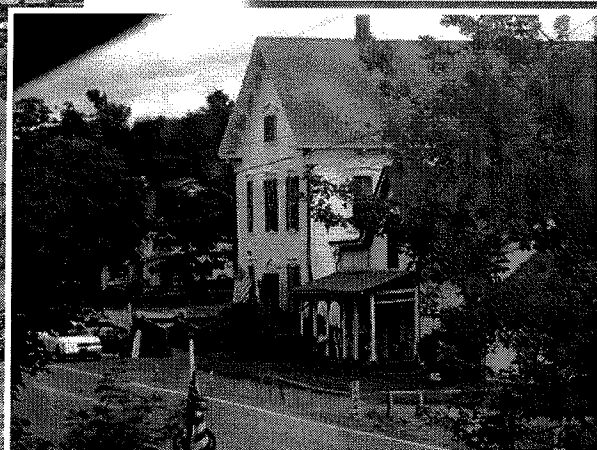
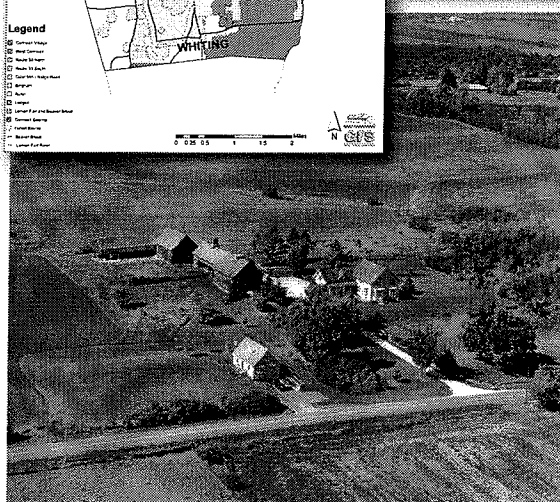
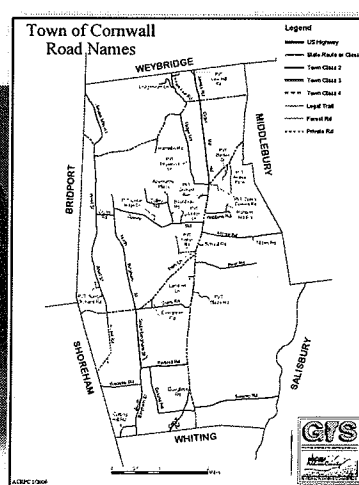
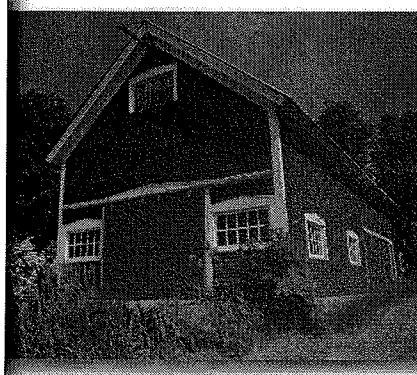
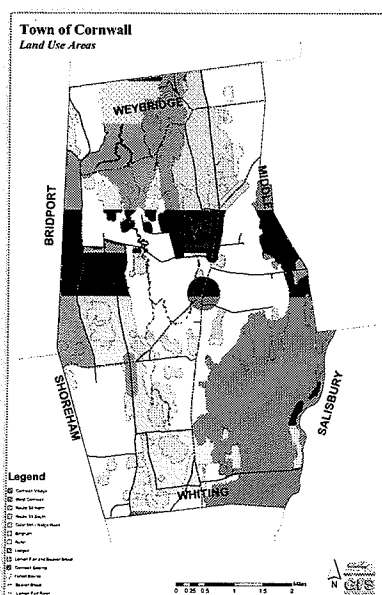




# *Town of Cornwall, Vermont*

## **SUBDIVISION REGULATIONS**



*Adopted February 5, 2008*  
*& Effective: February 26, 2008*

# SUBDIVISION REGULATIONS

Cornwall, Vermont

March 7, 1989

Revised for Chapter 117 September 25, 2006

Revised October 17, 2007, Revised February 5, 2008

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# **ARTICLE I. GENERAL REGULATIONS**

## **Section 110. Enactment**

Whereas the Town of Cornwall has created a Planning Commission ("the Commission") and has adopted and has in effect a plan under the Vermont Municipal Planning and Development Act, Title 24, Chapter 117 of the Vermont Statutes Annotated (24 V.S.A.), herein referred to as "the Act", there are hereby established subdivision regulations for the Town of Cornwall.

## **Section 120. Title**

These regulations shall be known as the **Town of Cornwall Subdivision Regulations** and referred to as "these Regulations".

## **Section 130. Purpose**

These Regulations have been drafted to implement the following purposes:

131. To insure that development conforms to the policies set forth in the Town of Cornwall's Town Plan. The Commission will refer to the goals, objectives and policies, recommendations and capacities of public services as established by the Town Plan in making discretionary decisions and requiring modifications in subdivision proposals.

132. To insure that all development is compatible with the ecology, topography, geology, natural drainage, surface water runoff, groundwater resources, agricultural resources, and present and potential uses of land as identified in the maps and text of the Town Plan.

133. To insure conformity and compatibility of development with other applicable laws, as presently enacted or as from time to time are hereinafter enacted, including but not limited to Zoning Regulations, Health Ordinance, Official Map and Capital Program.

134. To protect and provide for the health, safety, and general welfare of the Town of Cornwall, its property owners and its inhabitants.

135. To guide the future growth and orderly development of the Town and to insure that existing public services and facilities are available and will have a sufficient capacity to serve any proposed subdivision.

136. To provide the most beneficial relationship between uses of land and buildings and the safe and convenient movement of pedestrian and vehicular traffic.

137. To provide for the conservation and protection of the natural, visual and historical assets of the Town; the preservation of the existing rural character of the Town through the proper arrangement of uses on development parcels; the preservation of adequate open space between and within developments; and the preservation of land values and an adequate tax base.

138. To encourage development that uses energy efficiently.

139. To provide for public facilities and services such as parks and open spaces, recreation areas, schools, police and fire protection, off-street parking, and water supply and sewage disposal.

#### **Section 140. Authority**

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in 24 V.S.A. § 4418, including but not limited to the approval, modification, or disapproval of all plats filed and the approval of the development of such plats previously filed in the Town Clerk's office if such plats are entirely or partially undeveloped under these regulations.

#### **Section 150. Waivers and Variances**

151. Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secured.

152. Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required documentation or 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 waive such requirements subject to appropriate conditions.

153. 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.

154. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Cornwall Town Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or these Regulations.

#### **Section 160. Amendments**

These Regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

#### **Section 170. Enforcement, Violations, and Penalties**

These Regulations shall be enforced in accordance with Sections 4451 and 4452 of the Act.

#### **Section 180. Severability**

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

#### **Section 190. Effective Date**

These Regulations shall take effect 21 days after adoption at a regular meeting of the legislative body or after a petition and vote as per 24 V.S.A. § 4442(c)(1).

## **ARTICLE II: SUBDIVISION APPLICATION PROCEDURE**

### **Section 210. Application of Regulations**

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, and before a plat may be filed with the Town Clerk, the applicant, or authorized agent, shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision in accordance with one of the procedures described in this Article II of these Regulations. The amount of procedure required for any subdivision may vary depending upon the type and size of subdivision proposed and the probable impact of that subdivision upon the Town and neighbors in its immediate vicinity. Cornwall recognizes three types of subdivisions: Boundary Line Adjustments, Minor Subdivisions and Major Subdivisions. Each is defined in Article V of these Regulations. However, for discussion purposes, Boundary Line Adjustments are simple boundary line adjustments between adjacent properties, Minor Subdivisions constitute the division of a property into 3 lots or less and Major Subdivisions involve the division of a property or properties into 4 or more lots. Boundary Line Adjustments are handled as an administrative procedure by the Zoning Administrator. Minor Subdivisions involve an informal review of the project in the Sketch Plan phase and then a final review. Major Subdivisions are more complicated and will involve an informal discussion followed by formal hearings on the preliminary and final plat.

### **Section 220. Boundary Line Adjustments**

These Regulations grant the Zoning Administrator the ability to conduct an administrative review, as authorized pursuant to 24 V.S.A. § 4464 (c), and grant permits for subdivision projects meeting the definitions of a boundary line adjustment.

221. Applicants for administrative boundary line adjustments shall be responsible for providing the Zoning Administrator with a complete subdivision application and a supplemental letter and map containing information necessary for the Zoning Administrator to make a decision. Prior to granting the permit, the Zoning Administrator may require an accurate map of the property showing existing features, including structures locations, water and wastewater facilities, driveways, easements, parking and loading spaces and pedestrian walks and other information pertinent to the issue.

222. The Zoning Administrator may grant a permit for a Boundary Line Adjustment, if the applicant can satisfy all of the following standards:

1. The adjustment requested meets the definition of a Boundary Line Adjustment.
2. No new lots are created;
3. The lots resulting from the Boundary Line Adjustment meet the dimensional requirements for lots within the underlying zoning district;
4. The adjustment requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the Act;
5. The adjustment requested is designed to conform to the character of the land use area in which it lies as defined in the Town Plan;
6. The Boundary Line Adjustment does not cause any structure on either lot to violate any

dimensional setback requirements in the Zoning Regulations; and

7. The applicant demonstrates through a Permit or a Deferral of Permit that the Boundary Line Adjustment is acceptable for State water supply and wastewater permitting purposes.

223. The Zoning Administrator shall make a decision on the request for Boundary Line Adjustment by applying the facts presented in the application to the criteria, listed above, and incorporating all into a written decision. In approving a project the Zoning Administrator shall act to ensure, and may impose conditions requiring, that the Boundary Line Adjustment, if permitted, will conform to the Zoning Regulations and the Town Plan. The nature of any conditions attached to it shall be entered on the face of the Permit and upon the final subdivision plat depicting the adjustment and shall be enforceable in the same manner as all other applicable requirements of these Regulations. The decision of the Zoning Administrator regarding the Permit is appealable to the Board of Adjustment pursuant to criteria and procedure outlined in Sections 360-365 of the Zoning Regulations.

224. Upon securing a permit decision from the Zoning Administrator, prior to that Permit taking effect, the applicant shall be required to file a final subdivision plat pursuant to the requirements of Section 280 of these Regulations.

## **Section 230. Sketch Plan Phase for Major or Minor Subdivisions**

231. **Initial Meeting:** The applicant shall request a meeting with the Planning Commission to discuss the proposed subdivision and submit the discussion phase information as described in Section 310 of these Regulations and to discuss the specific requirements of these Regulations. The applicant shall be guided by the Commission as to the need for further meetings and the advisability of entering into the preliminary and final plan stages of the application process.

232. **Classification of Project:** At this meeting, the Planning Commission will classify the project as a Major Subdivision or Minor Subdivision. The Commission shall specify what the submission requirements for subsequent review will be. The Commission shall determine whether the project meets the purposes of these Regulations and may make specific written recommendations for changes. If the project qualifies as a Planned Unit Development, the Commission may simultaneously review the project under the criteria established in both these Regulations and the Zoning Regulations.

233. **Technical Review Fee:** The Planning Commission of the Town of Cornwall may require an applicant of any proposed subdivision to bear the costs incurred by the Town for any professional reviews and inspections which are reasonably required by the Town in connection with such application, or in connection with the ongoing development of the approved subdivision, including, but not limited to, fees and disbursements charged to the Town for engineering, legal, hydrological or other professional services rendered on behalf of the Town in connection with the development of such subdivision. The Planning Commission may set the amount that the applicant gives to the Town in escrow for these purposes at the end of the discussion phase. This new regulation is in accordance with the authority granted under 24 VSA § 4440 (d).

## **Section 240. Major Subdivision Application and Procedure**

**241. Preliminary Plan Application:** Within six months after classification of the project as a Major Subdivision by the Commission, the applicant shall submit an original and seven copies (8 total) of the subdivision application to the Town Clerk's office. The complete application must arrive at the Town Clerk's offices at least 25 days prior to the regular monthly meeting of the Planning Commission for it to proceed at the next hearing for approval of a preliminary plan. The application shall conform to the requirements set forth in Section 320 of these Regulations and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission. If the applicant fails to file a complete subdivision application within 6 months from the conclusion of the Sketch Plan phase, the Planning Commission may require the applicant to resubmit the application to the Commission for another Sketch Plan review.

**242. Notice procedures:** All development review applications before the Planning Commission shall require notice for a warned public hearing given not less than 15 days prior to the date of the public hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the Town of Cornwall. The Zoning Administrator or Clerk or Chair of the Planning Commission shall place the notice in the paper.
2. Posting of the same information in three or more public places within the Town of Cornwall in conformance with location requirements of 1 V.S.A. § 312(c) (2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The Zoning Administrator or Clerk or Chair of the Planning Commission shall post notices in two places within the Town and shall also be responsible for posting the property.
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The applicant shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. Prior to the first hearing, the applicant shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certificate of mailing demonstrating that the letters were sent (The applicant need only demonstrate that the letter was sent, not that it was received.) or signed receipts if the letter was hand-delivered. If the applicant fails to reasonably demonstrate that they sent notice to the adjoiners and any other interested party, the Planning Commission may postpone the hearing.

**Applicant's providing of notice prior to the Preliminary Plan in a Major Subdivision shall constitute notice at least 15 days prior to the Final Plan hearing sufficient to satisfy 24 V.S.A. § 4464(a)(1). Applicant will not be required to mail individual adjoiners notice of the Final Plan hearing.**

243. **Review Procedures:** Pursuant to the requirements of 24 V.S.A. §4461 the Planning Commission shall set a date and place for a public hearing of an application within 60 days of the filing of a complete application with the Planning Commission. The Planning Commission shall advise the applicant of the date and time of the hearing within a time frame that allows the applicant to mail neighboring landowners notices of the hearing, pursuant to the procedure described in Subsection 242(3) of these Regulations. Any person or body empowered by Section 4465 of the Act to participate as an "interested party" with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Planning Commission may adjourn the hearing from time to time, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810. If any portion of the land involved with the subdivision is within 500 feet of the boundary of an adjoining town, applicant shall also submit a copy of written notification to the Planning Commission of that town.

244. **Decisions:** The Planning Commission shall issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal, within 45 days after completing the hearing and shall within that period send the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Zoning Administrator and the Town Clerk, who shall record the decision as a public record. If the Planning Commission fails to make a decision within 45 days, on the 46<sup>th</sup> day the Planning Commission shall be deemed to have rendered a decision in favor of the applicant.

245. **Form of Approval and Conditions:** When granting approval of a Preliminary Plat, the Commission shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Preliminary Plat,
2. The character and extent of the required improvements for which waivers may have been requested,
3. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plat,
4. Any required phasing of the project to insure compliance with Town Plan or conformance with these Regulations or any capital budget adopted by Cornwall at the time of the application.

The action of the Commission and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the applicant, one retained by the Commission, and one forwarded to the legislative body.

246. **Validity of Preliminary Plan Approval:** Approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the Commission may require additional changes as a result of further study. Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to any other local officials having jurisdiction over the project (e.g. Selectboard, Board of Adjustment and Health Officer). Upon receipt of evidence of approval of the Preliminary Plan by said officials, the applicant may apply to the Planning Commission for Final Plan approval. The approval of a Preliminary Plan shall be effective for a period of six (6) months from



the date of the written notice of approval.

**247. Final Plan Application:** Within six (6) months of Preliminary Plan approval, the applicant shall submit eight (8) copies of an application for approval of a final subdivision plat. If the applicant fails to do so, the Commission may require the applicant to resubmit a new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations, unless the Commission determines that lengthy delays are beyond the applicant's control. The final application must conform to the requirements set forth in Section 330 of these Regulations, and shall conform to the layout shown on the Preliminary Plan plus any recommendations made or conditions required by the Commission. Eight (8) copies of the application for Final Plat review shall be presented to the Chair of the Commission at least 25 days prior to a regular monthly meeting of the Commission. The date of such meeting following receipt of the required materials shall be the official submission date of the application for approval of a Final Plat.

**248. Final Plan Hearing:** A public hearing shall be held by the Commission within 60 days after receipt of the final subdivision application, pursuant to Subsection 243 above. Said hearing shall be warned in accordance with the requirements of Subsections 242(1) and (2) noted above.

**249. Final Plan Decision:** The Commission shall within forty-five (45) days from the adjournment of the Final Plan hearing approve, modify, or disapprove the Final Plan pursuant to the procedure outlined in Subsection 244 above. When granting approval of a Final Plan, the Commission shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plat,
2. The character and extent of the required improvements for which waivers may have been granted,
3. The improvement or the amount of all bonds that the Commission will require to secure work on public infrastructure as prerequisite to the approval of the Final Plat,
4. Any required phasing of the project to insure compliance with Town Plan, or conformance with these Regulations or any capital budget adopted by Cornwall at the time of the application,
5. Any conditions requiring the applicant to secure final State or Federal permits, should the Commission grant final approval of the plat prior to applicant's securing of all required final State and or Federal permits.

## **Section 250. Minor Subdivision Application and Procedures**

**251. Final Plan Application Submittal:** Within six (6) months of the classification by the Commission of the project as a Minor Subdivision, the applicant shall submit an application for approval of a subdivision plan according to the requirements set forth in Section 340 of these Regulations. The plan shall conform to the layout presented to the Commission at the Sketch Plan review, plus any recommendations made by the Commission. The Commission may require, where necessary for the protection of public health, safety, and welfare that a Minor Subdivision comply with all or some of the submission requirements or the general and specific standards for major subdivisions.

**252. Notice Requirements:** The applicant shall provide notice in the same manner as that required for preliminary plans in Major Subdivisions as outlined in Section 242 of these Regulations.

**253. Final Plan Review Procedures:** The Commission shall conduct its hearing in the same manner as that required for Preliminary Plans in Major Subdivisions as outlined in Section 243 of these Regulations.

**254. Final Plan Decision:** The Commission shall render its decision in the same manner as that required for Preliminary Plans in Major Subdivisions as outlined in Section 244 of these Regulations, except that for minor subdivisions the written decision may be contained within the meeting minutes. The decision may include any applicable conditions and should include relevant conditions concerning any of the circumstances outlined in Section 249 of these Regulations.

## **Section 260. Public Acceptance of Streets, Recreation Areas**

Approval by the Commission of a subdivision plat shall not be deemed to constitute acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such final subdivision plat. As noted in Section 281(1) below, the Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

## **Section 270. Improvements and Performance Bond**

If the Planning Commission deems it necessary to require a performance bond on any improvements benefiting the municipality, before the Commission grants approval of the final subdivision plat, the applicant shall follow the following procedures: In an amount set by the Planning Commission the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Commission shall fix the term of the bond up to three years. The certified check or bond shall include an amount required for recreation land or improvements as specified in Article IV, Section 478, if applicable. An inspection fee to be paid by the applicant to cover the costs of inspection shall be established by the legislative body as part of the application fee.

## **Section 280. Filing of Approved Final Subdivision Plat**

**281. Plat Recording:** All final subdivision plats must be recorded in the office of the Town Clerk within one hundred and eighty (180) days of the date of final plan approval or the approval expires. The approved final subdivision plat shall be filed with the Town Clerk. The plat to be recorded shall meet all requirements required for the recording of a survey plat pursuant to 27 V.S.A. § 1403. Prior to recording, the final subdivision plat must be signed by two (2) authorized members of the Commission. Final subdivision plats for Boundary Line Adjustments shall be signed by the Zoning Administrator. For any subdivision which requires the construction of streets or other public improvements by the applicant, the authorized members of the Commission may not sign the approved plat until the applicant has:

1. Demonstrated that the proposed public improvements have been accepted by the Selectboard and any other municipal official having jurisdiction over such improvements,
2. Met the requirements of Section 270 of these Regulations regarding performance bonds, if any, or
3. Constructed all public improvements to the satisfaction of the Commission.

**282. Plat Void if Revised After Approval:** No changes, modifications, or revisions shall be made in any final subdivision plat after the Planning Commission has issued its approval and executed the plat, unless the plat is first resubmitted to the Commission and the Commission approves any modifications.

## **ARTICLE III: APPLICATION REQUIREMENTS**

### **Section 310. Sketch Plan Review**

The Sketch Plan Review submission shall contain the following drawings and information:

1. Name and address of the landowner and/or applicant, names of all adjacent property owners, and name of project.
2. A drawing showing the location of the development parcel in the Town and all sites previously developed or subdivided by the applicant/owner in the Town within the past five (5) years. Projects following within 5 years of other projects by the same applicant will be deemed Major Subdivisions.
3. A drawing at a scale not to exceed one inch = one hundred feet (1" = 100') drawn on a contour map at no greater than 10 foot intervals showing the project boundaries, zoning district boundaries, adjacent land uses and ownership, significant natural and manmade features, existing easements, and layout and size of the proposed lots, uses, and improvements.
4. A written description of proposed development plans, including the total parcel size, the number and size of lots, general timing of construction, and nature and extent of all improvements. The Commission may require additional information before recommending that the applicant proceed with the application.

### **Section 320. Major Subdivision - Preliminary Plan**

The Preliminary Plan shall consist of one original and 7 copies (8 total) of the following maps and information. Information may be preliminary. Maps shall be at a scale no greater than 100 feet per inch.

1. A completed subdivision permit application form obtainable from the Town Clerk, the application fee and any funds the Planning Commission has determined will need to be escrowed to cover Cornwall's technical review or inspection costs as established per Section 233 of these Regulations.
2. All information submitted from the Sketch Plan Review.
3. A statement of the compliance of the proposed subdivision with the Town Plan, Zoning Regulations and other bylaws in effect. If the applicant seeks a variance from any provision of the Zoning Regulations through the Planned Unit Development section of the Zoning Regulations or otherwise, the applicant shall submit a clear statement regarding the variance(s) requested and why the variance is appropriate under Cornwall's Zoning Regulations.
4. A complete survey of the boundaries of the subdivision parcel by a Vermont licensed surveyor including, but not limited to, information concerning the date, true north point and scale. In addition to the outside boundary survey, the map should depict a map of the proposed lots, building envelopes, easements and other infrastructure.
5. A statement and maps, if necessary, or other documents demonstrating that the applicant has considered the impact the development may have on Cornwall's waters and has designed the project to comply with the standards contained in Sections 410-413 of these Regulations. Additionally, applicants proposing a subdivision or PUD containing commercial spaces shall describe the type and volume of any waste produced by any commercial entities and how the waste will be disposed of. Additionally, the applicant will describe the steps they have taken to

- screen the delivery/disposal area from the road and neighboring properties. (Applicants are advised to look to the Cornwall Zoning Regulations, Section 394, governing Site Plan review.)
6. Description of proposed water supply. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If the source is a community water supply system, the applicant shall present evidence of the right to use such system and the adequacy of such a system to meet water supply requirements of the project.
  7. Description of proposed sewage disposal system. A report prepared in conformance with state subdivision regulations from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If a community sewage disposal system is to be used, the applicant shall submit evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage.
  8. Description of stormwater systems. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of stormwater system proposed and stating that the system will be designed to meet the State of Vermont Stormwater Regulations governing both construction and permanent infrastructure and a map depicting the systems. Additionally, the applicant will supply preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval sufficient to demonstrate the scope of the earthwork.
  9. Description of transportation infrastructure and impact. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed transportation infrastructure including street right-of-way lines, widths of streets, typical road, walkway, and other transportation infrastructure. For larger projects, or as deemed necessary by the Commission, in its sole discretion, applicant may be required to provide evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided should include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.
  10. Description of impacts on school and other municipal services. Applicant shall describe the municipal services that the project will impact and provide evidence demonstrating that any impact will be acceptable to the local officials responsible for providing the service.
    - a. Schools. A letter from the school official responsible for the Cornwall Elementary School showing that school age population projected for the project can be accommodated in the existing facilities in conformance with school capital improvement program and budget.
    - b. Road Access. A letter from the Road Commissioner regarding the capacity of roads, intersections and bridges in the immediate vicinity of the proposed subdivision to accommodate additional traffic generated by the proposed subdivision within an appropriate level of service.
    - c. Fire. A letter from officials of the Cornwall Volunteer Fire Department confirming that the proposed subdivision is designed in such a manner to allow them sufficient access for response vehicles and that they have the ability to provide service to the proposed subdivision.

Applicants unable to provide letters from local officials shall provide any other evidence they or

the Planning Commission determines will be appropriate to satisfy the condition, including additional compensation the applicant will provide towards mitigating the impact created.

11. Description of Natural Resource impacts. A report describing and a map depicting the natural resources on the property and how the proposed application will impact each of the following:
  - a. Describe the general character of the land as it currently exists and how it will exist after the development. Depict significant wetlands, floodplains, streams, brooks, steep slopes, rock outcroppings scenic areas, ridgelines, exceptional trees or other significant natural or historic features and describe methods used to preserve those features or otherwise reduce impacts, if any, to them.
  - b. Describe and depict the lot layout and configuration, building envelopes, if any, and why the applicant chose to configure the development in the manner depicted.
  - c. Describe the steps the applicant took to limit retain natural cover and limit impacts of construction.
  - d. Describe any landscaping proposed. Depict landscaping plans showing plant types, ground cover, lighting and signage, and existing features and trees to be maintained.
  - e. Describe any agricultural activities currently on or adjacent to the parcel proposed to be subdivided and depict any prime agricultural soils on the property. Describe any steps taken to minimize the impacts on the soils or operations in light of the requirements listed in Section 481 of these Regulations.
  - f. Describe steps the applicant has taken to reduce the visual impact of the proposal in light of the requirements listed in Section 482 of these Regulations.
  - g. Describe and depict any deer wintering areas on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in Section 483 of these Regulations.
  - h. Threatened and endangered species. Describe and depict any threatened or endangered species know to exist on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in Section 484 of these Regulations.
  - i. Describe and depict all land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes and the methods for assuring and maintaining such dedication or reservation.
  - j. Provide any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.
  - k. Describe the homeowners' association or other form or management organization, if such is proposed, and provide copies of the association documents.
12. Description of utilities serving the project. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed utilities infrastructure including utility easements, provisions for connections with municipal infrastructure, if any, location of electric telephone and cable infrastructure, and any energy conservation measures incorporated into the design
13. A description of the construction activities including hours of operation, hours of trucking, blasting, if any, or any other steps applicant has taken to reasonably reduce construction impacts.
14. Establish temporary markers on the site adequate to enable the Commission to locate and appraise the basic layout of the lots and infrastructure in the field. On the map, show an existing street intersection or provide the distance from one corner of the property to the nearest existing street.

### **Section 330. Major Subdivision - Final Application**

The Final Application shall consist of eight (8) copies of a surveyed Plat Plan and Project Description including the following information:

331. All information required for the Preliminary Submittal shall be submitted in final form, including any revision or additional detail requested by the Planning Commission.

332. In the event of granting of easements to the Town of Cornwall, a written acknowledgment of the applicant's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

333. Written evidence of approval by all local officials having jurisdiction over the project, and written evidence application for or approval of all State and Federal agency permits. Should the applicant move forward with only applications for State or Federal agency permits, and fail to secure such permits prior to final plan approval, the Commission may issue approval subject to the condition that the applicant must secure State or Federal agency permits substantially similar to those presented to the Commission prior to recording the final subdivision plat.

### **Section 340. Minor Subdivision**

At the Discussion Phase, the Commission shall specify which submission requirements stipulated for Major Subdivisions shall be required for a Minor Subdivision application approval. At minimum information listed in Section 320, Sub-sections (1)-(4), (6) and (7) shall be required. Other criteria may be required at the sole discretion of the Planning Commission. At the Sketch Plan meeting, the Planning Commission will make an initial determination concerning which of the application materials it is willing waive.

## ARTICLE IV: DESIGN STANDARDS

### Section 400. Design Standards

In order to promote the thoughtful subdivision of property within Cornwall, the Commission will evaluate Major and Minor Subdivision applications it receives pursuant to all criteria listed below that are relevant to applicant's proposed subdivision.

### Section 410. Water Pollution

Proposed subdivisions shall not cause unacceptable air or water pollution. Applicants shall demonstrate that the development proposed has been designed to comply with the following standards.

**411. Rivers and Streams:** Applicant shall demonstrate that the subdivision has been designed to reasonably mitigate impacts on rivers and streams by demonstrating that:

1. All infrastructure planned as part of the subdivision has been designed to protect the water quality in Cornwall's rivers and streams by meeting the applicable setbacks contained within Section 544 of Cornwall's Zoning Ordinances.
2. Where appropriate, preserving vegetated common land to serve as a buffer to development along the river or stream.
3. Any infrastructure that must encroach upon the setbacks to cross the stream shall be designed to minimize the encroachment through clustering or use of existing infrastructure easements or crossings, or the use of reasonable alternative routes.
4. Applicant shall secure a stream alteration permit from the Agency of Natural Resources as applicable.

**412. Wetlands:** Applicant shall demonstrate that the subdivision has been designed to reasonably mitigate impacts upon significant wetlands by demonstrating that:

1. No infrastructure will be located within a Class II wetland or the 50 foot buffer surrounding it.
2. If infrastructure must reasonably cross a Class II wetland or its boundaries, Applicant shall secure a Conditional Use permit from the Agency of Natural Resources as applicable.

**413. Floodplains:** Applicant shall demonstrate that any proposed infrastructure for the project will not be constructed within the floodplain as designated in the Town of Cornwall. If any portion of the project lies within the floodplain, applicant shall demonstrate that the subdivision has been designed to avoid or minimize intrusion into the floodplain. If any infrastructure is located within the floodplain, applicant shall demonstrate that aid infrastructure can be constructed to comply with Article IX of the Town of Cornwall Zoning Regulations governing construction within the floodplain.

**414. Solid Waste:** Subdivisions for commercial or industrial users. applicants subdividing property for commercial or industrial use shall demonstrate that adequate facilities for the storage and removal of solid waste exist on the property and that said facilities are located in a service area screened from view of the roadway and any residential structures adjacent to the subdivision. Applicant shall also demonstrate that the solid waste stream is properly disposed of upon leaving the property.

## **Section 420. Water**

Applicant shall demonstrate that an adequate supply of water exists for the subdivision and that said supply will not interfere with existing water supplies by procuring a State Water Supply Permit or, if appropriate, a Deferral of Permit for each lot created.

## **Section 430. Wastewater**

Applicant shall demonstrate that the subdivision has been designed to reasonably dispose of wastewater by procuring a State Wastewater Disposal Permit or, if appropriate, a Deferral of Permit for each lot created.

## **Section 440. Runoff and Erosion**

Applicant shall demonstrate that the subdivision has been designed and phased to control stormwater and erosion control both during and after construction. Projects of a significant enough size to trigger the State's stormwater regulations for either construction (Disturbing 1 or more acres of land and requiring at least a Construction General Permit 3-9020) or for permanent stormwater control measures (Creating 1 or more acres of impervious surface) may satisfy this criterion by procuring and complying with applicable State stormwater permits. Smaller subdivision proposals shall provide plans and information sufficient to demonstrate they have included adequate provisions for the control of runoff and erosion, before, during and after construction, by following the requirements in Section 2 of the "*Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control*" dated August 2006 and as subsequently revised.

## **Section 450. Highway Congestion and Pedestrian Traffic**

Proposed subdivisions shall not cause unreasonable highway congestion or unsafe conditions with respect to the current or projected use of highways, streets and roads in the Town. Proposed subdivisions shall contain adequate provisions for pedestrian traffic in terms of safety, convenience and access to appropriate destinations.

### **451. Roads:**

1. Topography: Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.
2. Access: 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.
3. Roads and Driveways: Roads to be taken over by the Town and driveways associated with a proposed subdivision shall comply with the requirements of the Town of Cornwall Highway and Traffic Ordinance adopted by the Selectmen, August 15, 2000 and amended June 18, 2002.
4. New Road Design Standards: New roads, not offered to the Town, but serving the public shall be designed to comply with appropriate standards for the size and location of the subdivision as contained in the Vermont State Standards for the Design of Transportation Construction and Rehabilitation on Freeways Roads and Streets dated July 1, 2007, as amended.
5. Traffic Capacity: Subdivision projects judged by the Planning Commission to generate traffic that exceeds the existing capacity of adjacent public roads or intersections shall be denied, or phased in a manner which allows the improvement of said capacity to better accommodate the project.
6. Road Upgrades: If the proposed access road or driveway intersects a Class 4 Town Highway, the Planning Commission may deny the application. Alternatively, and contingent upon the approval



of the Selectboard, the Planning Commission may require the applicant to improve the intersected road to Class 3 Town Highway construction standards. The Planning Commission may also impose conditions on the approval of a subdivision which require the improvement of private roads or drives on the subdivided parcel which, in the judgment of the Planning Commission, are inadequate to handle the increased traffic which may be expected.

7. **Road Names:** Streets shall be identified by name on the preliminary plat. Proposed streets aligned with existing streets shall bear the E-911 names of the existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it road, street, avenue, boulevard, driveway, place, or court.

452. **Financial Impacts:** An applicant may offer to or be required to provide for any or all of the expenses of road or intersection improvements necessitated by applicant's project.

453. **Parking:** All subdivisions shall comply with the parking requirements contained in Sections 610 and 611 of Cornwall's Zoning Regulations. Where the subdivision borders on an existing street and the Town Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

454. **Pedestrian Improvements:** Where necessary, in the judgment of the Commission, rights-of-way for sidewalks, trails or other pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

## **Section 460. School and Municipal Services and Facilities**

Applicant shall demonstrate that when viewed in the context of existing and unbuilt but approved subdivisions and developments in the Town, applicant's proposed subdivision shall not place an unreasonable burden on the ability of the Town to provide municipal, educational or governmental services or facilities. Applicant may satisfy these criteria by providing information sufficient to satisfy the Planning Commission or letters from the following entities:

461. **Road letter:** A letter from the road foreman regarding the capacity of roads, intersections and bridges in the immediate vicinity of the proposed subdivision to accommodate additional traffic generated by the proposed subdivision within an appropriate level of service. If new roads or upgrades are required, please also see Sections 450-454 of these Regulations regarding standards for road improvements. Where road upgrades to Town roads will be required, applicant will need to secure the approval of the Cornwall Selectboard in addition to a letter approving the proposed upgrades from the road foreman.

462. **Fire letter:** A letter from officials of the Cornwall Volunteer Fire Department confirming that the proposed subdivision is designed in such a manner to allow them sufficient access for response vehicles and that they have the ability to provide service to the proposed subdivision.

463. **School letter:** A letter from an official at the Cornwall Elementary School that the development proposed will not unduly impact the school by causing the population to exceed the capacity of the existing facility. Where a Major Subdivision will cause the population of the school to exceed the capacity of the existing facility, the Commission may require the designation of necessary public school

sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Cornwall School Board. If the Board declares an interest in a site within the proposed subdivision, the Commission shall require the Applicant to set aside the site and to show such area on the Plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

## **Section 470. Land Character, Preservation and Open Land**

The applicant shall demonstrate that the project will result in open or public space consistent with the purposes of this section. Lands designated to meet the purposes of this section shall meet the following criteria:

**471. Character of the land:** All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for the intended purpose without danger to public health or safety, or to the environment. Significant wetlands, land subject to periodic flooding or poor drainage, steep slopes over 20% grades or land with inadequate capability to accommodate structures, septic systems, roads, utilities, or other forms of development, or land with other hazardous conditions shall not ordinarily contain infrastructure necessary to support a subdivision.

**472. Preservation of existing features:** Due regard shall be given to the preservation and protection of existing features, including but not limited to exceptional trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, and other natural and historic features. To avoid parcelization, isolation or destruction of such features, irregular or elongated lots may be restricted or prohibited, and the location of structures or other development may be restricted or limited to within certain building envelopes established on the property. Provisions for Planned Unit Developments (PUDs) contained within the Zoning Regulations pertain to the clustering of development in a manner which minimizes the impact on existing features and are encouraged for all subdivisions. Even if they choose not to apply as a PUD, all applicants will benefit by referring to these sections for guidance in preserving existing features.

**473. Compatibility with Town Plan and compliance with existing ordinances:** The proposed development shall be compatible with the uses proposed for each area in the Town Plan and shall provide sufficient open space for the recreation, visual and aural privacy, and other domestic needs of the area's inhabitants. The subdivision shall also comply with the Town's Zoning Regulations and Access Ordinances, as amended. The proposed subdivision may be denied if the intended use cannot be shown to be capable of complying with the provisions of applicable regulations and ordinances.

**474. Lot layout and configuration:** The layout and configuration of lots shall conform to the principles of the Town Plan and, unless developed as a PUD, the requirements of the Town's Zoning Regulations. Lot layout shall be appropriate for the intended purpose and shall support the existing pattern of the district. In the Village districts, lot layout shall reinforce the existing building pattern by enabling building sites and setbacks consistent with existing development patterns, contributing to logical and connective street and pedestrian networks. The applicant shall consider topography, soil conditions,

existing features, natural resources and adjacent uses. PUDs or cluster development shall be encouraged and may, at the Planning Commission's discretion, be required whenever it is deemed to be feasible and desirable.

**475. 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, insofar as 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.

**476 Shade trees:** The Commission may require that suitable hardwood shade trees be planted along streets where trees do not exist. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at a point six inches above finished grade level. All trees are to be planted within five to eight (5-8) feet from the street line.

**477. Open space:** Land dedicated to open space shall be in a location or locations, and of a size and shape approved by the Planning Commission (for park, recreation, open space, agriculture, forestry, wildlife habitat, natural areas, aquifer protection areas, water body bank, or municipal purposes). Provisions for open space shall include but shall not be limited to the following objectives:

1. The open space land shall provide for the protection of resources on the site including agricultural land, woodland, wildlife habitat, natural areas, aquifer protection areas, views, vistas, stream banks and historic sites.
2. The location, shape, size and character of the open space land shall be suitable for its intended use and shall be located so as to conform with and extend existing and potential common open space lands on adjacent parcels.
3. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing natural resources worthy of preservation may be required to be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required.
4. The Planning Commission, as a condition of approval, may establish such conditions as it deems necessary to the ownership, use and maintenance of land set aside as open space, to assure the preservation of such lands for their intended purposes.
5. Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of buildable envelopes and clearing limits.
6. The Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
7. Road rights-of-way and parking spaces shall not be included in the determination of the open space requirements of this Section.

**478. Recreational area:** The Town encourages, but will not require, that open space be used for recreation. Where a proposed park, playground, or other recreation area is shown on the Official Map adopted by the Town of Cornwall pursuant to 24 V.S.A. § 4421 at the time of application to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown

on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) percent of the total area of the Plat. Should applicant desire to proceed without the proposed public facility, the Planning Commission should continue its review of the property subject to subsection 5 of 24 V.S.A. § 4421.

If the Commission determines that there is no proposed park, playground, trail or other recreation area in the Official Map located in a proposed subdivision, or if the Commission determines that such a proposed recreation area of adequate size cannot be suitably located in the proposed subdivision, and the Town of Cornwall has adopted impact fees for recreational uses, the Commission shall require, as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development and maintenance of park and recreational facilities.

## **Section 480. Natural Resources**

Applicant shall demonstrate that they have developed the subdivision in a manner that provides due regard for natural resources by minimizing impacts upon the following identified natural resources and wildlife commutes or habitat:

**481. Agriculture and primary agricultural soils:** Applicant shall demonstrate that they have minimized the impact of the proposed subdivision on agriculture and primary agricultural soils on the property, if any as follows:

1. Clustering developed areas removed from operating agricultural operations and/or on non-primary agricultural soils and/or,
2. Preserving significant blocks of primary agricultural soils on the property as common or open space,
3. Establishing deeds and covenants on each lot near or adjacent to existing agricultural operations containing "Freedom to Farm Provisions" acknowledging the agricultural activity and its right to operate pursuant to accepted agricultural practices.

**482. Views and aesthetics:** Applicant shall demonstrate that they have designed the subdivision to minimize the view shed impacts of the proposed subdivision by demonstrating how the subdivision complies with the following principles:

1. Subdivisions with commercial elements shall comply with Section 394: Site Plan Criteria, Section 550: Landscaping Criteria, Article VII: Signage, and Article VIII: Performance Standards (especially noise and lighting) of Cornwall's Zoning Regulations,
2. Residential Subdivisions shall comply with Section 820: Lighting, of Cornwall's Zoning Regulations;
3. Homes, driveways and other structures will be sited to blend in with the landscape wherever practical and safe by:
  - a. Avoiding ridgeline building locations by setting the structure back from the edges of ridges;
  - b. Locating structures and drives at the edge of wood lines, not in the middle of fields;
  - c. Locating utilities underground, if economically reasonable, or adjacent to or within wood lines;

- d. Siting structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties.
- 4. Clearing for homes, driveways and other structures should be controlled as follows:
  - a. Limiting the extent of clearing and ridgeline disturbance necessary to accommodate the structures and services;
  - b. Outside of the building footprint, minimizing clearing by selectively cutting small trees with diameters of less than 4" at breast height and the lower branches of larger trees when clearing views out from the structure to look strategically through the tree line;
  - c. This provision is intended to control clearing that impacts the views of structures. It is not intended to prohibit the clearing of the meadows that give Cornwall its unique character.

**483. Deer wintering areas:** Applicants shall demonstrate that the proposed subdivision has been designed to reasonably mitigate impacts on deer wintering areas in the Town of Cornwall as depicted upon the Statewide Deer Wintering Area GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife. If a deer wintering area exists on the parcel proposed to be subdivided, applicant shall demonstrate how they have reasonably mitigated impacts on the resource by:

- 1. Clustering development away from the resource,
- 2. Preserving the resource as open space or common area,
- 3. Other methods of conserving the resource.

**484. Threaten and endangered species:** Applicants shall demonstrate that the proposed subdivision has been designed to reasonably mitigate impacts on threatened or endangered species in the Town of Cornwall as depicted upon the Statewide Non-game and Natural Heritage Threatened and Endangered Species GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife. If threatened and/or endangered species exists on the parcel proposed to be subdivided, applicant shall demonstrate how they have reasonably mitigated impacts on the resource by:

- 1. Clustering development away from the resource,
- 2. Preserving the resource as open space or common area,
- 3. Other methods of conserving the resource.

## **Section 490. Utilities, Energy Conservation and Construction Planning and Timing**

Applicant shall demonstrate that they have thoughtfully designed the utilities serving the subdivision, incorporated energy saving design techniques and timed significant construction activity to reasonably mitigate their impacts.

**491. Utility easements:** Underground utilities should be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.

**492. Creation 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 that a community water supply or wastewater system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal supply system.

493. **Electric, telephone, cable television:** The applicant 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 and, when technology and terrain make it economically feasible, distribution systems should be built underground.

494. **Energy conservation:** In order to conserve energy, subdivisions should minimize areas of roadway, sewer, water, and utility lines, within environmentally and economically sound limits. All subdivisions shall be designed 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. Cluster development is encouraged.

495. **Construction mitigation:** Applicants shall demonstrate that they plan to mitigate noise or other impacts caused by construction by creating a plan including agreeing to the following mitigating conditions:

1. Hours. Limiting the hours of major construction,
2. Trucking Hours. Further limiting the hours of trucking of material,
3. Blasting notification. Requiring notification of neighbors before any blasting.

## ARTICLE V: DEFINITIONS

Certain means of references and words used herein shall be defined as listed below. Unless the content clearly indicates to the contrary, 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" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.

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

**APPLICANT:** Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself and/or for others.

**AUTHORIZED AGENT OR REPRESENTATIVE:** A person or group of persons, who have been duly authorized in writing filed with the Commission by the applicant to act in his or her behalf.

**BOUNDARY LINE ADJUSTMENT:** Any revision to a plat record or deed legally filed in the Town's land records which creates no new building lot(s) and which has no impact on roads, rights-of-way or other public facilities; (i.e. a case in which the owners of two abutting properties wish to move a common boundary, without the intent to create an additional lot). A boundary adjustment shall be treated as an administrative change.

**BUILDING ENVELOPES:** A building envelope constitutes a specific area of land designated within a subdivided lot of land on which all of the infrastructure, except the driveway or utilities serving the lot, shall be located. Building envelopes constitute a useful tool for maintaining open space and limiting the scope of impact of a project. The Planning Commission may require any subdivision to create building envelopes on any subdivision.

**COMMISSION:** The Planning Commission of the Town created under 24 V.S.A. § 4321.

**COMMUNITY WATER SUPPLY SYSTEM:** Any water system owned by one person that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more but less than ten (10) users.

**COMMUNITY SEWAGE DISPOSAL SYSTEM:** Any sewage disposal system, other than a municipal sewage disposal system, owned by one person that disposes of sewage for domestic, commercial, industrial, or institutional uses to two (2) or more users.

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

**CORNWALL TOWN PLAN, OR PLAN:** A plan adopted pursuant to 24 V.S.A. §§ 4384 and 4385.

**DEER WINTERING AREA:** Deer wintering areas within the Town of Cornwall shall constitute only those areas as depicted upon the Statewide Deer Wintering Area GIS data layer and map produced by the Agency

of Natural Resources, Department of Fish and Wildlife, as it may be modified from time to time or modified by direct field observations. A copy of the deer wintering area map for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

**DRAWING:** A relatively informal depiction of information in a visual format, where unless specifically required, scale is not represented to be accurate.

**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.

**FINAL SUBDIVISION PLAT:** The final survey plat rendered by a licensed surveyor and meeting all the requirements of 27 V.S.A. § 1403 for recording, on which the applicant's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Cornwall Town Clerk.

**LEGISLATIVE BODY:** The Board of Selectmen.

**MAP:** A document depicting information in a visual format. Maps are more formal than drawings and should depict information in an accurate scale, but are not guaranteed to the same precision as formally surveyed plats.

**MUNICIPALITY:** Town of Cornwall.

**MUNICIPAL SEWAGE DISPOSAL SYSTEM:** Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial, or institutional uses.

**OFFICIAL MAP:** The map authorized under 24 V.S.A. § 4402 (5) and adopted according to 24 V.S.A. §§ 4441 and 4442 and modified according to 24 V.S.A. § 4421.

**OPEN SPACE:** Land not occupied by structures, buildings, streets, rights-of-way, and automobile parking lots.

**PERFORMANCE BOND:** A performance bond constitutes a contractual obligation made by the applicant for the benefit of the Town protecting the Town against loss due to the inability of the applicant to install infrastructure benefiting the town as may be required as a condition of a subdivision permit.

**PRELIMINARY PLAN OR PLAT:** The preliminary maps indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

**PRIMARY AGRICULTURAL SOILS:** Prime agricultural soils within the Town of Cornwall constitute units of prime and statewide agricultural soils as defined by the Natural Resource Conservation Service of the United States Department of Agriculture. A copy of a map locating primary agricultural soils for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the World Wide Web



through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

**PUBLIC STREET OR ROAD:** Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than two (2) single-family residential uses or lots.

**PUBLIC WATER SYSTEM:** Any water system(s) owned by one person that supplies water for public, domestic, commercial or industrial uses to ten (10) or more users by pipe connection or by containers.

**REGIONAL PLANNING COMMISSION:** Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117.

**RESUBDIVISION:** A change of a 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 of plan legally recorded.

**SKETCH PLAN:** A drawing of a proposed subdivision showing information specified in Article III, Section 310 of these Regulations.

**SKETCH PLAN MEETING:** An informal open meeting between the applicant and the Planning Commission designed to save time and expense by allowing the applicant to speak with the Planning Commission concerning the form a proposed subdivision might take and the objectives and requirements of these Regulations.

**SOLAR ENERGY SYSTEM:** A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

**SUBDIVISION:** The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes resubdivision.

**SUBDIVISION, MAJOR:** Any subdivision containing four (4) or more lots. Also, any subdivision containing two (2) or more lots which do not have frontage on any existing public street or which require any new public street.

**SUBDIVISION, MINOR:** A subdivision containing not more than three (3) lots which have frontage on an existing public street, and which does not require any new public street, extension of public street or of other municipal facilities.

**SURVEY PLAT:** A map or representation of a parcel of land subdivided into lots and streets, drawn to scale by a licensed surveyor.

**THREATENED AND ENDANGERED SPECIES:** Threatened or endangered species in the Town of Cornwall are depicted upon the Statewide Non-game and Natural Heritage Threatened and Endangered Species GIS data layer and map produced by the Agency of Natural Resources as it may be modified from time to time or modified by direct field observations. A copy of the map generally locating threatened and endangered species for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

**TOWN HIGHWAY, CLASS 1:** Town highways designated by the Highway Board which are part of a State highway route and which carry a State highway route number.

**TOWN HIGHWAY, CLASS 2:** Town highways designated by the legislative body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

**TOWN HIGHWAY, CLASS 3:** All other traveled Town highways, other than Class 1 or Class 2, designated by the legislative body of the Town, after conference with a representative of the Highway Board.

**TOWN HIGHWAY, CLASS 4:** All other Town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the legislative body of the Town.

**WETLANDS:** Significant Wetlands within the Town constitute Class II wetlands as designated on the Vermont Significant Wetlands Inventory Map and GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife, as it may be modified from time to time or modified by direct field observations. A copy of the Vermont Significant Wetlands Inventory Map locating Class II wetlands within the Town is available at the Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.