

WEST RUTLAND PLANNING COMMISSION

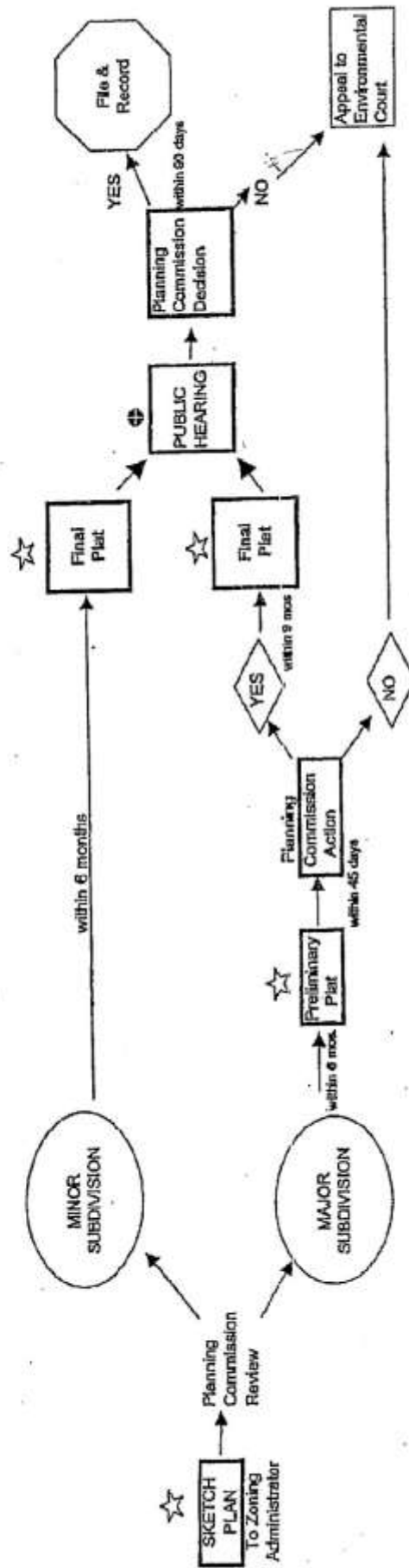
SUBDIVISION REGULATIONS

ADOPTED

NOVEMBER 7, 2005

**PROJECT FUNDED BY A MUNICIPAL PLANNING GRANT AWARDED BY THE AGENCY OF
COMMERCE AND COMMUNITY DEVELOPMENT**

Town of West Rutland Generalized Subdivision Review Process



☆ Submission must be at least 15 days prior to a regular meeting

⊙ Public Hearing must be within 30 days of acceptance of final plat (public notice to RPC and adjacent town, if applicable, at least 15 days prior to the hearing).

TOWN OF WEST RUTLAND
SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS

ARTICLE I: GENERAL PROVISIONS ARTICLE

Section 110: Enactment Section

Whereas the Town of West Rutland 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 West Rutland.

Section 120: Title

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

Section 130: Purpose

The purpose of these regulations is to provide for orderly growth and coordinated development in the Town of West Rutland to assure the comfort, convenience, safety, health, and welfare of the people, to carry out the purposes of the town plan. 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 Subsection 4302 of the Act.

Section 140: Authority

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

Section 150: Waivers and Variances

150.1: 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.

- 150.2: Where the Planning Commission finds that, due to the special circumstances, of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- 150.3: In granting modifications, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so modified.
- 150.4: No such waiver or modification may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or these Subdivision Regulations. In reviewing a proposal that needs a waiver or modification, the Planning Commission will consider issues similar to those used to evaluate variance requests under the Zoning Ordinance, i.e. whether it is a unique physical circumstance that causes a hardship not created by the applicant, relief for which would be the minimum modification necessary that would not adversely impact surrounding properties or the public welfare.

Section 160: Boundary Line Adjustments

Adjustment of boundary lines between adjacent lots shall not be deemed to be a subdivision if, during sketch plan review under Section 220 the Commission determines the following:

- (1) such adjustment is a minor realignment; and
- (2) it does not substantially change the nature of previous subdivisions; and
- Additional → (3) it does not create new lots as a result of the adjustment; and
- (4) it will not impact access to any parcel; and
- (5) it will not adversely impact any significant natural resource; and
- (6) it will not create a nonconforming lot(s).

All boundary adjustment shall be surveyed and recorded.

Section 170: Amendments

These regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

Section 180: Enforcement, Violations and Penalties

These regulations shall be enforced in accordance with sections 4451, 4452 and 4454 of the Act.

Section 190: Severability and Effective Date

The invalidity of any provision of these regulations shall not invalidate any other part.
The effective date of these Regulations shall be November 7, 2005.

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 Planning Commission for, and secure approval of, the proposed subdivision. The subdivision application shall be submitted to the Zoning Administrator in the Town Hall.

Section 220: Submission of Sketch Plan

These regulations concerning the preparation of a sketch plan, minor subdivision plat, locator map, and major subdivision plat are necessary for the information of the Commission and the general public at public hearings as provided in these regulations. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the Commission's decision concerning the subdivision.

When the Sketch Plan is submitted to the Zoning Administrator, an application and Sketch Plan of Proposed Access, and Town Water and Town Sewer must be submitted to the Town Manager.

Any person proposing to subdivide land shall first apply to the Commission for approval.

220.1: For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Zoning Administrator at least fifteen days prior to a regularly scheduled meeting of the Commission, submit proof of application for all required municipal permits, and two copies of a Sketch Plan of the proposed subdivision, which shall include the following information:

- 1) Name and address of the owner of record and applicant.
- 2) Name of owners of record of contiguous properties.
- 3) Boundaries and area of: a) all contiguous land belonging to owner of record and b) proposed subdivision.
- 4) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.

- 5) Type of location, and approximate size of existing and proposed streets, utilities, and open space.
 - 6) Physical features and contour lines at 10' intervals (maximum).
 - 7) Date, north arrow and approximate scale.
- 220.2: The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements described in Article IV of these regulations
- 220.3: At this meeting the Planning Commission will classify the Sketch Plan into one (1) of two (2) categories as defined in Article V.
Minor Subdivision
Major Subdivision
- 220.4: The Commission shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with the West Rutland Town Plan; the Zoning Regulations; developments proposed by any public agency; existing private and public development; facilities and services; and for any special problems that may be encountered.
- 220.5: The Commission shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes.
- 220.6: Where a subdivider submits a proposed Planned Unit Development, the requirements of Section 4417 of the Act shall be met, in addition to requirements of these Regulations and the Zoning Regulations.

Section 230: Procedures for Minor Subdivisions

The Commission shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions to be incorporated by the applicant in his subsequent submissions. At this time, the Commission may require, where it deems necessary for public health, safety and welfare, that a Minor Subdivision comply with some of the requirements specified for a Major Subdivision in Article II of these regulations. The Commission shall outline the supplemental information required for review of the proposed subdivision under Article III of these regulations.

- 230.1: Within six months of classification by the Planning Commission of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application for approval of a final 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 changes made by the Commission.

Section 240: Procedures for Major Subdivisions

- 240.1:** Within six months after classification of the Sketch Plan as a Major Subdivision by the Commission, 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 resubmission of the Sketch Plan (See Article II section 220). The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Commission.

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 approval application form available from the Zoning Administrator.
- 250.2:** Number of Copies: Six (6) copies of the Preliminary Plat and six (6) copies of the locator map shall be presented to the Zoning Administrator at least 15 days prior to a regular meeting of the Commission.
- 250.3:** Official Submission Date: The time of submission of the Preliminary Plat shall be the next regular meeting of the Commission following the receipt of the application under Section 250.2.
- 250.4:** Subdivider to Attend Planning Commission Meeting: The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.
- 250.5:** Review of Preliminary Plat: The Commission shall study the practicability of the Preliminary Plat. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Town Plan, and the Zoning Regulations.
- 250.6:** Preliminary Approval of Preliminary Plat: Within forty-five (45) days after formal submission of a Preliminary Plat, the Planning Commission shall take action to approve, with or without modifications, or disapprove such Preliminary Plat. The ground of any modification required or the ground for disapproval shall be clearly stated in the findings of fact and

conclusions of the Commission. Failure of the Commission to act within such forty-five (45) day period shall constitute a preliminary approval of the Preliminary Plat. Prior to preliminary approval the Commission may hold a preliminary hearing after public notice according to Subsection 4464 of the Act.

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

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

Section 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. If the final application is not submitted within nine (9) months after the preliminary approval of the Preliminary Plat for Major Subdivision, ~~the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Preliminary Plat.~~ If the final application for a Minor Subdivision is not submitted within six months of classification by the Planning Commission of the Sketch Plan as a Minor subdivision under Article II, Section 230.1, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Sketch Plan.
- 260.2:** Number of Copies: A total of four (4) copies, three (3) hard copies and one 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 Zoning Administrator at least 15 days prior to a regular meeting of the Commission.
- 260.3:** Official Submission Date: The time of submission of the Final Plat shall be the next regular meeting of the Commission following receipt of the application under Section 260.2.

public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

(d) Beginning October 1, 2010, any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the secretary of natural resources, that state permits may be required and that the permittee should contact state agencies to determine what permits must be obtained before any construction may commence.

Historical Citation

Added 2003, No. 116 (Adj. Sess.), § 104; amended 2009, No. 146 (Adj. Sess.), § F28.

HISTORY

Amendments—2009 (Adj. Sess.). Subsection (d): Added.

§ 4464. Hearing and notice requirements; decisions and conditions; administrative review; role of advisory commissions in development review

(a) **Notice procedures.** All development review applications before an appropriate municipal panel under procedures set forth in this chapter shall require notice as follows.

(1) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

(A) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

(B) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

(C) Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a state highway, also including written notification to the secretary of transportation. The notification shall include a description of the proposed project and shall be accompanied by information that

clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(2) Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:

(A) Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2).

(B) Written notification to the applicant and to the owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a state highway, also including written notification to the secretary of transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) The bylaw may also require public notice through other effective means such as a notice board on a municipal website.

(5) No defect in the form or substance of any requirements in subdivision (1) or (2) of this subsection shall invalidate the action of the appropriate municipal panel where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the environmental division or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

(b) Decisions.

(1) The appropriate municipal panel may recess the proceedings on any application pending submission of additional information. The panel

260.4: Applications to State and Municipal Agencies: The subdivider shall provide approved copies of all required municipal permits including access, water, and sewer permits. The subdivider shall apply for all state permits required of the proposed subdivision and shall submit copies of these applications to the Commission. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit, and Department of Health Subdivision Permit.

260.5: Public Hearing: A warned public hearing shall be required for final plat review for subdivisions. This will include posting of the information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. 312 © (2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. At least 15 days prior to the hearing, notice of such hearing shall also 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.

260.6: Action on Proposed Final Plat: The Planning Commission shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the subdivision plat. Failure to act within such forty-five (45) days shall be deemed approval. However, if approved, the Final Plat shall not be signed by the authorized officers of the Commission for recording until the subdivider has complied with the provisions of section 260.7.

260.7: Improvements and Performance Bond: Before the Commission grants final approval of the Subdivision Plat, one of the following procedures may be required:

- (1) In an amount set by the Town Manager after evaluation and written recommendations by a consulting engineer, the subdivider shall either file with the Town Manager a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Manager 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 executed bond shall be filed with the Town Clerk. 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 engineer registered in the State of Vermont who shall file with the Town Manager a letter signifying completion of all improvements required by the Planning Commission. For any required improvements not so completed the subdivider shall file with the Town Manager a bond or certified check covering the costs of such improvements and the cost of satisfactory 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. The executed bond shall be filed with the Town Clerk.

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 of Mylar: Upon completion of the requirements in Sections 260.1 - 260.7 above, a notation to that effect properly signed by the appropriate officer of the Commission (Chairman or Acting Chairman) in the appropriate box on the Subdivision Plat, it shall be deemed to have final approval and shall be filed in the office of the Municipal Clerk. Any Subdivision Plat not so filed or recorded within one hundred eighty (180) days of the date on which such plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.
- 270.2:** Filing of Sections of Subdivision: At the time the Commission grants final plat approval, it may permit the plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the Plat.
- 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 Commission and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Commission and such Commission approves any modifications.

Section 280: Public Acceptance of Streets, Recreation Areas

Approval of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational

area, or other open space shown on such Subdivision Plat. The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

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, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property.
- (8) The width and location of any streets or other public ways or places shown upon the Town 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, of sidewalks, and curb cuts or access points.

- (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. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests.
- (15) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (16) Preliminary designs of any bridges or culverts, which may be required.
- (17) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (18) The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersections shall be shown.
- (19) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (20) The location of all trees on the site and all other natural features or site elements to be preserved.
- (21) List of waivers the subdivider desires from the requirements of these regulations.

310.2: The Preliminary Plat shall be accompanied by a locator map to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The locator map shall show:

- (1) All existing adjacent 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 indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

Section 320: Final Plat

320.1: The Final Subdivision Plat shall incorporate any modifications made to the proposal since its original submission to the Town. It shall consist of one or more sheets of drawings that conform to the following requirements: It shall be clearly and legibly drawn on Mylar, 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 one and a half (1.5) inches outside of the border lines on the left side for binding and a one half (.5) inch margin outside the border along the remaining sides. The following entries shall be included thereon for endorsement by all appropriate agencies:

- A box measuring 1 inch by 4 and one half inches after reduction, containing the following text should be clearly shown in the lower right hand corner of the Mylar:
 "Subdivision Plat Approval: With the requirements met of Sections 260.1-260.7 of the West Rutland subdivision regulations, the West Rutland Planning Commission on _____
 hereby approves this subdivision.
 Signed _____ (Chairperson)"
- A line that states "Received for Record on _____"
 shall also be located in the lower right hand corner of the Mylar.

The Subdivision Plat shall show:

- (1) Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner and

subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.

- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable these should be tied to reference points previously established by a public authority.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (5) By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
- (6) Lots within the subdivision numbered in numerical order. Within blocks, and blocks lettered in alphabetical order.
- (7) The location of all of the improvements referred to in Section 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 and all lot corner markers should be shown.

320.2: In accordance with the town's adopted standards, all streets or other public places shown on such Plat shall be suitably graded and paved, and all utilities, street lighting standards, shade trees, water mains, sanitary sewers, storm drains, and recreation areas, where required by the Commission, shall be installed in accordance with the standards, specifications and procedures set forth in these regulations and other applicable municipal regulations and ordinances, or, alternatively, a performance bond shall be required to insure completion of such improvements.

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

- (1) Written offers of cession to the Municipality of all streets, public open

spaces, sewage and water systems to be connected to a municipal facility, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the subdivider, are to be maintained.

- (2) Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any streets, public open spaces, sewer and water connections to municipal facilities, and other areas to be dedicated to the public referred to in Paragraph (1), above.
- (3) A statement by the Municipal Engineer, or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the Commission to the satisfaction of the engineer and in accord with standards and specifications prescribed by him or her. The applicant shall cover the cost of such engineering review. 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 may be supplied. No permits shall be issued prior to payment of the above or any other necessary fees.

ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 410: Planning Standards

It is the general intent of these regulations that the recommendations in the West Rutland Town Plan shall guide all subdivision and development activity in the town.

410.1: Character of the Land: All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.

410.2: Energy Conservation: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential 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. All lots will be numbered for address purposes in accordance with the existing 911 numbering system.

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 facilitate a

logical system of interparcel circulation. It should provide for the extension or continuation of streets into any existing or future adjoining subdivision. Where the subdivision borders on an existing street and the Town Plan and/or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

420.2: Topography: Streets shall be logically related to the topography so as to produce usable lots. Streets shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

420.3: Intersections shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

420.4: Vertical alignment at intersections shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

420.5: Access shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

420.6: Cul-de-sac: A cul-de-sac is a street, terminating in a turn around at one end. Cul-de-sac streets shall be permitted only in residential districts and the length of a cul-de-sac shall not exceed ten times the minimum required lot frontage for the district(s) involved.

A cul-de-sac shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

The number of dwelling units served by a cul-de-sac or by a system of streets sharing a common single access to a major or secondary street shall not exceed 50 unless additional connections to other streets are approved by the Planning Commission after consultation with the Town Engineer and Administrator.

Temporary dead-end streets shall not in general exceed twelve times the required minimum lot width or 1,800 feet whichever is shorter and shall be equipped with a turn-around which conforms to the standards for permanent dead end streets; a temporary turn-around shall be provided with a notation on the plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued.

420.7: All new streets shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

- 420.8:** 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.
- 420.9:** Street Signs: All street signs and posts shall be provided and installed by the Town at the expense of the subdivider.
- 420.10:** Access Road: Access Roads shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.
- 420.11:** Curbs and Sidewalks: In the following zoning districts, Residential I, Residential II, Residential IIA, Commercial, Industrial, and Conservation I, curbs and sidewalks shall be required on at least one side of all streets by the Commission. Curbs and sidewalks may be required in other zoning districts where deemed necessary by the Commission. Curbs and sidewalks shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

Section 430: Pedestrian Access

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

Section 440. Utilities

- 440.1:** Easements: The Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements 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 Commission may require with the approval of the appropriate legislative body the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality.

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.

440.4: Depth of utility mains shall be constructed in compliance with the current Town of West Rutland Sewer Ordinance and the corresponding Construction Specifications and Details and/or the current Town of West Rutland Water System Ordinance and Construction Standards.

440.5: Water Supply Improvements:

A. Applications for connections and construction relating to the West Rutland Water System shall be in compliance with the current Town of West Rutland Water System Ordinance and Construction Standards.

B. A community system or other means of providing water to the subdivision shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. Evidence of the location and availability of potable water in adequate quantities shall be provided. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, flood water levels, and other factors affecting the potability of water.

C. Subdivisions which will have community water systems or individual water supplies shall comply with the Vermont Agency of Natural Resources' Environmental Protection Rules, Chapter 21 Water Supply Rule.

440.6: Sewage Disposal Improvements:

A. For subdivisions that will connect to the municipal sewage disposal system, connections and construction relating to the West Rutland Sewer System shall be in compliance with the current Town of West Rutland Sewer Ordinance and the corresponding Construction Specifications and Details.

B. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall be constructed in compliance with the current Town of West Rutland Sewer Ordinance

and the corresponding Construction Specifications and Details.

C. Individual septic systems and subsurface sewage disposal shall meet the requirements of the Sewage Ordinance for the Town of West Rutland, Relating to Individual Sewage Disposal Systems.

440.7: Outdoor Lighting: Outdoor lighting may be necessary for safety and security. However, inappropriate or poorly designed or installed lighting can result in unnecessary use of electric power, create unsafe conditions and nuisances for adjoining property owners and cause sky glow which obstructs views of the night sky. In order to preclude these impacts, all outdoor lighting must be kept to the minimum required for safety, security or intended use, consistent with the character of the neighborhood in which it is located. Lights should not be directed upward or onto adjoining properties, roads or public waters. A lighting plan, prepared by a qualified engineer or lighting expert, may be required as appropriate for larger projects.

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, when technology and terrain make it economically feasible, distribution systems should be built underground.

440.9: Fire Protection Facilities: Proof of adequate water supply or storage facilities for fire protection for the subdivision shall be provided to the satisfaction of the Town of West Rutland Water Department. Fire hydrants shall be installed per the Town of West Rutland Water System Ordinance and Construction Standards by the subdivider.

Section 450: Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The 25-year storm event shall be the basis for the design of storm water measures. Plans to handle storm water, including determinations as to the adequacy of existing and future facilities both upstream and downstream, shall be provided by the subdivider's professional engineer and must be approved by the Town Engineer (or other professional designated by the Town). In most cases, the subdivider will be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Any culverts or other drainage facilities shall 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 Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way or contains a storm water management facility, there shall be provided a storm water drainage easement of such width as to encompass the 25-year flood area of such water course or facility, which easement shall be indicated on the Final Plat.

Section 460: Open Space and Recreation Areas

Land shall be set aside for playground or other recreational purposes as deemed necessary by the Commission on any plat submitted for Commission approval. All such areas shall be of a reasonable character for park or other recreational uses. The Commission shall not require more than 15% of the area of any plat being set aside for park or recreational purposes.

Section 470: School Site Dedication

Where a subdivision will accommodate a total of more than 100 dwellings, the Commission 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 Commission 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 Commission shall require the subdivider to set aside the site and to show such area on the Plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of 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 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 the particular subdivision or to meet any requirements of these regulations.

480.2: Shade Trees: The Commission may require that suitable hardwood shade trees (such as Sugar Maple, Red Maple, Ash or Oak), be planted along streets where trees do not exist and overhead utilities are not present. In areas where overhead utilities are present, only low growing plant species

(such as Fire Bush, Mugo Pine, Flowering Crabapples, and dwarf species of hardwoods) that do not exceed 20 feet at mature height may be planted. All plantings must have a 3-year guarantee of survival or replacement agreement with contractor or landscape companies. All plantings must be maintained at owners cost so as not to create public hazards or infringe on motorists' line-of-sight. All plants are to be planted in an area 5-8 feet outside the street right-of-way along the lot frontage or as determined by the Commission and applicant after a review of the site.

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 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. The requirements of The Vermont Handbook for Soil Erosion & Sediment Control on Construction Sites, most recent edition shall be followed.

480.4: Excavation and Grading:

General - the entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover finished slopes. All streets shall be constructed in compliance with the Town of West Rutland, Local Roads Policy.

Fill - No stumps, wood, roots, other organic materials or refuse shall be used as fill. In those locations where the alignment crosses swamp or marshland, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling low spots outside the road 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 sub grade within the road section.

Embankments, sub grade and side slopes shall be constructed in compliance with The Town of West Rutland, Local Roads Policy.

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 Commission. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission. Notification of the existence of this organization shall be included in all deeds of transfer.

ARTICLE V: DEFINITIONS

In the interpretation and use of these regulations, except as defined herein, words and phrases shall be construed according to the commonly approved uses of the language; except that technical words and phrases shall be construed and understood in accordance with commonly accepted technical meanings. All words used in the present tense include the future tense; all words used in the plural number include the singular number; all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "used" shall be deemed to also include "designed, intended or arranged to be used". The word "person" includes individual, partnership, association, corporation, company, or organization. The word "Act" shall be considered as though followed by "as amended from time to time". Unless otherwise specified, all distances shall be measured horizontally. Words not specifically defined herein shall be used as defined in a Webster's New Collegiate Dictionary no more than 10 years old. The word "may" is permissive; the words "shall" and "will" are mandatory.

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

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

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

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

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person that disposes of sewage for domestic, commercial, industrial or institutional uses to two (2) or more customers.

CONSTRUCTION DRAWINGS: 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.

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

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

LEGISLATIVE BODY: In West Rutland, it is the Board of Selectmen

MUNICIPALITY: In most cases, this phrase refers to the Town of West Rutland. There may be occasions where the reference is to other (e.g. adjacent) towns and/or their governing bodies.

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. Subsection 4401 (b)(3) and adopted according to 24 V.S.A. Subsection 4403 and 4404 and modified according to 24 V.S.A. Subsection 4423.

OPEN SPACE: Land unoccupied by structures, buildings, streets, right-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 Planning Commission for its consideration.

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

[State Definition of Public Water system:

"...any system, or combination of systems owned or controlled by a person, which provides piped drinking water to the public and which:

(A) has at least 15 service connections; or

(B) serves an average of at least 25 individuals for at least 60 days a year.

Public water system shall also mean any part of a piped system which does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. Public water system shall also mean a system which bottles drinking water for public distribution and sale."

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

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

SKETCH PLAN: A sketch of the proposed subdivision showing information specified in Article II, Section 220 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the subdivision and objectives and requirements of these regulations.

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

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: A division or resubdivision of any parcel or area of land, for the purpose of conveyance, transfer, improvement, or sale, into two (2) or more lots, plots or parcels.

Any development of a parcel of land involving the installation, extension, relocation, or modification of municipal facilities such as streets, sewer or water mains, storm sewers, etc.

Division of land for agricultural or forestry purposes in parcels that are all larger than 25 acres, not involving any new street or access, shall not be deemed a subdivision, provided an instrument which waives development rights, until and unless subdivision review occurs, is approved by the Town Attorney and Commission, and is recorded in the Town land records.

SUBDIVISION, MAJOR: Any residential subdivision containing five or more lots, or any non-residential subdivision requiring any installation of new streets, or the extension of any municipal facilities, or any shopping complex, multifamily housing, planned residential development or planned unit development.

SUBDIVISION, MINOR: A subdivision containing not more than four 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 town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the legislative body of the municipality.

TOWN PLAN, OR PLAN: A plan adopted pursuant to 24 V.S.A. Subsection 4384 and 4385.