TOWN OF POMFRET
SUBDIVISION REGULATIONS

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TITLE

Having been adopted by Australian Ballot at a special town meeting in Pomfret, Vermont, on March 4, 1975 pursuant to §4404, Chapter 91, 24 VSA, and as amended and re-adopted in its entirety December 21, 2012, effective January 11, 2011, this ordinance shall be known as the Town of Pomfret Subdivision Regulations. This ordinance is based on state law; and all references to sections of the state law are to Chapter 117, Title 24 VSA.

PART 1 - DEFINITIONS

1.1 "APPLICANT": Either the landowner or a person authorized in writing by the landowner to submit an application for a permit.

1.2 "COMMISSION": The Planning Commission of the Town.

1.3 "CONDOMINIUM UNIT": A dwelling unit in a condominium together with all titles and rights which the owner of said dwelling unit may have in the land (or improvements thereon) on which the dwelling unit stands, as well as all titles and rights which said owner may have on any other lands (and improvements thereon) held and utilized in common for the benefit of said owner and other persons having a participating interest in said condominium.

1.4 "DEVELOPMENT" "LAND DEVELOPMENT": The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

1.5 "DEVELOPMENT ENVELOPE" Land delineated for development on undeveloped lots within a subdivision designated to identify and limit the location of principal and accessory structures, parking areas, associated site development, and land clearing (excluding road and utility rights-of-way or easements) on one or more portions of a lot. (See Section 7.1)

1.6 "DRIVEWAY": A private right-of-way providing access to one lot.

1.7 "ENGINEER": The duly designated engineer of the Town of Pomfret or, if there is no such official, the qualified person or official assigned by the Pomfret Planning Commission.

1.8 "MINOR SUBDIVISION": A subdivision consisting of a cumulative total of not more than three parcels or condominium units, created from an original parcel within a

15-year period regardless of the length of time over which said new parcels were created and regardless of changes in ownership. All interfamily transfers of real estate exempted from the 1975 Pomfret Subdivision Regulations prior to the adoption of these regulations shall be considered exempt for the purpose of determining the cumulative total of parcels created. All lots existing prior to the adoption of the March 4, 1975 subdivision regulations, which lots were depicted on a survey recorded in the Pomfret Land Records on or before said date or were described as a single lot or as separate lots or parcels in a deed recorded in the Pomfret Land Records on or before said date, shall be exempt from these subdivision regulations as long as said lots or parcels continue to be conveyed as a separate lot or as separate lots or parcels after said date; all such exempt lots shall also be considered exempt for the purposes of determining the cumulative total of parcels created.

1.9 "MAJOR SUBDIVISION": A subdivision consisting of a cumulative total of four or more parcels or condominium units, created from an original parcel within a 15-year period regardless of the length of time over which said new parcels were created and regardless of changes in ownership. All interfamily transfers of real estate exempted from the 1975 Pomfret Subdivision Regulations prior to the adoption of these regulations shall be considered exempt for the purpose of determining the cumulative total of parcels created. All lots existing prior to the adoption of the March 4, 1975 subdivision regulations, which lots were depicted on a survey recorded in the Pomfret Land Records on or before said date or were described as a single lot or as separate lots or parcels in a deed recorded in the Pomfret Land Records on or before said date, shall be exempt from these subdivision regulations as long as said lots or parcels continue to be conveyed as a single lot or as separate lots or parcels after said date; all such exempt lots shall also be considered exempt for the purposes of determining the cumulative total of parcels created.

1.10 "PERSON": An individual, a corporation, a partnership, an association or any other incorporated or unincorporated organization or group.

1.11 "PLAN" "PLAT" "LAYOUT" "MAP": In this ordinance these are related words. "Plan" will have a broad range of meaning including, without limitation, written statement of intentions of an owner or agent; description of land, topography, soils, or of any use or improvement thereof; and sketches or finished drawings of lots, roads, improvements, utilities, or structures in horizontal, cross-section, or profile. "Layout" and "plat" will have a more restricted meaning including, without limitation, sketches or finished drawings (with or without specifications) of lots, roads, improvements, utilities or structures in horizontal, cross-section, or profile. "Map" means a drawing(s) (when existing) prepared for the Town of Pomfret and kept on file at the Town Clerk's office, showing the streams, roads, open and wooded areas, soils, contour and other information about the township.

1.12 "PRIVATE ROAD": Any road, not a public right-of-way, providing access to two or more lots

1.13 "SUBDIVISION": Any dividing by any means, including rental, options, and

conditional sale agreement, for sale, transfer, or lease of any tract of real estate in the Town of Pomfret into two or more parcels or condominium units. The term also includes the parcels or condominium units created by the act of dividing.

1.14 "TRACT", "PARCEL" "LOT" : These are related words. "Tract" means all of the contiguous land owned by a person in the Town of Pomfret exclusive of any exempt lots or parcels. Land in single ownership on opposite sides of a public or private right-of-way constitutes a single tract. "Parcel" and "Lot" shall be interchangeable in this ordinance and mean segments of a tract.

1.15 BOUNDARY LINE ADJUSTMENT (ANNEXATION): A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created.

1.16 INTERFAMILY TRANSFER – Transfer of ownership of property between spouses, parent and child, or grandparent and grandchild

PART 2 – MINOR SUBDIVISIONS

2.1. Purpose – The purpose of this section is to establish a simplified review process with a minimum set of criteria for administrative approval of a Minor Subdivision (as defined in 1.7). Minor Subdivisions are reviewed only under this section except where otherwise specified in this section.

2.2. Application for Minor Subdivision Approval – Applicant shall submit the following to the Zoning Administrator:
- 2.2.1. A completed application form and the fee as set by the Selectboard
- 2.2.2. A preliminary plan including the following:
  - 2.2.2.1. Proposed property lines
  - 2.2.2.2. Proposed rights-of-ways for driveways and private roads
  - 2.2.2.3. Centerline grades and widths of travel section and shoulders of driveways and private roads
  - 2.2.2.4. Existing and proposed location of water supply and wastewater disposal sites
  - 2.2.2.5. Streams, mapped wetlands, ponds, and existing buildings
  - 2.2.2.6. Boundary of Ridgeline District and Flood Hazard Zones.
- 2.2.3. Certification by an attorney or a licensed surveyor of total subdivided lots created from an original parcel within last 15 years excluding interfamily transfers of real estate exempted by the 1975 Pomfret Subdivision Regulations.
- 2.2.4. Any additional information required by the Zoning Administrator to determine the proposed plans compliance with the criteria.

2.3. Agriculture and Silvaculture Lots - The submission of the information in 2.2.2.2, 2.2.2.3, 2.2.2.4, 2.2.2.5, and 2.2.2.6, may be waived for a new lot not to be developed for uses other than agriculture or silvaculture. If the lot is sold or

transferred, the deed that is recorded and indexed, and that describes the affected property shall contain the following language:

> "**Notice of permit requirements**. In order to comply with the Pomfret Subdivision Regulations Section 2.3, a person shall not construct or erect any structure or building on the lot of land described in this deed other than an agricultural structure exempt from town zoning regulations without first complying with the applicable subdivision regulations and obtaining any required permit. Any person who owns this property acknowledges that this lot may not be able to meet subdivision criteria and therefore this lot may not be able to be improved."

In the future, the lot may be developed when a new application complying with all the criteria in Section 2.2 is submitted to the Zoning Administrator for approval and approval is granted under Part 2.

2.4. Administrative Review –The Zoning Administrator (administrative officer) shall determine that the proposed plan conforms with:

- 2.4.1. Definition of Minor Subdivision in Section 1.8
- 2.4.2. Minimum lot size in zoning regulations
- 2.4.3. Design and construction standards for private driveways and roads in Section 8.6.
- 2.4.4. Design and construction standards for connections of roads and driveways to town or state highways as evidenced by approved Access Permits issued by the town or state.

2.5. Preliminary Approval - If the proposed minor subdivision complies with Section 2.4, the Zoning Administrator shall grant preliminary approval for a Minor Subdivision subject to a submission and approval of a Final Plat. The preliminary approval shall be processed as an administrative permit with all the required postings and filings required by the zoning regulations and state statute.

2.6. Final Plat - Within 180 days of preliminary approval, the applicant shall submit the Final Plat (Survey) for recording, two paper copies, and the recording fee. Prior to recording, the Zoning Administrator shall determine that the Final Plat conforms to the following:

- 2.6.1. Plat shall conform to the approved preliminary plan.
- 2.6.2. Plat shall be prepared by a licensed land surveyor and shall comply with 27 V.S.A. Chapter 17
  - 2.6.2.1. Waiver for Interfamily Lots - For new lots created for the sole purpose of an interfamily transfer, the requirement to have the final plat prepared by a licensed surveyor may be waived for such interfamily lots and a sketch or drawing of the subdivision, sufficient to clearly establish the boundaries of each lot so that they can be found on the ground and sufficient to establish the acreage so that minimum lot sizes are being adhered to, shall be submitted to the zoning administrator. The zoning administrator shall have the right to also require certification by a licensed surveyor of the boundaries and acreage when the sketch or drawing is not sufficient. The sketch or drawing shall be

made a part of the permit issued by the zoning administrator.

2.6.3. Plat shall include a signature box with spaces for permit number, date, and signature of Zoning Administrator.

2.6.4. Plat shall include property lines, rights-of-ways for driveways and private roads

2.6.5. If a lot over 50 acres is to be subdivided and new lot(s) will be created containing a total of less than 20% of the original lot, the only portions of the remaining large lot required to be surveyed are the common boundaries with the smaller lot(s) and any additional boundaries or points required to determine the accurate location of the boundaries of the smaller lot(s)

2.7. Recording Final Plat - If the final plat complies with Section 2.5, the zoning administrator shall sign and date the plat and deliver it to the Town Clerk for recording. A paper copy of the plat and a copy of the approved application shall be delivered to the Listers within three business days.

2.8. Extension of Filing Date - The Zoning Administrator may extend the date for filing the final plat by 90 days if local or state permits or approvals are still pending

2.9. For lots having no frontage on a public road, see Section 4.8.

2.10. Sections 4.4 and 5.3 also apply to Minor Subdivisions

PART 3. – BOUNDARY LINE ADJUSTMENTS

3.1. **Purpose** – The purpose of this section is to establish a simplified review process with a minimum set of criteria for administrative approval of Boundary Line Adjustments (as defined in 1.15).

3.2. **Application for Boundary Line Adjustment Approval** – Applicant shall submit the following to the Zoning Administrator:

3.2.1. A completed application form and the fee as set by the Selectboard

3.2.2. A preliminary plan including the following:

3.2.2.1. Existing property lines and area of each lot

3.2.2.2. Proposed new property lines and areas of each lot

3.2.2.3. Location of any existing structures within 50 feet of the new property lines

3.2.2.4. Existing and proposed rights-of-ways for driveways and private roads

3.3. **Administrative Review** - The realignment or relocation of lot boundary lines between existing adjacent lots may be approved by the Zoning Administrator without Planning Commission review if the following criteria are met:

3.3.1. The sale or exchange of parcels of land to put into effect the Boundary Line Adjustment is between adjacent property owners;

3.3.2. No new lots are created by the re-subdivision;

3.3.3. The relocation of the lot line does not result in the creation of a non-conforming lot, structure or use; and,

3.3.4. The proposed change does not violate any conditions imposed by the Planning Commission or the Zoning Board of Adjustment from prior approvals.

3.4. **Preliminary Approval** - If the proposed Boundary Line Adjustment complies with Section 3.3, the Zoning Administrator shall grant preliminary approval for a Boundary Line Adjustment subject to a submission and approval of a Final Plat. The preliminary approval shall be processed as an administrative permit with all the required postings and filings required by the zoning regulations and state statute.

3.5. **Final Plat Approval** - With 180 days of approval by the Administrative Officer, the applicant shall submit a survey plat to the Administrative Officer with the required filing fee for recording in the Town of Pomfret Land Records.

3.5.1. Plat shall conform to the approved preliminary plan.

3.5.2. Plat shall include a signature box with spaces for permit number, date, and signature of Zoning Administrator.

3.5.3. The following language shall be printed on the plat:
"Approval of this lot line adjustment does not constitute creation of a separate parcel or lot. It simply adjusts the physical location of the common boundary of the adjoining parcels or lots."

3.5.4. The plat shall be prepared by a by a licensed land surveyor and meet all of the requirements of Title 27 of VSA, Chapter 17, § 1401 - §1406, clearly indicating the metes, bounds and ties of each of the affected lots. The plat shall be signed by the Administrative Officer prior to being recorded.

3.5.5. Plat shall include property lines, rights-of-ways for driveways and private roads

PART 4. - PURPOSE AND GENERAL PROVISIONS

4.1. It is the intent and purpose of these regulations to encourage the appropriate development of all lands in the Town of Pomfret by the action of its Town Planning

Commission, with the aid and assistance of the State, in a manner which will promote the public health, safety, prosperity, comfort, convenience, economy and general welfare; and to provide means and methods for this community and any region of which it is a part, to plan for the prevention, minimization and future elimination of such land development problems as may presently exist or which may be foreseen, and to implement those plans when and where appropriate.

4.2. One of the objectives of this ordinance is to keep to a minimum the clerical burden and the expense of dividing land, while also protecting the community from the hazards, inconveniences and costs which tend to result from lack of planning. As one means of attaining this objective, minor subdivisions (as defined in Section 1.8) are only subject to Part 2 of these Regulations except where otherwise specified in Part 2.

4.3. The Town of Pomfret recognizes the need to anticipate growth of population. It is the Town's desire that such growth be planned to minimize disruptive change and to assure that it not outrun the Town's physical, social, educational and economic capacities. Since subdivision of land is a principal factor in growth or population, it is important to establish guidelines to permit an orderly pattern consistent with the Town's resources, meeting health and environmental standards, and equitable to all concerned. Therefore, this section provides that any and all tracts of real estate (considered collectively as a single tract) held by a person within the Town of Pomfret may not be divided by sale, granting of an option, transfer, or lease into more than three new parcels or condominium units within any period of twenty-four consecutive months. This limitation is separate from the requirement to obtain a Minor or Major Subdivision, which must be obtained prior to any such subdivision.

4.4. No major subdivision may be created, nor shall any building permit be granted within said subdivision, until the subdivision plan has been approved by the Commission.

4.5. In the interest of further emphasis and clarification, the intended effect of sections 4.2, 4.3 and 4.4 considered collectively, is:

4.5.1. All division and transfer of real estate by an owner and subsequent owners, collectively, for sale or lease up to a cumulative total of three parcels are only subject to Part 2 – Minor Subdivisions of these Regulations.

4.5.2. A parcel may not be cumulatively subdivided into four or more parcels of land or condominium units for sale, transfer, or lease over any period of time, long or short, without approval by the Commission of the application and plan for the subdivision; and, after such approval, the owner and subsequent owners, collectively, may not execute the approved plan faster than selling, optioning, transferring or leasing three new parcels (including any Section 2 – Minor Subdivision Lots) within any period of twenty-four consecutive months.

4.6. Attempts to circumvent the provisions and purposes of these Regulations through

conveyances or transactions not "at arm's length", such as, without limitation, transactions with partially or wholly owned corporations or transactions in collusion, shall be considered null and void for purposes of administration and enforcement of these Regulations.

4.7. The approval by the Commission of a major subdivision shall be based on the following broad considerations:

4.7.1. Land to be subdivided shall be of such character and in such location that it can be used for building purposes without danger to health or public safety.

4.7.2. Conformance with the Pomfret Town Plan and the Pomfret Zoning Ordinance.

4.7.3. Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table.

4.7.4. Recognition of desirable standards of subdivision design including provision for pedestrian and vehicular traffic, surface water runoff, and suitable building sites for the land use contemplated.

4.7.5. Provisions for facilities that are desirable adjuncts to the contemplated use such as recreation areas (the Commission may not require more than 15% of the total plat area to be designated for recreation), school sites, fire houses, and off-street parking.

4.7.6. Preservation of natural assets such as streams, ponds, mature trees and scenic areas as well as historic sites.

4.7.7. Provision of adequate utilities and services such as electricity, telephone, water and sewer.

4.7.8. Encouragement of variety and flexibility in residential development including clustering of lots.

4.8. In accordance with §4412(3) and notwithstanding the provisions of Section 4.2 of these Regulations, land having no frontage on a public road may not be transferred in ownership unless (a) the grantee already has through other adjoining property access to a public road; (b) the grantee permanently waives in a written instrument recorded with the Town Clerk all right to use said land for any purpose requiring access to a public road; or (c) the grantor with the approval of the Commission conveys with said land access to a public road by a permanent easement or right-of-way at least 20 feet in width. Where there appears to be a reasonable possibility that such transfer of land and/or its subsequent use may lead to future requests that the Town of Pomfret assume responsibility for the construction, maintenance or winter plowing of roads along said rights-of-way, the Commission may withhold its approval of the development pending the construction of said roads as provided hereafter in these regulations to the satisfaction of the Commission, all at the expense of the

developer/seller.

PART 5. ADMINISTRATIVE REGULATIONS

5.1. The Commission shall administer this ordinance. Applications for permits to subdivide shall be as prescribed by the Commission; and forms may be obtained at the Town Clerk's office.

5.2. **Waiver Authority.** In accordance with Section §4418(2)(A) the Commission may waive or vary:

5.2.1. Application requirements set out in Part 5, or on the application form. The applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable.

5.2.2. Design and Improvement Standards set forth in Part 8.
The applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the design and improvement standards for which waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations.

5.2.2.1. The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and provide sufficient information to justify the waiver and to enable the Commission to find the following:

5.2.2.1.1. That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics, and

5.2.2.1.2. That granting the waiver will be consistent with the purposes of these regulations, and

5.2.2.1.3. That granting the waiver will not adversely affect public safety, and

5.2.2.1.4. That granting the waiver will not adversely affect the character of the neighborhood.

5.2.2.2. The Commission may grant or deny waivers, in whole or in part. In granting waivers, the Commission shall require such conditions that will secure substantially the objectives of the provisions that are the subject of the waiver.

5.2.3. In deciding whether or not to grant a waiver under subsection 5.2 the Commission may consider, without limitation, the following factors:

5.2.3.1. Topography of the tract to be subdivided and the immediate surrounding area;

5.2.3.2. The size of the tract, long range plans for its subdivision, and the

estimated number of lots;

5.2.3.3. Any historic or environmental features having special need for preservation;

5.2.3.4. Any foreseeable engineering difficulties; and

5.2.3.5. Any foreseeable problems in traffic, road maintenance and operation, drainage, provision of utility services and in the operation of septic system(s).

5.3. Before any major subdivision of a parcel of land, or any contract for sale of, or any offer to sell a major subdivision or any part thereof is made, or any grading, clearing, construction, or other improvement is undertaken therein, the Applicant (or his agent) shall submit to the Commission an application for a permit to subdivide, accompanied by a preliminary plan; and a fee as set by the Selectboard. Development shall not commence until a permit has been issued.

5.4. **Preliminary Plan Review** - The administrative procedure on a preliminary plan review shall include at least the following:

5.4.1. The Applicant shall file with the Commission the application and plan; including drawings; and the names and addresses of the record owners of all property abutting the property proposed to be subdivided. The number of required copies shall be as specified on the application form.

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

5.4.2.1. Publication of the date, time, place, and purpose of the hearing in a newspaper of general circulation in Pomfret.

5.4.2.2. Posting of the date, time, place, and purpose of the hearing in three or more public places within the town of Pomfret in conformance with location requirements of 24 V.S.A. § 4464.

5.4.2.3. Posting of the date, time, place, and purpose of the hearing within view from the public right-of-way most nearly adjacent to the property for which an application is made.

5.4.2.4. Written Notification of Hearing to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where the additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to make any subsequent appeal.

5.4.2.5. The Planning Commission shall prepare the above notices, shall cause to be published and post the notice specified in 5.4.2.1, 5.4.2.2 and 5.4.2.3, and shall forward the written notice specified in 5.4.2.4 to the applicant with instructions that it is the responsibility of the applicant to notify the adjoining property owners either by written notice mailed to their last know address or by written notice hand delivered to their last known address. The applicant shall provide proof of such delivery by a certificate of service at the time of the hearing.

5.4.3. Before taking action on the preliminary plan, in accordance with §4464, the Commission will hold a warned public hearing as set forth above with the Applicant or his agents and may hear from and confer with other parties whose interest may be directly affected by the proposed plan. Within forty-five days after the Preliminary Plan Review hearing is closed, the Commission shall communicate in writing to the Applicant the specific changes, if any, which it will require as a prerequisite to the subsequent approval of the final subdivision plan. The Commission may disapprove of the preliminary plan in its entirety, but shall state in writing its reasons for such disapproval.

5.4.4. The action taken by the Commission (approval, recommendations for modifications or disapproval) shall be noted in a Preliminary Plan Review Determination which will then be distributed, one copy to each: the Applicant by Certified Mail, the selectboard, the administrative officer, each interested person participating in the hearing, and the files of the Commission.

5.4.5. Approval of a preliminary plan shall not constitute approval of the applicant's final plan.

5.4.6. Prior to approval of the final plan, the Commission may require additional changes as the result of further study.

5.5. After official notification by the Commission with respect to the preliminary plan application and the changes, if any, to be made therein, the Applicant shall within 12 months thereafter file with the Commission a proposed final plan, including an application for approval of the final plan and such supporting information and drawings of the final plat and road and utility profiles as the Commission may prescribe. The number of copies shall be specified on the application form. The Commission may grant an additional six month extension for filing final plans upon written request by the Applicant.

5.6. **Final Plan Review** - The administrative procedure on a final plan shall include at least the following:

5.6.1. The final plan shall conform to the approved preliminary plan, plus any modifications required by the Commission.

5.6.2. The location, and permit status of existing and proposed water supply and wastewater systems shall be submitted with the final plans.

5.6.3. Offers of cession, in a form certified as satisfactory by the Town Attorney, of all land offered by the Applicant for school sites, roads, parks or other public lands, but approval of the plan by the Commission shall not constitute an acceptance by the town of any land offered for dedication.

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

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

5.6.4.2. Posting of the date, time, place, and purpose of the hearing in three or more public places within the town of Pomfret in conformance with location requirements of 24 V.S.A. § 4464.

5.6.4.3. Posting of the date, time, place, and purpose of the hearing within view from the public right-of-way most nearly adjacent to the property for which an application is made.

5.6.4.4. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way and to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. 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 make any subsequent appeal.

5.6.4.5. The Planning Commission shall prepare the above notices, shall cause to be published and post the notice specified in 5.6.4.1, 5.6.4.2 and 5.6.4.3, and shall forward the written notice specified in 5.4.2.4 to the applicant with instructions that it is the responsibility of the applicant to notify the adjoining property owners either by written notice mailed to their last known address or by written notice hand delivered to their last known address. The applicant shall provide proof of such delivery by a certificate of service at the time of the hearing.

5.6.5. The Commission may permit the final plan to be divided into parts or phases, subject to such conditions as it deems necessary to assure orderly development. The Commission may approve the improvement of each of said parts in sequence.

5.6.6. Within forty-five days after the final hearing held under sub-section 4.7.4 is closed, the Commission shall, in writing, approve with or without conditions, or disapprove, such plan. Failure so to act within forty-five days shall be deemed approval. The written decision will then be distributed, one copy to each: the Applicant by Certified Mail, the Selectboard, the administrative officer, each interested person participating in the hearing, and the files of the Commission.

5.6.7. If the final plan is disapproved, grounds for such action shall be stated in the Commission's decision.

5.6.8. If the final plan is approved, each copy shall be endorsed by the Chairman of the Commission as follows: "Approved by the Planning Commission of the Town of Pomfret, Vermont, on the day of , 20 , subject to all requirements and conditions of said resolution. A copy of the resolution shall be attached to each copy of the final plan, which shall then be distributed to: Town Clerk, Selectmen, Zoning Administrator, Board of Listers, the Applicant, and the files of the Commission.

5.6.9. The approval of the Commission shall expire 180 days from such approval unless, within such 180 day period, such plat, drawn in ink on mylar, shall have been duly filed by the Applicant in the office of the Town Clerk, after which the plat shall become part of the official town map. The Zoning Administrator may extend the date for filing the plat by 90 days if local or state permits or approvals are still pending.

5.6.10. The plan shall be void if changed after the Commission has endorsed it in writing.

5.7. Any decision or act taken, or failure to act, by the Commission may be appealed to the Environmental Court by any interested person (as defined in §4465) who has participated in the hearing in conformance with §4471. The appeal shall be taken in accordance §4471 and further references therein. Written notice of such appeal must be filed with the Environmental Court with a copy to the secretary of the Planning Commission within thirty days of the date of entry of the decision against which the appeal is to be taken.

5.8. In lieu of the completion of required improvements prior to development of a lot or lots, the Commission may require from the owner for the benefit of the town, a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body, in any amount sufficient to cover the full cost of completing said required improvements and their maintenance for a period of two years after completion as is estimated by the Commission.

5.9. The performance bond required by subsection 5.8 shall run for a term to be fixed

by the Commission, but in no case for a longer term than three years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the town and upon receipt of the proceeds thereof, the town shall install or maintain such improvements as are covered by such performance bond.

5.10. Upon completion of all improvements required by the Commission, an engineer licensed in Vermont and employed by the Applicant shall certify that such improvements have been constructed according to the plans and profiles as approved by the Commission. In addition, the Commission and/or its representatives, including the Zoning Administrator and/or the Pomfret Road Commissioner and/or an engineer licensed in Vermont and employed by the Commission, shall have the right to enter upon the subdivision while work is in progress, as well after the work is completed, during normal working hours and to do all things necessary to inspect the work and to make reasonable test checks for the purpose of ascertaining that all improvements have been constructed according to the plans and profiles as approved by the Commission. All costs of such inspection and certification shall be paid by the Applicant.

PART 6. - PRELIMINARY PLAN

6.1. The Preliminary Plan shall conform in all respects to those portions of the Final Plan set forth in subsection 7.1 of these regulations, except that the plat and other drawings contained in the Preliminary Plan may need not be precisely accurate. Nevertheless, both the drawings and text must be sufficiently detailed and accurate to set forth clearly the Applicant's plans.

PART 7. - FINAL PLAN

7.1. The form, materials and content of a Final Plan shall be as specified by the Commission and be prepared by a licensed land surveyor and shall comply with 27 V.S.A. Chapter 17 §1401 - §1406. Without limitation, these specifications may include: (a) a layout at a scale of not more than 100 feet to the inch showing contours at 20-foot intervals; and (b) profiles of proposed roads and utilities to scale on a grid showing gradients. Considered together, the layout and profiles shall show, or be accompanied by the following information:

7.1.1. The name and location of the subdivision, names and addresses of the owner of record and Applicant, scale, north arrow, date, and space for signatures

7.1.2. The location and dimensions of perimeter property lines of the subdivision with the names of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks, and

public open spaces and similar facts regarding abutting property.

7.1.3. Location, name and widths of existing and proposed roads within the subdivision with their grades and profiles

7.1.4. Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage

7.1.5. Existing and proposed easements for public utilities or other purposes, as well as buildings, water courses, ponds or other standing water, rock ledges and other essential features

7.1.6. Lot perimeters and identifying numbers or letters and the outline of development envelopes conforming to the requirements of section 7.1.

7.1.7. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or the entire tract.

7.1.8. All boundaries and the lines of roads, lots and easements must be certified as substantially correct by a surveyor licensed in Vermont, and a duly authorized engineer licensed in Vermont shall certify that the designs for all proposed improvements conform to the requirements of these regulations and other State and Local standards.

PART 8. - DESIGN AND IMPROVEMENT STANDARDS

8.1. Land designated for development within a subdivision shall be delineated by development envelopes which shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development and land clearing (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The development envelopes shall conform to the development criteria in the Pomfret Zoning Ordinance as amended including the protection of natural and scenic resources. The development envelopes shall also conform to all other zoning criteria including setbacks and flood plain limits.

8.2. Whenever the Commission finds need for the reservation of one or more rights-of-way or one or more reserve strips, such reservations shall be made before final approval of a subdivision plan.

8.3. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads.

8.4. Road intersections and curves shall be so designed as to permit adequate

visibility for both pedestrian and vehicular traffic. Minimum sight distance shall be 150 feet. Horizontal road curves in general shall have a minimum centerline radius of 50 feet.

8.5. Intersections of roads shall be at angles as close to ninety degrees as possible and in no case shall two roads intersect at an angle smaller than 60 degrees.. Grades shall be limited to no more than three percent within fifty feet of an intersection.

8.6. Standards for Private Road and Driveway Construction –

8.6.1. The construction of any driveway or road serving one or more lots or dwelling units shall meet the following specifications.

8.6.2. Prior to issuing a permit for a new dwelling unit, the zoning administrator shall determine that the existing driveway or proposed driveway providing access to the dwelling complies with the design criteria in Section 8.6.3

8.6.3. **Design, Layout and Construction Specifications.** The following specifications are the minimum design standards for providing access for emergency vehicles. Failure to meet these specifications may result in reduced access and protection for fire, rescue and medical emergencies.

Number of Lots/Principal Residences	1-3	4-8	Over 8
A. Minimum width of travel portion/shoulder width	12'	14'	16'/2'
B. Maximum centerline grade	16%	12%	12%
C. Minimum horizontal road curve centerline radius			40'
D. Turnoffs every (less if sight lines require)			500'
E. Minimum Width of deeded Right-of-Way			50'
F. Slopes	Cut Slopes 2:1		Fill Slopes 4:1

8.6.3.1. **Road Base and Bridges** – The roads or driveway base, and any bridges shall be capable of supporting a design wheel load of 18,000 pounds and a minimum gross vehicle weight of 80,000 pounds;

8.6.3.2. Driveways shall be designed to allow a fire apparatus to park within a maximum of 100 feet of the house.

8.6.3.3. Houses located more than 1,000' from a town highway shall provide a staging area within 1,000 feet of the house for multiple emergency vehicles

8.6.4. **Waivers.** The board may grant a waiver permitting portions of the driveway to vary from the above standards. In granting the waiver, the board shall:

8.6.4.1. Find that due to special circumstances of a particular site, a road meeting the above standards will adversely affect significant natural or scenic resources, or the rural character, or that there is no reasonable access conforming to the standards;

8.6.4.2. Find that provisions can be made for a road to provide access for vehicles using or servicing the property; and,

8.6.4.3. Require reasonable conditions that will, in its judgment, and with the concurrence of the fire chiefs, provide access substantially the same for emergency vehicles as with a road meeting the above standards. Examples of conditions may include but are not limited to:

8.6.4.3.1. Additional turn-offs, greater width on corners, and paving steep grades;

8.6.4.3.2. Improving fire protection with a residential sprinkler system that meets the requirements of NFPA 13D: *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.*

8.6.5. Maximum centerline road grade with waiver is 17%.

Access Permits: A town or state access permit is required for new driveways and private roads that intersect a town or state highway. A change of use for an existing driveway or private road such as additional dwelling units or lots, or a change from residential to commercial may also require an Access Permit. Town access permits are issued by the Selectboard and state access permits are issued by VTrans.

8.7. Drainage

8.7.1. Adequate storm water management facilities shall be provided, with the Applicant's designs and specifications to be checked by an engineer licensed in Vermont and employed by the Commission, with the cost thereof to be borne by the Applicant.

8.7.2. Without limitation, specifications of storm water management facilities shall include at least the following minimum standards: Ditches, culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, (whether inside or outside the subdivision), based on anticipated run-off from a "50-year" storm as defined by the United States Geological Survey under conditions of total potential development permitted by the Zoning Ordinance in the watershed. Where it is anticipated that additional run-off resulting from the development of the subdivision will overload an existing downstream drainage facility during a "25-year" storm, the Commission shall not approve the subdivision until provision has been made for the improvement of said condition.

8.7.3. Drainage facilities shall be within the right-of-way, if feasible; otherwise, in unobstructed perpetual easements.

8.8. Dead-end roads shall include a turn-around roadway with a minimum diameter of right-of-way of 100 feet centerline radius of 40 feet. Alternative turnarounds schemes may be approved that will accommodate equipment and vehicles

servicing the highway and area including emergency response vehicles.

8.9. All discontinued roads, presently unused for normal travel, shall be improved by the applicant, if a subdivision is located on such a road. The minimum standards prescribed by these regulations shall apply to any such road to be reopened and the cost for such improvements shall be borne by the applicant.

8.10. Unless prohibited by site conditions, utilities should be installed underground. Where possible, utility easements should be continuous from lot to lot and shall present as few irregularities as possible. Such easements shall be cleared, graded and maintained where required for long-term maintenance of service.

8.11. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties for reasons of topography or other natural conditions.

8.12. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan as determined by the Commission.

8.13. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each road.

8.14. Construction of new structures requiring water supply and wastewater treatment on any new lots may not start until all required state water supply and wastewater permits have been issued.

PART 9. - PENALTIES

Any person who violates these subdivision regulations shall be subject to the provisions of § 4451 and § 4452, Chapter 117, 24 VSA.

PART 10. - JURISDICTION

10.1 This ordinance shall pertain to all land within the boundaries of the Town of Pomfret, Vermont.

10.2 This ordinance shall be in effect from the time of its adoption.

PART 11. - SEVERABILITY

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this ordinance are severable.

PART 12. - AMENDMENT

These regulations may be amended in accordance with the provisions of §4441 and §4442, Chapter 117, 24 VSA.

Selectboard adopted on December 20, 2011

Effective January 11, 2012

Neil I. Lamson, Chair Selectboard

12/20/11
Date

Robert S. Harrington, Selectboard Member

Kevin H. Lessard, Selectboard Member