

# **TOWN OF WEATHERSFIELD, VERMONT**

## **SUBDIVISION REGULATIONS**



October 24, 1988

## VOTERS OF THE TOWN OF WEATHERSFIELD

During the past five years there have been 63 subdivisions affecting 2,419 acres of land in the Town of Weathersfield. 178 new lots have been created, and each year the number of subdivisions has increased.

We believe that this trend will continue in the future for two reasons. First, as land becomes more valuable it becomes necessary to subdivide the land into smaller parcels for people to afford to purchase land. Second, neighboring towns to the west and north of Weathersfield are experiencing even greater subdivision activity associated with ski area development, and commercial and residential development.

Currently the Town of Weathersfield has little control over subdivisions. Existing town ordinances only allow for review of subdivisions to make sure that a nonconforming lot is not created with respect to lot size and frontage.

While there is State review of certain subdivisions under Act 250, there is no effective local control to help assure that new subdivisions do not create unnecessary burdens on the taxpayers of Weathersfield, or on the environment of Weathersfield.

For these reasons, the Planning Commission has drafted the attached subdivision ordinance and urges its adoption at Town Meeting.

We recognize that new regulations can be a burden to the landowner, and can increase the cost of providing affordable housing. However, this must be balanced against the cost to taxpayers and landowners associated with uncontrolled or poorly planned subdivisions. In addition, as a result of our own concerns over new regulations, and in response to concerns raised at public hearings, we have worked hard to minimize the burden for the small subdivider. For minor subdivisions (less than four lots) the review and approval process is similar to that through which a subdivider currently must go.

In summary, the Planning Commission believes that this subdivision ordinance will provide the Town of Weathersfield with the ability to:

assure the suitable layout of lots to fit physical conditions and minimize the impact on surrounding land owners, taxpayers, and the environment;

provide that street and utility design standards meet town specifications, and that the costs of construction are borne by the developer;

protect natural and unique areas; and,

establish, especially for major subdivisions, a process for negotiation between the developer and Planning Commission to determine how the Town's policies and concerns can best be met.

Weathersfield Planning Commission

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**ARTICLE I: DEFINITIONS**

Certain means of references and words used herein shall be defined as listed below. Unless the context clearly indicates to the contrary, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory.

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

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

**COMMISSION:** The Planning Commission of the municipality created under 24 V.S.A. Chapter 117, Subchapter 2.

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

**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 (2) or more customers.

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

**DEVELOPMENT:** The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill, or land disturbance, and any change in the use of any building or other structure or extension of the use of land.

**EASEMENT:** The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

**FINAL SUBDIVISION PLAT:** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Municipal Clerk, prepared as required under Section 620 hereof.

**FOREST AND SECONDARY AGRICULTURAL SOILS:** Soils which are not primary agricultural soils, but which have reasonable potential for commercial forestry or commercial agriculture, and which have not yet been developed. In order to qualify as forest or secondary agricultural soils, the land containing such soils shall be characterized by location, natural conditions and ownership patterns capable of supporting or contributing to present or potential commercial forestry or commercial agriculture.

**FRAGILE AREA:** An area of land or water which has unusual or significant flora, fauna, geological or similar features of scientific, ecological or educational interest.

**HISTORICAL RESOURCES:** An area deemed by its past uses or structures to be of significant historic value.

**IMPROVEMENT:** Any tree cutting, mining, excavation, landfill or land disturbance, or any manmade, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**INVENTORIED:** Listed or identified by State, regional or local government agencies.

LEGISLATIVE BODY: The selectmen in the case of a town, the trustees in the case of an incorporated village, the prudential committee of a fire district, the mayor and aldermen in the case of a city, and the supervisor in the case of an unorganized town or gore.

MUNICIPALITY: Town, City, or Incorporated Village.

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

NATURAL AREA: Limited areas of land which have retained their wilderness character, although not necessarily completely natural and undisturbed, or have rare or vanishing species of plant or animal life or similar features of interest which are worthy of preservation for the use of present and future residents of the town.

OFFICIAL MAP: The map authorized under 24 V.S.A. Section 4401 (b)(3) and adopted according to 24 V.S.A. Section 4403 and 4404 and modified according to 24 V.S.A. Section 4423.

OPEN SPACE: Land unoccupied by structures, buildings, streets, rights-of-way or automobile parking lots.

PLAT: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

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

PRIMARY AGRICULTURAL SOILS: Soils which have a potential for growing food and forage crops, are sufficiently well drained to allow sowing and harvesting with mechanized equipment, are well supplied with plant nutrients or highly responsive to the use of fertilizer, and have few limitations for cultivation or limitations which may be easily overcome. In order to qualify as primary agricultural soils, the average slope of the land containing such soils does not exceed 15 percent, and such land is of a size capable of supporting or contributing to an economic agricultural operation.

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

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

RESUBDIVISION: A change of recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded.

SKETCH PLAN: A sketch of the proposed subdivision showing information specified in ARTICLE III, Section 320 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the subdivision and objectives 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 any subdivision or part thereof as defined herein, either for himself/herself or others.

SUBDIVISION: Either (a) division of a parcel of land into two (2) or more lots, plots or sites or (b) construction of a single structure containing two (2) or more functional units, such as but not limited to, multifamily housing facilities, apartment buildings, housing for the elderly projects, condominiums, shopping plazas, planned residential developments or planned unit developments, when such

actions are taken for the purpose of sale, transfer of ownership, building development, or property improvement. The term subdivision includes resubdivision. Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel. A principal structure is a structure housing a primary use which is or could be independent of other uses on the parcel. All subdivisions are either major or minor subdivisions. An exchange of small parcels (less than one acre) between adjoining property owners to adjust property boundaries shall not be considered a subdivision.

SUBDIVISION, MAJOR: Any subdivision containing five (5) or more lots or units, or any subdivision requiring any new public street, public street extension, or the extension of municipal facilities.

SUBDIVISION, MINOR: A subdivision containing not more than four (4) lots or units which has frontage on an existing public street, or access by right-of-way, and which does not require any new municipal street, street extension or extension of municipal facilities.

TOWN PLAN: A plan adopted pursuant to 24 V.S.A. Section 4384 and 4385.

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

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

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

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

WAIVER OF DEVELOPMENT RIGHTS: Any easement, restrictions, covenants or condition attached to a deed and running with the land, wherein the right to certain types of development of a parcel or parcels is waived.

**ARTICLE II: GENERAL PROVISIONS**Section 210. Enactment

Whereas the Town of Weathersfield, has created a Planning Commission and has adopted and has in effect a plan under Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as the Act, there is hereby established Subdivision Regulations for the Town of Weathersfield.

Section 220. Title

These regulations shall be known as the "Town of Weathersfield Subdivision Regulations".

Section 230. Purposes

The purpose of these Regulations is to provide for orderly growth and coordinated development in the Town of Weathersfield to assure the comfort, convenience, safety, health, and welfare of the people, to carry out the purposes of the Town Plan to assure conformance with the Zoning Regulations, Capital Budget and Program and Official Map (if adopted), to make proper provision for drainage, water, sewerage, streets, recreational facilities, open space and other improvements, to recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table, to preserve natural assets, to preserve historic resources, and to further the purposes of Section 4401 of the Act.

Section 240. Authority

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in Section 4401(b)(2), 4413 and 4421 of the Act including but not limited to the approval, modification, or disapproval of all plats submitted and the approval of the development of such plats previously filed in the municipal clerk's office if such plat or plats are entirely or partially undeveloped under the Subdivision Regulations of the Town of Weathersfield.

Section 250. Waivers and Variances

- 250.1 Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these Regulations so that substantial justice may be done and the public interest secured.
- 250.2 Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- 250.3 In granting variances and waivers, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
- 250.4 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, and, if adopted, the Official Map and the Capital Budget and Program.

Section 260. Amendments

These Regulations may be amended according to the requirements and procedures established in Sections 4403 and 4404 of the Act.

Section 270. Enforcement, Violations and Penalties

These Regulations shall be enforced in accordance with Sections 4444 and 4445 of the Act.

270.1 Conflict with Other Regulations: When these Regulations are more restrictive than another ordinance, regulation, statute, rule, easement or agreement, then the provisions of these Regulations shall apply.

Section 280. Severability

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

Section 290. Effective Date

These Regulations shall take effect immediately after adoption at a regular or special town meeting.

**ARTICLE III: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE**Section 310. Application of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part hereof is made, before any grading, clearing, construction or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the land owner or land owners and authorized subdivider shall apply in writing to the Planning Commission for and secure final approval of the proposed subdivision. The final approval shall be in accordance with Section 430 for a minor subdivision and Section 540 for a major subdivision.

Section 320. Submission of Sketch Plan

320.1 Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Administrative Officer at least fifteen (15) days prior to the regular meeting of the Planning Commission, two copies of a Sketch Plan of the proposed subdivision. The Sketch Plan should be sketched roughly on a survey of the property, if one is available. If not, the Plan should be a reasonably accurate representation of the parcel's size, shape and general location.

The Sketch Plan must include the following information:

- (a) name and address of record owner and subdivider;
- (b) a map of the Town showing the general location of the boundaries of the subdivision;
- (c) number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features. Number of acres adjacent to the proposed subdivision which the subdivider owns or has an interest in and the location of the property lines for such holdings;
- (d) the approximate location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided;
- (e) approximate locations of: existing streets (including present widths), proposed streets, easements, open spaces and any other proposed improvements or features of the property with contour lines of no more than twenty (20) feet;
- (f) date, approximate north arrow and approximate scale;
- (g) proposed point of connection with existing water supply, if any;
- (h) proposed point of connection with existing sanitary sewage system, if any;

- (i) the proposed lot lines with approximate dimensions and suggested locations of buildings.
- 320.2 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements of these Regulations for street improvements, drainage, sewage disposal, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- 320.3 The Planning Commission shall review the sketch plan taking into consideration the requirements of these Subdivision Regulations, the Zoning Ordinance, and other bylaws then in effect. The Planning Commission shall also consider the Sketch Plan's conformity with the Town Comprehensive Plan. The Commission shall take into consideration whether the Sketch Plan would be in conflict with developments proposed by any public agency, existing private and public development, facilities and services, and whether there are any special problems that may be encountered.
- 320.4 The Commission shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes to subsequent submissions.
- 320.5 If the Planning Commission finds that the Sketch Plan is sufficient, the Planning Commission will classify the Sketch Plan into one (1) of two (2) categories as defined in Article I.

Minor Subdivision

Major Subdivision

If classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in ARTICLE IV of these Regulations. If classified as a major subdivision, the subdivider shall comply with the procedures outlined in ARTICLE V of these Regulations. All subdivisions must comply with the remaining sections of these Regulations.

- 320.6 Where the subdivider submits a proposal for a Planned Residential Development, requirements of Section 4407(3) of the Act shall be met, in addition to the requirements of these Regulations and the Zoning Regulations. Where a subdivider submits a proposed Planned Unit Development, the requirements of Section 4407(12) of the Act shall be met, in addition to requirements of these Regulations and the Zoning Regulations.
- 320.7 Along with submission of the Sketch Plan, the applicant shall submit a request in writing to the Selectmen for a preliminary determination of the Town's willingness to accept any streets, utilities, or other community facilities in the subdivision.

**ARTICLE IV: MINOR SUBDIVISION PROCESS**Section 410. Procedures for Minor Subdivisions

The Commission may require where necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or some of the requirements specified for major subdivisions.

410.1 Within six months of classification by the Planning Commission of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application for approval of a subdivision plat according to the procedures and requirements of Section 420.

The plat shall conform to the layout shown on the Sketch Plan, plus any recommendations made by the Commission.

410.2 The fee for plat approval for Minor Subdivisions shall be set by the legislative body.

Section 420. Review and Approval of Final Plat

420.1 Application; The subdivider shall file an application for consideration of a Final Plat of the proposed subdivision in the form described in ARTICLE VI, Section 620, using the approved application form available from the Administrative Officer. If the final application for a minor subdivision is not submitted within six (6) months of classification by the Planning Commission of the Sketch Plan as a Minor Subdivision under Section 410, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Sketch Plan.

420.2 Number of Copies: Three (3) copies (one copy on Mylar) of the Plat, a copy of the application, the original and one (1) true copy of all offers of cession, covenants and agreements, and two (2) prints of all construction drawings shall be submitted to the Administrative Officer at least fifteen (15) days prior to a regular monthly meeting of the Commission.

420.3 Official Submission Date: The time of submission of the Final Plat shall be the next regular monthly meeting of the Commission following receipt of the application under Section 420.2.

420.4 Application to State and Municipal Agencies: The subdivider shall apply for all municipal and state permits required of the proposed subdivision, and shall submit copies of these applications to the Commission. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit, Department of Health Subdivision Permit, and any other State of Vermont permits. Approval of the subdivision application may be conditioned upon the receipt of these permits.

420.5 Public Hearing: A public hearing upon public notice according to Section 4447 of the Act shall be held by the Planning Commission within forty-five (45) days after the official submission of the Final Plat for approval. In addition, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such municipality is a member, and to the clerk of an adjacent municipality in the case of a plat located within five hundred (500) feet of a municipal boundary at least fifteen (15) days prior to the hearing.

420.6 Action on Proposed Final Plat: The Planning Commission shall, within forty five (45) days following the public hearing, approve, modify and approve or disapprove the subdivision plat. Failure to act within such forty-five (45) days shall be deemed approval.

420.7 Written Approval Before Subdivider Begins Work: Upon written approval of the proposed Final Plat by the Planning Commission, the subdivider may commence actual work on required improvements.

- 420.8 Improvements and Performance Bond: If the minor subdivision requires improvements (as specified in ARTICLES VII and VIII) then before the subdivision plat is signed by the appropriate officer of the Planning Commission and deemed to have final approval the subdivider shall follow the procedures set forth in either subparagraph (1) or subparagraph (2) below.
- (1) In an amount set by the Planning Commission, and in a form approved by the Town Attorney, file with the Town Clerk a performance bond, irrevocable letter of credit or certified check to cover the required improvements. A period of one (1) year shall be set forth in the bond, within which time required improvements must be completed. However, the Commission may, at its discretion, extend this period up to a total of three (3) years, and with agreement of the subdivider, may add three (3) additional years, for a total term of six (6) years. No grading, clearing, construction or other improvement can begin before endorsement of the final subdivision plat.
  - (2) The subdivider shall complete all required improvements to the satisfaction of the Municipal Engineer or a duly designated consulting engineer registered in the State of Vermont who shall file with the legislative body a letter signifying the satisfactory completion of all improvements required by the Commission. Said improvements shall be completed within one (1) year from the date of written approval as set forth in Section 420.7 of these Regulations. For any required improvements not so completed, the subdivider shall file with the Municipal Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Municipal Engineer or consulting engineer. Any such bond shall be satisfactory to the legislative body and Town Attorney as to form, sufficiency, manner of execution, and surety.
- 420.9 Consulting Engineering and Legal Services: Consulting engineering and legal services may be contracted for by the Town in fulfillment of ARTICLE IV of these Regulations.
- 420.10 Modification of Design of Improvements: If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the municipal engineer (or a duly designated consulting engineer registered in the State of Vermont) (both hereinafter referred to as the Engineer) that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Engineer may authorize modifications provided these modifications are within the spirit and intent of the Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission and provided further that any such modifications are also within the spirit and intent of the Zoning Bylaws and/or Town Plan in the Town of Weathersfield. The Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Commission at their next regular meeting. The subdivider shall make such changes on the Plat filed with the Town Clerk as are necessary to record approved modifications.
- 420.11 Inspection of Improvements: At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk an inspection fee to cover the costs of inspection, the amount of which shall be established by the legislative body of the Town; and shall notify the Town Manager in writing of the time when he/she proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Commission.
- 420.12 Proper Installation of Improvements: If the Municipal Engineer (or a duly designated consulting engineer registered in the State of Vermont) finds, upon inspection of the

improvements completed within the term above set forth, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, or if the subdivider fails to complete the required improvements within the term specified above, the Engineer shall so report to the Selectmen and the Commission. The Selectmen shall then notify the subdivider and, if necessary the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Commission as long as the subdivider is in default on any previously approved plat.

- 420.13 Maintenance of Improvements and Maintenance Bond: The applicant shall be required to provide for maintenance of all improvements and provide for snow removal on streets until acceptance of said improvements by the Selectmen. The applicant shall also be required to file a maintenance bond, certified check or irrevocable letter of credit with the Selectmen prior to acceptance of the improvements and release of the construction bond, in an amount set by the Commission and in a form satisfactory to the Selectmen and Town Attorney in order to assure the satisfactory condition and operation of the required improvements for a period of two (2) years after the date of acceptance by the Town.

#### Section 430. Filing of Approved Subdivision Plat

- 430.1 Final Approval and Filing: Upon completion of the requirements in Sections 420.1 - 420.13 above, and notation to that effect on the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Commission (Chairman or Acting Chairman) and filed in the office of the Municipal Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date on which such Plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.
- 430.2 Filing of Sections of Subdivision: At the time the Commission grants final plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the Plat.
- 430.3 Plat Void if Revised After Approval: No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Commission and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Commission and the Commission approves any modifications.

**ARTICLE V: MAJOR SUBDIVISION PROCESS**Section 510. Procedures for Major Subdivisions

- 510.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Commission, the subdivider shall submit an application for approval of a Preliminary Plat according to the procedures and requirements of Section 520. Failure to do so shall require resubmission of the Sketch Plan to the Commission for reclassification. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Commission.
- 510.2 The fee for plat approval for Major Subdivisions shall be set by the legislative body.

Section 520. Review and Approval of Preliminary Plat

- 520.1 Application: The subdivider shall file an application for consideration of a Preliminary Plat of the proposed subdivision in the form described in ARTICLE VI, Section 610, using the approved application form available from the Administrative Officer.
- 520.2 Number of Copies: Six (6) copies of the Preliminary Plat and six (6) copies of the vicinity map shall be presented to the Administrative Officer at least fifteen (15) days prior to a regular monthly meeting of the Commission.
- 520.3 Official Submission Date: The time of submission of the Preliminary Plat shall be the next regular monthly meeting of the Commission following the receipt of the application under Section 520.2.
- 520.4 Subdivider to Attend Planning Commission Meeting: The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.
- 520.5 Review of the Preliminary Plat: The Commission shall study the practicability of the Preliminary Plat. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Development Plan, the Official Map, Zoning Regulations, and the Capital Budget and Program, if such exist.
- 520.6 Approval of Preliminary Plat: Within forty-five (45) days after formal submission of a Preliminary Plat, the Planning Commission shall take action to approve, with or without modifications, or disapprove such Preliminary Plat. The grounds of any modification required or the grounds for disapproval shall be clearly stated in the findings of fact and conclusions of the Commission. Failure of the Commission to act within such forty-five (45) day period shall constitute an approval of the Preliminary Plat. Prior to approval the Commission may hold a hearing after public notice according to Section 4447 of the Act.

When granting approval to a Preliminary Plat, the Commission shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested, (3) the amount of improvement and the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat. The action of the Commission and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Commission, and one forwarded to the legislative body.

An approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat. Prior to approval of the Final Subdivision Plat, the Planning Commission may require additional changes as a result of further study.

Section 530. Review and Approval of Final Plat

- 530.1 Application: The subdivider shall file an application for consideration of a Final Plat of the proposed subdivision in the form described in ARTICLE VI, Section 620, using the approved application form available from the Administrative Officer. If the final application is not submitted within six (6) months after the approval of the Preliminary Plat for Major Subdivision, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Preliminary Plat.
- 530.2 Number of Copies: Three (3) copies (one copy on Mylar) of the Plat, a copy of the application, the original and one (1) true copy of all offers of cession, covenants and agreements, and two (2) prints of all construction drawings shall be submitted to the Administrative Officer at least fifteen (15) days prior to a regular monthly meeting of the Commission.
- 530.3 Official Submission Date: The time of submission of the Final Plat shall be the next regular monthly meeting of the Planning Commission following receipt of the application under Section 530.2.
- 530.4 Applications to State and Municipal Agencies: The subdivider shall apply for all municipal and state permits required of the proposed subdivision and shall submit copies of these applications to the Commission. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit, Department of Health Subdivision Permit and any other State of Vermont permits. Approval of the subdivision application may be conditioned upon receipt of these permits.
- 530.5 Public Hearing: A public hearing upon public notice according to Section 4447 of the Act shall be held by the Planning Commission within forty-five (45) days after the official submission of the Final Plat for approval. In addition, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such municipality is a member and to the clerk of an adjacent municipality in the case of a plat located within five hundred (500) feet of a municipal boundary at least fifteen (15) days prior to the hearing.
- 530.6 Action on Proposed Final Plat: The Planning Commission shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the subdivision plat. Failure to act within such forty-five (45) days shall be deemed approval. However, if approved, the Final Plat shall not be signed by the authorized officers of the Commission for recording until the subdivider has complied with the provisions of Section 530.8 - 530.13.
- 530.7 Written Approval Before Subdivider Begins Work: Upon written approval of the proposed final plat by the Planning Commission, the subdivider may commence actual work on required improvements.
- 530.8 Improvements and Performance Bond: If the major subdivision requires improvements (as specified in ARTICLES VII and VIII), then before the subdivision plat is signed by the appropriate officer of the Planning Commission and deemed to have final approval, the subdivider shall, in the amount set by the legislative body, and in a form approved by the Town Attorney, file with the Town Clerk a performance bond, irrevocable letter of credit, or certified check to cover the required improvements. A period of one (1) year shall be set forth in the bond, within which time required improvements must be completed. However, the Commission may, at its discretion, extend this period up to a total of three (3) years, and with agreement of the subdivider, may add three (3) additional years, for a total term of six (6)

- years. No grading, clearing, construction or other improvement can begin before endorsement of the final subdivision plat.
- 530.9 Consulting Engineering and Legal Services: Consulting engineering and legal services may be contracted for by the Town in fulfillment of ARTICLE IV of these Regulations.
- 530.10 Modification of Design of Improvements: If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the municipal engineer (or a duly designated consulting engineer registered in the State of Vermont) (both hereinafter referred to as the Engineer) that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Engineer may authorize modifications provided these modifications are within the spirit and intent of the Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission and provided further that any such modifications are also within the spirit and intent of the Zoning Bylaws and/or Town Plan in the Town of Weathersfield. The Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Commission at their next regular meeting. The subdivider shall make such changes on the Plat filed with the Town Clerk as are necessary to record approved modifications.
- 530.11 Inspection of Improvements: At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk an inspection fee to cover the costs of inspection, the amount of which shall be established by the legislative body of the Town; and shall notify the Town Manager in writing of the time when he/she proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Commission.
- 530.12 Proper Installation of Improvements: If the Municipal Engineer (or a duly designated consulting engineer registered in the State of Vermont) finds, upon inspection of the improvements completed within the term above set forth, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, or if the subdivider fails to complete the required improvements within the term specified above, the Engineer shall so report to the Selectmen and the Commission. The Selectmen shall then notify the subdivider and, if necessary the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Commission as long as the subdivider is in default on any previously approved plat.
- 530.13 Maintenance of Improvements and Maintenance Bond: The applicant shall be required to provide for maintenance of all improvements and provide for snow removal on streets until acceptance of said improvements by the Selectmen. The applicant shall also be required to file a maintenance bond, certified check or irrevocable letter of credit with the Selectmen prior to acceptance of the improvements and release of the construction bond, in an amount set by the Commission and in a form satisfactory to the Selectmen and Town Attorney in order to assure the satisfactory condition and operation of the required improvements for a period of two (2) years after the date of acceptance by the Town.

#### Section 540. Filing of Approved Subdivision Plat

- 540.1 Final Approval and Filing: Upon completion of the requirements in Sections 530.1 - 530.13 above, and notation to that effect on the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Commission (Chairman or Acting Chairman) and filed in the office of the Municipal Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date on which such Plat is

approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.

- 540.2 Filing of Sections of Subdivision: At the time the Commission grants final plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the Plat.
- 540.3 Plat Void if Revised After Approval: No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Commission and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Commission and the Commission approves any modifications.

**ARTICLE VI: SUBMISSION REQUIREMENTS**Section 610. Preliminary Plat

- 610.1 The Preliminary Subdivision Plat shall consist of six (6) copies 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 to the inch, or fifty (50) feet to the inch where lots have less than one hundred (100) feet frontage, showing or accompanied by the following information:
- (1) Proposed subdivision name or identifying title and the name of the Municipality;
  - (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, watercourses and other essential existing physical features.
  - (4) The names of all subdivisions immediately adjacent and the names of owners of record of 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) The width and location of any streets or other public ways or places shown upon the Official Map, if any, and the Comprehensive Development Plan, if applicable, within the area to be subdivided, and the width, location, and grades of all the streets or other public ways proposed by the subdivider.
  - (9) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
  - (10) Typical cross sections of the proposed grading and roadways and of sidewalks.
  - (11) Date, true north point and scale.
  - (12) Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points.
  - (13) Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
  - (14) Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
  - (15) If private sewage disposal system is proposed, 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.
  - (16) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
  - (17) Preliminary designs of any bridges or culverts which may be required.

- (18) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (19) 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.
- (20) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (21) The location of all inventoried wet lands, natural or fragile areas, rare plant and animal communities, winter deer yards, and all other major natural or historic features or elements present on the site.

610.2 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 (2000) 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, buildings pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1) above.

610.3 Preliminary Plat: The Preliminary Plat shall be accompanied by copies of applications for other state and municipal permits required by the proposed subdivision.

#### Section 620. Final Plat

620.1 The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on Mylar clearly and legibly drawn, and the size of the sheets shall be 18 inches x 24 inches. 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 Subdivision Plat shall show final design information on all twenty-one (21) points covered in the Preliminary Plat.

- (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. Where 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 on 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 of the improvements referred to in Section 620.2, 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) Permanent reference monuments shown thus: "X".
- (9) All lot corner markers shown thus: "0". They shall be of metal at least three-quarter (3/4) inch in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
- (10) 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.

620.2 In accordance with municipal specifications, all streets or other public places shown on such Plat shall be suitably graded and paved, and all utilities, street lighting standards, shade trees, water mains, sanitary sewers, storm drains, and recreation areas, where required by the Commission, shall be installed in accordance with the standards, specifications and procedures set forth in these Regulations and other applicable municipal regulations and ordinances.

620.3 There shall be submitted to the Commission with the Final Subdivision Plat:

- (1) Written offers of cession to the municipality of all streets, public open spaces, sewage and water systems to be connected to a municipal facility, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the subdivider, are to be maintained .
- (2) Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in Paragraph (1) above. Such written evidence shall not constitute an acceptance by the municipality of any streets, public open spaces, sewer and water connections to municipal facilities, and other areas to be dedicated to the public referred to in Paragraph (1) above.
- (3) A certificate of the Municipal Engineer, or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the Commission to the satisfaction of the Engineer and in accord with standards and specifications prescribed by him or her, or in lieu of any required improvements not so completed, a certificate from the Town Clerk as to the filing of a performance bond to secure completion of all improvements and written evidence that the legislative body is satisfied with the sufficiency of such bond.
- (4) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, if any.

**ARTICLE VII: PLANNING STANDARDS FOR MINOR AND MAJOR SUBDIVISIONS**Section 710. Planning Standards

- 710.1 Character of the Land: All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.
- 710.2 Energy Conservation: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible.
- Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential development) should be encouraged wherever feasible and desirable.
- 710.3 Reserved Strips: No privately owned reserved strip, except on open space areas, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- 710.4 Lot Layout: The layout of lots shall conform to the requirements of the Zoning Regulations, and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a front setback on each street. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines. A building lot depth shall not exceed four times the average width of the lot. Consideration in lot layout shall be given to topographic and soil conditions.
- 710.5 Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, forest and secondary agricultural soils, primary agricultural soils, other natural resources, and historic resources, also inventoried wet lands, natural or fragile areas, rare plant and animal communities, and winter deer yards. The Commission may require that a management plan be submitted outlining how the preservation and protection will be accomplished.

Section 730. School and Recreation Site Dedication

Where a subdivision will accommodate a total of more than twenty-five dwellings, the Commission shall require the designation of necessary recreation and/or public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the School Board of the school district(s) of which the municipality is a part. If the School Board declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to set aside the site and to show such area on the Plat.

If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of recreation sites or facilities, school sites and/or capital improvements to school structures.

Section 740. Site Preservation and Improvements

- 740.1 Natural Cover: Land shall be subdivided and developed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these Regulations.
- 740.2 Shade Trees: The Commission may require that suitable hardwood shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at a point six inches above finished grade level.
- 740.3 Erosion and Sediment Control: The smallest practical area of land should be exposed at any one time during development. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures shall be required by the Commission to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development. An erosion control plan must be filed to become part of the final subdivision plan.
- 740.4 Excavation and Grading: The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of two (2) inches of top soil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

**ARTICLE VIII: DEVELOPMENT REQUIREMENTS AND DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS**Section 810. Streets

- 810.1 Layout: The arrangements of streets in the subdivision shall provide for the continuation of principal streets in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system.

When an Official Map has been adopted by a town, subdivisions shall be required to conform to that map. Streets shall be dedicated or reserved in the locations and widths shown on the Official Map as a condition of plat approval.

Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes".

- 810.2 Topography: Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

- 810.3 Horizontal Alignment at Intersections: Intersections of streets shall be 90 degrees. Two streets intersecting the same street (T-intersections) shall be offset by at least 125 feet (centerline offset) when practicable.
- 810.4 Vertical Alignment at Intersections: The gradient within 100 feet of intersections shall not exceed 3% wherever practical.
- 810.5 Access: Suitable travel surface access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.
- 810.6 Cut and Embankment Slopes: All slopes shall be well-rounded to form a smooth transition from the shoulder edge to the existing grades.
- 810.7 Dead-end Streets, Cul-de-sacs, and Turn-arounds: The maximum length of a cul-de-sac or dead-end street shall be 10 times the district frontage, but not to exceed 1200 feet. An exception to the requirements may be made for temporary dead-end streets.
- Dead-end streets or cul-de-sacs shall terminate in a turn around with an inside radius of thirty five (35) feet and a minimum travel surface area of twenty (20) feet in width. Provisions shall be made for temporary turnarounds for temporary dead-end streets.
- 810.8 All new or improved streets shall comply with the Town Highway Specifications.
- 810.9 Street Names: Streets shall be identified by name on the Preliminary Plat. Proposed streets which are obviously in alignment with other already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, road, avenue, boulevard, drive, place, or court.
- 810.10 Access Road:
- A. If the access road to the subdivision is a Class 4 road, the Commission shall require the subdivider to improve the access road to Town Highway Specifications. If in the Municipal 5year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the subdivider must make arrangements for maintenance of the access road satisfactory to the Commission until such time as the legislative body may reclassify the road.
  - B. The Commission may require the subdivider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.
- 810.11 Curbs and Sidewalks: In the Village districts, curbs and sidewalks shall be required on at least one side of all streets by the Commission. Curbs and sidewalks may be required in other zoning districts where deemed necessary by the Commission.

#### Section 820. Pedestrian Access

Where necessary, in the judgment of the Commission, rights-of-way for pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

#### Section 830. Utilities

- 830.1 Easements: The Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements a minimum of twenty (20) feet in width or as required by the utility shall be provided with satisfactory access to the street.

- 830.2 Extension of Municipal Utilities: All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision.
- 830.3 Connections to Municipal Utilities: The subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.
- 830.4 Depth of Utility Mains: Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains, and with a horizontal separation of at least ten (10) feet between the mains.
- 830.5 Water Supply Improvements:
- A. For subdivisions which will connect to a public municipal water supply system, applications for extensions to the municipal system shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal water supply system.
  - B. The Commission may require that a community water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.
  - C. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
  - D. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:
    - (1) Due consideration shall be given to the drainage patterns in the area.
    - (2) Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
    - (3) Buildings and septic systems shall be located in accordance with flood hazard regulations and Town health regulations to prevent the pollution of surface or ground water.
- 830.6 Sewage Disposal Improvements:
- A. For subdivisions which will connect to a municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal sewage disposal system.
  - B. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the municipal health regulations.
  - C. Individual septic systems shall meet the requirements of the municipal health regulations.
  - D. Subdivisions using subsurface sewage disposal shall meet the following standards:

(1) All subsurface sewage disposal systems shall be located at least 100 feet from a water supply.

(2) All subsurface sewage disposal systems shall be located at least 250 feet from a watercourse or standing body of water used as a source of public drinking water.

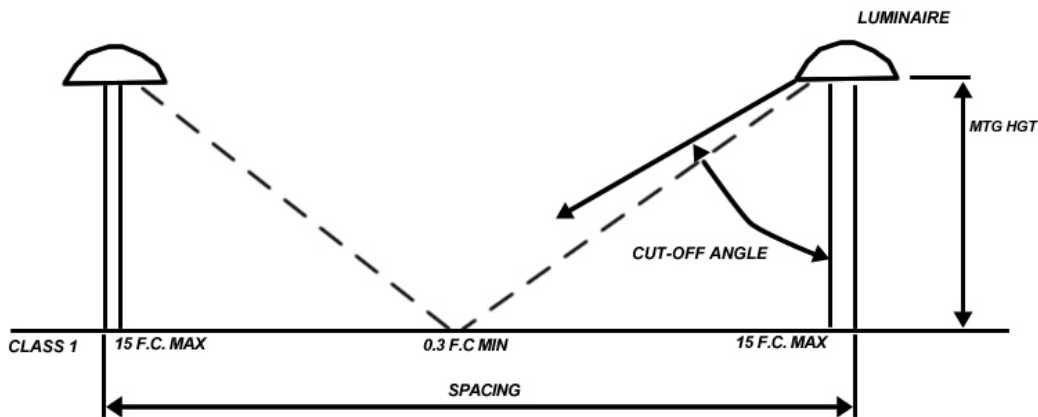
830.7 Outdoor Lighting: To promote energy conservation, the following lighting levels are required for the following classifications.

Class 1 - Parking lots, shopping centers, service stations, etc. in downtown areas.

Class 2 - Parking lots, shopping centers, service stations, etc. in residential areas, industrial parking lots and service areas.

Class 3 - Walkways for apartments, condominiums, schools, and offices. Assume coverage is 40 feet wide.

LIGHTING LEVELS	Class 1	Class 2	Class 3
Horiz. Initial F.C. Min/Max	0.3-15	0.2-10	0.1-3
Approx. avg. initial F.C.	2.5	1.5	1
Fixture mtg. Height	20-30	15-30	20-30
Max. spacing	150	125	150
Light cutoff angle-max.	-----	80°	-----
Max. lamp watts/sq. ft.	.12	.08	.05



$$\text{AVG. INT. F.C.} = \frac{\text{LAMP LUMENS X OVERALL EFF.}}{\text{AREA IN SQ. FT.}}$$

$$\text{WATT/SQ. FT.} = \frac{\text{LAMP WATTAGE}}{\text{AREA IN SQ. FT.}}$$

- 830.8 Electric, Telephone, Cable TV: The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.
- 830.9 Fire Protection Facilities: Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Where practicable, fire hydrants shall be installed by the subdivider.

#### Section 840. Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. 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 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 25 year flood area of such water course, which easement shall be indicated on the Final Plat.

### **ARTICLE IX: SPECIAL CONDITIONS**

#### Section 910. Subdivision Organizations and Restrictions

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

#### Section 920. Public Acceptance of Streets, Recreation Areas

Commission approval of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such Subdivision Plat. The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

#### Section 930. Waiver of Development Rights

Where the Planning Commission finds that an easement, restrictions, covenants or conditions needs to be attached to a deed and running with the land, it may request a waiver of development rights. Any waiver of development rights shall be made a term of any contract or sale or lease of the subdivided parcels and shall be recited in any deed in a form approved by the Planning Commission.