

**SUB-DIVISION REGULATIONS**

**TOWN OF  
ST. JOHNSBURY  
VERMONT**

**ADOPTED APRIL 1, 1974**

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and Effective January 17, 2006

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## ARTICLE I: TITLE AND PURPOSE

### Section 101 **Title**

In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as, and which may be cited as the "Town of St. Johnsbury Land Subdivision Regulations" have been adopted by the Selectmen.

### Section 102 **Statement of Purpose**

The Selectmen of the Town of St. Johnsbury pursuant to authority conferred upon it by Chapter 91 (New Chapter 117) of the State of Vermont Planning and Development Act adopted the following regulations governing the subdivision of land. The Development Review Board shall be the administering body and so under the authority provided by Section 4418 of the Vermont Planning and Development Act (the "Act"), the Board shall administer these regulations, Subchapter 10 of the Act, for the purpose of assuring orderly growth and coordinated development in the Town of St. Johnsbury and to assure the comfort, convenience, safety, health, and welfare of the people. Further, the approval of such subdivisions shall be based on the following broad considerations:

- (1) Conformance with the various parts of the Comprehensive Development Plan and Zoning Regulations.
- (2) Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, to the ground water table and to the environment in general.
- (3) Recognition of desirable standards of subdivision design including provision for pedestrian and vehicular traffic, surface water runoff, and for suitable building sites for the land use contemplated.
- (4) Provision for such facilities that are desirable adjuncts to the contemplated use such as parks, recreation areas, school sites, churches, fire stations, and off-street parking.
- (5) Preservation of natural assets such as streams, ponds, trees and attractive scenic areas.
- (6) Provision of adequate utilities and services such as water and sewer.
- (7) Encouragement of variety and flexibility in residential development including clustering of lots under provisions of Section 4417 of the Act.

## ARTICLE II: DEFINITIONS

### Section 201 **Definitions**

For the purposes of these regulations, which shall be known and may be cited as the "Town of St. Johnsbury Land Subdivision Regulations," certain means of reference and words used herein shall be used and defined as follows:

Unless the context clearly indicates to the contrary, reference made to a section, to a part of a section, or to a paragraph of a part of a section, is to such section, part or paragraph of these regulations.

**Commission.** The St. Johnsbury Planning Commission appointed pursuant to 24 VSA §4321.

**Comprehensive Development Plan or Plan.** A comprehensive plan prepared by the Commission pursuant to Section 4385 of the Vermont Planning and Development Act which indicated the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

**Development Review Board.** The St. Johnsbury Development Review Board appointed pursuant to 24 VSA §4460(b).

**Easement.** The authorization of a property owner, for the use by another, and for a specified purpose, of any designated part of his property.

**Final Subdivision Plat.** The final drawings on which the subdivider's plan of subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

**Improvable Parcel.** A lot of land upon which a structure or building can be, or is, constructed or erected, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities.

**Land Surveyor.** A surveyor licensed by the State of Vermont.

**Municipal Engineer.** Municipal Engineer, Town Manager or other person duly designated to perform this function.

**Official Map.** The map authorized by Section 4402 (5) of the Vermont Planning and Development Act.

**Official Submittal Date.** The time of submission of the Subdivision Plan considered to be the date of the regular monthly meeting of the Development Review Board following the submission of the application for Plat approval to the Clerk of the Development Review Board, complete and accompanied by the required fee and all data required by Article V, of these regulations as long as such submission occurred at least ten (10) days prior to such regular meetings.

**Preliminary Subdivision Plat.** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

**Regional Plan.** A Plan adopted under Section 4348 of the Vermont Planning and Development Act.

**Regional Planning Commission.** Northeastern Vermont Development Association.

**Resubdivision.** A change of recorded subdivision plat if such change affects any street layout shown 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.

**Sketch Plan.** A sketch of the proposed subdivision showing information specified in Section 501 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Board as to the form of the subdivision and objectives and requirements of these regulations.

**Street.** Any road, highway, avenue, street, parkway, lane or other way between right-of-way lines, commonly used by the public for street purposes.

**Street, Minor.** A street intended to serve primarily as access to abutting residential properties.

**Street, Major.** A street which serves or is designed to be used primarily as a route for traffic between communities or large areas. This shall include all Arterials and Major Collectors as defined by the State Highway Department and the Plan.

**Street, Secondary.** A street which serves or is designed to carry traffic from local residential streets to the system of major streets. This shall include Local Collectors and Minor Collectors as defined by the State Highway Department and the Plan.

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

**Subdivision.** The division of any parcel of land, other than for agricultural or forestry purposes, with or without streets into two (2) or more lots, plots, or other legal division of land for immediate or future transfer of ownership, which results in the creation of one or more improvable parcels of less than ten acres.

**Subdivision, Major.** Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

**Subdivision, Minor.** A subdivision containing not more than four (4) lots which has frontage on an existing public street, and which does not require any new municipal street, street extension or extension of municipal facilities.

Section 202 **Other Definitions**

The definitions established in the "Town of St. Johnsbury Zoning Regulations" shall apply to these regulations unless these regulations specifically provide for a different definition.

## ARTICLE III: PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATION

These regulations concerning the preparation of a subdivider's Sketch Plan and/or Preliminary Subdivision Plat, including street profiles, vicinity map, and Final Subdivision Plat, are necessary for the information of the Board and of the public at public hearings as provided in this section. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the Board's decision concerning the subdivision.

Before any contract for the sale of land or any offer to sell such subdivision or any part thereof is made, or any grading, clearing, construction, or other improvement is undertaken, the subdivider shall apply to the Board for approval.

### Section 301 **Submission of Sketch Plan**

301.1 Any owner of land shall, prior to submitting an application for subdivision or resubdivision of land, submit to the Administrative Officer two (2) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Section 501 for the purpose of classification and preliminary discussion.

301.2 The subdivider or his duly authorized representative shall meet with the Administrative Officer to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. The Administrative Officer will classify the sketch plan into one of two categories as defined herein:

Minor Subdivision  
Major Subdivision

If classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Section 302 of these regulations. If classified as a major subdivision, the subdivider shall comply with the procedures outlined in Sections 303, 304 and 305 of these regulations.

301.3 Any subdivider who is aggrieved by the decision of the Administrative Officer made under this section may request the Development Review Board's review and modification of the decision by filing a written request with the Board. The Board shall act within 45 days to determine whether the sketch plan meets the purposes of these regulations and shall where it deems necessary make specific suggestions in writing to be incorporated by the applicant in his subsequent submission. Failure so to act within such 45 days shall be deemed approval.

301.4 Where the subdivider submits a proposed Planned Residential Development as defined by Section 4407(3) of the Vermont Planning and Development Act, the Board shall require that in addition to the requirements of these regulations the

requirements of the above section of the Vermont Planning and Development Act shall be met.

## Section 302 **Review and Approval of Minor Subdivision**

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

### 302.1 **Application and Fee**

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Board, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require submission of the Sketch Plan to the Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board. Said application shall also conform to the requirements listed in Section 502.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of \$50.00 payable by check to the Town of St. Johnsbury, Vermont, stating the specific purpose of the fee. Said \$50.00 fee shall not include the cost of publication of notices required hereunder. Said expenses for publication shall be borne by the Developer and shall be tendered to the Town prior to issuance of final approval.

### 302.2 **Number of Copies**

Four (4) copies of the Subdivision Plat shall be presented to the Clerk of the Board at least ten (10) days prior to the scheduled monthly meeting of the Board.

### 302.3 **Subdivider to Attend Development Review Board Meeting**

The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Subdivision Plat.

### 302.4 **When Officially Submitted**

The time of submission of the Subdivision Plat shall be as defined in Article II, "Definitions".

### 302.5 **Approval of State and Municipal Agencies**

The subdivider shall apply for all municipal and state permits required by the proposed development and shall submit copies of these applications to the Board. Such permits may include, but are not limited to, zoning permit, highway access permit, Act 250 permit, public building permit, and Department of Health subdivision permit.

### 302.6 **Public Hearing**

A public hearing shall be held by the Board within thirty (30) days from the time of submission of the Subdivision Plat for approval. Said hearing shall be advertised in

the official Town newspaper at least fifteen (15) days before such hearing and notice of said hearing shall be posted in one or more prominent places at least fifteen (15) days prior to the hearing. In addition, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such Town is a member and to the clerk of an adjacent Town in the case of a plat located within five hundred feet of a Town boundary, at least fifteen (15) days prior to the hearing.

**302.7 Action on Subdivision Plat**

The Board shall, within forty-five (45) days from the public hearing approve, modify and approve or disapprove the Subdivision Plat. The Board shall specify in writing its reasons for any such disapproval. In the event that a hearing is not held or if the Board fails to disapprove the Minor Subdivision within forty-five (45) days specified above, the plan shall be deemed approved.

**302.8 Filing of Approved Minor Subdivision Plat**

After final approval by the Board and endorsement by the Board Chairman, the applicant shall file the subdivision plat in the office of the Town Clerk. Any subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved or considered approved by reason of the failure of the Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension, which shall not exceed two additional periods of ninety (90) days.

**Section 303 Preliminary Plat for Major Subdivision**

**303.1 Application and Fee**

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision in the form described in Section 503, using the approved application blank available from the Clerk of the Board. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of these regulations.

The application for conditional approval of the Preliminary Plat shall be accompanied by a fee of \$75.00 plus \$10.00 per lot for each lot in excess of four (4) shown thereon payable by check to the Town of St. Johnsbury, Vermont, stating the specific purpose of the fee. Said fee shall not include the publication of notices required hereunder. Said expense for publications shall be borne by the Developer and shall be tendered to the Town prior to issuance of final approval.

**303.2 Number of Copies**

Four (4) copies of the Preliminary Plat and four (4) copies of the vicinity map shall be presented to the Clerk of the Board at least twenty (20) days prior to a regular monthly meeting of the Board.

303.3        **Subdivider to Attend Development Review Board Meeting**  
The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plat.

303.4        **Study of Preliminary Plat**  
The Board shall study the practicability of the Preliminary Plat. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Development Plan, the Official Map, and Zoning Regulations, if such exist.

303.5        **When Officially Submitted**  
The time of submission of the Preliminary Plat shall be defined in Article II, "Definitions".

303.6        **Preliminary Approval of the Preliminary Plat**  
Within forty-five (45) days after formal submission of a Preliminary Plat, the Board shall take action to preliminary approve, with or without modifications or disapprove such Preliminary Plat and the grounds of any modification required or the grounds for disapproval shall be stated upon the records of the Board. Failure of the Board to act within such forty-five (45) day period shall constitute a preliminary approval of the Preliminary Plat. Prior to preliminary approval, the Board may hold a preliminary hearing.

When granting preliminary approval to a Preliminary Plat, the Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The Action of the Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Board and one forwarded to the Selectmen.

Preliminary approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which shall be submitted for approval of the Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the final Subdivision Plat, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

## Section 304 **Final Plat for Major Subdivision**

### 304.1 **Application for Approval and Fee**

The subdivider shall, within six months after the preliminary approval of the Preliminary Plat file with the Board an application for approval of the Final Subdivision Plat in the form described in Section 504, using the approved application blank available from the Clerk of the Board. If the Final Plat is not submitted to the Board within six months after the preliminary approval of the Preliminary Plat, the Board may refuse without prejudice to act on the Final Plat and require re-submission of the Preliminary Plat.

All applications for Final Plat approval for Major Subdivisions shall be accompanied by a fee of \$25.00 payable by check to the Town of St. Johnsbury, Vermont specifying the purpose of the fee.

### 304.2 **Number of Copies**

A subdivider intending to submit a proposed Subdivision Plat for the approval of the Board shall provide the Clerk of the Board at least ten (10) days in advance of the regular monthly Board meeting at which it is to be officially submitted with a copy of the application and three (3) copies of the Plat, the original and one (1) true copy of all offers of cession, covenants, and agreements, and two (2) prints of all construction drawings.

### 304.3 **When Officially Submitted**

The Time of submission of the Subdivision Plat shall be as defined in Article II, "Definitions". In addition, if the applicant elects to construct any or all required improvements (as specified in Section 305.1) the engineer must file a certificate with the Board stating that these improvements have been satisfactorily installed before the Subdivision Plat shall be considered officially submitted.

### 304.4 **Approval of State and Municipal Agencies**

The subdivider shall apply for all municipal and state permits required by the proposed development and submit copies of these applications to the Board. Such permits may include, but are not limited to, zoning permit, highway access permit, Act 250 permit, public building permit and Department of Health subdivision permit.

### 304.5 **Public Hearing**

A public hearing shall be held by the Board within thirty (30) days after the time of submission of the Subdivision Plat for approval. This hearing shall be advertised in the official Town newspaper at least fifteen (15) days before such hearing and notice of said hearing shall be posted in one or more prominent places at least fifteen days prior to the hearing. In addition, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such Town is a member and to the clerk of an adjacent Town in the case of a Plat located within 500 feet of a Town boundary at least fifteen (15) days prior to the hearing.

304.6 **Action on Proposed Subdivision Plat**

The Board shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the Subdivision plat. However, if approved the Subdivision Plat shall not be signed by the authorized officers of the Board for recording until the subdivider has complied with the provisions of Section 305.

Section 305 **Required Improvements**

305.1 **Improvements and Performance Bond**

Before the Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

- (1) In an amount set by the Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Selectmen and Municipal Engineer, and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified in Section 408; or
- (2) The subdivider shall complete all required improvements to the satisfaction of the Municipal Engineer or duly designated Consulting Engineer, who shall file with the Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the municipal Engineer. Any such bond shall be satisfactory to the Selectmen and Municipal Engineer and Town Attorney as to form, sufficiency, manner of execution, and surety.

305.2 **Modification of Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Municipal Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Municipal Engineer may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board 's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Municipal Engineer

shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at their next regular meeting.

**305.3 Inspection of Improvements**

At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk an inspection fee equal to three (3) percent of the cost of the proposed improvements as estimated by the Municipal Engineer, or the actual cost of inspection, whichever is less, payable by check to the Town of St. Johnsbury, Vermont stating the purpose of the fee; and shall notify the Selectmen in writing of the time when he proposes to commence construction of such improvements so that the Selectmen can cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

**305.4 Proper Installation of Improvements**

If the Municipal Engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report to the Selectmen, Administrative Officer and Board. The Selectmen then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Board as long as the subdivider is in default on a previously approved Plat.

**305.5 Maintenance of Improvements**

The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Selectmen.

**305.6** The applicant shall be required to file a maintenance bond or an irrevocable letter of credit with the Selectmen, prior to dedication, in an amount considered adequate by the Municipal Engineer and in a form satisfactory to the Selectmen and Town Attorney in order to assure the satisfactory condition of the required improvements for a period not to exceed four (4) years after the date of their acceptance by the Board.

**Section 306 Filing of Approved Subdivision Plat**

**306.1 Final Approval and Filing**

Upon completion of the requirements in Section 304 and 305 above, and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Board (Chairman or Acting Chairman) and a copy thereof which is in compliance with the requirements of the Vermont Model Plat Law shall be filed by the applicant in the office of the

Town Clerk. Any subdivision plat not so filed or recorded within ninety days of the date upon which such plat is approved or considered approved by reason of the failure of the Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two (2) additional periods of ninety days.

306.2 **Filing of Sections of Subdivision**

At the time the Board grants final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plat. The applicant may file a section of the approved Plat with the Town Clerk if said section constitutes at least ten (10) percent of the total number of lots contained in the approved Plat. In these circumstances, Plat approval on the remaining sections of the Plat shall remain in effect for three (3) years or a period of time mutually agreed to by the Selectmen and the Subdivider.

306.3 **Plat Void if Revised After Approval**

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Board and endorsed in writing on the Plat, unless the said Plat is first re-submitted to the Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the Town Clerk.

Section 307 **Public Acceptance of Streets, Recreation Areas**

307.1 The approval by the Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Subdivision Plat.

307.2 When a school site, park, playground or other recreation area shall have been shown on the Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Board shall require the Plat to be endorsed with appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## ARTICLE IV DEVELOPMENT REQUIREMENTS

### Section 401 Streets

- 401.1 **Cul-de-sac**--A cul-de-sac street shall not exceed twelve hundred (1200) feet in length and shall not provide entrance to other streets. However, where the density is equal to or less than one (1) residential unit for each two (2) acres, the Board may increase the maximum length to two thousand (2000) feet. When there are six (6) residential units or less on cul-de-sac the Board may modify the pavement width requirements, provided that the subdivider provides adequate off-street parking facilities. A turn-around shall be provided with a minimum radius of fifty (50) feet at the end of all cul-de-sacs. In the event that a proposed street and cul-de-sac is not to be completed to its permanent turn-around at the time that the street is opened, then and in that event the developer shall provide a temporary turn-around at the temporary terminus of said cul-de-sac. No cul-de-sac street shall be designed to serve more than two hundred lots including those abutting on it and those abutting on streets served by the cul-de-sac street.
- 401.2 **Standards**--All streets shall be completely constructed by the subdivider in accordance with the minimum requirements for street construction as established by the Selectmen, but in no event shall said street be less than the standards required by the State of Vermont for Class 3 highways.
- 401.3 **Layout**--
- (1) **Arrangement**--The arrangement of streets in the subdivision shall provide for the continuation of major and secondary streets of adjoining subdivisions and for proper projection of major and secondary streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
  - (2) **Topography**--Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made to control the drainage of each lot by an adequate storm water system, subject to the approval of the Board.
  - (3) **Horizontal and Vertical Curves**--No horizontal curve shall have a center line radius of less than one hundred and fifty (150) feet. For changes in

grade exceeding one (1) percent, a vertical curve shall be provided insuring a minimum sight distance of one hundred and fifty (150) feet.

- (4) **Grades--**Street grades shall be adequate to provide satisfactory drainage. The maximum allowable grade shall be ten (10) percent. In no case shall a grade greater than eight (8) percent be allowed at or within one hundred fifty (150) feet of an intersection. However, the Board may authorize on a cul-de-sac street as a variance, a maximum grade not to exceed twelve (12) percent for a total distance not to exceed nine hundred (900) feet provided that a grade of not greater than eight (8) percent is established at or within one hundred and fifty (150) feet of an intersection. For grades in excess of eight (8) percent, the Board may require safety features as deemed necessary, such as guard rails and extended shoulders.
- (5) **Intersections--**Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than sixty (60) degrees.
- (6) **Tangents--**A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all proposed streets.
- (7) **Street Jogs--**Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- (8) **Private Streets--**There shall be no private streets or drives platted in any subdivision. Every lot in a subdivision shall be served from a publicly dedicated street.
- (9) **Street Names--**Streets shall be identified on the preliminary plat by names which have been previously approved by the Selectmen.

401.4 **Access Road--**The Board may require the subdivider to improve any access road to the subdivision to the appropriate street standards provided in these regulations if such access would otherwise be inadequate, provided that the Town owns or provides the right-of-way.

401.5 **Curbs and Sidewalks--**Curbs and sidewalks shall be required on at least one side of all streets by the Board in any subdivision where the density is greater than one residential unit for each two (2) acres unless waived by the Board, and curbs and sidewalks may be required on both sides of a street, if deemed necessary by the Board. Curbs and sidewalks may be required when the density is one residential unit for each two (2) acres of land, or less, if deemed necessary by the Board.

## Section 402 **Utilities**

- 402.1 **Water**--In any subdivision having off-lot water the requirements of this paragraph shall be complied with. The existing public utility system shall be extended or a community system provided so as to provide the necessary quantity of water, as acceptable pressure, for fire protection. The subdivider may be required by the Board to provide or have installed at his expense larger transmission lines and storage and pumping facilities outside the subdivision if the supply and pressure would otherwise be inadequate.
- 402.2 **Sewerage**--The subdivider shall provide adequate provisions for sewerage with the following restrictions:
- (1) The subdivider shall be required to connect to the public sewer system or provide a community sewer system approved by the Town and the State in any subdivision where off-lot sewer is proposed. If the subdivision is within one-half mile of the public sewer system the Board may require connection to the public sewer system by the subdivider. The subdivider is required by the Board to provide or to have installed at his expense larger sewer lines pumping and other facilities as may be necessary. The subdivider may be required by the Board to provide or to have installed at his expense larger sewer lines, pumping and other facilities, outside the subdivision if the sewer service would otherwise be inadequate.
  - (2) A private on-lot sewerage treatment facility shall meet requirements of the State regulations with a minimum size equivalent to serving a four (4) bedroom house equipped with clothes washer and dishwasher.
  - (3) All lots that are not subject to state regulations shall have a system designed by a certified engineer or site technician before a subdivision permit can be issued. The person or persons designing the system shall inspect and approve the system before it is buried or covered, and shall file a form verifying these facts with the Town Clerk or in lieu thereof, the subdivider shall obtain a deferral of permit pursuant to Section 604 of this Subdivision By-Law.
- 402.3 **Electric, Telephone, Cable T.V.**--Electric, telephone and cable T.V. distribution systems shall be underground, including services to residences and to street lights unless waived by the Board. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable area for underground installations.
- 402.4 **Fire Protection Facilities**--Fire Protection Services may be required by the subdivider to the extent such facilities may be deemed advisable by the Board on the basis of facts and circumstances appearing at the time the application is made.

**Section 403 Street Lighting**

Street lights shall be installed according to lighting and spacing standards established by the Selectmen.

**Section 404 Street Signs**

All street signs and posts shall be provided and installed by the Town at expense of the subdivider.

**Section 405 Storm Drainage**

405.1 Removal of Spring and Surface Water--The subdivider may be required by the Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

405.2 Drainage Structure to Accommodate Potential Development--Upstream Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide such information as the Board deems necessary to the determination of the adequacy of the facilities.

405.3 Responsibility for Drainage Downstream--The subdivider's engineer shall provide such information as the Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the Board anticipates that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until the subdivider and the Selectmen agree to share the cost of the necessary improvement required. The Town's share shall be based upon the portion of run-off which the developed area downstream from the subdivider's subdivision contributes to the necessary improvement, except that there shall be credited to the Town's share that portion of the need which can be met by existing facilities.

405.4 Uninhabitable Land. All land to be used for building purposes on the plats submitted for approval shall be of such character that it can be used for building purposes without danger to health or safety.

405.5 Other Provisions--In design of the drainage system, natural waterways shall be utilized to the full extent feasible. There shall be at least eighteen (18) inches of cover over culverts crossing roadways and for culverts over fifteen (15) inches in

diameter the Manager may specify additional dept of cover. The minimum size culvert installed shall be twelve (12) inches. Where catch basins are installed the street shall have curbing unless the Board shall approve an alternate method. Open roadside drainage ditches in excess of a five (5) percent grade shall be paved with stone or asphalt as required by the Board. All culverts shall have headers. Header design shall be approved by the Board. Wherever possible natural drainage courses should be extended across a road and not diverted to roadside drainage ditches.

**Section 406 Lots**

The lot arrangement shall be such that in constructing or building in compliance with the Zoning By-Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. All lots shall have frontage on a public street.

**Section 407 Monuments**

Monuments constructed of concrete or stone at least 4 x 4 inches on the top and at least thirty-six (36) inches long shall be set at all block corners and iron pins or equivalent markers at all lot corners. The final plat shall be keyed to several block corner monuments within the subdivision.

**Section 408 Open Space and Recreation Area**

Land with adequate access to and from public streets, shall be reserved for open space and recreation area as deemed necessary in proper cases by the Board in any plat submitted for Board approval. Such land shall be either deeded to the Town or reserved for the common use of all property owners by covenant in the deed as determined by the Board. All area shall be of reasonable size, slope and character for neighborhood playground or other recreational uses, including open space. When the proposed density is two (2) residential units or less for each acre of land within the subdivision ten (10) percent of the area of the entire subdivision shall be reserved for open space and recreation area. When the proposed density is greater than two (2) residential units for each acre of land within the subdivision fifteen (15) percent of the area of the entire subdivision shall be reserved for open space and recreation area.

In cases where the Board determines that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purposes cannot be properly located therein, the subdivider will pay to the Town a sum of money in an amount to be determined by the Selectmen. This cash payment shall be remitted to the Town for either land acquisition or development of public land for recreational purposes for the benefit of the residents of the subdivision.

The Board may approve a combination of the two methods in making provision for open space and recreation.

**Section 409 School Site**

When a development composed of one or more plats will accommodate a total of more than one hundred dwellings, the Board shall require of the developer the designation of necessary public school sites, the size of which shall be determined by the Board based on the number of dwellings, or a payment in lieu thereof.

**Section 410 Site Preservation**

410.1 Existing Features--Existing features which would add value to the subdivision, such as trees, watercourses and falls, brooks, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design.

410.2 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 run off, and conserve the natural cover and soil. After application for approval has been submitted to the Board, 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.

410.3 Erosion and Sediment Control--The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. 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 Board to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during the development to remove sediment from run-off water and from land undergoing development. Where possible, natural drainage-ways should be utilized and left open to remove excess surface water. The permanent final vegetation and structures should be installed as soon as practical in the subdivision.

**Section 411 Subdivision Restrictions**

411.1 The owner of the subdivision may place restrictions on the subdivision greater than those required by these regulations, the Zoning By-Law and any other State or local regulations. Such restrictions shall be attached to the plan and shall also, when applicable, be placed as covenants in the deeds of dedication to the Town.

411.2 In the case of a subdivision requiring a management organization to operate and maintain community water or sewer systems, or common lands or reserve areas, a

prospectus shall be submitted describing this organization, its financing and membership, which must meet the requirements of the Board.

## Section 412 **Excavation and Grading**

412.1 General--All excavating and filling required for construction of improvement shall be as specified herein. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover over all finished slopes. This material shall be spread uniformly over all finished slopes.

All streets shall be graded from property line to property line to approved grade and cross section.

412.2 Suitable Materials Required--No stumps, wood, roots, sod, or other fibrous materials shall be placed in any embankment. In these locations where the alignment crosses swamp or marsh lands, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling low spots outside the road section. The Board 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.

412.3 Embankments--Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable methods, and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the rock shall be deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

412.4 Subgrade--Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with acceptable material and the process of leveling and rolling continued until further depression results.

412.5 Side Slopes--Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend (1) foot vertically for at least two (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot beam shall be provided at

each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

#### **Section 413 Soil Survey**

When a development is proposed which, because of its size or location, requires detailed soil analysis, the Board shall require the subdivider to request this analysis from the Soil Conservation Service. The results of investigation by a Soil Conservation Service Soil Scientist will be provided by the subdivider to the Board along with other requirements contained in this regulation.

#### **Section 414 Flood Plain Areas**

When a development is proposed in any area in the Town of St. Johnsbury, Vermont identified as an area of special flood hazard on the "Flood Insurance Rate Map" and the "Floodway Map" accompanying the Flood Insurance Study for the Town of St. Johnsbury, Vermont dated July 3, 1986 which are hereby adopted by reference and declared to be part of these By-Law, then the Board shall require the subdivider to provide:

- (a) Evidence that such proposal minimizes flood damage.
- (b) Evidence that public utilities and facilities will be constructed so as to minimize flood damage.
- (c) Evidence that adequate drainage will be provided.
- (d) Evidence of base flood elevation data for any subdivision proposal greater than 50 lots.

## ARTICLE V REQUIRED SUBMISSIONS

### Section 501 **Sketch Plan**

The Sketch Plan, which is the initial submission to the Board, shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property with contour lines at intervals of no more than ten (10) feet. In addition, if the plan is for a major subdivision, it shall also show or otherwise include the information specified in section 503.1 as well as a sketch of the vicinity map described in Section 503.2.

### Section 502 **Minor Subdivision Plat**

In the case of a Minor Subdivision, the Subdivision Plat application shall include the following information:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments approved by the Municipal Engineer, and shall be referenced as shown on the Plat.
- (3) All on site sanitation and water supply facilities shall be shown designed to meet the minimum specifications of the State Departments of Health and Water Resources, and a note to this affect shall be stated on the Plat and signed by a licensed engineer.
- (4) Proposed name of the subdivision or identifying title, name of the town in which it is located.
- (5) The date, north point, map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (6) The plat to be filed with the Town Clerk shall be as specified by the Vermont Model Plat Law.
- (7) Copies of State and municipal permits required for the proposed subdivision.

### Section 503 **Major Subdivision Preliminary Plat and Vicinity Map**

#### 503.1 **Preliminary Plat**

The Preliminary Subdivision Plat shall consist of eight (8) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions

shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet or more to the inch, or sixty (60) feet to the inch where lots have less than one hundred (100) feet frontage, showing or accompanied by the following information.

- (1) Proposed subdivision name or identifying title and the name of the Town.
- (2) Name and address of record owner, subdivider and designer of Preliminary Plat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (4) The name of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the St. Johnsbury Zoning Bylaws applicable to the area to be subdivided and any zoning district boundaries affecting the trace.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
- (8) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Development Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
- (9) Contour lines at intervals of five (5) feet, based on United States Geological Survey datum of existing grades and also of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
- (10) Typical cross sections of the proposed grading and roadways and of sidewalks.
- (11) Date, true north point and scale.
- (12) Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established Town reference points.

- (13) Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
- (14) Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
- (15) If private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; locations and results of percolation tests.
- (16) Provision for collecting and discharging storm drainage, in the form of drainage plan.
- (17) Preliminary designs of any bridges or culverts which may be required.
- (18) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (19) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (20) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (21) The location of all trees on the site having a six inch diameter three feet above the ground and all other natural features or site elements to be preserved.

## 503.2 **Vicinity Map**

The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

- (1) All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.

- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.
- (3) The boundaries and designations of zoning districts, special improvement districts, school districts and parks or other public spaces.
- (4) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

**Section 504 Final Major Subdivision Plat, Subdivision Improvements and Supporting Documents**

504.1 The Final Major Subdivision Plat shall consist of one or more sheets of drawings which conform to the requirements of the Vermont Model Plat Law. Space shall be reserved thereon for endorsement by all appropriate agencies. The Major Final Subdivision Plat shall conform in all respects to the Preliminary Subdivision Plat as approved by the Board and shall show:

- (1) Proposed subdivision name or identifying title, the name of the Town, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and graphic scale, date and true north point.
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Municipal Manager to determine readily the total area of each lot, the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines on the ground. Where practical, these lines should be tied to reference points previously established by public authority.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings of each street.
- (5) By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.

- (6) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (7) The location of all of the improvements referred to in Section 504.2 and in addition thereto the location of all telephone poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
- (8) Permanent Reference Monuments which shall be identified in the legend. They shall be constructed in accordance with Subsection (10) hereof and shall be placed as required by the municipal engineer and their location noted and referenced upon the plat.
- (9) All lot corner monumentation shall be shown on the plan with a symbol properly identified in the legend.
- (10) Monumentation shall comply with the following requirements:
  - (a) Location: Monumentation shall be set at all corners and angle points of the boundaries of the subdivision and as required by municipal specifications for new roads at all street intersections, angle points in street lines, points of curvature, points of tangency and such intermediate points as shall be required by the Board.
  - (b) Types of Monumentation: Monuments shall consist of iron pipes with a minimum inside diameter of 3/4 inch, reinforcing rod (rebar) with a minimum diameter of 5/8 inch or a 36 inch concrete monument with a reinforcing rod set in the middle. Monumentation shall be identified with an appropriate plastic or metal plug or cap with a name and/or license number of the supervising surveyor.
  - (c) Setting Monuments:
    - (i) In urban areas, monuments with a minimum length of 36 inches shall be set flush with improved surfaces, such as lawns, drives, walks or parking areas.
    - (ii) In non-urban areas, iron monuments with a minimum length of 48 inches shall be set with approximately one foot being left exposed for future recovery, and where practical, a 36 inch concrete monument should be set with no more than 3 inches left exposed. It is recommended that a "witness" such as a snow fence post be set to mark the location of concrete monuments.

(d) Exceptions: When, because of unique physical circumstances or conditions including the presence of physical obstructions such as large rocks, ledge, concrete structures, etc. making it impossible or impractical to strictly comply with the requirements of this section, alternative monumentation, which is durable and identifiable shall be set (i.e. chiseled "x", drill hole, pin set in drill hole, etc.). Where feasible, some ferrous metal will be placed adjacent to the drill hole.

#### 504.2 **Subdivision Improvements**

In accordance with Town specifications as established by the Selectmen, all streets or other public places shown on such Plat shall be suitably graded and paved, and all sidewalks, street lighting standards, curbs, gutters, and street trees, water mains, sanitary sewers and storm drains, where required by the Board on the advice of the Municipal Engineer, and/or consultants employed by the town, shall be installed in accordance with the standards, specifications and procedure set forth in these regulations and other applicable Town regulations and ordinances, or, alternatively, a performance bond to insure completion of such improvements.

#### 504.3 **Supporting Documents**

There shall be submitted to the Board with the final Subdivision Plat:

- (1) Written offers of cession to the Town of all public open space, to include by way of example but not by way of limitation: School sites, streets, recreation areas and easements, shown on the Plat, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
- (2) Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Section 504.3(1). Such written evidence shall not constitute an acceptance by Town of any public open space referred to in Section 504.3 (1), nor shall the town be obligated to accept such public space.
- (3) A certificate of the Municipal Engineer as to the completion of all improvements required by the Board to the satisfaction of the Municipal Engineer and in accord with standards and specifications prescribed by him, or, in lieu of any required improvements not so completed, a performance bond to secure completion of such improvements and written evidence that the selectmen are satisfied with the sufficiency of such bond.
- (4) A copy of such covenants and restrictions as are intended to cover all or part of the subdivision.

- (5) Copies of State and Municipal approved permits required for the proposed subdivision shall be furnished upon request of the Board.
- (6) A prospectus describing the management organization, if one is required.

## ARTICLE VI            VARIANCES AND WAIVERS

### Section 601 **Variances**

Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstance of a particular Plat, it may vary these regulations so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Development Plan, or the Zoning Bylaw, where such exist.

### Section 602 **Waivers**

Where the Board finds that, due to 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.

### Section 603 **Conditions**

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

### Section 604 **Deferral of Permits**

604.1            Conveyed Lot. The purchaser of an unimproved lot of less than ten (10) acres in area may waive his developmental rights thereto involving the construction or erection of any building or structure. Upon the filing of an application consisting of a plot of the parcel and a statement signed by the prospective purchaser of the parcel that he waives developmental rights, the Administrative Officer may issue to the owner, a deferral of permit for conveyance of the parcel. No structure or building may be constructed or erected on a lot subject to a deferral of permit, unless the lot owner first obtains a subdivision permit as required by these By-Laws. The terms and conditions of the deferral shall be binding on the purchaser and all successors in title. A parcel purchased under the provisions of this section may not be resold unless a subdivision permit is obtained, or the waiver of developmental rights as included in the deed or lease and notice of the purchaser's name and address is filed with the Administrative Officer.

Any waiver of developmental rights shall be made a term of any contract of sale or lease of the parcel, and shall be recited in any deed in the form as follows:

### **Waiver of Developmental Rights:**

"In order to comply with St. Johnsbury Subdivision By-Law requirements with respect to the subdivision of lands, the grantee shall not construct or erect any structure or building on the parcel of land conveyed herein, without first complying with the St. Johnsbury Subdivision By-Laws. The grantee by acceptance of this deed acknowledges that this lot may not qualify for approval for development under the St. Johnsbury Subdivision By-Law."

604.2 Retained Parcel Deferral. When a parcel retained by the subdivider is subject to the permit requirements of this By-Law, the subdivider may waive his developmental rights thereto involving the construction or erection of any building or structure. Upon the filing of an application consisting of a plot of the retained parcel and a statement that he waives developmental rights, the Administrative Officer may issue to the proprietor, a deferral of permit for the retained parcel. No structure or building may be constructed or erected on the retained parcel unless the lot owner first obtains a permit as required by these Subdivision regulations. The terms and conditions of the deferral shall be binding on all successors in title. The retained parcel may not be sold unless a subdivision permit is obtained, or the waiver of developmental rights is included in the deed or lease and notice of the purchaser's name and address is filed with the Administrative Officer. Any waiver of developmental rights shall be made a term of any contract of sale or lease of the retained parcel and shall be recited in any deed in the form set forth in Section 604.1.

A notice of deferral of permit with respect to a retained parcel shall be executed and acknowledged by the land owner and shall be filed in the St. Johnsbury Land Records.

### **Section 605 Public Notice**

All development review applications before the Development Review Board shall require notice as follows:

605.1 A warned public hearing shall be required for final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

a) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

b) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting

within view from the public right-of-way most nearly adjacent to the property for which an application is made.

c) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. 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.

605.2 Public notice for hearings on all other types of development review, under this subdivision by-law, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:

a) Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. §§ 312(c)(2).

b) Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to right-of-way. 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.

ARTICLE VII           SEPARABILITY AND EFFECTIVE DATE

Section 701 **Separability**

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

Section 702 **Effective Date**

These regulations shall take effect twenty-one days after adoption of the same by the Selectmen.