

SUBDIVISION REGULATIONS

for the

Town of Thetford, Vermont

Adopted by the
Thetford Board of Selectmen
July 18, 1974

Amended by the Voters of the Town of Thetford
March 1, 1977
March 6, 1979
March 5, 1985
March 1, 1988
March 6, 1990
March 3, 1992
March 7, 1995

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Town of Thetford

SUBDIVISION REGULATIONS

SECTION 1: AUTHORITY

In accordance with the Vermont Planning Act, 24 V.S.A., Chapter 117, Sub-chapter 6, sections 4401 and 4413 through 4421 and amendments thereto, there are hereby established subdivision regulations for the Town of Thetford, Vermont. These regulations shall be known as the "Town of Thetford Subdivision Regulations."

No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred, or leased until a final plat prepared in accordance with the requirements of these Regulations has been approved by the Planning Commission.

All subdivisions in the Town of Thetford shall be in harmony with the Municipal Plan; shall be in conformance with the Official Map when such exists, and shall be in conformance with all other applicable State and local by-laws, ordinances, and regulations.

Scattered, premature or other subdivision of land as would involve danger or injury to health, safety or prosperity, including but not limited to by reason of lack of water supply, drainage, transportation, school, fire protection or other public services, or necessitate an excessive expenditure of public funds for the supply of such services, or to prevent the danger or injury to health, safety or prosperity, shall not be approved by the Commission.

SECTION 2: DEFINITIONS

- 2.01 As-Built Plans: As-built plans shall mean all of the drawings including general plans, cross sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements as may be required under these regulations.
- 2.02 Abutter: Shall mean the owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided, or which lies directly across a public right-of-way from the parcel being subdivided.
- 2.03 Accessory Building: Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built and primarily intended to form a structure for the shelter of animals or property.
- 2.04 Act: Shall refer to and be interpreted to mean the Vermont Planning and Development Act.

- 2.05 Annexation: A subdivision for the purposes of annexation in which there is merely a sale, conveyance or exchange of adjacent land among two or more owners and which does not increase the number of owners or parcels of land.
- 2.06 Approval: Shall mean a decision by the Planning Commission, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.
- 2.07 Approval, Preliminary: Shall mean a determination by the Planning Commission that the preliminary layout appears to satisfy all requirements established herein for the preliminary layout submission phase and that the subdivider is authorized to prepare the final plat for public hearing on the final plat. Preliminary approval does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat, nor does it allow for the issuance of any municipal building permit, nor does it allow for any commencement of construction or development, except for such temporary construction or development activity as may be necessary for subdivision design and engineering work to meet final plat requirements.
- 2.08 Authorized Agent: A person, or group of persons, who have been duly authorized in writing filed with the Commission by the owner of record to act in his or her behalf.
- 2.09 Commission: Shall mean the Planning Commission of the Town of Thetford, Vermont.
- 2.10 Building: Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed with exterior walls, built to form a structure for the shelter of persons.
- 2.11 Building Development: Shall mean the process of changing the character of the land from its existing condition by the construction or placement of a building thereon.
- 2.12 Building Site: Shall mean that portion of a lot, tract, or parcel of land upon which a single building is placed.
- 2.13 Drainageway: Shall mean surficial gullies, ditches, or incised watercourses (natural or man-made) necessary to convey surface water runoff along its down-slope path.
- 2.14 Driveway: Shall mean an area located on a lot, tract, or parcel of land, and built for access to a dwelling or garage or off-street parking space, serving not more than two (2) lots, sites or dwelling units.
- 2.15 Dwelling: Shall mean a privately or publicly owned building containing a dwelling unit or dwelling units.
- 2.16 Dwelling Unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 2.17 Easement: The right of a person or party to use the land of another for a specified purpose and also the land area subject to such right.
- 2.18 Engineer: Shall mean the Town Consulting Engineer duly designated on behalf of the Town of Thetford.

- 2.19 Erosion: The wearing away of the land surface by the action of wind, water or gravity.
- 2.20 Final Plat: Shall mean the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 6.09 hereof.
- 2.21 Flood Hazard Area: Shall mean the land in the flood plain within Thetford subject to a one percent or greater chance of flooding in a given year and as designated on the Flood Hazard Boundary Map issued by the Federal Insurance Administration for Thetford.
- 2.22 Flood Limit: Shall mean the land-water boundary of a watercourse flowing at its 100 year frequency as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service.
- 2.23 Flood Prone Area: Shall mean the area of land lower in elevation than the land-water boundary along a watercourse flowing at its 100 year frequency or those soils classified by the National Cooperative Soil Survey as "soils subject to flooding".
- 2.24 Health Officer: Shall mean the Health Officer of the Town of Thetford, Vermont.
- 2.25 Lot: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Town Clerk by its owner or owners as a separate lot. For purposes of this Ordinance, a lot shall have boundaries identical with those recorded with the Town Clerk.
- 2.26 Lot Line: Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.
- 2.27 Lot Size: Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.
- 2.28 Municipal Plan: Shall mean the Municipal Development Plan for the municipality as described in 24 V.S.A., Chapter 117, paragraph 4383.
- 2.29 Official Map: Shall mean the adopted map of the municipality as described in 24 V.S.A., Chapter 117, paragraph 4401.
- 2.30 Parking Space: Shall mean an off-street space for exclusive use as a parking area for one motor vehicle, with a minimum size of 10' x 20'.
- 2.31 Plat: Shall mean final plat.
- 2.32 Preliminary Layout: Shall mean a plan prepared as required in Section 6.08 and submitted to the Board prior to preparing the final plat.
- 2.33 Private Road: Shall mean a privately owned access to three or more lots, sites or dwelling units.
- 2.34 Regulations: Shall refer to and be interpreted to mean the Town of Thetford Subdivision Regulations.
- 2.35 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.

- 2.36 Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, by air, water or gravity as a product of erosion.
- 2.37 Site: Shall mean building site.
- 2.38 Street: Shall mean a State highway, Town road, avenue, land and/or any other way used or in existence for vehicular travel, exclusive of a private road or driveway serving not more than two adjacent lots or sites. The word street shall include the entire right-of-way. Street shall also mean any Town road which has been regularly maintained within five years of the date of an application by a subdivider, but shall not mean a Town road which has not been so maintained within five years of the date of an application by a subdivider.
- 2.39 Street, Local: A street used primarily to give access to abutting properties.
- 2.40 Street, Collector: A street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.
- 2.41 Street, Arterial: Shall mean a street or highway used primarily for heavy and/or through traffic.
- 2.42 Street, Frontage: Shall mean a marginal roadway parallel and adjacent to a thoroughfare to provide access to abutting properties.
- 2.43 Subdivider: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the authorized agent of any such owner.
- 2.44 Subdivision: Shall mean the division of a lot, tract, or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The placement of a second building on a lot shall constitute a subdivision.
- 2.45 Subdivision, Minor: Regardless of ownership, minor subdivision shall mean the subdivision of land into no more than three lots or sites, requiring no new roads, utilities or other municipal improvements and fronting on a State highway or a Town highway which has been regularly maintained within five years of the date of an application by a subdivider. Minor subdivision shall not mean any successive division of a parcel of land resulting from a previous minor subdivision within any 10 year period, unless a waiver has been granted by the Planning Commission.
- 2.46 Town: Shall refer to and be interpreted to mean the Town of Thetford, Vermont.

SECTION 3: APPLICATION PROCEDURE

- 3.01 General Procedure: Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted and

before any subdivision plat may be filed with the Thetford Town Clerk, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with procedures set forth in these regulations.

- 3.02 Survey Phase: The applicant shall request a meeting with the Commission to discuss the proposed subdivision and submit the survey phase sketch plan and information as described in Section 6.07 of these Regulations. At this meeting, the Planning Commission will classify the sketch plan into one of two categories: I - Minor or II -Major. Major subdivision applicants shall be guided by the Commission as to the need for further meetings and the advisability of entering into the preliminary layout stage. There is no time limit or application fee for this survey phase.
- 3.03 Procedure for Minor Subdivision: The Commission may 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 for Major Subdivisions.
- A. 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 4.
- B. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission.
- 3.04 Application - Preliminary Plat Layout (Major Subdivisions Only): Application for preliminary approval of a preliminary plat layout shall be submitted to the Town Clerk for transmittal to the Planning Commission Chairman by the subdivider or his authorized agent on a form to be supplied by the Commission. The application shall be accompanied by all information described in Section 6.08, items "A" through "Q" inclusive. Such application and other required information shall be submitted for consideration not less than 15 days prior to a regular meeting of the Commission.

The Commission may require modifications to the preliminary plat layout at any stage within the preliminary plat layout review phase. The Commission shall inform the subdivider or his authorized agent in writing of any modifications which it will require and further shall specify such modifications in its official records.

A hearing on the preliminary plat layout shall be held as prescribed in Section 3.06.

The Commission shall give preliminary approval of the preliminary plat layout only to authorize the preparation of the final plat, or shall disapprove such preliminary layout stating in its records the reasons for such disapproval.

If the applicant is permitted by the Commission to submit a final plat on only a portion of the total land to be subdivided, the preliminary plat layout submission shall cover the entire area of the tract, and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent final plats will be submitted.

Preliminary approval of a preliminary plat layout shall be valid for a period of one year from date of such preliminary approval, unless extended in writing by the Commission.

- 3.05 Application - Final Plat: (All Subdivision) Application for approval of the final plat shall be filed with the Town Clerk for transmittal to the Planning Commission Chairman by the subdivider, or by his authorized agent in writing. The Commission shall issue to the subdivider a receipt of final plat when all information has been submitted as required in Section 6.09. Submitted material shall be complete and as described in Sections 6.09 and 6.10. The Commission shall place the matter on its agenda for consideration within 30 days of receipt.
- 3.06 Hearing: No plat shall be approved or disapproved by the Commission without affording a hearing thereon. All abutters shall be notified of said hearing by certified or registered mail not less than fifteen (15) days before the date fixed therefor. The applicant shall be notified of said hearing by certified or registered mail, with return receipt requested, stating the time and place of such hearing. Public notice of such hearing shall be posted in at least one public place in Town and in a newspaper of general circulation in the Town at least fifteen (15) days prior to said hearing.
- 3.07 Action of Commission: The Planning Commission shall, within forty-five (45) days after the public hearing, approve, modify and approve, or disapprove such plat. Reasons for disapproval of a final plat shall be stated in the records of the Commission. Approval shall be certified by written endorsement on the plat and signed by the Chairman or his delegate of the Planning Commission. The failure to act within said forty-five (45) days shall be deemed approval. In the event that the Commission has failed to act within such time, the Town Clerk shall issue a certificate setting forth that the Commission failed to act within said forty-five (45) day period and that as required by State law and these Regulations, such subdivision is deemed approved.
- 3.08 Filing with Town Clerk: Such plat as approved by the Commission, or deemed approved by certificate of the Town Clerk by failure of the Commission to act, shall be recorded in the office of the Town Clerk within ninety (90) days from the date of approval of said plat or the date of said certificate. Unless so recorded, such approval or certificate shall expire.
- 3.09 Official Map: If there exists an Official Map of the Town, the recordation of plats which have been approved as provided herein shall without further action modify the Official Map in accordance therewith. Recordation of an approval subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.
- 3.10 Acceptance of Streets and Open Space: The Town shall be under no obligation to accept any street or streets or open space until such time as the Town deems such acceptance necessary for the general welfare of the Town.
- 3.11 Land Divided by Public Rights-of-Way: Any transfer, conveyance or sale of land held in one ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations and shall not be required to conform to the procedures set forth herein.
- 3.12 Contiguous Parcels not Previously Subdivided: When two or more lots or parcels of land, each or one of which lacks adequate area and/or dimension to satisfy the requirements of the zoning district in which they are located, are contiguous, and

are held in one ownership, they shall be considered as one lot or parcel for the purposes of these Regulations, unless they were created through an approved subdivision pursuant to these Regulations.

SECTION 4: MINOR SUBDIVISION REQUIREMENTS

A survey shall be required for any lot with an area less than 25% greater than the minimum lot size prescribed by the Zoning Ordinance for the district in which the lot is situated (e.g. a lot of less than 100,000 square feet in a district having an 80,000 square foot minimum lot size would require a survey). For larger lots, the survey requirement may be waived by the Planning Commission. Except for sheet size, the final plat shall meet requirements of 27 V.S.A. Chapter 15, Section 1403, "Filing of Land Plats."

4.01 Plat Specifications

- A. Plats filed shall be on sheets 18 inches by 24 inches and at a scale of not less than 100 feet per inch (e.g. 50 feet to the inch would be acceptable, 150 feet to the inch would not be).
- B. The final plat shall be of a permanent nature; diazzo mylar maps (sepia) do not meet standards for permanent recording.
- C. Plat sheets shall be made of permanent, reproducible 3-5 mil. stable base polyester film. Four blue or black line paper prints shall also be submitted.
- D. Only black inks which are permanent and actinic of record type shall be used on the mylar.
- E. All lettering shall be at least one-tenth inch in height.
- F. Space shall be reserved on the plat for endorsement by the Planning Commission. The plat shall contain the following statement: "The within subdivision was duly approved by the Thetford Planning Commission as meeting the requirements of the Thetford Subdivision Regulations and all other applicable laws and ordinances on the __ day of _____, 19___. Signed (Chairman or Vice-Chairman of the Planning Commission)."
- G. Each plat sheet shall contain a title box next to the margins in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that date and signature of the compiler. If the plat is compiled by a licensed surveyor, the box shall contain his certification, signature and seal.

4.02 Plat Contents

- A. Name of municipality and subdivision, name and address of the subdivider and designer;
- B. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practical, the subdivision boundary shall be referenced to some point, i.e. public street intersection, utility pole with identification number, or U.S.G.S. bench mark), magnetic north point, bar scale, date, and dates of any revisions;

- C. Names of abutting property owners, subdivisions and buildings within 100 feet of the parcel to be subdivided, and intersecting roads and driveways within 200 feet of the parcel to be subdivided;
- D. Existing street right-of-way lines;
- E. Existing and proposed lot lines, bearings and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, iron pins at lot corners;
- F. Location of existing and proposed easements and deed restrictions;
- G. A general site location map locating exactly the proposed subdivision boundary in relation to major roads and community facilities of the Town;
- H. Name and seal of engineer and/or land surveyor licensed by the State of Vermont;
- I. The final plat shall include a general plan map inset which indicates the size, shape, and abutters of the entire parcel of which those lots for which sale or building development is contemplated are a part.

4.03 Filing Fees: Filing fees for a minor subdivision shall be set by the Board of Selectmen. Said fees shall be submitted prior to any action by the Commission to approve or disapprove the final plat. Such fees are charged to defray the expense of administering these regulations, and include costs for published notices and holding public hearings and for periodic inspections during the installation of public improvements.

4.04 Lot and Site Layout:

- A. All lots shown on the final plat must conform to the minimum area and dimension requirements of the Zoning Ordinance if one exists. However, if allowed in the Zoning Ordinance, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of these and such Zoning Ordinance are met.
- B. Corner lots shall have extra width sufficient to permit a setback on each street.
- C. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Commission may, after adequate investigation, require modification of such lots.

4.05 On-Site Sewage Disposal:

- A. General: The result of these standards will be to prevent the creation of subdivision lots intended for on-site disposal of sewage effluent which will not support individual sewage disposal systems. These standards are intended to insure that an individual sewage disposal system:
 - 1. Will not contaminate any drinking water supply.
 - 2. Will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water.

3. Will not pollute or contaminate any surface waters or underground waters.
 4. Will not be a health hazard by being accessible to persons.
 5. Will not give rise to a nuisance due to odor or unsightly appearance.
 6. Will not violate any State laws or regulations governing water pollution or sewage treatment.
- B. Specific Requirements and Criteria: Where individual, on-lot sewage systems are proposed, the subdivision shall meet the following requirements and criteria regarding soils and sewage disposal:
1. No subdivision of land will be approved by the Commission where it creates a lot or site that will not meet the minimum standards and design requirements imposed by the State of Vermont, the Town Board of Health through its on-site sewage disposal inspection program, municipal regulations and the requirements in these Regulations unless the proposed subdivision will be connected to a municipal sewage system.
 2. Soils data shall consist of the latest soil survey information available. The subdivider shall furnish a soil survey report and plan covering the entire area of the proposed subdivision. The soil survey plan shall show the location of the soil mapping units and soil mapping boundaries as designated on the most recent Town soil survey as prepared by the U.S. Department of Agriculture Soil Conservation Service. A legend shall be prepared and placed directly on the soil survey plan showing soil mapping unit symbols, soil names and such other information as the Commission or the East Central Vermont R. C. & D. Project may deem appropriate.
 3. The Town Board of Health shall engage a qualified agent of the East Central Vermont R. C. & D. Project or other qualified person on behalf of and at the expense of the subdivider to inspect and make a report on each proposed lot or site as to the suitability for on-site sewage disposal. If any limitation is found such as excessive slopes, hardpan layers, shallow depth-to-ledge, existing or expected high water table, or extreme porosity, said soil and/or site limitation shall be noted in the report and said report shall be made a part of the soil survey plan. Any lot or site with severe soil or site limitations noted from the on-site inspection shall not be approved unless:
 - a. The subdivider proposes appropriate site and engineering measures to overcome or alleviate those limitations to the satisfaction of the Town Board of Health and its inspector and;
 - b. The subdivider carries out those site and engineering measures as proposed to the satisfaction of the Town Board of Health and its inspector or the subdivider shall have the proposed site and engineering measures drawn up to the satisfaction of the Planning Commission

as covenants to the deed for each lot or site to be transferred, conveyed or leased.

4. All soils data, reports, and plans called for in paragraph 2 of this section shall be submitted as part of the survey phase and shall be submitted with subsequent submissions of the final plat. The inspections and reports called for in paragraph 3 of this section shall be made and submitted as part of the final plat layout phase.
5. All subsurface sewage disposal systems must be designed and constructed in accordance with the requirements and specifications of the Town Board of Health and the State of Vermont.

4.06 Monuments: Iron pins shall be set in all lot corners. They shall be of metal, at least 3/4" in diameter, and driven firmly into the ground, or well-secured with stones.

SECTION 5: ANNEXATION PROCEDURE

An annexation of property, as defined in Section 2.05, can be allowed only after an application, fee, sketch plan, and final plat as outlined in Sections 4.01 and 4.02 have been submitted to the Clerk of the Planning Commission. The Chairman of the Planning Commission shall make a determination that the requisite conditions exist. There shall be no public hearing. Approval shall be certified by written endorsement on the plat and signed by the Chairman or his delegate of the Planning Commission.

The following two provisions shall be included in the proposed conveyance:

- A. The within conveyance of land does not constitute a subdivision subject to the Thetford Subdivision Regulations.
- B. The Grantors do covenant that the within conveyance to the Grantees herein is made for the purpose of adding to other land presently owned by the Grantees as conveyed to them by deed dated and record in the Thetford Land Records, Book , Page _____. The Grantees covenant, for their heirs and assigns, that by the acceptance and recording of this deed that they shall not use the within premises as a separate parcel for development purposes, but that said parcel shall be used only in conjunction with other land owned by the Grantees as described above. The Grantors and Grantees hereby acknowledge that any use of the within conveyed premises contrary to the covenants may constitute a violation of the Thetford Subdivision Regulations.

Any lot or parcel resulting from an annexation pursuant to this section shall conform to the minimum area and dimensional requirements of the Zoning Ordinance for the district in which it is situated, except a lot which is non-conforming prior to an annexation shall become of greater conformity.

A survey shall be required for any lot with an area less than 25% greater than the minimum lot size prescribed by the Zoning Ordinance for the district in which the lot is situated. (Example: a lot of less than 100,000 square feet in a district having an 80,000 square foot minimum lot size would require a survey). For larger lots, the survey requirement may be waived by the Planning Commission.

The fee for plat approval for annexations shall be set by the Board of Selectmen.

SECTION 6: PLAN REQUIREMENTS

General

- 6.01 Compliance with Municipal Plan, Official Map, Other Ordinances and Regulations: The subdivider shall familiarize himself with all State and Town regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed subdivision must comply.
- The subdivider may avail himself of the assistance of the Commission before preparation of applications or plans. No building permit, for building related to a proposed subdivision, shall be granted prior to review and approval of said subdivision by the Planning Commission.
- 6.02 Suitability of Land for Subdivision Development: Land unsuitable for subdivision development due to poor drainage, flooding, excessive slope, rock formation, or any other conditions constituting a danger to health, life or property, shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the Planning Commission, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property and certifies or attests to that fact. Land with inadequate characteristics or capacity for sanitary sewerage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connected to a central sewerage system. In general, land will be deemed unsuitable for subdivision where significant alterations to the natural topography have been made in the preceding five years.
- 6.03 Reserve Strips: No privately owned reserve strip, except an open space area, 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.
- 6.04 Preservation of existing Features: The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic landmarks. Clearcutting of trees and forests in a subdivision proposed for residential, commercial or other non-agricultural purposes, as a general practice, shall be avoided.
- 6.05 Lot and Site Layout: The layout of lots and sites shall conform to the specifications of the Official Map if one exists, the requirements of the Town Zoning Ordinance and to Section 6.13 of these regulations.
- 6.06 Access Roads: The Commission may require the subdivider to improve any access road to a subdivision to the appropriate street standards in these regulations and to Town road construction standards, where applicable, if such access would otherwise be inadequate, provided that the Town owns or provides the right-of-way. The Planning Commission may limit the proposed and future uses and/or subdivisions where access is via a right-of-way less than fifty (50) feet in width.
- 6.07 Survey Phase: (Major Subdivisions Only) Survey phase maps may be drawn in pencil; data may be tentative but shall be sufficiently clear to show all existing conditions on the property to be subdivided. Maps shall be at a scale of not less than 200 feet per inch (e.g. 100 feet to the inch would be acceptable, 300 feet to the inch would not be).

Survey phase submission shall contain or be accompanied by the following maps and information:

- A. Property survey map for the entire area of the parcel being subdivided plus an additional 100 foot area completely around said parcel, showing perimeter boundary of said parcel, land use designation according to the Municipal Plan, zoning designation according to the Zoning Ordinance, contours and/or spot elevations, water areas (both permanent and intermittent streams, rivers, ponds, lakes, marshes), borders of wooded areas, existing roads, easements, structures, and other existing physical features;
- B. Property location map showing proposed subdivision in relation to major roads, community facilities and utilities of the Town;
- C. The Commission may require further detailing of information and additional meetings before advising the subdivider to proceed with preliminary layout design. All material submitted in the survey phase will be included with subsequent preliminary layout and final plat submissions.
- D. Soils information as required in Section 6.14.

6.08 Preliminary Plat Layout: (Major Subdivisions Only) The preliminary plat layout may be drawn in pencil, and shall be submitted in four (4) paper print copies. Dimensions may be approximate; the data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision final plat. Maps shall be at a scale of not less than 100 feet per inch (e.g. 50 feet to the inch would be acceptable, 150 feet to the inch would not be).

The preliminary plat layout submission shall contain or be accompanied by the following maps and information:

- A. Name of municipality and subdivision, name and address of the subdivider and designer;
- B. A general site location map at the scale of the municipal base map, locating exactly the subdivision boundary and proposed streets in relation to at least two existing intersecting streets or other features shown on the municipal map.
- C. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; north point, bar scale, date, and dates of any revisions;
- D. Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets, existing and proposed lot lines;
- E. Location of existing and proposed easements, deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space, watercourses, flood prone areas, large isolated trees, foliage lines and significant natural and man-made features, water mains, sanitary sewers, storm water drainage lines, drainage structures and drainage ways, water supply sources for fire protection;
- F. Names and addresses of abutting property owners, subdivisions and

- buildings within 100 feet of the parcel to be subdivided, and intersecting roads and driveways within 200 feet of the parcel to be subdivided;
- G. Existing and future subdivisions, if any, in and adjacent to the subject subdivision;
 - H. A statement as to the compliance of the proposed lots with zoning requirements (if any lots do not comply but are covered by zoning variances, the statement should included reference to such variance);
 - I. Boundaries and designations of Zoning Districts lying within the subdivision, municipal boundary if any, land use designation from Municipal Plan;
 - J. Soil mapping units and unit boundaries, inspection reports and a soils map prepared to conform with the soil classifications and standards prepared by the Society of Soil Scientists of Northern New England in their publication High Intensity Soil Maps. The soils map should show the results of all soil tests including dates, locations by reference to the soil map, percolation rates, soil profile with depth to ledge, clay, hardpan and existing and seasonal high water table. Sewage disposal information as required under Section 6.14 of these regulations and the Health Regulations for the Town of Thetford.
 - K. A statement of conditions of land as to soil suitability for development;
 - L. Watershed areas and acreages, preliminary drainage analysis and preliminary drainage computations;
 - M. A statement describing and plan with contours in intervals of not more than five (5) feet indicating clearly the method of 1) storm water drainage on and off the subdivision, 2) sanitary sewage disposal, and 3) water supply;
 - N. A statement of the work required on existing streets to meet the minimum standards set herein including cost estimates and the method of meeting such costs;
 - O. Preliminary road profiles;
 - P. Existing and proposed plans for telephone, electricity, and/or other utilities;
 - Q. Approval, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction and which may be necessary prior to final plat approval.
- 6.09 Final Plat: (Major Subdivision Only) The final plat shall be consistent with the approved preliminary plat layout, if such preliminary plat layout is required. A survey of the parcel to be subdivided by an engineer and/or land surveyor licensed by the State of Vermont is required. Except for sheet size, the final plat shall meet plat requirements of 27 V.S.A., Chapter 15, Section 1403, "Filing of Land Plats."

A. Plat Specifications

1. Plats filed shall be on sheets 18 inches by 24 inches and at a scale of not less than 100 feet per inch (e.g. 50 feet to the inch would be acceptable, 150 feet to the inch would not be).
2. The final plat shall be of a permanent nature; diazzo mylar maps (sepia) do not meet standards for permanent recording.
3. Plat sheets shall be made of permanent, reproducible 3 to 5 mil stable base polyester film. Four blue or black line paper prints shall also be submitted.
4. Only black inks which are permanent and actinic of record type shall be used on the mylar.
5. All lettering shall be at least one-tenth inch in height.
6. Space shall be reserved on the plat for endorsement by the Planning Commission. The plat shall contain the following statement: "The within subdivision was duly approved by the Thetford Planning Commission as meeting the requirements of the Thetford Subdivision Regulations and all other applicable laws and ordinances on the ___ day of _____, 19___. Signed (Chairman or Vice-Chairman of the Planning Commission)."
7. Each plat sheet shall contain a title box next to the margins in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that date and signature of the compiler. If the plat is compiled by a licensed surveyor, the box shall contain his certification, signature and seal.

B. Plat Contents

1. Name of municipality and subdivision, name and address of the subdivider and designer;
2. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practical, the subdivision boundary shall be referenced to some point, i.e. public street intersection or U.S.G.S. bench mark); north point, bar scale, date, and dates of any revisions;
3. Names and address of abutting property owners, subdivisions and buildings within 100 feet of the parcel to be subdivided, and intersecting roads and driveways within 200 feet of the parcel to be subdivided;
4. Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii, accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots, names of existing and proposed streets;

5. Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, iron pins at lot corners;
6. Location of existing and proposed easements, deed restrictions, building setback lines, parks and other open space, watercourses, and significant natural and man-made features;
7. A general site location map locating exactly the proposed subdivision boundary in relation to major roads and community facilities of the Town;
8. Name and seal of engineer and/or land surveyor licensed by the State of Vermont;
9. A written acknowledgement of the subdivider's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town;
10. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal agent involved, attesting to the availability of such service.
11. If the parcel is located in the flood hazard area, the base flood elevation(s) for the parcel must be provided.

As part of the final plat submission, the subdivider or his agent may be required by the Commission to submit any or all of the following:

- C. Subdivision Grading and Drainage Plan: This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Commission that a lesser area is sufficient:
1. Basic street and lot layout, with all lots numbered consecutively.
 2. Location of all existing and proposed buildings.
 3. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.
 4. Final identification, location, elevation, grades, and/or contours at intervals of not more than two (2) feet (lesser intervals may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
 5. Final identification and relative location of proposed soil erosion and sediment control measures and structures.
 6. Final drawings and specifications for each proposed soil erosion and

sediment control measure and structure guidelines acceptable to the Town of Thetford, Vermont and the East Central Vermont R. C. & D. Project.

7. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
 8. Final slope stabilization details and specifications.
 9. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.
- D. Subdivision Street and Utility Plan: This plan shall be submitted on a separate sheet or sheets and provide the following information:
1. Complete plans and profiles of all proposed streets including but not limited to:
 - a. Horizontal and vertical curve data at the street centerline;
 - b. Street stationing ever 50 feet;
 - c. Intersection, turnaround, and/or cul-de-sac radii;
 - d. Statements and/or typical sections of proposed streets.
 2. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
 - a. Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations.
 - b. Profiles and grades of storm sewer lines and inlets.
 - c. Type of material and class used and proposed grades.
 3. Location and details of all existing and proposed utilities, including water mains, telephone, electric, on and adjacent to the land to be subdivided.
 4. A statement as to:
 - a. The flow available on existing water mains.
 - b. The proposed number of units and anticipated sanitary sewer flow.
 - c. The available storm water facilities downstream of this subdivision.
 5. Any other details pertinent to street and/or utility construction.
- E. Water Supply for Fire Protection: The Commission may require the provision of facilities necessary for adequate fire protection. Such facilities shall be designed in consultation with the Thetford Fire Department, with reference to the appropriate fire codes and other supplementary material.
- F. Subdivision "As Built" Plans: Other data required by Town Code shall be included as part of the subdivision "as built" plans. The initial plans shall

be modified to reflect "as built" conditions. Prior to acceptance of the utilities by the Town, the subdivider shall submit an "as built" plan. This plan shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and center line elevations, and final grading showing swales and ditches. Plan shall show easements and dedicated roadways.

"As built" plans shall be submitted by the subdivider to the Town on a sepia print.

G. Other:

A. The Commission may waive the requirement of a perimeter survey of the entire parcel and require specific data only for that lot for which sale or lease is contemplated. However, the Final Plat shall include a general plan map inset which indicates the size, shape and abutters of the entire parcel of which those lots for which sale or building development is contemplated are a part.

B. The Commission may waive the requirement of: existing and proposed contours; existing and proposed plans for telephone, electricity and other utilities; proposed storm drainage, drainage analysis map and watershed computations; and proposed methods of supplying water.

6.10 Legal Data Required: Where applicable to a specific subdivision, the following are required, in form as approved by the Town Attorney, prior to approval of the final plat:

A. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;

B. Easements and rights-of-way over property to remain in private ownership;

C. Rights to drain onto or across other property, whether public or private, including a street;

D. Performance bond or other security as described in Section 6.12 hereafter and as provided for in 24 V.S.A. sections 4418 and 4419.

E. Covenants or other restrictions on the use of a lot or portion thereof.

6.11 Filing Fee: Filing fees for a major or minor subdivision shall be set by the Board of Selectmen. Said fees shall be submitted prior to any action by the Commission to approve or disapprove the final plat. Such fees are charged to defray the expense of administering these regulations, and include costs for publishing notices and holding public hearings and for periodic inspections during the installation of public improvements.

6.12 Performance and Maintenance Bonds: Except in the case of a subdivision in which each lot is on an existing, improved and regularly maintained Town road, no plat may be approved unless the streets and other required public improvements have been satisfactorily installed in accordance with the plat and these Regulations. In

lieu of the completion of the required public improvements, the Commission may require from the owner for the benefit of the Town a performance bond issued either by a bonding or surety company approved by the Selectmen or by the owner with security acceptable to the Selectmen in an amount sufficient to cover the full cost of said new streets and required improvements on or in said streets or highways and their maintenance for a period of two years after completion as is estimated by the Planning Commission or such municipal departments or officials as the Commission may designate. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required within the period fixed in these Regulations for such completion and for the maintenance thereof for a period of two years after completion. In addition, the Commission may request an increase in the performance bond or other security in the event that the amount estimated as sufficient to cover said full costs has increased and this may be done as the occasion requires so long as such bond or other security is in effect.

The performance bond or other security shall run for a term to be fixed by the Commission, but in no case for a term longer than two (2) years after completion. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three (3) years. If any required improvements have not been installed or maintained as provided within the term of such performance bond or other security, such bond or other security shall be forfeited to the Town and upon receipt of the proceeds thereof, the Town shall if necessary install or maintain such improvements as are covered by such performance bond or other security.

In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation, or municipal department that the work will be done within a reasonable time and without expense to the Town and that the utilities will be placed underground, if this has been agreed.

Each approval of a final plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed two (2) years, unless extended with the subdivider's consent by the Planning Commission.

The performance guaranty shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Attorney. All recording fees shall be borne by the subdivider.

Upon completion of improvements and approval by the Town agent, when no bond has been required, surety covering maintenance of roads and improvements for a period of two years from completion may be required in an amount based on the cost of such improvements, as approved by the governing body.

6.13 Lot and Site Layout: When laying out or planning a subdivision, the following regulations shall govern the layout of lots and sites:

A. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- B. All lots shown on the final plat must conform to the minimum area and dimension requirements of the Zoning Ordinance if one exists. However, if allowed in the zoning regulations, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of these and such zoning regulations are met.
- C. All lots or sites shall abut on or have access via a deeded right-of-way at least fifty (50) feet wide to a street built to Town specifications. The width of the right-of-way may be waived if the Planning Commission finds that a reduction in right-of-way width does not result in unsafe access nor inadequate access for future uses of the lot or site.
- D. Corner lots shall have extra width sufficient to permit a setback on each street.
- E. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- F. Side lines of lots shall be at right angles to straight streets, and radial to curved streets.
- G. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Commission may, after adequate investigation, require modification of such lots.
- H. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance, if one exists, and to provide for convenient access, circulation control and safety of street traffic.
- I. Lots fronting on two (2) parallel streets will not, in general, be approved.
- J. Where lots abut existing Town, County, State, or Federal streets, marginal access roads or reversed frontage approach should be used with a minimum number of driveways and/or streets entering on to these streets.
- K. In no case shall the width of a lot measured along its road frontage be less than twenty-five percent (25%) of the lot length measured perpendicularly to the straight line best approximating the road frontage.

6.14 On-Site Sewage Disposal

- A. General: The result of applying these standards will be to prevent the creation of subdivision lots intended for on-site disposal of sewage effluent which will not support individual sewage disposal systems. These standards are intended to ensure that an individual sewage disposal system:
 1. Will not contaminate any drinking water supply;
 2. Will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;

3. Will not pollute or contaminate any surface waters or underground waters;
4. Will not be a health hazard by being accessible to persons;
5. Will not give rise to a nuisance due to odor or unsightly appearance;
6. Will not violate any State laws or regulations governing water pollution or sewage treatment.

B. Specific Requirements and Criteria: Where individual, on-lot sewage systems are proposed, the subdivision shall meet the following requirements and criteria regarding soils and sewage disposal:

1. No subdivision of land will be approved by the Commission where it creates a lot or site that will not meet the minimum standards and design requirements imposed by the State of Vermont, the Town Board of Health through its on-site sewage disposal inspection program, municipal regulations and the requirements in these regulations unless the proposed subdivision will be connected to a municipal sewage system.
2. Soils data shall consist of the latest soil survey information available. The subdivider shall furnish a soil survey report and plan covering the entire area of the proposed subdivision. The soil survey plan shall show the location of the soil mapping units and soil mapping boundaries as designated on the most recent Town soil survey as prepared by the U.S. Department of Agriculture Soil Conservation Service. A legend shall be prepared and placed directly on the soil survey plan showing soil mapping unit symbols, soil names and such other information as the Commission or the East Central Vermont R. C. & D. Project may deem appropriate.
3. The Town Board of Health shall engage a qualified agent of the East Central Vermont R. C. & D. Project or other qualified person on behalf of and at the expense of the subdivider to inspect and make a report on each proposed lot or site as to the suitability for on-site sewage disposal. If any limitation is found such as excessive slopes, hardpan layers, shallow depth-to-ledge, existing or expected high water table, or extreme porosity, said soil and/or site limitation shall be noted in the report and said report shall be made a part of the soil survey plan. Any lot or site with severe soil or site limitations noted from the on-site inspection shall not be approved unless:
 - a. The subdivider proposes appropriate site and engineering measures to overcome or alleviate those limitations to the satisfaction of the Town Board of Health and its inspector; and
 - b. The subdivider carries out those site and engineering measures as proposed to the satisfaction of the Town Board of Health and its inspector or the subdivider shall have the proposed site and engineering measures drawn up to the satisfaction of the Planning Commission as covenants to the deed for each lot or site to be transferred, conveyed or leased.

4. All soils data, reports, and plans called for in paragraph 2 of this section shall be submitted as part of the survey phase and shall be submitted with subsequent submissions of the preliminary plat layout and final plat. The inspections and reports called for in paragraph 3 of this section shall be made and submitted as part of the preliminary plat layout phase.
 5. All subsurface sewage disposal systems must be designed and constructed in accordance with the requirements and specifications of the Town Board of Health and the State of Vermont.
- 6.15 Street Design: Proposed streets shall be in harmony and conformance with existing and proposed streets, as shown on the Town Plan or Official Map. Street patterns shall give due consideration to contours and natural features. Where required by the Commission, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the following regulations:
- A. All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents shall be installed in conformance with the standards and specifications adopted by the Town.
 - B. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
 - C. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land (from the subdivision) needed to meet the standards established by these regulations, and as approved by the Commission.
 - D. Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision.
 - E. Subdivision streets shall be laid out so that the street pattern conforms to the extent possible to natural topographic conditions.
 - F. The layout of the street pattern shall be based upon a local street system connected to a collector street system connected to an arterial system.
 - G. Local residential streets shall be designed as to discourage through traffic.
 - H. Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line to center line.
 - I. Except where it is impracticable, because of the character of the land, streets shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles and in no case less than seventy-five (75) degrees and the grade within 100 feet of an intersection shall not exceed one (1) percent. No structure or planting shall impair corner visibility.

- J. Multiple intersections involving a junction of more than two (2) streets shall be prohibited. If at all possible, four-way intersections shall be avoided on all local and minor collector streets.
- K. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.
- L. Permanent dead-end streets should where possible not exceed 1,000 feet in length, and shall terminate in a suitable turnaround.
- M. Temporary dead-end streets, where future extension to another outlet is approved by the Commission or where indicated on the plan, may exceed 1,000 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way.
- N. If a dead-end street is of a temporary nature, a turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
- O. The following standards shall apply to cul-de-sac streets:
 - 1. The turnaround at the end of a cul-de-sac street should be located so that it drains toward its entrance.
 - 2. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.
- P. No street shall have a name which will duplicate or closely duplicate the names of existing streets. The continuation of an existing street shall have the same name.

6.16 Classification of Streets: The classification of existing streets shall be as defined in the Town Municipal Plan or Official Map or by the Commission where such Municipal Plan or Official Map does not exist. The classification of new streets shall be as determined by the Commission in accordance with the following table. The following standards of design shall apply to streets related to subdivision.

STANDARDS FOR STREET DESIGN

	<u>Local</u> ¹	<u>Collector</u>	<u>Arterial</u>
Average Daily Traffic ²	0-100	101-400	Above 400
Minimum Right-of-Way ³	50'	50'	50'
Minimum Travel Surface Width (ft.)	18'	20'	20'
Minimum Shoulder Width (ft.) Each Side	3'	3'	3'
Minimum Horizontal Curve (ft.) (Centerline Radius)	60'	80'	100'
Minimum Vertical Sight Distance ⁵	150'	200'	200'
Turn Around (L-Shape) (Centerline Radius)	40' 40'	40' 40'	-- 45'
Sub-Base (Gravel)	12"	18"	24"
Base (Crusher Run)	3"	3"	3"
Surface	--	Penetration & Seal Coat	Penetration & Seal Coat
Minimum Length of Tangents Between Curves	100'	100'-200'	Variable
Maximum Grade	12%	10%	8%
Minimum Grade	0.5%	0.5%	0.5%
Maximum Grade within 50 feet of Intersection	5%	5%	5%

¹ Local streets cover not only lightly developed through streets, but also dead-end, cul-de-sac, and marginal access streets.

² Shall be future anticipated traffic. (Assuming 8 trips per day per dwelling unit).

³ Slope easement may be required in excess of right-of-way limits. Subdrainage may be required at direction of the Engineer.

⁴ All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.

⁵ Sight distances shall be measured between two points along the centerline of the street on a straight line entirely within the street right-of-way and clear of obstructions; one of the points to be at the surface and the other 4 1/2 feet above the surface.

The Commission may modify the maximum and minimum gradient for short lengths of street where, in its judgement, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.

The Commission may require greater width of right-of-way where, in its judgement, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

6.17 Street Improvements: (Major Subdivisions Only) Any existing street which provides either frontage to new lots or access to new streets in a major subdivision shall meet the minimum standards established in Section 6.16 for such streets. The Commission may require as a condition of approval of the final plat that the subdivider shall bear the expense to provide that such existing street or streets meet said minimum standards and the Town shall provide the right-of-way at the Town's expense. This subsection shall not be construed as obligating the Town to provide land for such additional right-of-way in the event that, due to reasons of topography, such improvement is not practicable.

6.18 Private Roads: A private road is the privately owned access to three or more lots, sites, or dwelling units. Such a private road shall consist of a 50-foot right-of-way containing a travel surface that permits the safe access of fire engines and emergency vehicles year-round. Normally this will mean a travel surface at least 12' wide.

When such a road is built, the person building it may retain sole ownership, in which case that person and his/her successors are responsible for all maintenance costs (including snow plowing) and for the costs of later possible upgrading.

Alternatively, such a road may be owned jointly by all persons who own lots or sites along it, in which case they shall share the costs of maintenance and possible later upgrading. Whichever is the case, the fact shall be noted in the deeds of persons buying lots or sites to which the access is by private road.

If and when there are as many as twelve (12) lots, sites, or dwelling units on a private road, then the travel surface must be widened to at least eighteen (18) feet, and normally the road shall be upgraded to the specifications of a Class 3 Town road.

A private road may remain private forever. Upon proper appeal, however, and in conformity with Title 19, V.S.A. "for the public good, necessity, and convenience of the inhabitants of the municipality," the Town may take over a private road. In no case will the Town take over a road which has not been upgraded to Town specifications as presented in 6.16.

6.19 Parking: All subdivision development shall require off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing, and access by emergency, police, and fire vehicles, no parking of vehicles within the street shall be permitted.

6.20 Pedestrian Walks: Where necessary, in the judgement of the Commission, rights-of-way for pedestrian travel and access may be required between subdivision or its parts, or between a subdivision and public property.

6.21 Utilities and Drainage: All subdivisions shall make adequate provisions for water supply for domestic use and fire protection, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town, where existing lines are, in the sole judgement of the Commission, within a reasonable distance of the proposed subdivision.

The subdivider shall install laterals from all utilities in the street right-of-way to ten (10) feet beyond the street property line of each building lot.

All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town agency.

An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing watercourses, or connect to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement therefore from the adjacent owner and shall hold the Town harmless from any claims for damage resulting therefrom.

For the purposes of preparing drainage plans, the following basic design criteria shall be utilized: storm sewers and subdivision drainage facilities shall be based upon a design flow with a minimum recurrence interval of ten (10) years. The design of drainage facilities for natural watercourse channels shall depend upon the drainage area according to the following table.

DESIGN RECURRENCE INTERVALS FOR NATURAL WATERCOURSES

<u>Drainage Area</u>	<u>Recurrence Interval</u>
More than 20 square miles	100 years
Between 4 and 20 square miles	50 years
Less than 4 square miles	25 years

The Commission may require the installation of street lighting in any subdivision where it deems it necessary.

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body, and without expense to the Town.

6.22 Sediment and Erosion Control:

A. General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.

B. Standards: The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the Preliminary Plat Layout Phase (Section 6.08) and the Final Plat Phase (Section 6.09).

1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion.
2. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. The disturbed area shall be kept to a minimum and the duration of exposure shall be no more than six (6) months.
4. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
7. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.

6.23 Open Space Shown on the Municipal Plan: Where a proposed park, playground, or other open space shown on the Municipal Plan is located in whole or in part in a proposed subdivision, the Commission shall require substantial compliance with such Municipal Plan. As a condition of approval of the final plat, the Commission may require that the area shown thereon as open space be offered for dedication to the Town. The Commission shall not require such dedication in excess of 15 percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said 15 percent, the subdivider may submit to the Commission a plan for subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the zoning regulations for the applicable district, and meets requirements of these subdivision regulations.

6.24 Other Open Space: If no such open space, park, or playground is shown on the Town Municipal Plan within the boundaries of a proposed subdivision, the Commission may, where it deems essential, require that the plat show one or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed 15 percent of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations; such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

In the event that the Planning Commission determines that suitable park, playground, or other open space cannot be properly located in a proposed subdivision, it may require as a condition of final plat approval that a payment be made by the subdivider to the Town and placed in a fund for acquisition and/or

improvement of park and recreation land. Such payment shall be determined by the Board of Selectmen in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or number of dwelling units proposed.

Where a development composed of one or more plats will accommodate a total of more than one hundred (100) dwellings, the Commission may also require the designation of necessary public school sites or a payment in lieu thereof.

- 6.25 Development of Open Space: On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or manmade material, supplies, or equipment, on any subdivision land designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the subdivider's plans for recreational development of said open space have been reviewed and approved by the Commission as part of the final plat submission.
- 6.26 Trees and Planting: Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Commission may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:
- A. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.
 - B. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Planning Commission.
 - C. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches (6) of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Commission.
 - D. All disturbed areas which are not covered by structures, roadways or paving shall be properly seeded or replanted by the subdivider.
- 6.27 Monuments: Permanent survey monuments shall be set in the boundary of right-of-way at intersecting streets, point of curvature and point of tangency of curves, though the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Town governing body. Monument shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monumented points shall be inter-visible.

Monument shall be tied in to a public street intersection, U.S.G.S. benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat.

Monuments shall be of stone, concrete, or other material acceptable to the Town governing body, and not less than four inches (4) in diameter or square, and not less than forty-two inches (42) long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plat, or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

Iron pipes shall not be considered permanent monuments for the purpose of these Regulations.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

7.01 Waivers and Variances: Where the Commission finds that, due to the special circumstances of a particular plat, or because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, in its judgement provision of certain requirements are not requisite in the interest of the public health, safety and general welfare or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive or vary such requirements subject to appropriate conditions.

In granting a waiver or variance, the Commission shall require such reasonable 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 Zoning Ordinance, Municipal Plan, or these Regulations.

7.02 Acceptance of Streets and/or Utilities: Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

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

7.04 Enforcement: These regulations shall be enforced by the Commission or by its duly appointed administrative officer in accordance with Section 4442 of the Act.

7.05 Penalties: Any person, members of a partnership, or principal officers of such corporation in violation of these Regulations shall be subject to a maximum fine of fifty (50) dollars for each offense as provided in Section 4444 and 4445 of the Act. Each day that a violation is continued shall constitute a separate offense.

Any owner or agent of the owner of any land in a subdivision or land development who lays out, constructs, opens, or dedicates any public improvements or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development or erects any structure thereon without preparing and recording a final plat in full compliance with these Regulations shall be in violation of these Regulations. Each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation.

No action may be brought under Section 4444 unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists.

In addition to the above described penalties, it is intended that these Regulations may be enforced under the provisions of 24 V.S.A. Section 4444 and Section 4445.

- 7.06 Interpretation: In the interpretation and application of these Regulations, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.
- 7.07 Severability: If any provision of these Regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these Regulations.
- 7.08 Amendment: These Regulations may be amended or rescinded by the procedures used for their adoption pursuant to Section 4403 and 4404 of the Act.
- 7.09 Effective Date: These Regulations shall take effect in accordance with procedures specified in Section 4404 of the Act.