

TOWN OF STRATTON SUBDIVISION REGULATIONS (2017)

Planning Commission:

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Effective date: October 2, 2017

Attest: _____,

Stratton Town Clerk

date: _____

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ARTICLE I: ENACTMENT, PURPOSE AND APPLICABILITY

1-100: Enactment and Authority

- (1) These *Regulations* shall be known as the "*Town of Stratton Subdivision Regulations*."
- (2) The *Town of Stratton Subdivision Regulations* is hereby established in accordance with Title 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act, herein referred to as "the Act," as well as the *Stratton Town Plan* and the *Town of Stratton Zoning Ordinance*.
- (3) It is the policy of the Town of Stratton to regulate the subdivision of land and development of subdivided plats to ensure orderly, planned, efficient and economical development of the Town.
- (4) The Planning Commission is authorized and empowered to do all acts and things set forth as provided for by the Act.
- (5) These *Regulations* are intended to supersede all previous *Subdivision Regulations*. All permits and conditions lawfully granted under previous *Subdivision Regulations* shall remain in effect as provided therein, unless application is made under these *Regulations*.

1-101: Purpose

These *Regulations* are adopted for the following purposes:

- (1) To guide the future growth and orderly development as well as to provide for and protect the public health, safety, and welfare of the Town of Stratton in accordance with the *Stratton Town Plan* and the *Town of Stratton Zoning Ordinance*.
- (2) To implement the *Stratton Town Plan* in a manner which mitigates problems associated with land development, maintains and strengthens the characteristics of the traditional settlement pattern of a rural village surrounded by forested landscapes, and enhances recreational opportunities.
- (3) To guide public policy to ensure the provision of adequate and efficient transportation, water, sewage, school, parks, playgrounds, recreation, and other public requirements and facilities.
- (4) To promote the conservation of energy and to permit the utilization of renewable energy resources.
- (5) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve proposed subdivisions.
- (6) To prevent the pollution of water courses and watersheds, safeguard ground water, and avoid hazardous conditions and damage resulting from run-off.
- (7) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through the proper arrangement and location of uses on parcels to be developed.

- (8) 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.
- (9) To further the purposes contained in the Act.

1-102: Adoption and Amendment

- (1) **Adoption:** These *Town of Stratton Subdivision Regulations* shall be adopted in accordance with the Act by a majority of the legislative body at a meeting that is held after the final Public Hearing, and shall be effective twenty-one (21) days after adoption.
- (2) **Amendment:** Changes to the *Regulations* shall be enacted in accordance with the provisions of the Act.

1-103: Severability

If any provision of these *Regulations* or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications of these *Regulations*.

1-104: Effect of Adoption

- (1) **Applicability:** No subdivision or Boundary Line Adjustment may be undertaken or effected in the Town of Stratton except in conformance with these *Regulations*.
- (2) **Prerequisite:** The Subdivider shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in the Act and these *Regulations* prior to any of the following:
 - a. subdivision of land;
 - b. construction or site preparation for land development;
 - c. any contract for the sale of any part of the land proposed for the subdivision except if the sale is conditional upon receipt of all necessary permits;
 - d. the issuance of a permit for the erection of any building in a proposed subdivision, unless the structure is allowable on the existing parcel regardless of subdivision approval; and
 - e. before any subdivision Mylar map is filed with and recorded by the Town Clerk.
- (3) **Waivers:** In accordance with the Act, the Planning Commission or Zoning Administrator may waive certain requirements of these *Subdivision Regulations* subject to appropriate conditions. If in the Planning Commission's judgment there are specific facts related to a particular subdivision with regard to special circumstances or exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site and certain provisions of these *Regulations* are not required in the interest of public health, safety and welfare or are inappropriate because of inadequacy or lack of facilities in proximity to the proposed subdivision, it may waive such requirements. Waivers should be specific and granted cautiously.

- a. In granting a waiver, the Planning Commission or Zoning Administrator shall require such reasonable conditions as will substantially secure the objectives of the requirements so waived.
- b. No such waiver may be granted if it would have the effect of nullifying or impairing the intent and purpose of the *Town Plan, Zoning Regulations, Official Zoning Map*, or these *Subdivision Regulations*.
- c. The decision to allow a waiver is at the sole discretion of the Planning Commission or Zoning Administrator on a case by case basis and shall not result in any precedent being set for any other Subdivider.

1-105: Expenditure for Services (Independent Technical Review)

In accordance with Sections 4440(d) and 4461(c) of the Act, the Town (Selectboard) may impose reasonable fees, in addition to application fees, to cover independent technical review(s) of an application, including but not limited to engineering review, legal review of any associated legal documentation, design review and/or to conduct inspections to ensure compliance with approved plans. (See Section 3-102 "*Independent Technical Review*."

ARTICLE II: DEFINITIONS

All words in these *Regulations* shall carry their customary meanings. Unless otherwise defined herein, definitions of words used in the Act, *Town Plan*, and *Zoning Ordinance* shall apply.

Applicant(s): The owner(s) of record of real estate who shall also be the Subdivider(s).

Authorized Agent: Any person or entity who has written authorization filed with the Planning Commission by the Subdivider to act on his/her behalf.

Boundary Line Adjustment: A Minor Subdivision reconfiguration of adjacent lots that results in no new lots being created)

Certificate of Service: A statement that notice has been sent to the list of abutters and adjacent landowners.

Development Road: A private road owned by the Subdivider and/or future lot owners. (See, also, *Town of Stratton Zoning Ordinance* definition of Private Road.)

Easement: Authorization by a property owner for the use of any designated part of his/her property for a specified purpose by another. (A legitimate easement must also be deeded.)

Frontage: The length of a lot bordering on, and parallel with, a public or private road.

Mylar: A subdivision survey map of the Final Plat printed in ink on a sheet of Mylar.

Permit Report: Document produced by the Planning Commission, which identifies the project and provides a summary of the project submitted and specific details of the approval process for that application, which is to be recorded with the approved permit.

Plat, Final: Final map(s) showing the exact plan of the subdivision, containing all information required by law and by these *Regulations*, submitted to the Planning Commission for approval.

Plat, Preliminary: Map(s) 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.

Right-of-Way: A delineation of boundaries within which a road, driveway, trail, or other deeded use is or shall be located.

Sketch Plan: A drawing of the proposed subdivision enabling the Subdivider, the Zoning Administrator, and the Planning Commission to reach a general agreement as to the form of the subdivision.

State Highway: A public road owned by the State of Vermont.

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. The Subdivider is the Applicant and the Landowner.

Subdivision: The division of any parcel of land for the purpose of conveyance, transfer of ownership, improvement, building, development or sale, whereby two or more 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, even between members of a family who have customarily lived on that parcel, shall be considered a subdivision.

Subdivision Construction Surety: A pledge or formal promise made to secure against loss, damage or default; guarantee or security in a form approved by the Planning Commission and acceptable to the Town of Stratton. This may be in the form of an Irrevocable Letter of Credit or a Bond issued by a financial institution licensed to do business in the State of Vermont.

Subdivision, Major: Subdivision containing five (5) or more lots, or any subdivision requiring a new Development Road to be constructed to provide access and frontage for the lots.

Subdivision, Minor: Subdivision containing four (4) lots or less, fronting onto an existing State or Town Highway, which does not require development of additional infrastructure.

Survey: A map or plat prepared by a Vermont licensed surveyor which meets the requirements set forth by the Rules of the Vermont Board of Land Surveyors and applicable statutes.

Town Highway: A public road owned by the Town of Stratton.

ARTICLE III: SUBDIVISION REVIEW AND APPROVAL PROCEDURES

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 can be granted (unless allowed by the *Town of Stratton Zoning Ordinance* without a subdivision being completed), the subdividing Applicant or Authorized Agent 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. In the event that a subdivision of land is applied for simultaneously with development (e.g., Planned Unit Development within the Ski Resort), then the approval procedures (e.g., public hearings) considering both aspects of the project may be conducted concurrently.

The Zoning Administrator, upon request, will assist an Applicant in developing a subdivision or Boundary Line Adjustment application, which shall be the first step taken to initiate the review and approval process.

The Zoning Administrator and Planning Commission Chair shall determine appropriate procedure and timeline. The Zoning Administrator shall calculate applicable fees.

Planning Commission review consists of two (2) steps for a Minor subdivision and three (3) steps for a Major subdivision, and site visit(s) as appropriate.

Minor Subdivision:

- (1) Sketch Plan Review (Formal or Informal at discretion of the Zoning Administrator and Planning Commission Chair)
- (2) Final Subdivision Plan Review

Major Subdivision:

- (1) Sketch Plan Review
- (2) Preliminary Subdivision Plan Review
- (3) Final Subdivision Plan Review

3-100: Informal Sketch Plan Review

The Subdivider may submit to the Zoning Administrator, who will review and, if acceptable, submit to the Planning Commission, two (2) copies of a Sketch Plan of the proposed subdivision to be considered at the next regular meeting of the Planning Commission. The Subdivider is encouraged to attend a meeting at which time the Subdivider will receive an overview of the data needed and the process for subdivision review.

3-101: Formal Sketch Plan Review

- (1) The Subdivider shall submit to the Zoning Administrator, who will review and, if acceptable, submit to the Planning Commission at least twenty (20) days prior to their regular meeting the following:
 - a. Two (2) copies of the Sketch Plan of the proposed subdivision on a survey map of the parcel(s) being subdivided, showing five-foot contours.
 - b. The location (Land Records Book and Page) of the Deed(s) of the parcel(s) being subdivided, complete with all addenda.
- (2) The Subdivider or Authorized Agent shall attend the meeting.
- (3) The Planning Commission shall study the Sketch Plan to determine whether or not it conforms to, or conflicts with:
 - a. the *Stratton Town Plan*;
 - b. *Town of Stratton Zoning Ordinance*;
 - c. these *Subdivision Regulations*;
 - d. developments proposed by any public agency;
 - e. existing private and public development;
 - f. facilities and services; and
 - g. special circumstances that may be encountered.
- (4) The Subdivider shall submit a request for a Development Road name to the Stratton Selectboard, if applicable.
- (5) The Planning Commission may make specific written recommendations for changes, plus any conditions deemed necessary or appropriate.
- (6) Where the Subdivider submits a proposed Planned Unit Development, the following requirements shall be met:
 - a. Article VI, Sections 630 *Planned Unit Developments (PUD)* and/or 640 *Ski Planned Unit Developments (Ski PUD)* of the *Town of Stratton Zoning Ordinance* as may be amended from time to time; and
 - b. requirements for a Major Subdivision.

3-102: Independent Technical Review

At any point in the review process the Planning Commission may determine that independent technical review is necessary. All issues involved in the technical review process (see 1-5 below) must be resolved before the final public hearing is closed.

- (1) In the event the Planning Commission believes they require independent technical review for the diligent, application-specific pursuit of their work, they shall so determine by majority vote of the Commission. That vote shall occur during the public review or hearing for that application.

- (2) In the event that the Planning Commission directs a technical review to take place, the Town shall obtain an estimate of the review costs. The Applicant and/or owner shall be responsible for paying the estimated costs of the review to the Town. The technical review will not take place until the Town receives the funds. In the event that the review costs less than the estimate, the Town shall reimburse the Applicant and/or owner. Should the review be more than the estimated cost, the Applicant and/or owner shall be required to pay the additional cost.
- (3) The Commission may table review of the application, including recessing any hearing, pending receipt of an independent technical review.
- (4) In the event of failure to pay a balance due, the Planning Commission may deny the application. The application may be resubmitted without changes within six (6) months of the denial upon receipt of the balance due. If resubmitted, time frames for review and approval will start anew from the date of receipt of the balance and all application fees shall be paid.
- (5) In the event that an Applicant and/or owner disagrees with the determination of the Planning Commission that a technical review is warranted and refuses to submit to an independent technical review, the Commission may deny the application.

3-103: Official Submission Date

No action will be taken by the Zoning Administrator to establish an Official Submission Date until the application is complete. The completed subdivision application, along with all other required documentation shall be filed with the Zoning Administrator at least twenty (20) days prior to the date of the regular meeting of the Planning Commission at which a public hearing to consider the project is to be scheduled, if applicable. After review of the information submitted, the Subdivider will be notified whether the application is complete, or what additional information may be needed to complete it. Upon receipt of all the required information for a complete application, the Zoning Administrator will establish the Official Submission Date.

3-104: Minor Subdivision Review

Minor Subdivision Review follows an Informal or Formal Sketch Plan Review, as determined by the Zoning Administrator and the Planning Commission Chair, and proceeds immediately into Final Plat review and approval.

3-105: Major Subdivision Review

Major Subdivision Review follows Formal Sketch Plan Review and goes through Preliminary Plat review before it proceeds into Final Plat review and approval. This may be accomplished in a single Public Hearing if the Preliminary Plat Review is closed and a specific date, time, and place statement is given for continuance of the Hearing into the Final Plat Review stage. A site visit should be conducted as part of the hearing, unless deemed unnecessary by the Planning Commission

3-106: Public Hearing

Before any plat is approved, other than an Administrative Subdivision, a Public Hearing shall be held by the Planning Commission, after public notice in accordance with § 4464 of the Act. At the conclusion of the session, the Planning Commission will either adjourn the hearing or declare a recess to allow additional information to be presented. When a Public Hearing is

required by these *Regulations*, notice shall be given not less than fifteen (15) days prior to the date of the hearing. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal: The Public Notice shall be distributed as follows:

- (1) Published in a local newspaper of the Planning Commission's choosing;
- (2) Posted in three or more public places within the Town of Stratton in conformance with location requirements of 1 V.S.A. § 312(c)(2), posting on the Town's Official Website, as well as posting within view from the public right-of-way most nearly adjacent to the property for which an application is made;
- (3) Mailed by United States Postal Service to the Applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way; and
- (4) If applicable, a notice shall be sent to the Town Clerk of an adjoining municipality if the subdivision is within 500 feet of the municipal boundary line.

3-107: Minor Subdivision: Final Plat Approval Procedures

- (1) The Subdivider shall file with the Zoning Administrator the "Lot Plan" (Map #1) and one (1) copy each of Map #2 & Map #4 for consideration, along with applicable fees. (See Section 4-100 "*Data Required on Subdivision Plat Submissions*," for descriptions of required maps.) The Final Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission or other regulatory agencies.
- (2) Upon receipt of all required information, a Public Hearing should commence within forty-five (45) days from the time of the Official Submission Date (refer to Sections 3-103 "*Official Submission Date*" and 3-106 "*Public Hearing*"). The Hearing may require multiple sessions before it is concluded by adjournment. The Subdivider or Authorized Agent shall attend the Public Hearing. Failure to attend shall be grounds for disapproval.
- (3) The Planning Commission shall take action to approve, with or without changes, or disapprove the Final Plat within forty-five (45) days of the adjourned Final Plat Public Hearing. The actions taken shall include documenting the minutes of the Public Hearing and associated meeting, endorsement or denial of the submitted Subdivision Application and the creation of a Permit Report (in accordance with Section 3-112 "*Final Subdivision Permit Decision and Issuance*").
- (4) The Subdividers shall submit a Mylar to the Zoning Administrator, in accordance with Section 3-114 "*Issuance of the Approved Final Plat and Subdivision or Boundary Line Adjustment Permit*" of these *Regulations*.

3-108: Minor Subdivision: Boundary Line Adjustment Approval Procedures

At times it may be necessary for adjoining lot owners or an owner of multiple lots to adjust their boundaries. The Zoning Administrator and Planning Commission Chair shall review the proposal to ensure that the new configuration complies with these *Regulations*. Any area of land passing from one lot to another must be merged into the receiving parcel so as not to create a new lot. The

need for a Public Hearing may be determined by the Zoning Administrator and Planning Commission Chair.

Required procedures:

- (1) The lot owner(s) (Grantor(s)) who will be deeding over land to an adjacent lot owner (Grantee) shall file with the Zoning Administrator the Boundary Line Adjustment Application Form and a copy of the survey showing the adjustment.
- (2) Upon receipt of a complete application, a Public Hearing, if required, should commence within forty-five (45) days of the Official Submission Date (refer to Sections 3-103 "*Official Submission Date*" and 3-106 "*Public Hearing*"). The Hearing may require multiple sessions before it is concluded by adjournment. The Subdivider or Authorized Agent shall attend the Public Hearing. Failure to attend shall be grounds for disapproval.
- (3) If a Public Hearing was required, the Planning Commission shall take action within forty-five (45) days after adjournment of the hearing. The actions taken shall include documenting the minutes of the Public Hearing and associated meeting, endorsement or denial of the submitted Subdivision Application, and the creation of a Permit Report (in accordance with Section 3-112 "*Final Subdivision Permit Decision and Issuance*" or this Section 3-108 "*Minor Subdivision: Boundary Line Adjustment Procedures*").
- (4) Zoning permits shall be required for structures in accordance with the *Town of Stratton Zoning Ordinance*.
- (5) The Subdividers shall submit a Mylar to the Zoning Administrator, in accordance with Section 3-114: "*Issuance of the Approved Final Plat and Subdivision or Boundary Line Adjustment Permit*" of these *Regulations*.
- (6) The Subdivider shall file the appropriate deed(s) and Property Transfer Tax Return(s) executing the transfer of lands exchanged by the Boundary Line Adjustment with the Town Clerk, if deeds were required to be submitted. This step is not necessary if the Boundary Line Adjustment was completed for lots in common ownership. The Mylar and deeds shall be recorded in the Stratton Land Records simultaneously.

3-109: Major Subdivision: Preliminary Plat Approval Procedures

- (1) The Subdivider shall file with the Zoning Administrator the Subdivision application, unless previously submitted, along with four (4) copies of the Lot Plan (Map #1) and two (2) copies each of Maps #2, #3, & #4 (see Section 4-100 "*Data Required on Subdivision Plat Submissions*," for descriptions of required maps) for consideration, along with applicable fees. These maps may be "Preliminary."
- (2) The Planning Commission may permit the Final Plat to be divided into phases to assure orderly development.
- (3) The Planning Commission shall review the Preliminary Plat submitted for conformity to these *Regulations* (except where a waiver may be specifically confirmed by the Planning Commission).
- (4) Upon receipt of a complete application, a Public Hearing should commence within forty-five (45) days of the Official Submission Date (refer to Sections 3-103 "*Official Submission Date*" and 3-106 "*Public Hearing*"). The Hearing may require multiple sessions before it is

concluded by adjournment. The Subdivider or Authorized Agent shall attend the Public Hearing. Failure to attend shall be grounds for disapproval.

- (5) Before the Preliminary Plat hearing is adjourned, the Planning Commission may decide that the application is sufficient to proceed with final Plat approval. In this case, The Planning Commission may decide to recess the Hearing to a date, time, and place specific to continue the Final Plat Review, if the Applicant thinks they can be prepared in that time. The Planning Commission shall take action to approve, with or without changes, or disapprove the Preliminary Plat within forty-five (45) days of the adjourned Preliminary Plat Public Hearing. Reasons for the decision shall be stated in the Planning Commission Minutes.
- (6) When granting approval to a Preliminary Plat, the Planning Commission shall state the conditions in the Minutes, with respect to:
 - a. Specific changes which it may require;
 - b. Character and extent of the required improvements necessary to obtain waivers;
 - c. Recommended amount of potential sureties; and
 - d. Date of expiration of Preliminary Approval.
- (7) The action of the Planning Commission, accompanied by any conditions or changes, shall be attached to the Preliminary Plat. One copy shall be returned to the Subdivider and one copy delivered to the Zoning Administrator to include in the Zoning files for the property. The Preliminary Plat approval shall be valid for a period of two (2) years and may be extended for a period of six (6) months on request of the Subdivider. Approval of the Preliminary Plat shall not constitute approval of the subdivision.
- (8) Prior to approval of the Final Plat, the Planning Commission may require additional changes as a result of further study, based on new evidence, new interpretation, or changes proposed by the Subdivider.

3-110: Major Subdivision: Final Plat Approval Procedures

- (1) The Subdivider shall file with the Zoning Administrator the Major Subdivision Final Plat drawings and any additional documentation for approval of the Final Plat.
- (2) Upon receipt of a request, a Public Hearing should commence within forty-five (45) days of the Official Submission Date (refer to Sections 3-103 "*Official Submission Date*" and 3-106 "*Public Hearing*"). The Hearing may require multiple sessions before it is concluded by adjournment. The Subdivider or Authorized Agent shall attend the Public Hearing. Failure to attend shall be grounds for disapproval.
- (3) The Planning Commission shall take action to approve, with or without changes, or disapprove the Final Plat within forty-five (45) days of the adjourned Final Plat Public Hearing. The actions taken shall include documenting the minutes of the Public Hearing and associated meeting, endorsement or denial of the submitted Subdivision Application and the creation of a Permit Report (in accordance with Section 3-112: "*Final Subdivision Permit Decision and Issuance*"). Reasons for the decision shall be stated in the Planning Commission Minutes and the Permit Report.
- (4) The Final Plat shall conform to the approved Preliminary Plat, with any recommendations made by the Planning Commission.

- (5) The Planning Commission may permit the Final Plat to be divided into phases (in regard to the installation of infrastructure) to assure orderly development.
- (6) In a subdivision where a construction surety is required, the Subdivider shall file with the Town a surety in a form approved by the Planning Commission in an amount sufficient to assure the completion of the required improvements. The construction surety shall provide for automatic renewal for an additional term for each future expiration date until a release is obtained. This provision shall be made a Condition of the Permit, restricting the right to sell off any lots until either the surety is implemented or the infrastructure has been installed to the satisfaction of the Town. (No lot shall be sold unless the infrastructure necessary to meet Zoning requirements has been installed adequately.)
- (7) The Planning Commission shall specify the time period within which the required improvements must be completed.
- (8) Zoning permits shall be required for structures in accordance with the *Town of Stratton Zoning Ordinance*.

3-111: Amendments to an Approved Subdivision Permit

The Zoning Administrator may, upon the request of the Subdivider, make minor amendments to an approved subdivision permit by an administrative process, provided no substantial changes result. If at any time substantial changes are proposed, the Planning Commission may only make amendments to an approved subdivision permit after a Public Hearing has been held to address the amendment (unless the original subdivision was considered Administrative).

- (1) The Subdivider or Authorized Agent shall resubmit the application for the amendment and follow the same procedure determined for the original, unless details for the amendment warrant a different process. The Zoning Administrator shall calculate and collect applicable fees.
- (2) The Subdivider shall file two (2) copies of the Subdivision Application labeled “Amended” along with any relevant information with the Zoning Administrator at least twenty (20) days prior to the date of the regular meeting of the Planning Commission at which the Public hearing is expected to be held.
- (3) If the amendment requires any changes to the previously recorded legal data, a revised Permit Report, the approved Amended Final Plat Mylar, and the Amended Subdivision Permit shall be processed in accordance with 3-114 “*Issuance of the Approved Final Plat and Subdivision or Boundary Line Adjustment Permit.*”

3-112: Final Subdivision Permit Decision and Issuance

The Planning Commission shall take action to approve, with or without changes, or disapprove the Final Plat within forty-five (45) days of the adjourned Final Plat Public Hearing. The actions taken typically entail:

- (1) A tentative agreement of the Planning Commission whether an approval or denial should be given to the project, with a discussion of and subsequent agreement on the appropriate conditions the Commission believes should be placed on the project (This generally takes place immediately following the close of the Final Plat Public Hearing, and during the continuation of the Planning Commission meeting within which the Hearing was held).

- (2) During the days following the meeting, the Planning Commission will develop minutes summarizing the Public Hearing and the associated meeting.
- (3) Create the Permit Report. The Permit Report shall consist of the following:
 - (a) An introduction describing the subdivision proposal,
 - (b) Notices for the meetings at which it was reviewed and heard,
 - (c) A Certificate of Service (that notification has been provided to specific parties, including abutters),
 - (d) Findings of Facts - Reasons for the decision - based on information collected during the hearing process and associated meetings,
 - (e) Any Conditions required,
 - (f) A statement of Conclusions relating to the review standards,
 - (g) A specific statement of what is being authorized by the issuance of the permit,
 - (h) Appeal information as provided for in Section 3-113: "*Appeals*," and
 - (i) A statement indicating whether the project is subject to an Act 250 Permit, and if not, the "Mylar due by" date. If an Act 250 permit is required, the Permit report shall include a statement that the Mylar shall be filed with or recorded by the Town Clerk not less than 180 days from the date of the Act 250 permit approval. (24 V.S.A. § 4463(b)).
- (4) At a subsequent meeting, within the 45-day limitation, the Planning Commission shall review the minutes and Permit Report and give Planning Commission approval or denial of the Subdivision Permit Application.
 - (a) If the Final Plat is disapproved or any changes are required, grounds for such action shall be stated in the Planning Commission minutes of the meeting at which the action was taken and in the Permit Report. The Planning Commission shall submit these findings and the original application to the Zoning Administrator for his/her appropriate action and subsequent distribution to the Subdivider. A denied permit shall be filed in the property's zoning file.
 - (b) If the Final Plat is approved, the Planning Commission Officers shall sign the Plat and route the original application to the Zoning Administrator, who shall approve the application. One copy shall be retained by the Commission.

3-113: Appeals

An interested person who participated in a municipal regulatory proceeding may appeal a decision rendered by the town to the Environmental Court within thirty (30) days of receipt of notice of the decision. Failure of an interested person to appeal shall bind them to the decision. Refer to Section 4471 of the Act, as may be amended, and Vermont Rules for Environmental Court Proceedings for complete information on the appeal process.

3-114: Issuance of the Approved Final Plat and Subdivision or Boundary Line Adjustment Permit

- (1) Once the Project has been approved, the Zoning Administrator shall send a copy of the Permit and the Permit Report (if applicable) by mail (United States Postal Service) to:

- a. The Subdivider,
 - b. Every person having participated in the regulatory proceedings,
 - c. The Stratton Selectboard.
- (2) After the Appeal period has elapsed (see Section 3-113 “*Appeals*”), and no appeals are pending, the Zoning Administrator shall send a copy of the Permit and the Permit Report (if applicable) to the Stratton Town Clerk for recording in the Stratton Land Records.
- (3) Once the Final Plat has been approved and endorsed by the Planning Commission, and all appeals, if any, have been resolved:

- a. The Subdivider shall obtain and submit to the Zoning Administrator a copy of the approved Lot Plan (Map #1) drawn in ink on Mylar, in a timely manner, so that it will be duly filed or recorded in the office of the Town Clerk, within one hundred and eighty (180) days from the date of approval (see 24 V.S.A. § 4463(b)(1)), or from the date of Act 250 permit approval, if applicable, or the approval of the Subdivision will be void. The date for filing the Lot Plan may be extended by the Zoning Administrator an additional ninety (90) days, if final local or State permits or approvals are still pending.
- b. The Zoning Administrator shall review the Mylar to ensure that it conforms to the approved Lot Plan before submitting this Mylar to the Planning Commission (the Plat shall be considered void if changes were made to it after the Planning Commission had endorsed it in writing).
- c. The Planning Commission shall review the Mylar to ensure that it conforms to the approved Lot Plan and if the Mylar is accurate, the following endorsement shall be applied and endorsed by the Chair and Secretary before forwarding the Mylar to the Town Clerk for filing in the Stratton Land Records:

APPROVED BY RESOLUTION OF THE TOWN OF STRATTON PLANNING COMMISSION ON THE _____ DAY OF _____, 20__ SUBJECT TO ALL CONDITIONS OF SUBDIVISION PERMIT _____.

SIGNED THIS ___ DAY OF _____, 20__

BY _____

(CHAIR)

(SECRETARY)

- (4) The recording of the Mylar shall certify the completion of the subdivision, itself. (Any infrastructure associated with the subdivision, however, will likely require a separate Zoning Permit application and, therefore, a separate Certificate of Completion, as per the *Zoning Ordinance*.)
- (5) If the Subdivider failed to provide the Mylar in sufficient time, the Zoning Administrator shall submit to the Town Clerk a Certificate of Voidance voiding the Subdivision. Twenty-one (21) days prior to the expiration date for submittal of the Mylar, the Zoning Administrator shall give notice to the Subdivider by certified mail, of the approaching deadline. The Certificate of Voidance shall state that the above certified letter was sent out 21 days prior to the deadline and that no Mylar

was recorded; therefore, the Subdivision is Void. The Town Clerk shall record the Certificate and note in the margins of the recorded Subdivision that the Subdivision has been voided, referencing the Book and Page of the Certificate. All copies of the Subdivision kept by the Town shall be marked "Void." The Zoning Administrator shall send to the Subdivider a copy of the Certificate of Voidance and the Subdivision Permit marked "Void."

ARTICLE IV: REQUIRED DATA

4-100: Data Required on Subdivision Plat Submissions

The following information shall be submitted for consideration with all submissions: Four (4) maps are required with a Major Subdivision application and three (3) maps (Maps #1, #2, & #4) are required with a Minor Subdivision application. Drawing sheet sizes should be 11 x 17 inches, 18 x 24 inches, or 24 x 36 inches. The scale should be either 1 inch to 50 feet, 1 inch to 60 feet, or 1 inch to 100 feet. Each map requires specific information along with general information as follows:

General Information:

- (1) Subdivision name or title, address at which it is located, parcel identification, north point, date, and site location.
- (2) Name and address of the Subdivider and professional advisors, including license numbers and seals.

MAP 1: "Lot Plan" This map starts out as a preliminary map. During the course of the subdivision review process, it becomes the "Lot Plan," which, when a subdivision is approved shall be produced on Mylar and recorded. The Plan should include the following:

- (1) Subdivision survey and common boundaries of abutters with names and deed-references of all current owners as well as tax map, block, and lot numbers.
- (2) Existing restrictions on the use of land, including easements (real or implied), and covenants (as described in deeds or associated documents).
- (3) Total acreage of the subdivision, and number and size of lots proposed.

MAP 2: "Overall Site Plan" This map is prepared by the Subdivider for review by the State for a Wastewater System and Potable Water Supply Permit. The Plan should include the following:

- (1) Existing and proposed roads and structures, utilities, water courses, marshes, wooded and open areas, contours with intervals of not more than five (5) feet, and a grading plan.
- (2) Proposed pattern of lots, including lot width, depth and size, street layout, open space, systems of drainage, sewerage, and water supply within the subdivided area.
- (3) Public facilities and other significant physical features in and near the subdivision.

MAP 3: "Development Road Plan with Profile and Cross Section" This map shows any proposed Development Road which provides frontage for new lots. The Plan should include the following:

- (1) Utilities, proposed or available, including electric and telephone, and subsidiary roads which are proposed, mapped or built.
- (2) Rise and fall of the road grade as well as cross-sections along the length of the road, showing cut and fill profiles.
- (3) Typical width, depth of gravel, ditches, and cut and fill required along the road's length.
- (4) Proposed driveway locations to serve the lots.

MAP 4: "Plan for Erosion Control and Details" This map details management of stormwater runoff from the construction site for roads, driveways, houses, and other construction activities.

The Plan should include the following:

- (1) Existing and proposed roads and structures, water courses, marshes, wooded and open areas, contours with intervals of not more than five (5) feet, and a grading plan.
- (2) Proposed locations of silt fences and other soil erosion management practices. If a stormwater management plan is required by/for the Agency of Natural Resources, it may suffice.

4-101: Minor Subdivision: Final Plat Required Data

A Minor Subdivision Plat application shall include the following:

- (1) All information required under Section 4-100 “*Data Required on Subdivision Plat Submissions*” of these *Regulations*.
- (2) Approved permit from the Stratton Selectboard for access onto Town Highways, or approved permit from the Vermont Agency of Transportation for access onto State Highways.
- (3) Any Restrictive Covenants, shared Road and/or Access Driveway Maintenance Agreements, or shared Water & Septic System Maintenance Agreements for the proposed subdivision.
- (4) List of all abutters and adjacent landowners as highlighted on the tax map with their mailing addresses and their tax map, block, and lot numbers.
- (5) The application shall be accompanied by the final Lot Plan (Map #1) certified by a Vermont licensed surveyor.

Note: Applicable State permits may be required by applicable agencies, including but not limited to: Act 250 Permit; Wastewater System and Potable Water Supply Permit or deferral language; Stormwater Construction Permit, or Stormwater Operational Permit. Any approval may be conditional upon receipt of Wastewater System and Potable Water Supply and/or Erosion Control permits, if necessary.

4-102: Minor Subdivision: Boundary Line Adjustment Required Data

- (1) Location (Land Records Book and Page) of the deed(s) and any restrictive covenants for the properties affected by the Boundary Line Adjustment.
- (2) A copy of the map showing the lots on a single page as they existed before the Boundary Line Adjustment and after; the map shall depict the lots marked *before* and *after*.

Note: Any approval may be conditional upon receipt of Wastewater System and Potable Water Supply and/or Erosion Control permits, if necessary.

4-103: Major Subdivision: Preliminary Plat Required Data

The following information shall be submitted with a Major Subdivision Preliminary Plat.

- (1) All information required under Section 4-100 “*Data Required on Subdivision Plat Submissions*.”
- (2) Approved access permit from the Town of Stratton Selectboard or Vermont Agency of Transportation, with designated development road(s) name(s) noted.

- (3) Copies of letters requesting "ability to serve" the subdivision from the School Board, Selectboard, Fire Department, electric utility company, and, if applicable, Winhall-Stratton Fire District for water and sewer.
- (4) A Project Review Sheet from the Agency of Natural Resources indicating which State permits may be required.
- (5) List of all abutters and adjacent landowners, as highlighted on the tax map, with their mailing addresses and tax map, block, and lot numbers.
- (6) Applicable proposed Restrictive Covenants, shared Subdivision Development Road Maintenance Agreement, and shared Water and Septic System Maintenance Agreement.

4-104: Major Subdivision: Final Plat Required Data

The following information shall be submitted with the Final Plat.

- (1) Construction surety, if required, (in a form approved by the Selectboard) in an amount sufficient to assure the completion of the required improvements, as established in the Preliminary Plat Permit.
- (2) Four (4) copies of the final "Lot Plan" (Map #1), certified by a Vermont licensed land surveyor.
- (3) One (1) copy of the plans approved by the Agency of Natural Resources for the construction of the water supply and wastewater systems "Overall Site Plan" (Map #2) or deferral language.
- (4) One (1) copy of the construction and detail drawings: "Development Road Plan with Profile & Cross Section" (Map #3) certified by a Vermont licensed engineer, if required.
- (5) One (1) copy of the final "Plan for Erosion Control and Details Plans" (Map #4) approved for stormwater construction and operational permits certified by a Vermont licensed engineer, if required.
- (6) Applicable Restrictive Covenants, shared Subdivision Development Road Maintenance Agreement, or shared Water & Septic System Maintenance Agreement for the proposed subdivision.
- (7) Letters from the School Board, Selectboard, Fire Department, electric utility company, and, if applicable, Winhall-Stratton Fire District for water and sewer, stating their ability to serve the subdivision.

Note: The following applicable State permits may be required by applicable agencies: Act 250 Land Use Permit; Wastewater System and Potable Water Supply Permit or deferral language; Stormwater Construction Permit; and Stormwater Operational Permit. It is the applicant's responsibility to check with applicable agencies for necessary permits.

4-105: Information Required on Construction Detail Drawings

(For infrastructure only)

The Final Plat shall be accompanied by construction detail drawings. All plans shall be subject to approval by the Planning Commission.

- (1) Plans and profiles shall show existing and proposed elevations along center lines of all development roads within the subdivision.
- (2) Plans and profiles shall show the location of roads, curbs, gutters, sidewalks, manholes, catch basins, and culverts if used.
- (3) Plans and profiles shall show location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and location and size of water, gas, electricity and other utilities or structures.

4-106: Legal Data

The Subdivider shall submit the following data to the Zoning Administrator before any Final Plat can be approved:

- (1) Location (Land Record Book and Page) of existing deed(s) of parcel(s) proposed to be subdivided.
- (2) A subdivision survey map drawn by a licensed land surveyor to be endorsed by the Planning Commission before being printed on Mylar and recorded with the Town Clerk.
- (3) Copies of agreements showing the manner in which common areas, including shared water, septic systems, and roads, are to be maintained. These agreements are to be submitted to the Town Clerk for recording simultaneously with the Mylar or as determined in the Permit conditions.
- (4) Copies of protective covenants whereby the Subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, to be recorded simultaneously with the Mylar.
- (5) Other data as may be required by the Planning Commission needed to enforce these *Regulations*, including, but not limited to “Ability to Serve” letters.
- (6) Copy of written notification to the Secretary of Transportation is required if a variance is sought regarding setbacks from a State Highway, or if State access permits are required.

4-107: Construction Surety

- (1) A construction surety may be required by the Planning Commission. If required, prior to the approval of the Final Plat and the issuance of a Subdivision Permit, the Subdivider shall file with the Town a surety in the form of a bond or irrevocable letter of credit issued by a financial institution acceptable to the Town of Stratton and licensed to do business in the State of Vermont. Such instruments shall be in form, duration, and amount satisfactory to the Town. The amount of such instrument shall be sufficient to provide for the full cost of completion of roads and other required improvements.
- (2) If any required improvements have not been installed as provided within the term of such surety, it shall be forfeited and the Town shall install such improvements to the extent provided for by the surety. The surety shall be made available at the request of the Planning Commission in a statement to the bank that the Subdivider has failed to construct or maintain the required improvements in accordance with established standards.
- (3) The construction surety shall provide for the automatic renewal for an additional term for each future expiration date until a release is obtained. The surety must contain the following language. *"This subdivision surety shall automatically extend for an additional term from the present or each future expiration date unless we (Name of Bank) have*

notified the Town of Stratton in writing not less than ninety (90) days before such expiration date that we (Name of Bank) elect not to renew this letter of credit." The surety must reference the Subdivision name and Town Permit number.

- (4) Upon completion of the required improvements, the Subdivider shall submit to the Town of Stratton a Certificate of Compliance from a licensed engineer at which time the surety shall be released.

ARTICLE V: DESIGN STANDARDS FOR SUBDIVISION OF LAND

5-100: Suitability of Land for Subdivision

The Subdivider shall be guided by these minimum planning and design development standards. All land to be subdivided shall be, in the judgment of the Planning Commission, of such character that it can be used for the intended purpose(s) as stated in the application without danger to public health or safety, the environment, neighboring property, or the character of the area in which it is located. The Planning Commission may require the Subdivider to provide an analysis which identifies the impact of the proposed subdivision and sets forth the protection measures proposed to avoid or mitigate these impacts.

5-101: Planning and Design Standards

- (1) Subdivisions shall conform to the *Stratton Zoning Ordinance* and *Official Zoning Map* and be in conformance with the *Stratton Town Plan*.
- (2) Land to be subdivided for building purposes shall be of such character that it can be used safely, without danger to health or peril from flood or other menace.
- (3) 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 the public health, safety or welfare, a higher standard shall be required.

5-102: Preservation of Natural Features

Outstanding natural features of the site, including but not limited to, scenic landscapes, open spaces, groves of trees, water courses, falls and open water, historic spots, exceptional views, major site features, and similar irreplaceable assets should be preserved as much as possible by harmonious design to minimize the impact(s) of new development on these resources.

5-103: Lot Planning and Design Standards

- (1) Lot size and shape shall comply with the *Town of Stratton Zoning Ordinance* and coincide with the type of use proposed, and shall be arranged so that there will be no foreseeable difficulties in securing building permits or gaining access to buildings from a road.
- (2) Subdivision plans shall provide each lot with satisfactory access by means of a Development Road to a Town or State Highway. If access to the Development Road is provided by means of a pre-existing private road then the pre-existing private road must meet or be improved so to meet these design standards.
- (3) Side lot lines should be at right angles or radial to road lines, unless a variation will give a better road or lot plan.
- (4) To meet the standards of these *Regulations*, the Planning Commission may require building envelopes to be designated to limit the location of principal and accessory structures, driveways, parking areas, and associated site development.

5-104: Common Land

Common land may be created for the preservation of natural features, maintenance of open space, recreational facilities, and the protection of shared community waste systems and water supplies. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such land and establishing the entity responsible for maintenance and long-term stewardship. All costs associated with administration and maintenance shall be the responsibility of the Subdivider and the subsequent community association comprised of all present and future owners of lots in the subdivision.

5-105: Flood Land

The Town of Stratton has adopted *Flood Hazard Area Regulations* (see *Town of Stratton Zoning Ordinance* Section 650). Flood land areas bordering major water courses and drainage ways which cannot be used safely for building purposes without danger to health or peril from flood may be restricted from subdivision, or set aside for such uses not endangered by periodic inundation. Land subject to flooding or unsuitable for residential occupancy due to flood hazards shall be developed in accordance with the above referenced *Regulations* and associated maps.

5-106: Residential Lots in Environmentally Sensitive Areas

This section is intended to protect environmentally sensitive areas where physical and topographical character may present limitations to development. Reference: *Physical and Topographic Limitations to Development* map. The purpose of this map is to show areas within which a high proportion of the land offers critical or serious and highly probable limitations for development. In any case, development potential and lot size will be dependent upon engineering to address water supply and wastewater disposal requirements.

- (1) **Critical Limitations** exist on slopes over 25%. Where the slope of the land exceeds 25% the minimum residential lot size shall be determined by the Planning Commission after review of site specific conditions. Within these areas, intensive development should be discouraged and all forms of development should be carefully controlled.
- (2) **Serious Limitations** exist on slopes over 15%, bedrock, outcrops, and shallow wet soils. Where the slope of the land is between 15% and 25% the minimum residential lot size shall be determined by the Planning Commission after review of site specific conditions. Within these areas, low intensity residential uses may be permitted and carefully controlled.
- (3) **Hydrological Limitations** exist on shallow slopes where there may be wetlands, shallow wet soils, water courses, open water, and lands associated with periodic flooding. Within these areas development should be discouraged.

ARTICLE VI: IMPROVEMENTS FOR SUBDIVISION OF LAND

6-100: Improvements

If the Planning Commission requires improvements, those improvements shall be installed to the satisfaction of the Zoning Administrator in accordance with the Permit. The Subdivider shall provide a subdivision construction surety for the improvements the Planning Commission identifies in the approved project. The Planning Commission may condition the Permit to require the Subdivider to complete all or some of the improvements within a specific time period. The following are required improvements, except where the Planning Commission may waive or vary such improvements: monuments, water and sewer, stormwater, fire protection, utilities, and roads.

(1) Monuments

- a. Monuments shall be stone or concrete or a one-inch diameter metal pipe or 5/8-inch diameter rebar and indicated on the Final Plat.
- b. Permanent monuments shall be set in all corners and angle points of the subdivision lot boundaries and at all road intersections and points of curve.

(2) Water Supply and Wastewater Disposal

The water supply and wastewater disposal system shall be designed, installed, and certified to the standards of the State of Vermont, as required by the Wastewater System and Potable Water Supply Permit, unless deferred to the time of construction.

(3) Required Stormwater Drainage Improvements

- a. Use of low impact development stormwater management practices to prevent erosion and contain soil on the construction site shall be required in subdivisions. (Diverting water by altering the natural drainage may do harm to adjacent land.)
- b. The Subdivider's engineer shall study the effects on existing drainage facilities downstream from the anticipated discharge of the property being subdivided.
- c. When it is established that run-off incident to development will overload the existing drainage facilities, provisions must be made to improve the downstream facility.

Note: Construction General Permit (CGP) 3-9020 as may be amended is available for permitting stormwater discharges from construction activities. Please contact the Agency of Natural Resources Water Quality Division in Waterbury, Vermont for complete information and an application packet.

(4) Fire Protection and Public Safety

- a. When applying for a Major Subdivision, the Subdivider must obtain an "Ability to Serve" letter from the Stratton Mountain Volunteer Fire Department.
- b. The Planning Commission may upon its own accord or upon recommendations of Parties to the proceedings impose conditions deemed necessary for public safety. (Parties are those entities that provide Ability to Serve Letters, e.g., School Board, Selectboard, Fire Department, utility, etc.)

(5) Required Public and Private Utility Improvements

All utilities, existing and proposed, in the subdivision shall be shown on required Map #2 "Overall Site Plan" (Section 4-100 "*Data Required on Subdivision Plat Submissions*"). It is highly recommended that Utility distribution lines be placed underground.

(6) Required Easements for Utilities and Stormwater Drainage

- a. Easements shall be at least twenty (20) feet in width and their location(s) indicated on the Lot Plan (Map #1).
- b. Where conditions make impractical the inclusion of utilities or stormwater drainage facilities within or adjacent to Development Road rights-of-way, additional easements should be provided, centered on rear or side lot lines with access to the Development Road.
- c. Underground utilities located in the rights-of-way shall not be within eight (8) feet of the traveled way when placed parallel to the traveled way, and shall be in a conduit sleeve if they are required to pass under the traveled way.

(7) Required Land for Recreation, School Sites, or Municipal Facilities

The Planning Commission may require the Subdivider to dedicate lands for recreation, school sites, or municipal facilities. These lands shall be subject to such conditions as will ensure the preservation of such lands for their intended purpose.

ARTICLE VII: DEVELOPMENT ROAD PLANNING AND DESIGN STANDARDS

7-100: Required Road Names

New roads shall be named. The Subdivider shall submit proposed road names and alternate choices to the Town of Stratton's Selectboard (see *Road Naming and 911 Numbering Ordinance*.)

7-101: Development Road Planning Standards

(See *Stratton Zoning Bylaws Sections 715 (Private Roads) and 718 (Required Frontage)*, Addendum #1 *Policy for Transportation, Construction & Improvements*, Addendum #2, *Road Crossing and Access Ordinance*, and Addendum #5, *Road and Sidewalk Construction*.)

- (1) Every road shown on a plat filed and recorded as provided in these *Regulations* shall be deemed to be a private Development Road until such time as it has been formally accepted by the Town as a Town Highway. The Selectboard is not required to accept new roads as Town Highways and current policy is that no new roads will be accepted. Any improvement constructed to comply with a permit remains the property of the owner and future lot owners who shall solely be responsible for its maintenance and upkeep.
- (2) Accesses to more than two residential and/or commercial structures shall be considered and constructed as roadways.
- (3) Roads shall be suitably located to accommodate the prospective traffic and to afford satisfactory access to firefighting, snow removal, and road maintenance equipment.
- (4) Roads shall be arranged in a logical and convenient manner so as to cause no undue hardship to adjoining properties. 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 relation to proposed land use.
- (5) Grades of roads shall conform as closely as possible to original topography and shall be arranged so that steep grades and sharp curves are avoided.
- (6) A turn around shall be provided at the end of a road in accordance with Fire Department recommendations.
- (7) 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.
- (8) When a Development Road proposes to access a State Highway, the Subdivider must obtain a State Curb Cut Permit from the Vermont Agency of Transportation.
- (9) When a Development Road proposes to access a Town Highway, the Subdivider must obtain an Access Permit for a curb cut from the Stratton Selectboard. The Planning Commission may require the access for multiple lots with Town Highway frontage to be consolidated.

- (10) Easements / Road Maintenance Agreements shall stipulate directions for proper placement and construction of driveway accesses onto private development roads (e.g., direct all accesses to be constructed in accordance with town regulations).
- (11) A road dissecting a lot effectively subdivides that lot; therefore if a new road is dissecting an existing lot the resultant lots must meet minimum lot criteria (frontage, acreage, and setbacks).
- (12) A roadway entering a lot does not provide frontage along both sides of that roadway, with regard to calculating the minimum road frontage zoning requirement.

7-102: Development Road Design Standards and Required Development Road Construction Standards

(See *Stratton Zoning Bylaws Sections 715 (Private Roads) and 718 (Required Frontage)*, Addendum #1 *Policy for Transportation, Construction & Improvements*, Addendum #2, *Road Crossing and Access Ordinance*, and Addendum #5, *Road and Sidewalk Construction*.)

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.

7-103: Driveways

Construction of Residential and Commercial driveways shall meet the following requirements:

- (1) The intersection of a Residential or Commercial driveway with a Town Highway must be permitted in accordance with Stratton Regulations (see Addendum #2, *Road Crossing and Access Ordinance*) or in the case of a State Highway, the Agency of Transportation must approve the curb cut.
- (2) The traveled way of the residential driveway must be at least fifteen (15) feet wide;
- (3) The minimum culvert at the curb cut must be at least fifteen (15) inches, if a culvert is necessary.
- (4) Driveways should be at (or as close as possible to) right angles to the roads with which they intersect.
- (5) The drainage must not be dispersed from a private drive onto the surface of a main thoroughfare or Town Highway. Drainage for private driveways shall slope away from primary roads and shall be provided with proper ditching and culverts so as to allow for the proper flow of water. If topographic conditions prohibit such a slope, the Town Highway Department may require alternative means for disposing of surface water.
- (6) Sight distances should be appropriate for the posted speed.
- (7) 911 numbers must be applied for, approved, and posted for all residential driveways in accordance with Stratton’s *Road Naming and 911 Numbering Ordinance*.
- (8) Access to more than two units must be constructed to Private Road standards in accordance with the *Town of Stratton Zoning Ordinance* and Section 7-101 “*Development*”

Road Planning Standards” of these *Regulations*. It must also have a road maintenance agreement between all property owners who have rights to use it.

ARTICLE VIII: ENFORCEMENT

8-100: Enforcement, Penalties and Remedies

These *Regulations* shall be enforced in accordance with the Enforcement provisions of the *Town of Stratton Zoning Ordinance*.