

TINMOUTH ZONING REGULATIONS
ATTACHMENT A
FLOOD HAZARD AREA REGULATIONS
Approved by Voters 8/9/2022
Effective 9/9/2022

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I. Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there are hereby established regulations for areas of special flood hazard in the Tinmouth, Vermont.

II. Statement of Purpose

It is the purpose of this regulation to:

- A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- C. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

III. Lands to Which These Regulations Apply

These regulations shall apply in the Special Flood Hazard Areas in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.

IV. Determination of Base Flood Elevations and Floodway Limit

A. Base Flood Elevation (BFE) and Floodway Limits

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

In special flood hazard areas where base flood elevations *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the base flood elevation at the site. The applicant shall use data provided by FEMA or available from State or Federal agencies.

B. Special Flood Hazard Areas where Floodways have not been determined:

1. In Zones A, AE, AH, and AI-A30 where floodways have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
2. In Zone A, where neither base flood elevations nor floodways have been determined development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

C. Disputes in Areas and Elevations

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate and shall be used until shown to be otherwise. Rulings by FEMA shall be considered proof for the purposes of this bylaw.

If uncertainty exists with respect to the horizontal boundaries on the map, the location of the boundary shall first be determined by the Zoning Administrator (AO). If the Applicant disagrees with the Zoning Administrator's decision, it can be appealed to the Board of Adjustment where the applicant shall have the burden of proof. A Letter of Map Amendment or Letter of Map Revision from FEMA shall constitute proof.

V. Development Permit and Conditional Use Approval

A. Permit Required

A permit is required from the Zoning Administrator for all proposed fill, construction, or other development, including new or substantially improved structures, the placement of manufactured homes or recreational vehicles, and storage of chemicals, explosives, flammable liquids, or other hazardous or toxic materials, in all areas covered by this bylaw. Development needing conditional use approval, nonconforming use approval or a variance must have such.

B. Permitted Development

The following activities outside the floodway only require an administrative permit from the Zoning Administrator:

1. non-substantial improvements to existing structures that do not involve fill and do not decrease structure setbacks from any stream;
2. at-grade parking areas that meet the requirements in Article VI;
3. small accessory structures such as fences, sheds, or utilities that meet the requirements in Article VI; or
4. utilities that do not involve fill and that meet the requirements in Article VI and FEMA Guidance 348 *Protecting Building Utilities From Flood Damage*

C. Conditional Use Approval

Conditional use approval by the Board of Adjustment, prior to the issuance of a permit by the Zoning Administrator, is required for:

1. any development that takes place in the underlying zoning districts that is not excluded by Section V. B. and D including new or substantial improvement, elevation, or flood proofing of existing structures,
2. improvements to existing roads or drainage,
3. grading, excavation, or the creation of a pond,
4. bridges, culverts, public utilities, stabilization projects, or public projects which are functionally dependent on stream access or stream crossing,

In granting conditional use approval, the Board shall use the standards for development set out below in Section VI.

D. Exempted Activities

The following activities do not require a permit under this section of this bylaw:

1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.
2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
3. Interior improvements to existing buildings that cost less than 500 dollars.
4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
6. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under

a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.

7. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
 - (a) State-owned and -operated institutions and facilities.
 - (b) Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
 - (c) Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
 - (d) Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
 - (e) Telecommunications facilities regulated under 30 V.S.A. § 248a;
8. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
9. Subdivision of land that does not involve or authorize development.

VI. Development Standards

A. Floodway Areas

1. Development or other encroachments within the regulatory floodway [see definition], is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
2. Junkyards, on-site wastewater disposal systems, and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

B. All Special Flood Hazard Areas

(within mapped Floodway Areas, the following Section B. provisions are additive to the Section A provisions above)

1. All Development - All development shall be reasonably safe from flooding and:
 - (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
 - (b) constructed with materials resistant to flood damage,
 - (c) constructed by methods and practices that minimize flood damage, and

- (d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Residential Development:
- (a) New construction and existing buildings to be substantially improved that are located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.
 - (b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
 - (i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no less than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
 - (ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
 - (c) Residential construction located within Zones A, AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.
3. Non-residential Development:
- (a) New construction located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.
 - (b) Existing buildings to be substantially improved located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (c) A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- (d) Non-residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.
4. Subdivisions:
- (a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
 - (b) Subdivisions (including manufactured home parks) shall be designed to assure:
 - (i) such proposals minimize flood damage within the flood-prone area,
 - (ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (iii) adequate drainage is provided to reduce exposure to flood hazards.
5. Enclosed Areas Below the Lowest Floor:
- (a) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
 - (b) Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:
 - (i). Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - (ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
6. Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:
- (a) be on the site for fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) be permitted in accordance with the elevation and anchoring requirements for

"manufactured homes" in section B.2. (b).

7. Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:
 - (a) The structure must only be used for parking or storage,
 - (b) The structure must have the required openings to allow floodwaters in and out,
 - (c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
 - (d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
 - (e) All building utility equipment including electrical and heating must be elevated or flood proofed.
8. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
9. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
10. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
11. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

VII. Variances to the Development Standards

Variances may be granted in writing by the Board of Adjustment only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance Section VIII. consistent with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6 including;

- A. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- B. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance

of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

VIII. Nonconforming Structure(s) in Areas of Special Flood Hazard

The Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a non-conforming structure within a regulated flood hazard area, subject to compliance with the development standards in VI above and the following:

- A. The Board finds that the repair, relocation, or enlargement of such non-conforming structure is required for the continued economically feasible operation of a non-residential enterprise; and
- B. The Board finds that the repair, relocation, or enlargement of a non-conforming residential or non-residential structure will not increase flood levels in the regulatory floodway, threaten the health, safety and welfare of the public or other property owners; and
- C. A copy of such permit shall be affixed to the copy of the deed of the concerned property on file in the municipal clerk's office.

IX. Administration

All proposed development shall be reviewed by the Zoning Administrator or the Board of Adjustment to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

A. Application Requirements

All applications for development in the Flood Hazard Overlay District shall include:

- 1. the name and contact information for the owner of the property, including any agents authorized to act on their behalf;
- 2. a thorough description of the proposed development;
- 3. general location map including the address of the property, tax parcel ID, relative locations of the existing development and the nearest public road;
- 4. where applicable locate the proposed development, any water bodies, special flood hazard areas, floodways, the shortest horizontal distance from the proposed development to the center line of stream, shortest horizontal distance to top of bank of any stream, any existing or proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current special flood hazard maps;
- 6. Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the Town permit application. The identified permits, or letters indicating that such permits are not required,

- shall be submitted to the AO and attached to the permit application before work can begin;
7. two copies of the application;
 8. the appropriate fee; and,
 9. a Project Review Sheet from the Agency of Natural Resources indicating which permits, if any, may also be required.

For applicants seeking conditional use approval, non-conforming use approval, or a variance, the following also need to be provided:

1. a list of abutter's names and mailing addresses;
2. a statement of purpose and need for the proposed development;
3. a description of the alternatives considered to the proposed development, including alternate locations on site, especially outside of the hazard area;
4. elevation s of any proposed development;
5. such pertinent information as identified in the regulations or deemed necessary by the Board of Adjustment for determining the suitability of the proposed development for the site;
6. copies of the application sufficient for the file, the Board of Adjustment members, the State National Flood Insurance Program Coordinator, and additional parties such as the VT DEC Stream Alteration Engineer and adjacent communities if affected under Section VIII A.; and,
7. any additional fees required.

B. Referrals

Upon receipt of a completed application the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

No permit for new construction or substantial improvement shall be granted for a flood or other hazard area until after both the following:

1. A copy of the application is mailed or delivered by the administrative officer or by the appropriate municipal panel to the Agency of Natural Resources.
2. Either 30 days have elapsed following the mailing to the Agency delivers comments on the application.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at

the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

C. Records

1. Within three days following the issuance of a permit, the Zoning Administrator shall:
 - (a) deliver a copy of the permit and any accompanying conditional approval to the Listers of the municipality; and
 - (b) post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the perm it.

2. Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall:
 - (a) deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the town clerk for recording in the land records as provided in 24 VSA, § 1 154 (a);
 - (b) file a copy of the permit and any approvals in the Town office in a location where all municipal land use permits shall be kept; and,
 - (c) the Zoning Administrator may charge the applicant for the cost recording fees as required by law.

3. The Zoning Administrator shall properly file and maintain a record of:
 - (a) all permits issued in areas covered by this bylaw;
 - (b) the as-built elevation (consistent with the datum of the elevation on the current Special Flood Hazard Maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings in areas of special flood hazard;
 - (c) the as-built elevation (consistent with the datum of the elevation on the current Special Flood Hazard Maps for the community) to which buildings have been floodproofed in areas of special flood hazard;
 - (d) all floodproofing certifications required under this regulation; and,
 - (e) all variances, notices of alleged violation, and conditional use approvals, including justification for their issuance.

D. Decisions

Conditional use approvals, non-conforming use approvals, and variances shall assure that all necessary permits must be also received from those government agencies from which approval is required by Federal, State or Municipal law prior to the issuance of a permit.

The Board of Adjustment shall consider comments from the NFIP Coordinator at DEC.

X. Enforcement and Penalties

The Flood Hazard Area Regulations shall be enforced in accordance with the provisions of the Town of Tinmouth Zoning Regulations. In addition, upon determination that a violation exists, the Zoning Administrator shall mail a copy of the notice of violation to the State NFIP Coordinator. The notice shall state that:

If the violation is not remedied within 7 days, or after all appeals have been resolved, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the Zoning Administrator making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Violations of the AAP are subject to enforcement under applicable Vermont law including, but not necessarily limited to, the provisions of 6 V.S.A. Section 4812. Such violations in the special flood hazard area shall be immediately reported to the Secretary of Agriculture for enforcement, and a copy of the report shall be sent to the VT DEC NFIP Coordinator.

XI. Other Provisions

A. Warning of Disclaimer of Liability

This regulation does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Tinmouth or any town official or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

B. Validity and Severability

If any portion of this regulation is held unconstitutional or invalid by a competent court, the remainder of this regulation shall not be affected.

C. Precedence of Regulation

The provisions of this regulation shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where this regulation imposes a greater restriction, the provisions of this regulation shall take precedence.

XII. Definitions for Flood Hazard Zoning Purposes

A Zone means that portion of the SFHA subject to a one percent chance of being equaled or exceeded by flooding in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e., BFEs are not determined. This is often called the unnumbered A Zone or approximate A Zone.

Administrative Officer means the person appointed by the Selectboard to administer and implement the provisions of these regulations. In the Town of Tinmouth, the Administrative Officer is the Zoning Administrator.

AH zone is an area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding), base flood elevations are shown.

Accessory Structure means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Appropriate Municipal Panel (AMP) means a planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.

Area of Special Flood Hazard is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

Base Flood means the flood having a one per cent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

Base Flood Elevation (BFE) the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation (below ground level) on all sides.

BFE see Base Flood Elevation

Channel means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Channel width (or bank full width) is the width of a stream channel when flowing at a bank full discharge. The bank full discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Common plan of development is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Critical Facilities - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a flood and now are the only points for food and gas.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the *initial* floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM see Flood Insurance Rate Map

Flood means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water,

accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (generic) means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and / or flood related erosion hazards.

Flood Insurance Study (FIS) is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot at any point. Towns with established base flood elevations (BFEs) on Flood Insurance Rate Maps please note that the extent of FEMA floodways may be shown on a separate series of panels.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed

on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Interested person means any one of the following:

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- (4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection above who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

Legislative body means the Selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

Lowest floor means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided in to two or more manufactured home lots for rent or sale.

Minor improvement means any repairs, reconstruction, or improvement of a structure (other than customary maintenance), the cost of which is less than fifty (50) percent of the market value of the existing structure.

New construction means, for the purposes of determining insurance rates, structures, including manufactured homes, for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For regulation under this bylaw, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Non-residential Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the floodway identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, and the channel of the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.00 foot at any point.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". Maps of this area are available for viewing in the town clerk's office or acquired online from the FEMA Map Service Center. The Special Flood Hazard Area

may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). Zone A is the flood insurance rate zone that corresponds to the 100-year floodplains that are determined in the Flood Insurance Study (FIS) by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no BFEs or depths are shown within this zone. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, AI-30, or AE. Zones AE and AI-A30 are the flood insurance rate zones that correspond to the 100- year floodplains that are determined in the FIS by detailed methods. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Zone AH is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone. The extent of floodways may be shown on separate map panels in communities that have established BFEs.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

Structure means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including a gas or liquid storage tanks. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". For the purposes of determining "substantial improvement" value and exceptions in (a) only and no other purpose, the Zoning Administrator is "the local code enforcement official".

Violation means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Walk out -on -grade basement means a basement whose floor is at ground level on at least one side of the house, usually with a door on that side. This is not considered a "basement" as defined by these regulations.

Town of Tinmouth

Subdivision Regulations

Adopted February 11, 1988
Amended May 3, 1990
Amended March 4, 2003
Amended November, 2010
Amended November 4, 2014
Amended November 6, 2018

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Article I: Title

This ordinance shall be known and referred to as the Subdivision Regulations of the Town of Tinmouth.

Article II: Authority, Purpose, and Amendments

Section 201 - Authority

The Town of Tinmouth hereby authorizes and empowers the Planning Commission to approve, modify, or disapprove of all plats and subdivisions of land as described below, under the Subdivision Regulations hereafter provided. Plats and subdivisions that were previously filed in the office of the Town Clerk which are entirely or substantially undeveloped will also be reviewed under these subdivision regulations except that the Planning Commission will not require any substantial change in lot layout. These regulations are adopted for the purpose of providing for the future growth and development of the Town affording adequate facilities for housing, transportation, comfort, convenience, education, safety, health and welfare of its population.

Section 202 - Purposes

202.1 Any subdivision and development of land in the Town of Tinmouth shall be in compliance with any duly adopted Town Plan, Zoning Regulations, and Capital Budget and Program, and shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth:

- Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke or other menace.
- Proper provisions shall be made for drainage, water supply, sewerage and other appropriate utility services.
- The proposed streets shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to the municipal development plan of the area.
- Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- Buildings, lots, blocks and streets shall be arranged as to facilitate public safety and to provide ample access for emergency equipment.
- All development shall be sited in a manner that preserves the greatest possible amount of contiguous open, preserved land area.

Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Land shall also be subdivided or developed with due regard for the agricultural usefulness of the land in accordance with the Town Plan and its associated

Natural Resource Maps.

Section 202 Amendments

These regulations may be amended according to the requirements and procedures established in Section 4403 and 4404 of the Act.

Article III: General Subdivision Requirements

Section 301 - Planning Standards

- 301.1 **Character of the Land** - All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, steep slopes, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.
- 301.2 **Energy Conservation** - In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Planned Residential Developments may be encouraged to achieve efficiency in utility and facility infrastructure. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain.
- 301.3 **Lot Layout** - The layout of lots shall conform to the requirements of the Zoning Regulations, shall be appropriate for the intended construction, and shall maximize the amount of useable open space on the parcel. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines. Consideration in lot layout shall be given to topographic and soil conditions.
- 301.4 **Agricultural Overlay** - The Town of Tinmouth's Zoning Regulations include supplemental lot design criteria to those required elsewhere in the community. Newly created lots shall reflect the intent of those regulations by promoting a pattern of development that retains useable open space for potential agricultural purposes.
- 301.5 **Preservation of Existing Features** - Streets and buildings should be integrated with the topography of the site in order to reduce disruption of ground cover and drainage ways, storm-water runoff, and improve aesthetics.

Provisions shall be made for the preservation and protection of existing features, open space with the potential for agriculture, intact forested tracts, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic resources.

Section 302 - Street and Parking Lot Requirements

- 302.1 **Public Streets** - Streets within a development, which are intended for conveyance to the Town, shall meet the following requirements:
- A. No public street right-of-way shall be proposed which shall be less than fifty (50) feet in width. The Planning Commission may require a public street right-of-way of greater than fifty (50) feet in order to provide for a

safe, functional flow of traffic or for utilities and sidewalks.

- B. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads
- C. The Tinmouth Board of Selectmen reserves the right to accept or reject as a Town street any street which meets the above specifications.

302.2 **Private Streets** - Streets within a development which are not intended for conveyance to the Town and will be maintained and repaired by the developer, the developer's successors or assigns. All shall be subject to the following conditions:

- A. Deeds to properties which are served by private streets, alleys and/or ways, shall clearly state that such streets, alleys and/or ways are private and shall stipulate how and by whom such streets, alleys and/or ways are to be maintained.
- B. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads.

302.3 **Public and Private Streets** - Each street and parking area shall provide a safe convenient and functional system for vehicular circulation. No street or parking area shall be proposed which, by itself, or by intersection with existing streets, would cause traffic congestion or an unsafe traffic condition.

The Commission may require the sub-divider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety. Access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.

Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the legislative body of the municipality. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

302.4 **Class 4 Town Highways** - Development on a Class 4 road will be permitted by the Planning Commission with the approval of the Tinmouth Select Board.

302.5 **Acceptance of Streets; Improvements** – Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a

public street or highway by ordinance or resolution of the legislative body of the municipality. No public municipal street, utility, or improvement may be constructed by the municipality in or on any street or highway until it has become a public street or highway as provided in this section. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

Section 303 - Dead End Streets

Dead end streets are permitted when all the properties abutting them are in residential districts provided that a cul-de-sac turnaround is provided at the terminus of a dead end street with either a traveled turning circle diameter of 70 feet or a traveled turning loop.

Dead end streets may be permitted with approval of the Planning Commission. No more than 25 housing units are served by a single dead end street.

Section 304 - Easements

304.1 Pedestrian ways may be required to provide access to parks, schools, playground, or other public or semi-public places.

304.2 Permanent easements for utilities may be required.

Section 305 – Lot Requirements

305.1 The applicant shall demonstrate that the proposed subdivision will conform to the Tinmouth Zoning Regulations.

305.2 The land shown on the applicant's subdivision plans shall be suitable for the purposes for which intended to be used, and of a character that it can be used safely for building purposes without danger to health from fire, flood, poor or excessive effluent absorption qualities, or other menace. The applicant shall show that each building lot is suitable for disposal of sewage in conformity with the Vermont State Septic Regulations.

305.3 Whenever feasible, the subdivision shall be accessed by a single access from the existing roadway.

305.4 Side lot lines: insofar as practical the side lines of all lots should be at right angles to the street on which the lot faces or radial to curved street lines.

305.5 Lot numbers and names: all lots shall be numbered and named in accordance with Vermont Enhanced-911 criteria.

Section 306 - Utilities

- 306.1 **Extension of Municipal Utilities** - All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision. The design and location of all sewer lines shall conform to such Tinmouth sewer line standards as may be applicable. Whenever any proposed subdivision shall adjoin another tract of acreage, provision shall be made that strips of land be undeveloped so that utility lines and streets that may logically be developed in the event of the future subdivision on such adjoining acreage can extend and connect to the utility lines on the applicant's property.
- 306.2 **Water Supply Improvements**
- A. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
 - B. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:
 - (1) Due consideration shall be given to the drainage patterns in the area.
 - (2) Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
 - (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.
- 306.3 **Sewage Disposal Improvements**
- A. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system.
 - B. Individual septic systems shall meet all requirements of the State of Vermont.
- 306.4 **Electric, Telephone, Cable T.V., Personal Communications** - The sub-divider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the

future. Common rights-of-way shall be utilized whenever possible

- 306.5 **Fire Protection** - Fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief.

Section 307 - Drainage Improvements

Adequate storm water drainage management shall be provided to accommodate storm water runoff from all streets, lots and upstream drainage areas, whether inside or outside the development. The Planning Commission shall not approve a drainage system which would overload downstream drainage facilities and cause flooding on other lands until proper provision has been made to prevent such a condition. Adequate measures shall be taken to minimize erosion during and after construction.

Wherever possible, natural storm water management tools shall be instituted and the amount of impervious surfaces shall be minimized.

Section 308 - Land for Recreation

For subdivisions of 10 or more lots the Planning Commission may require the designation of an area not greater than 15% of the subdivision for a playground or other recreation purposes within the subdivision.

Section 309 – Proposed Structures, Accesses, and Parking & Loading Areas

- 309.1 All proposed structures, parking and loading areas, and accesses shall be located and designed to:
- A. Minimize natural resource and aesthetic impacts of the development. Designs which retain the maximum meadowland for potential agricultural use and maximum land of scenic value shall be given favorable consideration.
 - B. Complement and be consistent with the area's existing pattern and scale of development.
- 309.2 The proposed development shall not adversely affect:
- A. The capacity of existing or planned community facilities, including the Tinmouth grade school, the town offices, the fire department, and any public water supply or sewage disposal systems;
 - B. Traffic on highways in the vicinity;
 - C. The potential for renewable energy resources on affected or adjacent properties

- D. The safety and efficiency of pedestrian circulation. Walkways shall be maximized.

309.3 The proposed development shall be landscaped or screened to ensure compatibility with adjoining areas. In particular, the Planning Commission may require structures, parking and loading areas, or accesses to be screened or landscaped according to the following criteria:

- A. Visibility of areas from roads and/or adjoining properties.
- B. The need to screen parking areas from roads and adjacent properties.
- C. Proximity of lots used for residential purposes.

Parking and loading facilities shall be adequate with respect to on-site circulation, parking, and loading facilities, and of emergency vehicle access. Particular consideration shall be given to the effect of noise, glare, and odors on adjoining properties and to the general aesthetics of the design.

Section 310 – Proposed Structures, Accesses, and Parking & Loading Areas in the Agricultural Overlay

Where feasible, all proposed structures, accesses, and parking and loadings areas in the agricultural overlay district shall:

1. Retain the maximum possible amount of contiguous open land for agricultural use by:
 - a. siting structures on the edges of open land, or
 - b. by implementing other innovative programs such as clustering under PUD provisions with the permission of the Planning Commission or of these regulations,
2. Utilize the least productive land for development, subject to item three (3) below,
3. Protect scenic, historic, and outstanding natural resources;
4. Be compatible with existing uses; and,
5. Provide shared driveways for separate homes.

Section 311 – General Site Preservation and Improvements

311.1 **Natural Cover** - Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading cut and fill, and to retain, to the greatest extent possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from

the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.

- 311.2 **Erosion and Sediment Control** - The smallest practical area of land should be exposed at any one time during development. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Commission to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.
- 311.3 **Excavation and Grading** - The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of top soil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.
- 311.4 **Landscaping** – Existing trees, vegetation, and open fields shall be preserved to the greatest extent possible.

Section 312 - Subdivision Organizations and Restrictions

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the sub-divider describing this organization, its financing and membership.

Section 313 - Varying of Requirements

- 313.1 Where the Planning Commission finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may modify such requirements.
- 313.2 In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
- 313.3 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Capital

Budget and Program, or the Subdivision Regulations.

Section 314 - Subdivision Exemptions

- 314.1 Any partitioning or dividing of parcel when the sole result is the creation of one or more un-improvable parcels.
- 314.2 Any partitioning or dividing of a parcel when the sole result is the creation of one or more lots used for agricultural or forestry purposes, and not involving new streets or easements. The use of a lot created under this exemption shall not be changed to any use other than agriculture or forestry without Planning Commission approval.
- 314.3 The conveyance of any lot developed prior to and in existence prior to the effective date of these Subdivision Regulations, provided the lot is conveyed by the exact lot description or same lot lines upon which it was conveyed to the present owner.

Section 315 – Procedures for Exemptions

1. Application

Prior to undertaking or commencing a subdivision as defined herein, the sub-divider shall file an application for approval with the Tinmouth Planning Commission under the procedure hereafter provided.

2. Notice to Zoning Administrator

The applicant shall file with the Zoning Administrator two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed map of the subdivision(s).

3. Preliminary Meeting

The applicant for an exemption will be required to have a preliminary meeting with the Tinmouth Planning Commission.

4. Planning Commission Decision

The Planning Commission shall either approve, modify and approve or disapprove the application within 30 days of the preliminary meeting. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of these Regulations.

5. Recording

Exemptions granted by the Planning Commission shall be recorded in the Tinmouth Land Records at the expense of the applicant.

Section 316 - Lot Configuration

Lots will not be approved in "gerrymandered" configurations or in configurations which do not bear a reasonable and appropriate relationship to topographical features.

Section 317 - Boundary Line Adjustments

With the exception of boundary line adjustments related to a PUD amendment, which is subject to approval by the Planning Commission, the Zoning Administrator may approve boundary line adjustments if the following conditions are found to exist:

1. No additional lots will be created,
2. No more than two lots are involved,
3. Will not make complying lots nonconforming,
4. Will not increase the nonconformance of any existing lot.

NOTE: A plat map must be filed in accordance with State Statutes within 180 days of the decision to issue the permit. The plat map provided should show all buildings on the properties and show setbacks to make sure that a complying lot will not become non-complying as far as setbacks are concerned.

Article IV: Minor Subdivisions

Any residential subdivision containing two or three lots is considered to be a minor subdivision. Multiple minor applications on a parcel may be considered as a major subdivision by the Planning Commission if received within a 5 (five) year time span.

Section 401 - Application

Prior to undertaking or commencing a minor subdivision the sub-divider shall file an application for approval with the Tinmouth Planning Commission, under the procedures hereafter provided.

Section 402 - Notice to Zoning Administrator and Submission of Sketch Plan

The applicant shall file two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed Sketch Plan of the subdivision with the Zoning Administrator. The two sketch plats shall be 24”X36” with 10 additional photo-reduced copies, 11”X17” in size.

The Sketch Plan must include the following items:

1. Property lines and all lot lines;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present use of buildings;
4. Proposed use of buildings;
5. Open spaces and wooded areas
6. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
7. Existing and proposed water, sewer, site drainage;
8. Existing streets around and crossing the proposed subdivision;
9. Proposed private streets, driveways and parking spaces;
10. Proposed exterior lighting; and,
11. The zoning district(s) in which the subdivision is proposed and district boundaries.
12. Such information as may be necessary in order to determine that the application is in fact for a minor subdivision.

Note: applicants for projects located within the Lakeshore District or other areas that may contain environmentally sensitive areas are encouraged to contact the Vermont Agency of Natural Resources, to determine the potential need for necessary permits for work that might impact wetlands, conservation areas, or waters of the State. Information can be obtained at <http://www.anr.state.vt.us/dec/permits.htm>

Section 403 - Preliminary Meeting

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the sketch plan, the Planning Commission may grant preliminary approval to authorize the preparation of a final subdivision plat for public hearing.

A majority of the members of the Planning Commission may undertake a visit of the proposed development in conjunction with the preliminary meeting.

Section 404 - Planning Commission Public Hearing

The Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A.

§4414 and §4447 before any application for a minor subdivision is approved. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

Section 405 - Planning Commission Public Hearing Preparation

Prior to the publication of the notice of public hearing the applicant shall submit the following data:

- A. Two (2) maps of location of the development.
- B. Two (2) copies of a survey prepared by a surveyor licensed to practice in Vermont; said survey shall be drawn to scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with the approval of the Zoning Administrator. The survey shall show each of the items listed under Section 402.
- C. When a private sewage system or systems are specified, the applicant shall indicate the location of the system or systems and provide percolation tests in order to show that the land complies with Section 306.3 as to the suitability of sewage disposal.

The Zoning Administrator shall review the data to ensure all of the necessary elements are present and shall file the data at the town office for public review.

The applicant shall not make any significant alterations to the application after the public hearing has been warned without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 406 - Planning Commission Decisions

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the public hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of this regulation.

Upon approval by the Planning Commission the zoning administrator will administer the necessary zoning permit.

Article V: Major Subdivision

Any residential subdivision containing four (4) or more lots or units, or requiring any new street or extension of town facilities is considered to be a major subdivision. Multiple minor subdivisions within a five (5) year period may also be considered to be major subdivisions.

Section 501 - Application

Prior to undertaking or commencing a major subdivision, the sub-divider shall file an application for approval with the Tinnmouth Planning Commission under the procedure hereafter provided.

Section 502 - Notice to Zoning Administrator

The applicant shall file two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed Sketch Plan of the subdivision with the Zoning Administrator. The two sketch plats shall be 24"X36" with 10 additional photo-reduced copies, 11"X17" in size. copies.

The Sketch Plan must include the following items:

1. Property lines and all lot lines;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present use of buildings;
4. Proposed use of buildings;
5. Open spaces and wooded areas
6. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
7. Existing and proposed water, sewer, site drainage;
8. Existing streets around and crossing the proposed subdivision;
9. Proposed private streets, driveways and parking spaces;
10. Proposed exterior lighting; and,
11. The zoning district(s) in which the subdivision is proposed and district boundaries.

Note: applicants for projects located within the Lakeshore District or other areas that may contain environmentally sensitive areas are encouraged to contact the Vermont Agency of Natural Resources, to determine the potential need for necessary permits for work that might impact wetlands, conservation areas, or waters of the State. Information can be obtained at <http://www.anr.state.vt.us/dec/permits..htm>

12.

Where applicable the following information shall also be provided by the applicant:

1. Phases in development plans, with approximate dates of completion.
2. Any special considerations to be given to the Town such as:
 - a) Deeding of land for educational and/or recreational purposes.
 - b) Development of educational and/or recreational sites.
 - c) Provisions for bus shelters or bus turnaround areas.
 - d) Any other appropriate items.

Section 503 - Preliminary Meeting

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the Sketch Plan, the Planning Commission may grant preliminary approval to authorize the preparation of the Preliminary Subdivision Plat (see Article VI).

Depending upon the characteristics and magnitude of the proposed subdivision, the Commission may require the applicant to provide additional information as discussed below:

1. Letters from the following individuals concerning the capacity of town services in relation to the proposed development. Through this consultation process, it may become evident that phasing of the development will be required, to adequately service the subdivision, in which case the Planning Commission will determine an appropriate phasing plan.
 - a. The Tinmouth Fire Chief, to review provisions for access to the subdivision, and spacing between buildings for the maneuvering of fire fighting equipment and the availability of adequate water supply.
 - b. The School Board for review of the impact of the proposed development on the school system and the transportation of children.
 - c. The appropriate Rescue Squad, to review the accessibility to rescue equipment within the building and access to the area.
 - d. The Road Commissioner to review plans on street construction.
 - e. When applicable a qualified individual approved by the Planning Commission to present information on the inspection of the on-site sewage disposal and / or the affect of circulation of traffic within and around the subdivision.

In the event that the applicant has questions concerning the contents of any of the above submitted letters they shall not be filed with the Planning Commission until such time as the Planning Commission is assured that he has had an opportunity to interrogate the department or agency who submitted the letter.

2. Any other information deemed necessary by the Planning Commission during the preliminary meeting.

Section 504 - Preparation of the Preliminary Subdivision

Following preliminary approval of the Sketch Plan by the Planning Commission, the applicant shall submit 2 copies of a Preliminary Subdivision Plat as specified in Section 601, drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. In addition the applicant shall provide 10 additional photo-reduced copies , 11"X17" in size. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

Section 505 – Meeting to Review the Preliminary Subdivision Plat

Following receipt of the Preliminary Subdivision Plat, the Planning Commission may hold one or more meetings with the applicant. The Commission may grant preliminary approval, or approval with conditions, to authorize the preparation of the Final Subdivision Plat for submission to the public hearing.

A majority of the members of the Planning Commission may undertake a visit of the proposed development site following receipt of the Preliminary Subdivision Plat.

Section 506 - Professional Review of Application

The Planning Commission may, at the applicant's expense, hire a professional to assist in the review of the application.

Section 507 - Preparation of the Final Subdivision Plat

Following the preliminary approval of the Preliminary Subdivision Plat from the Planning Commission, the applicant shall submit 2 copies of a Final Subdivision Plat as specified in Section 601 prepared by a surveyor licensed to practice in Vermont, drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. In addition the applicant shall provide 10 additional photo-reduced copies, 11"X17" in size. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

Section 508 - Planning Commission Public Hearing

Before any application for a subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. §4417 and §4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

Section 509 - Preparation for Planning Commission Public Hearing

Prior to the publication of the notice of public hearing the applicant shall submit the elements listed under Article VI: Subdivision Plat Requirements.

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 510 - Planning Commission Decision

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the Public Hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of this Regulation.

If the development is a Planned Unit Development, the subdivision plat hearing and approval will also suffice as, and include, the necessary PUD hearing. Upon approval by the Planning Commission the zoning administrator will administer the necessary zoning permit.

Article VI: Subdivision Plat Requirements

Section 601 – Preliminary and Final Plat Data

The Preliminary and Final Subdivision Plats shall conform to, shall contain and show the following data:

- A. A scale map or maps incorporating the elements listed in Section 502, completed according to the specifications of Sections 504 or 506, as appropriate;
- B. The proposed tract name or other designations by which such development shall be known which shall not duplicate the name of any other previous development in the Town of Tinmouth.
- C. The locations, names and present widths and approximate grades of all existing streets or roads, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the approximate radii of all curves; the dimension of all lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- D. The name and address of the owner or owners of the land to be subdivided; the name and address of the individual(s) who prepared the Sketch Plan, Preliminary Subdivision Plat, and, where applicable, Final Subdivision Plat. The Zoning Administrator shall acknowledge receipt thereon indicating the precise date when said Plat and the application for approval were filed with him or her.
- E. The approximate widths and locations of all easements for drainage, sewerage or public utilities, public areas, common land parks or playgrounds, if any.
- F. When the Commission deems that ground conditions are such that it is necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction, contours at vertical intervals of five (5) feet shall be required.
- G. Elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be mapped at a maximum of ten foot intervals to present a clear idea of the relation of the proposed lot and street layout thereto.
- H. All parcels proposed to be deeded to the Town of Tinmouth for streets, parks, playgrounds, or other public open spaces and conditions of such transfer, if any.
- I. Complete plan and profile, with a minimum of one section per 100 feet, of each proposed street showing existing ground surface on the centerline and street lines

and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities on Plat. Plat and profile shall be drawn on Standard Plated, a 4 X 20 paper. Scale to be 1" equal to 50' horizontal on plan and 1" equal to 5' vertical on profile and section.

- J. Date, north arrow and scale.
- K. Such forgoing information that may not practically be shown on the Plat shall be contained in a signed, written statement.
- L. Such other information as the Planning Commission shall require to evaluate the application.

The Planning Commission may waive or vary any of the forgoing requirements listed above.

Article VII Plat Submission Requirements

Section 701 - Filing Requirements

If after public hearing, the Planning Commission approves the application the applicant shall, within one hundred eighty (180) days from such approval, meet the following requirements:

File or record such plat in the office of the Town Clerk of Tinmouth.

The plats shall be 18”X24” in size and shall be drawn to a scale large enough to show the details clearly, but shall not be less detailed than one inch equals one hundred feet.

All data required on the Plat shall be consistent with the Final Subdivision Plat approved by the Planning Commission and with any conditions to its approval.

With the subdivision plat, there shall also be filed with the Zoning Administrator three prints on paper and, where applicable, a digital copy in a format determined by the Zoning Administrator (e.g. .pdf).

Failure to file the Plat shall void the approval unless an extension is requested and approved by the Planning Commission.

Section 702 - Surveyor Certification

The Plat shall include a certification signed by a Land Surveyor making such survey and plan that it is made from the actual land survey and is substantially correct:

Section 703 - Commencement of Construction

The applicant shall not commence any land development as defined in 24 V.S.A. §4303 (3) until:

- A. The application (if a minor subdivision) or study subdivision plan (if a major subdivision) is approved by the Planning Commission, and
- B. The Subdivision Plat is filed with the Town Clerk as required by Section 701, and
- C. Unless waived, a letter of credit or performance bond is duly filed as required by Section 901.

A Planning Commission approval shall expire if the holder of such approval fails to comply with any of the following filing requirements:

- A. As required by 24 V.S.A. §4416, an approval by the Planning Commission shall expire one hundred eighty (180) days from such approval unless within such one

hundred eighty (180) day period a Subdivision Plat is filed with the Town Clerk.

- B. In a case where approval by the Planning Commission does not include a waiver of the bonding requirement in Section 901, such approval shall expire three (3) years from such approval, unless within such three year period, a letter of credit or performance bond is filed with the Planning Commission as required by Section 901, to provide for and secure the completion of all improvements specified in Section 801 or in the Planning Commission approval.

Section 705 Administrative Review

The Zoning Administrator may approve applications for one and two family dwellings and accessory structures, changes of use in existing buildings where no new impacts as compared with existing uses may be anticipated, and other amendments to administrative permits where conformance with the bylaws is found. The Zoning Administrator may also approve minor amendments to permits issued by the Planning Commission or the Zoning Board of Adjustment where no material changes or impacts are expected and where bylaw conformance is found.

Amendments that entail any of the following shall not require site plan review by the Planning Commission or the Zoning Board of Adjustment and may be administratively approved by the Zoning Administrator:

1. changes that do not violate, or require a variance from the provisions of the Zoning and Subdivision Regulations;
2. changes in land use that do not require an increased requirement of parking spaces;
3. changes to the building footprint involving less than five hundred (500) square feet or 10% of building area, whichever is less, and that do not affect parking, traffic, access or circulation;
4. minor changes in location of landscaped areas, sidewalks or bike paths;
5. substitution of planting materials from approved planting list, provided the substitution does not change the approved overall design concept;
6. minor changes in the location of structures;
7. no amendment shall have the effect of substantially altering the findings of fact of any approval in effect;
8. no new subdivision shall occur, although minor boundary line adjustments may be allowed.

Article VIII: Subdivision Improvement Requirements

Section 801 - Completion of Improvements

Within two (2) years after filing of a letter of credit or performance bond as required by Section 1001, or if a letter of credit or performance bond is waived by the Planning Commission, then within two (2) years of filing of the Subdivision Plat, the applicant shall at the applicants expense complete the improvements listed below where applicable. All such improvements shall be completed as specified in the application, as approved, the study subdivision plan as approved, any conditions to the Planning Commission approval, and these Regulations. The Planning Commission may grant a two (2) year extension of this period upon the request of the applicant if it is deemed appropriate to do so:

- A. All proposed streets shall be laid out, graded and constructed their full width and entire length from street line to street line.
- B. All storm drains, culverts and bridges shall be constructed.
- C. All water lines, sewer lines and fire hydrants shall be constructed or installed.
- D. Curbs, drainage swells, and / or sidewalks shall be constructed.
- E. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the applicant at actual cost.
- F. Internal traffic control signs shall be installed.
- G. All trees shall be planted and all other landscaping improvements shall be completed
- I. Any other improvements required by the Planning Commission approval or these regulations shall be constructed.
- J. As-built plans, including revised plan and profile of each proposed street after construction, showing all of the aforementioned improvements which are required shall be filed with the Planning Commission in triplicate.

Article IX: Letter of Credit or Bond for Completion of Improvement

Section 901 - Completion of Improvements

To assure the completion of the improvements required by Section 801, including but not limited to the setting of monuments, construction and installation of all roads, pavements, drainage facilities, storm and sanitary sewers, water lines, water courses, bridges, landscaping, and the filing of as-built plans, the applicant shall file with the Town Treasurer, for the benefit of the Town, either a letter of credit issued by a bank and approved by the Selectboard or a performance bond issued either by a bonding or surety company approved by the Selectboard, or issued by the owner with security acceptable to the Selectboard, in an amount sufficient to cover the cost of all of the forgoing, and the maintenance of such improvements for a period of two (2) years after completion. The full cost of such required improvements and as-built plans shall be as estimated by the Commission, or such municipal departments or officials as the Commission may designate. The letter of credit or performance bond shall be filed with the Town Treasurer before the commencement of any land development, and in any case, not later than three (3) years from the Planning Commission Approval as specified in 705 (b). Such bond shall provide for and secure to the public the completion of such required improvements and as-built plans within the period fixed in these Regulations for their completion, and for their maintenance for a period of two (2) years after completion, when or if the town assumes ownership.

Article X: Subdivision Fees

Section 1001 - Subdivision Fees

For the administration of subdivision review, the Selectboard shall by resolution establish, and may from time to time amend a schedule of fees which will cover the Town's obligations under this ordinance. Advertising fees shall be payable to the administrative officer upon submission of an application for preliminary hearing and shall be nonrefundable. The Planning Commission may require additional fees if consultation for inspection is required.

Subdivision fees and fees for recreation, if applicable, shall be paid at the time of filing of the application..

Article XI: Penalties

Section 1101 - Penalties for Violation

Penalties for violation of the provisions of these regulations shall be as provided in 24 V.S.A. 4444 and 4445.

Article XII: Appeals

Section 1201 - Appeals

Any interested person may appeal any decision, or any failure to act, by filing notice of such appeal with the Environmental Court.

Article XIII: Constitutionality

Section 1301 - Constitutionality

If any section, sub-section, paragraph, sentence, clause or phrase in these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity or any other section or remaining portion of these Regulations.

Section 1302 - Effective Date

These regulations shall take effect immediately upon adoption by the voters, as provided in 24 V.S.A. 4404.

Article XIV: Deferral of Permit

Section 1501. Deferral of Permit

The purchaser of an unimproved lot of land may waive his developmental rights thereto involving the construction or erection of any building or structure, the useful occupancy of which would require the installation of plumbing and sewage treatment facilities. Upon the filing of an application consisting of a plot of the parcel and a statement signed by the purchaser of the parcel that he waives developmental rights, the Tinmouth Planning Commission may issue to the proprietor, a deferral of permit for conveyance of the parcel. No structure or building, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities may be constructed or erected on a lot subject to a deferral of permit, unless the lot owner first obtains a permit as required by these subdivision regulations. The terms and conditions of the deferral shall be binding on the purchaser and all successors in title. A parcel purchased under the provisions of this section may not be resold unless a subdivision permit is obtained, or the waiver of developmental rights is included in the deed or lease and notice of the purchaser's name and address is filed with the Town Clerk/Planning Commission prior to conveyance.

Any waiver of developmental rights shall be made a term of any contract of sale or of lease of the parcel, and shall be recited in any deed in the form as follows:

Waiver of Developmental Rights

In order to comply with the Town of Tinmouth Subdivision Regulations on the Sub-division of lands and disposal of waste including sewage, the grantee shall not construct or erect a structure or building on the parcel of land conveyed herein, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities or convey this land without first complying with said Town regulations. The grantee by acceptance of this deed acknowledges that this lot may not qualify for approval for development under the

appropriate Town environmental protection or health regulations and that the Town may deny an application to develop the lot.

Section 1502 - Retained Parcel Deferral

When a parcel retained by the sub-divider is subject to the permit requirements of these rules, the procedures in Section 1501 may be used. The restriction in this permit shall be binding upon the retaining landowner and the "Waiver of Developmental Rights" shall be included in any deed, contract or lease transferring the retained parcel unless a subdivision permit is obtained prior to transfer.

Article XV: Definitions

Section 1601 - Inclusions

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, words in the singular include the plural and those in the plural include the singular. The word "Person" includes a Corporation, Unincorporated Association and a Partnership, as well as an individual. The word "Building" means a structure designed, intended, occupied or used as a shelter or roofed enclosure for persons, animals or property. The word "building" shall be construed as followed by the phrase "or part thereof". The word "street" includes Avenue, Boulevard, Court, Expressway, Highway, Lane, and Road. The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "may" and "should" are permissive; the words "shall" and "will" are mandatory.

Section 1602 - Definition of Terms

Act: Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act.

As-Built Plans: Plans prepared by the developer after the project has been completed accurately depicting all land and building improvements.

Authorized Agent or Representative: A person or group of persons who have been duly authorized in writing filed with the Commission by the subdivider to act in his or her behalf.

Boundary Adjustment: Any revision to a plat legally filed with the municipality which creates no new building lots and which will have no impact on roads, right of way, or other public facilities. A boundary adjustment shall not be considered as subdivision under these regulations.

Commission: The Town of Tinmouth Planning Commission.

Community Water Supply System: Any water system other than a municipal water system that supplies water for domestic, commercial, industrial or institutional uses in two (2) or more households or structures.

Community Sewage Disposal System: Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial or institutional uses to two (2) or more households or structures.

Construction Drawings: The Drawings showing the location, profile grades, size and types of drains, sewers, water mains, pavements, cross sections of streets, miscellaneous structures, and where used, underground fire alarm ducts, underground power and telephone ducts, etc.

Cul-de-Sac: A minor street intersecting another street at one end and terminating at the other by a vehicular turnaround.

Dead End Street: A street or street system with only one exit.

Easement: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

Exemptions: Any partitioning or dividing of a parcel not required to fully comply with these regulations.

Final Subdivision Plat: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for public hearing and which, if approved, may be filed for record with the Town Clerk.

Infrastructure: The necessary support facilities for development which may include, water and sewer lines, electric and telephone lines, roads, schools, etc.

Legislative Body: The Town of Tinmouth Selectboard -

Lot: A plot or parcel of land under undivided ownership, whether freehold or leasehold.

Municipal Development Plan: A plan adopted pursuant to 24 V.S.A. Subsection 4384 and Subsection 4385.

Municipality: Town of Tinmouth.

Open Space:—Undeveloped land, not to be further subdivided

Parcel: A unit of land of such size and dimensions that it may be divided into two (2) or more lots in accordance with the requirements of the land use zone in which it is situated, or may be used to site a commercial and/or shopping center complex, new multi-family housing project, planned residential development, elderly housing project, or industrial park development.

Plat: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

Plot: a measured piece or parcel of land.

Preliminary Subdivision Plat: A tentative subdivision plat, in lesser detail than a final plat, showing approximate proposed street and lot layout, as a basis for consideration prior to preparation of a final plat.

Resubdivision: A change of recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded.

Roadway: The portion of a street or road intended for vehicular use.

Sketch Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Street/Road: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

- a. Minor streets are those used primarily to provide access to abutting properties.
- b. Collector streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes carrying considerable volumes of traffic to community facilities and to major traffic streets.
- c. Major traffic streets are those serving large volumes of traffic and include facilities classified as main and secondary highways by the Vermont State Highway Department.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer, sale, lease or development. The term includes amended subdivisions and re-subdivisions. The term shall also include the development of a parcel of land as a commercial, industrial or shopping center complex, new multi-family housing project, elderly housing project, and industrial park development.

Subdivision, Major: Any residential subdivision containing four (4) or more lots or units, or requiring any new street or extension of town facilities.

Subdivision, Minor: Any residential subdivision containing two or three lots. Multiple minor applications on a parcel may be considered as a major application by the Planning Commission if received with a 5 (five) year time span.

Unimprovable Parcel: Any land upon which no building is located and upon which applicable zoning regulations prohibit construction of a building.

Wildlife corridor – Connecting habitat that ensures that animals and plant species are able to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitats, land features, and natural communities to meet all their requirements for survival, both within the town and regionally.