

**BETHEL**  
**LAND SUBDIVISION REGULATIONS**

**Adopted**  
**February 12, 2005**

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from

Two Rivers Ottauquechee Regional Commission, Woodstock, VT

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## TABLE OF CONTENTS

<b>ARTICLE I</b>	<b>TITLE, POLICY AND PURPOSE.....</b>	<b>2</b>
	SECTION 100 - TITLE .....	2
	SECTION 110 - POLICY .....	2
	SECTION 120 - PURPOSE .....	2
	SECTION 130 - APPROVAL REQUIRED FOR MAJOR SUBDIVISIONS .....	3
<b>ARTICLE II</b>	<b>DEFINITIONS .....</b>	<b>4</b>
<b>ARTICLE III</b>	<b>PLANNING AND DESIGN STANDARDS .....</b>	<b>6</b>
	SECTION 300 - PLANNING STANDARDS FOR THE SUBDIVISION .....	6
	SECTION 310 - DESIGN AND CONSTRUCTION STANDARDS WITHIN THE SUBDIVISION .....	7
	SECTION 320 - STANDARDS FOR ALL ROAD CONSTRUCTION .....	8
	SECTION 330 - STANDARDS FOR MINOR ROAD CONSTRUCTION .....	9
	SECTION 340 - STANDARDS FOR PRIVATE ROAD CONSTRUCTION .....	9
	SECTION 350 - STANDARDS FOR SHARED DRIVEWAYS .....	10
<b>ARTICLE IV</b>	<b>MAJOR SUBDIVISION APPLICATION PROCEDURE AND APPROVAL .....</b>	<b>11</b>
	SECTION 400 - SUBDIVISION APPLICATION PROCEDURE OUTLINE.....	11
	SECTION 410 - GENERAL PROCEDURE.....	11
	SECTION 420 - INITIAL MEETING.....	11
	SECTION 430 - MAJOR SUBDIVISION.....	12
<b>ARTICLE V</b>	<b>FINAL PLAN .....</b>	<b>14</b>
	SECTION 500 - FINAL PLAN FOR MAJOR SUBDIVISION .....	14
<b>ARTICLE VI</b>	<b>FEES .....</b>	<b>16</b>
	SECTION 610 - NUMBER OF COPIES .....	16
	SECTION 620 - ATTENDANCE AT PUBLIC HEARINGS .....	16
	SECTION 630 - ACCEPTANCE OF STREETS AND OPEN SPACE .....	16
	SECTION 640 - FILING OF APPROVED PLAT .....	16
	SECTION 650 - PLAT VOID IF REVISED AFTER APPROVAL.....	16
	SECTION 660 - APPLICATION FORMS .....	16
	SECTION 670 - WAIVERS .....	16
	SECTION 680 - APPROVAL CONDITIONS .....	17
	SECTION 690 - IMPACT FEES .....	17
<b>ARTICLE VII</b>	<b>IN PROCESS REQUIREMENTS .....</b>	<b>18</b>
	SECTION 700 - SUPERVISION AND CERTIFICATION OF WATER AND SEWER CONSTRUCTION .....	18
	SECTION 710 - AS-BUILT DRAWING .....	18
	SECTION 720 - PERFORMANCE BOND REQUIREMENTS.....	18
<b>ARTICLE VIII</b>	<b>ADMINISTRATION AND ENFORCEMENT .....</b>	<b>20</b>
	SECTION 800 - APPEALS .....	20
	SECTION 810 - ENFORCEMENT AND PENALTIES .....	20
	SECTION 820 - EXPIRATION OF APPROVAL - EFFECT OF PHASING.....	20
<b>ARTICLE IX</b>	<b>SEVERABILITY AND EFFECTIVE DATE .....</b>	<b>21</b>
	SECTION 900 - SEVERABILITY .....	21
	SECTION 910 - EFFECTIVE DATE.....	21
	SECTION 920 - AMENDMENTS .....	21
<b>APPENDIX A</b>	<b>.....</b>	<b>22</b>

# **ARTICLE I        TITLE, POLICY AND PURPOSE**

## **SECTION 100 - TITLE**

These Regulations shall be known as the Town of Bethel Subdivision Regulations.

## **SECTION 110 - POLICY**

- 110.1        It is hereby declared to be the policy of the Town of Bethel to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Bethel pursuant to the Vermont Planning and Development Act (ACT) (24 V.S.A., Chapter 117) for the planned, orderly, efficient, and economic development of the Town.
- 110.2        Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the general welfare, health or peril from fire, flood or other menace. Land shall not be subdivided until proper provision has been made for drainage, water supply, sewage disposal and capital improvements such as schools, transportation facilities, fire protection and other municipal services and facilities.

## **SECTION 120 - PURPOSE**

It is the intent and purpose of these Regulations to preserve the rural character of the village of Bethel and the surrounding area.

The Development Review Board shall administer these Regulations for the purpose of assuring orderly growth and coordinated development for the Town of Bethel and for protecting and providing for the health, safety and general welfare of its people.

These Regulations are hereby adopted for the following purposes:

1. To conform to or to implement the Bethel Town Plan and municipal Ordinances.
2. To provide for the protection and conservation of all natural resources including land, forests, vegetation, wildlife habitat, air and water. To encourage the wise use and management of these natural resources in order to preserve the integrity, stability, and beauty of the Town and the value of the land.
3. To maintain a desirable relationship to land form, its topography and geology, natural drainage and surface water runoff, and the ground waters of the Town.
4. To ensure that there shall not be significant adverse affect on scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas.
5. To provide for public facilities, utilities and services such as parks, open spaces, recreation areas, schools, police and fire protection, water supply and sewage disposal.
6. To ensure that existing public services and facilities have a sufficient capability to serve any proposed subdivision.
7. To encourage growth in or near the Bethel or East Bethel village areas.

8. To ensure reasonable and specific standards and procedures of subdivision design.
9. To encourage variety and flexibility in residential development, including clustering of lots under provisions of Section 4407 of the Act. To discourage "spaghetti" lots, odd size lots, and building in wet and steep areas.
10. To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

#### **SECTION 130 - APPROVAL REQUIRED FOR MAJOR SUBDIVISIONS**

Whenever any major subdivision of land is proposed, before any construction, land clearing, or building development is begun thereon, before any contract for sale of the land or structures are involved, before any permit for the erection of any building in such proposed subdivision shall be granted, and before any subdiviosn plat may be recorded with the Town of Bethel, the subdividor shall apply for and secure approval of such proposed major subdivision from the Town in accordance with this provisions of these Regulations.

## ARTICLE II      DEFINITIONS

Words and phrases contained herein shall have the following interpretations for the purpose of these Regulations. Unless otherwise defined herein, words and phrases shall be interpreted according to the definitions provided in the Act and the Bethel Town Plan, Zoning Ordinance, and other municipal Ordinances.

**Act** - The Vermont Planning and Development Act, 24 VSA, Chapter 117

**Applicant** - The owner of land proposed to be subdivided or his or her representative. Any party with a legal interest in the property may apply in cooperation with the owner of the property.

**Arterial Road** - A road designed primarily to carry higher volumes of through traffic at higher speeds, to serve major traffic centers and to interconnect Towns and cross Town areas. Examples are Route 12, Route 107 and Camp Brook Road.

**Collector Road** - A road designed primarily to carry some through traffic at medium speed, to serve traffic between arterial and local roads, and to connect adjacent neighborhoods.

**Board** - The Development Review Board of the Town of Bethel as created under 24 VSA, Chapter 117.

**Easement** - The authorization of property owner for the right of a specific use by another party of any designated part of his or her property.

**Lot** – A lot includes all contiguous land owned or controlled by the same legal entity regardless of whether acquired at different times or by separate conveyances. Lot also includes that land designated as a lot on a plat that is approved by the Development Review Board under these Regulations and that is duly recorded. A portion of a parcel in a subdivision or plat that is separated from other portions of the parcel by a property line and which has permanent access to a public highway. Land designated as a lot on a plat that is approved by the Development Review Board under these Regulations and that is duly recorded in the Bethel Land Records.

**Major Subdivision** - The division of a parcel existing on February 12,<sup>th</sup> 2005 into more than two lots or interests for the purpose, whether immediate or not, of sale, lease, or development; the term includes multi-unit residential, commercial, or industrial development; the dividing of a parcel of land by sale, gift, mortgage foreclosure, court ordered petition, or filing of a subdivision map or plat plan in the Town Land Records where the act of division results in three (3) or more lots within the bounds of the original parcel in existence on the effective date of this amendment. A subdivision shall be deemed to have occurred on the conveyance of the third lot or the filing of a plat in the Town land records, whichever shall occur first. Annexation of land which adds to a contiguous parcel and not resulting in the creation of a new lot is not a major subdivision.

**Minor or Local Road** - A road designed primarily to carry local traffic and to provide access to adjoining properties. The term includes a road in a subdivision serving five or more units, or serving non-residential uses.

**Monument** - A metal pipe placed in the ground to delineate property lines.

***Open Space*** - Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities, or parking lots. Land reserved to encourage agriculture, forestry, tourism, and recreation, including hunting and fishing.

***Parcel*** - Any contiguous land owned or controlled by the same legal entity regardless of whether acquired at different times or as separate conveyances. Tracts of land divided by public highways shall not be deemed contiguous.

***Plat*** - A map of a parcel of land subject to subdivision, showing boundaries of lots, roads, or other features, drawn to scale and suitable for recording in the Bethel Land Records.

***Private Road*** - A road in a subdivision serving three or four units.

***Shared Driveway*** - A road in a subdivision serving two units.

***Subdivider*** - Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development or subdivision as defined in the Regulations. The term shall include an applicant for subdivision approval.

***Subdivision Approval*** - Official action taken by the Board approving a Final Subdivision Plan application, following a duly noticed public hearing, including a written decision addressing all standards for planning and design as set forth in these Regulations.

***Subdivision*** - The division of any lot into two (2) or more lots, parcels, or interests for the purpose, whether immediate or future, of sale, lease, or development. The term includes amended subdivisions or re-subdivisions. The term also includes multi-unit residential, commercial development and industrial development. The term does not apply to agricultural leases. It does not apply to a sale or gift of land which adds to an existing contiguous parcel and does not result in the creation of a new separate parcel.

## **ARTICLE III      PLANNING AND DESIGN STANDARDS**

### **SECTION 300 - PLANNING STANDARDS FOR THE SUBDIVISION**

The Board shall evaluate any major subdivision in accordance with the following standards:

- 300.1      Whether the proposed development will place an unreasonable burden on the ability of the Town to provide municipal or governmental services and facilities.
- 300.2      Whether there is sufficient water available for the foreseeable needs of the proposed development.
- 300.3      Whether there is sufficient sewage capacity available for the foreseeable needs of the proposed development.
- 300.4      Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town. The proposal should use a minimum number of access roads or driveways to the Town highways.
- 300.5      Whether the proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination, and attractiveness.
- 300.6      Whether the proposal gives due regard to the preservation and protection of existing features such as but not limited to trees, scenic points and roads, brooks, streams, rock outcroppings, water bodies, forest resources, other natural resources, wildlife habitat, historic resources, prime agricultural land and open meadowland.
- 300.7      Whether the proposal includes sufficient open space for recreation.
- 300.8      Whether the proposal includes adequate provision for the control of runoff and erosion during and after construction.
- 300.9      Whether the proposed development is in compliance with the Bethel Town Plan, Zoning Ordinance and any other municipal Ordinances in effect.
- 300.10     Whether the proposed development is compatible with surrounding properties.
- 300.11     Whether the site is suitable for the proposed density.
- 300.12     Whether the proposal makes adequate provision for preservation of open land to the extent it is economically feasible.
- 300.13     Whether the proposal makes adequate provision for preservation of productive parcels of forest land to facilitate management and resource use.
- 300.14     Whether the proposal attempts to preserve the rural character of the land.
- 300.15     Whether the proposal has adequately considered cluster development.
- 300.16     Whether the proposal has adequately considered energy conservation in site planning and layout.

## SECTION 310 - DESIGN AND CONSTRUCTION STANDARDS WITHIN THE SUBDIVISION

- 310.1 **Fire Protection** - The Development Review Board may require the provision of facilities necessary for adequate fire protection. If so, such facilities shall be designed in consultation with the Bethel Fire Department and for any major subdivision, shall include a system of hydrants or ponds built to generally accepted standards.
- 310.2 **Drainage** - Drainage shall not adversely affect individual lots in the subdivision, any off-site properties or roads on or off the subdivision site. The Development Review Board may require that the developer submit a report from a professional engineer with regard to the drainage impacts on the subdivision and for the drainage system for the subdivision based on a 50-year storm standard.
- 310.3 **Erosion Protection** - The proposal shall include any steps which the developer will take to control erosion and sediment run-off during development. The Board shall, when the characteristics of the land proposed to be developed may cause problems not anticipated by the developer's proposal, require that a professional engineer develop an erosion control plan for the subdivision. The Board may require phasing of construction to minimize the amount of land subject to erosion.
- 310.4 **Utility Lines** - Electric, telephone and cable television distribution systems shall be placed underground for any major subdivision where feasible. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation both for the proposed subdivision and areas adjacent to the subdivision which are suitable for development. All utilities shall follow the road right-of-way unless the Development Review Board shall approve otherwise based upon a showing of need.
- 310.5 **Water and Sewage** - The developer shall connect to the municipal sewage and water facilities subject to the approval of the Selectboard, where proximity to existing municipal lines makes connection feasible. It shall be presumed feasible where the distance required to extend municipal lines to the beginning of the parcel divided by the number of units is 200 feet or less. Any expenses required for the connection shall be borne by the developer.
- Where the developer cannot utilize municipal sewage and water facilities, the developer must demonstrate the adequacy of the proposed on-site systems to the satisfaction of the Board. Any such proposal must meet all state and local requirements. A copy of a professional engineer's plans for the facilities shall be included for any major subdivision.
- 310.6 **Minimum Road Frontage** - For all lots fronting on a Town road or a road to be taken over by the Town up to and including five (5) acres, the minimum required road frontage shall be represented by X in the formula  $3X^2 = \text{lot area in square feet}$ . For all lots in excess of five (5) acres, the minimum required road frontage shall be represented by the X in the formula  $4X^2 = \text{lot area in square feet}$ . However, no lot shall be required to have a road frontage which exceeds five hundred (500) feet. (See Appendix A: Minimum Road Frontage Chart)

- 310.7 **Disclosure of Subsequent Development Plans** - Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel, the Board may require a disclosure of the intended use of the remaining portion of the land.

## **SECTION 320 - STANDARDS FOR ALL ROAD CONSTRUCTION**

All roads constructed within a subdivision shall meet the requirements of the Bethel Curb Cut Ordinance and the following standards.

- 320.1 **Road Centerline** - The centerline of any road or private drive shall be located in the center of the right-of-way.
- 320.2 **Shade Trees Within Right-of-way** - Selected shade trees within the right-of-way will be retained if such trees will not interfere with the purpose of the proposed road.
- 320.3 **Stone Walls** - Stone walls within the right-of-way will be retained if such walls will not interfere with the purpose of the proposed road.
- 320.4 **Intersections**
- a. No more than two (2) roads shall intersect at any one point.
  - b. Minor roads and private roads and driveways intersecting an arterial or collector road shall, whenever possible, coincide with any existing or proposed intersections on the opposite side of such road.
  - c. Off-set intersections for minor roads or private roads and driveways with an arterial or collector road shall have a minimum of 150 feet separation measured from the centerline of the intersecting roads. Intersections of arterial roads and collector roads shall be at sufficient spacing to provide for safe egress.
  - d. Any intersection involving a collector road shall not be at an angle less than ninety (90) degrees. No minor road or private road shall intersect with another minor road or private road at an angle less than seventy-five (75) degrees.
  - e. Proposed roads intersecting a collector road or arterial road shall have an unobstructed view of sufficient distance to provide for safe egress.
  - f. The proposed development must provide for the minimum feasible number of access points to a public road.
- 320.5 **Minimum Road Grade** - The minimum grade of any proposed road is one (1) percent.
- 320.6 **Slopes** - Slopes shall be constructed so that the maximum cut slopes will be 2:1 and the maximum fill slopes will be 4:1.

### SECTION 330 - STANDARDS FOR MINOR ROAD CONSTRUCTION

In addition to the requirements for all roads, minor roads within a subdivision shall meet the following standards.

- 330.1 **Minimum Right-of-Way** - The minimum right-of-way shall be fifty (50) feet.
- 330.2 **Road Construction Specifications** - The proposed road must be constructed to the following specifications:
  - a. Clearing of Roadbed - The entire roadbed shall be cleared and grubbed with all stumps and debris disposed of outside of the right-of-way.
  - b. Width of gravel shall be a minimum of twenty-four (24) feet.
  - c. Depth of gravel shall be eighteen (18) inches except where subsoil conditions require additional amounts in the opinion of the Development Review Board.
  - d. Gravel shall be good bank run gravel or an equivalent approved by the Board. The gravel should meet Vermont Department of Highways specifications for gradation.
  - e. No stone larger than six (6) inches shall be placed in an eighteen (18) inch depth of gravel, and no stone larger than two (2) inches shall be placed in the top four (4) inches of gravel.
  - f. The gravel surface shall be compacted and fine graded with a two (2) percent crown.
- 330.3 **Intersections** - All approaches to intersections shall have a maximum slope of three (3) percent for a minimum distance of seventy-five (75) feet from the centerline of the intersected road.
- 330.4 **Maximum Grade** - The maximum grade of a minor road shall be eight (8) percent.
- 330.5 **Dead ends and Cul-De-Sacs** - Dead end roads shall be constructed at the closed end with a roadway of which the minimum radius for the right-of-way shall not be less than sixty-five (65) feet.
- 330.6 **Road Curves** - Road curves shall have a minimum radius of one hundred (100) feet.

### SECTION 340 - STANDARDS FOR PRIVATE ROAD CONSTRUCTION

In addition to the requirements for all roads, private roads within a subdivision shall meet the following standards.

- 340.1 **Minimum Right-of-Way** - The minimum right-of-way shall be fifty (50) feet.
- 340.2 **Minimum Road Width** - The road shall be a minimum of sixteen (16) feet in width.
- 340.3 **Road Bed** - The road bed shall be prepared, the road graded and crowned, and provision for drainage made so that the road will not be subject to erosion.
- 340.4 **Turnouts** - Turnouts shall be provided where the length of the road or other conditions such as slope or curves make passage or meeting vehicles a safety hazard.

- 340.5     **Intersections** - All approaches to intersections shall have a maximum slope of three (3) percent for a minimum distance of fifty (50) feet from the centerline of the intersected road.
- 340.6     **Maximum Grade** - The maximum grade shall be ten (10) percent.
- 340.7     The Board may require the standards for minor roads or other appropriate conditions where safety considerations suggest that the road standards submitted by the developer are inadequate to ensure the safety of residents and other users. The Board may require the standards for minor roads where it finds that future development of the parcel or contiguous parcels may result in the road serving in excess of four units or where the road will connect two collector and/or arterial roads.
- 340.8     The plat for a subdivision which includes a private road shall state the fact that any roadways classified as private roads are not eligible to be taken over by the Town and shall designate any such roadways.

#### **SECTION 350 - STANDARDS FOR SHARED DRIVEWAYS**

In addition to the requirements for all roads, shared driveways within a subdivision shall meet the following standards.

- 350.1     **Minimum Right-of-Way** - The minimum right-of-way shall be thirty (30) feet.
- 350.2     **Minimum Road Width** - The minimum road width for a shared driveway shall be twelve (12) feet.
- 350.3     The Board may impose appropriate conditions where the proposed shared driveway is inadequate to provide for emergency services or the common portion of the roadway exceeds two hundred (200) feet.
- 350.4     The Board may require the standards for private or minor roads where it finds that future development of the parcel or contiguous parcels may result in the roadway proposed as a shared driveway serving in excess of two units.
- 350.5     The plat for a subdivision which includes a shared driveway shall state the fact that any roadways classified as shared driveways are not eligible to be taken over by the Town and shall designate any such roadways.

## **ARTICLE IV      MAJOR SUBDIVISION APPLICATION PROCEDURE AND APPROVAL**

### **SECTION 400 - SUBDIVISION APPLICATION PROCEDURE OUTLINE**

- 400.1      **Initial Submission** - Submission of Initial Plan at least fifteen (15) days prior to regular Development Review Board meeting.
- 400.2      **Discussion Phase** - Initial meeting.
- 400.3      **Major Subdivision Application Procedures** -
  - a. Within six (6) months of initial meeting, the final plan must be submitted.
  - b. Within thirty (30) days of final plan submission, a public hearing must be held.
  - c. Within forty five (45) days after conclusion of public hearing, the Development Review Board must approve or disapprove project.
  - d. Within ninety (90) days of approval the final plan must be recorded.
  - e. Upon completion of project the as-built drawings must be submitted.

### **SECTION 410 - GENERAL PROCEDURE**

Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any contract of sale of all or any part of the proposed subdivision, or before any permit for the erection of any building in such proposed subdivision shall be granted, and before any subdivision plan may be filed with the Town Clerk, the subdivider or his/her authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following sections.

### **SECTION 420 - INITIAL MEETING**

The applicant shall attend a meeting with the Development Review Board to discuss the proposed subdivision. At least fifteen (15) days prior to a regular meeting of the Board the applicant shall submit an Initial Plan that must contain the following information:

- 1. A completed subdivision application form obtainable from the Town Office.
- 2. Name and address of the landowner and/or applicant, names of all adjacent property owners, and the name of the project.
- 3. Evidence of written notification to all adjacent property owners.
- 4. A sketch map showing the proposed layout of the lots, streets or roads, the project boundaries, contiguous land owned by the applicant, adjacent land uses, north point, location of existing buildings, existing roads, water courses and other significant physical features. If any acreage in the proposed subdivision exceeds 15 % of slope it shall be so noted on the map. This map shall be drawn on graph paper roughly to scale or on a copy of the Town tax map. The scale needs to be noted.

5. A written description of the proposed development plans, including the number and size of the lots, the total acreage and the general timing of the construction.
6. A brief description of plans for water supply and sewage disposal.
7. A description of all existing restrictions on the use of the land including easements, covenants, rights-of-way, and zoning boundaries.
8. A statement of the compliance of the proposed subdivision with the Zoning Ordinance and other municipal Ordinances.

#### **SECTION 430 – MAJOR SUBDIVISION**

- 430.1 **Final Plan Submittal** - within six (6) months of the initial meeting the subdivider shall submit for approval a final subdivision plan according to the specifications set forth in Section 500 of these Regulations. The plan shall conform to the preliminary plan presented to the Board at the initial meeting, plus any written recommendations for changes made by the Board.
- 430.2 **Public Hearing** - Within thirty (30) days after formal submission of all final plan information required by the Board, the Board shall conduct a public hearing; said hearing to be publicly warned at least fifteen (15) days in advance of the hearing date.
- 430.3 **Final Plan Approval** - The Board, within forty-five (45) days after the conclusion of the public hearing, shall approve, approve with modifications and/or conditions, approve with bond requirements, or disapprove the final subdivision plan. If disapproved the applicant shall be notified in writing of the reasons for disapproval. Failure to act within such forty-five (45) day period shall be deemed approval.
- 430.4 **Phasing** - At the time the Board grants final plan approval, it may require the plan to be divided into two or more phases, and may impose conditions upon each phase as it deems necessary to assure the orderly development of the plan and to avoid overburdening Town facilities and services.
- 430.5 **Filing of Plat** - Within ninety (90) days of final plan approval, the subdivider shall file the final approved plat on reproduction mylar with the Town Clerk and one (1) paper copy (if different from the final plan copies) with the Development Review Board. The plat will be rendered void if it is in anyway different from that approved or if it is not filed within the ninety (90) day period.
- 430.6 **Plan Recording** - All subdivisions must be recorded by the applicant in the office of the Town Clerk within ninety (90) days of the date of the final plan approval or the approval expires. Prior to recording, the plan must be signed by two (2) authorized members of the Development Review Board.

For any subdivision which requires the construction of roads or other public improvements by the applicant, the authorized members of the Development Review Board may not sign the approved plan until the subdivider has:

- a. Met the requirements, if any, of Section 720, Performance Bond Requirements, of these Regulations; or

- b. Constructed all public improvements to the satisfaction of the Development Review Board and Selectboard, public improvements to be maintained to Town standards until taken over by the Town or a private association.

Two (2) copies of the approved Final Subdivision Plan shall be filed with the Town Clerk. The Final Subdivision Plan to be recorded shall be of a size determined by the Development Review Board and be consistent with State recording requirements (27 VSA, Sections 1401-1406).

Failure to record an approved plan with the Town Clerk within the prescribed period noted above shall render the approval null and void

## ARTICLE V      FINAL PLAN

### SECTION 500 - FINAL PLAN FOR MAJOR SUBDIVISION

The following information shall be submitted with every final plan for a major subdivision application:

- 500.1      **Initial Plan Information** - The applicant shall provide all information required for the Initial Plan and any modification or additional detail required by the Board.
- 500.2      **Description of Water and Sewage** - Description of the proposed water supply and sewage disposal systems.
- 500.3      **Granting of Easements** - In the event of granting of easements to the Town of Bethel, a written acknowledgement of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.
- 500.4      **Survey Map** - Survey map of subdivision, unless otherwise waived in whole or in part by the Board, to be certified by a licensed land surveyor, showing subdivision boundaries and individual lot boundaries with reference to established boundary markers or monuments.
- 500.5      **The Map** - A map drawn to scale not to exceed one hundred (100) feet per inch, suitable for filing as a plat that contains all of the following:
  - a. Subdivision name or title, address at which it is located, scale, north point and date.
  - b. Name and address of subdivider.
  - c. Subdivision boundaries and lot boundaries of land being subdivided.
  - d. Total acreage of the subdivision and the number of lots proposed with their individual acreage.
  - e. Location of proposed water supply.
  - f. Location of proposed sewage disposal system.
  - g. Existing water courses, marshes, wooded areas, public facilities and other significant physical features in the subdivision.
  - h. Location of all existing buildings, utilities and other manmade improvements.
  - i. Existing restrictions on the use of the land including easements, covenants, rights-of-way and zoning boundaries.
  - j. Proposed roads, rights-of-way, utilities. The roads and rights-of-way will show width and typical road profiles.
- 500.6      Additional information may be required by the Board as it deems necessary, including but not limited to:
  - a. Contour lines at an interval not greater than five (5) feet.

- b. Initial grading plans showing areas of cut and fill and revised contours at an interval not greater than five (5) feet.
- c. A storm water drainage plan, drawn at a contour interval not greater than five (5) feet, which shall indicate the methods of collecting and discharging drainage, as well as methods for temporary and permanent erosion control.
- d. Typical landscaping plans showing plant types, ground cover, lighting and signage.

## **ARTICLE VI      FEES**

Upon submission of an application for a subdivision, the subdivider shall pay the application fee as established by the Selectboard for the administration of these Regulations.

### **SECTION 610 - NUMBER OF COPIES**

All required submissions under these Regulations shall be submitted in three (3) copies.

### **SECTION 620 - ATTENDANCE AT PUBLIC HEARINGS**

The subdivider or his duly authorized representative shall attend all required meetings and hearings held under these Regulations to review the subdivider's application including any public meetings, or hearings which are continued to a specific time and date. The Board may disapprove the subdivider's application if he or she or his or her duly authorized representative fails to attend any such public hearings or meetings.

### **SECTION 630 - ACCEPTANCE OF STREETS AND OPEN SPACE**

The approval of the final plat or filing for record thereof shall not constitute or be evidence of any acceptance of any street, park, or other open space shown on such plan. Such acceptance shall be by resolution of the Selectboard.

### **SECTION 640 - FILING OF APPROVED PLAT**

Filing of the approved plat shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended.

### **SECTION 650 - PLAT VOID IF REVISED AFTER APPROVAL**

No changes, erasure, modification, or revision shall be made on any subdivision plat after approval has been given by the Board and endorsed in writing on the plat, unless said plat is first re-submitted to the Board and the Board approves such modifications after public hearing.

In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

### **SECTION 660 - APPLICATION FORMS**

All applications required under these Regulations shall be submitted on forms furnished and approved by the Town of Bethel Development Review Board.

### **SECTION 670 - WAIVERS**

The Development Review Board may waive or vary the provisions of these Regulations if, in its judgment, the provisions are not required by the special circumstances of the plan and the waiver is in the interest of the public health, safety, and general welfare.

The Board may waive or vary the provisions of these Regulations only upon a demonstration by

the applicant that good cause exists. Financial considerations alone shall not constitute good cause. In granting waivers the Board shall require such conditions as will in its judgment secure substantially the objectives of the requirements so varied or waived.

It shall be the responsibility of the applicant to meet the requirements of these Regulations and provide such sufficient information to enable the Board to reach a decision.

The waivers will not in any manner vary the provision of the Bethel Zoning Bylaws, Comprehensive Plan or other bylaws then in effect.

#### **SECTION 680 - APPROVAL CONDITIONS**

Orders and findings by the Development Review Board which contain stipulations and/or conditions affecting approvals for any lot, tract or parcel of land may be recorded in the miscellaneous land records of Bethel, or on the original mylar, and indexed to the record owner of said parcel, the recording fee to be paid by said owner.

#### **SECTION 690 - IMPACT FEES**

The subdivider may be obligated to pay impact fees pursuant to any Ordinance in effect at the time the application is pending.

## ARTICLE VII IN PROCESS REQUIREMENTS

### SECTION 700 - SUPERVISION AND CERTIFICATION OF WATER AND SEWER CONSTRUCTION

- 700.1 **Supervising Engineer** - Prior to commencing construction of required water and sewer improvements, the subdivider shall inform the Town Manager's office of the name of the supervising engineer who will be responsible for the work. The supervising engineer shall be registered in the State of Vermont.
- 700.2 **Site Inspection** - The designated supervising engineer shall inspect the site during all phases of construction of the required water and sewer improvements.
- 700.3 **Certification Upon Completion** - Upon completion of the required work, the supervising engineer shall certify to the Town in writing, that the work was completed in accordance with the approved plans. As-built drawings shall be prepared and submitted with such certification if construction deviated from approved plans.
- 700.4 **Permit for Subsequent Work** - No permit for subsequent work or certificate of occupancy for structures in the subdivision shall be issued until such certification has been received and accepted.

### SECTION 710 - AS-BUILT DRAWING

Prior to the use or occupancy of the project, the subdivider shall submit an "as-built" plan. This plan shall be drawn to scale and shall indicate by dimensions, angles, and distances the location of all utilities, structures, roadways, easements and other improvements as constructed. As-built plans shall be submitted by the subdivider to the Administrative Officer on a permanent recordable print(s) 18inches x 24inches size.

### SECTION 720 - PERFORMANCE BOND REQUIREMENTS

The Board may require a performance bond in an amount sufficient to cover the full cost of constructing any public improvements. Such performance bond is to be submitted prior to Final Plan approval.

Security that the project shall be completed as approved may be required in the form of:

1. A surety bond, issued by a surety company authorized to do business in Vermont, to be filed with the legislative body in form and amount satisfactory to it, or
2. A letter of credit, cash, escrow account or savings bankbook properly endorsed to the Town in an amount to be determined by the legislative body, or
3. A performance bond from the developer or contractor.

The performance guarantee shall not be released until the Board has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan. The performance bond shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three (3) years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed 3 years.

If any required improvements have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the Town and upon receipt of the proceeds thereof, the Town shall install or maintain such improvements as are covered by such performance bond.

The Board may also require surety covering the maintenance of said improvements for a period of two (2) years after acceptance by the Town; said surety to be equal to not less than 10 percent of the estimated cost of those improvements.

## **ARTICLE VIII ADMINISTRATION AND ENFORCEMENT**

### **SECTION 800 - APPEALS**

Appeals from the decisions of the Board shall be in accordance with the provisions of the Act and Vermont Statutes as presently in effect or as hereinafter from time to time amended.

### **SECTION 810 - ENFORCEMENT AND PENALTIES**

- 810.1 Approval - No land development, improvements, additions, building, structures, sales or change of use may be undertaken on any lot, tract or parcel of land subdivided out of a larger parcel and no zoning permit or occupancy permit shall be issued therefore until said subdivision has been approved by the Development Review Board under these Regulations.
- 810.2 Required Improvements - No building or sales may be undertaken until the improvements required in the approval, including improvements required for a particular phase of the subdivisions have been completed.
- 810.3 Fines - Any person who violates any of the provisions of these Regulations or fails to construct an approved subdivision according to the approved plan, shall be fined not more than one-hundred (100) dollars for each offense, and each day that a violation continues shall constitute a separate offense.
- 810.4 Prosecution - Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct or prevent any violations of these Regulations or prosecute violators thereof.

### **SECTION 820 - EXPIRATION OF APPROVAL - EFFECT OF PHASING**

Each approval for a Final Plan shall contain a time limit within which all improvements shall be completed not to exceed 3 years unless required or extended by the Development Review Board.

The Development Review Board, in granting final plat approval, may include an agreed upon phasing plan. Such phasing plan can be amended only on approval of the Development Review Board, after a public hearing.

If the roads (except for pavement), utilities and other improvements required for a phase of the subdivision are not completed by the date specified in the phasing plan in the relevant phase of development, the final plan approval shall become null and void. In such an event, all work on the project shall cease until such time as a new subdivision application has been submitted and has received final plan approval from the Development Review Board.

If good cause is shown for delay of the project, a one year extension may be granted by the Development Review Board if the unfinished portion of the subdivision conforms to the existing Town bylaws.

If contiguous approved lots held in common ownership are not sold within five (5) years of the filing of the plat, the approval of the subdivision shall become null and void.

## **ARTICLE IX      SEVERABILITY AND EFFECTIVE DATE**

### **SECTION 900 - SEVERABILITY**

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

### **SECTION 910 - EFFECTIVE DATE**

These Regulations shall take effect after adoption by the Select Board pursuant to 24 VSA Chapter 59.

### **SECTION 920 - AMENDMENTS**

The following are the required procedures for amendment or repeal:

1. **Preparation of Amendment or Repeal** - A proposal for amendment or repeal may be prepared by the Planning Commission or by any person or body. A proposed amendment or repeal prepared by a person or body other than the Commission shall be submitted in writing along with any supporting documents to the Planning Commission. If a proposed amendment or repeal is supported by a petition signed by not less than five (5%) percent of the qualified voters of the Town, the Planning Commission shall proceed promptly under the provisions of this section as if the proposed amendment or repeal had been prepared by the Planning Commission.
2. **Planning Commission Hearing** - The Planning Commission shall hold at least one public hearing after public notice on any proposed amendment or repeal. The Commission shall thereafter make such changes in the proposed amendment or repeal as it considers appropriate and shall then submit the proposed amendment or repeal to the Select Board. However, in the case of a proposed amendment or repeal supported by a petition signed by not less than five percent of the qualified voters in the Town, the Commission shall not make any changes prior to submission of the proposed amendment or repeal to the Select Board.
3. **Selectboard Hearings** - Not less than fifteen (15) nor more than one hundred twenty (120) days after a proposed amendment or repeal is submitted to the Selectboard, the Board shall hold the first of one or more public hearings, after public notice, on the proposed amendment or repeal.
4. **Adoption by the Selectboard** - Subject to the voters right to petition described below, a bylaw, amendment, or repeal shall be adopted by a majority of the members of the Select Board at a meeting held after the final public hearing, and shall be effective twenty-one (21) days after adoption.
5. **Permissive Referendum** – Petition for popular vote: notwithstanding a vote by the Select Board on a bylaw, amendment, or repeal, said vote shall not take effect if five percent (5%) of the voters of the Town petition for a meeting of the Town to consider the bylaw, amendment, or repeal, and the petition is filed within twenty (20) days of the vote. In that case, a meeting of the Town shall be duly warned for the purpose of acting by Australian ballot upon the bylaw, amendment, or repeal.

# **APPENDIX A** **MINIMUM ROAD FRONTAGE CHART**

LOT SIZE (ACRES)	LOT SIZE (FEET <sup>2</sup> )	MINIMUM FRONTAGE (FT)	THEORETICAL DEPTH (FT)	FRONTAGE DEPTH
0.5	21780	85.21	255.62	0.33
1.0	43560	120.50	361.50	0.33
1.5	65340	147.58	442.74	0.33
2.0	87120	170.41	511.23	0.33
2.5	108900	190.53	571.58	0.33
3.0	130680	208.71	626.13	0.33
3.5	152460	225.43	676.30	0.33
4.0	174240	241.00	722.99	0.33
4.5	196020	255.62	766.85	0.33
5.0	217800	269.44	808.33	0.33
5.5	239580	244.73	978.94	0.25
6.0	261360	255.62	1022.47	0.25
6.5	283140	266.05	1064.22	0.25
7.0	304920	276.10	1104.39	0.25
7.5	326700	285.79	1143.15	0.25
8.0	348480	295.16	1180.64	0.25
8.5	370260	304.24	1216.98	0.25
9.0	392040	313.07	1252.26	0.25
9.5	413820	321.64	1286.58	0.25
10.0	435600	330.00	1320.00	0.25
10.5	457380	338.15	1352.60	0.25
11.0	479160	346.11	1384.43	0.25
11.5	500940	353.89	1415.54	0.25
12.0	522720	361.50	1445.99	0.25
12.5	544500	368.95	1475.80	0.25
13.0	566280	376.26	1505.03	0.25
13.5	588060	383.43	1533.70	0.25
14.0	609840	390.46	1561.85	0.25
14.5	631620	397.37	1589.49	0.25
15.0	653400	404.17	1616.66	0.25
15.5	675180	410.85	1643.39	0.25
16.0	696960	417.42	1669.68	0.25
16.5	718740	423.89	1695.57	0.25
17.0	740520	430.27	1721.07	0.25
17.5	762300	436.55	1746.20	0.25
18.0	784080	442.74	1770.97	0.25
18.5	805860	448.85	1795.39	0.25
19.0	827640	454.87	1819.49	0.25
19.5	849420	460.82	1843.28	0.25
20.0	871200	466.69	1866.76	0.25
20.5	892980	472.49	1889.95	0.25
21.0	914760	478.22	1912.86	0.25
21.5	936540	483.87	1935.50	0.25
22.0	958320	489.47	1957.88	0.25
22.5	980100	495.00	1980.00	0.25
23.0	1001880	500.00	2001.88	0.25

All lots over twenty three (23) acres shall have a minimum road frontage of five hundred (500) feet.