

m. A description of any proposed covenants, and/or deed restrictions which are intended to cover all of part of the subdivision.

n. A description of the homeowners association or other form of management organization, if such is proposed.

Section 4. Major Subdivision - Final Application

4.0 The Final Application shall consist of 4 copies of a plot plan and project description including the following information:

a. All information required for the Preliminary Submittal shall be submitted in final form, including any revision or additional detail requested by the Planning Commission.

b. In the event of granting of easements to the municipality, a written acknowledgement of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

c. Written evidence of approval by all local, regional, State and federal agencies having jurisdiction over the project, and written evidence of the expiration of all appeal periods.

Article IV. Planning and Design Standards

Section 1. General Planning Standards

1.0 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 the intended purposes without danger to public health or safety or to the environment. Land designated as flood hazard areas or characterized by poor drainage, inadequate capability to support structures (including roads and utilities) or subject to other hazardous conditions shall not ordinarily be subdivided.

1.1 Lot Layout

The layout of lots shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the intended construction. Corner lots should have extra width to permit a setback on each road. Side lot lines should generally be at right angles to roads. Consideration in lot layout shall be given to topographic and soil conditions.

1.2 Preservation of Existing Features

Due regard shall be given 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. Irregular, elongated or oversized lots may be restricted, and the location of structures or other improvements may be established or limited, to avoid the parcelization, isolation, or destruction of such features. Subdividers will be referred to the Planned Residential Development provisions of the Town Zoning Ordinance to accomplish clustering of development density on the limited or non-resource portions of the parcel.

1.3 Energy Conservation

Energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision. East-west orientation of roads to enable southern orientation of structures shall be encouraged. Landscaping should be effectively used for providing wind barriers and reducing heat loss. Buildings should be located so as to minimize the shading effects of trees and other structures.

Section 2. Roads

2.0 Layout

All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required.

2.1 Capacity of Existing Roads

Projects that are judged to generate traffic that exceeds the existing capacity of adjacent roadways or intersections shall be phased in a manner that allows the improvement of the capacity. Level of Service "C" shall serve as the standard for judging road capacity. Level of Service is a qualitative measure that represents the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition. Level of Service "C" is a stable flow, but at a volume and density level where most drivers become restricted in their freedom to select speed, change lanes, or pass. This service level is frequently selected as being an appropriate criterion for design purposes.

2.2 In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or Capital Program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.

2.3 The subdivider may be asked to contribute to any or all of the expenses involved with road improvements necessitated by his or her project.

2.4 Location and Design of Intersections

Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane. Intersections shall be located so as to provide a minimum sight stopping distance in accordance with the following standards of the American Association of State Highway Officials:

<u>Minimum Stopping Sight Distance</u>	
<u>Design Speed of Roadway Section (MPH)</u>	<u>Sight Stopping Distance (Feet)</u>
30	176
40	263
50	369
60	491

2.5 The Commission may restrict the frequency of access or impose special intersection design requirements along all Town highways.

2.6 Design Standards for Rural Roads

In order to be considered for Town of Waitsfield road maintenance, all roads must comply with A-76, State of Vermont Design Standards as adopted by the Selectmen.

2.7 Cul de Sacs

All dead end roads in excess of 300 feet in length shall terminate in a turn around having a minimum inside radius of 30 feet and a travel lane width of 20 feet unless otherwise required for emergency vehicle access.

2.8 Road Maintenance

The maintenance of all roads not designated as Class 3 Town Highways or higher shall be the responsibility of the subdivider. The subdivider shall supply evidence and assurance that said roads will be adequately maintained either by himself or by an owners' association.

Section 3. Parking

3.0 Parking requirements shall be as established in the Town of Waitsfield Zoning Ordinance. However, the Planning Commission may require additional parking if, in its judgment, more parking is needed to accommodate the proposed development.

Section 4. Pedestrian Access

4.0 The Commission may require right of way to facilitate pedestrian circulation within the subdivision and to insure public access through the property to adjoining properties or uses.

Section 5. Utilities

5.0 Water Supply

Water supply systems, both individual and community, shall be designed and built to meet all applicable State and local requirements. The Commission may require evidence that adequate water supply is available prior to granting final approval.

5.1 Sewage Disposal

Subsurface disposal of sewage shall meet all State and local requirements, and the sewage disposal system designed by a registered professional engineer. Where connection to a pre-existing community sewage disposal system is proposed, the subdivider shall provide evidence as to the adequacy and availability of such a system.

5.2 Power and Telephone

The Commission ~~may~~ require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character of an area or to maintain property values of adjacent property owners. A diagram showing location of utility lines shall be submitted with the as-built drawings (Article V, Section 3).

Section 6. Drainage and Erosion Control

6.0 The Commission may require such temporary and permanent drainage and erosion control techniques as may be necessary to control surface runoff. Factors to be considered in determining the types of controls necessary shall include vegetation and ground cover, slopes, soil types, percentage of land covered by impermeable surfaces, distances to streams, and impact on adjacent properties.

6.1 The Commission may require the phasing of construction to reduce the amount of land disturbed by construction at any one time, and may stipulate deadlines for the installation of erosion control or soil stabilization measures.

6.2 For the purposes of calculating the amount of surface runoff, a minimum 25 year storm precipitation factor shall be used.

6.3 The Commission may request determination of the effect of the subdivision on the existing downstream drainage capacity outside of the area of the subdivision. Where the Commission anticipates that the increased runoff will overload the capacity of the downstream system, it may request the subdivider to delay construction until capacities are adequate, and may request the subdivider to assist in the capacity improvements deemed necessary.

Section 7. Fire Protection

7.0 The Commission may require the provision of facilities necessary for adequate fire protection. Such facilities shall be designed in consultation with the appropriate local fire department.

Section 8. Lighting

8.0 The Commission may require adequate lighting to protect the safety of pedestrians and motorists, but no lighting shall illuminate other properties or produce a glare or visual disturbance.

Section 9. Signs

9.0 The Commission may place more restrictive conditions regarding the size, height, location and number of signs than those specified in the Zoning Ordinance or by State regulations in order to maintain the visual character of the area and to insure the safety and efficiency of pedestrian and vehicular circulation.

Section 10. Provision of Buffer Areas

10.0 The Commission may require greater setbacks from property boundaries than specified in the Zoning Ordinance in order to create buffer zones between adjoining uses and public thoroughfares. Conditions for requiring buffer areas shall include lack of dense vegetation, proximity to scenic highways, heightened visibility due to differences in elevation, concentration of uses on the site as permitted by PUD and cluster provisions of the Zoning Ordinance, and incompatibility of adjacent uses. The Commission may request that the subdivider coordinate buffer zones on his parcel with buffer areas on adjoining parcels in order to provide a continuous system of greenbelts.

Section 11. Site Preservation and Improvements

11.1 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 stormwater runoff and conserve the natural cover and soil.

11.2 Shade Trees

The Commission may require that suitable hardwood shade trees be planted along streets where trees do not exist. The Commission shall determine the minimum acceptable size of trees.

11.3 Excavation and Grading

The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. The Commission may require embankments to be planted with a stabilizing shrub or groundcover to prevent erosion.

Section 12. Disclosure of Subsequent Development Plans

12.0 Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel, the Commission may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

Article V. General Conditions

Section 1. Fees

1.0 Upon submission of an application for minor subdivision approval or major subdivision preliminary plat approval, the subdivider shall pay the application fee as established by the

Board of Selectmen.

Section 2. Completion Date

2.0 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 Planning Commission.

Section 3. As-Built Drawings

3.0 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) x size.

Section 4. Revision of Approved Plat

4.0 No changes, modifications or revisions that alter the conditions attached to a subdivision permit shall be made unless the plat is first resubmitted to the Commission and the Commission approves such modifications after public hearing.

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

Section 5. Public Acceptance of Roads and Open Spaces

5.0 Nothing in these Regulations shall be construed to constitute the acceptance by the municipality of any road, easement, utilities, park, recreation area or other open space shown on the Final Subdivision Plan. The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such improvements.

Section 6. Compliance with Other Bylaws

6.0 Nothing in these Regulations shall be so construed as to supercede the conditions and criteria for permit approval set forth in other bylaws or ordinances in effect. This includes but is not limited to conditional use criteria, planned residential development and planned unit development requirements set forth in the Zoning Ordinance, and water and sewer requirements stipulated in an adopted Health Ordinance.

Section 7. Performance Bond Requirements

7.0 The Commission may require from the applicant for the benefit of the Town a performance bond in an amount sufficient to cover the full cost of constructing any public improvements that the Commission may require in approving the project; such performance bond to be submitted prior to Final Plan approval.

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

a. 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

b. A letter of credit, cash, escrow account or savings bank book properly endorsed to the Town in an amount to be determined by the legislative body, or

c. A performance bond from the developer or contractor.

7.2 The performance guarantee shall not be released until the Commission 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 Planning Commission, but in no case for a longer term than 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.

7.3 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 municipality and upon receipt of the proceeds thereof, the municipality shall install or maintain such improvements as are covered by such performance bond.

7.4 The Commission may also require surety covering the maintenance of said improvements for a period of 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.

Section 8. Legal Data

8.0 Where applicable to a specific subdivision, the following may be required prior to approval of the Final Plan:

a. An agreement to convey to the Town land to be used for roads, open space and other public purposes;

b. Descriptions of easements and rights of way over property to remain in private ownership; and

c. Descriptions of easements to drain onto or across other property.

Article VI. Administration and Enforcement

Section 1. Appeals, Enforcement, Penalties and Amendments

1.0 The procedures and conditions for appeals, enforcement, penalties and amendments shall be in accordance with the provisions of the Act, Sections 4410, 4444, 4445, and 4475, as presently enacted or as from time to time hereinafter amended.

Section 2. Saving Provision

2.0 These Regulations shall not be construed as abating any action now pending under pre-existing bylaws.

Section 3. Severability

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

Section 4. Effective Date

4.0 These Regulations shall take effect after adoption at a regular or special Town Meeting, pursuant to 24 VSA Section 4404.

Article VII. Definitions

Words and phrases contained herein shall have the following interpretations for the purpose of these Regulations. Other words and phrases contained herein and not defined below shall be interpreted according to the definitions provided in the Act and the Town of Waitsfield Town Plan and Zoning Ordinance.

Act: refers to the Vermont Municipal and Regional Planning and Development Act, 24 VSA Chapter 117.

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

Approval: The form of approval shall be a written resolution prepared by the Commission and attached to the subdivision application, or in the event that the Commission should fail to act within the 45 day time limit specified in Article II, Section 3 of these Regulations, certification of such failure to act by the Town Clerk, and recording of the approved application and subdivision plan with the Town Clerk in accordance with the conditions set forth in Article II, Section 3 of these Regulations.

Buffer: Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

Commercial Use: The provision of facilities, goods or services by a person to others in exchange for payment of a purchase price, fee, contribution, donation or other object having value.

Commission: The Planning Commission of the Town of Waitsfield, Vermont, as created under 24 VSA Chapter 117.

Community Sewage Disposal System: Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, that disposes of sewage created by 2 or more domestic, commercial, industrial, or institutional sources.

Community Water System: Any water system owned by the same person that supplies water for domestic, commercial, industrial, or institutional uses to 2 or more customers or users.

Cul de Sac: A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

Dedication: The formal acceptance by the Town of Waitsfield of title to streets, easements, or land to be used for public purpose.

Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Disapproval: The form of disapproval is by a written resolution by the Planning Commission and attached to the subdivision application, and a recording of the disapproved application and plan with the Town Clerk in accordance with the conditions set forth in Article II, Section 3 of these Regulations.

Flood Hazard Area: Those lands subject to flooding from the 100 year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Waitsfield, Vermont", dated _____, and the "Flood Boundary and Floodway Map", dated _____, published by the Flood Insurance Administration, and available at the Town Clerk's office.

Lot: A portion of land in a subdivision or plat that is separated from other portions of land by a property line.

Lot Area: The total surveyed land area within the boundaries of a lot, exclusive of any land area designated for a public road as

measured to the boundary of such right of way or easement.

Major Subdivision: Any residential subdivision containing 6 or more lots, or requiring any new public road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multi family housing project, planned residential development or planned unit development, that meets the definition of a subdivision.

Minor Subdivision: Any residential subdivision containing 2 or more but less than 6 lots, and otherwise not qualifying as a major subdivision.

Open Space: Land not occupied by structures, buildings, roads, rights of way, recreational facilities and parking lots.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed. The word "person" also means any municipality or State agency.

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

Public Improvement: Any improvement which shall be owned or maintained by the Town of Waitsfield.

Public Road: A highway, road or other way which exists for vehicular travel exclusive of a driveway serving not more than 2 single family residential uses or lots. The word "road" shall mean the entire right of way.

Subdivider: Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision: Shall mean the division of a lot into 2 or more lots for the purpose, whether immediate or future, of transfer of ownership or right to use, or of building development. This shall apply to all uses except those parcels leased for agricultural purposes, where all resulting parcels are at least five acres in size and providing that no new roads are created. It includes resubdivisions, and the division of land held in common and subsequently divided into parts among the several owners, which shall be deemed a subdivision.