

**TOWN OF  
BRIDPORT, VERMONT**

**SUBDIVISION REGULATIONS**

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## SUBDIVISION REGULATIONS

### ARTICLE I: GENERAL PROVISIONS

#### Section 110: Enactment

The Town of Bridport, has created a Planning Commission, has adopted a Town Plan and has adopted these Subdivision Regulations governing the subdivision of land and the subsequent development of the subdivided plat all pursuant to the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as the Act.

#### Section 120: Title

These regulations shall be known as the “Town of Bridport Subdivision Regulations.”

#### Section 130: Purposes

The purpose of these regulations is to provide for orderly growth and coordinated development in the Town of Bridport to assure the comfort, convenience, safety, health and welfare of the people, to carry out the purposes of the comprehensive plan, to assure conformance with the zoning regulations, capital budget and program and official map, to make proper provision for drainage, water, sewerage, streets, recreational facilities, open space and other improvements, to recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table, to preserve natural assets, and to further the purposes of §4302 of the Act.

#### Section 140: Authority

The Planning Commission is hereby authorized and empowered to do all acts and things set forth and provided in §4401 and §4418 of the Act including but not limited to the approval, modification, or disapproval of all plats filed and the approval of the development of such plats previously filed in the municipal clerk’s office if such plat or plats are entirely or partially undeveloped under the subdivision regulations.

#### Section 150: Waivers and Variances

**150.1** Where the Planning Commission 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 secured.

**150.2** Where the Planning Commission finds that, due to the special circumstances, of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

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

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

**Section 160: Amendments**

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

**Section 170: Enforcement, Violations and Penalties**

These regulations shall be enforced in accordance with sections §4451 and §4452 of the Act.

**Section 180: Severability**

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

**Section 190: Effective Date**

These regulations shall take effect after adoption at a regular or special town meeting pursuant to the timeframe established in §4442 of the Act.

**ARTICLE II: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE**

**Section 210: Application of Regulations**

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the Applicant shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision in accordance with these regulations.

**Section 220: Submission of Sketch Plan**

**220.1** Any owner of land or applicant desiring to subdivide land shall, prior to submitting an application for subdivision, submit to the Chairman of the Planning Commission, three copies of the following information:

1. The name and address of the applicant and the owner, if different;
2. A location map depicting all of the property affected by the subdivision and providing its location within the town;
3. A Sketch Plan of the proposed subdivision drawn to scale which shall show the project boundaries, adjacent land uses, significant natural and manmade features, proposed lots, streets, easements, uses and other features or improvements sketched roughly on a print of a survey of the property with contour lines of no more than 20 feet. The sketch shall also identify the neighboring parcels, the names of the abutting landowners.

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

**220.3** The Planning Commission shall classify the Sketch Plan as a Minor Subdivision, Major Subdivision or Boundary Adjustment. This decision shall be made at the Sketch Plan meeting unless the Planning Commission requires additional information to be submitted to it. If the Planning Commission decides what is proposed, to be a Boundary Adjustment, it may attach to its decision such conditions, as it deems necessary. All Boundary Adjustments shall be surveyed and a plat thereof filed or recorded in the office of the Municipal Clerk.

**220.4** The Planning Commission shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with the Comprehensive Plan; the Zoning Regulations; the Capital Budget and Program; the Official Map; development proposed by any public agency; existing private and public development, facilities and services; and for any special problems that may be encountered.

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

**220.6** Where the Applicant submits a proposal for a Planned Unit Development, requirements of §4417 of the Act shall be met, in addition to the requirements of these Regulations and the Zoning Regulations applicable to PUDs.

### **Section 230: Requirements for Minor Subdivision Approval**

The following information and procedures shall apply to all Minor Subdivisions and the approval of same:

**230.1 Application.** Three copies of information required for a Minor Subdivision shall be submitted to the Chair of the Planning Commission and shall include the following:

1. Subdivision name or title, address at which it is located, scale, north point, date and site location map.
2. Drawing sheet size shall not be more than 36" long nor more than 24" wide and shall be drawn to a scale large enough to show the details clearly, a one-half (1/2) inch marginal border line shall be drawn around the outer edge of each plan and all data to appear thereon shall be within said marginal lines.
3. Subdivision boundaries and boundaries of contiguous properties and names of owners.
4. Total acreage of subdivision and number of lots proposed.
5. Building types, approximate size and location.
6. The Applicant shall provide a copy of covenants or deed restrictions intended to cover the tract.
7. The fee for application of Minor Subdivisions as set by the legislative body.

**230.2 Public Notice of Hearing.** Public Notice of hearings for final plat review for minor subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Administrative Officer or clerk of the Planning Commission shall place the notice in the paper.
2. 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©(2), including posting the permit information within view from the public right-of-way most nearly adjacent to the property for which an application is made. The clerk or Administrative Officer shall post notices two places within town. The applicant shall be responsible for posting the property.
3. The clerk or Administrative Officer shall provide written notification to the applicant or appellant 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.

**230.3 Review Procedures.** Pursuant to the requirements of 24 V.S.A. § 4461, the Planning Commission shall set a date and place for a public hearing of an application under this chapter that shall be within 60 days of the filing of a complete application. The Planning Commission shall give public notice of the hearing pursuant to the procedure described in Subsection 2 of this section and shall mail to the applicant a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Applicant, or its duly authorized agent or attorney, shall attend the hearing. The Planning Commission may adjourn the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.

**230.4 Review Criteria.** The Planning Commission shall determine whether the plat meets the purposes of these regulations, conforms to the Town Plan, the Zoning Regulations, and other statutes and regulations of the State of Vermont or its agencies and subdivisions. Additionally, the Planning Commission may require where necessary for the protection of public health, safety and welfare, that the Minor Subdivisions comply with all or some of the requirements and procedures for Major Subdivisions.

**230.5 Decision.** The Planning Commission shall issue a written decision within 45 days after completing the hearing and shall within that period send the applicant, by certified mail, a copy of the decision. The decision shall include findings of fact, any conditions, and provisions for appeal. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Administrative Officer and the town clerk who shall record the decision as a public record. If the Planning Commission fails to make a decision within 45 days of the close of the hearing, on the 46<sup>th</sup> day the Planning Commission shall be deemed to have rendered a decision in favor of the applicant.

## **Section 240: Procedures for Major Subdivisions**

**240.1** Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Commission, the Applicant shall submit an application for preliminary approval of a Preliminary Plat according to the procedures and requirements of ARTICLE II, Section 250. Failure to do so shall require resubmission of the Sketch Plan to the Planning Commission for reclassification. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission.

**240.2** The fee for plat application for Major Subdivisions shall be set by the legislative body.

## **Section 250: Review and Approval of Preliminary Plat**

**250.1 Application.** The Applicant shall file an application for consideration of a preliminary plat of the proposed subdivision in the form described in ARTICLE III, Section 310, using the approved application form available from the Chairman of the Planning Commission.

**250.2 Number of Copies.** Three copies of the Preliminary Plat and three copies of the vicinity map shall be presented to the Chairman of the Planning Commission.

**250.3 Official Submission Date.** The time of submission of the Preliminary Plat shall be the next regular monthly meeting of the Planning Commission following the receipt of the application under Section 250.1.

**250.4 Public Notice of Hearing.** Public Notice of hearings for preliminary plat review for major subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Administrative Officer or clerk of the Planning Commission shall place the notice in the paper.
2. 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©(2), including posting the permit information within view from the public right-of-way most nearly adjacent to the property for which an application is made. The clerk or Administrative Officer shall post notices two places within town. The Applicant shall be responsible for posting the property.

The clerk or Administrative Officer shall provide written notification to the Applicant or Appellant 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.

**250.5 Review Procedures.** Pursuant to the requirements of 24 V.S.A. § 4461, the Planning Commission shall set a date and place for a public hearing of an application under this chapter that shall be within 60 days of the filing of a complete application. The Planning Commission shall give public notice of the hearing pursuant to the procedure described in Subsection 250.4 of this section and shall mail to the applicant a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or

attorney at the hearing. The Applicant, or its duly authorized agent or attorney, shall attend the hearing. The Planning Commission may adjourn the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.

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

**250.7 Decision.** The Planning Commission shall issue a written decision within 45 days after completing the hearing and shall within that period send the applicant, by certified mail, a copy of the decision. The decision shall include findings of fact and any conditions or modifications. The grounds for any modification required or the grounds for disapproval shall be clearly stated in the findings of fact and conclusions of the Planning Commission.. When granting preliminary approval of a Preliminary Plat, the Planning Commission shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character of and extent of the required improvements for which waivers may have been requested, and (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 Planning Commission and any conditions attached thereto shall be noted on three copies of the Preliminary Plat. One copy shall be returned to the Applicant, one retained by the Planning Commission and one forwarded to the legislative body. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Administrative Officer and the town clerk who shall record the decision as a public record. If the Planning Commission fails to make a decision within 45 days of the close of the hearing, on the 46<sup>th</sup> day the Planning Commission shall be deemed to have rendered a decision in favor of the applicant.

Preliminary approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat. Prior to approval of the Final Subdivision Plat, the Planning Commission may require additional changes as a result of further study.

### **Section 260: Review and Approval of Final Plat**

**260.1 Application.** The Applicant shall file an application for consideration of a Final Plat of the proposed subdivision in the form described in ARTICLE III, Section 320, using the approved application form available from the Chairman of the Planning Commission. If the final application is not submitted within six months after the preliminary approval of the Preliminary Plat for Major Subdivision, the Planning Commission may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plat.

**260.2 Number of Copies.** Three copies (one copy in ink on linen or mylar) of the Plat, a copy of the application, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings shall be submitted to the Chairman of the Planning Commission at least 15 days prior to a regular monthly meeting of the Planning Commission.



**260.3 Official Submission Date.** The time of submission of the Final Plat shall be the next regular monthly meeting of the Planning Commission following receipt of the application under Section 260.2.

**260.4 Applications to State and Municipal Agencies.** The Applicant shall apply for all municipal and state agency permits required of the proposed subdivision and shall submit copies of these applications to the Planning Commission. Such permits may include, but will not be limited to, Public Building Permit, and Department of Environmental Conservation Stormwater and Subdivision Permits.

**260.5 Public Hearing.** A public hearing providing public notice according to §4464 of the Act shall be held by the Planning Commission within 45 days of the official submission of the Final Plat for approval. In addition, notice of such hearing shall be forwarded to the Regional Planning Commission, if any, of which such municipality is a member and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary at least 15 days prior to the hearing.

**260.6 Action on Proposed Final Plat.** The Planning Commission shall, within 45 days from the public hearing, approve, modify and approve, or disapprove the subdivision plat. Failure to act within such 45 days shall be deemed approval. However, if approved, the Final Plat shall not be signed by the authorized officers of the Planning Commission for recording until the Applicant has complied with the provisions of Section 260.7.

**260.7 Improvements and Performance Bond.** Before the Planning Commission grants final approval of the Subdivision Plat, the Applicant shall follow the procedures set forth in either subparagraph (1) or subparagraph (2) below.

1. In an amount set by the Planning Commission, the Applicant shall either file with the Municipal Clerk a certified check to cover the cost of the required improvements to be taken over by the municipality or the Applicant shall file with the Municipal Clerk a performance bond to provide assurance to the municipality that it will be able to complete any improvements required to be taken over by the municipality should the Applicant fail to complete them in the manner required by the municipality. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Planning Commission shall fix the term of the bond up to three years. The term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. The certified check or bond shall include an amount required for recreation land or improvements as specified in ARTICLE IV, Section 460, if applicable. An inspection fee to be paid by the Applicant to cover the costs of inspection shall be established by the legislative body as part of the application fees.
2. The Applicant shall complete all required improvements to the satisfaction of the Municipal Engineer or a duly designated consulting engineer registered in the State of Vermont who shall file with the Planning Commission a letter signifying the satisfactory completion of all improvements required by the Planning Commission. For any required municipal improvements not so completed the Applicant shall file with the Municipal 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 or consulting engineer. Any such bond shall be satisfactory to the legislative body and Municipal attorney as to form, sufficiency, manner of execution, and surety.

## **Section 269: Appeals from the Planning Commission to the Environmental Court**

An interested person who has participated in a proceeding before the Planning Commission may appeal a decision rendered in that proceeding to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Planning Commission shall be taken by filing a notice of appeal as outlined below. Appeals from the Planning Commission shall be governed in the same manner as appeals from state agencies outlined in 3 V.S.A. Sections 801 through 816 governing administrative procedures.

Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

## **Section 270: Filing of Approved Subdivision Plat (Major and Minor)**

**270.1 Final Approval and Filing.** Upon completion of the requirements in Sections 230 or 260.1-260.7 above, the notation to that effect on the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Commission (Chairman or Acting Chairman) and filed in the office of the Municipal Clerk. Any Subdivision Plat not so filed or recorded within 90 days of the date on which such Plat is approved or considered approved by reasons of the failure of the Planning Commission to act, shall become null and void.

**270.2 Filing of Sections of Subdivision.** At the time the Planning Commission grants final plat approval, it may permit the Plat to be divided into two or more sections, subject to any conditions the Planning Commission deems necessary, in order to insure the orderly recording of the Plat. Each plat plan recorded, or any section thereof, shall be no more than 24" by 36".

**270.3 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 Planning Commission and endorsed in writing on the Plat, unless the Planning Commission approves any modifications.

## **Section 280: Acceptance of Streets, Recreation Areas**

Approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational area or other open space shown on such subdivision plat. The Planning Commission may require the filing of a written agreement between the Applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of such improvements.

## **ARTICLE III: SUBMISSION REQUIREMENTS**

### **Section 310: Preliminary Plat**

**310.1** The Preliminary Subdivision Plat shall consist of three 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 100 feet to the inch, or 60 feet where lots have less than 100 feet frontage, showing or accompanied by the following information:

1. Proposed subdivision name or identifying title and the name of the municipality;
2. Name and address of record owner, Applicant and designer of Preliminary Plat;

3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features;
4. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage;
5. The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract;
6. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided;
7. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property;
8. The width and location of any streets or other public ways or places shown upon the Official Map, if any, and the Comprehensive Development Plan, if applicable, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the Applicant;
9. Contour lines at intervals of five feet of existing grades and of proposed finished grades where change of existing ground elevation will be five 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 reference points;
13. Connection with existing water supply or providing evidence of an alternative means of providing water supply to the proposed subdivision;
14. Connection with existing sanitary sewage system or providing evidence of an alternative means of treatment and disposal proposed;
15. If private sewage disposal system is proposed, providing evidence of a 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 feet; location and results of percolation tests;
16. Provisions for collecting and discharging storm drainage, in the form of 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 Planning Commission 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 and all other natural features or site elements to be preserved.

**310.2** The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over 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 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 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 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 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 and 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 Applicant's entire holding.

#### **Section 320: Final Plat**

**320.1** The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: it shall be on linen, mylar or canvass-backed paper clearly and legibly drawn, and the size of the sheets shall not be larger than 24" by 36". Such sheets shall have a margin of two inches outside of the borderlines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The Subdivision Plat shall show:

1. Proposed subdivision name or identifying title, the name of the municipality, the name and address of the record owner and Applicant, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and 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 Planning Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable these should be tied to reference points previously established by a public authority.
4. The length of all straight lines, the deflection angles, radii, length of curves and central angles 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 Applicant 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 320.2 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 shown thus: "X."
9. All lot corner markers shown thus: "O." They shall be of metal at least three-quarters (3/4) inch in diameter and at least 24 inches in length and located in the ground to existing grade.
10. Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by municipal specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.

**320.2** In accordance with municipal specifications, all streets or other public places shown on such Plat shall be suitably graded and paved, if appropriate, and all utilities, street lighting standards, shade trees, water mains, sanitary sewers, storm drains, and recreation areas, where required by the Planning Commission, shall be installed in accordance with the standards, specifications and procedures set forth in these regulations and other applicable municipal regulations and ordinances, or, alternatively, a performance bond shall be required to insure completion of such improvements for which the municipality will be taking responsibility.

**320.3** There shall be submitted to the Planning Commission with the Final Subdivision Plat:

1. Written offers of cession to the municipality of all streets, public open spaces, sewage and water systems to be connected to a municipal facility, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the Applicant, are to be maintained.
2. Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in Paragraph 1 above. Such written evidence shall not constitute an acceptance by the municipality of any streets, public open spaces, sewer and water connections to municipal facilities, and other areas to be dedicated to the public referred to in Paragraph 1, above.
3. A certificate of the Municipal Engineer, or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the Planning Commission to the satisfaction of the Engineer and in accord with standards and specifications prescribed by him or her, or in lieu of any required improvements not so completed, a performance bond to secure completion of such improvements and written evidence that the legislative body is satisfied with the sufficiency of such bond.

## **ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS**

### **Section 410: Planning Standards**

**410.1 Character of the Land.** All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, and inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be encumbered by development.

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

**410.3 Reserved Strips.** No privately owned reserved strip, except on open space areas shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

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

**410.5 Preservation of Existing Features.** Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic resources.

## **Section 420: Streets**

**420.1 Layout.** The arrangements of streets in the subdivision shall provide for the continuation of principal streets in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system.

When an Official Map has been adopted by a town, subdivisions shall be required to conform to that map. Streets shall be dedicated or reserved in the locations and widths shown on the official map as a condition of Plat approval. To the greatest extent possible, the layout of streets in subdivisions should encourage the use of solar site design.

Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or widening) Purposes."

**420.2 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.

**420.3 Horizontal Alignment at Intersections.** Intersections of streets shall be 90 degrees. Two streets intersecting the same street (T-intersections) shall be offset by at least 200 feet (centerline offset) where practicable.

**420.4 Vertical Alignment at Intersections.** The gradient within 100 feet of intersections shall not exceed 3 percent.

**420.5 Access.** Access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.

**420.6 Cut and Embankment Slopes.** All slopes shall be well rounded to form a smooth transition from the shoulder edge to the existing grades.

**420.7 Dead-end Streets and Cul-de-sacs.** The maximum length of a cul-de-sac or dead-end street shall be 1,200 feet. An exception to the requirements may be made for temporary dead-end streets. Dead-end streets or cul-de-sacs shall terminate in a turn-around with a radius of 100 feet and a minimum area of 20 feet in width. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.

**420.8** All new streets shall comply with the street standards as defined in Article 5.

**420.9 Street Names.** Streets shall be identified by name on the preliminary plat. Proposed streets that are obviously in alignment with others already existing and names shall bear the names of existing streets. In no case shall the names of proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.

**420.10 Access Road.**

- A. If the access road to the subdivision is a Class 4 road, the Planning Commission may require the Applicant to improve the access road to municipal highway construction standards. If in the Municipal 5-year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the Applicant must make arrangements of maintenance of the access road satisfactory to the Commission until such time as the legislative body may reclassify the road.
- B. The Planning Commission may require the Applicant to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

**420.11 Curbs and Sidewalks.** Curbs and sidewalks may be required in zoning districts where deemed necessary by the Planning Commission.

**Section 430: Pedestrian Access**

Where necessary, in judgment of the Planning Commission, rights-of-way for pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

**Section 440: Utilities**

**440.1 Easements.** The Planning Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements 20 feet in width shall be provided with satisfactory access to the street.

**440.2 Extension of Municipal Utilities.** All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Planning Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Planning Commission, within a reasonable distance of the proposed subdivision.

**440.3 Connections of Municipal Utilities.** The Applicant shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed and shall have such connections inside of the building. All such utility system installations shall be at the expense of the Applicant .

**440.4 Depth of Utility Mains.** Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.

**440.5 Water Supply Improvements.**

- A. For subdivisions that will connect to a public municipal water supply system, applications for extensions to the municipal system shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal water supply system.
- B. The Planning Commission may require that a community water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.
- C. For subdivisions that will have individual water supplies, the Applicant shall provide evidence of the location and availability of potable water in adequate quantities.
- D. The following standards shall be met for those subdivisions that will have community water systems or individual water supplies:
  - 1. Due consideration shall be given to the drainage patterns in the area.
  - 2. Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas that take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
  - 3. Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

**440.6 Sewage Disposal Improvements.**

- A. For subdivisions that will connect to a municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal sewage disposal system.
- B. The Planning Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the Department of Environmental Conservation's Protection Rules.
- C. Individual septic systems shall meet the requirements of the Department of Environmental Conservation's Protection Rules.
- D. Subdivisions using subsurface sewage disposal shall meet the minimum isolation distances specified for septic systems by the Department of Environmental Conservation's Protection Rules.

**440.7 Outdoor Lighting.** To promote energy conservation, control light pollution light levels will be required to be kept at the minimum levels necessary to ensure safety, shall be screened and directed to reduce glare.



**440.8 Electric, Telephone and Cable TV.** The Applicant shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision, such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.

**440.9 Fire Protection Facilities.** Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Planning Commission with the advice of the Fire Chief. Where practicable, fire hydrants shall be installed by the Applicant.

#### **Section 450: Drainage Improvements**

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The Applicant may be required by the Planning Commission 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 subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 25-year flood area of such watercourse, which easement shall be indicated on the Final Plan.

#### **Section 460: Open Space and Recreation Areas**

A. Land shall be reserved for open space and recreation areas as deemed necessary in proper cases by the Planning Commission in any Plat submitted for Planning Commission approval. Such land shall be either deeded to the Municipality or reserved for the common use of all property owners by covenant in the deed as determined by the Commission. 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 then 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.

B. If the Planning Commission determines that there is no proposed park, playground, or other recreation area in the Comprehensive Plan located in a proposed subdivision, or if the Planning Commission determines that such a proposed recreation area of adequate size cannot be suitably located in the proposed subdivision, the Planning Commission shall require as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development of park and recreation facilities.

#### **Section 470: School Site Dedication**

Where a subdivision will accommodate a total of more than 100 dwellings, the Planning Commission may require the designation of necessary public school sites, or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Planning Commission shall

contact the Board of Education of the school district(s) of which the municipality is a part. If a Board of Education declares an interest in a site within the proposed subdivision, the Planning Commission shall require the Applicant to set aside the site and to show such area on the Plat. If the Planning Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Planning Commission may require as a condition to the approval of such Plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structure.

#### **Section 480: Site Preservation and Improvements**

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

**480.2 Shade Trees.** The Planning Commission may require that suitable hardwood shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak), be planted along streets where trees do not exist. All trees shall measure at least ten feet in height and at least two inches in diameter measured at a point six inches above finished grade level. All trees are to be planted within five to eight feet from the street line.

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

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

#### **Section 490: Subdivision Organizations and Restrictions**

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

### **ARTICLE V: DEFINITIONS**

Certain means of references and words used herein shall be defined as listed below. Unless the content clearly indicates to the contrary, words in the singular include the plural and those in the

plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof.” The word “may” is permissive; the words “shall” and “will” are mandatory.

**Act:** Title 24, Chapter 117. The Vermont Municipal and Regional Planning and Development Act.

**Applicant:** 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.

**Authorized Agent Or Representative:** A person or group of persons, who have been duly authorized in writing filed with the Commission by the Applicant to act in his or her behalf.

**Boundary Adjustment:** The realignment or relocation of any boundary line between existing contiguous lots if the Commission determines, for which there is no need for any public hearing, that such realignment or relocation does not create any new lots, will not impact access to any lot, will not adversely impact any significant natural resource, and will not create any non-conforming lot. The terms alignment or relocation include a situation where the owners of the affected lots are not sure where the common boundary is located and/or want to establish it where they believe it to be.

**Community Sewage Disposal System:** Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more customers.

**Community Water Supply System:** Any water system owned by the same person that supplies water for domestic, commercial, industrial or institutional uses to two or more, but less than ten (10) customers.

**Comprehensive Development Plan Or Plan:** A plan adopted pursuant to 24 V. S. A. §4384 and §4385.

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

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

**Final Subdivision Plat:** The final drawings on which the Applicant’s plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Municipal Clerk.

**Legislative Body:** The selectmen in the case of a town, the trustees in the case of an incorporated village, the prudential committee of a fire district, the mayor and aldermen in the case of a city, and the supervisor in the case of an unorganized town or gore.

**Municipality:** Town of Bridport.

**Municipal Sewage Disposal System:** Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial or institutional uses.

**Official Map:** The map authorized under 24 V.S.A. §4421 and adopted according to 24 V.S.A. §4441 and §4442 and modified according to 24 V.S.A. §4421.

**Open Space:** Land unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots.

**Planning Commission:** The Planning Commission of the municipality created under 24 V.S.A. Chapter 117, Subchapter 2.

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

**Preliminary Plat:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

**Public Water System:** Any water system(s) owned by the same person that supplies water for public, domestic, commercial or industrial uses to ten or more customers by pipe connection or by containers.

**Regional Planning Commission:** Planning Commission for a region created under Subchapter 3 of Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117.

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

**Sketch Plan:** A sketch of the proposed subdivision showing information specified in ARTICLE II, Section 220 of these regulations to enable the Applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the subdivision and objectives and requirements of these regulations.

**Street:** Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic.

**Street Standards:** Town highway specifications or construction standards shall consist of the relevant requirements of the following: these Subdivision Regulations, other applicable Town bylaws and ordinances, and the Vermont Design Standards as published by the Agency of Transportation in 1997, specifically Section 6 governing standards for Local Roads and Streets and Standard B-71 (Standards for Residential and Commercial Drives). These standards shall apply to public streets and to private streets serving four or more lots. These standards may also be applied to private streets serving three or fewer lots when the Commission determines that such standards are necessary to provide suitable access or to accommodate potential future subdivision.

**Subdivision:** The division of a parcel of land with or without streets into two or more lots, plots, or other legal division of land for transfer of ownership, lease, building development, or sale. Subdivision includes re-subdivision and shall also include the development of a parcel of land as a planned residential development. Subdivision shall not include a Boundary Adjustment.

**Subdivision, Major:** Anything that constitutes a Subdivision under these regulations and is not included as a Minor Subdivision.

**Subdivision, Minor:** A subdivision containing not more than four (4) lots which have frontage on an existing public street that is either a Class 1, 2 or 3 Town highway or Vermont Routes 22A or 125 and which does not require any new municipal street, street extension or extension of municipal facilities. A minor subdivision shall not include any subdivision of a lot, which was a part of any Commission approved subdivision within the previous five (5) years by the same or affiliated owners, unless all subdivisions of that lot, taken together, would qualify as a minor subdivision.