

SUBDIVISION REGULATIONS
Town of Sharon, Vermont

Adopted December 18, 2008

**These Regulations were developed by the Sharon Planning Commission
and the Sharon Selectboard with assistance from the
Two Rivers-Ottauquechee Regional Commission**

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ARTICLE I: AUTHORITY & PURPOSE

SECTION 100 — TITLE & AUTHORITY

These Regulations shall be known as the Town of Sharon Subdivision Regulations. Subdivision of land and its subsequent development shall be subject to these Regulations in accordance with the authority provided by the Vermont Planning and Development Act [24 VSA, Ch. 117] (hereinafter, the “Act”) as presently in effect or hereinafter from time to time amended.

SECTION 101 — APPLICABILITY

No land development, improvements, additions, buildings, structures, sales or change of use may be undertaken on any lot, tract, or parcel of land subject to these Regulations until said subdivision has received final plan approval, and a subdivision permit and a plat have been filed. Required Improvements — Regardless of whether a bond has been required, no buildings may be constructed or sales may be undertaken until the improvements required in the approval have been completed, including any improvements required for a specific phase of the subdivision.

SECTION 102 — EFFECTIVE DATE

These Regulations shall take effect 21 days after adoption by the Selectboard, following public hearings by the Selectboard pursuant to 24 VSA Ch. 117 sec. 4442. Adoption of these Regulations replaces the previously existing Subdivision Regulations in their entirety.

SECTION 103 — EXTENT OF REGULATIONS

Subdivision of land whether by sale, gift, lease, mortgage foreclosure, court-ordered petition, or other instrument, must be approved by the Sharon Planning Commission before any construction begins, land title is transferred, or a plat is filed in the Town Land Records.

As defined by these Regulations, a subdivision is created when any single lot, tract, or parcel of land is divided into two or more lots, tracts, or parcels of land.

For the purposes of these Regulations, a public road, or railroad, running through a property shall constitute a legal division of land so long as all resulting parcels are at least one acre in size and have frontage on a public road or access via an approved right-of-way. If a parcel is less than one acre or does not have such access, it shall not be subdivided from any adjoining commonly-owned parcel.

The following are not subdivisions for the purposes of these Regulations:

- Annexations that result in the combination of any existing adjacent parcels into a single parcel for non-commercial use;
- Agricultural leases; and
- A minor boundary line adjustment between two adjacent lots involving no change in the number or use of lots, and resulting in a change of less than one acre of land of any involved lot.

SECTION 104 — PURPOSE

The Sharon Planning Commission shall authorize the creation of lots in accordance with these Subdivision Regulations. Through the use of these Regulations, the Planning Commission will seek to implement the Sharon Town Plan. That Plan is designed to reinforce two principal factors: the historical, rural character of Sharon and the natural beauty of its White River valley setting. These factors will be strongly influenced by future patterns of land subdivision. Accordingly, the Sharon Planning Commission shall consider and apply the Town's special features, landscape patterns, natural resources and the relationship of land use and road access in rendering its decisions.

These Regulations are hereby adopted to assure that development conforms to the policies set forth in the Sharon Town Plan. The Sharon Planning Commission shall refer to the goals, objectives, policies and data contained in the Town Plan when making discretionary decisions. The maps and text of the Town Plan shall also be referenced to insure that all development is compatible with the ecology, topology, geology, natural drainage, surface water runoff, ground water resources, agricultural resources, historical resources, and present and potential uses of land.

It is the intent of these Regulations to accommodate the subdivision of land and its subsequent use in an orderly manner, without causing undue burden to the Town, while preserving, to the extent possible, the rural character of the village of Sharon and the surrounding environment. The Sharon Planning Commission shall administer these Regulations with the intent of promoting orderly growth and coordinated development for the Town of Sharon, while protecting and providing for the health, safety, and welfare of its people.

SECTION 105 — SUBDIVISION STANDARDS

The following standards shall apply to all subdivisions. Standards 1-17 may not be waived. Standards 18-26 may only be waived by the Planning Commission pursuant to the requirements of Section 200.

1. All subdivided lots must have approved access onto town or state highways or a legal right-of-way no less than 50 feet in width to an existing private road or drive that provides entry and egress from a town road or state highway. The creation of landlocked parcels is not allowed. Access permits must be obtained from the Selectboard for access onto a town road, or from the Vermont Agency of Transportation for access onto a state highway.
2. Any subdivided lot created under these Regulations must contain a minimum of 43,560 square feet (one acre) to ensure adequate space for provision of water and wastewater facilities, both primary and secondary, and to provide adequate road access and sight distances for vehicles, including fire and other emergency vehicles.
3. All land to be subdivided must be surveyed by a licensed land surveyor prior to final approval.

4. All subdivisions shall be limited to such uses as are stated by the applicant in the subdivision application. A change to a use not specified in the application without a new or amended permit is a violation. Where no uses are stated, then no residential or non-residential uses shall be allowed without issuance of a new permit. This provision shall be in the permit for all lots.
5. All land to be subdivided shall be, in the judgment of the Sharon Planning Commission, of such a character that it can be used for the intended purposes without danger to public health or safety, or damage to the environment.
6. Subdivisions shall be designed in reasonable conformity with existing topography to minimize grading, to reduce cuts and fills, and to retain, insofar as reasonable, natural contours, land cover, and soil. Projects involving blasting, retaining walls or major modification of existing topography must show that there are no feasible alternatives. The Commission may require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading.
7. No new slopes may be created with a grade greater than 1:3. Disturbance of steep slopes (over 25%) shall be avoided. Subdivisions on slopes greater than 25% may require a licensed professional engineer to certify that they do not pose a landslide or erosion risk.
8. Land shall not be subdivided so that any lot consists of land designated as flood hazard areas or characterized by poor drainage, steep slopes, or subject to other hazardous conditions to the point where the lot is not buildable, unless building has been restricted on the lot by easement.
9. Subdivisions shall avoid irregularly shaped lots (e.g., curves, jogs, dog-legs, etc.) and no lot may be more than five times longer than the narrowest dimension, unless warranted due to natural/topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.
10. The proposed development shall be consistent with the Municipal Plan of the Town of Sharon and with any other municipal ordinances then in effect.
11. The proposed development may not place an unreasonable burden on the ability of the Town to provide municipal or governmental services and facilities.
12. The proposed development may not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
13. No building envelopes shall be placed within 100 feet of the top of bank of any perennial stream or the edge of any wetland, and no ground disturbance or removal of healthy vegetation will be allowed within 50 feet of such boundaries except for permitted crossings.
14. Adequate provision shall be made for fire protection satisfactory to the Sharon Fire Department, and if required, shall be designed in consultation with a licensed professional engineer, and may include a system of hydrants or ponds built to generally accepted standards.

15. Drainage shall not adversely affect individual lots in the subdivision, any abutting properties, roads, and drainage systems within or outside the subdivision site. The Commission may require the developer to submit a report from a licensed professional engineer assessing the impact of drainage created by the subdivision.
16. For lots which will require on-site sewage systems or potable water, state permits will be required as a condition, prior to the filing, of any final plat approval. For lots without designed systems and intended to have no buildings, the required deed notice in the Vermont Environmental Protection Rules shall be a condition of final plat approval and the notice shall be legibly printed on the plat itself.
17. Private road construction must satisfy the requirements of the Highway Policy of the Town of Sharon. Driveways may not exceed 14% grade. If the subdivision is on an existing private road, or will cause the creation of a private road, improvements to the existing road or right-of-way may be required for public safety and emergency access.
18. Access permits, when applicable, must be obtained from the Selectboard and/or the Vermont Agency of Transportation prior to approval of a subdivision and/or construction of any roads or driveways.
19. Access to any lots within a subdivision shall be limited to a single shared access point, unless public safety is better served by two accesses or topography precludes single access. Any additional subsequent subdivision shall be restricted by permit to the existing access point(s) as approved for the initial subdivision. Access points shall be on existing side roads when feasible.
20. The subdivision shall preserve historic structures and sites, stone walls, mature trees, and critical wildlife habitat or corridors whenever possible. In cases when preservation is not possible, or it conflicts with other goals of the Town Plan, actions may be required to mitigate the conflict.
21. When subdivisions contain prime or statewide agricultural land or large blocks of contiguous forest, adequate provision shall be made for their preservation for future use. Cutting plans may be required to retain mature trees or limit intrusion into forests.
22. When site conditions allow, subdivisions shall be laid out to promote energy efficiency and conservation by affording buildings sufficient solar access and southern orientation.
23. Stormwater shall be handled by an erosion control plan prepared by a licensed professional engineer for the subdivision for control of erosion, sediment and stormwater runoff during and following development.
24. Electric, telephone and cable distribution systems shall be placed underground in all subdivisions where reasonable. The developer shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation. All utilities shall follow the road right-of-way unless the Commission approves alternative plans based upon a review and demonstration of necessity.
25. Adequate provision must be made for pedestrian traffic in terms of safety, convenience, and access to destination points. Sidewalks or paths may be required.

26. The subdivision shall be designed to provide adequate outdoor site lighting for pedestrian and vehicular safety, but to keep lighting confined to the property, to avoid glare, skyglow, and visual disturbance.

SECTION 106 — ADMINISTRATOR

As provided in section 4448 of the Act, there is hereby established the position of an Administrator, and acting Administrator in his/her absence, to provide applications, take applications, and otherwise fulfill the duties and responsibilities of that position as set forth in the Act and in these Regulations.

SECTION 107 — PLANNING COMMISSION

As provided in section 4321-25 and 4460 of the Act, the Planning Commission shall act as the municipal panel to review and approve subdivisions.

SECTION 108 — SEVERABILITY

The invalidity of any provision of these Regulations shall not invalidate any other part of these Regulations, or any part of any other existing municipal ordinances, including the Municipal Plan of the Town of Sharon.

SECTION 109 — RELATIONSHIP TO OTHER PERMITS

Other permits may be needed before a subdivision plat can be filed in town records and/or before development may begin.

1. An Act 250 permit may be required for a subdivision. Consult with the Vermont Agency of Natural Resources in Springfield, Vermont.
2. Water and wastewater permits must be obtained from the Agency of Natural Resources, or the required deed notice filed, before local subdivision plats may be filed. When a deed notice is used instead of a wastewater permit, then the deed notice shall also be printed in no less than 10 point font on the plat itself.
3. A stormwater construction permit must be obtained from the Agency of Natural Resources before any construction disturbing more than one acre of land is initiated, and an operational stormwater permit is required for industrial uses and uses that create more than one acre of impervious surface.
4. An access permit is required for any new or modified access onto a public road. These permits are issued by the Selectboard for town highways and the Vermont Agency of Transportation for state roads. These permits must be in place before a plat may be filed in town records.

ARTICLE II: GENERAL APPROVAL PROCEDURE

SECTION 200 — WAIVERS & VARIANCES

At the request of the applicant or on its own motion, the Sharon Planning Commission may waive or vary the provisions of these Regulations, including any standards, if, in its judgment, the provisions are not required by the special circumstances of the subdivision; the public health, safety, and general welfare remain protected; and the capacity of existing or planned community facilities, the character of the land affected, the specifically stated policies and standards of the Municipal Plan, and traffic on roads and highways in the vicinity are not adversely affected. Applicant expense alone shall not constitute good cause for any waiver or variance. Any waiving or variance of these Regulations, along with the supportive reason(s) therefor, shall be in the written approval record of the Commission pertaining to the specific application.

In granting waivers or variances, the Commission shall require such conditions as will in its judgment substantially secure the objectives of the requirements so waived or varied.

SECTION 201 — APPLICATION FORMS & FEES

All applications required under these Regulations shall be submitted to the Administrator on forms furnished and approved by the Town of Sharon. All required forms shall be submitted in duplicate. The applicant or designated representative shall obtain a subdivision application from the Town Clerk during the Clerk's regular Office Hours. The applicant shall also obtain, with the assistance of the Town Clerk or Listers, the town parcel number(s) and a copy of the deed(s) for the land to be subdivided, and a list of abutting landowners' names and addresses.

Upon submission to the Administrator of a subdivision application as specified in Article III, the applicant shall pay a nonrefundable fee as established by the Selectboard for administration of these Regulations. (See Instructions for current fees.) If the application is deemed incomplete, it shall be returned to the applicant for additional information as the Administrator specifies. If the additional required information is not presented to the Administrator within 60 days, the application will be rejected. Application fees will not be refunded.

SECTION 202 — REVIEW PROCESS OVERVIEW

Subdivision review under these Regulations is intended to be flexible in terms of scale and complexity. The Planning Commission shall have the authority to tailor the review process to the level of scrutiny needed. Reviews will generally start with an Initial Plan Review to familiarize the applicant with the process and standards of these Regulations and the Planning Commission with the general intent of the application. While some information is required of the applicant for this meeting, it is of a less formal nature and is meant to avoid expensive changes later in the application review process.

Following the Initial Plan Review, applications will be required to contain more formal information and the review process will involve site visits, hearings, and preliminary and final approval decisions by the Planning Commission. All requirements shall be basically established at the Preliminary Plan Approval stage. Final Plan Approval is intended for verification that all is in acceptable form, and that all conditions have been satisfied. Following Final Plan Approval, a subdivision permit must be issued and a plat filed for the subdivision to proceed.

SECTION 203 — PUBLIC HEARING NOTICE

Notice for any required public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of a notice at the applicant's expense by the Administrator in a newspaper of general circulation in the Town setting forth the date, time, place, and purpose of the hearing; a description of the proposed project; where additional information may be obtained; and that participation in the hearing is a prerequisite to the right to take any subsequent appeal.
2. Posting of the same information by the Administrator in three or more public places within the municipality, including at least the Town Office.
3. Posting of the same information by the applicant on a form provided by the town within view from the public right-of-way most nearly adjacent to the property for which an application is made. Such outdoor notices shall be posted no closer than seven (7) feet to the traveled surface. Posting on private property outside the right-of way requires landowner permission. The applicant must provide a signed certificate of posting at the hearing.
4. Mailing by the Administrator of a copy of the public posting by certified mail to owners of all properties adjoining the property subject to subdivision, without regard to any public or private right-of-way.
5. Written notification by the Administrator to any neighboring town's clerk if the proposed subdivision is within 500 feet of that town.

SECTION 204 — HEARINGS

Sufficient hearings on the proposed subdivision will be held to allow the Planning Commission to reach conclusions on compliance with all standards of these Regulations. At the first hearing, all attendees will be advised that participation in the hearing is necessary to retain any appeal rights. Testimony at hearings may be required to be under oath. The Commission will keep a record of the hearings, the name and address of any participants and the nature of their participation, and all evidence and testimony submitted.

If, during any hearing, additional information is needed, the hearing may be recessed by the Commission to a later date and time specified at the hearing without requiring new notice. If the applicant does not know when the additional information will be ready, the hearing shall be closed until the applicant notifies the clerk of the Commission that the additional information requested is ready. Any additional (not continued) hearings shall be at the applicant's expense and the notice requirements above apply again.

SECTION 205 — REQUIRED ATTENDANCE

The applicant, or a duly authorized representative, shall attend all public meetings, site visits, and hearings required by these Regulations, including those which are continued to a specific date and time. Failure to attend such public meetings, hearings, or site visits may be cause for the Commission to deny the application.

SECTION 206 — EXPERT ADVICE

The Planning Commission may hire outside professional assistance, to be paid for by the applicant, to assist in their independent review of information in the application. The Planning Commission and applicant, either before or during review, may decide on a mutually acceptable expert in any area in order to minimize costs and lessen areas of disagreement.

SECTION 207 — PERMIT APPEALS & OTHER APPEALS OF ACTS OF THE ADMINISTRATOR

An appeal of any act of the Administrator, including the issuance of a Subdivision Permit, must be made as detailed in 4466 of the Act within 15 days of issuance in a manner prescribed in section 4465 of the Act, and heard as in section 4468-72 of the Act, all as presently in effect or hereinafter from time to time amended.

SECTION 208 — APPEALS OF ACTS OF THE COMMISSION

The approval or denial of a subdivision approval by the Commission may be appealed to the Environmental Court in a manner as specified in section 4471 of the Act as presently in effect or hereinafter from time to time amended.

SECTION 209 — FILING OF SUBDIVISION PERMIT

Within 30 days of the issuance of approval of the final plan, unless appealed, the Administrator shall deliver a copy of the subdivision permit to the Town Clerk for filing in the land records and shall also file a copy of the subdivision permit in the town permit file as specified in section 4449 of the Act, as presently enacted and as hereinafter from time to time amended. Recording fees for these filings may be charged to the applicant as determined by the Town Clerk and the Selectboard. Orders and findings by the Commission which contain stipulations and/or conditions affecting approvals for any lot, tract, or parcel of land shall be part of the permit record.

SECTION 210 — ACCEPTANCE OF ROADS & EASEMENTS

Approval of the final plat or filing for record shall not constitute or be evidence of acceptance of any roads or municipal easements shown on such plan. Acceptance of roads or municipal easements shall be by vote of the Selectboard. In the event of granting easements to the Town of Sharon, a written statement shall be required acknowledging the subdivider's responsibility for maintenance of easement areas until/unless such easements have been accepted by the Town.

SECTION 211 — PERFORMANCE BONDS

The Commission in its approval may require a performance bond or other surety payable to the Selectboard in an amount sufficient to cover the full cost of constructing any shared public or private improvements (roads and related drainage; sewer, water, and stormwater systems; power lines, etc) detailed in the approved subdivision plan. The Commission may also require surety covering the maintenance of said improvements for a period of two years, said surety to be equal to not less than ten percent (10%) of the estimated cost of those improvements.

Such performance bond, if required, shall be submitted prior to the signing of the final subdivision plat. Security that the project will be completed as approved may be required in one of the following forms:

1. Surety bond issued by a surety company authorized to do business in the State of Vermont, to be filed with the Selectboard in form and amount satisfactory to it; or
2. Letter of credit, cash, escrow account or savings bankbook properly endorsed to the Town in an amount to be determined by the Selectboard; or
3. Performance bond from the developer or contractor.

Applicants are reminded that, unless waived, as-built drawings are required for the use or occupancy of the subdivision, and cannot be waived if a bond is required.

The performance guarantee for construction shall not be released until the Selectboard has certified that completion of the improvements as shown on the as-built plans is in accordance with the Final Plan Approval. The construction performance bond shall run for a term to be fixed by the Selectboard, but in no case for a term longer than three years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. Any performance guarantee for maintenance shall be for two years following the release of the construction bond.

If any required improvements have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the Town, and upon receipt of the proceeds thereof, the Town shall install or maintain such improvements as are covered by such performance bond.

SECTION 212 — AS-BUILT DRAWINGS

Unless waived, prior to the use or occupancy, but not sale, of any subdivision by any person, the subdivider shall submit an “as-built” subdivision plan. This plan shall be drawn to scale and shall indicate by dimensions, angles, elevations, and distances the location of all buildings, structures, utilities, roadways, and other improvements as constructed. The subdivider shall submit as-built subdivision plans to the Selectboard for use in determining if any performance bonds should be released. The Selectboard shall not release any bonds until they have certified that the planned improvements have been satisfactorily completed.

ARTICLE III: SUBDIVISION REVIEW & APPROVAL

SECTION 301 — INITIAL PLAN REVIEW

Applicants for subdivisions will go through Initial Plan Review, unless this phase is waived at the applicant's request, to discuss the overall description of the project, familiarize the applicant with these Regulations, and answer basic questions of procedure. The discussion shall be conducted at a public meeting held by the Planning Commission. No written findings, conclusions or decision shall be provided to the applicant and any comments by the Commission, the applicant, and interested parties are non-binding.

The applicant shall submit to the Administrator, not less than 30 days prior to a regular meeting of the Commission, the following:

1. A written description of the proposed subdivision, including:
 - present and future uses of all properties
 - number and size of lots
 - anticipated timing of construction improvements
 - description of all existing and proposed restrictions on use of the land (including easements, covenants, and rights-of-way) and any forms of ownership of private utilities or roads
 - statement of compatibility of the proposed subdivision with the Municipal Plan of the Town of Sharon, and with any other existing Municipal ordinances (Highway Policy, Flood Hazard Bylaw, etc.)
2. A location map on a USGS topographic map showing the proposed subdivision in relation to abutting properties, existing roads, true north point, scale, and date.
3. A preliminary sketch of the proposed project, drawn to scale, including:
 - existing and proposed boundaries of the subdivided lots
 - existing and proposed layouts of streets, driveways, or rights-of-way, with a notation where any state or local access permits will be required
 - existing structures and stone walls
 - surface waters and wetlands
 - location of existing and proposed buildings, utilities, and other improvements
 - areas that are wooded, have prime or statewide agricultural soils
 - proposed water supply and wastewater disposal system(s), including replacement system(s)

The materials shall be reviewed by the Administrator for completeness before being submitted to the Sharon Planning Commission. The applicant is advised to retain copies of all material to be presented as part of the application. Incomplete applications will be returned to the applicant.

Once deemed complete, initial subdivision plan proposals may be presented to the Planning Commission at the first scheduled meeting of each month.

SECTION 302 — PRELIMINARY PLAN APPROVAL

The application shall include the following:

1. A completed subdivision application form, in duplicate, which may be obtained from the Administrator.
2. Copy of the deed (available from the Town Land Records) and the Town parcel number (available from Town Clerk or Listers).
3. Names and addresses of all abutting property owners (also available from the Town Clerk or Listers).
4. The information required in numbered list 1 and 2 of section 301.
5. A survey plat of the subdivision prepared and certified by a licensed land surveyor, containing all of the following:
 - Subdivision name or title, location, scale, true north point, and date
 - Name and address of subdivider(s), and parcel numbers of land to be subdivided
 - Subdivision boundaries and lot boundaries of land being subdivided with reference to established boundary markers or monuments
 - Total acreage of subdivision and number of lots proposed with their individual acreage
 - Existing and proposed roads and rights-of-way
6. In addition to the survey required above, a map drawn to scale not to exceed 100 feet per inch and containing all of the following:
 - Subdivision name or title, location, scale, true north point, and date
 - Name and address of subdivider(s), and parcel numbers of land to be subdivided
 - Subdivision boundaries and lot boundaries of land being subdivided
 - Total acreage of subdivision and number of lots proposed with their individual acreage
 - Existing and proposed water supply and wastewater disposal systems, including replacement systems
 - Existing and proposed buildings, stone walls
 - Proposed utilities and other manmade improvements

- Existing and proposed roads and rights-of-way including widths, typical cross sections and longitudinal profiles
- Any source protection areas or natural heritage areas
- Existing waterbodies, streams, wetlands, wooded areas, agricultural soils (from NRCS) and other significant physical features
- Proposed building envelopes and cutting boundaries
- Existing and proposed restrictions on the use of the land, including easements, covenants, and rights-of-way

During the Preliminary Plan Approval process, the Commission may require additional information, including but not limited to the following:

- Contour lines at an interval not greater than five feet
- Grading plans showing any areas of cut and fill
- Stormwater drainage plan, which shall indicate the methods for collecting and discharging drainage, as well as methods for temporary and permanent erosion control
- Landscaping plans showing plant types, ground cover, and proposed lighting and signage, if any
- Covenant or easement language detailing the maintenance responsibilities for any common areas or improvements, and any articles of incorporation if needed to create legal entities

If the application for Preliminary Plan Approval is determined to be complete by the Commission, a site visit and a public hearing shall be scheduled within 30 days. Incomplete applications will be returned to the applicant per section 201. The site visit shall be warned as part of the hearing.

The site visit is the time to clarify any items in the application or to mark on the ground items shown in application materials. Testimony is not taken at site visits.

At the hearing the Commission shall take testimony as to whether the project meets the purposes of this bylaw and each relevant standard, and may make specific written recommendations for changes necessary for such compliance. If additional information is needed, the applicant shall have up to 60 days to provide it. Failure to provide requested information shall be grounds for denial of the application. Those who have been duly warned and wish to seek party status must participate in this hearing (this may be done in writing) to retain the right to appeal.

When the Commission is satisfied that all relevant issues have been addressed and is ready to decide on Preliminary Plan, it shall close the hearing prior to deliberation and deny the application if it will not be permissible, or approve the Preliminary Plan with such conditions as it deems appropriate.

Applicants are advised that while wastewater permits are not required prior to approval, coordinating all permit applications at this stage can help to avoid conflicting permits, which would require resubmitting an application to bring all permits into conformance with each other.

At the time the Commission grants Preliminary Plan Approval, it may require the subdivision to be divided into two or more phases to insure conformity with the Town Plan and may impose such conditions upon the filing of the application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat and to avoid overburdening Town facilities and services.

Following Preliminary Plan Approval, the applicant shall have six months to seek Final Approval.

SECTION 303 — FINAL PLAN APPROVAL

Within six months of the Preliminary Plan Approval, the applicant shall submit a Final Plan for approval to the Planning Commission materially conforming to the layout and information shown on the Preliminary Plan, with any modifications required by the Commission. If the applicant fails to do so, the application shall be void.

The Commission shall hold a public hearing on the Final Plan, with notice as required, and shall, within 45 days from the adjournment of the final plat hearing, approve the Final Plan if it meets the requirements of the Preliminary Plan Approval and has, or is conditioned to have, any necessary federal, state and/or local permits. Copies of the hearing decision shall be promptly sent by certified mail to the applicant, and sent by first class mail to every person with party status at the hearing.

Failure to approve or deny the Final Plan within such 45 day period shall be deemed approval on the 46th day. In the event of such failure to act, the applicant must obtain certification from the Administrator documenting the Commission's failure to act within the specified period of time.

The Commission in its approval may require a performance bond or other surety as provided for under section 211.

SECTION 304 — SUBDIVISION PERMIT

Following approval of the final plat, the Administrator shall promptly issue a subdivision permit for the actions as described in the approval. Within three days of issuance, notice of the pending permit shall be supplied to the Town Listers and posted by the Town Clerk as prescribed in section 4449 of the Act, as presently in effect or hereinafter from time to time amended.

SECTION 305 — FILING APPROVED PLAT/EFFECT OF FAILURE TO FILE WITHIN 180 DAYS

Within 180 days following the date of approval of a subdivision, the applicant must submit the final signed Mylar plat to the Town Clerk for filing in the land records of the Town of Sharon. Filing of the plat shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended. The plat to be recorded shall be in compliance with state law, 27 VSA, Chapter 17. Filing fees shall be paid directly to the Administrator. Filing of the approved plat, any denials, notices of violation, and other matters of record shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended.

If an accurate Mylar plat is not filed within 180 days following approval of the subdivision, the subdivision approval shall be rendered null and void. It is the responsibility of the applicant to present the Mylar plat in a timely manner so as not to render the approval void.

SECTION 306 — SIGNING OF APPROVED FINAL PLAT

The final plat must be an 18" x 24" Mylar copy of the survey, and must not differ in any way from the plat approved at the final public hearing. Prior to filing and recording, but after the appeal period has expired, the plat must be reviewed at a regularly scheduled meeting of the Planning Commission for compliance with the Final Plan Approval, and signed by the chair or vice chair of the Planning Commission. The authorized members of the Planning Commission may not sign the final Mylar plat unless the applicant has provided any required items of approval, including a bond or surety, a written agreement with the Selectboard, easement(s) or covenant(s), the receipt of additional permits, etc.

Any changes, erasures, modifications or revisions made to any final Mylar plat after it has been approved and signed by the Commission shall render the subdivision approval null and void.

ARTICLE IV: ENFORCEMENT

SECTION 400 — ENFORCEMENT & PENALTIES

As specified in section 4470 of the Act, the Town shall enforce all decisions of appropriate municipal panels, including the Planning Commission and Selectboard.

The Administrator, upon reasonable indication that a violation of these Regulations has occurred, shall initiate enforcement action as authorized in section 4452 of the Act, but only after the alleged offender has had at least seven (7) days notice, by certified mail or hand delivery, that a violation exists. The notice shall state that a violation is believed to exist and that the alleged offender has seven days to remedy the violation or appeal the notice. If the violation is not remedied within seven (7) days of receipt of notice, or appealed, the Administrator shall file a copy of the notice of alleged violation in the municipal land use permit files, with the Town Clerk for filing in the Land Records, and shall also mail a copy to the Planning Commission and Selectboard.

Fines — Any person who violates any of the provisions of these Regulations or of any permit issued under these Regulations shall be fined not more than \$100 for each offense, and each day that a violation continues following notification shall constitute a separate offense.

Prosecution — Nothing herein contained shall be deemed to exclude any legal or equitable remedy provided in the Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct, or prevent any violations of these Regulations or to prosecute violators thereof.

ARTICLE V: DEFINITIONS

For the purposes of these Regulations, words and phrases contained herein shall have the following interpretations. Unless otherwise defined, words and phrases shall be interpreted according to the definitions provided by Vermont statute [24 VSA Ch.117] as presently in effect or hereinafter from time to time amended, and in the Municipal Plan of the Town of Sharon and other municipal ordinances.

<i>Access</i>	Subdivided property must have direct access onto a town or state road, or onto a private road or right-of-way that provides entry to and egress from a town road or state highway. Any access by private road or right-of-way must be constructed according to the Town of Sharon Highway Policy. No landlocked lots may be created.
<i>Act</i>	The Vermont Planning and Development Act, 24 VSA Ch. 117, as presently in effect or hereinafter from time to time amended.
<i>Affiliated Owners</i>	Owners or others with financial interest in a property through corporate, familial, legal, or private means.
<i>Annexation</i>	The combining of any number of adjacent lots in their entirety into a single lot.
<i>Applicant</i>	The owner of land proposed for subdivision, or his or her representative. Any party with a legal interest in the property may apply in cooperation with the owner.
<i>Building</i>	An enclosed structure with walls and a roof for occupation or use.
<i>Commission</i>	The Planning Commission of the Town of Sharon, as authorized by 24 VSA Ch. 117. If a Development Review Board is established, it shall perform the review functions of the Planning Commission.
<i>Covenant</i>	A binding agreement or contract between two parties.
<i>Driveway</i>	A private road serving fewer than three residences.
<i>Easement</i>	The authorization by a property owner for the right of specific use of a designated part of the property by another party or entity.
<i>Improvement</i>	Any changes to land, including but not limited to: roads, driveways, culverts, stormwater systems, utilities, other infrastructure, and any related structures.
<i>Local Road</i>	A public road designed primarily to carry local traffic and to provide access to contiguous properties.

<i>Lot</i>	A portion of a parcel that is separated by a property line and has a separate deed; land designated as a lot on a plat approved by the Sharon Planning Commission under these Regulations, and duly recorded in the Land Records of the Town.
<i>Map</i>	A scaled drawing of features on the land with such features accurately located.
<i>Municipal Plan</i>	The duly adopted comprehensive plan for the town of Sharon, as developed by the municipal and regional Planning Commissions and approved by the Selectboard.
<i>Mylar</i>	A plastic medium, transparent or opaque, which is required for the final plat, to be filed in the land records of the Town within 180 days of Final Plan Approval.
<i>Non-residential</i>	A use or structure connected with a governmental, commercial or industrial use where the primary use is not residential.
<i>Open Space</i>	Land not occupied by structures, buildings, roads, rights-of-way, parking lots, or other manmade encumbrances; land reserved for recreation, including hunting, fishing, forestry, agriculture, and tourism.
<i>Parcel</i>	Any contiguous land owned or controlled by the same person or legal entity, regardless of whether acquired at different times or through separate conveyances.
<i>Perennial Stream</i>	A stream or river that runs year round. Streams shown as perennial on USGS topographic maps or in the VCGI surface water layer are assumed to be perennial unless shown to be otherwise.
<i>Performance Bond</i>	A form of surety that guarantees a subdivision will be developed and maintained as permitted, which, if need be, is used by the Town to construct and maintain such improvements in the subdivision without cost to the town.
<i>Plat</i>	A map of a parcel of land, showing boundaries of lots, roads, or other features, drawn to scale. For subdivision approval, the plat must be a survey prepared by a licensed land surveyor and submitted for recording in the municipal land records of the Town of Sharon.
<i>Private Road</i>	A road or driveway serving three or more residences and/or businesses with ownership retained by the property owner or an association of landowners. A private road serving fewer than three residences is a driveway.

<i>Shall</i>	The use of this verb indicates mandatory action or requirement.
<i>Shared Access</i>	An access onto a public or private road, where the access will serve as the sole access serving lots within a subdivision.
<i>Site Visit</i>	On-site inspection by members of the Commission of the property proposed to be subdivided in order to ensure a clear understanding of site conditions for review.
<i>Subdivider</i>	A person, partnership, firm, corporation, association, or other legal entity proposing to divide property for the purpose of sale, lease, or other development; the term includes any applicant for approval of the subdivision of land.
<i>Subdivision</i>	The division of any lot or parcel into two or more lots, parcels, or interests, for the purposes, whether immediate or not, of sale, lease, or development. The term includes amended subdivisions or re-subdivisions. For the purposes of these Regulations, the following are not considered subdivisions: annexations that result in the combination of any existing adjacent parcels into a single parcel for non-commercial use; agricultural leases; and a minor boundary line adjustment between two adjacent lots involving no change in the number or use of lots, and resulting in a change of less than an acre of land of any involved lot.
<i>Substantially Complete</i>	Construction of any improvement to the point where it is usable, satisfies any permit conditions, and is of sufficient quality, permanence, and finished state so that, if applicable, as-built drawings may be done and performance bonds could be released.
<i>Survey Map</i>	A plat of a land parcel to be subdivided, prepared by a licensed land surveyor, and required as part of a subdivision application.