

Town of Hubbardton

Subdivision Regulations

Adopted February 26, 2018

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Article I. General Provisions

Section 101 - Enactment

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

Section 102 - Title

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

Section 103 - Purposes

The purpose of these regulations is to provide for orderly growth and coordinated development in the Town of Hubbardton 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, and to preserve natural assets.

Section 104 - Authority

The Town of Hubbardton hereby authorizes and empowers its Planning Commission to approve, modify, or disapprove all plats filed and to approve of the development of such plats previously filed in the municipal clerk's office if such plat or plats are entirely or partially undeveloped under the subdivision regulations. Plats and subdivisions which were previously filed in the office of the Town Clerk which are entirely or substantially undeveloped will also be reviewed under these subdivision regulations except that the Planning Commission will not require any substantial change in lot layout.

Section 105 - Waivers and Variances

- 105.1 Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secured.
- 105.2 Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequate or non-existing connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

105.3 In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so waived or varied.

105.4 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 106 - Amendments

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

Section 107 - Severability

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

Section 108 - Effective Date

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

Article II. Procedures for Minor Subdivision

Minor Subdivision: *A residential subdivision of land into two or three lots. Note that multiple minor subdivisions built on adjacent properties or on lands within 500 ft of another minor subdivision within 5 years shall constitute a major subdivision.*

Section 201 - Application

Prior to undertaking or commencing a minor subdivision, the subdivider shall file an application for approval with the Hubbardton Planning Commission, under the procedure hereafter provided.

Section 202 - Notice to Zoning Administrator and Submission of Sketch Plan

The applicant shall file two copies of a written description and two copies of a reasonably accurate and detailed Sketch Plan of the proposed subdivision with the Zoning Administrator.

The Sketch Plan shall include the following items:

1. Property lines and all lot lines drawn using town tax maps;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present and proposed use of all buildings;
4. Outlines of open spaces and wooded areas on the parcels;
5. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
7. Existing and proposed water, sewer, and site drainage;
8. Existing streets around and crossing the proposed subdivision;
9. Proposed private streets, driveways and parking spaces;
10. Proposed exterior lighting;
11. The zoning district(s) in which the subdivision is proposed; and,
12. Such information as may be necessary in order to determine that the application is in fact for a minor subdivision.

See Article XII for information on fees.

Section 203 - Preliminary Meeting

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the Sketch Plan, the Planning Commission may grant preliminary approval to authorize the preparation of a Final Subdivision Plat for public hearing.

Section 204 - Planning Commission Public Hearing

Before any application for a minor subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. 4414 and 4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing.

Section 205 - Public Hearing Preparation

Prior to the publication of the notice of public hearing the following data shall be reviewed with the Zoning Administrator and filed in his office for public inspection.

- A. Two (2) maps of location of the development.
- B. Two (2) copies of a survey prepared by a surveyor licensed to practice in Vermont; said survey shall be drawn to scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with the approval of the Zoning Administrator. The survey shall include the items listed under Section 202:
- C. When a private sewage system or systems are specified, the applicant shall indicate the location of the system or systems and provide **evidence the land meets with the State Wastewater System and Potable Water Supply Rules standards, and, where applicable, the town sewage ordinance.**

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 206 – Site Visits

A majority of the members of the Planning Commission may undertake one or more visits of the proposed development with the land owner or designee during the application process. Any such site visit shall be treated as an official meeting of the planning commission, and may be treated as a continuation of a public hearing.

Section 207. Planning Commission Decisions

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the Public Hearing. Basis for this decision shall be the consistency of the application with Article VI and the conformance of the application to the improvements and requirements set forth in Article IV of this Regulation.

Article III. Procedures for Major Subdivision

Definition – Major Subdivision: Any subdivision of land into more than three lots, or any non-residential subdivision. Multiple minor subdivisions (containing a total of more than three lots) within a five-year period shall be evaluated as a major subdivision

Section 301. Application

Prior to undertaking or commencing a major subdivision, the subdivider shall file an application for approval with the Hubbardton Planning Commission, under the procedure hereafter provided.

Section 302. Notice to Zoning Administrator

The applicant shall file with the Zoning Administrator two copies of a written description and two copies of a reasonable accurate and detailed Sketch Plan of the subdivision. The Sketch Plan shall include the following items:

1. Property lines and all lot lines drawn using town tax maps;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present and proposed use of buildings;
4. Outline of open spaces and wooded areas
5. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
6. Existing and proposed water, sewer, site drainage;
7. Existing streets around and crossing the proposed subdivision;
8. Proposed private streets, driveways and parking spaces;
9. Proposed exterior lighting;
10. The zoning district(s) in which the subdivision is proposed; and,
11. Such information as may be necessary in order to determine that the application is in fact for a minor subdivision.

Where applicable the following additional information shall be provided:

1. Phases in development plans, with approximate dates of completion.
2. Any special considerations to be given to the Town such as:
 - a) Deeding of land for educational and/or recreational purposes;
 - b) Development of educational and/or recreational sites;
 - c) Provisions for bus shelters or bus turnaround areas; and,
 - d) Other appropriate items.

See Article X for information on fees.

Section 303. Preliminary Meeting

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the Sketch Plan, the Planning Commission may grant preliminary approval to authorize the preparation of the Preliminary Subdivision Plat (see Article IV).

A majority of the members of the Planning Commission may undertake one or more visits of the proposed development with the land owner or designee in conjunction with the preliminary meeting. Any such site visit shall be treated as an official meeting of the planning commission, and may be treated as a continuation of the preliminary meeting.

At the Preliminary Meeting:

Depending upon the characteristics and magnitude of the proposed subdivision, the Commission may require the applicant to provide the following where applicable.

1. Consultation with the following and requests that letters be submitted from:
 - a. The Hubbardton Road Commissioner or Road Foreman to review provisions for access to and from adjoining streets, and the affect of circulation of traffic within and around the subdivision. The Commissioner or Foreman shall also review plans on street construction.
 - b. The Hubbardton Fire Chief, to review provisions for access to the subdivision, and spacing between buildings for the maneuvering of fire fighting equipment.
 - c. The Hubbardton School Board for review of the impact of the proposed development on the school system and the transportation of children.
 - d. The local rescue squad, to review the accessibility of rescue equipment within the building and access to the area.
 - e. An approved engineering firm to review plans for sewer construction.
 - f. When applicable a qualified individual approved by the Planning Commission to present information on the inspection of the on-site sewage disposal and/or the affect of circulation of traffic within and around the subdivision.

In the event that the applicant has questions concerning the contents of any of the above submitted letters they shall not be filed with the Planning Commission until such time as the Planning Commission is assured that he has had an opportunity to interrogate the department or agency who submitted the letter.

2. Any other information deemed necessary by the Planning Commission during the preliminary meeting

Section 304. Preparation of Preliminary Subdivision Plat

Following preliminary approval of the Sketch Plan by the Planning Commission, the applicant shall submit six (6) copies of a Preliminary Subdivision Plat as specified in Section 402.

The Plat shall be drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24' X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

Section 305. Meeting to Review the Preliminary Subdivision Plat

Following the receipt of the Preliminary Subdivision Plat, the Planning Commission shall hold one or more meetings with the applicant. The Commission may grant preliminary approval, or approval with conditions, to authorize the preparation of the Final Subdivision Plat for submission for a Public Hearing.

The Planning Commission or applicant request the meeting be warned to the public in order to receive public feedback before the applicant undertakes the Final Subdivision Plat for the official public hearing.

Section 306. Professional Review of Application

The Planning Commission may, at the applicant's expense, hire a professional to assist in the review of the application.

Section 307. Preparation of the Final Subdivision Plat

Following approval of Preliminary Subdivision Plat by the Planning Commission, the applicant shall submit six (6) copies of a Final Subdivision Plat as specified in Section 402.

The plat shall be prepared by a surveyor licensed to practice in Vermont, drawn to a scale of not less than 100 feet to the inch clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24' X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

Section 308. Planning Commission Public Hearing

Before any application for a subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. 4417 and 4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing.

Section 309. Preparation for Planning Commission Public Hearing

Prior to the publication of the notice of Public Hearing, the applicant shall submit the elements listed under Section 307 to the Planning Commission.

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 310. Planning Commission Decisions

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the Public Hearing. Basis for this decision shall be the consistency of the application with Article VI and the conformance of the application to the improvements and requirements set forth in Article IV of this Regulation.

Section 311. Hearing Concurrent with Planned Unit Development Application

If the proposed subdivision development is also Planned Unit Development, the Planning Commission may combine hearings for the subdivision plat and PUD applications.

Article IV. Subdivision Plat Requirements

Section 401. Preliminary and Final Plat Data

The Preliminary and Final Subdivision Plats shall conform to, shall include following information:

- A. A scale map or maps incorporating the elements listed in Sections 202 and 302, completed according to the specifications of Sections 204, 304 or 306, as appropriate;
- B. The proposed tract name or other designations by which such development shall be known which shall not duplicate the name of any other previous development in the Town of Hubbardton.
- C. The locations, names and present widths and approximate grades of all existing streets, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the approximate radii of all curves; the approximate dimension of all lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- D. The name and address of the owner or owners of the land to be subdivided; the name and address of the individual(s) who prepared the Sketch Plan, Preliminary Subdivision Plat and Final Subdivision Plat, as applicable. The Zoning Administrator shall acknowledge receipt thereon indicating the date when said Plat and the application for approval were filed with him or her.
- E. The approximate widths and locations of all easements for drainage, sewerage or public utilities, public areas, parks or playgrounds, if any.
- F. When the Commission deems that ground conditions are such that it is necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction, contours at vertical intervals of five (5) feet shall be required.
- H. Approximate elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be indicated thereon to present a clear idea of the relation of the proposed lot and street layout thereto.
- I. All parcels proposed to be deeded to the Town of Hubbardton for streets, parks, playgrounds, or other public open spaces and conditions of such transfer, if any.
- J. Complete plan and profile, with a minimum of one section per 100 feet, of each proposed street showing existing ground surface on the centerline and streets lines and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities on Plan. Plan and profile shall be drawn on Standard Plated, a 4 X

20 paper. Scale to be 1" equal to 50' horizontal on plan and 1" equal to 5' vertical on profile and section.

- K. Date, north arrow and scale.
- L. Such of foregoing information as may not practically be shown on Plan shall be contained in a signed, written statement.
- M. Such other information as the Planning Commission shall require to evaluate the application.
- N. The Planning Commission may waive or vary any of the foregoing requirements under Section 512.

Article V. General Subdivision Standards / Requirements

Section 501 - Planning Standards

501.1 *Character of the Land* - All land to be subdivided shall, in the judgment of the Commission, be of such a character that it can be used for building purposes without danger to public health or safety, or to the environment.

501.2 *Conformance with Town Plan and Other Regulations* – Subdivisions of land shall be in conformance with the goals and policies of the Hubbardton Town Plan.

501.3 *Preservation of Existing Landscape* - Streets and buildings shall be integrated with the topography of the site in order to further the following objectives:

- i) Minimize disruption of vegetation, ground cover and drainage ways;
- ii) Retain the greatest possible amount of contiguous meadowland for agricultural purposes
- iii) Minimize stormwater runoff, including limiting the amount of impervious surface;
- iv) Preserve the community's character;
- v) Reduce building energy consumption; and,
- vi) Improve lot access and traffic flow.

All subdivisions shall preserve and protect existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic resources.

501.4 *Planned Unit Developments* – The creation of Planned Unit Developments is encouraged to achieve efficiency in utility and facility construction and to preserve the rural character and working landscape of the community.

501.5 *Energy Conservation* - All subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits in order to conserve energy use.

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.

501.6 *Topography and Soil Conditions* - Buildings and accesses shall be sited to minimize the potential for erosion on steep slopes and retain the greatest possible amount of soil suitable for agriculture.

Section 502 - Street and Parking Lot Requirements

502.1 *All Streets* - Each street and parking area shall provide a safe convenient and functional system for vehicular circulation and shall be in conformance with the policies of the Town Plan. No street or parking area shall be proposed which, by itself, or by intersection with existing streets, would cause traffic congestion or an unsafe traffic condition.

The Commission may require the subdivider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety. 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.

502.2 *Public Streets* - streets within a development which is intended for conveyance to the Town shall meet the following requirements:

1. No public street right-of-way shall be proposed which shall be less than fifty (50) feet in width. The Planning Commission may require a public street right-of-way of greater than fifty (50) feet in order to provide for a safe, functional flow of traffic or for utilities and sidewalks.
2. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads.

The Hubbardton Board of Selectmen reserves the right to accept or reject as a Town street any street which meets the above specifications.

502.3 *Private Streets* - streets within a development which are not intended for conveyance to the Town and will be maintained and repaired by the developer, the developer's successors or assigns shall be subject to the following conditions:

1. Deeds to properties which are served by private streets, alleys and/or ways, shall clearly state that such streets, alleys and/or ways are private and shall stipulate how and by whom such streets, alleys and/or ways are to be maintained.
2. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads.

502.4 *Class 4 Town Highways* - Development on a Class 4 road will be permitted with the approval of the Hubbardton Board of Selectmen.

Section 503 - Dead End Streets

Dead end streets are permitted provided that a cul-de-sac turnaround is provided at the terminus of a dead end street with either a traveled turning circle diameter of 70 feet or the dead end street shall loop back on itself.

Section 504 - Easements

- A. Pedestrian ways may be required to provide access to parks, schools, playground, or other public or semi-public places.
- B. Permanent easements for utilities may be required at the discretion of the Commission.

Section 505 - Lot Requirements

- A. The land shown on the applicant's subdivision plans shall be suitable for the purposes for which intended to be used, and to be used safely for building purposes without danger to health from fire, flood, poor or excessive effluent absorption qualities, or other menace.
- B. No lot, other than a corner lot, having a frontage on two streets less than 400 feet apart will be approved except where topographic or other physical conditions so require.
- C. *Side lot lines.* Insofar as practical the side lines of all lots should be at right angles to the street on which the lot faces or radial to curved street lines.
- D. *Lot numbers and names.* All lots shall be numbered and named in accordance with Vermont Enhanced-911 requirements.
- E. For lots that occupy two zoning districts, the lot shall maintain the minimum lot size of the most stringent zone.

Section 506 - Utilities

506.1 *Extension of Municipal Utilities* - All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements.

The Commission may require the extension of public sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision. The design and location of all sewer lines shall conform to such Hubbardton sewer line standards as may be applicable. Whenever any proposed subdivision shall adjoin another tract of acreage, provision shall be made that strips of land be undeveloped so that utility lines and streets that may logically be developed in the event of the future subdivision on such adjoining acreage can extend and connect to the utility lines on the applicant's property.

506.2 *Water Supply Improvements*

- A. The applicant shall show that each building lot is in conformance with the State of Vermont Wastewater System and Water Supply Rules.
- B. Due consideration shall be given to any potential upgradient sources of contamination.

- C. Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating the water supply.

506.3 *Sewage Disposal Improvements*

- A. The applicant shall show that each building lot is suitable for disposal of sewage in conformity with the applicable sewage ordinances for the Town of Hubbardton and the State of Vermont Wastewater and Potable Water Supply Rules.
- B. Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.
- D. For subdivisions which will connect to the municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of Hubbardton entrusted with the care and superintendence of its municipal sewage disposal system and shall comply with any duly adopted Capital Budget and Program.
- E. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to the municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the State of Vermont Wastewater System and Potable Water Supply Rules

506.4 *Electric, Telephone, Cable T.V., Internet* - The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.

506.5 *Fire Protection* - Fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief.

Section 507 - Drainage Improvements

Adequate stormwater drainage management shall be provided to accommodate stormwater runoff from all streets, lots and upstream drainage areas, whether inside or outside the development. The Planning Commission shall not approve a drainage system which would overload downstream drainage facilities and cause flooding on other lands until proper provision has been made to prevent such a condition. Adequate measures shall be taken to minimize erosion during and after construction. The amount of impervious surfaces shall be minimized.

Section 508 - Land for Recreation

For subdivisions of 10 or more lots the Planning Commission may require the designation of a small area (not greater than 15% of the subdivision) for a playground or other recreation purposes within the subdivision.

Section 509 - Site Preservation and Improvements

- 509.1 *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 runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.
- 509.2 *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 Commission 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.
- 509.3 *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 Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.
- 509.4 *Landscaping* - Appropriate landscaping improvements may be required for screening, buffering or shade purposes. Where necessary, trees shall be of a species native to the area and provisions for their maintenance provided. Projects requiring screening shall reference Section 1011 of the zoning regulations for screening requirements.

Section 510. Proposed Structures, Accesses, and Parking & Loading Areas

- A. Designs and locations for proposed structures, accesses, and parking and loading areas which retain the maximum amount of meadowland for potential agricultural use and maximum land of scenic value shall be given favorable consideration.
- B. The proposed development shall be landscaped or screened to ensure compatibility with adjoining areas. In particular, the Planning Commission may require structures, accesses, and/or parking and loading areas to be screened or landscaped according to the following criteria:
 - a. Visibility of areas from roads and/or adjoining properties;
 - b. The need to screen parking areas from roads and adjacent properties; and,
 - c. Proximity of lots used for residential purposes.
- C. Consideration shall be given to the effect of noise, glare, and odors on adjoining properties and to the general aesthetics of the design.
- D. Parking and loading facilities shall be adequate with respect to on-site circulation and emergency vehicle access.

Section 511. Subdivision Organizations and Restrictions

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

Section 512. Varying of Requirements

- 512.1 Where the Planning Commission finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- 512.2 In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
- 512.3 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Municipal Development Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or the Subdivision Regulations.

Article VI. Plat Submission Requirements

Section 601. Filing Requirements

If after public hearing, the Planning Commission approves the application the applicant shall, within ninety (90) days from such approval file or record such plat in the office of the Town Clerk of Hubbardton. Plats shall be drawn to the specifications required in Article IV.

With the subdivision plat, there shall also be filed with the Zoning Administrator three prints on paper, and, where applicable, a digital copy.

Section 602. Certification

The Plat shall include a certification signed by a licensed surveyor making such survey and Plat that they were prepared from the actual land survey and are substantially correct.

Section 603. Commencement of Construction

The applicant shall not commence any land development as defined in 24 V.S.A. 4303 (3) until:

- A. The application is approved by the Planning Commission;
- B. The Subdivision Plat is filed with the Town Clerk as required by Section 601; and;
- C. Unless waived, a letter of credit or performance bond is duly filed as required by Section 801.

Section 604. Expiration of Planning Commission Approval-Relationship to Zoning Regulations

A Planning Commission approval shall expire if the holder of such approval fails to comply with any of the following filing requirements.

- A. Failure to file the approved Plat with the Town Clerk within 90 days of the Planning Commission decision shall void the approval unless an extension is requested and granted by the Commission..
- B. In a case where approval by the Planning Commission does not include a waiver of the bonding requirement in Section 901, approval shall expire three (3) years from such approval, unless within such three year period, a letter of credit or performance bond is filed with the Planning Commission as required by Section 901, to provide for and secure the completion of all improvements specified in Section 801 or in the Planning Commission approval.

Article VII – Subdivision Improvement Requirements

Section 701. Completion of Improvements

Within two (2) years after filing of a letter of credit or performance bond as required by Section 801, or if a letter of credit or performance bond is waived by the Planning Commission, then within two (2) years of filing of the Subdivision Plat, the applicant shall at the applicants expense complete the improvements listed below where applicable.

All such improvements shall be completed as specified in the application, as approved. The Planning Commission may grant a two (2) year extension of this period upon the request of the applicant if it is deemed appropriate to do so:

- A. All proposed streets shall be laid out, graded and constructed their full width and entire length from street line to street line.
- B. All storm drains, culverts and bridges shall be constructed.
- C. All water lines, sewer lines and fire hydrants shall be constructed or installed.
- D. Curbs and sidewalks shall be constructed.
- E. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the applicant at actual cost.
- F. Internal traffic control signs shall be installed.
- G. All trees shall be planted and all other landscaping improvements shall be completed
- I. Any other improvements required by the Planning Commission approval or these regulations shall be constructed.
- J. As-built plans, including revised plan and profile of each proposed street after construction, showing all of the aforementioned improvements which are required shall be filed with the Planning Commission in triplicate.

Article VIII. Letter of Credit or Bond for Completion

Section 801. Letter of Credit or Bond Requirements

To assure the completion of the improvements required by Article VIII, the applicant shall file with the Town Treasurer, either a letter of credit issued by a bank and approved by the Selectboard or a performance bond issued either by a bonding or surety company approved by the Selectboard, or issued by the owner with security acceptable to the Selectboard, in an amount sufficient to cover the cost of all of the foregoing, and the maintenance of such improvements for a period of two (2) years after completion. The full cost of such required improvements and as-built plans shall be as estimated by the Commission, or such municipal departments or officials as the Commission may designate. The letter of credit or performance bond shall be filed with the Town Treasurer before the commencement of any land development, and in any case, not later than three (3) years from the Planning Commission Approval. Such bond shall provide for and secure to the public the completion of such required improvements and as-built plans within the period fixed in these Regulations for their completion, and for their maintenance for a period of two (2) years after completion, or when the town assumes ownership.

Article IX. Subdivision Fees

Section 901. Subdivision Fee

For the administration of subdivision review, the Selectboard shall by resolution establish, and may from time to time amend a schedule of fees which will cover the Town's obligations under this ordinance. Advertising fees shall be payable to the administrative officer upon submission of an application for preliminary hearing and shall be nonrefundable. The Planning Commission may require additional fees if consultation for inspection is required.

Subdivision fees shall be paid at the time of filing of the application. Fees for recreation, if applicable, shall be paid before the subdivision permit is issued.

Article X. Penalties

Section 1001. Penalties for Violation

Penalties for violation of the provisions of these regulations shall be as provided in 24 V.S.A. 4444 and 4445.

Article XI. Subdivision Review Exemptions

Section 1101. Subdivision by Administrative Review

Applicants for the subdivision of land filed with the Zoning Administrator shall be privy to Administrative Review in the following circumstances:

- A. Any partitioning or dividing of a parcel when the sole result is the creation of one or more unimprovable parcels.
- B. Any partitioning or dividing of a parcel when the sole result is the creation of one or more lots used for agricultural or forestry purposes, and not involving new streets or easements. The use of a lot created under this exemption shall not be changed to any use other than agriculture or forestry without Planning Commission approval.
- C. The conveyance of any lot developed prior to and in existence prior to the effective date of these Subdivision Regulations, whether or not affiliated with the proposed subdivision, provided the lot is conveyed by the exact lot description or same lot lines upon which it was conveyed to the present owner.
- D. Each residential lot, whether or not said lot is affiliated, in an approved subdivision, when said subdivision has filed the record subdivision plan and the owner of the lot has complied with the Findings and Order of the subdivision plan and amendments thereto.
- E. The transfer of land to an immediate family member for the purpose of establishing a primary residence for that family member.
- F. Any partitioning or dividing of a parcel when the sole result is the creation of one or two lots which are both greater than 25 acres in size, and not involving new streets or easements.

The Zoning Administrator shall determine whether an application is exempt under this section.

Section 1102. Filing Requirements

Notwithstanding Section 1101, subdivision permits granted under this Article shall be subject to the requirements set forth in Articles VI, IX, X, XII, and XIV.

Article XII. Appeals

Section 1201. Appeals

Any interested person may appeal any decision, or any failure to act, by filing notice of such appeal with the Environmental Court.

Article XIII. Constitutionality

Section 1301. Constitutionality

If any section, sub-section, paragraph, sentence, clause or phrase in these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.

Section 1302. Effective Date

These regulations shall take effect 21 days after adoption by the Select Board, in accordance with 24 VSA 4442.

Article XIV. Definitions

Section 1401. Inclusions

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, words in the singular include the plural and those in the plural include the singular. The word "Person" includes a Corporation, Unincorporated Association and a Partnership, as well as an individual. The word "Building" means a structure designed, intended, occupied or used as a shelter or roofed enclosure for persons, animals or property. The word "building" shall be construed as followed by the phrase "or part thereof". The word "street" includes Avenue, Boulevard, Court, Expressway, Highway, Lane, and Road. The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "may" and "should" are permissive; the words "shall" and "will" are mandatory.

Section 1502. Definition of Terms

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

AS-BUILT PLANS: Plans prepared by the developer after the project has been completed accurately depicting all land and building improvements.

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

COMMISSION: The Town of Hubbardton Planning Commission.

CONSTRUCTION DRAWINGS: The Drawings 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.

CUL-DE-SAC: A minor street intersecting another street at one end and terminating at the other by a vehicular turnaround.

DEAD END STREET: A street or street system with only one exit.

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

FINAL SUBDIVISION PLAT: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for public hearing and which, if approved, may be filed for record with the Town Clerk.

INFRASTRUCTURE: The necessary support facilities for development which may include, water and sewer lines, electric and telephone lines, roads, schools, etc.

LEGISLATIVE BODY: The Town of Hubbardton Board of Selectmen.

LOT: Any land which is occupied by a building or upon which then applicable zoning regulations do not prohibit construction of a building.

MUNICIPAL DEVELOPMENT PLAN: A plan adopted pursuant to 24 V.S.A. Subsection 4384 and Subsection 4385.

MUNICIPALITY: Town of Hubbardton.

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

MUNICIPAL WATER SYSTEM: Any water system owned and operated by the municipality which supplies water for public, domestic, commercial, industrial or institutional uses.

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

PARCEL: A unit of land of such size and dimensions that it may be divided into two (2) or more lots in accordance with the requirements of the land use zone in which it is situated, or may be used to site a commercial and/or shopping center complex, new multi-family housing project, planned residential development, elderly housing project, planned-unit development, or industrial park development.

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

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.

ROADWAY: The portion of a street or alley intended for vehicular use.

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

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

Preliminary SUBDIVISION PLAT: A tentative subdivision plan, in lesser detail than a final plat, showing approximate proposed street and lot layout, as a basis for consideration prior to preparation of a final plat, .

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a commercial, industrial or shopping center complex, new multi-family housing project, elderly housing project, planned unit development, and industrial park development.

SUBDIVISION, MAJOR: Any residential subdivision containing four (4) or more lots or units, or requiring any new public street, extension of town facilities, any shopping, commercial or industrial complex, multi-family housing project, housing for the elderly project, and planned unit development. Multiple minor subdivision applications within 500 ft by the same owner within a 5-year period shall be reviewed as major subdivisions unless the owner provides a long-term development plan for the parcel or parcels in question.

SUBDIVISION, MINOR: Any residential subdivision containing two or three lots.

UNIMPROVABLE PARCEL: Any land upon which no building is located and upon which applicable zoning regulations prohibit construction of a building.