

Adopted on April 1, 2009

TOWN OF WINHALL SUBDIVISION REGULATIONS

**Town of Winhall Planning Commission
Box 372
Bondville, Vermont 05340**

TABLE OF CONTENTS

ARTICLE I:

<i>ENACTMENT, PURPOSE, AND APPLICABILITY</i>	4
SECTION 100: Enactment & Authority.....	4
SECTION 101: Purpose.....	4
SECTION 102: Adoption & Amendment.....	5
SECTION 103: Severability.....	5
SECTION 104: Effect of Adoption.....	5

ARTICLE II:

<i>DEFINITIONS</i>	7-8
--------------------------	-----

ARTICLE III:

<i>SUBDIVISION REVIEW & APPROVAL PROCEDURES</i>	9
SECTION 300: Informal Sketch Plan Review.....	9
SECTION 301: Formal Sketch Plan Review.....	9
SECTION 302: Data Required on Subdivision Plat Submissions.....	10
SECTION 303: Official Submission Date.....	11
SECTION 304: Public Hearing.....	12
SECTION 305: Minor Subdivision: Final Plat Approval Procedures.....	12
SECTION 306: Minor Subdivision: Final Plat Data.....	13
SECTION 307: Minor Subdivision: Land Held Six Years or Longer.....	13
SECTION 308: Minor Subdivision: Property Line Adjustment.....	14
SECTION 309: Major Subdivision: Preliminary Plat Procedures.....	15
SECTION 310: Major Subdivision: Preliminary Plat Data.....	16
SECTION 311: Major Subdivision: Final Plat Approval Procedures.....	16
SECTION 312: Major Subdivision: Final Plat Data.....	17
SECTION 313: Amendments to An Approved Subdivision Permit.....	18
SECTION 314: Endorsement of Subdivision Plat.....	18
SECTION 315: Information Required on Construction Detail Drawings...	18
SECTION 316: Legal Data.....	19
SECTION 317: Construction Surety.....	19
SECTION 318: Planning Commission Final Subdivision Permit.....	20
SECTION 319: Filing of Approved Final Plat and Subdivision Permit.....	20
SECTION 320: Planning Commission Decision on Final Plat.....	21
SECTION 321: Appeals.....	22
SECTION 322: Municipal Services Agreement.....	22

ARTICLE IV:

DESIGN DEVELOPMENT STANDARDS FOR SUBDIVISION OF LAND.....23
SECTION 400: Suitability of Land For Subdivision.....23
SECTION 401: Planning & Design Standards.....23
SECTION 402: Preservation of Natural Features.....23
SECTION 403: Lot Planning & Design Standards.....23
SECTION 404: Common Land.....24
SECTION 405: Flood Land.....24
SECTION 406: Residential Lot Sizes in Environmentally Sensitive Areas.....24

ARTICLE V:

REQUIRED IMPROVEMENTS FOR SUBDIVISION OF LAND.....26
SECTION 500: Required Improvements.....26
SECTION 501: Required Monuments.....26
SECTION 502: Water Supply & Wastewater Disposal.....26
SECTION 503: Required Stormwater Drainage Improvements.....26
SECTION 504: Fire Protection.....27
SECTION 505: Required Public & Utility Improvements.....27
SECTION 506: Required Easements for Utilities, Stormwater Drainage,
And Access.....27
SECTION 507: Required Lands for Recreation, School Sites, or
Municipal Facilities.....28

ARTICLE VI:

DEVELOPMENT ROAD PLANNING & DESIGN STANDARDS.....29
SECTION 600: Required Road Names.....29
SECTION 601: Development Road Planning Standards.....29
SECTION 602: Development Road Design Standards.....30
SECTION 603: Required Development Road Construction Standards.....30
SECTION 604: Private Development Roads & Improvements.....31
SECTION 605: Town Highway Acceptance Policy.....31
SECTION 606: Residential Driveways.....32

APPLICATION FORMS & CHECK LISTS:

REFERENCE MAPS

ARTICLE I:
ENACTMENT, PURPOSE, AND APPLICABILITY

Section 100: Enactment & Authority:

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

Section 101: Purpose:

These Regulations are adopted for the following purposes:

- (1) To guide the future growth and orderly development as well as to provide for and protect the public health, safety, and welfare of the Town of Winhall in accordance with the Winhall Town Plan and Town of Winhall Zoning Regulations.
- (2) To implement the Winhall Town Plan in a manner which mitigates problems associated with land development, maintains and strengthens the characteristics of the traditional settlement pattern of rural villages surrounded by residential landscapes, and enhances recreational opportunities.
- (3) To guide public policy to ensure the provision of adequate and efficient transportation, water, sewage, school, parks, playgrounds, recreation, and other public requirements and facilities.
- (4) To promote the conservation of energy and to permit the utilization of renewable energy resources.

- (5) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve the proposed subdivision.
- (6) To prevent the pollution of water courses and watersheds, safeguard ground water, and avoid hazardous conditions and damage resulting from run-off.
- (7) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through the proper arrangement and location of uses on parcels to be developed.
- (8) To encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (9) To further the purposes contained in the Act.

Section 102: Adoption & Amendment:

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

Section 103: Severability:

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

Section 104: Effect of Adoption:

- (1) **Applicability:** No subdivision may be undertaken or effected in the Town of Winhall except in conformance with these Regulations.

The Subdivider shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in the Act *prior* to any of the following:

- a. subdivision of land;
- b. construction or site preparation for land development;
- c. any contract for the sale of any part of the land proposed for the subdivision except if the sale is conditional upon receipt of all necessary permits;

- d. the issuance of a permit for the erection of any building in a proposed subdivision;
 - e. before any subdivision mylar map may be filed with the Town Clerk.
- (2) **Waivers:** In accordance with the Act, the Planning Commission may waive certain requirements of these Subdivision Regulations. If in the Planning Commission's judgment there are specific facts related to a particular subdivision with regard to special circumstances or exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site and certain provisions are not required in the interest of public health, safety and welfare or are inappropriate because of inadequacy or lack of facilities in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions. Waivers should be specific and granted cautiously.
- a. In granting a waiver, the Planning Commission shall require such reasonable conditions as will substantially secure the objectives of the requirements so waived.
 - b. No such waiver may be granted if it would have the effect of nullifying or impairing the intent and purpose of the Town Plan, Zoning Regulations, Official Zoning Map, or these Subdivision Regulations.
 - c. The decision to allow a waiver is the sole discretion of the Planning Commission on a case by case basis and shall not result in any precedent being set for any other Subdivider.

ARTICLE II DEFINITIONS

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

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

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

Certificate of Service: A sworn statement by the Subdivider or his agent (confirmed in writing) that notice has been sent to the list of abutters and adjacent landowners as established by the Planning Commission.

Development Road: A private road owned by the Subdivider and future lot owners who are solely responsible for its maintenance and upkeep.

Easement: Authorization by a property owner for the use of any designated part of his/her property for a specified purpose by another.

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

Frontage: The length of a lot bordering on and parallel with a public or private right-of-way. A corner lot has two (2) fronts.

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

Minor Subdivision: Subdivision containing four (4) lots or less fronting onto an existing Town Highway, property line adjustment, and land held six years or longer.

Mylar: A subdivision survey map of the Final Plat drawn in pen and ink on a sheet of mylar paper for recording with the Town Clerk.

Preliminary Plat: Map(s) clearly marked "Preliminary Layout" showing the salient features of the proposed subdivision in sufficient detail, indicating the approximate proposed layout as a basis for study and consideration by the Planning Commission.

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

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

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

Subdivider: Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein. The Subdivider is the Applicant and the Landowner.

Subdivision: Division of a plat or parcel of land into two or more lots, or other division of land for sale, development, transfer, or lease that with all extensions provide for a term of more than thirty (30) years.

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

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

ARTICLE III:
SUBDIVISION REVIEW, APPROVAL PROCEDURES & REQUIRED DATA

Section 300: Informal Sketch Plan Review:

The Subdivider may submit to the Planning Commission two (2) copies of a Sketch Plan of the proposed subdivision at any regular meeting of the Planning Commission. The Subdivider is encouraged to attend a meeting at which time the Subdivider will receive an overview of the data needed and the process for subdivision review.

Section 301: Formal Sketch Plan Review:

- (1) The Subdivider shall submit to the Planning Commission at least fifteen (15) days prior to their regular meeting the following:
 - a. The Subdivider shall submit two (2) copies of the Formal Sketch Plan Review Application Form along with two (2) copies of the Sketch Plan of the proposed subdivision on a survey map of the parcel(s) being subdivided showing five foot contours.
 - b. One (1) copy of the Deed(s) of the parcel(s) being subdivided complete with all addenda and Town Clerk recording date, book and page number.
- (2) The Planning Commission shall provide a copy of the tax map to the Subdivider highlighting all abutters and adjacent landowners to be notified.
- (3) The Subdivider or authorized agent (confirmed in writing) shall attend the meeting.
- (4) The Planning Commission shall classify the proposed subdivision as either a Major or Minor Subdivision and establish applicable fees and application procedures.
- (5) The Planning Commission shall study the Sketch Plan to determine whether or not it conforms to or would be in conflict with:
 - a. The Winhall Town Plan;
 - b. Town of Winhall Zoning Regulations;
 - c. these Subdivision Regulations;
 - d. developments proposed by any public agency;
 - e. existing private and public development;
 - f. facilities and services;
 - g. special circumstances that may be encountered.
- (6) The Subdivider shall submit a request for a development road name to the 911 Coordinator.

- (7) The Planning Commission shall determine whether the Sketch Plan meets the *purposes* of these Regulations and may make specific written recommendations for changes, plus any conditions; these shall be noted on both copies. One copy shall be returned to the Subdivider.
- (8) Where the Subdivider submits a proposed Planned Unit Development, the following requirements shall be met.
 - a. Title 24, Chapter 117, Section 4417 of the Act as may be amended from time to time;
 - b. Article IV, Section 417 of the Winhall Zoning Regulations as may be amended from time to time;
 - c. requirements for a Major Subdivision.

Section 302: Data Required On Subdivision Plat Submissions:

The following information shall be submitted for consideration with all submissions. There are four (4) maps required with a Major Subdivision application and three (3) maps required with a Minor Subdivision application. Each map requires specific information along with general information as follows:

General Information:

- (1) Subdivision name or title, address at which it is located, north point, date and site location.
- (2) Name and address of the Subdivider and professional advisors including license numbers and seals.
- (3) Drawing sheet sizes should be: 11 x 17 inches; 18 x 24 inches; or 24 x 36 inches. The scale should be either 1 inch to 50 feet; 1 inch to 60 feet; or 1 inch to 100 feet.

MAP 1: "Lot Plan:" This subdivision map starts out as a preliminary map and during the course of the subdivision review process becomes the "Lot Plan" which when produced on mylar is recorded. The Plan should include the following:

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

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

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

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

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

MAP 4: "Plan for Erosion Control & Details:" This map details management of stormwater run-off from the construction site for roads, driveways, houses, and other construction activities. The Plan should include the following:

- (1) Existing and proposed roads and structures, water courses, marshes, wooded and open areas, contours with intervals of not more than five (5) feet, and a grading plan.
- (2) Proposed locations of silt fences and other soil erosion management practices.

Section 303: Official Submission Date:

No action will be taken by the Planning Commission to establish an Official Submission Date until the application is complete. The application for approval of the subdivision plat complete with all other requirements shall be filed with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission. After review of the information submitted, the Subdivider will be notified if the

application is complete or what additional information may be needed to complete it. Upon receipt of all the required information for a complete application, the Planning Commission will establish the Official Submission Date.

Section 304: Public Hearing:

Before any plat is approved, a public hearing shall be held by the Planning Commission after public notice. At the conclusion of the meeting, the Planning Commission will either adjourn the hearing or declare a recess to allow additional information to be presented. The hearing shall be advertised in the local newspaper; notices shall be posted in the Town in three (3) places; a notice shall be posted within view from the public right of way on the property being subdivided; and if applicable, a notice shall be sent to the clerk of an adjoining municipality if the subdivision is within 500 feet of the municipal boundary line. It shall be the responsibility of the Subdivider to notify all adjacent property owners of the public hearing as well as posting the notice on the property being subdivided. Notices shall be posted or mailed at least fifteen (15) days prior to the hearing. Participation as defined in the Act at a public hearing is a prerequisite to the right to make an appeal.

Section 305: Minor Subdivision: Final Plat Approval Procedures:

- (1) The Subdivider shall file with the Town Clerk two (2) copies of the Minor Subdivision Final Plat Application Form along with four (4) copies of the "Lot Plan" (Map #1) and one (1) copy each of Map #2 & #4 for approval along with applicable fees.
- (2) The Final Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission or other regulatory agencies.
- (3) Upon receipt of a complete application, a public hearing shall be held within thirty (30) days from the time of the Official Submission Date. The Planning Commission shall take action to approve, with or without changes, or disapprove the Final Plat within forty-five (45) days of the adjourned Final Plat public hearing. Grounds for disapproval shall be stated in the Planning Commission minutes.
- (4) The Subdivider or his authorized agent (confirmed in writing) shall attend the public hearing. Failure to attend shall be grounds for disapproval.
- (5) If the Final Plat is approved, the Lot Plan (Map #1) produced on mylar and four (4) copies shall be endorsed by the Planning Commission in accordance with these Regulations.
- (6) If the Final Plat is approved, it shall be recorded along with the Town of Winhall Subdivision Permit in accordance with these Regulations.

Section 306: Minor Subdivision: Final Plat Data:

A Minor Subdivision Plat application shall include the following:

- (1) All information required under Section 302 of these Regulations.
- (2) Project Review Sheet from the Agency of Natural Resources and any applicable permits that may be required but not limited to: Act 250 Permit; Wastewater Permit; Stormwater Construction Permit; or Stormwater Operational Permit with the Town Clerk's recording date, book, and page number.
- (3) Approved permit from the Winhall Selectboard for access onto Town Highways, or approved permit from the Vermont Agency of Transportation for access onto State Highways.
- (4) Any Restrictive Covenants, shared Access Drive Maintenance Agreement, or shared Water & Septic System Maintenance Agreement for the proposed subdivision with the Town Clerk's recording date, book and page number.
- (5) List of all abutters and adjacent landowners as highlighted on the tax map with their mailing addresses and their tax map, block, and lot numbers.
- (6) Copy of the sworn Certificate of Service from the Subdivider as proof of mailing of the public notice to all abutters and adjacent landowners including posting on the property to be subdivided.
- (7) The application shall be accompanied by:
 - a. Four (4) copies of the final Lot Plan (Map #1) certified by a Vermont licensed surveyor
 - b. One (1) copy of the Overall Site Plan (Map #2) stamped "Approved" by the Agency of Natural Resources for the construction of the water supply and wastewater system(s).
 - c. One (1) copy of the Plan for Erosion Control & Details (Map #4) approved for stormwater construction and operational permit(s) certified by a Vermont engineer.

Section 307: Minor Subdivision: Land Held Six Years Or Longer:

If a parcel of land has been in constant single ownership for a period of six years (6) or longer that owner may be entitled under these Regulations to subdivide one (1) portion of that land without a public hearing and without paying a fee. The Subdivider will be required to attend a regular meeting, at which the Planning Commission will conduct an Informal Sketch Plan Review to ensure that the division complies with these Regulations,

and will establish procedures and determine the information to be submitted with the completed Minor Subdivision Final Plat Application Form.

Section 308: Minor Subdivision: Property Line Adjustment:

At times it may be necessary for adjoining lot owners to adjust their boundaries. The Planning Commission shall review the proposal at a regular meeting to ensure that the new configuration complies with these Regulations. Any area of land passing from one lot to another must be merged into the receiving parcel so as not to create a new lot. The Planning Commission may waive a public hearing.

(1) Required procedures:

- a. Each lot owner *as Subdivider* shall file with the Town Clerk two (2) copies of the Minor Subdivision Property Line Application Form. Four (4) copies of the survey showing the adjustment must accompany the application.
- b. Upon receipt of a complete application, the Planning Commission shall take action within forty-five (45) days.
- c. The Subdividers shall submit a mylar for endorsement by the Planning Commission before filing it with the Town Clerk in accordance with Section 319 of these Regulations.
- d. The Subdividers or authorized agent (confirmed in writing) must attend a regular meeting at which the Planning Commission will conduct an Informal Sketch Plan Review and establish procedures and fees and determine the information to be submitted.

(2) Required data:

- a. A copy of any applicable State or local permits with the Town Clerk's recording date, book, and page number.
- b. Copy of the deed(s) and any restrictive covenants for the properties affected by the property line adjustment with the Town Clerk's recording date, book, and page number.
- c. Copy of the mylar showing the lots on a single page as they existed before the property line adjustment and after; the mylar shall depict the lots marked *before* and *after*.

Section 309: Major Subdivision: Preliminary Plat Procedures:

- (1) The Subdivider shall file with the Town Clerk two (2) copies of the Preliminary Plat application form along with four (4) copies of the Lot Plan (Map #1) and two (2) copies each of Map(s) #2, #3 & #4 for approval along with applicable fees. These maps may be "Preliminary."
- (2) The Planning Commission may permit the Final Plat to be divided into phases to assure orderly development.
- (3) The Subdivider or authorized agent (confirmed in writing) shall attend the public hearing. Failure to attend shall be grounds for disapproval.
- (4) The Planning Commission shall review the Preliminary Plat submitted for conformity to these Regulations except where a waiver may be specifically authorized by the Planning Commission.
- (5) Upon receipt of a complete application, a public hearing shall be held within thirty (30) days of the Official Submission Date. The Planning Commission shall take action to approve, with or without changes, or disapprove the Preliminary Plat within forty-five (45) days of the adjourned Preliminary Plat public hearing. Grounds for disapproval shall be stated in the Planning Commission minutes.
- (6) When granting approval to a Preliminary Plat, the Planning Commission shall state the conditions with respect to:
 - a. Specific changes which it may require;
 - b. Character and extent of the required improvements for waivers;
 - c. Amount of all sureties which it may require.
- (7) The action of the Planning Commission, plus any conditions or changes, shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the Subdivider and one copy delivered to the Selectboard.
- (8) The term of the Preliminary Plat approval shall be for a period of eighteen (18) months and may be extended for a period of six (6) months on request by the Subdivider. Approval of the Preliminary Plat shall not constitute approval of the subdivision.
- (9) Prior to approval of the Final Plat, the Planning Commission may require additional changes as a result of further study based on new evidence, new interpretation, or changes proposed by the Subdivider.

Section 310: Major Subdivision: Preliminary Plat Data:

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

- (1) All information required under Section 302 of these Regulations.
- (2) Approved access permit from the Town of Winhall Selectboard or Vermont Agency of Transportation with designated development road name noted.
- (3) Copies of letters requesting "ability to serve" the subdivision from the school, police, fire and rescue, and electric utility.
- (4) A Project Review Sheet from the Agency of Natural Resources indicating which State permits may be required.
- (5) List of all abutters and adjacent landowners as highlighted on the tax map with their mailing addresses and tax map, block, and lot numbers.
- (6) Copy of the sworn Certificate of Service from the Subdivider as proof of mailing of the public notice to all abutters and adjacent landowners including posting on the property to be subdivided.
- (7) Any proposed Restrictive Covenants, shared Subdivision Development Road Maintenance Agreement, or shared Water & Septic System Maintenance Agreement for the proposed subdivision.

Section 311: Major Subdivision: Final Plat Approval Procedures:

- (1) The Subdivider shall file with the Town Clerk two (2) copies of the Major Subdivision Final Plat application and drawings for approval of the Final Plat.
- (2) Upon receipt of a complete application, a public hearing shall be held within thirty (30) days of the Official Submission Date and the Planning Commission shall take action to approve, with or without changes, or disapprove the Final Plat within forty-five (45) days of the adjourned Final Plat public hearing. Grounds for disapproval shall be stated in the Planning Commission minutes.
- (3) The Subdivider or authorized agent (confirmed in writing) shall attend the public hearing. Failure to attend shall be grounds for disapproval.
- (4) The Final Plat shall conform to the approved Preliminary Plat, plus any recommendations made by the Planning Commission.
- (5) The Planning Commission may permit the Final Plat to be divided into phases to assure orderly development.

- (6) In a subdivision where a construction surety is required, the Subdivider shall file with the Town a surety in a form approved by the Planning Commission in an amount sufficient to assure the completion of the required improvements. The construction surety shall provide for automatic renewal for an additional term for each future expiration date until a release is obtained.
- (7) The Planning Commission shall specify the time period within which the required improvements must be completed.

Section 312: Major Subdivision: Final Plat Data:

The following information shall be submitted with the Final Plat.

- (1) Construction surety in a form approved by the Planning Commission in an amount sufficient to assure the completion of the required improvements as established in the Preliminary Plat Permit.
- (2) Four (4) copies of the final "Lot Plan" (Map #1) certified by a Vermont licensed land surveyor.
- (3) One (1) copy of the plans stamped "Approved" by the Agency of Natural Resources for the construction of the water supply and wastewater systems "Overall Site Plan" (Map #2).
- (4) One (1) copy of the construction and detail drawings: "Development Road Plan with Profile & Cross Section" (Map #3) certified by a Vermont licensed engineer.
- (5) One (1) copy of the final "Plan for Erosion Control and Details Plans" (Map #4) approved for stormwater construction and operational permits certified by a Vermont licensed engineer.
- (6) The Subdivider shall provide the Planning Commission with the following State permits with the Town Clerk recording date, book, and page number: Act 250 Land Use Permit; Wastewater & Water Supply Permit; Stormwater Construction Permit; and Stormwater Operational Permit.
- (7) Copy of the sworn Certificate of Service from the Subdivider as proof of mailing of the public notice to all abutters and adjacent landowners including posting on the property to be subdivided.
- (8) Any Restrictive Covenants, shared Subdivision Development Road Maintenance Agreement, or shared Water & Septic System Maintenance Agreement for the proposed subdivision with the Town Clerk's recording date, book, and page number.
- (9) Letters from the school police, fire and rescue, and electric utility company stating their ability to serve the subdivision.

Section 313: Amendments To An Approved Subdivision Permit:

The Planning Commission may upon the request of the Subdivider make minor amendments to an approved subdivision permit by an administrative process, provided no substantive changes result. If at any time substantial changes are proposed, the Planning Commission may only make amendments to an approved subdivision permit after a public hearing.

- (1) The Subdivider or authorized agent (confirmed in writing) must attend a regular meeting at which the Planning Commission will conduct an Informal Sketch Plan Review and establish the procedures, fees, and information to be submitted with the application.
- (2) The Subdivider shall file two (2) copies of the Amendment To An Approved Subdivision Application Form and any relevant information with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission.
- (3) If the amendment requires any changes to the previously recorded legal data, the new data shall be recorded by the Subdivider in the Winhall Records with notations made of the changes.
- (4) Filing the approved Amended Final Plat mylar and the Amended Subdivision Permit shall proceed as provided for in Section 319 of these Regulations.

Section 314: Endorsement Of Subdivision Plat:

The Subdivider shall submit to the Planning Commission the approval of the Plat from the Agency of Natural Resources for the following:

- (1) Act 250 Land Use Permit endorsed by the District #2 Environmental Commission.
- (2) Wastewater System & Potable Water Supply Permit endorsed by the Wastewater Management Division.
- (3) Stormwater Construction and/or Operational Permit endorsed by the Water Quality Division.

Section 315: Information Required On Construction Detail Drawings:

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

- (1) Plans and profiles shall show existing and proposed elevations along center lines of all development roads within the subdivision.

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

Section 316: Legal Data:

The Subdivider shall submit the following data to the Planning Commission before any Final Plat can be approved.

- (1) Deed(s) of parcel(s) proposed to be subdivided complete with all addenda with the Town Clerk recording date, book, and page number.
- (2) A subdivision survey map drawn on mylar by a licensed land surveyor to be endorsed by the Planning Commission before recording it with the Town Clerk.
- (3) Copies of agreements showing the manner in which common areas including shared water, septic systems, and roads are to be maintained with the Town Clerk's recording date, book, and page number.
- (4) Copies of protective covenants whereby the Subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development with the Town Clerk's recording date, book, and page number.
- (5) Any other data as may be required by the Planning Commission in enforcement of these Regulations including but not limited to a Municipal Services Agreement between the Subdivider and the Town of Winhall.

Section 317: Construction Surety:

- (1) A construction surety is required by the Planning Commission. Prior to the approval of the Final Plat and the issuance of a Subdivision Permit, the Subdivider shall file with the Town a surety in the form of a bond or irrevocable letter of credit issued by a financial institution acceptable to the Town of Winhall and licensed to do business in the State of Vermont. Such instruments shall be in form, duration, and amount satisfactory to the Town. The amount of such instrument shall be sufficient to provide for the full cost of completion of roads and other required improvements.
- (2) If any required improvements have not been installed as provided within the term of such surety, it shall be forfeited and the Town shall install such improvements to the extent provided for by the surety. The surety shall be made available at the request of the Planning Commission in a statement to the bank that the

Subdivider has failed to construct or maintain the required improvements in accordance with established standards.

- (3) The construction surety shall provide for the automatic renewal for an additional term for each future expiration date until a release is obtained. The surety must contain the following language. *"This subdivision surety shall automatically extend for an additional term from the present or each future expiration date unless we (Name of Bank) have notified the Planning Commission in writing not less than ninety (90) days before such expiration date that we (Name of Bank) elect not to renew this letter of credit."* The surety must reference the Subdivision name and Town Permit number.
- (4) Upon completion of the required improvements, the Subdivider shall submit to the Planning Commission a Certificate of Compliance from a licensed engineer at which time the surety shall be released.

Section 318: Planning Commission Final Subdivision Permit:

The Planning Commission shall issue a written permit consisting of an introduction describing the subdivision proposal, and reference the meetings at which it was reviewed and heard. Based on information received at these meetings, the Planning Commission will make Findings of Facts, attach any Conditions it may require, and provide a statement of Conclusions relating to the review standards and specifically state what is being authorized by the issuance of the permit.

Section 319: Filing Of The Approved Final Plat And Subdivision Permit:

- (1) When the Planning Commission issues the Subdivision Permit it shall:
 - a. Send two (2) original copies to the Subdivider by certified mail.
 - b. Send one (1) copy to every person having participated in the regulatory proceedings.
 - c. Send one (1) copy to the Winhall Selectboard.
 - d. Record one (1) original copy with the Town Clerk
- (2) When the Final Plat is approved and endorsed by the Planning Commission, the Subdivider shall:
 - a. File one (1) approved and original copy of the Lot Plan (Map #1) drawn in ink on mylar with the Town Clerk within (180) days from the date of approval, or the approval of the Plat will be void. The date for filing the Lot Plan may be extended by the Zoning Administrator an additional ninety (90) days as provided in the Act.

- b. File one (1) copy of the Lot Plan with the Winhall Listers.
- c. The Plat is void if changes are made to it after the Planning Commission has endorsed it in writing.

Section 320: Planning Commission Decision On Final Plat:

- (1) The Planning Commission shall within forty-five (45) days from the adjournment of the public hearing on the Final Plat approve, modify and approve, or disapprove the Plat.
- (2) If the Final Plat is disapproved or any changes are required, grounds for such action shall be stated in the Planning Commission minutes of the meeting at which the action was taken.
- (3) If the Final Plat is approved, the Commission officers shall sign the Plat. One copy shall be retained by the Commission.
- (4) Every Final Plat shall carry the following two (2) endorsements:

**APPROVED BY RESOLUTION OF THE TOWN OF WINHALL PLANNING
COMMISSION ON THE _____ DAY OF _____
SUBJECT TO ALL CONDITIONS OF SUBDIVISION PERMIT # _____
SIGNED THIS _____ DAY OF _____**

BY: _____ (CHAIR) _____ (SECRETARY)

**WINHALL TOWN CLERK RECEIVED FOR RECORDING _____
MYLAR SLIDE # _____**

BY: _____ (WINHALL TOWN CLERK)

Section 321: Appeals:

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

Section 322: Municipal Services Agreement:

To address the effect that a proposed subdivision may have on municipal services and facilities, the Subdivider and the Town of Winhall may enter into a Municipal Services Agreement with regard to services, compensation, or other remediation to ensure that the effect the subdivision will have on municipal services and facilities is adequately provided for.

ARTICLE IV:
DESIGN DEVELOPMENT STANDARDS FOR SUBDIVISION OF LAND

Section 400: Suitability Of Land For Subdivision:

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

Section 401: Planning & Design Standards:

- (1) Subdivisions shall conform to the Winhall Zoning Regulations and Official Zoning Map and be in harmony with the Winhall Town Plan.
- (2) Land to be subdivided for building purposes shall be of such character that it can be used safely without danger to health or peril from flood or other menace.
- (3) Where the Planning Commission finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect the public health, safety or welfare, a higher standard shall be required.

Section 402: Preservation Of Natural Features:

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

Section 403: Lot Planning & Design Standards:

- (1) Lot size and shape shall comply with the Winhall Zoning Regulations and be appropriate for the type of use proposed, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from a road.
- (2) Subdivision plans shall provide each lot with satisfactory access by means of a development road to a Town Highway or by means of a driveway to a Town Highway.

- (3) Side lot lines shall be at right angles or radial to road lines, unless a variation will give a better road or lot plan.
- (4) Corner lots shall have at least fifteen (15) feet more than minimum lot width specified in the Winhall Zoning Regulations to permit compliance with building setback requirements.
- (5) To meet the standards of these Regulations, the Planning Commission may require building envelopes to be designated to limit the location of: principal and accessory structures, driveways, parking areas, and associated site development.

Section 404: Common Land:

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

Section 405: Flood Land:

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

Section 406: Residential Lot Sizes In Environmentally Sensitive Areas:

This section is intended to protect environmentally sensitive areas where physical and topographical character may present limitations to development. Reference: *Physical & Topographical Limitation Map*. The purpose of this map is to show areas within which a high proportion of the land offers critical or serious and highly probable limitations for development.

- (1) Critical Limitations exist at elevations above 2500 feet and on slopes over 25%. Where the slope of the land exceeds 25% the minimum residential lot size shall be determined by the Planning Commission after review of site specific conditions. Within these areas, intensive development should be discouraged and all forms of development should be carefully controlled.

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

ARTICLE V
REQUIRED IMPROVEMENTS FOR SUBDIVISION OF LAND

Section 500: Required Improvements:

- (1) Required improvements shall be installed to the satisfaction of the Planning Commission. The Subdivider shall provide a subdivision construction surety for the improvements the Planning Commission identifies in the approved Permit.
- (2) The following are required improvements, except where the Planning Commission may waive or vary such improvements: monuments, water & sewer, stormwater, fire protection, utilities, and roads.
- (3) The Planning Commission will require the Subdivider to complete all or some of the improvements within a specific time period.

Section 501: Required Monuments:

- (1) Monuments shall be stone or concrete or a one inch diameter metal pipe at least two (2) feet above final grade level, and indicated on the Final Plat.
- (2) Permanent monuments shall be set in all corners and angle points of the subdivision lot boundaries and at all road intersections and points of curve.

Section 502: Water Supply & Wastewater Disposal:

Prior to the subdivision of any land or the construction of any water supply system or wastewater disposal system, the Subdivider must obtain a permit from the State of Vermont.

- (1) The water supply and wastewater disposal system shall be designed, installed, and certified to the standards of the State of Vermont as required by the WW Permit.

Section 503: Required Stormwater Drainage Improvements:

- (1) Low impact development stormwater management practices to prevent erosion and contain soil on the construction site shall be required in subdivisions.
- (2) Diverting water by altering the natural drainage may do harm to adjacent land.
- (3) The Subdivider's engineer shall study the effects from run-off that may occur when property at higher elevations is developed and existing drainage facilities downstream from the anticipated discharge of the property being subdivided.

- (4) When it is established that run-off incident to development of the subdivision will overload the existing drainage facilities, provision must be made for improvement of the downstream facility.
- (5) Construction General Permit (CGP) 3-9020 as may be amended is available for permitting stormwater discharges from construction activities involving one or more acres of earth disturbance where the Subdivider takes steps to prevent erosion and control sediment discharge from the construction site. Permitting requirements are based upon the risk of eroded soil leaving the site in stormwater runoff. The risk depends on the nature of the construction site- (soils, slopes, disturbed soils). There are two categories of risk that qualify for use of CGP: Low Risk and Moderate Risk. Projects posing a special risk to water quality are not eligible for this permit and must be covered by an Individual Discharge Permit. To determine the risk of a proposed project, the Subdivider must complete the question in Appendix A of the permit. This procedure involves answering a series of Yes and No questions related to site conditions and construction plans. Accurate completion of Appendix A will determine whether the project is Low Risk, Moderate Risk, or requires an Individual Discharge Permit.

Note: Please contact the Agency of Natural Resources Water Quality Division in Waterbury, Vermont for complete information and an application packet.

Section 504: Fire Protection:

- (1) When applying for a Major Subdivision, the Subdivider must obtain "Ability To Serve" letter from the Winhall Fire Department.
- (2) The Planning Commission may upon its own accord or upon recommendations of Parties to the proceedings impose conditions deemed necessary to the public safety.

Section 505: Required Public & Private Utility Improvements:

Utility distribution lines shall be placed underground where the cost is within (300%) of above ground installations. All utilities, existing and proposed in the subdivision shall be shown on required Map #2 "Overall Site Plan" (Section 302).

Section 506: Required Easements For Utilities & Stormwater Drainage:

- (1) Easements shall be at least twenty (20) feet in width and their location(s) indicated on the Lot Plan (Map 1).

- (2) Where such conditions make impractical the inclusion of utilities or stormwater drainage facilities within or adjacent to development road rights of way, easements should be provided centered on rear or side lot lines with access to the development road.
- (3) Underground utilities located in the right of way shall not be within 8 feet of the traveled way, and shall be in a conduit sleeve if they are required to cross under the traveled way.

Section 507: Required Land For Recreation, School Sites, Or Municipal Facilities:

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

ARTICLE VI:
DEVELOPMENT ROAD PLANNING & DESIGN STANDARDS

Section 600: Required Road Names:

New roads will require a name. The Subdivider shall submit the proposed road name and alternate choice to the Town of Winhall 911 Coordinator who may approve the requested road name if feasible. The Planning Commission encourages the Subdivider to name new development roads after features in the immediate area including but not limited to local historic family names. The Subdivider should not duplicate similar or existing road names.

Section 601: Development Road Planning Standards:

- (1) Roads shall be suitably located to accommodate the prospective traffic and to afford satisfactory access to fire fighting, snow removal, and road maintenance equipment.
- (2) Roads shall be arranged so as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- (3) The arrangement, width and grade of all roads shall be considered in relation to existing and planned roads, topographic conditions, public convenience and safety, and in their appropriate relation to proposed land use.
- (4) Grades of roads shall conform as closely as possible to original topography and shall be arranged so that steep grades and sharp curves are avoided.
- (5) A turn around shall be provided at the end of a road and should take one of the following forms; hammerhead, open or vegetated island design (Reference Map: *Standards for Development Roads, Winhall, Vermont*).
- (6) Arrangement of roads shall provide for continuation of existing roads between adjacent properties where necessary for convenient movement of traffic, fire protection or efficient provision of utilities.
- (7) When a development road proposes to access a State Highway, the Subdivider must obtain a State Curb Cut Permit from the Vermont Agency of Transportation.
- (8) When a development road proposes to access a Town Highway, the Subdivider must obtain an Access Permit for a curb cut from the Winhall Selectboard. The Planning Commission may require access for multiple lots with Town Highway frontage to be consolidated.

Section 602: Development Road Design Standards:

This section shall constitute standards for development roads which serve to provide frontage for subdivided lots. Reference map: *Standards for Town & Development Roads, Town of Winhall, Vermont.*

<u>Right of way</u>	<u>50 ft.</u>
<u>Traveled way</u>	<u>24 ft.</u>
<u>Cleared & grubbed from center line</u>	<u>25 ft. (minimum)</u>
<u>Minimum shoulder width</u>	<u>2 ft.</u>
<u>Front slope</u>	<u>1 in 3</u>
<u>Back slope</u>	<u>1 in 2</u>
<u>Ditch Depth</u>	<u>2 ft. (below top surface)</u>
<u>Sand over clay subsoil</u>	<u>6 inches</u>
<u>Fill over culverts</u>	<u>24 inches</u>
<u>Culverts</u>	<u>18 inches (minimum)</u>
<u>Under drains</u>	<u>6 inches</u>
<u>Base layer</u>	<u>18 inches</u>
<u>Top layer</u>	<u>5 inches</u>
<u>Bituminous layer</u>	<u>4 inches in 2 lifts</u>
<u>Maximum grade</u>	<u>10% (not to exceed 200' in any 600' sect.)</u>
<u>Minimum curved radius at inner line</u>	<u>125 ft.</u>
<u>Minimum tangent</u>	<u>50 ft.</u>
<u>Max grade within 100' of intersection</u>	<u>5%</u>
<u>Angle of intersection</u>	<u>60 degrees - 90 degrees</u>
<u>Cul-de-sac ROW</u>	<u>70 ft.</u>
<u>Cul-de-sac- radius traveled</u>	<u>40 ft.</u>
<u>Max grade in cul-de-sac</u>	<u>3%</u>

Section 603: Required Development Road Construction Standards:

Roads shall be installed at the expense of the Subdivider. The following specifications shall constitute the minimum standards for construction and improvements of roads. Other standards may be required if deemed necessary by the Planning Commission.

Reference map: *Standards For Development Roads, Winhall, Vermont*

- (1) Subgrade consists of unexcavated material or suitable compacted material.
- (2) Base layer consists of clean bank-run gravel, with aggregates no larger than four (4) inches compacted in two lifts.
- (3) Top layer consists either of crushed gravel or a bituminous layer over the crushed gravel.

- (4) Unstable material including organic material, clay, fine silt, or stones larger than six (6) inches should be removed from beneath the base layer and fully extended shoulders. Clay or fine silt must be covered with sand.
- (5) Drainage for secondary approaches shall slope away from primary roads and shall be provided with proper ditching and culverts so as to allow for the proper flow of water. If topographic conditions prohibit such a slope, the Planning Commission may require alternative means for disposing of surface water. Proposed roads shall be so drained that no water will remain and collect in any one spot. Sufficient ditches must be dug along the sides of roads; installation of sub-drains may be required to eliminate sub-surface water.
- (6) Guard rails may be required at culvert locations, adjoining steep embankments or at other locations as determined. A wider shoulder may be required.
- (7) A minimum 30 foot paved approach apron will be required for a development road intersecting with a paved Town Highway.
- (8) The Planning Commission encourages road design for low speed and adequate service to the number of homes proposed.
- (9) The Planning Commission may require standards for inspection of development road construction.

Section 604: Private Development Roads & Improvements:

- (1) Every road shown on a plat filed or recorded as provided in these Regulations shall be deemed to be a private development road until such time as it has been formally accepted by the Town as a Town Highway.
- (2) Approval of the Final Plat shall not be deemed to constitute or imply acceptance by the Town of any development road shown on the Plat.
- (3) Any improvement constructed to comply with a permit remains the property of the owner and future lot owners who shall solely be responsible for its maintenance and upkeep.

Section 605: Town Highway Acceptance Policy:

The Winhall Selectboard, acting as Road Commissioners, administers their formal policy for the acceptance of development roads as Town Highways. The policy may contain provisions which are stricter and exceed the standards for subdivision development approval.

Section 606: Residential Driveways:

Before a residential driveway may be constructed, the following requirements must be met:

- (1) The intersection with a Town Highway or a development road and the residential driveway must be constructed in accordance with the reference map: *Standards For Development Roads, Winhall, Vermont.*
- (2) The traveled way of the residential driveway must be twelve (12) feet wide;
- (3) The minimum culvert at the curb cut must be at least fifteen (15) inches;
- (4) The driveway should be at approximately a right angle with its intersection, or as close as possible;
- (5) The drainage must not be dispersed from a private drive onto the surface of a main thoroughfare or Town Highway. Drainage for private driveways shall slope away from primary roads and shall be provided with proper ditching and culverts so as to allow for the proper flow of water. If topographic conditions prohibit such a slope, the Town Highway Department may require alternative means for disposing of surface water.
- (6) Site distances should reflect the posted speed;
- (7) 911 numbers must be applied for, approved, and posted for all residential driveways.
- (8) When a residential or commercial driveway accesses a Town Highway, a curb cut must be approved by the Selectboard, or in the case of a State Highway, the Agency of Transportation must approve the curb cut.

FORMAL SKETCH PLAN: APPLICATION FORM:

Received By: _____

Subdivision Name: _____

Subdivision Location: _____

Total acres being subdivided: _____ Number of proposed lots: _____

Zoning District: _____ Tax Map #: _____ Block #: _____ Lot #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider's Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

Engineer Name, Address & License No. _____

FORMAL SKETCH PLAN CHECK LIST

The Subdivider shall submit at least fifteen (15) days prior to the regular meeting of the Planning Commission the following:

- (1) Two (2) copies of a Sketch Plan of the proposed subdivision on a survey map of the parcel(s) being subdivided showing five foot contours;
- (2) One (1) copy of the Deed(s) of the parcel(s) being subdivided complete with all addenda with the Town Clerk's recording date, book and page number;
- (3) If applicable, submit a request for a road name to the 911 Coordinator.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____

MINOR SUBDIVISION FINAL PLAT: APPLICATION FORM

(This application form shall also be used for a Minor Subdivision: Land Held for Six Years or Longer)

Permit #: _____ Subdivision Fee: _____ Rec. By: _____

Subdivision Name: _____

Subdivision Location: _____

Total acres being subdivided: _____ Number of proposed lots: _____

Zoning District: _____ Tax Map #: _____ Block #: _____ Lot #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

Engineer Name, Address & License No. _____

If applicable, attach statement on a separate sheet of any easements real or implied relating to the property.

If applicable, attach statement on a separate sheet of any interest in the abutting property(s).

If subdivision waivers are requested, attach statement on a separate sheet the reasons why requirements should be waived.

MINOR SUBDIVISION FINAL PLAT CHECK LIST

To complete the application process and before warning a Minor Subdivision Final Plat Hearing, the following must be filed with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission.

- (1) Two (2) copies of the Minor Subdivision Final Plat Application Form along with the applicable subdivision fee(s);
- (2) Four (4) copies of the final Lot Plan (Map #1) certified by a Vermont licensed surveyor (See Section 302);
- (3) One (1) copy of the Overall Site Plan (Map #2) stamped "Approved" by the Agency of Natural Resources for the construction of water supply and wastewater system(s) (See Section 302);
- (4) One (1) copy of the Erosion Control Plan (Map #4) approved for stormwater construction and operational permit(s) certified by a Vermont licensed engineer if applicable (See Section 302);
- (5) Approved access permit from the Town of Winhall Selectboard or Vermont Agency of Transportation;
- (6) Project Review Sheet from the Agency of Natural Resources and applicable permits that may be required but not limited to: a) Act 250 Permit; b) Wastewater Permit; c) Stormwater Construction Permit; or d) Stormwater Operational Permit with the Town Clerk's recording date, book, and page number.
- (7) List of all abutters and adjacent landowners as well as a copy of the sworn Certificate of Service as proof of mailing the public notice including posting on the property to be subdivided;
- (8) Any Restrictive Covenants or Road Maintenance Agreement (s) for the proposed subdivision.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____

MINOR SUBDIVISION: PROPERTY LINE ADJUSTMENT:
APPLICATION FORM

Subdivision Fee: _____ Rec. By: _____

Property Location: _____

Zoning District: _____ Tax Map #: _____ Block #: _____ Lot #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

If applicable, attach statement on a separate sheet of any easements real or implied relating to the property.

If applicable, attach statement on a separate sheet of any interest in the abutting property(s).

If subdivision waivers are requested, attach statement on a separate sheet the reasons why requirements should be waived.

PROPERTY LINE ADJUSTMENT: CHECK LIST

To complete the application process the following must be filed with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission.

- (1) Two (2) copies of the Minor Subdivision Property Line Application Form along with the applicable fee;
- (2) Four (4) copies of the Final Lot Plan (Map #1) certified by a Vermont licensed surveyor (see Section 302 & Section 308 (2) (c));
- (3) Copy of deed(s) and any covenants as recorded in the Winhall Land Records including book & page number.
- (4) Any added information which may be required as established at the informal sketch plan review.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____

MAJOR SUBDIVISION: PRELIMINARY PLAT APPLICATION
FORM:

Permit #: _____ Subdivision Fee: _____ Rec. By: _____

Subdivision Name: _____

Subdivision Location: _____

Total acres being subdivided: _____ Number of proposed lots: _____

Zoning District: _____ Tax Map #: _____ Block #: _____ Lot #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider's Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

Engineer Name, Address & License No. _____

If applicable, attach statement on a separate sheet of any easements real or implied relating to the property.

If applicable, attach statement on a separate sheet of any interest in the abutting property(s).

If subdivision waivers are requested, attach statement on a separate sheet the reasons why requirements should be waived.

Will the subdivision be phased? Yes: _____ No: _____

PRELIMINARY PLAT CHECK LIST

To complete the application process and before warning a Major Subdivision Preliminary Plat Hearing, the following must be filed with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission.

- 1) Two (2) copies of the completed Preliminary Plat Application Form;
- 2) Four (4) copies of the Lot Plan (Map #1) (See Section 302);
- 3) Two copies each of (Maps #2, #3 & #4). (See Section 302);
- 4) Subdivision application fee;
- 5) Approved access permit from the Winhall Selectboard or Vermont Agency of Transportation along with an approved subdivision road name;
- 6) Copies of letters requesting "ability to serve" sent to the school, police, fire & rescue department(s), and electric utility;
- 7) Project Review Sheet from the Agency of Natural Resources indicating which State permits may be required;
- 8) List of all abutters and adjacent landowners as well as a copy of the sworn Certificate of Service as proof of mailing of the public notice including posting on the property to be subdivided;
- 9) Any proposed Restrictive Covenants, Road Maintenance Agreement, or shared Water & Septic System Maintenance Agreement for the proposed subdivision.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____

MAJOR SUBDIVISION: FINAL PLAT APPLICATION FORM

Permit #: _____ Subdivision Fee: _____ Rec. By: _____

Subdivision Name: _____

Subdivision Location: _____

Total acres being subdivided: _____ Number of proposed lots: _____

Zoning District: _____ Tax Map #: _____ Block #: _____ Lot #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider's Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

Engineer Name, Address & License No. _____

MAJOR SUBDIVISION FINAL PLAT CHECK LIST

To complete the application process and before warning a Major Subdivision Final Plat Hearing, the following must be filed with the Town Clerk fifteen (15) days prior to the date of the regular meeting of the Planning Commission. The Final Plat must conform to the approved Preliminary Plat Permit.

- (1) Two (2) copies of the Final Plat application form;
- (2) Four (4) copies of the final "Lot Plan" (Map #1) certified by a Vermont licensed land surveyor;
- (3) One (1) copy of the final plans stamped "Approved" by the Agency of Natural Resources for the construction of the water supply and wastewater systems "Overall Site Plan (Map #2);
- (4) One (1) copy of the final construction and detail drawings "Road Plan with Profile & Cross Section (Map #3) certified by a Vermont licensed engineer.
- (5) One (1) copy of the final "Plan for Erosion Control & Detail Plans" (Map #4) approved for stormwater construction and operational permits certified by a Vermont licensed engineer.
- (6) Provide the Planning Commission with all applicable State permits including but not limited to Act 250 Permit; Wastewater & Water Supply Permit; Stormwater Construction Permit; and Stormwater Operational Permit with the Town Clerk recording date, book and page number;
- (7) Copy of the sworn Certificate of Service as proof of mailing of the public notice to all abutters and adjacent landowners including posting on the property;
- (8) Any final Restrictive Covenants, Road Maintenance Agreement, or shared Water & Septic System Maintenance Agreement filed with the Town Clerk's recording date, book and page number;
- (9) Letters from the school, police, fire and rescue, and electric utility company stating their ability to serve the subdivision;
- (10) Construction surety in a form approved by the Planning Commission in an amount sufficient to assure the completion of the required improvements as established in the Preliminary Plat Permit.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____

AMENDMENTS TO APPROVED SUBDIVISION PERMIT:
APPLICATION FORM

Previously Approved Subdivision Permit #: _____

Subdivision Fee: _____ Rec. By: _____

Subdivision Name: _____

Subdivision Location: _____

Zoning District: _____ Tax Map #: _____ Block #: _____

Recorded Deed: Book No. _____ Page No. _____ Date: _____

Subdivider/Owner: Name & Address: _____

Subdivider Agent: Name & Address: _____

Surveyor Name, Address & License No. _____

Engineer Name, Address & License No.: _____

If applicable, attach statement on a separate sheet of any easements real or implied relating to the property.

If applicable, attach statement on a separate sheet of any interest in the abutting property(s).

If subdivision waivers are requested, attach statement on a separate sheet the reasons why requirements should be waived.

AMENDMENTS TO APPROVED SUBDIVISION PERMIT:
CHECK LIST

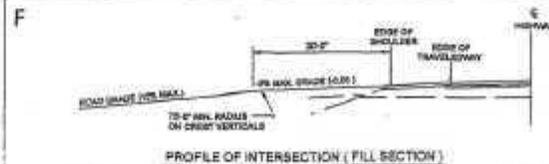
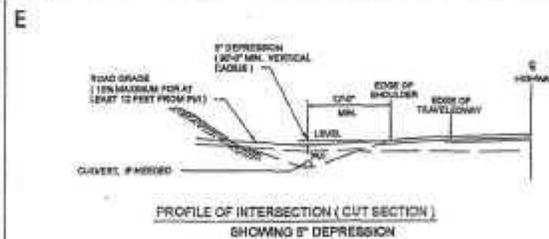
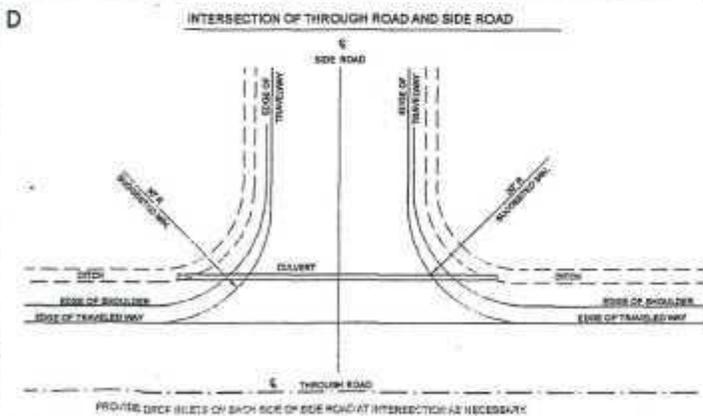
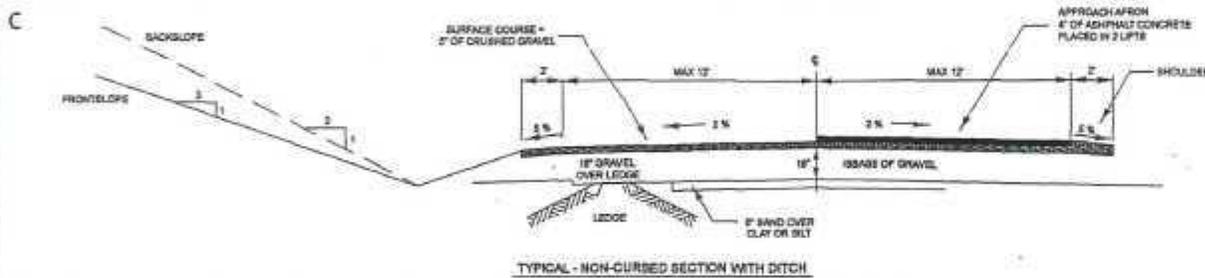
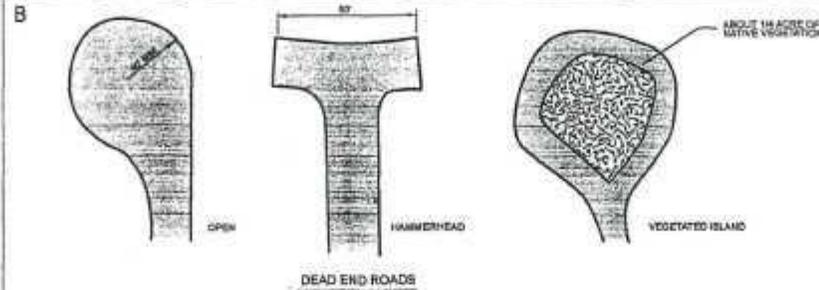
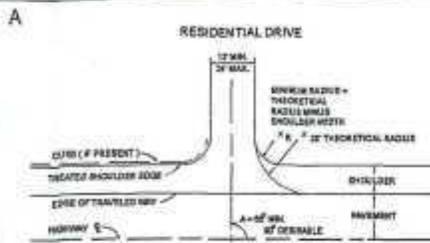
To complete the application process the following must be filed with the Town Clerk at least fifteen (15) days prior to the date of the regular meeting of the Planning Commission.

- (1) Two (2) copies of the completed Amendments to an Approved Subdivision Permit Application Form along with the applicable fee;
- (2) Amended copies of any previously approved and recorded legal data;
- (3) List of requested amendments on a separate sheet;
- (4) Any additional information which may be required as established at the informal sketch plan review.

(NOTE: By my signature, I hereby attest that I have filled out, read, and understood all the information pertaining to completing the subdivision application.)

Subdivider/Owner: _____ Dated: _____

Subdivider's Agent: _____ Dated: _____



GENERAL NOTES FOR LOCAL ROADS

- RUBBASE, SAND CUSHION AND SUBGRADE SHOULD BE CONSTRUCTED AND COMPACTED TO THE DIMENSIONS SHOWN IN ACCORDANCE WITH VDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION. WHERE LOCAL ORDINANCES HAVE BEEN ADOPTED RELATIVE TO ROAD DIMENSIONS AND CONSTRUCTION, THEY SHOULD GOVERN. THE DIMENSIONS SUGGESTED ARE INTENDED TO BE APPLIED ONLY IN LOW TRAFFIC VOLUME CONDITIONS (AVERAGE DAILY TRAFFIC LESS THAN 200 VEHICLES PER DAY), AND WHERE HEAVY TRUCK TRAFFIC IS INFREQUENT.
- EXPOSED EARTH SLOPES SHOULD BE SEEDED, FERTILIZED, MULCHED, AND STABILIZED IN ACCORDANCE WITH VDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- DRAINAGE
 - ROADWAY - 12" MINIMUM DIAMETER OF METAL, REINFORCED CONCRETE OR POLYETHYLENE PIPE, WITH DRAIN INLETS OR CATCH BASINS, AS REQUIRED. HYDRAULIC ANALYSIS TO DETERMINE APPROPRIATE PIPE DIAMETER IS RECOMMENDED FOR ALL LIVE STREAM CROSSINGS AND ELSEWHERE WHERE LARGE STORM FLOWS MAY BE EXPECTED.
 - DRIVES - 12" MINIMUM DIAMETER OF METAL, REINFORCED CONCRETE OR POLYETHYLENE PIPE.
 - UNDERDRAIN - 8" MINIMUM DIAMETER OF METAL, PVC PLASTIC OR POLYETHYLENE PIPE.

4. HORIZONTAL CURVATURE - THE FOLLOWING WILL APPLY:

DESIGN SPEED	MINIMUM RADIUS (RURAL) ¹
25 MPH	150 FT.
30 MPH	275 FT.
35 MPH	385 FT.

¹ BASED ON CROSS SLOPE = 6.0%

- GRADIENT OF ROADS - 10% MAXIMUM GRADE, NOT TO EXCEED 100 FEET IN ANY ONE 100 FOOT SECTION
 - GRADIENT OF CUL DE SACS - NOT TO EXCEED 7% MAXIMUM GRADE
- GUARD RAIL - PROVIDE GUARD RAIL WITH TREATED WOOD OR STEEL POSTS, OF A DESIGN IN ACCORDANCE WITH VDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE AASHTO ROADSIDE DESIGN GUIDE, AND VDOT STANDARD DRAWINGS. GENERALLY, WHERE SLOPES ARE 1:3 OR STEEPER, AND THE HEIGHT OF DROPOFF AT EDGE OF SHOULDER EXCEEDS 6", GUARD RAIL SHOULD BE INSTALLED. ALSO, WHERE SLOPES ARE 1:3 OR FLATTER, GUARD RAIL MAY NOT BE NEEDED IF THE AREA AT THE BOTTOM OF THE SLOPE IS FREE OF HAZARDS. THE LOCAL VDOT DISTRICT TRANSPORTATION ADMINISTRATOR MAY BE CONTACTED FOR ASSISTANCE.
 - PAVING - A PAVED APPROACH APRON WILL BE REQUIRED FOR A DEVELOPMENT ROAD INTERSECTING A TOWN HIGHWAY.
 - TRAVELWAY AND SHOULDER WIDTHS - WIDTHS SHOWN ON THIS STANDARD ARE FOR LOW SPEED/LOW TRAFFIC VOLUME CONDITIONS.
 - UTILITY LINE LOCATION TO CONFORM TO LOCAL REQUIREMENTS.

STANDARDS FOR DEVELOPMENT ROADS WINHALL, VERMONT

Notes:

- The Vermont Agency of Transportation's Standard A-76 is the basis for the following portions of these standards: Intersection of Through Road and Side Road, Profile of Intersection (Cut Section) showing 5" Depression, Profile of Intersection (Fill Section).
- The Vermont Agency of Transportation's Standard B-71 is the basis for the following portions of these standards: Road/Driveway Drive.
- Drawn by Winhall Regional Commission, August 2008, incorporating CAZD drawings of VTDM Standard A-76 and B-71. File name: s:\Town\Winhall\DevRoad_Standards.dwg



Physical and Topographic Limitations to Development

Town of Winhall, Vt.

September 2008

generalized for public information; must allow for refinement based on detailed studies
larger scale map in Planning Commission files

-  Critical Limitations
-  Serious Limitations
-  Wetlands
-  Hydric Soils
-  Stream
-  Pond
-  Parcel boundaries (2003)
-  Generalized 50-foot contours
-  Paved roads
-  Unpaved roads
-  Long Trail/Appalachian Trail

- Critical limitations include areas with an elevation greater than 2500 feet, or areas with a slope greater than 25 percent. Lands over 2500 feet in elevation were digitized by VT ANR from 1:24000 USGS topographic maps (VGIS data layer CON2500). Slope data are derived from Bennington County Soil Survey datasets.
- Serious limitations include areas with a slope between 15 percent and 25 percent.
- Wetlands shown are those included in the Vermont Significant Wetlands Inventory (VGIS data layer VSWI). For the most part, these data were derived from US Fish and Wildlife Service's 1:24000/1:25000 scale National Wetlands Inventory (NWI) maps. These maps show approximate locations of wetlands that are generally 3 acres or larger in size.
- Hydric soils are derived from Bennington County Soil Survey datasets.

