vermont Agency of Natural Resources or through site investigation. Methods for avoiding such adverse impacts may include but are not limited to the following:

- (1) Locate building sites, roads, driveways to exclude identified natural areas and critical wildlife habitat, including deer wintering areas, and other critical habitats.
- (2) Locate building sites, roads, driveways to avoid fragmentation of identified natural areas and critical wildlife habitat.
- (3) Establish buffer area(s), as recommended by the Vermont Department of Fish and Wildlife, to ensure the protection of critical habitat.
- (4) A wildlife habitat assessment and management plan developed by the Vermont Fish and Wildlife Department, a wildlife biologist, or a comparable professional.
- (5) Designate identified natural areas and critical wildlife habitat as open space.

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*Footnotes*

\* *Ridgeline, prominent knolls and hillsides have general aesthetic value for the community and contribute to the community's sense of identity. To the extent possible development should ensure that buildings and structures blend in with the natural environment through their shape, materials and colors.*

\*\* *Development on ridgelines above 2,500 feet shall be approved by Act 250.*



**(D) Protection of Historic & Cultural Resources**

Subdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Mount Holly Town Plan, or by the Vermont Division for Historic Preservation. Methods to minimize adverse impacts may include but are not be limited to the following:

- (1) Preserve and integrate historic features, including stone walls and cellar holes into the subdivision design (e.g., driveways may follow stone walls) with specific attention to safety.
- (2) Obtain an assessment by appropriate state or professional agencies of sites with proven or potential archaeological sensitivity in order to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (2) Design the subdivision to maintain the historic context of the site, as defined by historic structures identified by the Vermont Division for Historic Preservation.
- (4) Minimize the impact of new development on the historic and architectural integrity of historic resources.

**(E) Protection of Farm Land.**

Subdivision boundaries, lot layout and building sites shall be located and configured to avoid adverse impacts to “prime” and “statewide” agricultural soils and other open farm fields. Methods for avoiding such adverse impacts may include but are not limited to the following:

- (1) Locate building sites at field and orchard edges in order to minimize the impacts on existing farm operations and the scenic qualities of the site, to avoid the fragmentation of farm land, and to make maximum use of productive agricultural land.
- (2) Use vegetated areas to buffer agricultural operations from other uses and to minimize land use conflicts to avoid conflict between new residential development and existing forest management activities.
- (3) Where feasible share access roads, driveways and utilities and follow the site’s linear features (such as existing roads, tree lines, stone walls, fence lines) to minimize visual impacts and the fragmentation of agricultural land.
- (4) Use strategies such as conservation easements, limitations on further subdivision, open space designation; or comparable site protection mechanisms to preserve tracts of productive agricultural land.

**(F) Protection of Forest Resources.**

Subdivision boundaries, lot layout and building sites shall be located and configured to avoid adverse impacts to productive forest land, large forest tracts, forest land contiguous to other large, undeveloped tracts, and forest land that possesses unique or fragile features, and/or exceptional recreational resources. Methods for avoiding such adverse impacts may include but are not be limited to the following:

1. Configure the subdivision of forest land to allow for ongoing forest management of the parcel after subdivision.
2. Lay out lot boundaries and building sites to avoid unnecessary fragmentation of distinct timber stands, and provide for forest management access.
3. Use setbacks and buffers from adjacent forest to protect recreation areas, conserved open space, and critical wildlife habitat.

**(G) Protection of Scenic Resources.**

Subdivision boundaries, lot layout and building sites shall be located and configured to avoid adverse impacts to scenic

resources identified in the Mount Holly Town Plan. Methods for avoiding such adverse impacts may include but are not limited to the following:

1. Within view of identified scenic roads design subdivisions to avoid adverse impact to the identified scenic resources.
2. Locate building sites within view of identified scenic roads or within identified scenic viewsheds to avoid prominent placement within the viewshed.
3. When evaluating the impact of proposed subdivisions on scenic resources, the Planning Commission may consider, in addition to the Town Plan and Inventory of Scenic Resources, the Vermont Agency of Natural Resources' publication *Vermont's Scenic Landscapes: A Guide for Growth and Protection* (1991) and/or other appropriate publications.

### **SECTION 3.3 STORM WATER MANAGEMENT**

Temporary and permanent storm water management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, erosion, sedimentation and water pollution on-site and downstream from the proposed subdivision.

#### **(A) Pre-Development and Construction Site Standards.**

All subdivision in the Town of Mount Holly is subject to the following pre-development and construction site standards to ensure that all sources of soil erosion on the construction site are adequately controlled, and that natural stormwater management features are protected to the maximum extent.

- a. Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible. The Planning Commission may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development
- b. To the extent feasible, soils best suited for infiltration shall be retained.
- c. The overall drainage system shall be completed and made operational at the earliest possible time during construction
- d. Runoff from above the construction site must be intercepted and directed around the disturbed area. Water must be controlled, and kept at low velocities, to reduce erosion in drainage channels.
- e. Storm water facilities shall be designed to divert surface water away from cut faces. When this is not possible, interceptor ditches shall be installed above all cut/fill slopes and the intercepted water conveyed to a stable channel or natural drainage way with adequate capacity.
- f. Flow-retarding devices and detention ponds shall be used where needed.
- g. The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.
- h. Immediate seeding and mulching shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.
- i. The applicant shall follow the erosion prevention and sediment control practices for construction that

occurs from October 15<sup>th</sup> to May 15<sup>th</sup> as found in the standards for winter construction published by the Vermont Agency of Natural Resources.

**(B) Post Construction Stormwater Standards**

Storm drain systems shall be designed to capture storm water from streets, driveways, parking areas, building roofs and other impervious surfaces and to direct it to utilize natural drainage patterns, ditches or other approved collector systems and to infiltrate precipitation.

1. Existing natural drainage systems should be used, as much as possible, in their natural state. Natural and man-made drainage-ways shall be ripped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
2. Vegetative, revegetative, and landscaping controls should be used to intercept the path of surface runoff and prevent erosion using native species whenever possible.

**(C) Low Impact Development Design (LID) \***

The use of LID design is encouraged.

**SECTION 3.4 COMMUNITY SERVICES AND FACILITIES**

**(A) Municipal Facilities and Services.**

The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Planning Commission may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services.

**(B) Emergency Access.**

The proposed subdivision shall obtain documentation from the Mount Holly Fire Department, Mount Holly Rescue and other appropriate municipal officials as to the adequacy of emergency access for fire, police,

**SECTION 3.5 ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS**

**(A) Standards.**

The Mount Holly Town ordinances and relevant road standards shall apply to all proposed public roads. Acceptance of private roads by the Town is subject to the approval of the Mount Holly Select Board pursuant to state law. Construction of roads to these standards in no way ensures such acceptance.

**(B) Access Management.**

All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Mount Holly Select Board in the case of town roads. Methods to manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, may include but are not be limited to the following:

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\* **Footnote** *Low Impact Development* controls stormwater runoff close to its source. It uses the natural landscape, the earth's cycles, and other natural physical, chemical, and biological processes to capture runoff and remove pollutants. These strategies, also known as *low impact integrated management practices*, include storage, filtration, infiltration, evaporation and detention of stormwater. ambulance, or other services and fire protection facilities.

- (1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.
- (2) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
- (3) Each lot shall provide off-street parking for at least two vehicles.
- (4) All roads and road access shall be in conformity with the ordinances of the Town of Mount Holly.

**(C) Traffic & Road Capacity.**

Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Commission may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Planning Commission may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Select Board.
- (2) In situations where a development may require the realignment, widening or an increase in 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 applicant may be required to reserve land for such improvements.
- (3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Planning Commission may condition road upgrade to be completed before any further development occurs. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

**(D) Road Names & Signs.**

Roads names and signs should have specific historic, cultural or geographical relevance and shall be submitted to the Select Board for approval.

**(E) Pedestrian Access.**

The Planning Commission may require pedestrian rights-of-way to facilitate pedestrian circulation within multiunit subdivision developments.

**(F) Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be on a form approved by the Commission and filed in the Mount Holly Land Records.

## **SECTION 3.6 WATER SUPPLY AND WASTEWATER DISPOSAL**

### **(A) Water Supply.**

Water supply systems shall be designed, installed, and maintained to meet all applicable state and municipal requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

For subdivisions which will connect to an existing water supply system, application for extensions to the system must have prior approval by the officers or agents entrusted with the care and operation of the water supply system.

### **(B) Wastewater Disposal,**

For subdivisions which will connect to a sewage disposal system, applications for extensions must have prior approval by the officers or agents entrusted with the care and operation of the sewage disposal system.

For subdivisions which will not connect to a sewage disposal system, sewage disposal shall be accomplished by means of on-site systems in locations shown on the submitted site plans.

The applicant shall:

- 1) submit copies of the state wastewater and potable water supply permit, received under the Vermont Wastewater System and Potable Water Supply Rules;  
or
- 2) provide engineer-certified results of soil testing including the location of test pits.

### **(C) Community Systems.**

Proposed development may be serviced by private, community water and/or wastewater systems which shall be designed, installed, and maintained in accordance with all applicable municipal and state regulations and standards.

### **(D) Waivers.**

In the event that the applicant is proposing the creation of a lot(s) not requiring water or wastewater systems, the Commission may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the plan recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not

require water or wastewater disposal systems, and the applicant's brief to the Planning Commission states the applicant's intention which will be incorporated as a condition of subdivision approval.

## **SECTION 3.7 UTILITIES**

### **(A) Location.**

All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

1. The applicant shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation for the proposed subdivision.
2. All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, should be located underground throughout the subdivision wherever possible.
3. Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public safety.

### **(B) Easements.**

Utility easements of sufficient width shall be provided to serve the proposed subdivision. Such easements shall be shown on the final plat.

## **SECTION 3.8 ENERGY CONSERVATION**

### **Energy Conservation.**

Conservation of energy should be considered in the planning of the subdivision. Buildings should be sited to take advantage of southeast, south and southwest exposure where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain.

## **SECTION 3.9 DEDICATION OF OPEN SPACE AND COMMON LAND**

### **(A) Preservation of Open Space.**

Provision may be made for land owners to preserve open space. The location, size and shape of lands the land owner proposes to set aside to be preserved for open space shall be approved by the Planning Commission, in accordance with the following:

1. Provision shall be made to enable open space designated for agriculture and forestry to be used for these purposes.
2. Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land.
3. Open space land shall be located so as to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
4. Where trail corridors have been identified open space should make reasonable provision for the continued use of such corridors as parkland.
5. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Commission, that they will in no way disrupt or detract from the values for which the open space is to be protected. Storm water management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

Management plans for farmland, forest, wildlife habitat, shorelines and associated buffers may be required by the Planning Commission as appropriate to ensure their long-term protection and management.

### **(B) Creation of Common Land.**

Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, community facilities, or recreation facilities including road and trail rights-of-way, may be held under separate ownership from contiguous parcels.

### **(C) Legal Requirements.**

The Planning Commission may require that land offered by an applicant as protected open space be dedicated, either in fee or through a conservation easement approved by the Planning Commission. The prospective grantees to whom the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a non-profit land conservation organization, or the Town of Mount Holly. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

**(D) Recreation Areas.**

Where a proposed park, playground or other recreation area is to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown on the said plat.

The Commission may require the subdivision to provide appropriate playgrounds and/or other recreational facilities or to pay a fee, determined by the Select Board, for the impact of the subdivision on the town's recreational facilities.

The Commission may require the submission of proposed protective covenants to ensure that any proposed park, playground or other recreational area will be financially maintained by the applicant or the owners of the subdivision.

## **Article 4. Administration & Enforcement**

### **SECTION 4.1 ADMINISTRATION**

These regulations shall be administered by the Mount Holly Planning Commission, as authorized by the Act [§4401].

### **SECTION 4.2 FEES**

(A) Fees for subdivision approval shall be established by the Select Board. Such fee(s) shall include the costs for publishing hearing notices, notifying abutting landowners and conducting public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements.

(B) Should the Planning Commission deem it necessary to employ an engineer, attorney, design professional or other disinterested party to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

### **SECTION 4.3 HEARING NOTICE REQUIREMENTS**

(A) All public hearings required under these regulations shall be warned in accordance with the Act §4464].

(B) Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general circulation; and by the posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way most nearly adjacent to the property for which the application is made.

(C) A copy of such notice shall be sent at least fifteen days prior to the public hearing to the Clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(D) Abutters of the parcel to be subdivided shall be notified, via the U.S. Mail, by the applicant at least 15 days prior to any public hearing scheduled in accordance with Sections 2.5, and 2.7. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information deemed relevant by the Planning Commission and/or Town staff. Proof of notice shall be submitted to the Planning Commission prior to the date of hearing.

(E) For purposes of public notice, the continuation of the public hearing shall not required to be warned if the time, date and place of that later session is announced prior to the end of the Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with this Section 4.3 (A), (B), (C), (D).

### **SECTION 4.4 ENFORCEMENT AND PENALTIES**

(A) The enforcement of these regulations shall be the responsibility of the Administrative Officer in accordance with the

Act [ §§4451, 4452, 4454].

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violations.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4454] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

## **SECTION 4.5 APPEALS**

(A) Any decision of the Planning Commission may be appealed to the Vermont Environmental Court by an interested person who has participated in the municipal public hearing in accordance with the Act [§ 4471]. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(B) “Interested person” for the purposes of appeal shall be defined pursuant to the Act [§4465].

(A) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Administrative Officer who shall supply a list of interested persons to the appellant within five working days.

(B) Any decision of the Administrative Office may be appealed to the Planning Commission. Appeals by the applicant must be made within 15 days of the decision by the Administrative Officer. Notice of Appeal shall be sent to the Planning Commission, with a copy to the Administrative Officer.

## **SECTION 4.6 TOWN RECORDING REQUIREMENTS**

The Administrative Officer shall deliver copies or memorandums of permits, and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act [§4449(c)].

# **Article 5. Definitions**

## **SECTION 5.1 INTERPRETATION**

(A) Unless otherwise defined herein, the definitions contained in the Act shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Mount Holly Planning Commission or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

## **SECTION 5.2 DEFINITIONS**

For the purposes of these regulations, the following words shall be defined as follows:



**Abutter:** The owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided.

**Access Road:** Public or private road providing access to two or more lots.

**Act:** The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

**Applicant:** Any person, firm, corporation, partnership, association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for the applicant or for others.

**Authorized Agent:** A person or group of persons who have been duly authorized, in writing filed with the Commission by the owner of record to act on his or her behalf

**Boundary Line Adjustment:** Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land.

**Buffer:** A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

**Buildable area:** A contiguous area for the placement of a building or structure and which meets the requirements of this subdivision ordinance and such other land development regulations as may be applicable.

**Certificate of Compliance:** A form issued to the applicant by the Administrative Officer stating that conditions to be met prior to construction have been met. See Section 2.11(C)

**Community Wastewater System:** Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

**Community Water System:** Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

**Critical wildlife habitat :** provides a specific place or corridor regularly occupied or transited by wildlife and recognized as being essential for the maintenance of a certain population.

**Cultural and historical resources** are places of archaeological, architectural, or historical interest that contribute to cultural heritage, the arts, or community life.

**Drainageway:** Natural, altered, or improved channels that have seasonal or continuous water flows as a result of either surface stormwater or groundwater influx, or both.

**Driveway:** A privately owned access road serving one or more lots.

**Exceptional Recreational Resources:** Offer the general public low- and no-cost leisure activities in natural settings to support health and well-being and include physical infrastructure such as trails and their natural or semi-natural surroundings.

**Final Plat:** The final drawings on which the subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Town Clerk. See Section 2.8.

**Floodplain or Flood Plain:** Potentially hazardous natural landforms adjacent to water bodies that experience periodic flooding.

**Fragile Areas:** Contain natural resources that are easily disturbed and difficult to restore if disturbed

**Land slide:** Abrupt down slope movement of a mass of soil or rock.

**Liquefaction:** A process in which soil loses strength and behaves like a liquid.

**Lot:** Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

**Natural Area:** An area uncumbered by human developemtn that retains its undeveloped character.

**Natural Community:** An ecosystem defined as an area that is controlled primarily by the forces of nature without human influence where the biotic (living) and the abiotic (non-living) interact.

**Natural Resources:** Any part of the environment essential for the welfare of people and other species. These include clean air, clean water, soils, forests, wetlands, minerals, and organisms normally living in such areas.

**Open Space:** The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural and forest land, or for the protection of natural areas.

**Plat:** A plan or a map of a piece of land with actual or proposed features (as lots).

**Prominent Knoll:** A rounded hill or mound that is a feature of the area.

**Quadrangle map:** A topographic map published by the United States Geological Survey

**Resubdivision:** Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

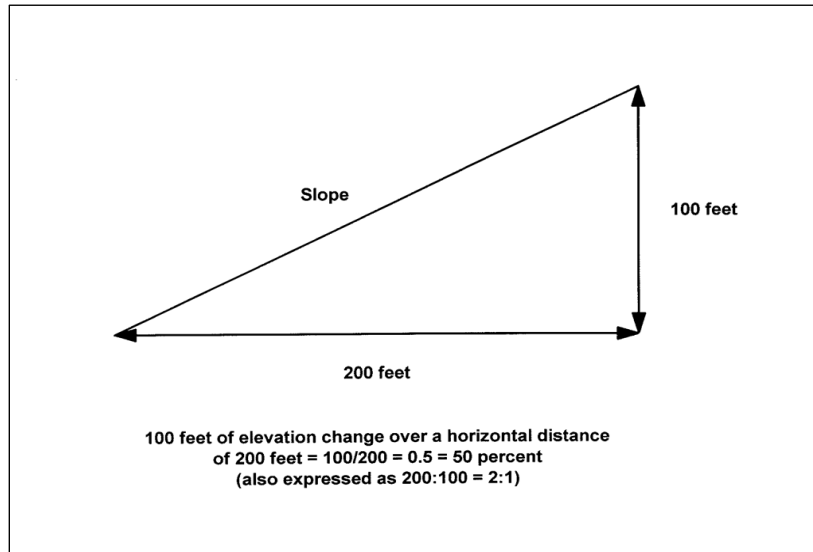
**Ridgeline:** The top line of intersection between the opposite slopes on a range of hills or mountains.

**Riparian Area:** The width of adjacent land along a stream or river that supports a distinct ecosystem with abundant and diverse plant and animal communitues as compared with upland communities

**Rip rap:** Rock, rubble, or other material used to armor shorelines, stream beds, bridge abutments, pilings and other shoreline structures against scour, water or ice erosion.

**Riprapping:** To construct a rip rap.

**Slope:** An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.



### SLOPE

**Street:** Any road, highway, avenue, lane or other way between right-of-way lines, commonly used for vehicular traffic.

**Subdivision:** Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, leasing, or sale. The term subdivision includes re-subdivision. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

**Subdivision Brief:** A sworn written narrative concerning the proposed subdivision, the purpose of which is to enable the sub-divider to describe the property subdivision and its conformity with these regulations and the requirements of the Town Plan.

**Town Plan:** The Mount Holly Town Plan as most recently adopted.

**Travel Corridor** is an area of land used by wildlife to travel between larger blocks of habitat both seasonally (e.g., wintering) and more regularly (e.g., feeding).

**Unique features** consist of rare or protected species or natural communities.

**Vernal Pools**, also called **vernal ponds** or **ephemeral pools**, are temporary bodies of water that usually occur in woodland depressions. Most vernal pools are filled by spring rains and snowmelt and are typically dry during the summer months, resulting in water bodies free of fish and ideal for the development of amphibian and insect species.

**Viewshed** is an area of particular scenic or historic value, visible to the human eye from a fixed vantage point. that is deemed worthy of preservation against development or other change.

**Wetlands** includes all wetlands identified on the National Wetland Inventory (NWI) maps, wetland areas identified as “Ecologically Significant Wetlands” by the Vermont Nongame and Natural Heritage Program, and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction.

**Wildlife Habitat** is an area providing essential and sufficient quantities of food, water, and cover to sustain wild populations of animals.

**SECTION 2.14 CHECKLIST FOR SUBDIVISION APPLICATION and RECORDING REQUIREMENTS # 1**

TOWN OF MOUNT HOLLY											
SUBDIVISION APPLICATION AND RECORDING REQUIREMENTS (with Section numbers)											
1	PROCESS	PRE-APPLICATION		APPLICATION		REVIEW		HEARING		RECORD	
2	Responsible Party	Planning Commission	Administrative Officer	Administrative Officer		Planning Commission	Applicant	Planning Commission		Applicant	Town Clerk
3	Steps in Process	2.2 Optional meeting	2.3 Optional meeting	2.4 Application	<i>§4448(d) A.O. completes Application to PC by 30 days (appeal by 15 days §4465)</i>	2.6 Review & Preliminary Determination	<i>Applicant requests Hearing within 6 months of Preliminary Determination</i>	2.7 Hearing and Final Approval	<i>§4464 Decision within 45 days (appeal by 15 days §4471)</i>	<i>§4463 Applicant records within 180 days</i>	2.9 Recording: Subdivison & Mylar copy of Plat/Brief
4	Application Form			X							
5	FEES			Application				Subdivision Process			Recording
6	PLAT (A plat is a map, drawn to scale, showing the divisions of a piece of land)		Sketch Plan	Preliminary Plat (paper, 1 copy)		Preliminary Plat (paper, 3 copies)		Final Plat (paper, 3 copies)			Final Plat (mylar, 1 copy; paper, 3 copies)
7	BRIEF			Written Description		Written Description		Subdivision Brief			Subdivision Brief
8	Waivers			Requests		Requests		Waivers			
9	Notification to Abutters			List of Abutters				Evidence of notification			
10	Supporting Documents			X		X		X			
11	Statement of Compliance with Town Plan							X			In Brief
12	Conditions of Approval							X			<b>2.11</b> On Plat or in Brief

**SECTION 2.14 CHECKLIST FOR SUBDIVISION APPLICATION AND RECORDING REQUIREMENTS # 2**

<b>2.13 SUBDIVISION PLAT MAPPING REQUIREMENTS</b>					
<i>Section 2.13</i>		<b>REVIEW</b>	<b>HEARING</b>	<b>RECORDING</b>	
13		Materials	paper	paper	mylar & paper
14		Size	18" x 24"	18" x 24"	18" x 24"
15		Scale	< 25 ac. 1" = 100' 25-100ac.1" = 200' >100 ac. 1" = 400'	< 25 ac. 1" = 100' 25-100ac.1" = 200' >100 ac. 1" = 400'	< 25 ac. 1" = 100' 25-100ac.1" = 200' >100 ac. 1" = 400'
1	<i>B,2,a,i</i>	Subdivision name, owner, address	x	x	x
17	<i>ii</i>	Subdivider, designer	x	x	x
18	<i>ii</i>	Date, north arrow, legend, vicinity map	x	x	x
19	<i>iv</i>	Contour lines 20 feet or 6 meters	x	x	x
20	<i>v</i>	Cross-section of site	if requested	if requested	if requested
21	<i>vi</i>	Project boundaries, property lines, easements	x	x	x
22	<i>vii</i>	Perimeter boundary survey; existing and proposed lot lines and dimensions	x	x	x
23	<i>viii</i>	Acres: total, numbered lots	x	x	x
24	<i>ix</i>	Abutting properties and owners	x	x	x
25	<i>x</i>	Proposed building sites	x	x	x
26	<i>B,2,b,i</i>	Natural features: wetlands; flood hazard areas; surface water and buffers; slopes 15%, 25%; knolls, ridges; scenic features; agricultural soils; fields; wildlife habitat	x	x	x
27	<i>ii</i>	Key features: structures; walls; driveways; access roads; utilities; utility corridors; historic structures, woods; drainage patterns	x	x	x
28	<i>B,2,c,i</i>	Sewer/septic systems; water systems; water source; culverts; drainage systems	x	x	x
29	<i>ii</i>	Plans, documents to obtain state permit for potable water & waste water systems	x	x	x
30	<i>iii</i>	Road profiles: road, intersection and parking area construction schematics ( <i>see State requirements</i> )	x	x	x
31	<i>iv</i>	Location and width of proposed streets, access, Town access/driveway permit number; rights-of-way	x	x	x
32	<i>v</i>	Stormwater drainage	x	x	x
33	<i>vi</i>	Bridges, culverts	x	x	x
34	<i>vii</i>	Temporary markers	x	x	x
35	<i>viii</i>	Open space and land for public use	x	x	x
36	<i>C,2,b,i</i>	Signing block - Planning Commission		x	x
37	<i>ii</i>	Signing Block - Town Clerk		x	x
38	<i>C,2,c</i>	Surveyor license number, seal, signature		x	x
39	<i>C,4</i>	Additional notations re Brief and/or Conditions of Approval		if requested	if requested



**SECTION 2.14 CHECKLIST FOR SUBDIVISION APPLICATION AND RECORDING REQUIREMENTS # 3**

<b>SUBDIVISION SUPPORTING INFORMATION AND DOCUMENTATION</b>					
<i>Section 2.13</i>			<b>REVIEW</b>	<b>HEARING</b>	<b>RECORDING</b>
40	<i>C,5</i>	Statement of conformance with the Town Plan and compliance with applicable local regulations (in Brief)		x	x
41	<i>B,3</i>	Waivers	x	x	
42	<i>B,4,a</i>	Covenants, deed restrictions	x	x	
43	<i>B,4,b</i>	Proposed homeowner or tenant assn. agreements	x	x	
44	<i>B,4,c</i>	Construction sequence	x	x	
45	<i>B,4,d</i>	Stormwater and erosion control management <i>(See Section 3.3)</i>			
		i. site condition	x	x	
		ii. erosion and sediment control plan	if applicable	if applicable	
		iii. stormwater management plan	if applicable	if applicable	
46		Grading plan (showing areas of cut and fill <i>(See Section 3.2 B (1) d)</i> )		if required	
47		Traffic impact analysis (current and proposed traffic volumes, capacities <i>(See Section 3.5 C)</i> )		if required	
48		Fiscal impact analysis (costs and benefits to town) <i>(See Section 3.4)</i>		if required	
49	<i>C,4,a</i>	Title(s) of ownership of property and easements		x	
50	<i>C,4,b</i>	Deed restrictions, covenants		x	
51	<i>C,4,c</i>	Association covenants/bylaws		x	
52	<i>C,4,d</i>	Legal data required for enforcement		x	
53	<i>C,4,e</i>	Engineering certificate or performance bond		x	
54	<i>C,4,f</i>	Other			

