

CHARLOTTE SUBDIVISION REGULATIONS

APPROVED

MARCH 3, 1987

APPROVED
BY THE
PLANNING
COMMISSION
ON
MARCH 3, 1987

CHARLOTTE SUBDIVISION REGULATIONS

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Charlotte Subdivision Regulations

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CHARLOTTE SUBDIVISION REGULATIONS

ARTICLE I: TITLE, POLICY AND PURPOSE

Section 100: Title

These regulations shall be known as the Charlotte Subdivision Regulations.

Section 110. Policy

110.1 It is hereby declared to be the policy of the Town of Charlotte to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Charlotte pursuant to the Vermont Planning and Development Act (Act) and the Charlotte Municipal Development Plan (Plan) for the orderly planned, efficient and economical development of the Town.

110.2 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, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Section 120. Purpose

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town of Charlotte.
- (2) To guide the future growth and orderly development of the Town in accordance with the Charlotte Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- (4) To guide public and private policy and action in order to provide adequate and efficient transportation,

water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(5) To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.

(6) To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.

(7) To prevent the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(8) To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.

(9) To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

ARTICLE II: DEFINITIONS

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.

Commission - The Planning Commission of the Town of Charlotte.

Community Sewage Disposal System - Any sewage disposal system other than a municipal sewage disposal system, owned by the same person, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more customers.

Community Water System - Any water system owned by the same person that supplies water for domestic, commercial, industrial, or institutional uses to two or more customers.

Final Subdivision Plat - The final drawings 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 - A parcel of land under one ownership, not divided by any

public route, and occupied or intended to be occupied by one principal building or other structure or used together with any accessory building or open space.

Major Subdivision - Any residential subdivision containing four or more lots, including all lots created from a single parcel within the past ten years; any subdivision requiring installation of new public streets; any non-residential subdivision; any shopping complex, multi-family housing project, planned residential development or planned unit development.

Minor Subdivision - Any residential subdivision containing less than four lots, including all lots created from a single parcel within the past 10 years, and which does not require installation of new public streets.

Plan - The municipal development plan of the Town of Charlotte adopted pursuant to the Vermont Planning and Development Act.

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

Resubdivision - Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded to the adoption of any subdivision regulation by the Town of Charlotte.

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 objective and requirements of these regulations.

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

Subdivider - Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a shopping center complex, multi-family housing project, planned residential development or planned unit development.

Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Commission determines that such adjustment does not substantially change the nature of any previous subdivision, and does not create any new lots. All boundary adjustments shall be surveyed and recorded.

Other Definitions - Unless otherwise defined herein, the definitions contained in the Vermont Planning and Development Act and the Charlotte Zoning Regulations shall apply to these regulations.

ARTICLE III: SKETCH PLAN

Section 300.

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Town Clerk at least ten (10) days prior to a regularly scheduled meeting of the Commission a sketch plan of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and applicant;
- (2) Name of owners of record of contiguous properties.
- (3) Boundaries and area of: a) all contiguous land, including land separated by a public right-of-way, belonging to owner of record, and open space, and b) 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 of, location, and approximate size of existing and proposed streets, utilities, and open space.
- (6) Date, true north arrow and scale (numerical and graphic).
- (7) Delineation of significant physical features such as wooded areas, water courses or drainageways, wetlands and geologic outcrops.
- (8) Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

Section 310.

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, sewerage, water supply, fire protection

and similar aspects, as well as the availability of existing services and other pertinent information.

Section 320.

The Commission shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision.

Section 330.

The Commission shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the Plan, the Zoning Regulations and any other By-Laws then in effect, and shall where it deems necessary, make specific recommendations for changes in subsequent submissions. Such written recommendations shall be sent to the applicant within ten (10) days of the expiration of the meeting, or any continuation thereof. 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 subdivisions.

ARTICLE IV: MINOR SUBDIVISION APPLICATION

Section 400. Application

Within six (6) months of classification by the Commission of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, plus any other items for a major subdivision that may be required by the Commission, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission.

Section 410. Public Hearing

A public hearing shall be held by the Commission within thirty (30) days after the time of submission to the Town Clerk of an application for approval of a minor subdivision. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

Section 420. Action

The Commission shall within forty-five (45) days after the completion of the public hearing or any continuation thereof to approve; modify and approve, or disapprove such plat. Failure so to act within such forty-five days shall be deemed approval.

ARTICLE V: MAJOR SUBDIVISION APPLICATION

Section 500. Preliminary Plat Application

Within six (6) months of classification by the Commission of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 600 of these regulations plus any other items for a major subdivision that may be required by the Commission, and shall conform to the layout shown on the sketch plus any recommendations made by the Commission.

Section 510. Preliminary Plat Public Hearing

A public hearing on the preliminary plat shall be held by the Commission within thirty (30) days after the time of submission to the Town Clerk of the preliminary plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

Section 520. Action on Preliminary Plat

Within thirty (30) days of the completion of the public hearing, or any continuation thereof, the Commission shall approve, modify and approve, or disapprove said preliminary plat, and the grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Failure of the Commission to act within said thirty-day period shall constitute an approval of the preliminary plat. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said thirty-day period.

Section 530. Phasing

At the time the Commission grants preliminary plat approval, it may require the plat to be divided into two or more phases to be developed at separate times and may impose such conditions upon the filing of application for final plat approval as it deems necessary to assure the orderly development of the plat.

Section 540. Effect of Preliminary Plat Approval

Approval of a preliminary plat shall not constitute approval of the 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, and any plat not receiving final approval prior to the expiration of one (1) year shall be null and void, 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 phasing as a condition of preliminary plat approval it may extend the one-year effective period of preliminary

approval.

Section 550. Final Plat Application

Within six (6) months of preliminary plat approval, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission.

If phasing 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.

Section 560. Final Plat Hearing

A public hearing shall be held by the Commission within thirty (30) days after the time of submission to the Town Clerk of the final subdivision plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

Section 570. Final Plat Action

The Commission shall within forty-five (45) days after the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure so to act within such forty-five days shall be deemed approval.

ARTICLE VI: APPLICATION SUBMISSION REQUIREMENTS

Section 600. Preliminary Plat for Major Subdivisions

600.1 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 or more, showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title and the name of the town.
- (2) Name and address of record owner, subdivider and designer of Preliminary Plat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water-courses, and other essential

existing physical features.

- (4) All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, and the names of owners of record of such adjacent acreage.
- (5) The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) 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.
- (8) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevations will be five (5) feet or more.
- (9) Typical cross sections of the proposed grading and roadways and of sidewalks.
- (10) Date, true north point and scale.
- (11) Complete survey of subdivision tract by a licensed land surveyor.
- (12) Means of providing water supply to the proposed subdivision.
- (13) 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.
- (14) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (15) Preliminary designs of any bridges or culverts which may be required.
- (16) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (17) 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 shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

- (18) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (19) The location of natural features or site elements to be preserved.
- (20) List of waivers, if any, the subdivider desires from the requirements of these regulations.

600.2 The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

- (1) All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.
- (3) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

Section 610. Final Plat for Major and Minor Subdivisions

610.1 The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on linen, mylar or canvas-backed paper clearly and legibly drawn, and the size of the sheets shall be either 18 inches x 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one

(1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a major subdivision shall conform in all aspects to the preliminary plat as approved by the Commission. The Subdivision Plat shall show:

- (1) Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner 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) 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.
- (4) 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.
- (5) By proper designation of such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
- (6) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (7) The location of all the improvements referred to in Article VIII 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.
- (8) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; 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; and lot corner markers.

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

- (1) 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 a certificate from the Board of Selectmen or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Charlotte of any areas proposed to be dedicated to the Town.
- (2) A certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Commission, or, in lieu thereof, a performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Board of Selectmen that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
- (3) Any other documents required by the Commission as a result of preliminary plat approval.

ARTICLE VII: PLANNING STANDARDS

Section 700.

The Commission shall evaluate any minor or major subdivision in accordance with the following standards. The Commission may require the subdivider to submit data addressing impacts related to these standards. In light of findings made on these standards, the Commission may require modification and phasing of the proposed subdivision or correction of any adverse impacts.

- (1) Whether the land is unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- (2) Whether the proposal includes due regard for the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.
- (3) Whether the proposal includes sufficient open space for active and passive recreation.

- (4) Whether the proposal includes adequate provision for the control of runoff and erosion during and after construction.
- (5) Whether the proposed development is in compliance with the Charlotte Plan, Zoning Ordinance and other By-Laws then in effect.
- (6) Whether any portion of the proposed development is located in a flood plain.
- (7) Whether the proposed development is compatible with surrounding properties.
- (8) Whether the site is suitable for the proposed density.
- (9) Whether the proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
- (10) Whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or education services and facilities.
- (11) Whether there is sufficient water available for the reasonably foreseeable needs of the proposed development.
- (12) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
- (13) In addition to the standards set forth above, any residential subdivision involving 25 acres or more shall be evaluated under the standards applicable to planned residential developments contained in the Charlotte Zoning Regulations.

ARTICLE VIII: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Section 800. Roads

800.1 Public and Private Roads

The standards of this section shall apply to all proposed public roads and to private roads serving more than three lots. In addition, these standards may be applied to private driveways serving three or fewer lots when the Commission determines that such standards are necessary to provide suitable access or to accommodate potential future subdivision.

800.2 Arrangement

The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services. Where in the opinion of the Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

800.3 Topography

Roads 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 roads.

800.4 Access to Major Roads

Where a subdivision abuts Route 7, access points shall be limited as specified in Section 810.2 of the Charlotte Zoning Regulations. On other major through roads, the Commission generally shall encourage common access points serving multiple properties.

800.5 Through Traffic

Minor roads shall be so laid out that their use by through traffic will be discouraged.

800.6 Reserved Strips

The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

800.7 Dead Ends

No dead end road shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than thirty-five (35) feet, and no dead end road shall be more than 1800 feet in length.

800.8 Intersections

Wherever possible, road layouts should be planned to avoid four-way intersections and incorporate three-way intersections. Jog intersections with centerline offsets of less than two hundred (200) feet shall not be permitted. All road intersections shall be as nearly at right angles as possible.

800.9 Accessibility

All dwellings must be accessible by emergency and service vehicles.

800.10 Existing Access

Where an existing access road is inadequate or unsafe, the Commission may require the subdivider to upgrade that access road to the extent necessary to serve additional traffic from the subdivision.

800.11 Sight Distances

Sight distances should be consistent with probable traffic speed, terrain, alignments and climactic extremes.

800.12 Drainage

A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Section 840 of these Regulations.

800.13 Rights-of-Way

Rights-of-way for all roads shall be 60 feet in width.

800.14 Design

All roads shall be constructed in accordance with Specification A-76 as developed by the Vermont Agency of Transportation, as may be amended, except as may be otherwise provided in this section. Curb cuts serving commercial uses and common driveways for two or three dwellings shall conform with Standard B-71 as developed or amended by said Agency.

Section 810. Curbs, Sidewalks and Pedestrian Accesses

810.1 Curbs and Sidewalks

Curbs and sidewalks may be required when deemed necessary by the Commission. When required, they shall be constructed to standards established by the Commission.

810.2 Pedestrian Accesses

The Commission may require, in order to facilitate pedestrian 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 820. Outdoor Lighting

820.1 Outdoor Lighting

Outdoor lighting may be required where deemed necessary by the Commission to illuminate areas such as streets, sidewalks, and parking areas.

820.2 Fixtures

Outdoor lighting fixtures shall be designed to direct light downward and located and adjusted so as not to cast light directly on adjacent roadways or properties.

Section 830. Site Preservation and Landscaping

830.1 Existing Features

Site amenities, such as trees, water courses or drainage-ways, scenic roads, historic sites, unique geologic features or any other unusual features which the Commission feels are an asset to the site and/or community, shall be preserved insofar as possible through harmonious design and appropriate construction methods.

830.2 Natural Cover

Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision except in accordance with the requirements of the Zoning Ordinance.

830.3 Erosion and Sediment Control

All areas exposed during construction shall be protected in accordance with standards of the Soil Conservation Service, the Agency of Environmental Conservation, or other appropriate regulatory body. Permanent vegetation and structures shall be established according to a schedule as required by the Commission.

Section 840. Storm Drainage

840.1 Removal of Spring and Surface Water

The subdivider shall remove, either by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, the subdivision. Such

drainage facilities shall be located in the street right-of-way where feasible, or in unobstructed easements not less than 20 feet in width. In design of the drainage system, natural waterways and drainageways shall be utilized to the fullest extent possible.

840.2 Accommodation of Potential Development Upstream

Drainage facilities shall be designed to accommodate potential run-off from the entire upstream drainage area, based on conditions of total potential development.

840.3 Responsibility for Drainage Downstream

Where it is anticipated that additional run-off from the subdivision will overload an existing downstream drainage facility so that there will be drainage onto private property, or an increase in the expenditure of public funds, the Commission may require the subdivider to design and implement facilities to correct such downstream overloads.

840.4 Twenty-Five Year Storm

All drainage facilities and easements shall be based on a 25-year storm.

Section 850. Water

850.1 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. Community water systems shall be designed in such a way that they may eventually be connected to a municipal water supply system.

850.2 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.

850.3 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.

850.4 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 supply.
- (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

Section 860. Sewage Disposal

860.1 Community Systems

The Commission may require that the proposed development be serviced by a community sewage disposal system which shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community sewage disposal systems shall be designated in such a way that they may eventually be connected to a municipal sewage disposal system.

860.2 Individual Systems

Individual septic systems shall meet the requirements of the Town's subsurface sewage disposal ordinance, if any, and all other applicable municipal and state regulations and standards.

860.3 Standards

Should the Commission determine that the proposed individual septic systems are not subject to any applicable municipal or state regulations, it may require the subdivider to make percolation tests and test holes as directed by the local health officer or the State Department of Health with the results thereof being submitted to the Commission. The proposed individual disposal system, including the size of septic tanks and leachfields or other secondary treatment device, shall be approved by the local health officer of State Health Department, at

the Commission's discretion, prior to subdivision approval.

Section 870. Utilities

870.1 Underground Location

All utility systems, including but not limited to electric, gas, telephone, and cable TV, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Commission. All utility systems, existing and proposed, throughout the subdivision shall be shown on the final plat. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

870.2 Easements

Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

Section 880. Lot Layout and Open Space

880.1 Zoning Regulations

The layout of lots shall conform to the requirements of the Town's Zoning Regulations.

880.2 Corner Lots

Corner lots shall have sufficient width to permit a front yard setback on each street.

880.3 Side Lot Lines

Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

880.4 Lot Shape

Lots with irregular shapes (curves, jogs, dog-legs, etc.) shall not be approved unless warranted by conditions of topography, existing road location and/or shape or use of the tract being subdivided.

880.5 Lot Size

Lots shall be appropriately sized to provide satisfactory water supply and sewage disposal and to comply with setback

standards and aesthetic considerations.

880.6 Open Space

The Commission shall encourage lot layout that will preserve open space areas for agricultural use and scenic views. Insofar as possible, Planned Residential Developments shall be used to provide and maintain such open space.

880.7 Topography

Consideration in lot layout shall be given to topographic drainage and soils conditions.

880.8 Access

Lots shall be laid out so as to avoid direct access to heavily travelled streets or highways.

Section 890. Parkland and Schoolsites

890.1 Parkland

The Commission, pursuant to 24 V.S.A. Section 4417 (as may be amended) may require the dedication of land for public recreation purposes. All such land shall be of a reasonable character for park or other recreational uses.

890.2 Payment in Lieu of Parkland

In cases where the Commission determines that a suitable park cannot be properly located within a plat or is otherwise not practical, the Commission may require a payment in lieu of land. The amount of such payment shall be as determined by the Board of Selectmen and use of any payment shall serve the recreational needs of the Town.

890.3 School Site

When a development composed of one or more plats is capable of supporting more than 100 dwelling units, the Commission may require the designation of a necessary public school site within the plat or a payment in lieu thereof. The amount of such payment shall be determined by the Board of Selectmen.

ARTICLE IX. GENERAL APPLICATION REQUIREMENTS

tion 900. Number of Copies

All required submissions under these regulations shall be submitted in quadruplicate.

Section 910. Application Fees

Upon submission of an application for minor subdivision approval or major subdivision preliminary approval, or major subdivision final approval, the subdivider shall pay the application fee as established by the Board of Selectmen. Such fee shall include the costs of publication, public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements. Should the Commission deem it necessary to employ an engineer or other consultant to review any subdivision plans or portion thereof, seventy-five percent of the costs of such consultant shall be paid by the subdivider and 25 percent shall be paid by the Town.

Section 920. Legal Data

The final plat application for a minor or major 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 all restrictions of all types 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. Should the Commission deem it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the subdivider. All proposed deeds for boundary adjustments of 5 acres or more shall be reviewed prior to recording by an attorney designated by the Commission. The costs of such attorney shall be paid by the party undertaking the boundary adjustment.

Section 930. Waivers

The Commission may waive or vary, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgement 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 judgement 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 judgement, 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 By-Laws.

Section 940. Filing of Final Plat

Upon approval of a final plat by the Commission, the subdivider shall prepare a copy of the plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. The Chairman 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 ninety (90) days of the Commission's final approval. Final approval shall expire if the final plat is not filed by the subdivider within said ninety-day period.

Section 950. Revisions

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

Section 960. Effect of Final Approval

Final approval by the Planning 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 Board of Selectmen.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1000. Severability

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

Section 1010. Amendments

Amendments to these regulations shall be enacted in accordance with the provisions of the Vermont Planning and Development Act as presently enacted or as from time to time hereinafter amended.

Section 1020. Enforcement and Penalties

Any person who violates any of the provisions of these regulations shall be fined not more than Fifty and no/100 Dollars (\$50) for each offense, and each day that a violation continues shall constitute a separate offense.

Any person who sells, transfers, or agrees to sell or transfer 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 Fifty and no/100 Dollars (\$50), and each lot, parcel, or unit so sold, transferred, or agreed to be 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 Vermont Planning and Development Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators thereof.