

Subdivision Regulations

Town of Waterford, Vermont

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Subdivision Regulations

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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 Waterford Land Subdivision Regulations” have been adopted by the selectmen.

Section 102 Statement of Purpose

The Selectmen of the Town of Waterford pursuant to authority conferred upon it by 24 VSA, Chapter 117, the 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 24 VSA, § 4401 of the Vermont Planning and Development Act, the DRB shall administer these regulations for the purpose of assuring orderly growth and coordinated development in the Town of Waterford 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 landform, its topography and geology, to natural drainage and surface water runoff, and to the ground water table.
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 wastewater systems.
7. Encouragement of variety and flexibility in residential development including clustering of lots under provisions of 24 VSA, § 4417.

Article II Definitions

Section 201 Definitions

For the purpose of these regulations, which shall be known and may be cited as the “Town of Waterford 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.

Administrative Officer A person appointed to administer zoning bylaws, enforce provisions of the bylaws, inspect developments, maintain records, and perform all other necessary tasks to carry out the bylaws.

Boundary Line Adjustment A division of property that does not create an additional lot and does not conflict with any other current zoning regulations. All deeds must be written and recorded reflecting the decision of the DRB.

Comprehensive Development Plan or Town Plan A comprehensive plan prepared by the Commission pursuant to 24 VSA, § 4381, 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.

Construction Drawings Means the drawings showing the location, profile grades, size and type of drains, wastewater systems, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross-section of streets, miscellaneous structure, etc.

DRB or Development Review Board A Development Review Board for a Town created under 24 VSA, § 4321.

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 DRB for approval and which, if approved, may be filed for record with the Town Clerk.

Improvements Any permanent structure or facility that becomes part of, is placed upon, or is affixed to real estate. This includes, but is not limited to roads; electrical, telephone, and cable TV utilities; streetlights; water and wastewater utilities; storm drainage; property line monuments, and/or any recreational facilities provided by the developer.

Lot A parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. Reference Article 5, Section 502 for additional specifics to the definition.

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

Official Submittal Date The time of submission of the Final Subdivision Plat, considered to be the date of the regular monthly meeting of the DRB following the submission of the application for Plat approval to the Clerk of the DRB, complete and accompanied by the required fee and all data required by Article V, of these regulations as long as such submission has occurred at least twenty (20) days prior to such regular meetings.

Planning Commission or Commission Means a Planning Commission for a Town created under 24 VSA, § 4321.

Preliminary Subdivision Plat The preliminary drawings indicating the proposed layout of the subdivision.

Regional Plan A plan adopted under 24 VSA, § 4347.

Regional Planning Commission Planning Commission for a region created under 24 VSA, § 4341.

Right of Way Frontage from a public road or public waterway by a permanent easement or right-of-way at least 40-feet in width.

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 DRB as to the form of the subdivision and objectives and requirements of these regulations.

Street Any road, highway, avenue, street parkway, or other way between right of way lines, commonly used by the public for street purposes, and must be a minimum of 50 feet wide and meet state standards.

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, Private Any privately owned right of way.

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 him/herself or others.

Subdivision The division of any parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for immediate or future transfer of ownership. When land is divided into less than five (5) lots on an existing road and requires no publicly funded improvements, the DRB must determine that this does or does not constitute a subdivision within this constitution.

Subdivision, Major The division of a parcel of land into 5 or more lots OR the division of any parcel of land that requires the installation of municipal improvements regardless of the number of lots being created.

Subdivision, Minor The division of a parcel of land into not more than 4 lots that do not involve the installation of any municipal improvements.

Tax Map The map available in the town office used by the listers, zoning officers, et al.

Vicinity Map A map to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

Wastewater System Any device or system in public or private ownership used in the storage, treatment, recycling, or reclamation of sewage.

Section 202 Other Definitions

The definitions established in the Town of Waterford 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 DRB 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 DRB's decision concerning the subdivision.

Before any grading, clearing, construction, or other improvement is undertaken, the subdivider shall have received final approval from the DRB.

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 at least ten (10) days prior to the regular meeting of the DRB, a copy 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/her duly authorized representative, shall attend the meeting of the DRB to discuss the requirements of these regulations for street improvements, drainage, wastewater systems, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

301.3 The DRB shall 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/her subsequent submission.

Section 302 Preliminary Plan for Subdivision

302.1 Application and Fee

Prior to the filing of an application for the approval of a Subdivision Plan, the Subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision in the form described in Section 502, using the approved application blank available from the Town Clerk of Waterford or the Administrative Officer. The Preliminary Plat shall comply with the requirements set forth in the provisions of these regulations.

The application for conditional approval of the Preliminary Subdivision Plat shall be accompanied by the appropriate fee payable to the Town of Waterford, Vermont, stating the specific purpose of the fee.

302.2 Number of Copies

Three (3) copies of the Preliminary Plat and three (3) copies of the vicinity map shall be presented to the Chairman of the DRB at least twenty (20) days prior to a regular monthly meeting of the DRB.

302.3 Subdivider to Attend DRB Meeting

The Subdivider, or his/her duly authorized representative, shall attend the meeting of the DRB to discuss the Preliminary Plat.

302.4 Study of Preliminary Plat

The DRB shall study the practicality 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, septic, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Town Plan, the Tax map, and Zoning Regulations, if such exist.

302.5 When Officially Submitted

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

302.6 Preliminary Approval of the Preliminary Plat

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

When granting preliminary approval to a Preliminary Plat, the DRB 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 DRB 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 DRB 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 DRB 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 DRB 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 303 Final Plat for Subdivision

303.1 Application for Approval and Fee

The subdivider shall, within six months after the preliminary approval of the Preliminary Plat, file with the DRB an application for approval of the Final Subdivision Plat in the form described in Section 503, using the approved application blank available from the Chairman of the DRB. If the Final Plat is not submitted to the DRB within six months after the preliminary approval of the Preliminary Plat, the DRB may refuse without prejudice to act on the Final Plat and require re-submission of the Preliminary Plat.

All Applications for final approval for subdivisions shall be accompanied by the appropriate fee(s) payable to the Town of Waterford, Vermont, specifying the purpose of the fee.

303.2 Number of Copies

A subdivider intending to submit a proposed Subdivision Plat for the approval of the DRB shall provide the Chairman of the DRB a copy of the application and three (3) paper copies of the Plat, the original and two true copies, at least 20 days in advance of the regular monthly DRB meeting at which it is to be officially submitted. The mylar copy must be filed with the Town Clerk within 180 days of receipt of final approval from the DRB.

303.3 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 304.1) the applicant's engineer must file a certificate with the DRB stating that these improvements have been satisfactorily installed before the Subdivision Plat shall be considered officially submitted.

303.4 Approval of State and Municipal Agencies

Water and wastewater facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Vermont Department of Water Resources and the Vermont State Department of Health. Applications for approval of plans for wastewater systems or water facilities will be filed by the subdivider with all necessary town and state agencies. Endorsement and approval by the Vermont Department of Water

Resources and the Vermont State Department of Health shall be secured by the subdivider before official submission of the Final Subdivision Plat.

303.5 Public Hearing

A public hearing shall be held by the DRB 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 at least three (3) prominent places at least fifteen days prior to the hearing. Notice of such hearing shall be forwarded 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. The applicant shall be responsible for adherence to any other regulations regarding notification, as required by the state.

303.6 Action of Proposed Subdivision Plat

The DRB 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 DRB for recording until the subdivider has complied with the provisions of Section 304.

Section 304 Required Improvements

304.1 Improvements and Performance Bond

Before the DRB 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 DRB, 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 (see Article II, Definitions), and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the DRB may determine appropriate, not to exceed three years) shall be set forth in the bond time 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 pay for all engineering costs and improvements. The subdivider shall complete all required improvements to the satisfaction of the Municipal Engineer or duly designated Consulting Engineer, who shall file with the DRB a letter signifying the satisfactory completion of all improvements required by the DRB. 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.

304.2 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 DRB, authorize modifications, provided these modifications are within the spirit and intent of the DRB's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the DRB. The Municipal Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the DRB at their next regular meeting.

304.3 Inspection of Improvements

Upon completion of the required improvements and prior to the expiration of the performance bond, the developer shall notify the DRB in writing of such completion. The DRB shall then notify the Administrative Officer in writing. The Administrative Officer shall then inspect the site for conformance with the town's bylaws and notify the DRB in writing of the compliance. If deemed necessary, the Town may hire the services of a professional registered engineer to conduct this inspection. The cost to conduct such inspection shall not exceed either 3% of the cost to install the improvements or the actual cost of the inspection, whichever is less. No lot within such subdivision shall be sold until such time as the inspection has been completed, paid for by the developer, and any problems have been corrected.

304.4 Proper Installation of Improvements

Prior to the expiration date of the performance bond, the Municipal Engineer shall perform an inspection of the required improvements. If the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider and approved by the DRB, he/she shall report this to the Administrative Officer.

304.5 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. The applicant shall be required to file a maintenance bond with the Selectmen, prior to dedication, in an amount considered adequate by the Municipal Engineer and in a form satisfactory to the Selectmen and the Town Attorney in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the DRB.

Section 305 Filing of Approved Subdivision Plat

305.1 Final Approval and Filing

Upon completion of the requirements in Sections 303 and 304 above, it will be noted on the As-built plat that the requirements have been met. The subdivision shall be deemed to have final approval and shall be properly signed by the appropriate officer of the DRB and filed by the applicant in the office of the Town Clerk. A mylar copy of the As-built plat will be recorded within one hundred eighty (180) days of the date of approval. Any mylar of the As-built plat not so filed or recorded within one hundred eighty (180) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the DRB to act, shall become null and void, unless the particular circumstances of said applicant warrant the DRB to grant an extension, which shall not exceed two additional periods of ninety (90) days.

305.2 Filing of Sections of Subdivision

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

Section 306 Public Acceptance of Streets, Recreation Areas

306.1 The approval by the DRB of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, open space, school site park, playground, or other recreation area shown on such Subdivision Plat.

306.2 The DRB shall require the Plat to be endorsed with appropriate notes to this effect. The DRB 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. Where the density is less than or equal to one (1) residential unit for each two (2) acres, the DRB may increase the maximum length to two thousand (2000) feet. When there are six (6) or fewer residential units on a cul-de-sac the DRB may modify the pavement width (traveled way) requirements, provided that the subdivider provides adequate off-street parking facilities. Cul-de-sacs will be a minimum radius of sixty (60) feet.

401.2 Dead End Street – No dead end street shall be designed to serve more than two hundred (200) lots, including those abutting on it and those abutting on streets served by the dead end street. A dead end street may serve as an entrance for cul-de-sac streets. Any dead end street shall have a cul-de-sac at its terminus.

401.3 Standards – All streets shall be constructed by the subdivider in accordance with the minimum requirements for street construction as established by the Selectmen.

401.4 Layout

(1) Arrangement – The arrangement of streets in the subdivision shall provide for the continuation of major and secondary streets of adjoining subdivisions, existing or future. This arrangement shall allow for necessary fire protection, movement of traffic and construction or extension of needed utilities and public services. The above conditions may be modified by the DRB.

(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 DRB.

(3) Horizontal and Vertical Curves – No horizontal curve shall have a centerline 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

three (3) percent be allowed at or within thirty (30) feet of an intersection. However, the DRB 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 DRB may require safety features as deemed necessary, such as guardrails and extended shoulders.

(5) Intersections- Street intersections shall be at right angles when possible. 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 exist between reverse curves on all proposed streets.

(7) Street Jogs – Street jogs must have centerline offsets of at least one hundred twenty-five (125) feet.

(8) Private Streets – In any subdivision a minimum fifty (50) foot right-of-way shall be required.

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

401.5 Access Road – The DRB may require the subdivider to improve any access road to the subdivision to the appropriate street standards.

401.6 Curbs and Sidewalks – Curbs and/or sidewalks may be required on one or both sides of all streets. This requirement may be modified or waived by the DRB.

Section 402 Utilities

402.1 Water – The subdivider may be required by the DRB to provide or have installed at his expense transmission lines and storage and pumping facilities outside the subdivision if the supply and pressure would otherwise be inadequate.

402.2 Wastewater systems – All lots are subject to state regulations.

402.3 Electric, Telephone, Cable TV – Electric, telephone and cable TV distribution systems shall be underground, including services to residences and to streets lights unless waived by the DRB. The subdivider may coordinate subdivision design with the

utility companies to insure adequate and suitable area for underground installations. Utility lines shall be placed as close as possible to the edge of the right-of-way.

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 the expense of the subdivider.

404.1 Names - Selectmen have the authority to approve road names.

Section 405 Storm Drainage

405.1 Removal of Spring and Surface Water – The subdivider shall be required by the DRB 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 subdivision and/or other sources. The DRB shall approve the design and size of facilities on anticipated run-off under conditions of total potential development. The subdivider’s engineer shall provide such information as the DRB 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 DRB deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the DRB 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 property or an increase in the expenditure of public funds, the DRB shall not approve the subdivision until the subdivider agrees to assume the cost of the necessary improvements required by the subdivision.

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

405.5 Other Provisions – In design of the drainage system, natural waterways shall be utilized to the fullest extent feasible. There shall be at least eighteen (18) inches of cover over culverts crossing roadways. For culverts over fifteen (15) inches in diameter the DRB may specify additional depth of cover. The minimum size culvert installed shall be fifteen (15) inches. Where catch basins are installed the street shall have curbing unless the DRB shall approve an alternate method. Open roadside drainage ditches in excess of five (5) percent grade shall be paved with either stone or asphalt as required by the DRB. All culverts shall have headers. Header design shall be approved by the DRB. Wherever possible, natural drainage courses should be extended across a road by a culvert or a bridge; above requirements shall be designed by the applicant’s engineer, meeting local and state specifications.

Section 405.6 Driveways - All driveways shall conform to the following requirements:

1. The will be a 60 to 90 degree angle from the traveled portion of the road to the road right of way.
2. The elevation of the driveway form the traveled portion of the road to the edge of the road right of way must be no higher than the edge of the traveled portion of the road.
3. The culvert will be a minimum of 15 inches. If a larger one is needed, that will be determined on the site by the Selectmen or their duly authorized agent.
4. Ditch alteration must be approved by the Selectmen or their duly authorized agent.
5. A clear vision of 100 feet will be required from the road right of way.

This is to comply with the Town of Waterford Zoning Bylaw, Section 333, and with the specifications of the Vermont Agency of Transportation, if applicable.

Section 406 Lots

The lot arrangement shall be such that in construction or building in compliance with the Zoning Bylaw, there will be no foreseeable difficulties for reasons of topography or other natural conditions. All lots shall have frontage on or access to public roads or waters as required by Sections 204 and 302 of the Waterford Zoning Bylaw.

When laying out a subdivision, each lot shall conform to the minimum lot area and frontage (or access) requirements set forth in the appropriate district(s) in the Waterford Zoning Bylaw. Lands within existing or proposed public rights-of-way shown on a subdivision plat, or that are adjacent to land being subdivided, shall not be considered as part of any lot being created. Therefore, such lands shall not be used for the purpose of determining compliance with the minimum lot area requirements in the Waterford Zoning Regulations.

Section 407 Monumentation

Monumentation shall comply with the following requirements:

- (a) Location: Monumentation shall be set at all lot 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 DRB.
- (b) Types of Monumentation: Monumentation shall consist of iron pipes with a minimum inside diameter of $\frac{3}{4}$ inch, reinforcing rod (rebar) with a minimum diameter of $\frac{5}{8}$ 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:
 - (1) 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.
 - (2) In nonurban 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., make it impossible or impractical to strictly comply with the requirements of this section, alternative monumentation that 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.

Section 408 Open Space and Recreation Area

Land shall be reserved for open spaces and recreational uses, in accordance with Title 24 VSA Chapter 117 §4418(1)(D).

Section 409 School Site

When a development composed of one or more plats will accommodate a total of more than one hundred dwellings, the DRB may require the developer to designate necessary public school sites, the size of which shall be determined by the DRB 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. 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 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, per state regulations. 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 DRB to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water 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 Subdivider's Restrictions

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 be placed as covenants in the deeds.

Section 412 Excavation and Grading

412.1 General – All excavating and filling required for construction of improvements shall be 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 topsoil shall be provided to cover over all finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded 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 those locations where the alignment crosses swamp or marshlands, or other similar soil that is incapable of withstanding expected loads, 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 DRB 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 so 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 no 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 each two (2) feet horizontally (2 to 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) feet horizontally (2 to 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 to 6). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm 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.

412.6 All changes described herein in Sections 412.1 through 412.5 must meet state regulations as outlined in Title 24 VSA Chapter 117 §4418(1)(B).

Article V Required Submissions

Section 501 Sketch Plan

The Sketch Plan shall show the proposed layout of streets, lots, driveways, 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, and shall also show or otherwise include the information specified in Section 502.1 as well as a sketch of the vicinity map described in Section 502.2.

Section 502 Subdivision Preliminary Plat and Vicinity Map

502.1 Preliminary Plat

The Preliminary Subdivision Plat shall consist of three (3) 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 scale of not more than two hundred (200) 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 existing physical features.
4. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
5. The provisions of the Zoning Regulations applicable to the area to be subdivided, and any zoning district boundaries affecting the trace.
6. The location and size of any existing wastewater systems, 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, driveways, 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 Tax 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, driveways, 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, roadways and sidewalks.

11. Date, magnetic, and 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 village reference points.

13. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

14. Connection with existing wastewater system or alternative means of treatment and disposal proposed, as required by state regulations.

15. All lots are subject to state regulations and shall have a wastewater system designed by a certified engineer or a site technician before a building permit can be issued.

16. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

17. Preliminary designs of any bridges or culverts that 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 DRB to locate 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.

502.2 Vicinity Map

The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of 1:5000 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.
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 503 Final Subdivision Plat, Subdivision Improvements, and Supporting Documents

503.1 Final Subdivision Plat

In accordance with the provisions of 24 VSA, Sections 4418 and 4463, the Final Subdivision Plat shall consist of three (3) paper copies and include the following:

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 and/or magnetic 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 Engineer to determine the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established by a public authority.

4. The length of all straight lines, the deflection angles, radii, length and central angles of all curves, tangent distances, and tangent bearings for each street.
5. By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
6. Lots within the subdivision numbered in numerical order within block, and blocks lettered in alphabetical order.
7. The location of all the improvements referred to in Section 503.2, and in addition thereto the location of all telephone poles, wastewater systems, and rough grading and other devices and methods of draining the area within the subdivision.
8. Permanent reference monuments and all lot corner markers shown and labeled.

503.2 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, street trees, water mains, wastewater systems and storm drains, where required by the DRB on the advice of the Municipal Engineer, and/or consultants employed by the Town, shall be installed in accordance with the standards, specifications and procedures set forth in these regulations and other applicable Town regulations and ordinances, or, alternatively, a performance bond shall be issued to the town to insure completion of such improvements.

503.3 Supporting Documents

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

1. Written offers of cession to the Town of all public open space 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. A certificate of the Municipal Engineer as to the completion of all improvements required by the DRB 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.

Article VI Variances and Waivers

Section 601 Variances

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

Section 602 Waivers

Where the DRB finds that, due to special circumstances of a particular Plat, the provisions of certain required improvements are not in the interest of public health, safety, and general welfare, or are 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 waivers, the DRB shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied and waived.

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.