

Chapter 12

Subdivisions Final Plans

This chapter establishes definitions and additional application requirements that are specific to the division of land, including standards for the setting of survey monuments. Some of these standards also apply to final plans for other developments.

12.1 Authority – Definitions

12.1.1 Does the town have specific authority to regulate the division of land? Yes. 24 V.S.A § 4418 authorizes Vermont towns to regulate subdivisions.

12.1.2 What is a subdivision? The “division of a parcel into two or more parcels” is land development, as defined by 24 V.S.A § 4303(10). This definition is repeated in 24 V.S.A § 4418. WDB 12.1.3 and 12.1.4 clarify this definition.

12.1.3 What is a “parcel?” For the purposes of this bylaw, a ‘parcel’ is any contiguous area of land that is owned or effectively controlled by the same person, family, partners, or shareholders. The key to this definition is effective control. How the land is described on the town’s tax map or in the land records, how the land was assembled from smaller parcels, or how the land is affected by rights-of-way or easements, is relevant only as provided by WDB 12.1.3.1-3.

12.1.3.1 Split Parcels. Where a parcel is split by a public road right-of-way or a railroad right-of-way it will be treated as two parcels for the purposes of this bylaw. Easements will not ordinarily be considered to split a parcel, but the Administrator may determine that an easement for a high-voltage power line or major pipeline has the same impact on the use of a parcel as a public road or railroad right-of-way and permit that parcel to be ‘split’ for the purposes of determining compliance with this bylaw. The Administrator may require that a survey defining the limit and extent of the split parcel be prepared and recorded in the town’s land records as part of an application for an administrative permit on split parcels. The Administrator’s decision is subject to appeal, as provided by WDB 5.4.

12.1.3.2 Approved Lots. Where a parcel consists of more than one approved subdivision lot, the lots may be sold and/or used separately, consistent with all conditions of approval imposed on the subdivision and the requirements of this bylaw. An approved subdivision lot is one that is shown on a recorded plat approved as provided by this bylaw or the town’s previous subdivision regulations.

12.1.3.3 Homesteads. The Administrator may permit a homestead site that is part of a larger parcel, that has a surveyed legal description, and that is occupied by an existing dwelling to be conveyed separately, without being reviewed as a subdivision, but only where that conveyance will not adversely affect the potential subdivision of the remainder of the property by impeding access (via road or trail, or for utilities).

12.1.3.4 Non-Conforming Lots. This bylaw includes specific provisions for the use of non-conforming lots. See WDB 2.4.

12.1.4 What is a “division?” A ‘division’ occurs whenever any part of a parcel that does not qualify for one of the exceptions established by WDB 12.1.3, is sold or otherwise conveyed (for example, by gift or court order), leased, or developed.

12.2 Permit Requirements. As provided by WDB 4.3.4.1, a discretionary permit is required for most subdivisions. The only exception to this requirement is for boundary adjustments. See Chapter 6 of this bylaw for the discretionary permit procedure. See Chapter 10 for the boundary adjustment procedure.

12.3 Final Plans and Plats

12.3.1 Are there standards for the accuracy and contents of subdivision plans? Yes. Final plans and plats must include everything on the *Final Plan Checklist* established by WDB 6.9.2. They must also comply with the requirements of state law, specifically including 26 V.S.A. § 2602 and 27 V.S.A. §§ 1401-1406.

12.3.2 Are there examples of the certificates and signature blocks that must appear on the final plans? Yes.

12.3.1 Certificate of Dedication. All final plans and plats showing any improvements that will become public must include a Certificate of Dedication, as required by WDB 15.13.

12.3.2 Approval Signature Block. All final plans and plats must include an approval signature block.

SAMPLE APPROVAL SIGNATURE BLOCK

Upon finding that the final plans complied with all requirements of the *Williston Development Bylaw* and all conditions imposed on the approval of Discretionary Permit ___ - ___, the Williston Development Review Board/Administrator approved the final plans for the (name Subdivision) on the ___ day of (month), 20 __ .

(presiding member or Administrator’s signature)

NOTE: This signature block should be prepared for the signature of Administrator on boundary adjustments and where the DRB has delegated final approval of a minor subdivision or final plans to the Administrator. Otherwise, it should be prepared for the signature of the presiding member of the DRB.

12.4 Survey Monuments

12.4.1 Where must survey monuments be placed? Survey monuments shall be set at the following locations:

12.4.1.1 ... at each corner and angle point of all lots, blocks and parcels of land shown on the final plans.

12.4.1.2 ... at every point where the outer boundary of a subdivision intersects with an existing or approved road right-of-way; and

12.4.1.3 ... at every point of curve, point of tangency, point of reversed curve, point of compounded curve, and point of intersection on each existing road or trail right-of-way that is not already a line created by the development.

12.4.1.4 A monument must also be set wherever a meander line used to delineate watershed protection buffers or other irregular features shown on the approved final plans intersects any of the lot, block, parcel, or right-of-way boundaries established by the survey.

12.4.1.5 Open space areas required by WDB 31.7 and/or any other area required to be permanently delineated by this bylaw or conditions of approval imposed by the DRB must also be monumented but may be allowed to be monumented on a more limited basis as determined by the DRB, depending on physical features of the site and the nature of the area being delineated. Vermont state grid coordinates depicted on the final plans may also be required at critical points along the perimeter of important areas.

12.4.2 What if it is not possible to set one of the required survey monuments? A properly-documented reference monument may be set instead. Where the need for a reference monument was not anticipated in the approved final plans, the surveyor who sets the reference monument shall record a Certificate of Survey showing the correction to the approved final plans. A copy of that Certificate of Survey must also be filed with the Administrator. Simply documenting a reference monument does not necessitate an amendment to the final plans.

12.4.3 When must survey monuments be in place? As many of the required monuments as possible shall be set before the final plans are recorded. The Administrator may, however, permit monuments that could be destroyed or inadvertently moved during construction to be set after the work is complete, but before a certificate of compliance is issued.