

Pawlet Subdivision and Zoning Update: Unified Bylaws

Frequently Asked Questions - UPDATED JULY 23, 2012

GENERAL

- **What Subdivision Regulations currently exist in Pawlet?**

If a landowner wants to subdivide their property in Pawlet, they must follow the rules set forth in 10 V.S.A § 1973 to obtain a Potable Water/Wastewater Permit. If they are subdividing *more than 5* lots within a 5-year period, they must also seek Act 250 Permit Approval. There is **no local review process**. Landowners wishing to create developable lots must follow the lot sizes as listed in Pawlet's Zoning Regulations, but they are *not* required to do so, and as a result may create undevelopable small lots.

- **What items will be addressed during a Subdivision Review Hearing?**

The Pawlet Planning Commission will be reviewing many options that can be written into Subdivision Regulations, including:

- **Lot Layout:** Lots must conform to the provisions set forth in the Zoning Regulations;
- **Character of the Land:** Land should be safe for building purposes, with considerations for flooding, drainage, and capability to withstand structures;
- **Preservation of Existing Features:** Usually Natural or Historical, such as scenic points, water bodies, prominent features, etc.;
- **Street Layout:** Ensuring safe grades and intersections, as well as emergency access; dead-ends or cul-de-sacs suitable for emergency vehicle turn-around; curbing and sidewalk continuation where appropriate; etc.;
- **Energy Conservation:** Considering the least areas of roadways and least length of sewer, water and utility lines within environmentally and economically sound limits; buildings sited to take advantage of southeast, south and southwest orientations where possible, etc.;
- **Pedestrian Access:** Where appropriate, rights-of-way for pedestrian access may be considered;
- **Water/Sewer Considerations:** An approved State Potable Water/Wastewater Permit may be required prior to final approval of the Subdivision.

Other considerations may include: Erosion and Sediment Control during site development; Common Ownership language in consideration of commonly owned facilities or open space; Natural Cover during development to limit storm water run-off and conserve natural cover and soil.

- **What is the purpose of having “Unified Bylaws”?**

Unified Bylaws are beneficial to the Planning Commission, Development Review Board, applicants and citizens of a municipality. If multiple Bylaws are tied into one unified document, the Planning Commission can update all of the associated Bylaws using the same Public Hearing process, decreasing expenses and increasing the thoroughness of each update. The Development Review Board benefits from Unified Bylaws as they only need to focus on and reference one consolidated document during a hearing. Similarly, applicants and citizens benefit from Unified Bylaws as they are more orderly than separate, stand-alone bylaws, and as such they limit the opportunity for confusion to arise.

- **What is the purpose of offering “Density-Based” Subdivision?**

Density-Based Subdivision gives developers the opportunity for more creative planning while maintaining orderly growth in Pawlet. It may also prevent the unnecessary fragmentation of agricultural and forestry lands. The Planning Commission will look into different mechanisms for determining density allowances.

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EXPENSES

- **Will Subdivision Regulations create a greater expense for the Town of Pawlet?**

At this time there is no indication that the adoption of Subdivision Regulations will create any substantial increase in Planning/Zoning expenses for the Town of Pawlet. The only foreseeable expenses would be those of the Zoning Administrator in his/her duties, however this cost is usually borne by the applicant in the form of application fees (24 V.S.A. § 4440).

From time to time, as is currently the case for other Development Review proceedings in Pawlet, decisions made by the Development Review Board may be appealed by interested parties to Vermont's Environmental Court; however, affected Towns don't often become involved in such cases.

- **Can't developers hire more experts than Pawlet could afford?**

Municipalities protect themselves from such instances by requiring that applicants bear the cost of expenses for any expert testimony requested on behalf of the Town (24 V.S.A. § 4440):

(d) The legislative body may establish procedures and standards for requiring an applicant to pay for reasonable costs of an independent technical review of the application.

ENFORCEMENT

- **How will Subdivision Regulations be enforced?**

Subdivision Regulations are enforced using the same mechanisms as Zoning and other bylaws, provided in state law by 24 V.S.A. §4451. Once a final subdivision plat is approved, it must be reproduced on Mylar Survey Map, which is filed and recorded in the Town Clerk's office.

ACT 250

- **How will Subdivision Regulations affect Pawlet's participation in Act 250 Proceedings?**

Once the Town of Pawlet has adopted Subdivision Regulations, it has the option of becoming a "10-acre Town," reviewing applications that otherwise would have fallen under the jurisdiction of Act 250. This is a topic that the Planning Commission will discuss with current members of the Development Review Board, looking at previous Act 250 applications filed by landowners in Pawlet.

- **Will having local control over developments that otherwise would have been reviewed under Act 250 make Pawlet more susceptible to "undesirable" development?**

Currently, Rutland's District #1 Environmental Commission relies on language in Town Plans and Zoning Bylaws to satisfy some of its criterion (Criterion 6, 7 and 10). If the language in local documents is weak or non-specific, "undesirable" development may still receive Act 250 Approval.

Local review may afford Pawlet *more* protections than Act 250 currently offers, keeping a project in Pawlet and under the auspices of the people of Pawlet. Further, *the Planning Commission can choose to adopt the 10 Criterion* (or a form thereof) into their Review Procedures for projects of a certain scale or use.

(Act 250, continued next page)

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ACT 250 (CONTINUED)

If Pawlet became a 10-Acre Town, Act 250 would maintain jurisdiction over the following:

1. Construction of improvements for a commercial, industrial, or residential use above the elevation of 2,500 feet.
2. The construction of improvements for any commercial or industrial purpose (except farming, logging, or forestry) on more than 10 acres of land.
3. The construction of 10 or more housing units within a radius of 5 miles, or the construction or maintenance of mobile homes or trailer parks with 10 or more units.
4. The subdivision of land into 10 or more lots of any size within a 5 mile radius or within the jurisdictional limits of a District Commission within a continuous period of 5 years.
5. The construction of improvements for a governmental purpose if the project involves more than 10 acres or is part of a larger project that will involve more than 10 acres of land.
6. Any construction of improvements for a commercial, industrial or governmental purpose which will be a substantial change or addition to or expansion of an existing pre-1970 development of the type which would require a permit if built today.
7. The construction of a support structure which is primarily for communication or broadcast purposes and which extends 50 feet, or more, in height above ground level or 20 feet, or more, above the highest point of an attached existing structure.
8. The exploration for fissionable source materials beyond the reconnaissance phase or the extraction or processing of fissionable source material.
9. The drilling of an oil or gas well.
10. The sale, by public auction, of any interest in a tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for the purpose of resale into five or more lots within a radius of five miles and within any period of ten years.