TOWN OF CASTLETON

SUBDIVISION REGULATIONS

Effective: June 2, 1986

SUBDIVISION REGULATIONS
OF THE

TOWN OF CASTLETON

TABLE OF CONTENTS

PAGE

I. TITLE 1

LE II. AUTHORITY, PURPOSE, AND AMENDMENTS 1

Section 201. Authority 1
Section 202. Purpose 1
Section 203. Amendments. 3

RTICLE III. DEFINITIONS 3

Section 301. Inclusions. 3
Section 302. Definitions of Terms. 3

ARTICLE IV. GENERAL SUBDIVISION REQUIREMENTS. 6

Section 401. Planning Standards. 6
Section 402. Street and Parking Lot Requirements 7
Section 403. Dead End Streets 9
Section 404. Easements 9
Section 405. Lot Requirements. 9
Section 406. Utilities 10
Section 407. Drainage Improvements 12
Section 408. Land for Recreation 12
Section 409. School Site Dedication. 12
Section 410. Site Preservation and Improvements. 13
Section 411. Subdivision Organizations and Restrictions. .13
Section 412. Varying of Requirements 13

ARTICLE V. PROCEDURES FOR SIMPLE PARCELING 14

ARTICLE VI. PROCEDURES FOR MINOR SUBDIVISION. 14

Section 601. Application 14
Section 602. Notice to Zoning Administrator. 14
Section 603. Preliminary Hearing 14
Section 604. Public Hearing Preparation. 14
Section 605. Planning Commission Public Hearing. 15
Section 606. Planning Commission Decisions 15

ARTICLE VII. PROCEDURES FOR MAJOR SUBDIVISION. 15

Section 701. Application 15
Section 702. Notice to Zoning Administrator. 16
Section 703. Preliminary Hearing 16
Section 704. Planning Commission Public Hearing. 17
Section 705. Planning Commission Decisions 18

ARTICLE VIII. SUBDIVISION PLAN REQUIREMENTS 18

Section 801. Filing of Study Subdivision Plan. 18
Section 802. Plan Date 18

ARTICLE IX. SUBDIVISION PLAT REQUIREMENTS 20

Section 901. Requirements - Paper. 20
Section 902. Copies. 20
Section 903. Additional Filing Requirements. 21
Section 904. Commencement of Construction. 21
Section 905. Expiration of Planning Commission Approval Relationship to Zoning Regulations. 22
Section 906. Conditions of Approval. 22

ARTICLE X. SUBDIVISION IMPROVEMENT REQUIREMENTS. 22

Section 1001. Completion of Improvements 22

ARTICLE XI. LETTER OF CREDIT OR BOND FOR COMPLETION OF IMPROVEMENT 23

Section 1101. Letter of Credit or Bond Requirements 23

ARTICLE XII. SUBDIVISION FEES. 24

Section 1201. Subdivision Fee. 24

ARTICLE XIII. PENALTIES 24

Section 1301. Penalties for Violation. 24

ARTICLE XIV. APPEALS 24

Section 1401. Appeals. 24

ARTICLE XV. CONSTITUTIONALITY 24

Section 1501. Constitutionality. 24
Section 1502. Effective Date 24

SUBDIVISION REGULATIONS

ARTICLE I. TITLE

This ordinance shall be known and referred to as the Subdivision Regulations of the Town of Castleton.

ARTICLE II. AUTHORITY, PURPOSE, AND AMENDMENTS

Section 201. Authority

The Town of Castleton hereby authorizes and empowers its Planning Commission to do all acts and things set forth and provided in Subsection 4401(b)(2) and Subsection 4413-4421 of the Act including but not limited to the approval, modification, or disapproval of all plats and subdivisions of land as described below, and to approve the development of such plats and subdivisions previously filed in the office of the Town Clerk if such plats or subdivisions are entirely or partially undeveloped, under the Subdivision Regulations hereafter provided. These regulations are adopted for the purpose of providing for the future growth and development of the Town affording adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

Section 202. Purposes

202.1 It is hereby declared to be the policy of the Town of Castleton that the subdivision and development of land for residential, commercial, and industrial purposes shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth: Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke or other menace. Proper provisions shall be made for drainage, water supply, sewerage, and other appropriate utility services. The proposed streets shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to the municipal development plan of the area. Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses. Buildings, lots, blocks, and streets shall be arranged as to afford adequate light, view and air, to facilitate public safety and to provide ample access for emergency equipment.

Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Adequate sites for schools, parks, playgrounds, and other community services shall be located so that residents of all

neighborhoods shall have convenient access to such facilities. These necessary public improvements should be financed and installed by the developer at the time of development.

In order to conserve energy, all subdivisions should, where appropriate, be designed so as to take advantage of southeast, south and southwest orientations so that the maximum number of buildings should receive sunlight sufficient for using solar energy systems for space and water heating. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain.

202.2 It shall be the duty of the Planning Commission to discourage the subdividing of lands that are in advance of the needs of the community; or which by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services; or which are located in areas subject to flooding, or are topographically unsuitable for development; or which for any other reason are being unwisely or prematurely subdivided.

202.3 It shall be the duty of the Planning Commission to ensure that the development or subdivision meets the following criteria:

(1) Will not result in undue water or air pollution.

(2) Has sufficient water available for the needs of the subdivision or development.

(3) Will not unreasonably burden any existing water supply.

(4) Will not cause unreasonable soil erosion or affect the capacity of the land to hold water.

(5) Will not cause unreasonable dangerous or congested conditions with respect to highways or other means of transportation.

(6) Will not create an unreasonable burden on the educational facilities of the municipality.

(7) Will not create an unreasonable burden on the municipality in providing governmental services.

(8) Will not have an undue adverse impact on aesthetics, scenic beauty, historic sites or natural areas, and 8(A) will not imperil necessary wildlife habitat or endangered species in the immediate area.

(9) Conforms with the Municipal Development Plan which includes the following considerations:
(A) The impact the project will have on the growth of

the town or region;
(B) Primary agricultural soils;
(C) Forest and secondary agricultural soils;
(D) Earth resources;
(E) Extraction of earth resources;
(F) Energy Conservation;
(G) Private utility services;
(K) Development affecting public investments; and
(L) Rural growth areas.

(10) Is in conformance with any local or regional plan or capital facilities program.
The burden of proof is on the applicant for Criteria 1, 2, 3, 4, 9, and 10. The burden of proof is on the opposition for Criteria 5, 6, 7, 8, and often 9(A). A permit can be conditioned but not denied under Criteria 5, 6, and 7. Regardless of the burden of proof, the Commission must have enough information to make findings under all of the criteria

Section 203. Amendments

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

ARTICLE III. DEFINITIONS

Section 301. Inclusions

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, words in the singular include the plural and those in the plural include the singular. The word "Person" includes a Corporation, Unincorporated Association and a Partnership, as well as an individual. The word "Building" means a structure designed, intended, occupied or used as a shelter or roofed enclosure for persons, animals or property. The word "building" shall be construed as followed by the phrase "or part thereof". The word "street" includes Avenue, Boulevard, Court, Expressway, Highway, Lane, and Road. The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

Section 302. Definition of Terms

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

AS-BUILT PLANS: Plans prepared by the developer after the project has been completed accurately depicting all land and building improvements.

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

COMMISSION: The Town of Castleton Planning Commission.

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

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

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

CUL-DE-SAC: A minor street intersecting another street at one end and terminating at the other by a vehicular turnaround.

DEAD END STREET: A street or street system with only one exit.

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

FINAL SUBDIVISION PLAT: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Town Clerk. When filed for record, the subdivision plat shall be complete and exact, prepared for official filing as required by Section 901, and containing the information and in the form as specified in Sections 901 and 902.

LEGISLATIVE BODY: The Town of Castleton Board of Selectmen.

LOT: Any land which is occupied by a building or upon which then applicable zoning regulations do not prohibit construction of a building.

MUNICIPAL DEVELOPMENT PLAN: A plan adopted pursuant to 24 V.S.A. Subsection 4384 and Subsection 4385.

MUNICIPALITY: Town of Castleton.

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

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

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

PARCEL: A unit of land of such size and dimensions that it may be divided into two (2) or more lots in accordance with the requirements of the land use zone in which it is situated. Also a unit of land that may be used to site a commercial and/or shopping center complex, new multi-family housing project, planned residential development, elderly housing project, planned-unit development, and industrial park development.

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

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

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

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

ROADWAY: The portion of a street or alley intended for vehicular use.

SIMPLE PARCELING: Division of any parcel of land, with the exception of a boundary adjustment, into two lots or parcels for the purpose of conveyance or transfer of ownership of either lot.

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

a. Minor streets are those used primarily to provide access to abutting properties.
b. Collector streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes carrying considerable volumes of traffic to community facilities and to major traffic streets.
c. Major traffic streets are those serving large volumes of traffic and include facilities classified as main and secondary highways by the Vermont State Highway Department.

STUDY SUBDIVISION PLAN: A tentative subdivision plan, in lesser detail then a final plan, showing approximate proposed street and lot layout, as a basis for consideration prior to preparation of a final plan, and showing such other information as is required by Sections 801-802.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer, sale, lease, or

development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a commercial, industrial or shopping center complex, new multi-family housing project, elderly housing project, planned residential development, planned unit development, and industrial park development.

SUBDIVISION, EXEMPTIONS:

a. Any partitioning or dividing of a parcel when the sole result is the creation of one or more unimprovable parcels.

b. Any partitioning or dividing of a parcel when the sole result is the creation of one or more lots used for agricultural or forestry purposes, and not involving new streets or easements, provided, however, that subdivision shall be deemed to occur when any part of such lot is changed to a use other than agriculture or forestry. However, the use of a lot created under this exemption shall not be changed without Planning Commission approval.

c. Construction, conversion, enlargement, relocation or alteration of barns, silos and other buildings used for farming purposes.

d. The conveyance of any lot developed prior to and in existence prior to the effective date of these Subdivision Regulations, whether or not affiliated, provided the lot is conveyed by the exact lot description or same lot lines upon which it was conveyed to the present owner.

e. Each residential lot, whether or not said lot is affiliated, in an approved subdivision, when said subdivision has filed the record subdivision plan and the owner of the lot has complied with the Findings and Order of the subdivision plan and amendments thereto.

SUBDIVISION, MAJOR: Any residential subdivision containing five (5) or more lots or units, or requiring any new public street, extension of town facilities, any shopping complex, multi-family housing project, housing for the elderly project, planned residential development and planned unit development.

SUBDIVISION, MINOR: Any residential subdivision containing less than five but greater than 2 lots or units.

UNIMPROVABLE PARCEL: Any land upon which no building is located and upon which then applicable zoning regulations prohibit construction of a building.

ARTICLE IV. GENERAL SUBDIVISION REQUIREMENTS

Section 401. Planning Standards

401.1 Character of the Land - All land to be subdivided shall be, in the judgment of the Commission, of such a character that

it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.

401.2 Energy Conservation - In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) should be encouraged.

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

401.4 Preservation if Existing Features - Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic resources.

Section 402. Street and Parking Lot Requirements

402.1 Public Streets - streets within a development which are intended for conveyance to the Town shall meet the following requirements:

1. No public street right-of-way shall be proposed which shall be less than fifty (50) feet in width. The Planning Commission may require a public street right-of-way of greater than fifty (50) feet in order to provide for a safe, functional flow of traffic or for utilities and sidewalks.

2. Streets shall be required to intersect one another at as near to a right angle as is practical and no intersection shall be at an angle of less than 45 degrees unless necessitated by topographic conditions.

3. Whenever any proposed subdivision shall adjoin another tract of acreage, streets that may logically be developed in the event of the future subdivision of such adjoining acreage, will be required to provide for 50' right-of-way through to the boundary line of the

adjoining acreage.

4. Unless enclosed on two or more sides by major natural obstacles, streets arranged in squares, ovals or circles, etc., must have at least two street connections at points substantially opposite to each other on the perimeter of such square, oval or circle. One of these street connections may extend to undeveloped acreage.

5. All proposed streets and other public roadways shall be designed in conformity with the State of Vermont Agency of Transportation's Standard Specifications for Construction, 1986, or as amended from time to time. In addition, the Planning Commission may require the paving of roads and/or sidewalks as deemed necessary by the nature of the development.

402.2 Private Streets - streets within a development which are not intended for conveyance to the Town and will be maintained and repaired by the developer, the developer's successors or assigns shall be subject to the following conditions:

1. Private streets, alley or ways serving more than one dwelling unit are permitted upon approval of the Planning Commission.

2. Private streets, alleys or ways serving more than one dwelling unit shall in no case be less than 20 feet in width.

3. As part consideration for deeds to properties which are served by private streets, alleys and/or ways, each deed shall clearly state that such streets, alleys and/or ways are private and shall further stipulate how and by whom such streets, alleys and/or ways are to be maintained.

402.3 Public and Private Streets - Each street and parking area shall provide a safe convenient and functional system for vehicular circulation and shall be related to the comprehensive plan of the area. No street or parking area shall be proposed which, by itself, or by intersection with existing streets, would cause traffic congestion or an unsafe traffic condition.

The Commission may require the subdivider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety. Paved access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.

402.4 Class 4 Town Highways - NO development on a Class 4 road will be permitted without approval from the Castleton Board of Selectmen.

402.5 Required Landscaping - Trees of a species approved by the Planning Commission shall be planted on each side of every street, or if esplandes of sufficient width are planned, along the center line thereof, and at random intervals in parking areas. Trees shall be planted approximately 40 to 60 feet apart, subject to location of driveways, cross streets, walks, parking area layouts, and variations made necessary by tree species. Trees shall be located between the curbs and sidewalks, wherever practical or on lots behind sidewalks. However, no trees shall be planted within the 50' right-of-way to be deeded to the town. The caliper of any required trees shall be not less than one inch.

Section 403. Dead End Streets

Dead end streets are permitted when all the properties abutting them are in residential districts provided that:

A. A cul-de-sac turnaround shall be provided at the terminus of a dead end street with either a travelled turning circle diameter of 70 feet or the dead end street shall loop back on itself.

B. Dead end streets may be permitted in other districts with approval of the Planning Commission.

Section 404. Easements

A. Pedestrian ways may be required to provide access to parks, schools, playground, or other public or semi-public places.

B. Permanent easements for utilities may be required at the discretion of the Commission.

Section 405. Lot Requirements

A. The applicant shall demonstrate that the proposed subdivision will conform to the Castleton Zoning Regulations. However, any actual subdivision shall be controlled by the zoning regulations in effect at the time a zoning permit therefor issues, in accordance with Section 905 C of this regulation.

B. Wherever feasible, lots shall be laid out to access onto minor streets rather than collector streets, and wherever possible to avoid access to major traffic streets and highways.

C. The land shown on the applicant's subdivision plans shall be suitable for the purposes for which intended to be used, and of a character that it can be used safely for building purposes without danger to health from fire, flood, poor or excessive effluent absorption qualities, or other menace. The applicant shall show that each building lot is suitable for disposal of sewage in

conformity with the applicable sewage ordinances for the Town of Castleton regulating disposal of sewage, as amended from time to time.

D. No lot, other than a corner lot, having a frontage on two streets less than 400 feet apart will be approved except where topographic or other physical conditions so require.

E. Side lot lines. Insofar as practical the side lines of all lots shall be at right angles to the street on which the lot faces or radial to curved street lines.

F. Lot numbers. All lots shall be numbered beginning with the entire subdivision with no omissions or duplications. No fractions and no prefix or suffix such as "1A", "B2" or "C" shall be used. Adjoining and Adjacent subdivisions with the same subdivision name shall not duplicate the numbers but shall continue the sequence of numbers used previously for the adjoining land. All lot numbers shall be conspicuous and centered in the approximate center of the lots in solid black numerals and about one quarter (1/4) inch high on the map.

G. Street names. All proposed streets shall bear tentative names which shall not duplicate the names used to designate any other street in the Town of Castleton. The tentative names of all proposed streets shall be subject to the approval of the Board of Selectmen. If any designations are to be in numbers, they shall be spelled out completely, using hyphens when necessary, in such form as "Forty-Second Street" and the words, "Streets", "Avenue", or "Boulevard" as the case may be shall be spelled out in full.

Section 406. Utilities

406.1 Extension of Municipal Utilities - All subdivisions shall make adquate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision. The design and location of all sewer lines shall conform to such Castleton sewer line standards as may be applicable from time to time. Whenever any proposed subdivision shall adjoin another tract of acreage, provision shall be made that strips of land be undeveloped so that utility lines and streets that may logically be developed in the event of the future subdivision on such adjoining acreage can extend and connect to the utility lines on the applicant's property.

406.2 Water Supply Improvements

A. For subdivisions which will connect to a public water supply system, such as Fire District #1 in the Town of Castleton, applications for extensions to the systems

shall be approved by the officers and agents entrusted with the care and superintendence of a public water supply system.

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

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

(1) Due consideration shall be given to the drainage patterns in the area.

(2) Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.

(3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

406.3 Sewage Disposal Improvements

A. For subdivisions which will connect to the municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of Castleton entrusted with the care and superintendence of its municipal sewage disposal system.

B. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to the municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the municipal health regulations.

C. Individual septic systems shall meet the requirements of the <u>Sewage Ordinance for the Town of Castleton Relating to Individual Sewage Disposal Systems,</u> as amended from time to time.

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

and, when technology and terrain make it economically feasible, distribution systems should be built underground.

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

Section 407. Drainage Improvements

Stormwater drainage facilities shall be provided sufficient to accommodate the 25 year return period storm runoff from all streets, lots and upstream drainage areas, whether inside or outside the development. The Planning Commission shall not approve a drainage system which would overload downstream drainage facilities and cause flooding on other lands until proper provision has been made to prevent such a condition. Adequate measures shall be taken to minimize erosion during and after construction.

Section 408. Land for Recreation

As a condition for the approval of any subdivision which involves dwelling units, the Planning Commission may require the applicant to show on the Sketch Plan and the Subdivision Plan, and dedicate to the Town a park or parks suitably located for playground or other recreation purposes. However, if the Planning Commission determined that a suitable park or parks of adequate size cannot be properly located on the parcel, or is otherwise not practical, the Commission may require as a condition to approval a payment to the Town of an amount to be determined by the Selectmen, not to exceed the lesser of:

a. $50.00 per lot or dwelling unit to be constructed on the parcel under the Planning Commission approval, or

b. Five percent (5%) of the fair market value of the parcel involved in the application. Such amount shall be available for use by the Town to serve the needs of the surrounding area, including the acquisition of property for a neighborhood park, or playground, or for other recreational purposes.

Section 409. School Site Dedication

A condition of subdivision approval may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Board of Education of the school district(s) of which the town is a part. If a Board of Education declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to set aside the site and to show such area on the Plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the town of an amount to be determined by the Board of Selectmen. The payment shall be used by the town for the acquisition and development of school

sites or capital improvements to school structures.

Section 410. Site Preservation and Improvements

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

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

410.3 Excavation and Grading - The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of top soil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

Section 411. Subdivision Organizations and Restrictions

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

Section 412. Varying of Requirements

412.1 Where the Planning Commission finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or

is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

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

412.3 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Municipal Development Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or the Subdivision Regulations.

ARTICLE V. PROCEDURE FOR SIMPLE PARCELING

Simple parceling shall require submission of a lot layout drawing to the Zoning Administrator for review but not approval prior to conveyance of any lot. A copy of the drawing, containing a statement of review by the Zoning Administrator, shall be filed for record with the Town Clerk.

If further division of either lot occurs within a period of ten years, the entire original parcel shall constitute a subdivision subject to the requirements of these regulations.

ARTICLE VI. PROCEDURES FOR MINOR SUBDIVISION

Section 601. Application

Prior to undertaking or commencing a minor subdivision as defined herein the subdivider shall file an application for approval with the Castleton Planning Commission, under the procedure hereafter provided.

Section 602. Notice to Zoning Administrator

The applicant shall file with the Zoning Administrator two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed sketch map of the subdivisions. See Article XII for information on fees.

Section 603. Preliminary Hearing

The application for a minor subdivision will not be required to have a preliminary hearing unless requested by the Zoning Administrator.

Section 604. Public Hearing Preparation

Prior to the publication of the notice of public hearing the following data shall be reviewed with the Zoning Administrator and filed in his office for public inspection.

A. Two (2) maps of location of the development.

B. Two (2) copies of a survey prepared by a surveyor licensed to practice in Vermont; said survey shall be drawn to scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with the approval of the Zoning Administrator. The survey shall show:
   1. Property lines and all lot lines;
   2. location, size and spacing dimensions of existing and proposed buildings;
   3. present use of buildings
   4. proposed use of buildings;
   5. open spaces, landscaping, other physical features;
   6. existing streets around and crossing the proposed subdivision;
   7. proposed private streets, driveways and parking spaces;
   8. existing and proposed water, sewer, site drainage;
   9. proposed exterior lighting.

C. When a private sewage system or systems are specified, the applicant shall indicate the location of the system or systems and provide percolation tests in order to show that the land complies with Section 405(c) as to the suitability of sewage disposal.

D. The zone where the development is located.

E. Such information as may be necessary in order to determine that the application is in fact for a minor subdivision.

Section 605. Planning Commission Public Hearing

Before any application for a minor subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. 4414 and 4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing.

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 606. Planning Commission Decisions

The Commission shall either approve, modify and approve, or disapprove the application within 30 days of the close of the Public Hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article IV of this Ordinance.

ARTICLE VII. PROCEDURES FOR MAJOR SUBDIVISION

Section 701. Application

Prior to undertaking or commencing a major subdivision, as defined herein the subdivider shall file an application for approval with the Castleton Planning Commission, under the procedure hereafter provided.

Section 702. Notice to Zoning Administrator

The applicant shall file with the Zoning Administrator two copies of a written description of the subdivision and two copies of a reasonable accurate and detailed sketch map of the subdivision. See Article XII for information on fees.

Section 703. Preliminary Hearing

The application for subdivision will not be required to have a preliminary hearing unless requested by the Zoning Administrator.

The Planning Commission may hold one or more preliminary hearings with the applicant, and grant preliminary approval to authorize the preparation of the study subdivision plan for public hearing.

A. Information to be provided by applicant:

1. 2 maps of location in town

2. 2 detailed sketch maps showing the following:
   a. property lines;
   b. location, size, and spacing dimensions of existing and proposed buildings;
   c. present use of buildings;
   d. purpose of buildings;
   e. open spaces, landscaping, other physical features;
   f. streets, existing and around and crossing the proposed subdivision;
   g. proposed streets, driveways, and parking spaces;
   h. existing and proposed water, sewer, site drainage;
   i. proposed exterior lighting.

3. When a private sewage system or systems are specified the applicant shall indicate the location of the system or systems and provide percolation tests in order to show that the land complies with Section 405(c) as to suitability for sewage disposal.

4. The zone where the development is located.

5. The applicant shall review the above with the Zoning Administrator before scheduling of the Preliminary Hearing.

6. The Commission may postpone the provision of any of the above information if deemed appropriate to do so.

7. Where applicable the following information shall be provided:
   a. Phases in development plans, with approximate dates of completion.

b. Any special considerations to be given to the Town such as:
   1) Deeding of land for educational and/or recreational purposes.
   2) Development of educational and/or recreational sites.
   3) Provisions for bus shelters or bus turnaround areas.
   4) Any other appropriate items.

B. At the Preliminary Hearing:

During the preliminary hearing, the Planning Commission shall determine what additional information it shall require from the applicant, for the public hearing. Depending upon the characteristics and magnitude of the proposed subdivision, the Commission will require the applicant to provide the following where applicable.

1. Plan data required by Article VI Subdivision Plan Requirements and Article VII Subdivision Plat Requirements.

2. Consultation with the following and requests that letters be submitted from:
   a. The Castleton Chief of Police to review provisions for access to and from adjoining streets, and the affect of circulation of traffic within and around the subdivision.
   b. The Castleton Fire Chief, to review provisions for access to the subdivision, and spacing between buildings for the maneuvering of fire fighting equipment.
   c. The Elementary School Board for review of the impact of the proposed development on the school system and the transportation of children.
   d. The Fair Haven Rescue Squad, to review the accessibility of rescue equipment within the building and access to the area.
   e. The Superintendent of Highways to review plans on street construction.
   f. The Supervisor of the sewage treatment to review plans for sewer construction.
   g. Fire District #1 where municipal water lines are proposed.
   h. Town Health Officer for on-site sewage disposal.

3. In the event that the applicant has questions concerning the contents of any of the above submitted letters they shall not be filed with the Planning Commission until such time as the Planning Commission is assured that he has had an opportunity to interrogate the department or agency who submitted the letter.

4. Any other information deemed necessary by the Planning Commission. All required data must be available in the Zoning Administrator's office prior to publication of the notice of public hearing.

<u>Section 704. Planning Commission Public Hearing</u>

Before any application for a subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. 4417 and 4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing.

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

Section 705. Planning Commission Decisions

The Commission shall either approve, modify and approve, or disapprove the application within 30 days of the close of the Public Hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article IV of this Ordinance.

ARTICLE VIII. SUBDIVISION PLAN REQUIREMENTS

Section 801. Filing of Study Subdivision Plan

Prior to publication of notice of the public hearing under Section 704 the applicant shall submit 3 copies of a study subdivision plan as specified in Section 802 prepared by a surveyor licensed to practice in Vermont, drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24' X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

Section 802. Plan Data

The study subdivision plan shall conform to and shall contain and show the following data:

A. The proposed tract name or other designations by which such development shall be known which shall not duplicate the name of any other previous development in the Town of Castleton.

B. The location and approximate dimensions of all existing property lines, the approximate location and size of all permanent buildings, and their present and proposed usage, trees, landscaping and wooded areas, existing and proposed and all existing and proposed water sources, railroads, sanitary, storm sewers, sanitary sewers, water mains, telephone, electric and gas lines, parking area, exterior lighting and other features. The line of mean high water mark shall be shown thereon in case the subdivision is adjacent to a watercourse.

C. The locations, names and present widths and approximate grades of all existing streets, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the approximate radii of all curves; the approximate dimension of all

lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.

D. The name and address of the owner or owners of the land to be subdivided; the name and address of the individual(s) who prepared such study subdivision plan. The Zoning Administrator shall acknowledge receipt thereon indicating the precise date when said Study Subdivision Plan and the application for approval were filed with him.

E. The approximate widths and locations of all easements for drainage, sewerage or public utilities, public areas, parks or playgrounds, if any.

F. When the Commission deems that ground conditions are such that it is necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction, contours at vertical intervals of five (5) feet shall be required.

G. The zone or zones in which the subdivision lies as established by the Town Zoning. In case a zone boundary lies within the limits of the proposed subdivision, its approximate location shall be marked and clearly identified thereon. Zone data and boundaries shall be ascertained by conference with the Zoning Administrator.

H. Approximate elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be indicated thereon to present a clear idea of the relation of the proposed lot and street layout thereto.

I. All parcels proposed to be deeded to the Town of Castleton for streets, parks, playgrounds, or other public open spaces and conditions of such transfer, if any.

J. Complete plan and profile, with a minimum of one section per 100 feet, of each proposed street showing existing ground surface on the centerline and streets lines and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities on Plan. Plan and profile shall be drawn on Standard Plated, a 4 X 20 paper. Scale to be 1" equal to 50' horizontal on plan and 1" equal to 5' vertical on profile and section.

K. Date, north arrow and scale. (NOTE: North to be measured to true north)

L. Such of foregoing information as may not practically be shown on Plan shall be contained in a signed, written statement.

M. Such other information as the Planning Commission shall require to

evaluate the application.

N. The Planning Commission may waive or vary any of the foregoing requirements under Section 412.

ARTICLE IX. SUBDIVISION PLAT REQUIREMENTS

Section 901. Requirements - Paper

If after public hearing, the Planning Commission approves the application the applicant shall, within ninety (90) days from such approval:

A. Submit a Subdivision Plat to the Planning Commission for its determination of compliance of such Plat with Section 902, and the Commission's endorsement of such approval thereon, and

B. File or record such plat in the office of the Town Clerk of Castleton.

Such Plan shall be clearly and legibly drawn on mylar with waterproof Indian Ink or on a photographically reproducible copy. All lines, letters, figures, certificates, acknowledgements and signatures shall be made in black Indian Ink, except in the case of standard forms. The plans shall be not more than 36 inches long nor more than 24 inches wide and shall be drawn to a scale large enough to show the details clearly, but shall not be less than one inch equals one hundred feet. A one-half inch marginal border line shall be drawn around the outer edge of each plan and all data to appear theron shall be within said marginal lines.

All data required on the Subdivision Plat shall be consistent with the Study Subdivision Plan as approved by the Planning Commission and any conditions to its approval.

Section 902. Copies

With the subdivision plat, there shall also be filed with the Zoning Administrator three prints on paper.

The subdivision plat shall conform to and shall show the following:

A. The title of the subdivision, north arrow, scale, date and the name of the owner or owners.

B. A certification signed by a Land Surveyor making such survey and plan, that it is made from the actual land survey and is substantially correct.

C. The boundaries of the subdivision with courses and distances marked theron as determined by an accurate land survey (from control points clearly designated on the map). The error of closure must not exceed 1 to 5,000. The traverse sheets and the calculations for the final adjustment, must be submitted to the

Zoning Administrator for approval if required.

D. The length, bearing or direction of all straight lines, and deflection angles, radii, arcs and central angles of all curves along the lines of each street, existing or proposed, and the center line of each utility lines easement, existing or proposed, and the line of each utility, existing or proposed, and along the lines of each lot; all established building lines; all duly balanced so as to be consistent throughout with the courses and distances of the boundary lines. All dimensions shall be shown on feet or decimals of a foot or in metric equivalent.

E. The lines of all easements or rights-of-way to which any lots are subject shall be denoted by fine dotted lines. The limits of the easements or rights-of-way shall be definitely stated and clearly labeled and identified.

F. The line of mean high water mark in case the subdivision or any part thereof is adjacent to a watercourse.

G. The location of all monuments which are required.

H. All lines shown on the map which do not constitute a part of the subdivision itself shall be broken lines or otherwise clearly distinguished from the lines constituting a part of the subdivision.

I. Town boundary lines which cross or adjoin the subdivision shall be clearly designated and tied in.

Section 903. Additional Filing Requirements

A. If the applicant has not included the location of all drainage facilities, storm and sanitary sewers, culverts, catch basins, bridges, curbs, sidewalks, paving and other improvements to be installed by the developer on the subdivision plat, the applicant shall file an additional print or prints on paper indicating such. A copy of this print or prints shall be included in the bonding requirement under these regulations.

Section 904. Commencement of Construction

The applicant shall not commence any land development as defined in 24 V.S.A. 4303 (3) until:

A. The application (if a minor subdivision) or study subdivision plan (if a major subdivision) is approved by the Planning Commission, and

B. The Subdivision Plat is filed with the Town Clerk as required by Section 901, and

C. Unless waived, a letter of credit or performance bond is duly filed as required by Section 1101, and

D. Any amount due under Section 408 is paid.

Section 905. Expiration of Planning Commission Approval-Relationship to Zoning Regulations.

A Planning Commission approval shall expire if the holder of such approval fails to comply with any of the following filing requirements.

A. As required by 24 V.S.A. 4416, an approval by the Planning Commission shall expire ninety (90) days from such approval unless within such ninety (90) day period a Subdivision Plat is filed with the Town Clerk.

B. In a case where approval by the Planning Commission does not include a waiver of the bonding requirement in Section 1101, such approval shall expire three (3) years from such approval, unless within such three year period, a letter of credit or performance bond is filed with the Planning Commission as required by Section 1101, to provide for and secure the completion of all improvements specified in Section 1101 or in the Planning Commission approval.

C. Any land development which constitutes a subdivision shall comply with all applicable Castleton Zoning Regulations in effect at the time a zoning permit is issued permitting such land development, unless exempted by the law relating to non-conforming uses or non-complying structures, and not withstanding the issuance of an earlier Planning Commission approval.

Section 906. Conditions of Approval

The Planning Commission may attach such reasonable conditions to any approval as may be necessary to protect the public health, safety or welfare, or to implement the purposes of 24 V.S.A. Chapter 117 or these Regulations.

ARTICLE X SUBDIVISION IMPROVEMENT REQUIREMENTS

Section 1001. Completion of Improvements

Within two (2) years after filing of a letter of credit or performance bond as required by Section 901, or if a letter of credit or performance bond is waived by the Planning Commission, then within two (2) years of filing of the Subdivision Plat, the applicant shall at the applicants expense complete the improvements listed below where applicable. All such improvements shall be completed as specified in the application, as approved, the study subdivision plan as approved, any conditions to the Planning Commission approval, and these Regulations. The Planning Commission may grant a two (2) year extension of this period upon the request of the applicant if it is deemed appropriate to do so:

A. All proposed streets shall be laid out, graded and constructed their full width and entire length from street line to street line.

B. All storm drains, culverts and bridges shall be constructed.

C. All water lines, sewer lines and fire hydrants shall be constructed or installed.

D. Curbs and sidewalks shall be constructed.

E. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the applicant at actual cost.

F. Internal traffic control signs shall be installed.

G. Trees shall be planted.

H. Marble, granite or reinforced concrete monuments of 1:2:4 mix, 4" square at the top, 4" square at the bottom and 4'0" minimum in the ground shall be set at all street intersections, and at all angles and curves or other critical points in the street lines as will enable a land surveyor to correctly stake out any lot in the subdivision. Each concrete monument shall be reinforced. Monuments shall have a permanent center point of reference similarly located. The tops of such monuments shall be set to the established grade. The monuments are to be set in place after all other street development is completed. The accuracy of location of such monuments shall be certified in writing by land surveyor making the record subdivision plan.

I. Any other improvements required by the Planning Commission approval or these regulations shall be constructed.

J. As-built plans, including revised plan and profile of each proposed street after construction, showing all of the aforementioned improvements which are required shall be filed with the Planning Commission in triplicate.

ARTICLE XI LETTER OF CREDIT OR BOND FOR COMPLETION OF IMPROVEMENT

Section 1101. Letter of Credit or Bond Requirements

To assure the completion of the improvements required by Section 1101, including but not limited to the setting of monuments, construction and installation of all roads, pavements, drainage facilities, storm and sanitary sewers, water lines, water courses, bridges, landscaping, and the filing of as-built plans, the applicant shall file with the Town Treasurer, for the benefit of the Town, either a letter of credit issued by a bank and approved by the Selectmen or a performance bond issued either by a bonding or surety company approved by the Selectmen, or issued by the owner with security acceptable to the Selectmen, in an amount sufficient to cover the cost of all of the foregoing, and the maintenance of such improvements for a period of two (2) years after completion. The full cost of such required improvements and as-built plans shall be as estimated by the Commission, or such municipal departments or

officials as the Commission may designate. The letter of credit or performance bond shall be filed with the Town Treasurer before the commencement of any land development, and in any case, not later than three (3) years from the Planning Commission Approval as specified in 905 (b). Such bond shall provide for and secure to the public the completion of such required improvements and as-built plans within the period fixed in these Regulations for their completion, and for their maintenance for a period of two (2) years after completion, or when the town assumes ownership.

ARTICLE XII. SUBDIVISION FEES

Section 1201. Subdivision Fee

For the administration of subdivision review, the Board of Selectmen shall by resolution establish, and may from time to time amend a schedule of fees which will cover the Town's obligations under this ordinance. Advertising fees shall be payable to the administrative officer upon submission of an application for preliminary hearing and shall be nonrefundable.

Subdivision fees and fees for recreation, if applicable, shall be paid before the subdivision permit is issued.

ARTICLE XIII. PENALTIES

Section 1301. Penalties for Violation

Penalties for violation of the provisions of these regulations shall be as provided in 24 V.S.A. 4444.

ARTICLE XIV. APPEALS

Section 1401. Appeals

Appeals from the decisions of the Commission shall be in accordance with the provisions of 24 V.S.A. 4475 presently in effect or as hereinafter from time to time amended.

ARTICLE XV. CONSTITUTIONALITY

Section 1501. Constitutionality

If any section, sub-section, paragraph, sentence, clause or phrase in these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.

Section 1502. Effective Date

These regulations shall take effect 21 days after adoption, as provided in 24 V.S.A. 4404(e).

Adopted by the Castleton Board of Selectmen on May 12, 1986.

Effective June 2, 1986.