

# **Subdivision Regulations**

Town of Huntington, Vermont

Adopted: November 3, 1992  
Last Amended March 3, 2009

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## **ARTICLE 1: TITLE, POLICY, AND PURPOSE**

### **SECTION 1.1 TITLE**

These regulations shall be known as the Huntington Subdivision Regulations.

### **SECTION 1.2 POLICY**

- 1.2.1 It is hereby declared to be the policy of the Town of Huntington to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Huntington pursuant to the Vermont Planning and Development Act (Act) and the Huntington Town Plan (Plan) for the orderly, planned, efficient and economical development of the Town.
- 1.2.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The design of subdivisions of land shall respect significant natural resources, historic resources or scenic or cultural features that contribute to the Town's rural character. Proper provision must be made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other facilities and improvements.
- 1.2.3 These regulations govern "subdivision" as defined in Article 2 of these regulations.

### **SECTION 1.3 PURPOSE**

These regulations are adopted for the following purposes:

- 1.3.1 To protect and provide for the public health, safety, and general welfare of the Town of Huntington.
- 1.3.2 To guide the future growth and orderly development of the town in accordance with the Huntington Town Plan, Zoning Bylaw and all other Bylaws enacted to implement the Plan, and for the purposes set forth in the Vermont Planning and Development Act.

## **ARTICLE 2: PROCEDURE FOR CONVEYANCES NOT CONSTITUTING A SUBDIVISION**

### **SECTION 2.1 ZONING PERMIT REQUIRED**

- 2.1.1 Any person seeking to divide a parcel of land which is not a subdivision as defined in Article 9, shall obtain a Zoning Permit from the Administrative Officer. The Administrative Officer shall record the permit in the Huntington Land Records, indicating that the conveyance is in compliance with these Subdivision Regulations and the Zoning Regulations. The Zoning permit shall expire two years after its date of issue if a deed has not been filed with the Town Clerk to record the land conveyance.
- 2.1.2 Submission Requirements: The seller or proposed buyer of the parcel of land, or his or her attorney or agent, shall submit to the Administrative Officer an application for a Zoning Permit, providing such information as the Administrative Officer shall require to determine whether the conveyance is in compliance with

these Subdivision Regulations and the Zoning Bylaw. The application shall include:

- (1) The names, addresses, and approvals of owners of all parcels involved in a boundary adjustment or transfer of land.
- (2) The name and address of the proposed buyer or transferee, if known.
- (3) A simple sketch or a survey of the parcel being conveyed. The sketch or survey shall show the acreage of the original parcel and any resulting parcels.

**ARTICLE 3: SUBDIVISION REVIEW PROCESS**

All subdivisions are subject to either the Major or Minor review processes as defined in Article 9 (Definitions).

<p style="text-align: center;"><b><u>MINOR SUBDIVISION</u></b></p> <p style="text-align: center;">Any residential subdivision involving less than three lots</p> <p style="text-align: center;">NEEDS:</p> <ol style="list-style-type: none"><li><b>1. Sketch Plan Review</b></li><li><b>2. Final Plat Review</b></li></ol> <p style="text-align: center;"><b><u>MAJOR SUBDIVISION</u></b></p> <p style="text-align: center;">Any residential subdivision containing three or more lots, any nonresidential subdivision, any multi-family housing project, and any subdivision proposing new public roads</p> <p style="text-align: center;">NEEDS:</p> <ol style="list-style-type: none"><li><b>1. Sketch Plan Review</b></li><li><b>2. Preliminary Plat Review</b></li><li><b>3. Final Plat Review</b></li></ol>
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**SECTION 3.1 SKETCH PLAN**

The purpose of sketch plan review is to allow the subdivider to meet with the Commission to discuss the proposed subdivision conceptually, before the subdivider invests substantial effort and resources in design and planning for the project. Sketch plan review also gives the Commission an opportunity to classify the project and provisionally define the issues to be addressed by the subdivider for subsequent meetings.

3.1.1 Sketch Plan Submission Requirements: Any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the town planning office at least ten (10) days prior to the regularly scheduled meeting of the Commission at which the application is to be considered, a sketch plan of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and of the applicant, if not the same.
- (2) Name of owners of record of adjoining properties.
- (3) Boundaries and area of all contiguous land belonging to owner of record and the proposed subdivision.

- (4) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
- (5) Type, location, and approximate size of existing and proposed roads, buildings, trails, utilities, and open space.
- (6) Approximate delineation (rough sketch) identifying site features and constraints to development such as woodlands, primary agricultural soils, steep slopes (>20%), ledge outcrops, critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat, significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, and any significant natural resources including streams, wetlands, vernal pools, flood plains and springs, and identification of any significant scenic, cultural or historic features. The sketch should be dated, show north arrow and scale (numerical and graphic) and a Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

3.1.2 Sketch Plan Layout Sketches: Applicants are invited to explore a variety of potential layouts for the proposed subdivision. One or more alternatives may be submitted on tracing paper overlays of the sketch plan. The layouts should also indicate how the proposed subdivision relates to surrounding development, roads and land uses.

3.1.3 Attendance at Sketch Plan Review: The subdivider, or his duly authorized representative, shall attend the meeting of the Commission on the sketch plan to discuss the requirements of these regulations for streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

3.1.4 Classification of Subdivision: At the meeting the Commission shall classify the proposed development (if it is subject to its jurisdiction) as either a minor subdivision or a major subdivision. The Commission may also require, where necessary for the protection of the public health, safety and welfare that a minor subdivision comply with all or some of the requirements specified in these Regulations for major subdivision.

3.1.5 Action on the Sketch Plan: More than one sketch plan may be submitted for review. The Commission shall study each sketch plan to determine whether or not it conforms to, or would be in conflict with the Town Plan, the Zoning Regulations, these regulations and any other regulations then in effect, and shall endeavor to provide such information to the subdivider. However, neither the sketch plans submitted nor the information provided to the subdivider from the members of the Commission shall be binding upon either the Commission or the subdivider in attempting to fashion a more suitable and appropriate development.

## **SECTION 3.2 MINOR SUBDIVISION**

3.2.1 Application: Within six (6) months following the last sketch plan review, the subdivider shall submit an application for Minor Subdivision. The application

shall contain those items set forth in Section 3.2.4 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission.

- 3.2.2 Public Hearing: A public hearing is required for consideration of a Minor Subdivision. For a public hearing to be scheduled, the subdivider shall submit, at least 20 days before the public hearing, an application to be reviewed and accepted as complete by a member of the Commission in advance of the public hearing. The public hearing shall be warned by the Commission in accordance with the public notice provisions of the Act and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act. In addition, the final hearing shall normally include a site visit by the Commission at which the subdivider shall be present to answer questions. The site visit shall be scheduled at a time convenient to the members of the Commission and the subdivider but not necessarily on the same evening as the final hearing.
- 3.2.3 Action: The Commission shall within forty-five (45) days after the close of the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. If the Commission has disapproved the final plat, findings specifying the grounds for disapproval shall be sent to the applicant within forty-five (45) days of the close of the public hearing. In unusual circumstances the Commission may continue the public hearing to obtain additional evidence.
- 3.2.4 Submission Requirements - Minor Subdivision
- (1) Requirements for minor subdivision applications consist of submitting a Final Subdivision Plat. The final plat for a subdivision shall conform in all respects to the sketch plan as approved by the Commission. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Final Subdivision Plat shall consist of drawings and submittals which provide the following:
- (a) Identifying title for the proposed subdivision, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point
  - (b) Street names and lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - (c) Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground.
  - (d) Final design for all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

- (e) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
  - (f) Lots within the subdivision numbered in numerical order.
  - (g) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by municipal specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.
  - (h) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- (2) The following supporting documents shall be submitted to the Commission with the final plat application:
- (a) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, water supply systems, and rough grading and other devices and methods of draining the area within the subdivision.
  - (b) Erosion control measures, if any are proposed, during and after construction.
  - (c) Final design of all bridges and culverts that are a part of the subdivision.
  - (d) Copies of proposed deeds, agreements or other documents showing the manner in which open space, including park and recreational areas, and school site areas, and shared roads are to be dedicated, reserved and maintained.
  - (e) If requested by the Commission, a certificate from a consulting engineer as to the satisfactory completion of all improvements required by the Commission, or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
  - (f) Any other documents required by the Commission.

### **SECTION 3.3 MAJOR SUBDIVISION**

3.3.1 Preliminary Plat Application: Within six (6) months following the last sketch

plan review, the subdivider shall submit an application for approval of a preliminary plat, which application shall be filed at least 10 days prior to the meeting at which the Preliminary Plat Review will be considered. The application shall contain those items set forth in Section 4.1 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission. In the event the application is incomplete, the Preliminary Plat Review will not be scheduled until the missing items are submitted.

- 3.3.2 Preliminary Plat Public Meeting: Commission staff shall attempt, as a courtesy to adjoining landowners, to inform adjoiners of the meeting at least 24 hours before the meeting at which the preliminary plat will be reviewed. The Preliminary Plat Review shall normally include a site visit by the Commission at which the subdivider shall be present to answer questions. The site visit shall be scheduled at a time convenient to the members of the Commission and the subdivider but not necessarily on the same evening as the Preliminary Plat Review.
- 3.3.3 Action on Preliminary Plat: The Commission shall, within forty-five (45) days after the close of the Preliminary Plat review, approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Copies of the notice of decision of the Commission shall be sent to the applicant and any interested parties requesting such notice by certified mail, return receipt requested, within said period.
- 3.3.4 Sectionalizing: At the time the Commission grants preliminary plat approval, it may require the project to be divided into two or more sections to be developed at separate times, and may impose such conditions upon the filing of application for final plat approval for each section as it deems necessary to assure the orderly development of the plat and coordination with the planned and orderly growth of the Town as outlined in the Town Plan and Capital Budget and Capital Program.
- 3.3.5 Build-out Phasing: In order to prevent overcrowding of the schools and/or any undue burden on any Town facilities, the Commission shall have the authority to require that the construction of houses or other improvements be phased. The Commission shall advise the Applicant of its policy on phasing at the time of preliminary plat review.
- 3.3.6 Effect of Preliminary Plat Approval: Approval of a preliminary plat shall not constitute approval of the final subdivision plat. Prior to approval of the final subdivision plat, the Commission may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year. The preliminary plat shall be null and void if a final plat application is not received prior to the expiration of one (1) year and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision regulations. Should the Commission impose sectionalizing as a condition of preliminary plat approval, it may extend the one-year effective period of preliminary approval.

- 3.3.7 Final Plat Application: Before expiration of the preliminary plat, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 4.2 of these regulations, and shall conform to the layout shown on the approved preliminary plat plus any recommendations made by the Commission. If sectionalizing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.
- 3.3.8 Final Plat Hearing: At least 20 days before scheduling any public hearing, the subdivider shall submit an application which shall be reviewed by a member of the Commission. If the application is found to be incomplete, the public hearing will not be scheduled until 20 days following the submission of the missing items by the subdivider. The public hearing shall be warned by the Commission in accordance with the public notice provisions of the Act notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.
- 3.3.9 Final Plat Action: The Commission shall within forty-five (45) days after the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval.

## **ARTICLE 4: APPLICATION SUBMISSION REQUIREMENTS FOR MAJOR SUBDIVISIONS**

### **SECTION 4.1 PRELIMINARY PLAT SUBMISSION**

- 4.1.1 The Preliminary Subdivision Plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet per inch, showing or accompanied by the information below. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations.
- (1) Title of the proposed subdivision and the name of the town.
  - (2) Name and address of owner of record, subdivider and designer of Preliminary Plat.
  - (3) Number of acres within the proposed subdivision, location of property lines, existing easements, and buildings.
  - (4) Location of site features such as woodlands, primary agricultural soils, steep slopes (>20%), ledge outcrops, critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat, significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, and any significant natural resources including streams, wetlands, and vernal pools and associated buffers, flood plains and springs, and identification of any significant scenic, cultural or historic features.

- (5) The names of owners of record of adjacent acreage.
- (6) All zoning district boundaries running through the tract.
- (7) The location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.
- (8) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
- (9) Contour lines at intervals of at least five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more or where required by the Commission.
- (10) Typical cross sections of the proposed grading and roadways and sidewalks. Sections and profiles of the roadways within the subdivision shall be provided when requested by the Commission.
- (11) Date, true north arrow and scale.
- (12) Complete survey of subdivision tract by a licensed land surveyor.
- (13) Means of providing water supply to the proposed subdivision.
- (14) Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests.
- (15) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (16) Preliminary designs of any bridges or culverts which may be required.
- (17) The proposed lot lines with approximate dimensions and suggested locations of buildings or building envelopes.
- (18) The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing street intersection is known, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (19) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (20) Erosion control measures, if any are proposed, during and after construction.

- (21) List of waivers, if any, the subdivider desires from the requirements of the Subdivision Regulations or those specified under PRD/PUD provisions in the Zoning Regulations.
- (22) A site plan in conformance with the site plan review provisions of the Zoning Regulations, where applicable.
- (23) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- (24) Any additional information, documents or showings requested by the Commission at Sketch Plan review.

4.1.2 Site Location Map: The preliminary plat shall be accompanied by a site location map drawn to scale, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area including:

- (1) The entire parcel being subdivided.
- (2) Proposed streets, easements, open space, pedestrian ways, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties.
- (3) An outline of the subdivision together with its street system and an indication of the future probable street system of the remaining portion of the parcel, if the preliminary plat covers only part of the subdivider's entire holding.

## **SECTION 4.2 FINAL PLAT**

4.2.1 The final plat for a subdivision shall conform in all respects to the preliminary plat as approved by the Commission. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Subdivision Plat shall show:

- (1) Identifying title for the proposed subdivision, the name of the town, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- (3) Location of site features such as woodlands, primary agricultural soils, steep slopes (>20%), ledge outcrops, critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat,

significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, and any significant natural resources including streams/rivers, wetlands, vernal pools, flood plains and springs, and identification of any significant scenic, cultural or historic features.

- (4) Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
- (5) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (6) By proper designation on such Plat, all public open space for which offers of conveyance are to be made by the subdivider and those spaces which will be reserved by the subdivider.
- (7) Lots within the subdivision numbered in numerical order. When practicable historic numbering of lots should be utilized.
- (8) Permanent reference monuments and lot corner markers.
- (9) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by town specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.
- (10) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).

4.2.2 There shall be submitted to the Commission with the final plat the following supporting documents:

- (1) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
- (2) Copies of proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas and school site areas, are to be dedicated, reserved, and maintained and, if requested by the Commission, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be

construed, however, as acceptance by the Town of Huntington of any areas proposed to be dedicated to the Town.

- (3) If requested by the Commission, a certificate from a licensed consulting engineer as to the satisfactory completion of all improvements required by the Commission, or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
- (4) Any other documents required by the Commission as a result of preliminary plat approval.

## **ARTICLE 5: PLANNING STANDARDS**

### **SECTION 5.1 APPLICATION OF PLANNING STANDARDS**

The Commission shall evaluate any subdivision in accordance with the following standards, based on goals and objectives identified in the Town Plan. The Commission may require the subdivider to submit information addressing impacts related to these standards. In light of findings made on these standards, the Commission may require modification and/or phasing of the proposed subdivision or correction of any adverse impacts.

5.1.1 Suitability for Development - Whether the land for the proposed subdivision is suitable for subdivision or development or demonstrates no significant impediments to development due to flooding, improper drainage, steep slopes, rock formations, or other adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

5.1.2

Natural Features Protection - Whether the proposal gives due regard to the preservation and protection of existing natural features including: significant trees, hedgerows and woodlands; primary agricultural soils; streams, rivers, lakeshores and other surface waters; floodplains, wetlands and vernal pools; groundwater resources; rock/ledge outcroppings, steep slopes (>20%) and ridge lines; earth resources; critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat, significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, significant natural areas, and other natural resources.

5.1.3 Cultural Features Protection - Whether the proposal gives due regard to the preservation of historic structures and areas, and of scenic resources. In the village areas, the proposal shall enhance compact, historic, pedestrian-oriented settlement patterns. Outside the village areas, the proposal shall enhance the rural landscape.

- 5.1.4 Open Space and Recreation - Whether the proposal includes sufficient open space for active and passive recreation
- 5.1.5 Compatibility with Surroundings - Whether the proposed density, building sizes, pattern of development, and configuration of lots is compatible, within the context of the Town Plan goals and the Zoning Regulations, with the surrounding properties, the natural environment and the built environment.
- 5.1.6 Transportation - Whether the proposal contains adequate provision for transportation including vehicular and pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
  - (1) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
  - (2) Whether the layout and/or extension of any roads provide for appropriate access to the project and possible future projects as determined necessary by the Commission. The Commission shall consider the long term road network as it relates to existing, proposed, and potential roads and development in the Town, safety, emergency vehicle access, aesthetics, and any other impacts identified in the course of the review of the project.
- 5.1.7 Soil Erosion and Storm Water Run-off - Whether the proposal includes adequate provision for the control of storm water runoff and erosion during and after construction.
- 5.1.8 Water Supply - Whether there is sufficient water available for the foreseeable needs of the proposed development without impacting existing water supplies.
- 5.1.9 Wastewater Disposal - Whether the site has the capacity to safely and effectively treat sewage flows from the proposed development through a sewage disposal system designed and approved in accordance with state regulations.
- 5.1.10 Agriculture- Whether the proposed development will preserve primary agricultural soils by placing development in areas that are marginal for agricultural and where development will be least disruptive to agricultural operations.
- 5.1.11 Municipal Services - Whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.
- 5.1.12 Energy Conservation - Whether the proposed development promotes energy conservation by encouraging compact patterns of development and through orientation of structures on a site to gain maximum benefit from solar access and wind protection.

- 5.1.13 Conformance with Town Regulations and Plan - Whether the proposed development is in compliance with the Huntington Town Plan, Zoning and other regulations, ordinances or policies then in effect.

## **SECTION 5.2 PARK LAND AND SCHOOL SITES**

The Commission may require as a condition to subdivision approval, the dedication of park or school land or the payment of a fee in lieu thereof.

## **ARTICLE 6: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

### **SECTION 6.1 STREETS AND DRIVEWAYS**

- 6.1.1 General Standards: Convenient and safe access for maintenance and emergency equipment in all weather conditions.
- 6.1.2 Topography: Streets and driveways 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 and driveways.
- 6.1.3 Reserved Strips: The creation of reserved strips shall not be permitted adjacent to the proposed street in such a manner as to deny access from adjacent property to such street.
- 6.1.4 Dead Ends and Street Networks: No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than a reasonable length, or as specified in the Town Road Standards. Non cul-de-sac turn-arounds may be permitted, if permitted by and in accordance with the Town Road Standards.
- 6.1.5 Intersections: All street intersections shall be as nearly at right angles as possible. This paragraph shall not apply where superseded by the Town Road Standards.
- 6.1.6 Accessibility: All dwellings must be accessible by emergency and service vehicles.
- 6.1.7 Sight Distances: Sight distances should be consistent with probable traffic speed, terrain, alignments, and climatic extremes, and shall conform to the Town Road Standards.
- 6.1.8 Drainage: Adequate provisions shall be made to control the drainage of each street and driveway by adequate storm water system.
- 6.1.9 Design: All streets shall be constructed in accordance with town road standards, except that surfacing requirements may be varied for private roads.
- 6.1.10 Shared Access: Wherever it is feasible or practical, provisions shall be made for the joint use of existing access points. Where adjoining undeveloped land has

less suitable access than the access point(s) on the land being subdivided, easements and other provisions shall be made to allow the most suitable access point(s) to be used by all adjoining properties. Where an adjoining property has more suitable access than the land being subdivided, the Commission may require that the subdivider take reasonable steps to acquire access from the adjoining landowner.

6.1.11 Access Plan: A highway access plan for the tract of land to be subdivided shall provide for the minimum size and fewest number of safe points of access to any public highway and shall wherever necessary and feasible include set-back of construction or improvements from the highway to allow for provision of acceleration and deceleration lanes and other areas for off-highway control and management of vehicles. A highway access plan shall also, wherever feasible and practical, provide for elimination of access points or joint use by adjoining properties of existing access by either allowing adjoining lot owners to access through a subdivider's property or by requiring a subdivider to connect through an adjacent property, when such measures are possible and reasonable. All highway access points shall meet the requirements for access provided in the Zoning Regulations.

## **SECTION 6.2 PEDESTRIAN ACCESSES**

The Commission may require, in order to facilitate pedestrian, bicycle or other non-vehicular access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

## **SECTION 6.3 OUTDOOR LIGHTING:**

Outdoor lighting may be required where deemed necessary by the Commission to illuminate areas such as streets, sidewalks, and parking areas. All outdoor lighting shall have a shielded light source and as otherwise required by the Commission to reduce glare and night sky illumination, in compliance with the requirements of the Zoning Regulations.

## **SECTION 6.4 LANDSCAPING:**

The Commission shall require preservation of existing trees, forests, and hedgerows, or other vegetation where they contribute to the rural character of the site, provide screening or buffers for adjacent uses and/or have value as wildlife habitat. The Commission may require other landscaping appropriate to the site.

## **SECTION 6.5 EROSION CONTROL AND STORM WATER RUNOFF**

6.5.1 Erosion Control: All areas exposed during construction shall be protected in accordance with the standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Department of Environmental Conservation, Agency of Natural Resources. In locations where erosion is likely to occur during construction, the Commission shall require the applicant to submit an erosion control plan before final plat. Permanent vegetation and erosion control structures shall be established immediately after

construction has been completed.

- 6.5.2 Drainage: An adequate surface storm water drainage system for the entire subdivision area shall be provided. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to public or private property or an increase in the expenditure of public funds, the Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the Commission deems necessary to determine the adequacy of all proposed drainage facilities.

## **SECTION 6.6 WATER SUPPLY**

- 6.6.1 Water - Community Systems: The Commission may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and State regulations and standards. The impact of the community water system on surrounding water supplies shall be assessed when required by the Commission.
- 6.6.2 Individual Water Supplies: If the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
- 6.6.3 Water Samples: The Commission may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department.
- 6.6.4 Standards: The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:
- (1) Due consideration shall be given to the drainage patterns in the area.
  - (2) Building sites and new streets shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent run-off from roads or leachate from septic systems from contaminating water supplies.
  - (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.

## **SECTION 6.7 WASTEWATER DISPOSAL**

- 6.7.1 Community System: Community Systems must be proposed where the advantages of a shared system outweigh those of individual systems. Methods for the sharing and maintenance of the shared facilities shall be specified by the

applicant.

- 6.7.2 Individual Systems: Individual septic systems shall be properly designed, and meet the requirements of all other applicable municipal and State regulations and standards.
- 6.7.3 Standards: All on-site wastewater disposal systems shall meet the standards specified in State regulations. The Commission shall be provided with copies of all relevant permits and applications. Before a Certificate of Occupancy can be issued by the Administrative Officer, the design engineer for the subdivision shall submit certification that the wastewater disposal system was installed as approved and complies with state wastewater regulations.

## **SECTION 6.8 UTILITIES**

- 6.8.1 Underground Location: All utility systems, including but not limited to electric, gas, telephone and cable TV, shall be located underground throughout the subdivision.
- 6.8.2 A plat submitted for final approval shall include proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- 6.8.3 Easements: Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

## **SECTION 6.9 LOT LAYOUT**

- 6.9.1 Zoning Regulations: The layout of lots shall conform to the requirements of the Town's Zoning Regulations.
- 6.9.2 Corner Lots: Corner lots shall have extra width to permit a front yard setback on each street.
- 6.9.3 Side Lot Lines: Unless lot lines are designed to follow natural features, side lot lines shall generally be at right angles to straight streets or radial to curved street lines.
- 6.9.4 Topography: Consideration in lot layout shall be given to topography, drainage and soil conditions. The Subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision unless all requirements for excavation in the Zoning Regulations are met.
- 6.9.5 Access: Lots shall be laid out so as to avoid direct access to heavily traveled

streets or roads.

- 6.9.6 Preservation of Natural and Significant Features: Outstanding natural features of the site including groves of trees, water courses and falls, wetlands, vernal pools, critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat, significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, historic sites, exceptional views, ridge lines, agricultural fields and similar irreplaceable assets shall be preserved. The Commission may require building envelopes to be specified for some or all buildings where it is necessary to carefully define building locations and heights in order to protect the natural features listed in this section and other features recommended for preservation in the Town Plan.
- 6.9.7 Site Features: Consideration in lot layout shall be given to following the lines of existing site features such as tree-lines, hedgerows, stone walls, etc.
- 6.9.8 Design Standards for Rural Areas: All buildings, building envelopes, lots, roadways, sewage disposal sites, and sewer and water lines shall be located for maximum retention of natural resources designated for protection in the Town Plan and for the preservation of productive agricultural or forestry uses and shall meet the following standards.
- (1) Residential uses and wells shall be sited so as to minimize conflicts with adjoining agricultural operations. Buffer zones a minimum of 200 feet from residences and residential wells to the lot lines of agricultural operations may be required unless a smaller setback can be demonstrated to have no adverse impact.
  - (2) Consideration should be given to maintaining adequate lot sizes for areas in agricultural and productive woodland use to qualify for State and Town tax abatement programs and to enable effective agricultural or forest management.
  - (3) The subdivision shall be designed and lots and/or building envelopes shall be laid out, to the greatest extent feasible, to reduce the impact of development by achieving the following objectives (listed in order of priority, as it is recognized that some may conflict with others on any given site):
    - (a) Shall have access to the most suitable soils for sub-surface septic disposal;
    - (b) Shall be placed on the least fertile soils for agricultural or forestry uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses;
    - (c) Shall be in locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
    - (d) Shall be in locations where the greatest percentage of units can be designed to take maximum advantage of solar heating opportunities.
- 6.9.9 Design Standards for Village Areas: The subdivision shall promote and contribute

to an appropriate street and pedestrian network, sensitive to the historic patterns for the village area, which provides for connections between parcels and between residential and commercial areas. Lot Layout shall reinforce the existing village pattern of buildings lining public streets and other public spaces.

## **ARTICLE 7: GENERAL APPLICATION REQUIREMENTS**

### **SECTION 7.1 NUMBER OF COPIES**

All required submissions under these regulations shall be submitted in triplicate for full-size plans. One letter or ledger sized reduction is required for any plan submitted that is larger than 11" X 17".

### **SECTION 7.2 APPLICATION FEES**

Upon submission of an application for preliminary or final plat approval, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearing and for periodic inspection by Town employees and/or retained consultants during the installation of public improvements. Should the Commission deem it necessary to employ an engineer, or other professional expert, to review any plan for streets, drainage, water, sewage or other public improvements, or to provide other information required by the Commission, the reasonable costs of such engineer or other professional expert shall be borne by the subdivider.

### **SECTION 7.3 LEGAL DATA**

The final plat application for subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the town shall also accompany the final application. In addition, a draft of restrictions which will run with the land and become covenants shall be filed with the final application. The Commission may require the filing of such other legal data as it deems necessary in the enforcement of these regulations.

### **SECTION 7.4 WAIVERS**

The Commission may waive or vary, subject to appropriate conditions, the provision of any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

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

No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Regulations or other Town regulations.

### **SECTION 7.5 FILING OF FINAL PLAT**

Upon approval of a final plat by the Commission, the chairman or clerk of the Commission shall endorse in writing on said plat such approval and the date thereof. The

final plat with endorsement shall be filed by the subdivider with the Town clerk within 180 days of the Commission's final decision. The Administrative Officer may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending. Final approval shall expire if the final plat is not filed by the subdivider within the period outlined above.

**SECTION 7.6 FINAL PLAT SPECIFICATIONS**

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the requirements of 27 VSA Section 1403. Space shall be reserved thereon for endorsement by all appropriate agencies.

**SECTION 7.7 REVISIONS**

7.7.1 Re-subdivision & Changes to Recorded Plats: Changes which meet the definition of a re-subdivision must, at a minimum, be resubmitted to the Commission and a hearing must be re-warned prior to final approval.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after filing of the final plat, unless said plat is first resubmitted to the Commission and the Commission approves the modifications.

7.7.2 Changes to Commission decisions that involve no changes to a recorded plat must, at a minimum, be resubmitted to the Commission for review and approval. Where the Commission determines that the change is substantive, the request for a change shall be timely filed in order to be reviewed by a Commission member and warned as with a final plat review.

7.7.3 Revisions After Approval and Before Recording of Plat: Corrections and clarifications to a final subdivision which do not meet the definition of re-subdivision may be submitted to the Commission after the final approval and prior to the filing of the final plat. These revisions must be recommended by the Administrative Officer, and the Commission may approve the changes without re-submission or the re-warning of a hearing. However, notice shall be sent to members of the public who were present at the final plat hearing(s), prior to Commission approval.

**SECTION 7.8 EFFECT OF FINAL APPROVAL**

Final approval by the Commission shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utilities, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.

**ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**

**SECTION 8.1 SEVERABILITY**

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

**SECTION 8.2 AMENDMENTS**

Amendments to these regulations shall be enacted in accordance with the provisions of

the Act as presently enacted or as from time to time hereinafter amended.

**SECTION 8.3 ENFORCEMENT AND PENALTIES**

Any person who violates any of the provisions of these regulations shall, after seven days written notice by regular mail during which time the violation has not been cured, be fined not more than One Hundred Dollars (\$100) for each offense, and each day that a violation continues shall constitute a separate offense.

Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than One Hundred Dollars (\$100), and each lot, parcel or unit so sold or transferred shall be deemed a separate violation.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act, or otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators hereof.

## ARTICLE 9: DEFINITIONS

Unless otherwise defined herein, definitions of words used in the Act and definitions used in the Huntington Zoning Regulations shall apply; all other words shall carry their customary meanings. For the purposes of these regulations, the following words shall be defined as follows:

Act - The Vermont Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Black Bear Habitat- American beech or red oak stands with a history of use by or presence of black bear for feeding activities. And, as wetlands within or adjacent to forest cover that may be utilized by black bear for spring feeding activity.

Boundary Adjustment- See definition for Subdivision.

Building Envelope - A specific area on a lot, delineated on a subdivision plat, within which principal structures shall be located and outside of which no principal structures may be located.

Commission - The Planning Commission of the Town of Huntington.

Community Wastewater Disposal System - Any wastewater disposal system, other than a municipal wastewater disposal system, that disposes of wastewater for domestic, commercial, industrial or institutional uses for two or more users.

Community Water System - Any water system that supplies water for domestic, commercial, industrial or institutional uses to two or more users.

Critical Wildlife Habitat- refers to the following specific habitat elements: Deer Winter Habitat, Critical Black Bear Habitat, Rare, Threatened or Endangered Species (& Habitats), Wildlife Travel Corridors, Vernal Pools

Critical Wildlife Habitat Identification: Critical wildlife habitats may be preliminarily identified on maps available from the Vermont Department of Fish and Wildlife, the Huntington Conservation Commission and through preliminary site investigation. Critical wildlife habitat boundaries depicted on maps may not be accurate and shall not be fully relied upon for final habitat boundary depictions on plans or other submitted materials. Final boundaries must be determined by a qualified biologist or other professional approved by the governing body. Boundaries are to be surveyed by means of “mapping grade” (+/- 3-5 meter accuracy) survey methods or better.

Deer Winter Habitat- Areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes (*source-Vt Fish and Wildlife*). Other factors such as historic or current use by multiple wintering white-tailed deer may be considered evidence of deer winter habitat in areas of softwood cover with northerly tending aspects.

Final Plat – Final Subdivision Plat.

Final Subdivision Plat - The final drawings, including land survey, on which the subdivision is presented to the Commission for approval and which, if approved, shall be filed for record with the Town Clerk.

Lot – Lot means a parcel of land under single common or affiliated ownership, and not divided by a State or Town road, with defined boundaries pre-existing this regulations adoption created by subdivision approval or merger.

Merger – As defined in Section 5.9.2 of the Huntington Zoning Regulations.

Parcel of Land - Any contiguous piece of land. (also see “lot” definition).

Person - an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Plan - The municipal development plan of the Town of Huntington (Town Plan) adopted pursuant to the Act.

Planned Residential Development (PRD) - An allowed method of land development defined in the Huntington Zoning Regulations for residential use in which an area of land is planned for a number of dwelling units. In a PRD, the standards set forth in the Zoning Regulations, including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Planned Unit Development (PUD) - An allowed method of land development defined in the Huntington Zoning Regulations in which an area of land is planned for a number of mixed uses including residential, commercial and industrial uses. In a PUD, the standards set forth in the Zoning Regulations including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Preliminary Plat - The preliminary drawings for subdivision indicating the proposed layout of the subdivision, to be submitted to the Commission for its consideration.

Rare Threatened or Endangered species: Threatened and Endangered (TE) species are defined by both state and federal law. State law defines endangered species as any species listed on the state endangered species list under {10 V.S.A. Chap. 123 section 5401 } or determined to be an 'endangered species' under the federal Endangered Species Act. The term generally refers to species whose continued existence as a viable component of the state's wild fauna or flora is in jeopardy.' Threatened species are defined in 10 V.S.A. Chap. 123 section 5402 as a species whose numbers are significantly declining because of loss of habitat or human disturbance, and unless protected will become an endangered species.

Rare Threatened or Endangered species critical habitat: individuals of a species themselves, and also to any particular or special habitat supporting and required by a listed species for survival or to provide basic biological needs.

Re-subdivision - Any change in a recorded subdivision plat approved by the Town of

Huntington, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line.

Sectionalizing - the dividing of a plat into two or more sections to be developed at separate times.

Sketch Plan - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the subdivision and objectives and requirements of these regulations.

Street - Any road, highway, avenue, street, lane or other way between right-of-way lines, commonly used by the public for vehicular traffic.

Subdivider - Any person who shall lay out for the purpose of sale, development or other purpose, any subdivision or part thereof as defined in these regulation, either for him/herself or others. The term shall include an applicant for subdivision approval.

#### Subdivision

- (1) Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, plots, units, or interests for the purpose of sale, lease or development including amended subdivision and re-subdivisions. Subdivisions are further divided into either Minor or Major Subdivisions as defined in this Article.
- (2) Subdivision - shall also include the development of a parcel of land as a new multiple family housing project or elderly housing project, planned residential development, planned unit development or industrial park development.
- (3) Common Interest Unit- Created pursuant to Title 27A (f) For the purposes of this regulation, no differentiation shall be made with regard to the type of current or proposed ownership/conveyance for a parcel or proposed land development when interpreting, administering, or enforcing the provisions herein. Any lot, land area, or property defined for ownership or conveyance as condominiums shall conform to all lot and permitted use requirements of the district in which the parcel is located and shall be subject to all requirements and processes of the Huntington [Zoning Regulations]/[Subdivision Regulations] as per any other form of land subdivision or land development.”
- (4) Although review is required under Article 2, the following shall not be considered to constitute "subdivision", nor shall any such conveyance be considered in determining whether the subdivision is a major subdivision or a minor subdivision:
  - (a) boundary adjustments - minor changes in boundaries between two adjoining parcels in which the movement of any boundary is no greater than twenty-five feet and the adjustment does not result in (1) a lot that is smaller than the required minimum lot size in that zoning district, (2) a nonconforming use or noncomplying structure, or (3) any other violation of the Zoning Regulations.
  - (b) lots for agriculture, forestry or conservation - transfer or lease of land solely for commercial forestry or agricultural purposes or solely for land conservation,

provided appropriate restrictions are inserted into the deed or the lease for agricultural, forestry or conservation purposes which waive development rights until and unless subdivision review occurs.

- (c) transfer of land to affiliated adjoiners - land of any size conveyed to an adjoining property owner to be incorporated into an adjoining parcel of land where the adjoining parcels are already merged or the transfer would result in a merger.

Subdivision, Major - Any residential subdivision containing three or more lots (including the parent lot, including all lots created from a single parcel within a period of fifteen years; any subdivision requiring installation of new public streets; any non-residential subdivision; and any multi-family housing project. Applications for major subdivisions normally require sketch plan approval and at least two plat submissions and two hearings (preliminary and final).

Subdivision, Minor - Any residential subdivision involving fewer than three lots (including the parent lot), and otherwise not qualifying as a Major Subdivision. Application for a minor subdivision may be approved after sketch plan approval and one final plat submission and one public hearing.

Subdivision Revision - Minor modifications which may occur between final approval and filing of the plat. See Section 7.7.

Wildlife Travel Corridors (connecting habitat): Connecting habitat is land that links larger patches of habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants. Riparian habitat along streams and rivers, strips of forest cover between developed areas, and hedgerows/ fencerows all represent potential connecting habitat. Sometimes these areas are called 'corridors' even though they are not always linear, as the term implies. In order to be considered critical habitat, a wildlife corridor (or connecting habitat) must either: a) Appear on a map of known or potential wildlife corridors; b) provide documentable travel or movement opportunities for wildlife species between larger forested areas or other distinct habitat features; c) Provide for superior wildlife movement opportunities as compared to the surrounding landscape.

Vernal Pools: Vernal pools are small wetlands characterized by a lack of vegetation (though they may support some herbaceous and/or woody wetland species) resulting from the persistence of standing water for a portion of the year. Vernal pools typically occur in small depressions in upland forests over a relatively impermeable substrate layer, but they also may be found in the depressions of some forested swamps. Vernal Pool certification criteria from the Massachusetts Natural Heritage and Endangered Species program are to be used to confirm or deny the presence of a suspected vernal pool.