

## **ARTICLE 1            TITLE AND PURPOSE**

### **Section 5-1-1   Title**

In order that land subdivision may be made in accordance with this policy, these regulations, which shall be known as, and which may be cited as the “Hartford Subdivision Regulations” have been adopted by the Town of Hartford.

### **Section 5-1-2   Statement and Purpose**

The legislative body of the Town of Hartford pursuant to the authority conferred upon it by Chapter 117 of the State of Vermont Planning and Development Act adopted the following regulations governing the subdivision of land. The Planning Commission, (herein sometimes referred to as “Commission”) shall be the administering body and under the authority provided by Section 4401 of the Vermont Planning and Development Act, the Commission shall administer these regulations for the purpose of assuring orderly growth and coordinated development in the Town of Hartford and to assure the comfort, convenience, safety, health, and welfare of the people. Further, the approval of such subdivisions shall be based on the following broad considerations:

- (1) Conformance with the various parts of the Municipal Development Plan and zoning regulations.
- (2) Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, surface water, and to the ground water table.
- (3) Recognition of desirable standards of subdivision design including provision for pedestrian and vehicular traffic, surface water runoff, surface water, and for suitable building sites for land use contemplated.
- (4) Provision for facilities which are desirable adjuncts to the contemplated use such as parks, recreation areas school sites, churches, fire stations, and off-street parking.
- (5) Preservation of natural assets such as streams, ponds, trees and attractive scenic areas.
- (6) Provision of adequate utilities and services such as water and sewer.
- (7) Encouragement of variety and flexibility in residential development including clustering of lots and provisions of Section 4407(3) and (12) of the Vermont Planning and Development Act.
- (8) Awareness of the municipality’s capital investment in community facilities such as sewer and water systems, roads, public recreation areas, etc.

## **ARTICLE II            DEFINITIONS**

### **Section 5-2-1    Definitions**

For the purposes of these regulations certain words used herein shall be defined as follows:

Act shall refer to and be interpreted to mean the Vermont Planning and Development Act.

Commission See Planning Commission

Construction Drawings Means the drawing showing the location, profile grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross-section of streets, miscellaneous structures.

Easement The authorization of a property owner for the use by another, and for a specified purpose and intensity of use, of any designated part of his property.

Subdivision Plat The drawings on which the subdivider's plan of subdivision is presented to the Commission for approval and which, if approved, will be filed for record with the Municipal Clerk.

Legislative Body Legislative Body means the Board of Selectmen.

Municipal Development Plan or Plan A comprehensive plan prepared by the Commission pursuant to Subchapter 5 of the Vermont Planning and Development Act which establishes guidelines for the future physical development of the Municipality.

Official Map The map authorized by Section 4401(3) of the Vermont Planning and Development Act.

Official Submittal Date The time of submission of the subdivision plan considered to be the date of the next regular meeting of the Commission following the submission of the application for the plat approval to the Commission, complete and accompanied by the required fee and all data required by ARTICLE V, of these regulations.

Planning Commission or Commission Means a Planning Commission for a Municipality created under Subchapter 2 of the Vermont Planning and Development Act.

Regional Plan A plan adopted under Section 4348 of the Vermont Planning and Development Act.

Regional Planning Commission Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act.

Resubdivision A change of record subdivision plat if such change affects any street layout shown 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 Section 5-5-1 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the subdivision and objectives and requirements of these regulations.

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 Means the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other division of land for the purpose of sale, lease, license, land development or improvement or any form of separate ownership of occupancy. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common or jointly and subsequently divided into parts among the several owners shall be deemed a subdivision. The sale or exchange of small parcels (less than 1 acre) between adjoining property owners to adjust property boundaries shall not be considered a subdivision. This exemption only applies to parcels which have never been approved by the Planning Commission. Subdivision shall not include the leasing of a lot, tract, or parcel of land on which no structure will be erected or be placed, permanent or temporary and on which lot, tract or parcel of land, no substantial change in the use of the land is indicated.

Subdivision Major Any subdivision containing five (5) or more lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision Minor A subdivision containing not more than four (4) lots which has frontage on an existing public street or access to such street by right-of-way, and which does not require any new municipal street, street extension or extension of municipal facilities.

#### Transportation Network

Interstates are planned to carry high volumes of traffic among national activity centers, will have at least four traffic lanes and be designed as limited access.

Minor Arterials are planned to carry high traffic volumes over long distances among regional activity centers within different urban areas.

Major Collectors are planned to carry moderate to high traffic volumes from neighborhood areas to arterials roads or to local activity centers and will have no more than two traffic lanes.

Minor Collectors are planned to carry moderate to high traffic volumes from neighborhood areas to arterial roads or to local activity centers and will probably have no more than two traffic lanes.

Local Collectors are those streets planned to carry a moderate traffic volume within neighborhood areas as a link among local streets and will have no more than two traffic lanes.

#### Section 5-2-2 Other Definitions

The definitions established in the Zoning Bylaw and the State of Vermont Planning and Development Act shall apply to these regulations unless these regulations specifically provide for a different definition.

### **ARTICLE III       PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATION**

#### SECTION 5-3-1 APPLICATION TO COMMISSION

Before any contract for the sale of land or any grading, clearing, construction or other improvement is undertaken, the subdivider shall apply to the Commission for approval.

Upon receipt of a subdivision application the Administrative Officer shall classify it as a minor or major subdivision by use of the definitions in Section 5-2-1. Thereafter, the approval procedure is summarized as follows:

##### Minor Subdivision

1. Approval of minor subdivision plat after advertised hearing.
2. Filing of approved plat with the Town Clerk. Procedure for approval of minor subdivision are more fully covered in Section 5-3-2.

##### Major Subdivision (including all PUD's)

1. Approval of preliminary subdivision plat after advertised public hearing.
2. Approval of final subdivision plat after advertised public hearing.
3. Filing of approved final plat with the Town Clerk. Procedures for approval of major subdivision are more fully covered in Section 5-3-3.

For both minor and major subdivisions, the owner, the Administrative Officer, or the Chairman of the Planning Commission may request a scheduled discussion of a sketch plan for the subdivision with the Planning Commission before proceeding into the above approval procedure.

Details of the sketch plan are covered in Section 5-5-1.

When a sketch plan is used, the subdivider, or his duly authorized agent, shall attend the meeting of the Commission to discuss the proposal in broad terms. The Commission shall address itself to the proposal's conformance with the Municipal Development Plan and to the identification of problem areas for the purpose of assisting the developer in deciding whether and in what matter to proceed with preparation of a subdivision plat. No formal action of approval or disapproval shall be taken on the sketch plan which is not a substitute for the subdivision plat.

#### 5-3-1.1 General Provisions

All applications for subdivision plat approval shall be accompanied by a fee as determined by the Board of Selectmen payable to the Municipality. Three (3) copies of the subdivision plat and two (2) copies of supporting data shall be presented to the Administrative Officer by noon on the fourth working day preceding the meeting at which it is scheduled for review. The subdivider, or his duly authorized agent, shall attend the meeting of the Commission to discuss the subdivision plat. The time of submission of the subdivision plat shall be as defined in Article II, Definitions; "Official Submittal Date". The subdivider shall apply for all municipal and state permits required by the proposed development. 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, and any other municipal and state permits.

#### Section 5-3-2 Review and Approval of Minor Subdivision

The Commission may require, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with certain or all of the information requirements specified for major subdivision.

##### 5-3-2.1 Application

Within six months after classification of the proposal as a minor subdivision by the Administrative Officer, the subdivider shall submit for approval a subdivision plat. The plat shall conform to the requirements listed in Section 5-5-2 and, if a review of the sketch plan was held by the Commission, should address any recommendations made by the Commission.

### 5-3-2.2 Public Hearing

A public hearing shall be opened by the Commission at the time of submission of the minor subdivision plat to the Commission. Said hearing shall be advertised in a newspaper of general circulation in the area at least fifteen (15) days before such hearing and notice of said hearing shall be posted in at least (1) prominent place at least fifteen (15) days prior to the hearing. In addition, at least fifteen (15) days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such Municipality is a member and to the clerk of an adjacent Municipality in the case of a plat located within five-hundred (500) feet of a Municipality boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.

### 5-3-2.3 Action on Minor Subdivision Plat

The Commission shall, within forty-five (45) days from the closure of the public hearing, approve, modify and approve, or disapprove the minor subdivision plat.

### 5-3-2.4 Filing of Approved Minor Subdivision Plat

After final approval and endorsement by the Commission, the applicant shall file the minor subdivision plat in the office of the Municipal Clerk. Any minor subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.

## Section 5-3-3 Review and Approval of Preliminary Plat for Major Subdivision (including all PUD's)

### 5-3-3.1 Application

Within one year after classification of the proposal as a major subdivision by the Administrative Officer, the subdivider shall submit for the consideration of the Commission a preliminary plat of the proposed major subdivision in the form described in Section 5-3-3, and if a review of the sketch plan was held by the Commission, address any recommendations made by the Commission.

### 5-3-3.2 Study of Preliminary Plat

The Commission shall study the practicability of the preliminary plat with particular attention given to the arrangement and location 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 Municipal Development Plan, and zoning regulations.

### 5-3-3.3 Public Hearing

A public hearing shall be opened by the Commission at the time of submission of the preliminary subdivision plat to the Commission. Said hearing shall be advertised in a newspaper of general circulation in the area at least fifteen (15) days before such hearing and notice of said hearing shall be posted in at least one (1) prominent place at least fifteen (15) days prior to the hearing. In addition, at least fifteen (15) days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such Municipality is a member and to the clerk of an adjacent Municipality in the case of a plat located within five-hundred (500) feet of the Municipality boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.

### 5-3-3.4. Action on the Preliminary Plat

Within forty-five (45) days from the closure of the public hearing, the Commission shall take action to approve, with or without modifications, or disapprove such preliminary plat. The ground for any modification required or the ground for disapproval shall be stated in the records of the Commission. Failure of the Commission to act within such forty-five (45) day period shall constitute approval of the preliminary plat. When granting approval of a preliminary plat, the Commission shall state the conditions of such approval, if any, with respect to (1) the specific change which it will require in the final plat, (2) required improvements for which waivers have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the assurance for completion or the amount of all bonds therefore which it will require as a prerequisite to the approval of the final subdivision plat. The action of the Commission plus any conditions attached thereto shall be noted on two (2) copies of the preliminary plat. One copy shall be returned to the subdivider and one retained by the Commission.

Approval of a preliminary plat shall not constitute approval of the subdivision, but rather it shall be deemed an expression of general concurrence with the design submitted subject to the developer's meeting whatever conditions may be imposed for final approval. Prior to approval of the final subdivision plat, the Commission may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at public hearing.

## Section 5-3-4 Review an Approval of Final Plat for Major Subdivision

### 5-3-4-.1 Application

The subdivider shall, within six months after the approval of the preliminary plat, file with the Administrative Officer a final subdivision plat in the form described in Section 5-5-4 giving effect to the modifications imposed by the Commission in its preliminary approval. If the final plat is not submitted to the Commission within six months after the approval of the preliminary plat, the Commission may refuse without prejudice to act on the final plat and require resubmission of the preliminary plat.

#### 5-3-4.1 Public Hearing

A public hearing shall be opened by the Commission at the time of submission of the final subdivision plat. This hearing shall be advertised in a newspaper of general circulation in the area at least fifteen (15) days before such hearing and notice of said hearing shall be posted in at least one (1) prominent place at least fifteen (15) days prior to the hearing. In addition, at least fifteen (15) days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such Municipality is a member and to the clerk of an adjacent Municipality in the case of a plat located within five-Hundred (500 feet of a municipal boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.

5-3-4.3 Action on Proposed Final Subdivision Plat. The Commission shall, within forty-five (45) days from the closure of the public hearing, approve, modify and approve, or disapprove the final subdivision plat. In the case of disapproval of the proposed final subdivision plat, the Commission shall notify the subdivider by certified mail. Such notification shall include findings of fact and conclusions of law.

#### Section 5-3-5 Filing of Approved Major Subdivision Plat

5-3-5.1 Final Approval and Filing. Upon final approval by the Planning Commission, the plat shall be properly endorsed by the Commission and may be filed by the applicant in the office of the Municipal Clerk. Any subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.

5-3-5.2 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 modifications. In the event that such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plat stricken from the records of the Municipal Clerk.

#### Section 5-3-6 Required Improvements

5-3-6.1 Required Improvement List. The following are required improvements:

Monuments, lot markers, streets, sidewalks, street signs, street lighting, water mains, sanitary sewers, storm drains, fire hydrants, and other capital improvements as required by the Commission. The Commission may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and welfare in accordance with Section 5-6-2. Where a developer expects to request the Town's acceptance of ownership of completed improvements, the Commission shall request the developer to provide a letter from the Town Manager certifying as to their satisfactory design and quality.



5-3-6.2 Improvements and Performance Bond. Before the Commission grants approval of the final subdivision plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below; at the discretion of the Commission.

- (1) In an amount set by the Commission, subdivider shall either file with the Municipal Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Municipal Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Legislative Body and Town Manager, and municipal attorney as to form sufficiency, manner of execution and surety. A period of one (1) year (or such period as the Commission may determine appropriate, not to exceed 30 months) shall be set forth in the bond time within which required improvements must be completed. The certified bond or check shall include an amount required for school and/or land for public recreation purposes, as specified in these regulations.

or

- (2) The subdivider shall agree to complete all required improvements to the satisfaction of the Utilities Superintendent and/or the Highway Superintendent or consulting engineer, duly designated by them who shall file with the Commission a letter signed by the Town Manager signifying the satisfactory completion of all improvements required by the Commission. No sale or agreement to sell property within the development shall be made pending receipt of said letter. The Commission may waive this restriction with respect to any portion of the development in which the required improvements are satisfactorily completed and operative.

5-3-6.3 Modification of Design of Improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Utilities Superintendent/ Highway Superintendent that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Utilities Superintendent/ Highway Superintendent may, upon approval of the Commission, authorize modifications provided these modifications are within the spirit and intent of the Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission. The Utilities Superintendent/Highway Superintendent shall issue any authorization under this section in writing signed by the Town Manager and shall transmit a copy of such authorization to the Commission at their next regular meeting.

5-3-6.4 Inspection of Improvements. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Utilities Superintendent/Highway Superintendent of his intention to commence construction.

5-3-6.5 Proper Installation of Improvements. If the Utilities Superintendent/Highway Superintendent shall find, upon inspection of the improvements performed before expiration date of the performance bond, or the lifting of restrictions against sale, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the

subdivider, he shall report to the Town Manager who will advise the Legislative Body, Administrative Officer and Commission. The Legislative Body then shall notify the subdivider and, if necessary, the bonding company, if any, and take all necessary steps to preserve the Municipality's rights. No plat proposed by that subdivider shall be approved by the Commission as long as the subdivider is in default on a previously approved plat or agreement.

5-3-6.6 Maintenance of Improvements to be Dedicated to the Town. The applicant shall be required to maintain improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Legislative Body. The applicant shall be required to file a maintenance bond with the Legislative Body, prior to dedication, in an amount considered adequate by the appropriate town authority in a form satisfactory to the Legislative Body and municipal attorney in order to assure that the Town's rights are protected in case the improvements deteriorate during the following two (2) year period due to improper construction by the applicant.

#### Section 5-3-7 Public Acceptance of Streets, Recreation Areas

5-3-7.1 The approval by the Commission of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such subdivision plat.

5-3-7.2 When a school site, park, playground, or other recreation area is to be submitted for acceptance by the Municipality, the Commission shall require the plat to be endorsed with appropriate notes to this effect. The Commission may also 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 area.

#### Section 5-3-8 Construction Drawings

A Complete reproducible set of "as built" construction drawings shall be provided by the subdivider to the Municipality before the acceptance of the public improvements such as streets, easements and utility lines by the Municipality.

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

#### Section 5-4-1 Planning Standards

5-4-1.1 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, buildings, or other hazardous conditions, shall not ordinarily be subdivided.

5-4-1.2 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 environmental and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where practical. Landscaping should be effectively used providing wind barriers and reducing heat loss and heat gain. Cluster development should be encouraged wherever feasible and desirable.

5-4-1.3 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.

5-4-1.4 Lot Layout. The layout of lots shall conform to the requirements of the zoning regulations in force, and shall be appropriate for the intended construction. Corner lots should 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. Considerations in lot layout shall be given to topographic and soil conditions.

5-4-1.5 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 5-4-2 Streets

5-4-2.1 Layout. The arrangements of streets in the subdivision shall provide for the continuation of principal streets in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system. When an official map which includes planned future streets has been adopted by a town, subdivisions may be required by the Commission to conform to that map. Streets may be dedicated or served in the locations and widths shown on the official map as a condition of plat approval. Where the subdivision borders on an existing street and the comprehensive plan or official map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the final plat "Reserved for Street Realignment (or Widening) Purposes."

5-4-2.2 Topography. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

5-4-2.3 Access. Year-round graveled or paved access shall be available for fire, ambulance and police vehicles to within one-hundred (100) feet of the principal entrances to multi-family dwellings, commercial or industrial establishments, and institutions.

5-4-2.4 Dead-end Streets and Turnarounds. A dead-end street shall not exceed twelve-hundred (1,200) feet in length, shall meet at least minimum width requirements as set by the Town street construction specifications. Where a road issues from a turnaround to serve more than one residence (and therefore is not a driveway) the portion of such road which serves more than one residence must be added to the length of the dead-end street and the sum of the two segments may not exceed twelve-hundred (1,200) feet. Where more than one such road issues from a turnaround, the twelve-hundred (1,200) foot limitation shall apply to the dead-end segment plus the longest of such common use segments issuing from the turnaround. The limit on maximum length may be waived by the Commission where terrain factors would result in a second access being unreasonably expensive to construct and such waiver can be justified by large lot sizes and limitations on resubdivision. A turnaround shall be provided at the end of dead-end streets in a form approved by the Highway Superintendent.

5-4-2.5 All new streets shall comply with the Town Highway Ordinance which is in effect at the time of construction.

5-4-2.6 Street Names. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. Other streets shall be named in accordance with the zoning regulations. Where names are required they shall be shown on the proposed subdivision plat.

5-4-2.7 Access Road. If the access road to the subdivision is a private road, the Commission may require the subdivider to improve the access road to municipal highway construction standards in accordance with the Town Highway Ordinance. Such improvement shall provide no implied obligation on the Municipality to accept ownership and responsibility for future maintenance of said road. If the access road to the subdivision is a Class-4 town road, the Commission may require its upgrading at the developer's expense and subdivision may be conditional upon approval of the road-class change by the Legislative Body.

5-4-2.8 Curbs and Sidewalks. Curbs and sidewalks may be required on at least one side of all streets by the Commission in any subdivision where the density is greater than one residential unit for each two (2) acres unless waived by the Commission, and the curbs and sidewalks may be required on both sides of a street, if deemed necessary by the Commission. Curbs may be required when the density is one residential unit for each two (2) acres of land or less, if deemed necessary by the Commission. If sidewalks or curbs are required by the Commission, construction must conform to specifications provided and approved by the Highway Superintendent.

#### Section 5-4-3 Pedestrian/Bicycle Access

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

#### Section 5-4-4 Utilities

5-4-4.1 Easements. The Commission may require that any underground utilities be placed in the street right-of-way between the paved roadway and streetline. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.

5-4-4.2 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 the extension of public waters and sewers to and within a proposed subdivision, without cost to the Municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision. In such circumstances the Municipality may elect to oversize the trunk line extension in anticipation of further extension to other areas. If this option is exercised the cost borne by the Municipality will be limited to the additional equipment cost, excluding installation, incurred by the developer over what he would have incurred in construction solely for his own development. This figure must be agreed between the developer and the official responsible for the municipal system before approval of the final subdivision plat is granted. Where the proposed subdivision is located on an existing water and/or sewer line, the Commission shall determine whether off-site capacity is available to service the proposed subdivision.

5-4-4.3 Connection 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 have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.

5-4-4.4 Depth of Utility Mains. Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.

#### 5-4-4.5 Water Supply Improvements.

- A. For subdivisions which will connect to a public municipal water supply system, the Commission may require written certification from the Town Manager that system capacity is adequate to serve the anticipated requirements of the proposed subdivision. Applications for extensions to the municipal system shall be approved by the officers and agents of a Municipality entrusted with the care and superintendence of a municipal water supply system.
- B. The Commission may require that a private water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.
- C. Water supply systems shall meet the requirements of any applicable municipal or state health regulations.

- D. The following standards shall be met for those subdivisions which will have community water systems for the entire development:
1. Due consideration shall be given to the drainage patterns in the area.
  2. Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachage from septic systems from contaminating water supply.
  3. Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

5-4-4.6 Sewage Disposal Improvements

- A. For subdivisions which will connect to a municipal sewage disposal system, the Commission may require written certification from the Town Manager that system capacity is adequate to serve the anticipated requirements of the proposed subdivision. Applications for extensions shall be approved by the officers and agents of a Municipality entrusted with the care and superintendence of a municipal sewage disposal system.
- B. The Commission may require that a private sewage disposal system unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Private sewage disposal systems shall meet the requirements of any applicable municipal or state health regulations.
- C. Septic systems shall meet the requirements of any applicable municipal or state health regulations.

5-4-4.7 Street Lighting. Street lights shall be installed according to lighting and spacing standards, if any, as established by the legislative body.

5-4-4.8 Electric, Telephone, Cable T.V. The subdivider shall coordinate the subdivision's design with the utility companies. 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.

5-4-4.9 Fire Protection. Adequate fire protection facilities within the subdivision shall be provided by the developer to the satisfaction of the Fire Chief and a letter from the Town Manager certifying such adequacy supplied to the Commission. When a subdivision is served by a municipal water system, such letter will also certify the adequacy of supporting off-site fire water systems, available water volumes, pressures, etc.

#### Section 5-4-5 Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision shall be provided. The subdivider may 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. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the 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, there shall be provided a storm water drainage easement of such width as to encompass the 25-year flood area of such water course, which easement shall be indicated on the final plat.

#### Section 5-4-6 Open Space and Recreation Areas

A. For the use of subdivision residents. The Commission may require as one of the criteria for approval that each subdivision contain adequate provision for the recreation needs of its residents. However, except for the special provisions which apply to planned unit developments, the Commission may not require the reservation of more than 15% of the land area for such purposes. In some subdivisions the reservation of open space for common use may be considered by this Commission as adequate fulfillment of this obligation; in other subdivisions the installation of recreation facilities may also be required.

B. For the use of the public. Where a proposed development is designed for more than one-hundred (100) dwelling units, or where the proposed development plus prior developments by the same developer approved after the effective date of regulation total more than one-hundred (100) dwelling units, an obligation to contribute to the Town toward the cost of a public recreational facility shall apply, unless waived in writing by the legislative body. This obligation shall consist of the current market value of an area equal to 10% of the area of the subdivision, located in a section of the Town designated by the legislative body, representing the average of appraisals by three real brokers chosen by lot by the Planning Commission from all real estate brokers with offices within the Town. The cost of which shall be borne by the developer. Land may be accepted in settlement of this obligation at the discretion of the Legislative Body, but such land may not also apply in meeting minimum area per family criteria in the zoning regulations, nor satisfaction of the 50% undeveloped area requirement in the zoning regulations. Prior developments by the same developer include units constructed by family members or corporations owned or controlled by the developer or family members. If the obligation is settled by cash payment, its use by the Town is limited to recreation purposes, current or future, but is not limited to land acquisition. This cash contribution shall be set aside in a special account and shall only be used for recreation purposes.

#### Section 5-4-7 School Site Contribution

Where a proposed development is designed for more than one-hundred (100) dwelling units, or where the proposed development plus prior developments by the same developer approved after the effective date of this regulation total more than one-hundred (100) dwelling units, an obligation to contribute to the Town for a school site shall apply, unless waived in writing by the Board of School Directors. The obligation shall be determined by the following formula:

Square feet of active public school <u>site within the town at recent date</u> *	x 1.5 x No. of
proposed Student population at recent date	dwelling units

\*from data supplied by the BOSD

If the land area so determined is too small for a school site or the developer's site is not satisfactory to the Board of School Directors for school expansion, for any reason, the obligation may be satisfied by cash payment to the Town as follows:

Square feet of obligation X Estimated land cost per square feet in general area of the Town designated by the BOSD. This cash contribution shall be set aside in a special account and only be used for school purposes.

The estimated land cost will be the average of appraisals by three real estate brokers chosen by lot by the Planning Commission from all real estate brokers with offices within the Town, the cost of which shall be borne by the developer.

Where a portion of a developer's land is offered and accepted in satisfaction of this obligation, such portion may not also apply in meeting minimum area per family criteria in the zoning regulations, nor in satisfaction of the 50% undeveloped area requirement in the zoning regulations.

Prior developments by the same developer include units constructed by family members or corporations owned or controlled by the developer or family members.

#### Section 5-4-8 Site Preservation and Improvements

5-4-8.1 Natural Cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.



5-4-8.2 Shade Trees. The Commission may require that suitable hardwood shade trees (such as Sugar Maples, Norway Maple, Red Maple, Ash or Oak), be planted along streets where trees do not exist. All trees shall measure at least ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planted a minimum of eight (8) feet from the streetline at intervals to be specified by the Commission.

5-4-8.3 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 development. Sediment basins shall be installed and maintained on site to remove sediment from land undergoing development and from run-off water.

5-4-8.4 Excavation and Grading (exclusive of streets and oads covered by Section 5-4-2.5). The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission shall require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root grass to prevent erosion.

#### Section 5-4-9 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 approval of the commission.

### **ARTICLE V            REQUIRED SUBMISSIONS**

#### Section 5-5-1 Sketch Plan

The sketch plan, two copies of which must be presented to the Administrative Officer by noon on the fourth working day preceding the Planning Commission's meeting, shall show the proposed layout of streets, lots, and other features sketched roughly on a print of a survey of the property.

#### Section 5-5-2 Minor Subdivision Plat

In the case of a minor subdivision, the subdivision plat shall include, or be accompanied by, the following information:

- (1) Name of the subdivision, if any. If the subdivision is to be named, the proposed name should comply with the zoning regulations.

- 2) An actual field survey of the boundary lines of the tract, giving lot numbers, the acreage of each parcel, and complete descriptive data by bearings and distances, to tenths of a foot, made and certified by a land surveyor licensed by the State of Vermont. Scale shall be 100 ft. = 1 inch or at a scale acceptable to the Planning Commission. If the entire tract being subdivided cannot be shown at a scale satisfactory for review, the portion to be developed or sold shall be so shown and its physical relation-ship to the remainder of the tract shown as an inset at reduced scale.
- (3) The date, true and magnetic north points, map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (4) The plat to be filed with the Municipal Clerk shall be on linen or mylar as required by 27 V.S.A. Chapter 15. The size of the sheet shall be, 11 inches by 17 inches or 18 inches by 24 inches as specified by 27 V.S.A. Chapter 15 Section 1403 (a).
- (5) A copy of any covenants or deed restrictions between the Town and a developer covering all or part of the tract.

#### Section 5-5-3 Major Subdivision

5-5-3.1 Preliminary Plat. The preliminary subdivision plat shall consist of maps or drawings which may be printed or reproduced on paper with all shown in feet and tenths of a foot, drawn to a scale of not more than one-hundred (100) feet or more to the inch, or such other scale as is acceptable to the Commission, showing or accompanied by the information required in Section 5-5-2 for minor subdivision plats, plus the following information:

- (1) The location and size of sewers and water mains, culverts and drains on the property to be subdivided.
- (2) Unless waived or modified by the Commission contour lines at intervals of five (5) feet, based on United States Geological Survey datum of existing grades and also of proposed finished grades where change of existing ground elevation will be two (2) feet or more.
- (3) Typical cross sections of the proposed grading and roadways and of sidewalks.
- (4) Provisions for collecting and discharging storm drainage in the form of a drainage plan.
- (5) Preliminary designs of any bridges or culverts which may be required.
- (6) All parcels of land proposed to be dedicated common and/or public use and the conditions of such dedication.



- (7) Designation of the location, size and proposed landscaping of such parks, and open spaces as are required by the Commission.
- (8) The location of all improvements referred to in Section 5-3-6.1, in addition to those specifically listed above.

#### 5-5-3.2 Final Plat

The final subdivision plat shall contain all information required for a preliminary major subdivision plat, plus all modifications or additional information requested by the Commission at the time of granting preliminary approval. It shall be upon linen or mylar clearly and legibly drawn on sheets

11 x 17 inches or 18 x 24 inches. Such sheets shall have a margin of 2 inches outside of the border lines on the left side for binding and 1 inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Planning Commission and the approved plat shall be filed with the Municipal Clerk.

### **ARTICLE VI            VARIANCES AND WAIVERS**

#### Section 5-6-1 Variances

Where the 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 secure, provided that such variations will not have the effect of nullifying the intent and purpose of the Municipal Development Plan, or the zoning regulations.

#### Section 5-6-2 Waivers

Where the Commission finds that, due to 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.

#### Section 5-6-3 Conditions

In granting variances, waivers, and modifications, the Commission shall require such conditions which will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

## **ARTICLE VII        SEPARABILITY, REPEAL AND EFFECTIVE DATE**

### **Section 5-7-1 Separability**

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

### **Section 5-7-2 Repeal**

The bylaw entitled "Town of Hartford, Vermont, Subdivision Regulations" together with all changes and amendments thereto is repealed as of the effective date of this bylaw.

### **Section 5-7-3 Effective Date**

These regulations shall take effect twenty-one (21) days after adoption of the same by the legislative body.

## **ARTICLE VIII        ADMINISTRATION AND ENFORCEMENT**

### **Section 5-8-1 Administrative Officer**

In accordance with Section 4442, 24 V.S.A., Chapter 117, an Administrative Officer shall be appointed to perform the necessary administrative and enforcement requirements of this bylaw.

### **Section 5-8-2 Endorsement by the Commission**

Every approved subdivision plat shall reflect the date of approval and an endorsement consisting of the signatures of a majority of the Commission's membership on the date of approval.

### **Section 5-8-3 Appeals**

Appeals from decisions of the Commission shall be taken to the Superior Court under Sections 801 through 816 of Title 3.

### **Section 5-8-4 Enforcement**

Enforcement of this bylaw shall be in accordance with Section 4444 & 4445, 24 V.S.A., Chapter 117.

#### Section 5-8-5 Permit

Prior to the issuance of any zoning permit the Administrative Officer shall first satisfy himself that the subject of the application is in conformance with these regulations and Flood Damage Prevention Bylaw, if applicable. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this regulation and the Flood Damage Prevention Bylaw, if applicable, have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within ten (10) working days of submission of application, approvals by the Planning Commission or Zoning Board of Adjustment, if applicable, and receipt of all supplementary information requested, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefore. If the zoning permit is approved, it shall take effect at the end of the waiting period for possible appeal in accordance with Section 4-8-2.6 of the zoning regulations, or if appealed, at the final adjudication of such appeal. All activities authorized by its issuance shall be started within six (6) months and completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period (including six (6) month extension, if granted) shall be subject to any ordinance in effect at the time of reapplication. All construction must be in accordance with the regulations in effect at the time such construction is started.

#### Section 5-8-6 Amendments

Amendments to this bylaw may be made in accordance with Section 4403 and 4404 of 24 V.S.A., Chapter 117.