

Note: Delete subdivision by site plan review under Section 4.14. Replace it with a new Section 5.6 for Subdivision Review.

Add to Section 7.1 – Definitions:

FOREST means an ecosystem characterized by a more or less dense and extensive tree cover, consisting of one or more stands that vary in characteristics such as species composition, structure, age class, and associated processes and that often include small open areas, wetlands, streams, access roads, and trails.

SUBDIVISION means the division of a lot or parcel of land into two or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale, development or lease. It includes resubdivision, amendments to subdivisions, amendments to conditions of plat approval, and/or the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners. Property under common ownership that is divided by a state highway or a class 1, 2, or 3 town road will be considered as separate parcels. A subdivision also includes lot line adjustments.

Section 5.6 SUBDIVISION REVIEW

Any proposed subdivision of land is subject to approval in accordance with 24 V.S.A. [§4418](#), [§4463](#) and the standards and procedures set forth in this Section.

5.6.1 Application & Review Procedures

1. Lot Line Adjustments.

- a. Purpose. These provisions for lot line adjustments provide for an abbreviated review and approval process for the realignment or relocation of lot boundary lines between existing adjacent lots.
- b. Application Submission Requirements. An applicant must submit a complete application, a new survey of the lands subject to the boundary adjustment and associated fee.
- c. Criteria. The realignment or relocation of lot lines between existing adjacent lots is subject to approval by the Zoning Administrator under Section 6.0.5 if the following criteria are met:
 - 1) The sale or exchange of parcels of land is between adjacent property owners;
 - 2) No new lots are created by the proposed lot line adjustments;
 - 3) The relocation of the lot line does not result in the creation of a new non-conforming lot, structure or use; and,
 - 4) The proposed change does not violate any conditions imposed by the Planning Commission or the ZBA from prior approvals.
- d. If criteria a-d above are not met, then the application must be reviewed by the Planning Commission with notice and decision procedures as for subdivision review.

- e. Filing Requirements for Lot Line Adjustments. Within 180 days of approval by the Zoning Administrator or Planning Commission, the applicant must submit a survey plat to the Zoning Administrator with the required filing fee for recording in the Town's Land Records. The following language must be printed on the plat:

“Approval of this lot line adjustment does not constitute creation of a separate parcel or lot. It simply adjusts the physical location of the common boundary of the adjoining parcels or lots. Any future subdivision of these parcels or lots must be approved by the Planning Commission. This lot line adjustment has been approved pursuant to Section 5.6.1.1 of the Town of Reading Zoning Regulations.”

- f. The plat must meet all of the requirements of 27 V.S.A. Chapter 17, clearly indicating the metes, bounds and ties of each of the affected lots.
- g. Appeals of administratively issued lot line adjustment decisions are subject to the applicable requirements under Article 6.

2. **Subdivisions.**

- a. Purpose. Final subdivision and plat review is intended to guide community settlement patterns and to ensure the efficient extension of services, utilities and facilities as land is developed.
- b. Application Submission Requirements. An applicant must submit the following materials, unless otherwise waived by the Planning Commission in accordance with Section 5.6.1.2.d:
 - 1) Completed application form;
 - 2) All applicable application fees;
 - 3) A subdivision plan/plat that shows all of the detail required under Section 5.3.5.1 for Site Plan Review. Final subdivision plats must be consistent with the requirements of 27 V.S.A. Chapter 17.
 - 4) A written request for any waivers in accordance with Section 5.6.1.2.d.
 - 5) The Subdivider must apply for all municipal, state and federal permits required of the proposed subdivision, and must submit all necessary municipal permits or a Letter of Intent for a State Access Permit to complete an application. A complete application must also include a Vermont Agency of Natural Resources Project Review Sheet.
- c. Review Procedures. An application for Subdivision Review must be submitted to the Administrative Officer for consideration by the Planning Commission at their next available regularly scheduled meeting. A public hearing will be scheduled in accordance with Section 6.4 and 24 V.S.A. §4463 and §4464.
- d. Waivers. The Planning Commission can waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or

in proximity to the subdivision.

- e. **Final Subdivision and Plat Approval.** In accordance with Section 6.4, within 45 days after the closing of the hearing, the Planning Commission must approve, approve with conditions, or disapprove the final subdivision and plat. This determination must be based on whether or not the subdivision plan and associated plat conform to the subdivision design standards. Failure to act within 45 days shall be deemed as approval. Approval, conditions of approval, or grounds for disapproval and the provisions for appeal under Section 6.2, must be set forth in a written notice of decision. Copies of the notice of decision must be sent within the 45-day period to the applicant and any other interested persons in accordance with §4464.
- f. **Effect of Final Subdivision and Plat Approval.** Each approval for a final subdivision plan and associated plat must contain a time limit within which all required improvements (e.g. new roads, road improvements, drainage systems, utilities) must be completed, not to exceed one (1) year unless otherwise required or extended by the Planning Commission. The subdivision approval is not final until the written decision and signed mylar plat are recorded in the Reading Land Records. Planning Commission approval of a final subdivision plan and associated plat must 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 can be accomplished only by formal resolution of the Selectboard in accordance with state statute.
- g. **Plat Recording Requirements.** Within 180 days of the date of final subdivision approval by the Planning Commission, the applicant must file two copies of a final subdivision plat, for recording with the Town in accordance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period will expire. Prior to plat recording, the plat must be signed by the Planning Commission Chair. The Commission may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.
- h. **Extension of Plat Recording Date.** An applicant may request an extension of the date for filing the plat by an additional 90 days, if final local or State permits or approvals are still pending. Such a request is subject to Administrative Review by the Administrative Officer in accordance with Section 6.0.5.
- i. **Appeals of subdivision decisions** are subject to the applicable requirements under Article 6.

5.6.2 Subdivision Design Standards

1. In addition to the subdivision review standards set forth in Section 5.6, all proposed lots must be surveyed and must meet the minimum dimensional standards for the district within which the lot is located. New lots must be designed to meet their intended purpose; elongated lots and lots with irregular shapes (curves, jogs, dog-legs, etc.) must not be created unless warranted by conditions of topography, the

location of natural features or existing road conditions. Corner lots must have sufficient width to permit a front yard setback on each street while side lot lines must generally be at right angles to straight streets, or radial to curved street lines.

2. Existing features, including but not limited to water courses and drainage ways, pathways, historic sites and structures, stone walls, cellar holes/stone foundations, stone-lined wells, shorelands, fence and tree lines, wetlands, significant wildlife habitat, areas characterized by shallow soils or steep slopes, prominent geologic features, scenic views or any other unique features which have been identified in the Reading Town Plan and/or which in the Commission's judgment are an asset to the site and/or community, must be identified and preserved insofar as possible through careful placement of buildings, establishment of development envelopes and appropriate lot configuration.
3. Subdivision boundaries, lot layout, development envelopes, and building sites must be located and configured to avoid the undue fragmentation of productive farmland (i.e. prime agricultural soils and agricultural soils of statewide significance), forest, and significant wildlife habitat. Methods of avoiding undue fragmentation include but may not be limited to the following:
 - a. Building sites must be located at the edges of prime agricultural soils and agricultural soils of statewide significance or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
 - b. Where development of forest threatens significant wildlife habitat and other biologically sensitive areas, building sites must be located to the periphery in order to avoid undue fragmentation of those forests.
 - c. Access roads, driveways and utility corridors must be shared to the extent feasible and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, must follow these in order to minimize the fragmentation of productive agricultural land and forests, and to minimize visual impacts.
 - d. Subdivisions within the Significant Wildlife Habitat Overlay District must, in addition, comply with the standards in the Significant Wildlife Habitat Overlay District (Section 2.4.9).
4. Land must be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. The Planning Commission may require the preparation of a sedimentation and erosion control plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, avoid unduly impacting neighboring properties or surface waters. If a plan is required by the Planning Commission, a licensed Vermont Engineer must prepare the plan.
5. The proposed subdivision must not create an undue burden on public facilities or create an unreasonable demand for public services, including but not limited to fire and police protection, schools and area roads and highways. In determining whether

a subdivision will place an undue burden on facilities or services, the Planning Commission may consult with the appropriate municipal body or staff. The applicant can satisfy this provision by providing letters from the following entities:

- a. Highways: A letter from the road foreman certifying that the capacity of local roads, intersections and bridges in the immediate vicinity of the proposed subdivision are sufficient to accommodate additional traffic generated by the proposed subdivision. If new roads or road upgrades are required, the standards for road improvements in Section 4.14.2.6 apply. Where upgrades to town-maintained roads will be required, the applicant must secure and provide the written approval of the Selectboard in addition to a letter from the road foreman.
- b. Emergency Services: A letter from the Reading Volunteer Fire Department confirming that the proposed subdivision is designed to provide sufficient access for emergency response vehicles, that they have the ability to provide adequate service to the proposed facility, and if any additional measures are necessary to ensure the health, welfare and safety of residents of the proposed development.
- c. School Services: A letter from an official at the Reading Elementary School certifying that the proposed subdivision will not unduly impact the school by causing the student population to exceed the capacity of the existing facility.

6. Access roads, driveways, and utility corridors must meet the applicable standard as set forth in the table below. Compliance with these standards does not infer any obligation on the part of the Town to assume future responsibility for road maintenance or upgrade.

Road Size/Type	Applicable Standard
Road serving 2 or more lots	Section 3.1 of these bylaws and Reading Town Highway Standards (as most recently amended).
Driveway serving an individual lot	Vermont Agency of Transportation’s <i>Standard B-71</i> , as most recently amended.

- 7. Driveways must be accessible by emergency service vehicles, and must relate to topography to ensure reasonable grades and safe intersections with public or private roads. For driveways in excess of 500 feet in length, a 10’ X 30’ turnout may be required.
- 8. Proposed building lots must be served by adequate water supply and wastewater disposal systems. The Planning Commission may require documentation that adequate water supply and wastewater capacity is available to serve the proposed development, and that a Wastewater System and Potable Water Supply permit has been issued by the state.
- 9. The Planning Commission retains the right to waive a development requirement if in its judgment of the special circumstances of a particular plat, the strict adherence to

the requirement is not in the interest of the public health, safety, or general welfare.

10. Formation of a homeowners association or similar legal arrangement must be required as a condition of approval for development that includes private roads, common open space and/or common buildings, or common infrastructure or facilities in order to ensure their ongoing maintenance. The obligations to maintain the common improvements must be clearly outlined in the property deeds of all affected owners. Specifically, each deed must have a clause stating the town is not responsible for maintenance or improvements of private roads or common land, buildings or infrastructure. Costs incurred by the town because of default on the part of the association or an owner shall be a lien on the property of the association or owner(s).