

Marshfield Planning Commission Reporting Form For Subdivision Procedures Amendments

This report is in accordance with 24 V.S.A. §4441 (c), which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments.”

Brief explanation of the proposed bylaw, amendment, or repeal and statement of purpose as required for notice under section §4444 of this title:

The purpose of this amendment is to amend the procedural requirements of the Subdivision Ordinance. Sections 4020 through 4025, which cover design standards, are not amended. All other sections are amended to read as follows. Modifications include:

- Replacement of the a required sketch plan review with an optional information meeting
- Modifications to conform with state statues
- Modifications of criteria to be considered for a waiver of requirements
- Removal of applications and other portions of the ordinance better dealt with as administrative forms
- Modifications of procedures to match existing procedural practices
- Language clarification

Brackets [] are used to provide comments regarding the proposed changes and are not meant to be part of the final ordinance.

Conformity with the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The amendments are in conformity with the Marshfield Town Plan that includes a goal to "Continue to develop clearly written zoning regulations that inform the citizens of Marshfield of their rights and responsibilities, and the process they must follow to achieve their development goals."

The amendment does not affect the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal plan:

The Marshfield Town Plan does not propose any changes in future land uses or densities affected by these amendments.

Specific proposals for any planned community facilities:

This amendment does not propose any community facilities.

To be voted at Town Meeting 03/02/2010

Article I. Enactment, Purpose, Authorization, Waivers, Definitions

1010 Enactment

[PRD's are now called PUD's in zoning]

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, and the Town of Marshfield Zoning Ordinance, hereinafter referred to as the Zoning Ordinance, there are hereby enacted Subdivision, ~~Planned Residential Development,~~ and Planned Unit Development regulations for the Town of Marshfield. No Subdivision of land or Planned Unit Development~~Development of land~~ shall occur in Marshfield unless in conformity with these regulations.

1020 Purpose

It is the purpose of these regulations to provide for the orderly growth and development of the Town. It is the further purpose of these regulations to provide specific standards of administration for subdivisions.

1030 Authorization

The Development Review Board, hereinafter referred to as the DRB, is authorized and empowered to administer these subdivision regulations.

1040 Waivers ~~and Variances~~

[The current language requires extraordinary hardship for a waiver. The proposed language allows a waiver to achieve a better design and does not have the requirement for a hardship. This section also allows for a waiver of procedural requirements. Reorganized wording. Removed sketch plan review provisions. Removed references to modifications and variances since state statute refers to waivers for subdivisions.]

~~1.If it be determined by the Development Review Board that strict compliance with these rules and regulations would result in extraordinary hardship to the Developer due to unforeseen conditions beyond the control of the Developer or Subdivider, then the DRB may modify, vary or waiver such compliance, provided that the DRB finds that such modification, variance or waiver will not nullify the intent or purpose of the regulations, and provided further that such modification, variance or waiver, and the reasons therefore, shall be entered upon the minutes of the DRB.~~

2.1.Conditions of, and Application for Variances

(A) Each and every ~~modification, variance or request for a~~ waiver of these regulations sought by an ~~Developer or Subdivider~~applicant, shall be specifically applied for in writing at the time of presenting the ~~Sketch, Preliminary or Final Plans.~~ ~~Any condition shown on the Final Plan which would require a modification, variance or waiver, shall constitute a ground for disapproval, unless a special application for modification, variance or waiver is made.~~

(B) The DRB may waive or vary such provisions and requirements of these regulations where the applicant demonstrates that unique circumstances affecting a particular plan do not require compliance with such provisions and requirements in the interest of the public health, safety and general welfare; and providing that all such modifications are justified by such physical circumstances in which the modification will enable the subdivider to better achieve the purpose and standards of these regulations and provide an overall better subdivision design; and providing that all such modifications have the purpose of implementing the municipal plan in accordance with the policies set forth therein and shall comply with the requirements of the zoning bylaw.

(C) The DRB may waive or modify, subject to appropriate conditions, the submission requirements of these regulations where it finds that such modification or waiver will not nullify the intent or purpose of the regulations and are not in conflict with any state statutes, and provided further that such modification, or waiver, and the reasons therefore, shall be entered upon the minutes of the DRB.

(D) In granting ~~modifications, variances and~~ waivers, the Development Review Board may attach such other reasonable conditions as will, in its judgement, justify such ~~modifications, variances or~~ waivers and still maintain substantially the objectives of these Regulations.

1050 Exemptions

[This section is not needed since leased lots are not considered subdivisions]

~~Parcels leased for agricultural or forestry purposes, where all resulting parcels are at least 5 acres in size, and where no new roads are created for uses other than accepted agricultural and forestry practices, are exempted from the requirements of these regulations.~~

1060 Severability

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

1070 Definitions

[Several definitions were modified or added for clarity.]

As used in these Regulations, all words shall have the same meaning as given in the Zoning Ordinance and the Act unless otherwise defined herein.

The Act: 24 VSA, Chapter 117.

Applicant – The party applying for the subdivision or PUD review.

DRB – the Development Review Board of the Town of Marshfield

Lot Line Adjustment: The alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner that does not result in any additional lots, plots, or parcels of land.

PUD Development—Planned Residential Development orPlanned Unit Development

PUD Developer – the owner or agent of the owner of a ~~Planned Residential Development or a~~ Planned Unit Development

~~Plan, Sketch~~ — ~~sketch of proposed Subdivision, Planned Residential Development, or Planned Unit Development to enable the DRB to come to a decision as to the form of the Subdivision or Development in meeting the objectives of these regulations.~~

Plan, Preliminary – a ~~more complete~~ Subdivision or ~~Development~~ PUD plan, clearly marked “Preliminary Plan,” showing in lesser detail than a final plan, the approximate proposed ~~Development~~ PUD or Subdivision.

Plan, Final – a complete and exact Development PUD or Subdivision Plan; ~~prepared for official recording in accordance with 27 V.S.A. Chapter 17, to define property rights and public improvements; prepared in accordance with Section 3030.~~

Plan, Recordable – A final plan on a Mylar, acceptable for recording in accordance with 27 V.S.A. Chapter 17, and signed by the two DRB members.

~~Initial Meeting~~ — ~~the initial meeting between the Developer or Subdivider and the DRB, where a Sketch Plan is delivered and a general discussion occurs to help determine the form of the Subdivision or Development. When a complete Sketch Plan is submitted, the DRB will make a decision on the form of the Subdivision or Development.~~

Subdivider – the owner, or authorized agent of the owner, of a subdivision.

Subdivision – 1) A division of any part, parcel or area of land by the owner or agent into lots or parcels two or more in number for the purpose of conveyance, transfer, improvement, platting or sale. 2) A lot line adjustment, 23) The term Subdivision shall include the A re-subdivision of land.

1080 Minor and Major Subdivisions

[The requirement for an initial meeting to just review the subdivision classification was removed since the classification is obvious as defined. Reference to shared septic systems in major subdivisions was removed since the town no longer has jurisdiction over septic approval.]

For the purposes of these regulations, subdivisions shall be classified ~~by the Development Review Board, following an initial meeting with the subdivider,~~ as minor or major subdivisions in accordance with the following:

- (1) Minor Subdivisions shall include any subdivision with fewer than four (4) lots; lot line ~~or boundary~~ adjustments; or amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.
- (2) Major subdivisions shall include any subdivision containing 4 or more lots; any subdivision requiring any new (public or private) road greater than 800 feet in length; ~~any subdivision that requires a central shared septic system;~~ any planned unit or planned

residential development that meets the definition of a subdivision; or any other subdivision ~~which that~~ does not otherwise qualify as a ~~major-minor~~ subdivision.

1090 Professional Advice

[Section was reworded since DRB can seek professional advice for minor subdivisions. Payment for the service is only required for major subdivisions.]

~~For major subdivisions only,~~ The DRB may seek professional advice to review various aspects of an application. ~~For major subdivisions only The the~~ professional fees associated with this ~~will~~ shall be paid for by the Developer or Subdivider.

1100 Coordination with Planned Unit ~~or Planned Residential~~ Development Review

Subdivision applications for ~~Planned Unit or Planned Residential Developments (PUDs and PRDs)~~ a PUD shall be reviewed as major subdivisions. Conditional use review may occur concurrently with subdivision review if all application and procedural requirements pertaining to each respective review process are met. PUDs ~~and PRDs~~ shall meet the review standards set forth in the Marshfield Town Zoning Regulations, as well as subdivision standards defined in these regulations.

Article II. Review and Approval Procedures

[Altered as per discussions]

Review Procedure	Table 1 Subdivision Review At A Glance	Responsibility
All Subdivisions:		
1. Submission of application and sketch plan	Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting	
2. Development Review Board meeting	Applicant attendance required	
3. Classification of subdivision as minor or major; sketch plan approval	Development Review Board; within 30 days of determining that the application and sketch plan are complete	
Minor Subdivision [residential < 4 lots]:		
1. Submission of <u>application, fees, and</u> final subdivision plan, including any waiver requests and supporting documentation	Applicant; within 6 months of the date of sketch plan approval DRB will set hearing date and warn hearing	
2. <u>Property is posted and abutters notified of hearing</u>	<u>Applicant must notify abutters and post property at least 15 days prior to hearing. Town will supply poster and abutter notice to the applicant.</u>	
2.3. <u>Development Review Board public hearing(s)</u>	Development Review Board; within 30 days of receipt of the final subdivision plan	
3.4. <u>Subdivision/plan approval decision</u>	<u>Development Review Board; within 45 days of the hearing adjournment date, Town will record decision</u>	
4.5. <u>Final plan recording in the town records</u>	<u>Applicant; within 90-180 days of the date of subdivision approval two DRB members must sign the Mylar before recording.</u>	
5.6. <u>Submission of as-built drawings</u>	<u>Applicant; upon completion</u>	
Major Subdivision [other than minor]:		

1. Submission of <u>application, fees, and preliminary subdivision plan</u> including any waiver requests and supporting documentation	Applicant; within 6 months of the date of sketch plan approval DRB will set hearing date and warn hearing
2. <u>Property is posted and abutters notified of hearing</u>	Applicant must notify abutters and post property at least 15 days prior to hearing. Town will supply poster and abutter notice to the applicant
2.3. <u>Development Review Board public hearing(s)</u>	Development Review Board; within 30 days of receipt of the preliminary subdivision plan DRB will set hearing date and warn hearing
3.4. <u>Preliminary subdivision/plan approval/decision</u>	Development Review Board; within 45 days of the hearing the hearing adjournment date
4.5. <u>Submission of final subdivision plan, including supporting documentation</u>	Applicant; within 6-12 months of the date of preliminary plan approval
5.6. <u>Final Development Review Board public hearing (s)</u>	Development Review Board; within 30 days of receipt of the final subdivision plan DRB will set hearing date and warn hearing. Abutters must be re-notified and re-post property.
6.7. <u>Final subdivision/plan approval/decision</u>	Development Review Board; Board must issue a decision within 45 days of the hearing adjournment date. Town will then record decision.
7.8. <u>Final plan recording</u>	Applicant; within 90-180 days of the date of final subdivision and plan approval. Two DRB members must sign before recording.
8.9. <u>Submission of as-built drawings</u>	Applicant; upon completion

2010 ~~Sketch Plan Review~~ Informal Information Meeting (applying to ALL subdivision applications)

[Modified sketch plan to be an optional informal meeting that would not involve a formal DRB finding.]

~~(A) **Application Requirements.** The applicant shall submit to the Town Clerk, at least 15 days prior to a regularly scheduled Development Review Board meeting, a subdivision application, sketch plan, and associated fee. The application shall include with the required fee, 1 original and 5 copies of a subdivision application, and 1 original and 5 copies of the proposed sketch plan that includes the information for sketch plan applications specified in Table 2 and Article III. Copies of the proposed sketch plan shall be 11" X 17" or smaller.~~

~~(A) **Initial Informal Information Meeting (Optional).** Prior to submission of a formal application, a potential~~ The applicant and/or an authorized representative ~~shall~~ may attend an ~~initial informal information~~ meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Board, to discuss the subdivision application ~~and proposed sketch plan process and general requirements for submission.~~ No testimony regarding a potential application shall be taken and no findings shall be made. No DRB decision will be prepared or issued based upon an information meeting. The applicant shall have no vested rights of approval based upon an informal meeting. At this meeting the Development Review Board may request any additional information as needed to act on the sketch plan.

~~(C) **Action on Sketch Plan** Within 30 days of finding that the application and sketch plan is complete, the Development Review Board, based on the information provided, shall issue in writing:~~

- ~~a determination of whether the subdivision is a minor subdivision to be reviewed under Section 2030, or major subdivision to be reviewed under Sections 2020 and 2030;~~
- ~~recommendations for proposed changes in subsequent submissions, including requests for additional studies or supporting documentation.~~

The DRB may also issue in writing:

- ~~a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards, or would be in conflict with the Town Plan and Zoning Regulations;~~
- ~~granted or denied requested waiver provisions.~~

~~(D) **Effect of Sketch Plan Determinations.** Development Review Board determinations and associated recommendations shall remain in effect for 6 months from the date of issuance, unless otherwise approved or extended in writing by the Development Review Board. At any time within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan review under Section 2020 or final plan approval under Section 2030.~~

~~(E) **Boundary Adjustments.** Applications for boundary adjustments which are determined by the DRB to not result in the creation of a non-conforming lot, or the significant increase of the development density of one or more lots, may be exempted from sketch plan review requirements and proceed immediately from initial application to final plan approval.~~

2020 Preliminary Plan Review [applying to MAJOR subdivisions only]

[Modified section by clarifying plan submittal requirements, allowing 12 months instead of 6 months to submit a final plan, changed requirement for other permits to be obtained to require review by applicable agencies in order to comply with state statutes.]

(A) **Application Requirements.** ~~Within 6 months of the date of action on a sketch plan by the Development Review Board under Section 2010 (C) above, t~~The applicant shall submit a Preliminary Plan ~~which that~~ shall include, unless otherwise specified or waived by the Development Review Board, ~~1 original and 5 one full size copy, 6 copies no smaller than 11" x 17" inches (sketch plan copies may be 8.5" x 11" or 11" x 17" reductions)~~ of the information required for preliminary plan review, the original application, and 6 copies of the application. ~~as specified in Table 2 and Article III.~~

(B) **Public Hearing.** ~~Within 30 days of deeming that the preliminary plan application is complete, t~~The Development Review Board shall warn and hold a public hearing on the preliminary plan in accordance with Section 2031 and the Act. [There is no 30-day requirement by law so it was removed. Hearing requirements were added as a new section and referenced here.]

(C) **Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards, or would be in conflict with the Town Plan and Zoning Regulations. The DRB may grant or deny requested waiver provisions at this time. The DRB may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of a preliminary plan shall be effective for a period of ~~6-12~~ months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written notice of decision.

(D) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of ~~all applicable approvals reviews of by municipal applicable municipal or state~~ officials and/or agencies (e.g. ~~Select Board, Fire Department~~) ~~having jurisdiction over the project (e.g., Select Board, Health Officer), and such state and federal agencies as may be required by law.~~ ~~Upon~~ Upon receipt of evidence of ~~approval review~~ of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan approval.

2030 Final Plan Approval [applying to ~~ALL~~ subdivision ALL subdivision applications] [Modified section by clarifying plan submittal requirements, allowing 12 months instead of 6 months to submit a final plan, and other minor changes]

(A) **Application Requirements.** ~~The Final Plan for subdivision shall include, unless otherwise specified or waived by the Development Review Board, 1 original and 5 copies (plan copies may be 8.5" x 11" or 11" x 17" reductions) of the information for final plan specified under Table 2 and Article III. The applicant shall submit a Final Plan that shall include, unless otherwise specified or waived by the Development Review Board, one full size copy, 6 copies no smaller than 11" x 17" inches of the information required for final plan review, the original application, and 6 copies of the application.~~ If a discrepancy should exist between the Preliminary and the Final Plan, the data contained in the Final Plan shall take precedence. Within 6-12 months of the date of sketch plan approval for minor subdivisions, or preliminary plan approval for major subdivisions, unless otherwise waived by the Development Review Board, the subdivider-applicant shall submit a Final Plan for approval. If the subdivider applicant fails to do so, s/he will be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a resubmit a new preliminary plan, with associated fees, for approval subject to any new zoning and subdivision regulations.

(B) **Public Hearing.** ~~[There is no 30-day requirement by law so it was removed. Hearing requirements were added as a new section and referenced here.] The Development Review Board shall hold a public hearing on the final plan, within 30 days of the date that the Board deems that a final plan application is complete. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a~~

plan located within 500 feet of a municipal boundary. The Development Review Board shall warn and hold a public hearing on the plan in accordance with Section 2031

(C) **Final Plan Approval.** The Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan conforms to subdivision review standards, or would be in conflict with the Town Plan and Zoning Regulations, within 45 days of the date of adjournment of the public hearing. Failure to act within such 45-day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapprovals, and provisions for appeal shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the ~~45~~ 45-day period.

(D) **Effect of Final Plan Approval.** ~~[Reference was made to bonding section which section, which was re-worded.]~~ Each approval for a final plan shall contain a time limit within which all public improvements shall be completed, ~~not to exceed 3 years unless otherwise required or extended by the Development Review Board as per Section 4050.~~ The approval by the Development Review Board of a final subdivision plan shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plan. Such acceptance may be accomplished only by a formal resolution of the Select Board, in accordance with state statute.

Section 2031 Public Hearing Requirements

[Hearing requirements as per state law was added.]

(A) Public Notice: A warned public hearing shall be required for preliminary and final subdivision review. Any public notice for a warned public hearing shall be given not less than fifteen (15) days prior to the date of the public hearing by all of the following:

1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality.
2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made.
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, 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.
4. For hearings on subdivision plans located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.

(B) Applicant's Responsibilities: The applicant shall be responsible for the posting of the notice within view from the public right-of-way and notifying adjoining landowners as required above, as determined from the current municipal grand list. The applicant is required to submit to the

DRB evidence that notice was provided to the abutters either by certified mail, return receipt requested, or by a signed statement that written notice was hand delivered or mailed to the last known address.

(C) Defect in Notice: No defect in the form or substance of any required public notice under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content.

(D) Recesses of Hearing: The DRB may recess a hearing on any application pending the submission of additional information or to allow for a site visit, provided that the next hearing date and place is announced at the hearing. No additional warning or notice is required for a recessed hearing.

2040 Plan Recording Requirements (applying to ALL approved subdivisions)

[Modified to match state law requires 180 for recording and other minor changes. A statement was adding paraphrasing state law about not selling or developing property when a plan has not been recorded.]

(A) Within 90/180 days of the date of receipt of final plan approval, the applicant shall file three copies of the final subdivision plan, one mylar copy and two full-size paper copies (one for the Listers and one for the zoning files), for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. An electronic copy of the plan in a format acceptable to the town must also be submitted. Approved plans not filed and recorded within this 90-day/180-day period shall expire.

(B) Prior to plan recording, the plan must be signed by at least two authorized-members of the Development Review Board who voted on the application.

~~(C) For~~ For any ~~subdivision which~~subdivision, which requires the construction of roads or other public improvements by the applicant, the DRB may require the subdivider to post a performance bond or comparable surety in accordance with Section 4050-to ensure completion of the improvements in accordance with approved specifications. Such a bond or surety is required before the plan is recorded;

~~(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits.~~ **[This language is unclear and appears to not be relevant.]**

(D) No person may sell, transfer, or enter into an agreement to sell any land in a subdivision until a final plan has been recorded. In addition, no structure can be erected on that land until a final plan has been recorded.

2050 Certificate of Compliance

[Town has not followed a Certificate of Compliance procedure. Other language was substituted to allow certification when deemed required and to specify by whom.]

~~If specifically required by the Development Review Board as a condition of final subdivision plan approval, prior to any that requires application for a zoning permit the subdivider shall submit to the Development Review Board a Certificate of Compliance with all permit conditions. The DRB may require certification by an appropriate official that an applicant has met the subdivision requirements and any conditions of approval.~~

2060 Revisions to an Approved Plan

No changes, modifications, or other revisions that alter the plan or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Development Review Board as a minor subdivision and the Board approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

[The information in this table is already in the ordinance and would be better as an handout that can be altered administratively. Therefore, it has been removed.]

Table 2—Subdivision Application Requirements

	Sketch Plan	Preliminary Plan	Final Plan
(A) Application Information			
Application Form [number of copies]	1 original & 5 copies	1 original & 5 copies	1 original & 5 copies
Application Fee	¥	¥	¥
Name of project, if any	¥	¥	¥
Name, address and phone of applicant (landowner and/or subdivider) and contact, if different than applicant	¥	¥	¥
Applicant's legal interest in property, and legal form of applicant	¥	¥	¥
Names, addresses of all adjoining property owners	¥	¥	¥
Written description of proposed development plans, including Number and size of lots; general timing of development	¥	¥	¥
Waiver request, in writing [optional]	¥	¥	¥
Municipal services utilized	¥	¥	¥
(B) Plan Mapping Requirements			
	Sketch	Preliminary	Final Plan
Materials	-Paper	-Paper	-Mylar
Preparer Information, Certifications	¥	¥	¥
Date	¥	¥	¥
Scale (minimum 1 inch = 200')	¥	¥	¥
North Arrow, Legend	¥	¥	¥
Location map showing tract on Marshfield town map, zoning district(s)	¥	¥	¥
Property boundaries/lines, road access/curb cut, road frontage	-Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Surveyed	Surveyed
Proposed utilities, water and wastewater systems and associated rights-of-way or easements	¥	¥	¥
Proposed building envelopes	¥	¥	¥
Existing and proposed elevations, contour lines		5'-interval	5'-interval
Proposed landscaping and screening		¥	¥

Table 2 Subdivision Application Requirements (cont.)

(C) Supporting Information & Documentation	Sketch Plan	Preliminary Plan	Final Plan
Statement of compliance with the town plan and applicable local regulations	✖	✖	✖
Proposed covenants and/or deed restrictions		Draft	Final
Proposed homeowner or tenant association or agreements		Draft	Final
(D) As may be required by the Development Review Board			
1) Road profiles; road, intersection and parking area geometry and construction schematics			
2) Stormwater and erosion control plan			
3) Grading plan (showing proposed areas of cut and fill)			
4) Site reclamation plan (for subdivisions involving extraction)			
5) Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
6) Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
7) Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
8) Proposed phasing schedule			
9) Engineering reports (water and wastewater systems)			
10) Monument locations			
11) Off-site easements (e.g., for water, wastewater, access)			
12) Other			
The DRB may wave any application requirements in accordance with Section 1040.			

Article III. Application Information Required

[Application should not be in ordinance since it makes it difficult to modify. It is not regulatory in nature]

Application Information Required for ALL applicants — Minor Subdivision, Major Subdivision (including PRD/PUD)

1. Name of project, if any: _____

2. Applicant’s name, address, and phone number: _____

3. Contact’s name, address, and phone number, if different: _____

4. Applicant’s legal interest in property (fee simple, option, etc.): _____

If other than fee simple, give the owner’s name, address, and phone number:

5. Is the applicant: ___ An individual, ___ Partnership, ___ Corporation,
___ Other (specify) _____

If not an individual, list the form _____

Date _____ and Place _____ of formation of the applicant

6. List the names and addresses of ALL adjoining landowners: _____

7. Description of the nature and location of the subdivision or development, including number and size of lots, general timing of development, number of acres in the entire tract of land,

number of acres directly involved in this project, purpose of this subdivision or development and what is the intended use of the land after subdivision or development:

SUFFICIENT FOR APPLICATION _____

8. Waiver request, in writing, if any:

SUFFICIENT FOR APPLICATION _____

9. What municipal services do you intend to utilize:

Police Fire protection Solid waste disposal Road maintenance
 Sewage disposal Water supply

10. Plans and Specifications:

This application shall include a sketch map on paper at a scale between one inch to two hundred feet, showing the following:

- A) Preparer Information and Certifications
- B) Date, Scale, North Arrow, Legend
- C) Location map showing where entire tract of land is on the Marshfield town map, noting the zoning districts where this land is located;
- D) Property boundaries and dimensions of the entire tract of land; road access/curb cut, road frontage;
- E) Location of the project boundaries and lot locations, properly identified with number or letter designations for each lot, with dimensions and area of each lot;
- F) Location of all, proposed or existing, streets roads including rights of way, parking areas and walkways, and junctions with Town, State, or U.S. highways;
- G) Location of all, proposed or existing, water lines, sewer lines, water and sewer service connections, sewage disposal facilities, and water supply or treatment facilities;
- H) Location of all water courses, drainage ditches, culverts or structures, bodies or sources of water, natural or artificial, proposed or existing;
- I) Location of all buildings or man-made structures, proposed or existing;

3020 Applicant Information Required for PRELIMINARY PLAN for Major Subdivisions only (including PRD/PUD)

~~All the information from the Sketch Plan should be carried forward to the Preliminary Plan with the following required additions/optional information as requested by the DRB, and additional information specific to PRD/PUD applications. The following information is required on preliminary plans unless waived by the DRB:~~

1. Plans and Specifications ~~additions~~:

- A) Contours of the land around buildings and the developed areas, before construction, drawn on a scale of 5 foot contour intervals, with any proposed modifications to existing contours
- B) The existing and proposed roads, paths, parking areas, associated rights-of-way or easements ~~should now all be surveyed instead of just drawn as in the Sketch Plan~~
- C) Existing and proposed utilities locations
- D) Existing and proposed lot lines
- E) Scale, north arrow, legend, location map, building envelopes

2. Optional information as requested by the DRB:

- A) Road profiles: road, intersection and parking area geometry and constructions schematics
- B) Proposed landscaping and screening
- C) Stormwater and erosion control plan
- D) Grading plan (showing proposed areas of cut and fill)
- E) Site reclamation plan (for subdivisions involving extraction)
- F) Financing plan: total cost of the development, how this project will be funded, what financing has been obtained, what additional financing will be necessary
- G) Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)
- H) Fiscal impact analysis (analysis of fiscal costs and benefits to the town)
- I) Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)
- J) Phasing plan
- K) Where applicable, a copy of: restrictive covenants to be used in deeds, restrictive provisions set forth in leases, by-laws of condominium association, or any other restrictions, such as campground or mobile home park regulations, etc.
- L) Any additional information requested by the DRB in their decision about the type of subdivision that followed the initial meeting

3. Additional Information specific to PRD/PUD applications:

- A) Any additional information requested by the DRB in their decision about the type of subdivision that followed the initial meeting

3030 Information Required for FINAL PLAN for ALL applications (unless otherwise noted below)

~~All the information from the Sketch Plan and Preliminary Plan (for Major Subdivisions only) should be carried forward to the Final Plan with the following required additions, and optional information as requested by the DRB. The following information is required on final plans unless waived by the DRB:~~

1. Plans and Specifications ~~additions~~:

~~A) All information required on the preliminary plan if a Major Subdivision.~~

~~A)B) Final Recordable Plan should be produced on Mylar plan on paper in a format that will be acceptable for recording.~~

~~B)C) Project boundaries, property lines, existing and proposed lot lines, and dimensions-metes and bounds, which should all shall be surveyed~~

~~C)F) Contours of the land around buildings and the developed areas, before construction, drawn on a scale of 5 foot contour intervals, with any proposed modifications to existing contours;~~

~~D)G) Existing and proposed roads, paths, parking areas, associated right-of-ways or easements should now all be surveyed instead of just drawn as in the Sketch Plan~~

~~E)H) Proposed landscaping and screening~~

~~I) Existing and proposed utility locations~~

~~J) Scale, north arrow, legend, location map, and building envelopes~~

2. Optional information as requested by the DRB:

A) Where applicable, a copy of: restrictive covenants to be used in deeds, restrictive provisions set forth in leases, by-laws of condominium association, or any other restrictions, such as campground or mobile home park regulations, etc.

B) Any additional information requested by the DRB in their decision about the type of subdivision that followed the initial meeting

Article IV. Subdivision Review

4050 Performance Bonding [Changed to match state law]

Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the DRB may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the appropriate municipal panel or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within three years for that completion and for the maintenance of those improvements for a period of two years after completion.

The legislative body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.

The performance bond required by this section shall run for a three-year term. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

~~To ensure that the development proceeds in compliance with the plan, the DRB may require a performance bond. This bond may be issued by either an approved bonding/surety company or the owner in such form as approved by the DRB, either to the benefit of the town, in an amount to cover the full cost of constructing any public improvements that the DRB may require in approving the project. Such performance bond to be submitted prior to final plan approval. The bond should be in an amount, as is estimated by the DRB, sufficient to cover the full cost of said new streets and required improvements on or in said streets or highways and their maintenance for a period of two years after completion.~~

~~A performance bond required under these regulations shall run for a term to be fixed by the DRB, but in no case for a term longer than three years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. If any required improvements have not been installed as provided within the term of such bond, such bond shall be forfeited to the Town and upon receipt of the proceeds thereof, the Town shall install or maintain such improvements as are covered by such performance bond.~~

4060 Penalties [Changed to match state law]

Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$100.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter.

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any bylaw adopted under this chapter, the administrative officer shall institute in the name of the municipality any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. A court action under this section may be initiated in environmental court, or as appropriate, before the judicial bureau, as provided under section 1974a of this title. ~~Violations of the terms or failure to fulfill decisions of the DRB in approving the plan shall be construed as a violation of the bylaws of the zoning regulations of the Town of Marshfield. Penalties resulting from violations of these regulations shall be administered as prescribed in Section and of the Act.~~

4070 Other Required Permits

The issuance of any ~~Planned Residential Development~~, Planned Unit Development or Subdivision permit under these Regulations shall not relieve the applicant from responsibility for obtaining any other required Town, State, or Federal permits. It shall be the applicant's responsibility for determining and obtaining other required permits. Copies of said permits shall be filed with the Development Review Board for its records.

Appendix A is hereby revised by removing the sketch plan review and changing the initial meeting with "Informal Optional Meeting".