

**Town of Stratton
Subdivision Bylaws
(January 10, 2005)**

**Stratton Permit Handbook
Addendum 4**

Addendum 4

TOWN OF STRATTON SUBDIVISION BYLAW

Approved by Selectmen on January 10, 2005

To be effective on January 31, 2005

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TOWN OF STRATTON SUBDIVISION REGULATIONS

ARTICLE I: Enactment, Purpose, Authorization, Waivers, and General Provisions

SECTION 1100 Enactment

The town of Stratton has taken action for the purpose of amending bylaws within the meaning of section 4401 of Chapter 117, of Title 24 V.S.A., as may be amended from time to time, hereinafter referred to as the Act, and

The Stratton Planning Commission has presented to the Board of Selectmen proposed amendments to the Subdivision Regulations; and

The Board of Selectmen have found and determined that the amendments promote reasonable regulation of land subdivision in order to protect the public health, safety, and welfare and to provide for orderly physical and economic growth.

NOW THEREFORE, in accordance with section 4401 of 24 V.S.A. of the Act, The Town of Stratton hereby amends its permanent subdivision regulations which shall be known as the "Town of Stratton Subdivision Regulations."

SECTION 1200 Purpose

These regulations are adopted for the following purposes which shall be the basis for approval of all subdivisions as defined herein.

- a. To protect and provide for the public health, safety, and general welfare of the town.
- b. To guide the future growth and development of the town, in accordance with the Town Plan.
- c. To provide for adequate light, air, and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of circulation.
- d. To protect the character and the social and economic stability of all parts of the town and to encourage the orderly and beneficial development of all parts of the town.
- e. To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- f. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities,
- g. To provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic throughout the town, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

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- h. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to insure proper legal description and monumenting of subdivided land.
- i. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- j. To preserve the natural beauty, and topography of the town and to insure appropriate development with regard to these natural features.
- k. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinances of the town.
- l. To ensure proper development in areas where natural resources are shown on the Significant Habitats Map in the Stratton Town Plan.

1201

To further the purposes of sections 4302 and 4401 of the Act.

SECTION 1300 Authority

1301

The Stratton Planning Commission is, hereby authorized and empowered to do all acts and things set forth in and provided in section 4402 (3) and section 4418 - 4463 of the Act, including but not limited to the approval, modification, or disapproval of all plats filed with the approval of the development of such plats previously filed in the Town Clerk's office if such plan or plats are entirely, or partially undeveloped under the subdivision regulations.

1302

These regulations represent a revision of the Subdivision Regulations adopted December 8, 1988 and are intended to supersede the earlier bylaws. All permits and conditions lawfully granted under previous subdivision regulations remain in effect as provided therein, unless new application be made under these regulations.

SECTION 1400 Waivers (Section 4418 (2) (A) of the Act)

1401

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

1402

Where the Planning Commission finds that strict conformance to the Subdivision Regulations are not in the interest of the public safety and general welfare, or is inappropriate because of inadequacy or lack of connection to adjacent facilities to the proposed subdivision, it may waive or modify such requirements, subject to appropriate conditions.

1403

In granting waivers, variances, or modifications, the Planning Commission shall include conditions that will substantially assure the objectives of the modified requirements.

1404

A waiver or modification may not be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Ordinance, the Official Map, Capital Budget and Program if one is implemented, or these Subdivision Regulations.

SECTION 1500 Amendments

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

SECTION 1600 Enforcement Violations and Penalties

Regulations shall be enforced in accordance with Sections 4451 and 4452 of the Act.

SECTION 1700 Severability

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

SECTION 1800 Effective Date

These regulations shall take effect 21 days after adoption by a majority vote of the members of the legislative body, in accordance with the procedures contained in section 4441 and 4442 of the Act.

ARTICLE II: Definitions

Except where specifically defined herein, all words used in this Subdivision Regulation shall carry their customary meanings. References for terms undefined are *Webster's New Twentieth Century Dictionary*, *The Illustrated Book of Development Definitions*, and *The Language of Zoning: A Glossary of Words and Phrases*. Words used in the present tense shall include the future; the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "uses" shall be considered as though followed by "or intended, arranged or designed to be used or occupied;" "person" includes individual, partnership, association, cooperative, corporation, company, organization or any governmental body.

ACT, The:

Vermont Statutes, Title 24 Municipal and County Government, Chapter 117 as may be amended from time to time. Municipal and Regional Planning Development, also known as the Vermont Planning and Development Act.

APPLICANT:

Any person, firm, corporation, partnership, or association, or his or her authorized agent or successor(s) in title who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein.

CERTIFICATE OF USE:

A Certificate of Occupancy hereafter called Certificate of Use (C of U) is issued by the Zoning Administrator. This Certificate of Use states that the proposed use of the land conforms to the requirements of the application as approved in the Subdivision Permit and provisions of this Bylaw. The Certificate of Use shall contain a list of all the approved plat permit conditions and performance

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standards applicable to the project and a statement of compliance for each item on the list. A copy of the completed Certificate of Use shall be given to the permittee, filed with the Town Permit Book with the Subdivision Permit and filed in the Town Land Records.

EASEMENT:

Authorization by a property owner for the use by another for a specified purpose of any designated part of his property.

ENGINEER, TOWN:

Duly designated consulting engineer or the engineer employed by or assigned to the Planning Commission.

GUARANTEE OF CONSTRUCTION COMPLETION

Guarantee of Construction Completion shall comply with section 4464 (b) (6) of the Act "Performance Bond," as updated. It is a form or surety or guaranty agreement which contains the promise of a third party, usually a bonding company, to complete or pay for the cost of completion of construction cost of the construction contract if the applicant or contractor defaults. The term of the guarantee shall not be more than three (3) years. It may be extended, with the consent of the owner, for an additional three (3) years.

LEGISLATIVE BODY:

The Selectboard of the Town of Stratton.

PLAN, TOWN:

Plan for development of the Town prepared by the Planning Commission pursuant to section 4384 of the Act.

PLAN, SKETCH:

Sketch of proposed subdivision to enable the applicant and the Planning Commission to reach general agreement as to the form of the subdivision in meeting objectives of these regulations.

PLAT, PRELIMINARY:

Drawing clearly marked "Preliminary Layout" showing the salient features of the proposed subdivision in sufficient detail, indicating the approximate proposed layout as a basis for study and consideration by the Planning Commission.

PLAT, FINAL:

Final drawing showing the exact plan of the final subdivision, containing all information required by law and these regulations, submitted to the Planning Commission for approval.

ROAD:

Any road, highway, avenue, or any land within right-of-way lines, commonly used by the public for vehicular traffic. This may be either a private or town road. All roads are considered private roads until accepted by the Selectboard.

SUBDIVISION:

A subdivision is the division of any parcel of land for the purpose of conveyance, transfer of ownership, improvement, building, development or sale, whereby two or more lots, blocks, or parcels are created. The term "subdivision" includes re-subdivision and adjustment of lot lines. Partition of a parcel of land, whether by sale, gift or inheritance, between members of a family who have customarily lived on that parcel, shall be considered a subdivision.

SUBDIVISION, ADMINISTRATIVE:

Subdivisions that do not require full Planning Commission review. They include lot line adjustments, partition of a parcel of land, whether by sale, gift or inheritance, between members of a family who have customarily lived on that parcel, and when less than three lots, blocks, or parcels are created, any of which is less than ten acres.

To be considered as an administrative subdivision, the subdivision plan must meet the minimum requirements of the zoning district in which it occurs and the physical plan must meet all the criteria under final plat review so the plat is suitable for filing with the Stratton Town Clerk.

SUBDIVISION, MAJOR:

All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, blocks, or parcels, or any size subdivision requiring any new town road or extension of local government facilities, or the creation or maintenance of any public improvements.

SUBDIVISION, MINOR:

Any subdivision containing not more than four lots, blocks, or parcels, not requiring any new or substantially improved town road, or the extension of local government facilities, or the creation or maintenance of any public improvements; and not in conflict with any provision or portion of the town plan, zoning ordinance, these regulations, or any other bylaw or regulation then in effect.

ARTICLE III Subdivision Application and Approval Procedure

SECTION 3100 General Procedure

Whenever any subdivision of land is proposed, before a deed is drawn up and transacted for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing applicant authorized by the owner of the land shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. The Zoning Administrator shall determine, after consulting with the Planning Commission Chair, whether to process the subdivision application under an administrative process or under full review of the Planning Commission. The Zoning Administrator may make recommendations for Planning Commission review as minor or major. The administrative process is a determination that the subdivision meets the threshold requirements for administrative review and a plan that meets the requirements for filing the plat with the Town Clerk.

The Zoning Administrator, upon request, will assist an applicant in developing a sketch plan application.

Planning Commission review consists of two (2) steps for a minor subdivision and three (3) steps for a major subdivision.

Minor Subdivision

- (i) Sketch Plan
- (ii) Final Subdivision Plan

Major Subdivision

- (i) Sketch Plan
- (ii) Preliminary Subdivision Plan
- (iii) Final Subdivision Plan

SECTION 3200 Submission of Sketch Plat

3201

Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Zoning Administrator at least 20 days prior to the regular meeting of the Planning 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 twenty (20) feet as well as a vicinity map showing the general location of the property, in relationship to the surrounding area.

Any owner of land shall, prior to submitting an application for subdivision of land that is located within 500 feet of a municipality boundary, submit to the Zoning Administrator at least 20 days prior to the regular meeting of the Planning Commission, two copies of a sketch plan of the proposed subdivision and shall comply with all other parts of section 3201.

The Zoning Administrator shall send a copy of the notice to the Clerk of an adjacent municipality at least 15 days prior to the public hearing.

3202

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

3203

At this meeting the Planning Commission will verify the classification of the subdivision by the Zoning Administration of the Sketch Plan.

3204

The Planning Commission shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with, the purpose of this bylaw, the Town Plan; the Zoning Ordinance; the capital budget and program; the official map; developments proposed by any public agency, existing private and public development, facilities and services; and for any special problems that may be encountered.

3205

The Planning Commission shall determine whether the Sketch Plan meets the purposes of these regulations and may make specific written recommendations for changes.

The Planning Commission will make preliminary decisions about waiver requests as part of the Sketch Plan Review. It will issue a written response to such requests.

3206

Where the applicant submits a proposal for a Planned Unit Development, requirements of Section 4417 of the Act shall be met, in addition to the requirements of these Regulations and the Zoning Ordinance. Planned Unit Developments may include a mix of residential uses or nonresidential uses or both.

SECTION 3300 Procedures for Minor Subdivisions

The Planning 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.

3301

Within six months of classification by the Planning Commission of the sketch plan as a minor subdivision, the applicant shall submit an application for approval of a final subdivision plat according to the procedures and requirements of Article III, Section 3600. Failure to do so shall require resubmission of the sketch plan to the Planning Commission for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Commission.

3302

Upon the final review of the Minor Plan, the Planning Commission will deny or issue a permit approving the application with conditions and waivers if requested. The decision will be in writing.

3303

The fee for plat approval for Minor Subdivisions is set and revised from time to time by the Selectboard.

SECTION 3400 Procedures for Major Subdivisions

3401

Within six months after classification of the sketch plan as a Major Subdivision by the Planning Commission, the applicant shall submit an application for preliminary approval of a preliminary plat, according to the procedures and requirements of Section 3500. Failure to do so shall require resubmission of the sketch plan to the Planning Commission for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Commission.

3402

The fee for plat approving for major subdivisions is set and revised from time to time by the Selectboard.

SECTION 3410 Commencement of Construction

Construction of a subdivision or sale of lots may commence following public hearing and Planning Commission approval of the final plat, subject to all requirements of these regulations and all conditions attached to the plat approval, including the requirements of Section 4203, Improvements and Performance Guarantees.

SECTION 3500 Review and Approval of Preliminary Plat for Major Subdivision

3501

Application:

The applicant shall file an application for consideration of preliminary plat in the form described in Section 3600, using the approved application form available from the Zoning Administrator or Town Clerk.

3502

Number copies: Six (6) copies of the preliminary plat and six (6) of the vicinity map shall be presented to the Zoning Administrator at least 15 days prior to a regular meeting of the Planning Commission.

3503

Official Submission Date:

The time of submission of the preliminary plat shall be the next regular monthly meeting of the Planning Commission following the receipt of the application.

3504

Applicant to attend Planning Commission Meeting:

The applicant, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the preliminary plat.

3505

Review of Preliminary Plat:

The Planning 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, and the requirements of the town plan, the official map, zoning regulations and the capital budget and program (if one is implemented). After review the Planning Commission shall make preliminary recommendations.

3506

Preliminary Approval of Preliminary Plat:

Within forty-five (45) days after the formal submission of a preliminary plat, the Planning Commission shall take action to approve with or without modifications, or disapproval shall be clearly stated in the "*findings of fact and conclusions*" of the Planning Commission. Failure of the Planning Commission to act within such forty-five day period shall constitute a preliminary approval of the preliminary plat. Prior to preliminary approval, the Planning Commission may hold a preliminary hearing after public notice according to the section 4463 of the Act.

When granting preliminary approval to a preliminary plat, the Planning 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 improvement or the amount of all bonds therefore which it will require as a prerequisite to the approval of the subdivision plat.

The action of the Planning Commission and any conditions attached thereto shall be noted on three (3) copies of the preliminary plat. One copy shall be returned to the applicant, one retained by the Planning Commission and one forwarded to the Selectboard.

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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.

3507 Public Improvements:

The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the Certificate of Use by the Zoning Administrator.

If the Planning Commission does not require improvements and dedication of land prior to signing of the Certificate of Use, a bond or other appropriate guarantee of construction completion may be required. The amount of the guarantee shall be established by the Planning Commission based upon the recommendation of the Selectboard and/or town engineer. The guarantee of construction completion shall be submitted by the applicant at the time of application for final subdivision plat approval. The applicant shall indicate on the final plat plan roads and public improvements which will be established or extended and as well as any other special requirements deemed necessary by the Planning Commission in order for the subdivision plat to conform to the official map and the Town Plan.

3508 Effective Period of the Preliminary Approval:

The approval of the preliminary plat shall be good for a period of one (1) year, at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Town Clerk. Application for final approval of the subdivision must be made within six (6) months or the Planning Commission can refuse, without prejudice, to act on the final plat and require re-subdivision of the preliminary plat.

SECTION 3510 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final plat approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat non-conforming as to bulk or use, provided that final approval is obtained within the one-year period.

**SECTION 3600 Review and Approval of Final Plat
for Minor and Major Subdivisions**

3601 Application:

The applicant shall file an application for consideration of a final plat of the proposed subdivision in the form described in Article IV, Section 4200, using the approved application form available from the Town Clerk or the Zoning Administrator. If the final application is not submitted within six (6) months after the preliminary plat for major subdivision, the Planning Commission may refuse without prejudice to act on the final plat and require re-submission of the preliminary plat. If the final application for a minor subdivision is not submitted within six (6) months of a classification by the Planning Commission of the sketch plan as a minor subdivision under Article III Section 3301, the Planning Commission may refuse without prejudice to act on the final plat and require re-submission of the sketch plan.

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3602 Number of Copies:

Six (6) copies (one copy prepared for filing with the Town Clerk) of the plat, a copy of the application, the original and one true copy, of all offers of cession, covenants and agreements, and two prints of all construction drawings, shall be submitted to the Zoning Administrator at least 15 days prior to a regular monthly meeting of the Planning Commission.

3603 Official Submission Date:

The time of submission of the final plat shall be the next regular monthly meeting of the Planning Commission following receipt of the application under Section 3602.

3604 Applications to State and Town Agencies:

The applicant shall apply for all Town and State permits required of the proposed subdivision and shall submit copies of these applications to the Planning Commission. Such permits may include, but are not limited to: a zoning permit, highway access permit, Act 250 permit, public building permit, and State Department of Water Resources and/or Department of Health subdivision permit(s). Copies of all required permits shall be submitted with the final plat as part of a complete application.

3605 Public Hearing:

A Public hearing, upon public notice according to section 4464 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, at least 15 days prior to the hearing, notice of said hearing shall be forwarded to the Windham Regional Planning Commission (WRC), and to the Clerk of any town that has a boundary within 500 feet of the plat.

3606 Action of Proposed Final Plat:

Within forty-five (45) days from the public hearing, the Planning Commission shall 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 and completion surety is required, the final plat shall not be signed by the authorized officers of the Planning Commission for recording until the applicant follows the procedures set forth in either subparagraph (1) or subparagraph (2) below. If procedure (2) is chosen the plat may be approved conditionally upon completion of improvements but not issued a Certification of Use until this section is satisfied.

(1) In an amount set by the Planning Commission the applicant shall either file with the Town Clerk a certified check to cover the full cost of required improvements or the applicant shall file with the Town Clerk a guarantee of construction completion to cover the full cost of required improvements. Any such guarantee shall be satisfactory to the Selectboard and the Town Attorney as to form, sufficiency, manner of execution, and surety. The Planning Commission shall fix the term of the guarantee up to three years. The certified check or guarantee shall include an amount required for recreation land or improvements as specified in Article V, Section 5400, or

(2) The applicant shall complete all required improvements to the satisfaction of the Zoning Administrator who shall file with the Town Clerk a Certificate of Use signifying the satisfactory completion of all improvements required by the Planning Commission. For any required

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improvements not so completed, the applicant shall file with the Town Clerk a bond, or certified check or other guarantee of construction completion covering the costs of such improvements and the cost of satisfactorily installing any such improvement not approved by the town engineer or consulting engineer. Any such guarantee shall be satisfactory to the Selectboard and Town Attorney as to form, sufficiency, manner of execution, and surety.

An inspection fee, to be paid by the applicant to cover the costs of inspection, shall be established by the Selectboard and shall be paid with submission of the final plat.

(3) If construction of the improvements have not been completed within three years from the date of submitting the initial guarantee of construction, the Zoning Administrator shall inform the Selectboard at a regularly scheduled meeting. The Selectboard may determine that the remaining work not completed by the subdivider will be completed by the Town and the construction costs recovered from the guarantee of construction completion, or the Selectboard may approve a time extension for completion of the work by the subdivider.

SECTION 3700 Filing of Approved Subdivision Plat

3701 Final Approval and Filing:

Upon completion of the requirements in Sections 3601 - 3606 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 Planning Commission (Chair or Acting Chair) and filed in the office of the Town Clerk. Any subdivision plat not filed or recorded within one hundred and eighty (180) days (as as otherwise directed by State Statute) of the date on which such plat was approved or considered approved by reasons of the failure of the Planning Commission to act shall become null and void.

3702 Filing of Sections of subdivision:

At the time the Planning Commission grants final plat approval, it may permit the plat to be divided into two or more sections, subject to conditions the Planning Commission deems necessary in order to ensure the orderly development of the plat.

3703 Plat Void if Revised After Approval:

No changes, erasure, modification, or revisions shall be made in any subdivision plat after approval has been given by the Planning Commission and endorsed, in writing, on the Plan, unless the revised plat is submitted to the Planning Commission and the Planning Commission approves the modifications.

3704 Certification by Town Clerk:

After an approved plat or certification by the Town Clerk is filed, no expiration of that approval or certification shall be applicable.

SECTION 3800 Public Acceptance of Roads, etc.

Planning Commission approval of a subdivision plat shall not be considered evidence of acceptance by the Town for any road, easement, utilities, park, recreational area or other open space shown on the approved subdivision plat. The Planning Commission may require the filing of a written agreement

between the applicant and the Selectboard covering future, deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements as a condition of the permit for the final plat.

ARTICLE IV: Submission Requirements

SECTION 4100 Preliminary Plat for Major Subdivisions

4101

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 dimensions shown in feet or decimals of a foot or meters, drawn to a scale of not more than two hundred (200) feet to the inch (1:150 meters) showing or accompanied by the following information.

- (1) Proposed subdivision name or identifying title.
- (2) Name and address of record owner, applicant, and designer of preliminary plat;
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses, and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the zoning regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (6) The location and size of any existing sewers and water mains, culverts, and drains on the property to be subdivided.
- (7) Location, names, and present widths, of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property.
- (8) The width and location of any streets or other public ways or places shown upon the official map, if any, and the town plan, if applicable, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the applicant.
- (9) Contour lines at intervals of twenty (20) feet (6 meters) of existing grades and of proposed finished grades where changes of existing ground elevation will be twenty (20) feet (6 meters) 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 or survey of tract boundary made and certified by a licensed land surveyor tied into established reference points.
- (13) Connection with existing water supply, or alternative means of providing water supply to the proposed subdivision.
- (14) Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
- (15) If private sewage disposal system is proposed, the basic information required for applying for a State Subdivision Permit shall be supplied.

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- (16) Preliminary information about the provisions for collecting and discharging storm drainage, in the form of drainage plan. Show location of new drainage easements, if required.
- (17) Preliminary designs of any bridges or culverts which may be required.
- (18) Provisions for the collection and disposal of solid waste and the location of solid waste receptacles.
- (19) The proposed lot lines with approximate dimension, and suggested locations of buildings.
- (20) The location of temporary markers adequate to enable the Planning Commission to locate readily and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
- (21) All parcels of land proposed to be dedicated to public use and the conditions of such dedications.
- (22) The general location of natural features or site elements to be preserved.
- (23) The roads should be laid out to promote the conservation of energy and to permit the utilization of renewable energy.
- (24) Request for possible waivers.

4102

The preliminary plat shall be accompanied by a vicinity map drawn at the scale of not over eight hundred (800) feet (240 meters) to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet (610 meters) of any property line of the subdivision or any smaller area between the tract and all surrounding existing roads, provided any part of such road used as part of the perimeter for the vicinity map is at least five hundred (500) feet (150 meters) from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

- (1) All existing subdivisions and approximate tract line of parcels together with the names of the record together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any road adjoining the proposed subdivision.
- (2) Locations, widths, and names of existing, filed, or proposed roads, easements, building lines, and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph (1) above.
- (3) The boundaries and designations of zoning districts, special districts, potential school sites if designated, and parks and other public spaces.
- (4) An outline of the platted area together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the landowner's or applicant's entire holding.

SECTION 4200 Final Plat for Minor and Major Subdivisions

4201

The final subdivision plat shall consist of one or more sheets of drawings which conform to the current requirements for filing with the Town Clerk.

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The subdivision plat shall show:

- (1) Proposed subdivision name or identifying title, the name and address of the record owner and applicant, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks and scale, date, and true north point.
- (2) Road names and lines, pedestrian ways, lots, reservations, easements, and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Planning Commission to determine readily the location, bearing, and length of every road 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 for all curves, tangent distances and tangent bearings for each required road.
- (5) By proper designation of such plat, all public open space for which offers of cession are made by the applicant and those spaces title to which is reserved by him.
- (6) Lots within the subdivision labeled in numerical order within blocks, and blocks labeled in alphabetical order.
- (7) The location of all of the improvements referred to in Section 4202, and in addition thereto the location of all utility 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"
- (10) Construction detail drawings for all required improvements at a scale of one (1) inch = 40 feet.
- (11) All information on the preliminary plat updated and accurate.

4202

In accordance with Town specifications, all roads or other public places shown on such plat shall be suitably constructed, and all utilities, road lighting standards, shade trees, water mains, sanitary sewers, storm drains, and any recreation areas, where required by the Planning Commission, shall be installed in accordance with the standards, specifications, and procedures set forth in these regulations and other applicable town regulations and ordinances, or, alternatively an appropriate instrument of ability to complete construction such as a performance bond shall be required to insure completion of such improvements.

4203

There shall be submitted to the Planning Commission with the final subdivision plat:

- (1) Written offers of cession to the town of all roads, public open spaces, 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 applicant, are to be maintained. Alternatively, a waiver may be granted as part of a development agreement with the Town Selectboard.

(2) Written evidence that the Selectboard 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 town of any roads, public open spaces, and other areas to be dedicated to the public referred to in paragraph (1), above.

(3) A certificate of the Zoning Administrator as to the completion of all improvements required by the Planning Commission to the satisfaction of the Zoning Administrator and in accordance with standards and specifications prescribed by this and other Town ordinances, or in lieu of any required improvements not so completed, a performance bond to secure the completion of required improvements and written evidence that the Selectboard is satisfied with the assurance of completion.

(4) Payment of an inspection fee, as determined by the Selectboard, and any required payment to the Recreation Land Acquisition and Improvement Trust Fund.

(5) Copies of all required local, state, or federal permits.

ARTICLE V: Design Development Standards and Required Improvements for Subdivision of Land (Section 4418 (1)(B) of the ACT)

SECTION 5010 Planning and Design Standards

1. The applicant shall conform to or exceed the minimum planning and design development standards in design of the subdivision.
2. Subdivisions shall conform to the Zoning Ordinance and Official Map, and shall be in harmony with the Town Plan (Section 4401 of the Act).
3. The land to be subdivided for purposes shall be of such character that it can be used safely, without danger to health or peril from flood or other menace (Section 4401 of the Act).
4. Where the Planning Commission finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare, a higher standard shall be required.

SECTION 5100 Required Improvements (Section 4418 of the ACT)

1. Required improvements shall be installed to the satisfaction of the Zoning Administrator prior to issuing a Certificate of Use, or alternatively, the subdivider shall post a guarantee of completion for unfinished construction prior to the issuance of a Certification of Use.
2. The following are required improvements for all subdivisions approved in the town of Stratton: monuments, Section 5360; roads, Sections 5200, 5210, 5250; stormwater drainage, Section 5500; water supply, Sections 5600; sewage disposal, Sections 5700, 5710; public utilities, Section 5800 (including electricity, telephone, and fire protection).

In addition, the Planning Commission may require the following improvements in subdivision and planned residential and planned unit districts, where these additional improvements are necessary for public health, safety, and welfare; easements, Section 5350; sidewalks, Section 5260; road signs, Section 5370; curbs and gutter's, Section 5250; natural features, Section 5460; road lights, Section 5800.

The Planning Commission may waive or vary such improvements in accordance with section 4418 (2) (A) of the Act.

Section 5200 Road Design Standards

Minimum standards for road construction are contained in the current or updated version of the *"Town of Stratton Policy for Transportation Construction and Improvements,"* as may be updated from time to time. These standards are required even if the road will remain private. Waivers of these standards may be granted by the Planning Commission and/or the Selectboard when satisfied that privately maintained roads will serve the purpose of providing safe and convenient access to lots, and that such roads will be properly maintained by owners, or members of home owners' associations of the subdivision. Included in the Town Policy are standards for gravel and hard surface road sections for various levels of use. The current road standards include references to Vermont Agency of Transportation details.

In addition to the requirements in the *"Town of Stratton Policy for Transportation Construction and Improvements"* the Planning Commission may require the standards contained in the current or updated Vermont Transportation standard sheets, showing standards for curbs, sidewalks, and sidewalk ramps, drop inlets and culverts, road crossing sleeves, underground utilities and temporary erosion controls.

SECTION 5210 Roads Planning Standards (Section 4418 (1) (B) of the Act)

1. Roads shall be suitably located to accommodate the prospective traffic and to afford satisfactory access to fire fighting, snow removal, and road maintenance equipment.
2. Roads shall be arranged so as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient road system.
3. The arrangement, width, and grade of all roads shall be considered in relation to existing and planned roads, topographic conditions, public convenience and safety, and in their appropriate relationship to proposed land uses.
4. Minor roads shall be planned so that the use as a through road is discouraged.
5. Roads shall conform as closely as possible to original topography and shall be arranged so that building sites are at or above road grade. Steep grades and sharp curves shall be avoided.
6. Where a tract is subdivided into lots much larger than the minimum size required in the zoning district in which a subdivision is located, the Planning Commission may require that roads and lots be laid out to permit further subdivision.
7. Where the subdivision borders on an existing road and the Town Plan or the official map indicates plans for realignment or widening of the road that would require reservation of some land of the subdivision, the Planning Commission shall require that such areas be shown and marked on the final plat, "Reserved for Road Realignment (or Widening) Purposes."
8. Intersections of major roads by other roads shall be held to a minimum and shall be at least 800 feet apart, unless waived. Crossroad intersections shall be avoided, except at important traffic intersections. A distance of at least 50 feet shall be maintained between offset intersections. Within 100 feet of an intersection right-of-way, roads shall be approximately at right angles to one another.
9. A turn-around shall be provided at the end of a dead-end.

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10. Arrangement of roads shall provide for continuation of existing roads between adjacent properties, where necessary, for convenient movement of traffic, fire protection or efficient provision of utilities.
11. If adjacent property is undeveloped and the road must be a dead-end temporarily, right-of-way shall be extended to the property line. A temporary turn-around shall be provided on all temporary dead-end roads, with the notation on the plan that land outside the road right-of-way shall revert to abutting lots whenever the road is continued.
12. Adequate parking outside the traveled way limits of access roads and driveways shall be provided at a ratio of at least one and one half parking spaces per residential unit.
13. Roads shall be aligned so that any natural, scenic or historic resource of the town of Stratton shall be protected. See the Town Plan for these resources.
14. Accesses to each lot shall be taken into consideration of the subdivision and installed in conformance with the *"Stratton Town Road Crossing and Access Ordinance."*

SECTION 5220 Required Road Construction Standards

Road improvements shall be installed at the expense of the applicant. Construction standards are established in the active Stratton Town Ordinance entitled *"Town of Stratton Policy for Transportation Construction and Improvements."* The Town Policy specifications shall constitute the minimum standards for construction and improvements of roads. Other standards may be required if deemed necessary by the Planning Commission.

SECTION 5230 Required Walkway Construction Standards

Walkways shall be installed at the expense of the applicant where a major subdivision abuts or fronts onto a major road, and at such locations as the Planning Commission may deem necessary, in accordance with the following: Walkways shall be constructed to the minimum standard of those established by the Vermont Department of Transportation. Walkways constructed of materials other than concrete may be approved by the Planning Commission, if they are safe, aesthetically pleasing and appropriate to the development.

1. Minimum width of walkways in a residential area shall be four feet, and in commercial or industrial areas five feet.

SECTION 5310 Lots – Planning and Design Standards

1. Lot size and shape shall comply with the zoning regulations, and be appropriate for the type of use proposed, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from roads.
2. The subdivision plan shall provide each lot with satisfactory access to a public road.
3. Double frontage and reverse frontage lots should be avoided.
4. Side lot lines shall be at right angles or radial to the road or lot plan.
5. Corner lots shall have at least ten feet more than minimum lot width specified in the zoning regulations to permit compliance with building setback requirements.

SECTION 5320 Required Easements for Utilities, Drainage and Access

1. Easements shall be at least twenty feet in width and indicated on the final plat.
2. Where conditions are such as to make impractical the inclusion of utilities or drainage facilities within road rights-of-way, easements shall be provided centered on rear or side lot lines with access to the road.
3. The Planning Commission may require easements for pedestrian access to schools, public open space, or roads, and paved walks to be installed.

SECTION 5330 Required Monuments (Section 4418 (1) (B) of the Act)

1. Monuments shall meet the current State of Vermont standards and their locations shall be indicated on the final plat.
2. Additional permanent monuments shall be set at all road intersections and points of curve.

SECTION 5340 Required Road Name Signs

1. All roads shall be named subject to the *"The Town Ordinance Regarding Street Naming and Numbering"* and approved by the Selectboard.
2. Roads name signs shall be furnished and installed by the applicant. The type, size, and location shall be approved by the Selectboard and Planning Commission.

SECTION 5400 Land for Public Parks and Recreation Purposes (Section 4418 (1) (D) of the Act)

1. Land may be reserved for public parks or other recreation purposes in a location with suitable public access within the subdivision as determined by the Planning Commission.
2. The Planning Commission shall require that the final plat show any such public park or other recreation sites, and may require that the developer grade the recreation areas. Such areas may be dedicated to the town by the applicant, if the town Selectboard approves.
3. In the event that the Selectboard does not approve the dedication of land, the lands designated on the plat as public park and recreation area shall be retained in private ownership and shall be subject to conditions established by the Planning Commission concerning access, use and maintenance of such lands necessary to assure the preservation of land for their intended purposes. Such conditions shall be shown on the final plat prior to approval and recording.

SECTION 5410 Waiver of Recreation Land and Recreational Trust Fund (Section 4418 (1) (D) and (2) (A) of the Act)

1. In cases where the Planning Commission determines that a suitable public park is not appropriate, it may waive the requirement. In this event, the Planning Commission may require as a condition of final plat approval, a payment to the Recreation Land Acquisition and Improvement Trust Fund.
2. The amount of the payment shall be determined by the Selectboard in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or number of building lots or dwelling units proposed. If the second method is used, the fee shall be determined by the Selectboard for each building lot or dwelling unit. The payment shall be paid at the time of final plat approval.

3. The Recreation Land Acquisition and Improvement Trust Fund may be used either for acquisition of land suitable for public parks or recreation purposes; or for the physical improvement of existing recreation areas. Payments to the fund shall be used for public parks on recreation areas, or improvements thereto, which benefit the residents of the subdivision making the payment.

SECTION 5420 Trees (Section 4418 (1) (B) of the Act)

Trees shall be planted and maintained as described in the latest version of *"Planting Sustainable Landscapes: A Guide for Plan Reviewers"* prepared by The Vermont Department of Forests Parks and Recreation and the Vermont Chapter of the American Society of Landscape Architects.

SECTION 5430 Preservation of Natural Features

1. Outstanding natural features of the site including groves of trees, water courses and falls, historic spots, exceptional views, cellar holes, stone walls, and similar irreplaceable assets, should be preserved.
2. Topsoil removed in the process of grading the subdivision site shall be replaced, except in proposed roads, driveways and building locations.
3. All earth construction shall conform to the latest edition of *"The Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites."*

Section 5500 Required Storm Water Drainage Improvements (Section 4418 (1) (B) of the Act)

1. Adequate stormwater drainage systems shall be required in subdivisions and shall conform to the latest version of the Vermont Agency of Natural Resources, Water Resource Rules.
2. Rights-of-way for storm water drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided but also the run-off that will occur when a property at a higher elevation in the drainage basin is developed.
3. Where a subdivision is traversed by a water course or drainage way, there shall be a storm water drainage easement of such width as to encompass the 25-year flood area of the water course. The easement shall be indicated on the final plat.
4. Land subject to flooding or unsuitable for residential occupancy due to flood hazard shall be set aside for such uses as are not endangered by periodic inundation.

SECTION 5510 Flood Land (Section 8125 Flood Hazard Area)

Flood land, areas bordering on major water courses and drainage ways which cannot be used safely for building purposes without danger to health or peril from flood may be offered as a gift, to be used as public park or for recreation purposes.

SECTION 5600 Water Supply Improvements (Section 4418 (1) (B) of the Act)

Water supply will be constructed according to the Vermont Agency of Natural Resources, Water Resources Department and/or Vermont Health Department permits. Appropriate action shall be taken by the applicant to enable the town to create or extend a water supply district.

SECTION 5700 Sewage Disposal Improvements (Section 4418 (1) (B) of the Act)

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A sanitary sewer system shall be installed at the expense of the applicant to current State of Vermont regulations.

1. The system shall be designed and installed to standards of the Agency of Natural Resources, Water Resources Department and Environmental Engineering and/or State Department of Health.
2. Action shall be taken by the applicant to enable the town to create or extend a sanitary sewer district.

SECTION 5800 Required Public Utility Improvements (Section 4418 (1) (B) of the Act)

The following public utility improvements shall be installed:

1. Fire Protection: Hydrants and water supply to be of size, type and location required by the Stratton Volunteer Fire Company and approved by the Planning Commission.
2. Street lights: poles, brackets, and lights shall conform to the applicable Performance Standards found within the *Stratton Zoning Ordinance* and shall not contribute to sky glow. The locations are to be recommended by the local power company for approval by the Planning Commission and Selectboard. The lights shall conform to the "*Town of Stratton Road Crossing and Access Ordinance*."
3. Electricity: Poles and power-line locations are to be approved by the Planning Commission upon recommendation by the local power company and shall be placed in conformance with the "*Town of Stratton Road Crossing and Access Ordinance*."
4. Utility poles shall be located a minimum of 10 feet from the maintained edge of the road, and in conformance with the "*Town of Stratton Road Crossing and Access Ordinance*."

SECTION 5900 Significant Habitat

When the subdivision takes place in or near areas designated as critical for wildlife as determined by the Significant Habitat Map of 2003 dated October 1998 (or subsequent revision), of the Stratton Town Plan, recreation corridors, or other town resources, contiguous open space may be required to facilitate the continued use or survival of the resource under protection.

If the subdivision is within a resource designated on the Official Town Plan Significant Habitat Map of 2003 dated October 1998 (or subsequent revision), a letter from the State Agency related to the resource must be included with the subdivision preliminary plat application.