

# TOWN OF POULTNEY - SUBDIVISION REGULATIONS

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## **SUBDIVISION REGULATIONS**

### **ARTICLE I: GENERAL PROVISIONS**

#### Section 110. Enactment

Whereas the Town of Poultney has created a Development Review Board and has adopted and has in effect a plan under Vermont Municipal and Regional 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 Poultney.

#### Section 120. Title

These regulations shall be known as the “Subdivision Regulations of the Town of Poultney”.

#### Section 130. Purposes

The purpose of these regulations is to provide for orderly growth and coordinated development in the Town of Poultney to assure the comfort, convenience, safety, health, and welfare of the people, to carry out the purposes of the comprehensive plan, to assure conformance with the zoning regulations, capital budget and program and official map, 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, and to further the purposes of § 4401 of the Act.

#### Section 140. Authority

The Development Review Board (the Board) is hereby authorized and empowered to do all acts and things set forth and provided in § 4401 (b) (2) and § 4413-4421 of the Act including but not limited to the approval, modification, or disapproval of all plats previously filed in the municipal clerk’s office if such plat or plats are entirely or partially un-developed under the subdivision regulations.

#### Section 150. Waivers and Variances

150.1 Where the Development Review Board 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 be done and the public interest secured.

150.2 Where the Development Review Board 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 of lack of connection facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

150.3 In granting variances and modifications, the Development Review Board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so waived or varied.

150.4 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or these Subdivision Regulations.

#### Section 160. Amendments

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

#### Section 170. Enforcement, Violations and Penalties

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

#### Section 180. Severability

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

#### Section 190. Effective Date

These regulations and amendments thereto shall take effect 21 days after adoption by the legislative body unless a petition signed by 2% of the legal voters of the municipality is filed within 20 days of the adoption in which case the regulations or amendments thereto shall not be effective until approved by the majority of legal voters present and voting at a duly-warned meeting.

## ARTICLE II. SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

### Section 210. Application of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof 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 subdivider shall apply in writing to the Development Review Board for a secure approval of the proposed sub-division.

### Section 220. Submission of Sketch Plan

220.1 Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Clerk of the Development Review Board at least fifteen (15) days prior to the regular meeting of the Board, two (2) copies of a Sketch Plan of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property with contour lines of no more than ten (10) feet as well as a vicinity map showing the general location of the property in relationship to the surrounding area.

220.2 The subdivider, or his duly authorized representative, shall attend the meeting of the Development Review Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

220.3 At this meeting the Development Review Board will clarify the Sketch Plan into one(1) of two (2) categories as defined in Article V.

Minor Subdivision  
Major Subdivision

220.4 The Board shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with the Comprehensive Development Plan; the Zoning Regulations; the Capital Budget and Program; the Official Map; developments proposed by any public agency; existing private and public development, facilities and services; and for any special problem that may be encountered.

220.5 The Board shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes.

220.6 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.

#### Section 230. Procedures for Minor Subdivisions

The Board 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.

230.1 Within six months of classification by the Development Review Board 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 Article II, Section 260.

The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

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

#### Section 240. Procedures for Major Subdivisions

240.1 Within six months after classification of the Sketch Plan as Major Subdivision by the Board, the subdivider shall submit an application for preliminary approval of a Preliminary Plat according to the procedures and requirements of Article II, Section 250. Failure to do so shall require re-submission of the Sketch Plan to the Board for reclassification. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

240.2 The fee for plat approval for Major Subdivisions shall be set by the legislative body.

#### Section 250. Review and Approval of Preliminary Plat

250.1 Application: The subdivider shall file an application for consideration of a Preliminary Plat on the proposed subdivision in the form described in Article III, Section 310, using the approved application form available from the Clerk of the Development Review Board.

250.2 Number of Copies: Six (6) copies of the Preliminary Plat and six (6) copies of the vicinity map shall be presented to the Clerk of the Board at least 15 days prior to a regular monthly meeting of the Board.

- 250.3 Official Submission Date: The time of submission of the Preliminary Plat shall be the next regular monthly meeting of the Board following the receipt of the application under Section 250.2.
- 250.4 Subdivider to Attend Development Review Board Meeting: The subdivider, or his duly authorized representative, shall attend the meeting of the Development Review Board to discuss the Preliminary Plat.
- 250.5 Review of Preliminary Plat: The Board shall study the practicibility 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 exists.
- 250.6 Preliminary Approval of Preliminary Plat: Within thirty (30) days after formal submission of a Preliminary Plat, the Development Review Board shall take action to approve, with or without modifications, or disapprove such Preliminary Plat. The ground of any modification required or the ground for disapproval shall be clearly stated in the findings of fact and conclusions of the Board. Failure of the Board to act within such thirty (30) day period shall constitute a preliminary approval of the Preliminary Plat. Prior to preliminary approval the Board may hold a preliminary hearing after public notice according to Section 447 of the Act.

When granting preliminary approval to a Preliminary Plat, the Board 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 or the amount of all bonds therefore which it will require as a prerequisite to the approval of the Subdivision Plat. The action of the Board 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 Board and one forwarded to the legislative body.

Preliminary approval of the Preliminary Plat shall not constitute approval of the Subdivision Plat. Prior to approval of the Final Subdivision Plat, the Development Review Board may require additional changes as a result of further study.

#### Section 260. Review and Approval of Final Plat

- 260.1 Application: The subdivider shall file an application for consideration of a Final Plat of the proposed subdivision in the form described in Article III, Section

320, using the approved application form available from the Clerk of the Board. If the final application is not submitted within six (6) months after the preliminary approval of the Preliminary Plat for Major Subdivision, the Board may refuse without prejudice to act on the Final Plat and require re-submission of the Preliminary Plat. If the final application for a minor subdivision is not submitted within six (6) months of classification by the Development Review Board of the Sketch Plan as a Minor Subdivision under Article II, Section 230.1 the Board may refuse without Prejudice to act on the Final Plat and require re-submission of the Sketch Plan.

260.2 Number of Copies: Three (3) copies (one copy on mylar) of the Plat, a copy of the application, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings shall be submitted to the Clerk of the Board at least fifteen (15) days prior to a regular monthly meeting of the Board.

260.3 Official Submission Date: The time of submission of the Final Plat shall be the next regular monthly meeting of the Board following receipt of the application under Section 260.2.

260.4 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 Board. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit and Department of Health Subdivision Permit.

260.5 Public Hearing: A public hearing upon public notice according to Section 4447 of the Act shall be held by the Development Review Board within thirty (30) 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 500 feet of a municipal boundary at least fifteen (15) days prior to the hearing.

260.6 Action on Proposed Final Plat: The Development Review Board shall, within thirty (30) days from the public hearing, approve, modify and approve or disapprove the subdivision plat. Failure to act within such thirty (30) days shall be deemed approved. However, if approved, the Final Plat shall not be signed by the authorized officers of the Board for recording until the subdivider has complied with the provisions of Section 260.7.

260.7 Improvements and Performance Bond: Before the Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedures set forth in either subparagraph (1) or subparagraph (2) below:

(1) In an amount set by the Development Review Board the subdivider shall

either file with the Municipal Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Municipal Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Board shall fix the term of the bond up to three years. The term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. The certified check or bond shall include an amount required for recreation land or improvements as specified in Article IV, Section 460, or

- (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 Development Review Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Municipal Clerk a bond or certified check covering the costs 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 Municipal Attorney as to form, sufficiency, manner of execution, and surety. An inspection fee to be paid by the subdivider to cover the costs of inspection shall be established by the legislative body as part of the application fee.

#### Section 270. Filing of Approved Subdivision Plat

- 270.1 Final Approval and Filing: Upon completion of the requirements in Section 260.1 - 260.7 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 Board (Chair or Acting Chair) 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 Plat is approved or considered approved by reasons of the failure of the Board to act, shall become null and void.
- 270.2 Filing of Sections of Subdivisions: At the time the Board grants final plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plat.
- 270.3 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 Board and endorsed in writing on the Plat, unless the said Plat is first re-submitted to the Board and such Board approves any modifications.

Section 280. Public Acceptance of Streets, Recreation Areas

Board 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 are, or other open space shown on such Subdivision Plat. The Board 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.

## ARTICLE III: SUBMISSION REQUIREMENTS

### Section 310. Preliminary Plat

310.1 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 or more, or sixty (60) 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, water courses 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, grades, and street profiles of all 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 groundwater conditions, depth of ground water unless pits are dry at depth of five 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 Board 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 trees on the site and all other natural features or site elements to be preserved.

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

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

#### Section 320. Final Plat

320.1 The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar paper clearly and legibly drawn, and the size of the sheets shall be either 18 inches x 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The Subdivision Plat shall show:

- (1) Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point;
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use;
- (3) Sufficient data acceptable to the Board 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, radius, 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 320.2, and in addition thereto the location of all telephone 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: "O". They shall be of metal at least three-quarters (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.

320.2 In accordance with municipal specifications, all streets or other public places shown on such Plats 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 Board, shall be installed in accordance with the standards, specifications and procedures set forth in these regulations and other applicable municipal regulations and ordinances, or, alternatively, a performance bond shall be required to insure completion of such improvements.

320.3 There shall be submitted to the Board 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 Municipalities 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 Board 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 performance bond to secure completion of such improvements and written evidence that the legislative body is satisfied with the sufficiency of such bond.

## **ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS**

### Section 410. Planning Standards

- 410.1 Character of the Land: All land to be subdivided shall be, in the judgement of the Board 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.
- 410.2 Energy Conservation: In order to conserve energy, all subdivisions shall use the least 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 and planned unit development) should be encouraged wherever feasible and desirable.
- 410.3 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.
- 410.4 Lot Layout: The layout of lots shall conform to the requirements of the Zoning Regulations where in force, and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a setback on each street. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines. Consideration in lot layout shall be given to topographic and soils conditions.
- 410.5 Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources and historic resources.

### Section 420. Streets

- 420.1 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 Board shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposed".

- 420.2 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.
- 420.3 Horizontal Alignment at Intersections: Intersections of streets shall be 90 degrees. Two streets intersecting at the same street (T-intersections) shall be offset by at least 125 feet (centerline offset) when practicable.
- 420.4 Vertical Alignment at Intersections: The gradient within 100 feet of intersections shall not exceed 3%.
- 420.5 Access: Paved 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.
- 420.6 Cut and Embankment Slopes: All slopes shall be well-rounded to form a smooth transition from the shoulder edge to the existing grades (See diagram - p.29 - The Vermont Backroad).
- 420.7 Dead-end Streets, Cul-de-sacs, and Turn-Arounds: The maximum length of a cul-de-sac or dead-end street shall be 1,200 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 a radius of thirty-five (35) feet and a minimum paved area of twenty (20) feet in width. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.
- 420.8 All new streets shall comply with the Town Highway Specifications (or standards) except new streets in rural areas shall comply with the following standards.
- 420.9 Street Names: Streets shall be identified by name on the preliminary plat. Proposed streets which are obviously in alignment with others 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, avenue, boulevard, driveway, place or court.

420.10 Access Road:

- A. If the access road to the subdivision is a Class 4 road, the Board may require the subdivider to improve the access road to municipal highway construction standards. If in the Municipal 5-Year 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 Board until such time as the legislative body may re-classify the road.
- B. The Board 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.

420.11 Curbs and Sidewalks: In the following districts, curbs and sidewalks shall be required on at least one side of all streets by the Board. Curbs and sidewalks may be required in the zoning districts where deemed necessary by the Board.

Section 430. Pedestrian Access

Where necessary, in the judgment of the Board, 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 440. Utilities

440.1 Easements: The Board 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 twenty (20) feet in width shall be provided with satisfactory access to the street.

440.2 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 Board 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 Board, within a reasonable distance of the proposed subdivision.

440.3 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.

440.4 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.

440.5 Water Supply Improvements:

- A. For subdivisions which will connect to a public municipal water supply systems, applications for extensions to the municipal system must have prior approval by the officers and agents of a municipality entrusted with the care and superintendence of a municipal water supply system.
- B. The Board 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 run-off from roads or leachate from septic systems from contaminating water supply.
  - (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

440.6 Sewage Disposal Improvements:

- A. For subdivisions which will connect to a municipal sewage disposal system, applications for extensions must have prior approval by the officers and agents of a municipality entrusted with the care and superintendence of a municipal sewage disposal system.

- B. The Board 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 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:
  - (a) All subsurface sewage disposal systems shall be located at least 100 feet from a water supply.
  - (b) 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.

440.7 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 - Roadways in residential areas. Assume coverage if 60 feet wide.
- Class 4 - Walkways for apartments, condominiums, schools, and offices. Assume coverage is 40 feet wide.

(See Lighting Level Diagram)

440.8 Electric, Telephone, Cable T.V.: 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, then technology and terrain make it economically feasible, distribution systems should be built underground.

440.9 Fire Protection Facilities: Adequate water storage facilities for fire

protection within the storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board and the Fire Chief. Where practicable fire hydrants shall be installed by the subdivider.

#### Section 450. Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the Board 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 subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off 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 Board 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.

#### Section 460. Open Space and Recreation Areas

- A. Where a proposed park, playground or other recreation area is shown on the Comprehensive Plan to be located in whole or in part in a proposed subdivision, the Board shall require that such area of acres be shown on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) per cent of the total area of the Plat.
- B. If the Board determines that there is no proposed park, playground, or other recreation area in the Comprehensive Plan located in a proposed subdivision, or if the Board determines that such a proposed recreation area of adequate size can not be suitably located in the proposed subdivision, the Board shall require as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development of park and recreational facilities.

#### Section 470. School Site Dedication

Where a subdivision will accommodate a total of more than one hundred dwellings, the Board may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Board shall contact the Board of Education of the school

district(s) of which the municipality is a part. If a Board of Education declares an interest in a site within the proposed subdivision, the Board shall require the subdivider to set aside the site and to show such area on the Plat. If the Board determines that there is no interest in a school site or that a school site can not be suitably located within the proposed subdivision, the Board 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 school sites or capital improvements to school structures.

#### Section 480. Site Preservation and Improvements

- 480.1 Natural Cover: Land shall be subdivided and improved 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 run-off and conserve the natural cover and soil. After application for approval has been made to the Board, 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.
- 480.2 Shade Trees: The Board 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. All trees planted along the street are to be planted within 5 to 8 feet from the street line.
- 480.3 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 may be required by the Board to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.
- 480.4 Excavation and Grading: The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) 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 Board 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 Board may require embankments to be planted with stabilizing shrub or ground

cover and seeded with a deep root perennial grass to prevent erosion.

Section 490. 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 Board. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Board.

## **ARTICLE V. DEFINITIONS**

Certain means of references and words used herein shall be defined as listed below. Unless the content 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 work “building” includes structures and shall be construed as if followed by the phrase “or part thereof”. The work “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 Board by the subdivider to act in his or her behalf.

**BOARD:** See Development Review Board

**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 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.

**COMPREHENSIVE DEVELOPMENT PLAN OR PLAN:** A plan adopted pursuant to 24 V.S.A. Sections 4384 and 4385.

**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 REVIEW BOARD:** The Development Review Board (Board) of the municipality created under 24 V.S.A Chapter 117 §4461

**EASEMENTS:** 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 Development Review Board for approval and which,

if approved, may be filed for record with the Municipal Clerk.

**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 of Poultney.

**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.

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

**OPEN SPACE:** Land unoccupied by structures, buildings, streets, rights-of-way and 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 Development Review Board for its consideration.

**PUBLIC WATER SYSTEM:** Any water system(sd) owned by the same person that supplies water for public, domestic, commercial or industrial uses to ten (20) 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. Chapter117.

**RE-SUBDIVISION:** 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 II, Section 220 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board 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 or others.

**SUBDIVISION:** The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes re-subdivision.

**SUBDIVISION, MINOR:** A subdivision containing not more than four (4) lots which have frontage on an existing public street, and which does not require any new municipal street, street extension or extension of municipal facilities.

**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 two highways, including trails and pent roads, other than Class 1, 2, or 3 highways designated by the legislative body of the Municipality.