

TOWN OF CORINTH
SUBDIVISION BYLAWS
Effective November 7, 1995
Amended September 10, 2002

*Applications are available at the office of the Town Clerk, Corinth Town Hall
Cookeville, Vermont 05039. Telephone (802) 439-5850.*

ADDENDA AND AMENDMENTS

To Town of Corinth Subdivision Bylaws as voted and approved by the Planning Commission on June 26, 1995, and voted and approved at Town Meeting on November 7, 1995. Revisions voted and approved by the Planning Commission on March 19, 2002 and voted and approved at Town Meeting on September 10, 2002.

SECTION I: GENERAL PROVISIONS

1.1 Title and Enactment

These Bylaws shall be known as the *Corinth Subdivision Bylaws*. Subdivision of land and its subsequent development will be subject to these Bylaws in accordance with the authority given by the Vermont Municipal Planning and Development Act (24 V.S.A., Chapter 117).

1.2 Application of These Bylaws

These Bylaws, unless otherwise specifically exempted, shall apply to the division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat (plot plan) in the Town Records, where the act creates two or more lots after the effective date of these Bylaws. A subdivision shall be deemed to have occurred upon transfer of title of any portion of the original lot, the filing of a plat or the recording of a Certificate of Exempt Subdivision in the Town Records, whichever occurs first. Annexations, Boundary Agreements or Lot Line Adjustments are not considered subdivisions.

1.3 Purpose

These Bylaws shall serve to ensure that future subdivision plans reflect the goals and policies contained in the Corinth Town Plan including the following goals and policies:

- (a) To provide for the wise use and conservation of the natural, visual, and historical assets of the Town,
- (b) To provide for the preservation of the Town's rural character,

- (c) To ensure the wise use of public resources, and
- (d) To ensure that existing or planned community facilities and services have sufficient capacity to serve proposed new subdivisions.

1.4 Definitions

Abutter: Landowner who shares a common boundary with any portion of a proposed subdivision. For the purpose of application for subdivision and notification of hearings, abutters include landowners whose property is separated by a state or town highway or by surface water.

Annexation: The subdivision of a parcel for the purpose of annexation to an abutting parcel provided that the remaining parcel (not annexed) is a viable lot and the annexation, viewed in the totality of the circumstances, does not have the effect of subverting the purposes of this ordinance. Any annexed lot shall become merged with the lot to which it is annexed. (Section 2.3) Both the merged lot and the remaining lot shall be eligible for exempt subdivision provided they have not previously been subdivided.

Applicant: The owner of land proposed to be subdivided or the designated agent or representative of the owner. A party with a legal interest in a parcel or lot may apply in cooperation with the owner.

Boundary Agreement: A conveyance of land or other transfer of title to reconcile differences in deeds or surveys to abutting properties, or to make property boundaries conform to historical use of land. (Section 2.5) Both lots shall be eligible for exempt subdivision provided they have not previously been subdivided.

Corinth Town Plan: The plan prepared by the Planning Commission and adopted by the Select Board pursuant to the Vermont Municipal Planning and Development Act (24 V.S.A., Chapter 117) September 6, 2001, or any such subsequent plan in effect.

Lot: A portion of land in a subdivision or plat that is separated from other portions of land by a property line. A lot is considered viable if it has appropriate access and is of sufficient size and character to support a single family residence with improvements (septic, water supply, etc.) (see 4.1 Annexation)

Lot Line Adjustment: Reconfiguration of the boundary between two or more contiguous parcels purchased before March 8, 1995, under one ownership resulting in no additional parcels, provided that the reconfiguration does not alter the basic character of the parcels.

Parcel: Any contiguous (adjoining) land under one ownership is considered to be one parcel except:

- (1) Where the land is divided by a state or town highway, or by surface water with a drainage area greater than ten square miles, or

(2) Any part of that land which was acquired by separate deed or other instrument prior to March 8, 1995. Note: abutting property purchased after March 8, 1995 becomes one merged parcel and must be deeded in its entirety, or brought before the Planning Commission for subdivision approval.

Plat (Plot Plan): A recordable map representing a tract of land showing the boundaries of lots, roads, and other features drawn to scale. Sometimes referred to as a Mylar. Definition and composition of survey plats are given in 27 V.S.A | 1403 et. seq. To be recordable, a plat must have a licensed surveyor's certification.

Road: A highway, street, or other way, which exists for vehicular travel, exclusive of a driveway serving one lot.

Sketch Plan: A plan drawn to scale showing all boundary lines for the original lot and proposed subdivision. For Annexation, Boundary Agreement or Lot Line Adjustment the sketch plan should include both the property being divided and the property being annexed. The plan should include the acreage for the original and proposed lots and dimensions for each boundary line. The plan should also include points of reference, such as name and number of town or state highway, street, north arrow, abutting landowners, other land owned by purchaser, seller, or retaining owner, and any structures. The person that prepared the plan must sign and date the plan.

Subdivision: The division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat (plot plan) in the Town Records, where the act creates two or more lots after the effective date of these Bylaws, March 8, 1995. A subdivision shall be deemed to have occurred upon transfer of title of any portion of the original lot other than by Annexation, Boundary Agreement or Lot Line Adjustment, the filing of a plat, or the recording of a Certificate of Exempt Subdivision in the Town Records.

Exempt Subdivision: An exempt subdivision occurs the first time a parcel that existed before March 8, 1995 is divided into two lots, provided that any proposed construction or development on either lot is limited to single-family residential use. Such subdivision is exempt from all aspects of these Bylaws other than the registration and recording requirements. This exemption shall not apply to the simultaneous or serial first-time division of existing contiguous parcels.

Existing Subdivision: A subdivision which was approved by the State pursuant to state laws prior to the effective date of these Bylaws March 8, 1995 or a plat which was recorded with the Town in accordance with Vermont law prior to the effective date of these Bylaws.

SECTION 2: EXEMPTIONS, ANNEXATIONS, LOT LINE ADJUSTMENTS AND BOUNDARY AGREEMENTS

2.1 Application for Exempt Subdivision

For the purposes of these Bylaws, an exempt subdivision occurs the first time a parcel that existed before March 8, 1995 is divided into two lots, provided that any

proposed construction or development on either lot is limited to single-family residential use only. Such subdivision is exempt from all aspects of these Bylaws other than the registration requirements [2.2], and recording [Section 5.2]. This exemption shall not apply to the simultaneous or serial first-time division of existing contiguous (adjoining) parcels. Approval will be granted only upon determination by the Planning Commission that the Subdivision does not have the effect of circumventing the intent of these Bylaws. Planning Commission shall approve, approve with conditions or deny the application in writing with copies to the applicant and other interested parties.

2.2 Registration of Exempt Subdivisions

Owners of a parcel of land desiring to create an Exempt Subdivision shall make application at the office of the Town Clerk for review by the Planning Commission. A Certificate of Exempt Subdivision shall be issued by the Planning Commission upon completion of the following:

(a) Receipt of a completed Exempt Subdivision Application Form from the owner of the parcel. The Application shall provide information regarding the owner of the parcel, a general description of the parcel, and reference to the Book and Page number from the Town Land Records, Parcel ID Number, and shall be submitted with a map showing location of the property, a sketch plan of the proposed subdivision and a check for the required fee,

(b) An informational meeting between the owner and the Planning Commission for the purpose of reviewing the guidelines set forth in the Corinth Town Plan and Subdivision Bylaws. The Planning Commission may waive this meeting when, in its judgment, it is found that special circumstances exist, and that the public interest would not be served by denying the waiver.

(c) Determination by the Planning Commission that the proposed subdivision meets the requirements for an Exempt Subdivision [2.1]

2.3 Application for Annexation

Owners of a parcel of land desiring to transfer a portion of said property to an abutting property owner for the purpose of annexation shall make application at the office of the Town Clerk for review by the Planning Commission. The purpose of the application shall be for determination by the Planning Commission that the purpose of the application is consistent with the definition of annexation provided in Section 1.4. A Certificate of Annexation shall be issued by the planning commission upon said determination and completion of the following:

(a) Receipt of a completed annexation application form signed by the owner of the parcel to be divided and the owner of the parcel to be annexed. The application shall provide information regarding the owners of both parcels involved in the transaction, a general description and references to the book and page numbers of the affected parcels from the town land records, Parcel ID Numbers, and shall be submitted with a map showing location of the both properties, a sketch plan of the proposed subdivision and a check for the required fee,

(b) An informational meeting between the owner and the Planning Commission for the purpose of reviewing the guidelines set forth in the Corinth Town Plan and Subdivision Bylaws. The Planning Commission may waive this meeting when, in its judgment, it is found that special circumstances exist, and that the public interest would not be served by denying the waiver.

(c) Determination by the Planning Commission that the proposed annexation meets the requirements of an annexation as set forth in Section 1.4

2.4 Application for Lot Line Adjustment

The owner of two abutting parcels of land, both parcels purchased before March 8, 1995, desiring to alter the boundary between the two parcels shall make application at the office of the Town Clerk for review by the Planning Commission. The purpose of the application shall be for determination by the Planning Commission that the purpose of the application is consistent with the definition of Lot Line Adjustment provided in Section 1.4. Planning Commission issues a Certificate of Lot Line Adjustment upon said determination and completion of the following:

(a) Receipt of a completed Lot Line Adjustment Application form from the owner of the parcels. The application shall provide information regarding the owner of the parcels, a general description and references to the book and page numbers of the affected parcels from the town land records, Parcel ID Numbers, and shall be submitted with a map showing location of both properties, a sketch plan of the proposed subdivision and a check for the required fee,

(b) An informational meeting between the owner and the Planning Commission for the purpose of reviewing the guidelines set forth in the Corinth Town Plan and Subdivision Bylaws. The Planning Commission may waive this meeting when, in its judgment, it is found that unique or special circumstances exist, and that the public interest would not be served by denying the waiver.

(c) Determination by the Planning Commission that the proposed lot line adjustment meets the requirements of a lot line adjustment as set forth in Section 1.4

2.5 Boundary Agreement

Owners of abutting parcels of land desiring to reconcile the common boundary between their two properties to resolve discrepancies in their individual deeds or to swap pieces of their property so that the boundaries conform to historical use of the land shall make application at the office of the Town Clerk for review by the Planning Commission. The purpose of the application shall be for determination by the Planning Commission that the adjustment does not in fact constitute a subdivision, annexation or lot line adjustment. Boundary Agreements not involving the transfer of title to land are not subject to review. The Planning Commission shall issue a letter to the effect that the Boundary Agreement does not constitute a subdivision upon said determination and completion of the following:

(a) Receipt of a completed Boundary Agreement Application form signed by the owners of both parcels. The application shall provide information regarding the owner of both parcels, a general description and references to the book and page numbers of the affected parcel from the town land records, Parcel ID Numbers, and shall be submitted with a map showing location of both properties, a sketch plan of the proposed boundary adjustment and a check for the required fee.

(b) An informational meeting between the owner and the Planning Commission for the purpose of reviewing the guidelines set forth in the Corinth Town Plan and Subdivision Bylaws. The Planning Commission may waive this meeting when, in its judgment, it is found that special circumstances exist, and that the public interest would not be served by denying the waiver.

(c) Determination by the Planning Commission that the proposed Boundary Agreement does not in fact constitute a subdivision, annexation or lot line adjustment as set forth in Section 1.4. Note: Boundary Agreements not involving the transfer of title to land are not subject to review.

SECTION 3: SUBDIVISION DESIGN CRITERIA

The Planning Commission shall approve a subdivision on finding that its proposed development meets the goals of the Corinth Town Plan including, but not limited to, the following design criteria:

3.1 Preservation of Existing Resources

Design of the subdivision shall conserve and protect to the extent possible existing resources such as streams, forest and meadowland, agricultural soils, historic structures or places, wildlife habitats, and other natural resources.

3.2 Energy Conservation

Design of the subdivision shall reflect principles of energy conservation and recovery.

3.3 Roads and Driveways

Design of the subdivision shall:

(1) Ensure safe and efficient movement of vehicles including road maintenance, fire fighting, and emergencies,

(2) Meet the design criteria set forth in Section 4.2 of the Town of Corinth Highway Ordinance. Note: These standards are Class III Road standards and apply to all roads that access subdivisions coming before the Planning Commission for approval.

(3) Be consistent with the goals and design standards of Vermont's Long-Range Transportation Plan.

3.4 Parking

Design of the subdivision shall provide off-road parking adequate to accommodate proposed uses.

3.5 Public Utilities

Design of the subdivision shall ensure that power, telephone, outdoor lighting, and other utilities do not unduly degrade the visual character of the site and the surrounding area.

3.6 Drainage and Erosion Control

Design and construction of the subdivision shall ensure that unreasonable soil erosion or reduction in the capacity of the land to hold water does not result.

3.7 Fire Protection and Other Emergency Services

Design of the subdivision shall not cause an unreasonable burden on the ability of the Town to provide fire protection and other emergency services.

3.8 Water and Sewage

Design of the subdivision shall provide for adequate potable water supply and for sewage disposal in accordance with the Town of Corinth Sewage Ordinance and applicable State laws and regulations.

3.9 State and Federal Compliance

Design of the subdivision shall be in compliance with all applicable Federal and State laws and regulations.

SECTION 4: APPLICATION PROCEDURES

4.1 General

A subdivision shall be approved by the Corinth Planning Commission before any title is transferred or construction begun. Application for approval of a proposed subdivision shall be made to the Corinth Planning Commission as defined herein. See Section 2 [Exemptions] for registration of an exempt subdivision.

4.2 Pre-Application Meeting

To facilitate the subdivision review process, the applicant shall first request a meeting with the Planning Commission (hereafter called pre-application meeting) at which the general aspects of the proposed subdivision shall be discussed. At least 12 days prior to the scheduled meeting, the applicant shall submit the following information to the Planning Commission:

(a) Subdivision Application, Part 1. The Application (hereafter called Part I) shall provide the name and address of the owner, the name and address of the applicant if different from the owner, the names and addresses of all abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number. The Application shall include a brief written description of the proposed subdivision (single-family dwellings, commercial, industrial, or other), the number and size of the lots, the water supply and sewage disposal systems proposed, and the anticipated timing of any construction including initiation and completion of the development. The Application shall be submitted with:

(b) A map showing the location of the proposed subdivision within the Town of Corinth relative to the town highway system and including general topographic features.

(c) A sketch plan of the parcel drawn to adequate scale showing any existing structures and roads; a general layout of proposed roads, lots, and building sites; the general locations of any streams, ponds, wetlands, and fields; and approximate locations of abutting properties.

At the pre-application meeting, the Planning Commission and the applicant will discuss the submitted preliminary information relative to compliance with the Corinth Town Plan and the Town's subdivision design criteria.

4.3 Formal Application and Required Information

Within six (6) months following the pre-application meeting, the applicant shall meet with the Planning Commission (hereafter called application meeting) and submit a Subdivision Application, Part II for approval of the subdivision plan to the Planning Commission. The application (hereafter called Part II) shall be submitted with:

(a) A location map showing the proposed subdivision relative to abutting properties, streams and other water bodies, and existing roads.

(b) A draft plat drawn to a scale adequate for showing the subdivision boundary with lot lines and lot size, and abutters' names. If construction is proposed, the plat shall also show at least the locations of proposed leach fields, existing or proposed wells, existing or proposed buildings, and existing and proposed roads. The Planning Commission may require that other existing and proposed facilities also be located on the plat, and that land surface contours be shown. The final plat shall be prepared on mylar, adequate for recording, and shall provide space for signature by a representative of the Planning Commission. The final plat must list and address any conditions placed on the approval.

(c) Approved septic plans in accordance with the Town of Corinth Sewage Ordinance, if construction is planned.

(d) Subsequent development plans if the proposed development covers only a part of the parcel. These plans should include the intended access, type of uses, water supply, and wastewater disposal facilities.

(e) Any other information requested in writing by the Planning Commission following the pre-application meeting.

4.4 Review, Public Hearing, and Approval/Disapproval

Upon receipt of a complete subdivision application, as determined by the Planning Commission, the applicant shall be notified in writing. If an application is not complete, the Planning Commission shall so notify the applicant stating what information is missing. Notification will be in a timely fashion.

After notifying an applicant in writing that a completed subdivision application has been received, the Planning Commission may conduct preliminary hearings and shall conduct a public hearing to review the proposed subdivision application. Notification of the public hearing shall be sent to the applicant, abutters, and other parties no less than 15 days prior to the hearing date.

Within 45 days following the public hearing, the Planning Commission shall act to approve, disapprove, or approve with conditions, the subdivision application. All decisions shall be in writing and forwarded to the applicant, the abutters, and other interested parties. Failure of the Planning Commission to act within the allotted 45 days shall be deemed approval of the application.

4.5 Waivers

The Planning Commission may waive or vary the provisions for application or review procedures and requirements when, in its judgment, it is found that unique or special circumstances exist, and that the public interest would not be served by denying the waiver.

The request for a waiver shall be made to the Planning Commission and shall include sufficient information to justify the waiver and to enable the Planning Commission to reach a decision. Such request shall be made in writing and shall be specific to Section 3 [Subdivision Design Criteria] or Section 4 [Application Procedures].

The Planning Commission shall provide a written response to the applicant within 30 days of having received a request for waver. Upon approval, the waver becomes part of the full application.

SECTION 5: RECORDING

5.1 Recording of Subdivision Plat (plot plan)

Upon approval by the Planning Commission, a subdivision plat shall be filed or recorded in the office of the Town Clerk by the applicant. Any plat not so filed or recorded within 90 days following its approval by the Planning Commission, or within 90 days of the date upon which such plan of subdivision is taken as approved by reason of the failure of the Planning Commission to act, shall become null and void and approval shall expire. No subdivision plat may be recorded by the Town Clerk until the Planning

Commission approval has been endorsed thereon, or the certificate of the Town Clerk showing the failure of the Planning Commission to take action within the 45 day period is attached thereto. (Vermont Municipal and Regional Planning and Development Act 4416 Plat, Record)

5.2 Recording of Exempt Subdivisions

Upon determination by the Planning Commission that a proposed subdivision qualifies as Exempt, a Memorandum of Municipal Action shall be filed in the Town Land Records, with a copy to the Listers.

5.3 Recording of Annexations

Upon determination by the Planning Commission that a proposed Annexation qualifies as Exempt, a Memorandum of Municipal Action shall be filed in the Town Land Records, with a copy to the Listers.

5.4 Recording of Lot Line Adjustments

Upon determination by the Planning Commission that a proposed Lot Line Adjustment qualifies as Exempt, a Memorandum of Municipal Action shall be filed in the Town Land Records, with a copy to the Listers.

5.5 Recording of Boundary Agreement

Upon determination by the Planning Commission that a proposed Boundary Agreement does not constitute a subdivision, annexation or lot line adjustment, a Memorandum of Municipal Action shall be filed in the Town Land Records, with a copy to the Listers.

SECTION 6: ADMINISTRATION

6.1 Fees

The applicant for a subdivision shall pay an application fee to the Town of Corinth upon submission of an application for approval as defined under Section 4 [Application Procedures]. Fees shall be set by the Select Board.

6.2. Revisions to an Approved Subdivision

Revisions or modifications to an approved subdivision or plat shall not be made unless the Planning Commission first approves such revisions following a public hearing. The same 30-day period for holding the public hearing, and 45-day period for acting on the proposed revisions, shall apply as given under Section 4.4 [Review, Public Hearing, and Approval/Disapproval]. A revised plat recorded without Planning Commission approval shall be considered null and void.

6.3 Public Acceptance of Roads and Open Spaces

Nothing in these Bylaws shall be construed to constitute the acceptance by the Town of Corinth of a road, easement, utility, or recreation area shown on a subdivision application or approved plat as publicly owned or maintained.

6.4 Performance Security

The Planning Commission may require from any applicant, for the benefit of the Town and sufficient to cover the full costs of constructing any public improvements that the Planning Commission may require in approving the subdivision, security that the improvements shall be completed as approved. The required security shall be submitted prior to final approval of the subdivision, and may be required in the form including, but not limited to, a surety bond, a letter of credit, a performance bond, or any other form, on terms and conditions acceptable to the Planning Commission and the Select Board.

6.5 Completion Date

Approvals of subdivisions shall contain a time limit within which all public components shall be completed. The time limit shall not exceed three years unless extended for unusual circumstances upon request of the applicant and approval of the Planning Commission.

6.6 Compliance With Other Laws

Nothing in these Bylaws shall supersede the conditions or criteria for approvals set forth in other bylaws, statutes, ordinances, or rules including Vermont State Subdivision rules, Act 250, and Highway Ordinances.

SECTION 7: MISCELLANEOUS

7.1 Appeals, Enforcement, Penalties, and Amendments

The procedures and conditions for appeals, enforcement, penalties and amendments shall be in accordance with the provisions of 24 V.S.A., Chapter 117, Sections 4444, 4445, and 4475 as presently enacted or as from time-to-time hereafter amended.

7.2 Savings Provision

These Bylaws shall not be construed as abating any action now pending under pre-existing bylaws, ordinances, regulations, or rules.

7.3 Severability

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

