

Subdivision Regulations
Town of Ferrisburgh
Adopted February 2, 1980

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ARTICLE I: GENERAL PROVISIONS

Section 110: Enactment

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

Section 120: Title

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

Section 130: Purposes

The purpose of these regulations is to provide for orderly growth and coordinated development in the town of Ferrisburgh to assure the comfort, convenience, safety, health, and welfare of the people, to carry out the purposes of the comprehensive plan, to assure conformance with the zoning regulations, capital budget and program and official map, to make proper provision for drainage, water, sewage, streets, recreational facilities, open space and other improvements, to recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table, to preserve natural assets, and to further the purposes of 4401 of the Act.

Section 140: Authority

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

Section 150: Waivers and Variances

150.1 Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secured.

150.2 Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

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

150.4 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan, the zoning regulations, the Official Map, the Capital Budget and Program, or these Subdivision regulations.

Section 160: Amendments

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

Section 170: Enforcement, Violations and Penalties

These regulations shall be enforced in accordance with sections 4444 and 4445 of the Act.

Section 180: Severability

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

Section 190: Effective Date

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

ARTICLE II: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 210: Application of regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the Planning commission for and secure approval of the proposed subdivision.

Section 220: Submission of Sketch Plan

220.1 Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Clerk of the Planning Commission at least 15 days prior to the regular meeting of the Commission, two copies of a Sketch Plan of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property with contour lines of no more than five (5) feet as well as a vicinity map showing the general location of the property in relationship to the surrounding area.

220.2 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects as well as the availability of existing services and other pertinent information.

220.3 At this meeting the Planning Commission will classify the Sketch Plan into one (1) of two (2) categories as defined in Article V.

Minor Subdivision.

Major Subdivision.

220.4 The Commission shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with the Comprehensive Development Plan: the Zoning Regulations: the Capital Budget and Program: the Official Map: development proposed by any public agency: existing private and public development, facilities and services: and for any special problems that may be encountered.

220.5 The Commission shall determine whether the Sketch Plan meets the

purposes of these Regulations and may make specific written recommendations for changes.

220.6 Where the subdivider submits a proposal for a Planned Residential Development, requirements of section 4407(3) of the Act shall be met, in addition to the requirements of these Regulations and the Zoning Regulations. Where a subdivider submits a proposed Planned Unit Development the requirements of section 4407(12) of the Act shall be met, in addition to requirements of these Regulations and the Zoning Regulations.

Section 230: Procedures for Minor Subdivisions

The Commission may require where necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

230.1 Within six months of classification by the Planning Commission of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application for approval of a subdivision plat according to the procedures and requirements of ARTICLE II, Section 260. The plat shall conform to the layout shown on the Sketch Plan, plus any recommendations made by the Commission.

230.2 The fee for plat approval for Minor Subdivisions shall be set by the legislative body.

Section 240: Procedures for Major Subdivisions

240.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Commission, the subdivider shall submit an application for preliminary approval of a Preliminary Plat according to the procedure and requirements of Article II., Section 250. Failure to do so shall require resubmission of the Sketch Plan to the Commission for reclassification. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Commission.

240.2 The fee for plat approval for Major Subdivisions shall be set by the legislative body.

Section 250: Review and Approval of Preliminary Plat

250.1 Application: The subdivider shall file an application for consideration of a Preliminary Plat on the proposed subdivision in the form described in Article III, Section 310, using the approved application form available from the Clerk of the Planning Commission.

250.2 Number of Copies: Six (6) copies of the Preliminary Plat and six (6) of the vicinity map shall be presented to the Clerk of the Commission at least 15 days prior to a regular monthly meeting of the Commission.

250.3 Official Submission Date: The time of submission of the Preliminary Plat shall be the next regular monthly meeting of the Commission following the receipt of the application under Section 250.2.

250.4 Subdivider to Attend Planning Commission Meeting: The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.

250.5 Review of Preliminary Plat: The Commission shall study the practicability of the Preliminary Plat. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage

disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Development Plan, the Official Map, Zoning Regulations and the Capital Budget and Program, if such exists.

250.6 Preliminary Approval of Preliminary Plat: Within forty-five (45) days after formal submission of a Preliminary Plat, the Planning Commission shall take action to approve, with or without modifications, or disapprove such Preliminary Plat. The ground of any modification required or the ground for disapproval shall be clearly stated in the findings of fact and conclusions of the Commission. Failure of the Commission to act within such forty-five (45) day period shall constitute a preliminary approval of the Preliminary Plat. Prior to preliminary approval the Commission may hold a preliminary hearing after public notice according to 4447 of the Act.

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

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

Section 260: Review and Approval of Final Plat

260.1 Application: The subdivider shall file an application for consideration of a Final Plat of the proposed subdivision in the form described in Article III, Section 320, using the approved application form available from the Clerk of the Commission. If the final application is not submitted within six (6) months after the preliminary approval of the Preliminary Plat for Major Subdivision, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Preliminary Plat. If the final application for a Minor Subdivision is not submitted within six months of classification by the Planning Commission of the Sketch Plan as a Minor subdivision under Article II, Section 230.1, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Sketch Plan.

260.2 Number of Copies: Three (3) copies (one copy in ink on linen or mylar) of the Plat, a copy of the application, the original one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings shall be submitted to the Clerk of the Commission at least 15 days prior to a regular monthly meeting of the Commission.

260.3 Official Submission Date: The time of submission of the Final Plat shall be the next regular monthly meeting of the Commission following receipt of the application under Section 260.2.

260.4 Applications to State and Municipal Agencies: The subdivider shall apply for all municipal and state permits required of the proposed subdivision and shall submit copies of these applications to the commission. Such permits may include, but are not

limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit, and Department of Health Subdivision Permit.

260.5 Public Hearing: A public hearing upon public notice according to 4447 of the Act shall be held by the Planning Commission within thirty (30) days after the official submission of the Final Plat for approval. In addition, 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 500 feet of a municipal boundary at least 15 days prior to the hearing.

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

260.7 Improvements and Performance Bond: Before the commission grants final approval of the Subdivision Plat, the subdivider shall follow the procedures set forth in either subparagraph (1) or subparagraph (2) below.

(1) In an amount set by the Planning Commission the subdivider shall either file with the Municipal Clerk a certified check made payable to the Town Clerk 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 municipal attorney as to form, sufficiency, manner of execution and surety. The Commission shall fix the term of the bond up to three years. The term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. The certified check or bond shall include an amount required for recreation land or improvements as specified in Article IV, Section 460.

(2) The Subdivider shall complete all required improvements to the satisfaction of the Municipal Engineer or a duly designated consulting engineer registered in the State of Vermont who shall file with the Planning Commission a letter signifying the satisfactory completion of all improvements required by the Commission. For any required improvements not so completed the subdivider shall file with the Municipal Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Municipal Engineer or consulting engineer. Any such bond shall be satisfactory to the legislative body and Municipal Attorney as to form, sufficiency, manner of execution, and surety.

An inspection fee to be paid by the subdivider to cover the costs of inspection shall be established by the legislative body as part of the application fee.

Section 270: Filing of Approved Subdivision Plat

270.1 Final approval and Filing: Upon completion of the requirements in Sections 260.1- 260.7 above. And notation to that effect on the subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Commission (Chairman or Acting Chairman) and filed in the office of the Municipal Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days

of the date on which such Plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.

270.2 Filing of Sections of Subdivisions: At the time the Commission grants final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to ensure the orderly development of the Plat.

270.3 Plat Void if Revised After Approval: No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Commission and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Commission and such Commission approves any modifications.

Section 280: Public Acceptance of Streets, Recreation Areas

Commission of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such Subdivision Plat.

The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

Article III: SUBMISSION REQUIREMENTS

Section 310: Preliminary Plat

310.1 The Preliminary Subdivision Plat shall consist of six (6) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch, of sixty (60) feet to the inch where lots have less than one hundred (100) feet frontage, showing or accompanied by the following information:

(1) Proposed subdivision name or identifying title and the name of the municipality accompanied by a vicinity map of appropriate scale:

(2) Name and address of record owner, subdivider and designer of Preliminary Plat:

(3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourse and other essential existing physical features:

(4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage:

(5) The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract:

(6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided:

(7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property:

(8) The width and location of any streets or other public ways or places shown upon the Official Map, if any, and the comprehensive Development Plan, if applicable,

within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider:

(9) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more:

(10) Typical cross sections of the proposed grading and roadways and of sidewalks:

(11) Date, true north point and scale:

(12) Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points:

(13) Connection with existing water supply or alternative means of providing water supply to the proposed subdivision:

(14) Connection with existing sanitary sewage system or alternative means or treatment and disposal proposed:

(15) If private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet: location and results of percolation tests:

(16) Provisions for collecting and discharging storm drainage, in the form of drainage plan:

(17) Preliminary designs of any bridges or culverts which may be required:

(18) The proposed lot lines with approximate dimensions and suggested locations of buildings:

(19) The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown:

(20) All Parcels of land proposed to be dedicated to public use and the conditions of such dedication:

(21) The location of all trees on the site and all other natural features or site elements to be preserved.

Section 320: Final Plat

320.1 The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on linen, mylar or canvass-backed paper clearly and legibly drawn, and the size of the sheets shall be either 18 X 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The Subdivision Plat shall show:

(1) Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.

(2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.

(3) Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable these should be tied to reference points previously established by a public authority.

(4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

(5) By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.

(6) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.

(7) The location of all of the improvements referred to in Section 320.2 and in addition thereto the location of all telephone poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.

(8) Permanent reference monuments shown thus: "X".

(9) All lot corner markers shown thus: "O". They shall be of metal at least three-quarters (3/4) inch in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.

(10) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by Municipal specifications of new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points in street lines, points of curve and such intermediate points as shall be required by the engineer.

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

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

(1) Written offers of cession to the Municipality of all streets, public open spaces, sewage and water systems to be connected to municipal facility, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the subdivider, are to be maintained.

(2) Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any streets, public open spaces, sewer and water connections to municipal facilities, and other areas to be dedicated to the public referred to in Paragraph (1), above.

(3) A certificate of the Municipal Engineer, or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the Commission to the satisfaction of the Engineer and in accord with standards and specifications prescribed by him or her, or in lieu of any required improvements not so completed, a performance bond to secure completion of such improvements and written evidence that the legislative body is satisfied with the sufficiency of such bond.

Article IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 410: Planning Standards

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

410.2 Energy Conservation: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. All subdivisions shall be designed so as to take advantage of southeast, south and southwest orientations where possible and so that the maximum number of building shall receive sunlight sufficient for using solar energy systems for space and water heating. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) should be encouraged wherever feasible and desirable.

410.3 Reserved Strips: No privately owned reserved strip, except on open space areas shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

410.4 Lot Layout: The layout of lots shall conform to the requirements of the Zoning Regulations where in force, and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a setback on each street. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines, Consideration in lot layout shall be given to topographic and soils conditions.

410.5 Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic resources.

Section 420: Streets

420.1 Layout: The layouts of streets in the subdivision shall run in an east- west direction to the greatest extent possible in order to minimize future shading problems and to provide for the southerly orientation of buildings. Exceptions to the above requirement shall be granted if for safety or economic reasons it would be desirable for the arrangement of streets in the subdivision to provide for the continuation of principal streets in any adjoining subdivision or if topographic conditions or preservation of natural features makes an east - west street orientation difficult or undesirable, and if other design techniques like clustering are used to obtain good solar orientation of buildings.

When an Official Map has been adopted by a town, subdivision shall be dedicated or reserved in the location 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."

420.2 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.

420.3 Horizontal Alignment at Intersections: Intersections of streets shall be 90 degrees. Two streets intersecting the same street (T-intersections) shall be offset by at least 200 feet (Centerline offset) when practicable.

420.4 Vertical Alignment at Intersections: The gradient within 100 feet of intersections shall not exceed 3%.

420.5 Access: Paved access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.

420.6 Cut and Embankment Slopes: All slopes shall be well rounded to form a smooth transition from the shoulder edge to the existing grades (see diagram-p. 29- THE VERMONT BACKROAD).

420.7 Dead-end Streets, Cul-de-sacs and Turn-arounds: The maximum length of a cul-de-sac or dead-end street shall be 1200 feet. An exception to the requirements may be made for temporary dead-end streets. Dead-end streets or cul-de-sacs shall terminate in a turn-around with a radius of one hundred (100) feet and a minimum paved area of twenty (20) feet in width. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.

420.8 All new streets shall comply with the Town Highway Specifications (or standards) except new streets in rural areas shall comply with the standards set forth in the table entitled Street Standards for Rural Roads.

420.9 Street Names: Streets shall be identified by name on the preliminary plat. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.

420.10 Access Road:

A. If the access road to the subdivision is a Class 4 road, the Commission may require the subdivider to improve the access road to municipal highway construction standards. If in the Municipal 5-year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the subdivider must make arrangements for maintenance of the access road satisfactory to the Commission until such time as the legislative body may reclassify the road.

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

420.11 Curbs and Sidewalks: Curbs and sidewalks may be required in zoning districts where deemed necessary by the Commission.

Section 430: Pedestrian Access

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

Section 440: Utilities

440.1 Easements: The Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.

440.2 Extension of Municipal Utilities: All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgement of the Commission, within a reasonable distance of the proposed subdivision.

440.3 Connections to Municipal Utilities: The subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.

440.4 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.

440.5 Water Supply Improvements:

A. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water and in adequate quantities.

B. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:

- (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 leachate 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.

440.6 Sewage Disposal Improvements:

A. For subdivisions which will connect to a municipal sewage disposal system, 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 community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the municipal health regulations.

C. Individual septic systems shall meet the requirements of the municipal health

regulations.

D. Subdivisions using subsurface sewage disposal shall meet the following standards:

(a) All subsurface sewage disposal systems shall be located at least 100 feet from water supply.

(b) All subsurface sewage disposal systems shall be located at least 250 feet from a watercourse or standing body of water used as a source of public drinking water.

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

440.8 Fire Protection Facilities: Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Where practicable fire hydrants shall be installed by the subdivider.

Section 450: Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area 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 subdivisions. 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 drainage easement of such width to encompass the 25-year flood area of such water course, such easement shall be indicated on the Final Plat.

Section 460: Open Space and Recreation Areas

A. Where a proposed park, playground or other recreation area is shown on the Comprehensive Plan to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) percent of the total area of the Plat.

B. If the Commission determines that there is no proposed park, playground or other recreation area in the Comprehensive Plan located in a proposed subdivision, or if the Commission determines that such a proposed recreation area of adequate size cannot be suitably located in the proposed subdivision, the Commission shall require as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall

be deposited in a special fund to be used for acquisition and development of park and recreational facilities.

Section 470: School Site Dedication

Where a subdivision will accommodate a total of more than one hundred dwellings, the Commission shall require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

Section 480: Site Preservation and Improvements

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

480.2 Shade Trees: The Commission may require that suitable hardwood shade trees be planted along streets where trees do not exist. Shading by trees of the most-south facing roof and wall of dwelling units shall be minimized to the greatest possible extent in selecting tree species and locating trees along streets. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at a point six inches above finished grade level. All trees are to be planted within 5-8 feet from the street line.

480.3 Erosion and Sediment Control: The smallest practical area of land should be exposed at any one time during development. Land should not be left exposed during the winter months. Where necessary temporary vegetation and/or mulching and structural measures may be required by the Commission to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.

480.4 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. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth of composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

Section 490: Subdivision Organizations and Restrictions

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be

submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

Article V: Definitions

Certain means of references and words used herein shall be defined as listed below: Unless the content clearly indicates to the contrary, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive, the words, "shall" and "will" are mandatory.

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

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

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

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

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

COMPREHENSIVE DEVELOPMENT PLAN, OR PLAN: A plan adopted to 24 V.S.A. 4384 and 4385.

CONSTRUCTION DRAWINGS: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

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

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

LEGISLATIVE BODY: The board of Selectmen.

MUNICIPALITY: Town of Ferrisburgh, Vermont.

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

OFFICIAL MAP: The map authorized under 24 V.S.A. 4401 (b) (3) and adopted according to 24 V.S.A. 4403 and 4404 and modified according to 24 V. S.A. 4423.

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

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

PRELIMINARY PLAT: the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

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

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

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

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

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those, which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

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

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

SUBDIVISION: The division of a parcel of land with or without streets into three (3) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes resubdivision.

SUBDIVISION, minor: A subdivision containing no more than four (4) lots which have frontage on an existing public street, and which does not require any new municipal street, street extension or extension of municipal facilities.

TOWN HIGHWAY, CLASS 1: Town highways designated by the Highway Board which are part of a state highway route and which carry a state highway route number.

TOWN HIGHWAY, CLASS 2: Town highways designated by the legislative body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

TOWN HIGHWAY, CLASS 3: All other traveled town highways, other than Class 1 or Class 2, designated by the legislative body of the Municipality, after conference with a representative of the Highway Board.

TOWN HIGHWAY, CLASS 4: All other town highways, including trails and pent roads, other than Class 1, 2, and 3 highways, designated by the legislative body of the Municipality.

For clarification of definitions of Town Highways (classes 1,2,3 and 4) reference should be made to 19 V.S.A. Section 17 as now in force, or as may be from time to time amended. Where conflicts or confusion arise between the referenced standards and the above definitions, the referenced standards shall apply.