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SUBDIVISION REGULATIONS

Grafton, Vermont

January 2009

Amended as to Hearing Board on March 16, 2020

TABLE OF CONTENTS

ARTICLE I. GENERAL REGULATIONS	2
Section 110. Title	2
Section 120. Enactment	2
Section 130. Applicability of Regulations	2
Section 140. Effect of Regulations	3
Section 150. Purpose	4
Section 160. Authority and Responsibility	5
Section 170. Amendments	7
Section 180. Enforcement, Violations, and Penalties	7
Section 190. Severability	7
Section 191. Effective Date	7
ARTICLE II: SUBDIVISION APPLICATION PROCEDURE	7
Section 210. Application of Regulations	7
Section 220. Boundary Line Adjustments	7
Section 230. Sketch Plan Phase for Minor and Major Subdivisions	8
Section 240. Minor Subdivision Application and Procedures	9
Section 250. Major Subdivision Application and Procedure	9
Section 260. Public Acceptance of Roads, Recreation Areas	12
Section 270. Improvements and Performance Bond	12
Section 280. Filing of Approved Final Subdivision Plat	13
ARTICLE III: APPLICATION REQUIREMENTS – Major Subdivision	13
Section 310. Sketch Plan Review	13
Section 320. Major Subdivision - Preliminary Plan	14
Section 330. Major Subdivision - Final Application	17
Section 340. Minor Subdivision	17
ARTICLE IV: DESIGN STANDARDS	17
Section 400. Design Standards	17
Section 410. Water Pollution	18
Section 420. Runoff and Erosion	18
Section 430. Highway Congestion and Pedestrian Traffic	18
Section 440. Land Character, Preservation and Open Land	19
Section 450. Natural Resources	21
Section 460. Utilities, Energy Conservation and Construction Planning and Timing	22
ARTICLE V: DEFINITIONS	23

ARTICLE I. GENERAL REGULATIONS

Section 110. Title

These shall be known as the “Town of Grafton Subdivision Regulations” and be referred to herein as “these regulations.”

Section 120. Enactment

Whereas the Town of Grafton has created a Planning Commission and has adopted and has in effect a Town Plan under Vermont Municipal and Regional Planning and Development Act, Title 24 VSA Chapter 117, hereinafter referred to as “the Act,” there are hereby established Subdivision Regulations for the Town of Grafton (the Town).

Section 130. Applicability of Regulations

These regulations shall apply to all lands within the Town and to all landowners, subdividers, or duly authorized agents or representatives, proposing to subdivide land as defined in **Article V Definitions**.

These regulations include amendments to the Grafton Subdivision Regulations originally adopted in 1989 and revised in 1999. All permits and conditions legally granted under previous subdivision regulations shall remain in effect as provided therein unless a new application is filed under these regulations.

If any subdivision subject to these regulations and also subject to other Town or State regulations, the most stringent or restrictive regulation(s) shall apply.

Unless specifically exempted herein, no subdivision of land shall commence within the area affected by these regulations except when in conformance with these regulations [24 VSA 4446].

131. Definition of Subdivision: Subdivision includes but is not limited to:

1. The division of a parcel into two or more parcels;
2. Re-subdivisions, amendment(s) to subdivision(s), amendment(s) to conditions of plat approval, and boundary line adjustment(s);
3. Creation of easements or rights-of-way to allow access to landlocked parcels [24 VSA 4418 (1)(B) and 4412 (3)];
4. Creation of common interest ownership communities where lots or structures within the community are subdivided for sale.

132. Exemption: Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Administrative Officer (AO) under [24 VSA 4418] determines that the proposed adjustment meets the following criteria:

1. Is a minor realignment that does not substantially change the nature of any previous subdivision and does not exceed one acre or 10% of the smaller parcel; whichever is less;

2. Does not create any new lot as a result of the adjustment;
 3. Will not adversely impact access to any parcel;
 4. Will not adversely impact any significant natural resource or result in fragmentation of agricultural land or identified fragile natural feature;
 5. Will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit.
 6. Is in conformance with the Grafton Town Plan
 7. The applicant has demonstrated that either a wastewater or water supply permit has been obtained or is not required.
133. To apply for a boundary line adjustment, an applicant shall file a permit application accompanied by a plat or plats, which meets the requirements of a final plat as set forth in **Article II, Section 280**; for the purpose of correcting metes and bounds or change the location or alignment of a parcel boundary without creating a new parcel (that is, a lot line adjustment).
134. Administrative Officer (AO) has determined that the applicant has applied for a boundary line adjustment and that the adjustment is not a subdivision under this section.
135. The filing of boundary surveys and/or corrective deeds to repair boundary metes and bounds or change location or alignments of a boundary without creating a new parcel (e.g. lot-line adjustment) are not considered amendments or boundary line adjustments provided the boundaries of the existing parcels to be changed are set forth on an existing and recorded parcel map. Such boundary surveys or corrective deeds shall be administered by the AO as a boundary adjustment application, with the additional requirement that the AO shall inform members of the Development Review Board in writing within thirty (30) days of receiving the application for change, and shall not approve the application based on such survey or deed for ten days from the date such notice is given to those members. Once the AO approves the application, it shall be administered pursuant to [24 VSA 4449] and subject to appeal pursuant to [24 VSA 4465].

Section 140. Effect of Regulations

141. **Public Improvements:** No person, who, being the owner or agent of the owner of any parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer, or agree or enter into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erect any structure on that land, unless a final plat has been approved and recorded as provided in these regulations. [24 VSA 4451(b)]

142. **Pre-existing Subdivisions:** All subdivisions lawfully in effect as of the effective date of these bylaws are allowed to continue indefinitely. Any re-subdivision or other changes in the subdivision shall be subject to all applicable requirements of these bylaws.

143. **Restrictions:** These regulations shall not repeal, abrogate, or impair any other land use controls,

including but not limited to, previous permit conditions, statutes, bylaws, rules, ordinances, permits, easements, deed restrictions, and covenants. The provisions of this regulation shall be minimum requirements and shall therefore take precedence over any concurrent and less restrictive controls. [24 VSA 4413(c)]

144. **Approvals:** The granting of plat approval under these regulations shall not relieve the applicant from the obligation of obtaining any necessary approvals by local, state, or federal law.

145. **Compliance with Flood Regulations:** All subdivisions must comply with the Grafton Flood Damage Prevention Regulations.

Section 150. Purpose

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, comfort, convenience and general welfare of the Town.
2. To guide the future growth and orderly development in accordance with the Town Plan, capital budget and program, and all other bylaws or regulations enacted to implement the Town Plan, in a manner, which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, working landscape.
3. To ensure that land to be subdivided shall be of such character that it can be used safely for its intended purposes.
4. To secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
5. To guide public policy to ensure the provision of adequate and efficient transportation, water, electrical utilities, telecommunications infrastructure, school, parks, playgrounds, recreation, and other public requirements and facilities.
6. To promote the conservation of energy or to permit the utilization of renewable energy resources.
7. 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 any proposed subdivision.
8. 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.
9. To provide the most efficient relationship between town land use settlement patterns and the circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.
10. To prevent the pollution of air, streams, ponds and lakes; to ensure the adequacy of drainage facilities; to safeguard groundwater; and 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.
11. To protect the Town's Village and Hamlets and unique sense of place, including its cultural heritage, scenic resources and traditional working landscape of a village surrounded by open

- countryside.
12. To minimize the fragmentation of productive resource lands, including farm and forestland, to ensure its continued use and availability for agriculture and forestry.
 13. To further the purposes contained in the Act, and in particular those purposes set forth in section [24 VSA 4302].
 14. To ensure that Prime Agricultural Soils as defined by the state are protected by minimizing the impact by either clustering development or by preserving significant blocks through open space planning or the sale of development rights.
 15. To promote and encourage the proper location of new construction to take advantage of possible solar energy; and to prevent the blocking of solar energy by any new structure.

Section 160. Authority and Responsibility

Development Review Board: The Development Review Board is hereby authorized and empowered under [24 VSA 4460(e)] to do all acts and procedures set forth and provided in [24 VSA 4418] of the Act including; the approval, modification, or disapproval of plats of land and approval or modification of plats previously filed in the office of the municipal clerk or land records, in accordance with the standards and procedures established in these regulations.

Administrative Officer: The Planning Commission shall nominate to the Selectboard and the Selectboard shall appoint an Administrative Officer, herein referred to as (AO), for the Town for a term of three (3) years. The AO shall administer these regulations literally and shall not have power to permit any land development that is not in conformance to these regulations [24 VSA 4448].

161. **Waiver Applicability:** An applicant may receive relief from a provision of these subdivision regulations, including Article III procedures, e.g. combining sketch plan review and final plat review into one hearing for small subdivisions with insignificant impacts, and Article IV through the granting of a waiver by the Development Review Board [24 VSA 4418(2)(a)].

162. **Purpose:** The purpose of a waiver is to address special circumstances of a particular plat or plats, which are not requisite in the interest of the public health, safety, and general welfare or are not requisite because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

163. **Application:** When waivers are applied for by the Applicant, the Town will treat the waiver(s) request as an appeal(s). Therefore a notice of appeal for a waiver shall be filed with the Clerk of the Development Review Board prior to or concurrent with the submission of the respective subdivision plat. The notice will include the following:

1. The name and address of the appellant;
2. A brief description of the property with respect to which the waiver is requested;
3. A reference to applicable regulation provisions for which relief is requested;
4. The nature of the relief requested by the appellant; and
5. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).

164. Subject to the general standards, set forth in **Subsection 166** of these regulations and the provisions found in **Subsections 167** through **171** or particular authorization elsewhere in these regulations, the Development Review Board may grant waivers to the applicant on the Development Review Board's own motion without the public notice required of the applicant in **Subsection 165**.

165. **Public hearing:** A public hearing shall be held by the Development Review Board at the earliest available meeting of the Development Review Board. A hearing for a waiver can be held concurrently with plat approval provided the waiver appears in the purpose of the hearing as warned. [24 VSA 4464(a)(2)] The public hearing is subject to the requirements set forth below and as allowed in [24 VSA 4464].

For preliminary and minor subdivision review hearings, public notice must be given at least seven (7) days prior to the hearing. Major subdivision hearings require a fifteen (15) day public notice period. The notices shall be in conformance with the guidelines set forth in [24 VSA 4464].

166. **General Standards:** The Development Review Board may waive or modify standards found in **Article IV** subject to the following criteria:

1. Not requisite in the interest of the public health, safety, and general welfare; or
2. Inappropriate because of inadequate or lack of connecting facilities adjacent to or within proximity of the subdivision [24 VSA 4418(2)(A)].

With regard to the waiver of **Article IV** standards, the Development Review Board may grant a waiver only after it finds that the subdivision with the waiver complies with **Section 160** of these regulations.

167. **Conditions of Approval:** In rendering a decision in favor of an applicant for a waiver, the Development Review Board may attach such conditions as it considers necessary and appropriate under the circumstances to implement the Act and/or the adopted Town Plan or these regulations or other municipal ordinances or regulations.

168. **Decision:** After the close of the Public Hearing, the Development Review Board shall approve or disapprove the waiver within 45 days after the completion of the public hearing, or any continuation of the hearing. If the Development Review Board fails to act within 45 days, the waiver shall be deemed approved [24 VSA 4464(b)(1)]. All decisions shall be sent by certified mail within the time period to the applicant. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing [24 VSA 4464(b)(3)].

169. **Posting:** When a waiver is approved, notice must be posted within view of the public right of way, adjacent to the subject property until the time for appeal has passed. The notice shall contain a statement of the appeal period [24 VSA 4449(b)] and information as to where a full description of the project and approval can be found. Within three (3) days following the issuance of the decision, a copy of the approval must be posted in at least one public place in the municipality until the expiration of the fifteen (15) days from the date of issuance of the approval [24 VSA 4449(b)(2)].

170. **Appeals:** Any interested person may appeal a decision of the Development Review Board to the environmental court by filing a notice of appeal under the authority given in [24 VSA 4466].

Waiver approval shall not be effective until the time for appeal has passed, or in the event a notice of appeal is filed with the environmental court, no such approval shall take effect until adjudication of that appeal [24 VSA 4449(a)(3)].

The notice of appeal to the environmental court shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds why the relief is believed proper under the circumstances.

171 Recording Requirements: A copy of the decision shall be filed with the AO and the Town Clerk as a part of the public record [24 VSA 4464(b)(3)]. The Development Review Board shall meet all recording requirements of **Section 280**.

Section 170. Amendments

These Regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

Section 180. Enforcement, Violations, and Penalties

These Regulations shall be enforced in accordance with [24 VSA §§4451, 4452].

Section 190. Severability

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

Section 191. Effective Date

These Regulations shall take effect twenty-one (21) days after adoption at a regular meeting of the legislative body or after a petition and vote as per [24 VSA 4442(c)(1)].

ARTICLE II: SUBDIVISION APPLICATION PROCEDURE

Section 210. Application of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted; the applicant or authorized agent, shall apply in writing to the Development Review Board with the application fee to Administrative Officer. Grafton recognizes three types of subdivisions: 1) Boundary Line Adjustments, 2) Minor Subdivisions and 3) Major Subdivisions. Each is defined in Article V of these Regulations. Boundary Line Adjustments are simple boundary line adjustments between adjacent properties, Minor Subdivisions constitute the division of a property into three (3) lots or less and Major Subdivisions involve the division of a property or properties into four (4) or more lots. Minor Subdivisions involve a Sketch Plan phase and Final Plan review. Major Subdivisions are more complicated and have three phases of review; Sketch Plan, Preliminary Plan, and Final Plan review.

Section 220. Boundary Line Adjustments

These Regulations grant the AO the ability to conduct an administrative review, as authorized pursuant to [24

VSA 4464(c)], and grant permits for subdivision projects meeting the definitions of a boundary line adjustment.

221. Applicants for a boundary line adjustment(s) shall be responsible for providing the AO with a complete subdivision application and a supplemental letter and map containing information necessary for the AO to make a decision. Prior to granting the permit, the AO may require an accurate map of the property showing existing features, including structures locations, water, driveways, easements, parking and loading spaces and pedestrian walks and other information pertinent to the issue.

222. The AO may grant a permit for a Boundary Line Adjustment, if the applicant can satisfy all the provisions found in Section 132:

1. The adjustment requested meets the definition of a Boundary Line Adjustment;
2. No new lots are created;

223. The AO shall make a decision on the request for Boundary Line Adjustment by applying the facts presented in the application to the criteria, listed above, and incorporating all into a written decision. In approving a Boundary Line Adjustment, the AO shall act to ensure, and may impose conditions requiring, that the Boundary Line Adjustment, if permitted, will conform to the Town Plan. The nature of any conditions attached to it shall be entered on the face of the permit and upon the final subdivision plat depicting the adjustment and shall be enforceable in the same manner as all other applicable requirements of these Regulations.

224. Upon securing a permit decision from the AO prior to that Permit taking effect, the applicant shall be required to file a final subdivision plat pursuant to the requirements of **Section 280** of these Regulations.

Section 230. Sketch Plan Phase for Minor and Major Subdivisions

231. **Initial Meeting:** Prior to the initial meeting with the Development Review Board, the applicant shall schedule an appointment with the AO to discuss the subdivision. After the meeting with the AO, the applicant shall request a meeting with the Development Review Board at least fifteen days (15) prior to a regularly scheduled meeting, to discuss the proposed subdivision and submit the required information as described in **Section 310** of these Regulations. The applicant shall submit **four (4)** copies of a sketch plan of the proposed subdivision, which shall include all the requirements found in **Section 310**.

The applicant shall be guided by the Development Review Board as to the need for further meetings and the advisability of entering into the preliminary and final plan stages of the application process.

232. **Classification of Project:** The Development Review Board shall determine whether the project meets the purposes of these Regulations. The Development Review Board may request the applicant to make a clarification or ask for a continuance of the Sketch Plan hearing. At the meeting, the Development Review Board will classify the project as a Minor or Major Subdivision. The Commission

shall specify what the submission requirements for subsequent review will be.

233. Technical Review Fee: The Development Review Board may require an applicant of any proposed subdivision to bear the costs incurred by the Town for any professional reviews and inspections which are reasonably required by the Town in connection with such application, or in connection with the ongoing development of the approved subdivision, including, but not limited to, fees and disbursements charged to the Town for engineering, legal, hydrological or other professional services rendered on behalf of the Town in connection with the development of such subdivision. The Development Review Board may set the amount that the applicant gives to the Town in escrow for these purposes at the end of the discussion phase. This new regulation is in accordance with the authority granted under [24 VSA 4440(d)].

Section 240. Minor Subdivision Application and Procedures

241. Final Plan Application Submittal: If the Development Review Board has classified a subdivision as a minor subdivision, the applicant has six (6) months to submit an application for approval of a subdivision plan according to the requirements set forth in **Section 340** of these Regulations. The plan shall conform to the layout presented to the Development Review Board at the Sketch Plan review, plus any recommendations made by the Development Review Board. The Development Review Board may require, where necessary for the protection of public health, safety, and welfare that a Minor Subdivision comply with all or some of the submission requirements or the general and specific standards for major subdivisions.

242. Notice Requirements: The applicant shall provide notice in the same manner as that required for preliminary plans in Major Subdivisions as outlined in **Subsection 252** of these Regulations.

243. Final Plan Review Procedures: The Development Review Board shall conduct its hearing in the same manner as that required for Preliminary Plans in Major Subdivisions as outlined in **Subsection 253** of these Regulations.

244. Final Plan Decision: The Development Review Board shall render its decision in the same manner as that required for Preliminary Plans in Major Subdivisions as outlined in **Subsection 254** of these Regulations, except that for minor subdivisions the written decision may be contained within the meeting minutes. The decision may include any applicable conditions and should include relevant conditions concerning any of the circumstances outlined in **Subsection 259** of these Regulations.

Section 250. Major Subdivision Application and Procedure

251. Preliminary Plan Application: Within six (6) months after a subdivision has been classified as a major subdivision by the Development Review Board, the applicant shall submit an original and **three (3)** copies total of the subdivision application to the Town Clerk's office. The complete application must be received by the Town Clerk's offices at least twenty-five (25) days prior to the regular monthly meeting of the Development Review Board for Preliminary Plan review. The application shall meet the requirements set forth in **Section 320** of these Regulations and shall conform to the layout shown on the

sketch plan plus any recommendations and conditions made by the Development Review Board. If the applicant fails to file a complete subdivision application within six (6) months from the conclusion of the Sketch Plan phase, the Development Review Board may require the applicant to resubmit the application to the Development Review Board for Sketch Plan review.

252. Notice procedures: All development review applications before the Development Review Board shall require notice for a warned public hearing of not less than fifteen (15) days prior to the date of the public hearing. The notice must meet the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the Town. The AO or Clerk or Chair of the Development Review Board shall place the notice in the paper.
2. Posting of the same information in three (3) or more public places within the Town in conformance with location requirements of [1 VSA 312(c)(2)], including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The AO or Clerk or Chair of the Development Review Board shall post notices in two places within the Town and shall also be responsible for posting the property.
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The Town shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. Prior to the first hearing, the Town shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certificate of mailing demonstrating that the letters were sent. The Town needs only demonstrate that the letter was sent, not that it was received or signed receipts if the letter was hand-delivered. If the Town fails to reasonably demonstrate that they sent notice to the adjoining and any other interested party, the Development Review Board may postpone the hearing.

The Town's providing of notice prior to the Preliminary Plan in a Major Subdivision shall constitute notice at least fifteen (15) days prior to the Final Plan hearing sufficient to satisfy [24 VSA 4464(a)(1)]. The applicant will not be required to mail individual adjoiners the notice of the Final Plan hearing.

253. Review Procedures: Pursuant to the requirements of [24 VSA 4461], the Development Review Board shall set a date and place for a public hearing of an application within sixty (60) days of the filing of a complete application with the Development Review Board. The Development Review Board shall advise the applicant of the date and time of the hearing within a time frame that allows the Town to mail neighboring landowners notices of the hearing, pursuant to the procedure described in **Subsection 252(3)** of these Regulations. Any person or body empowered by [24 VSA 4465] to participate as an "interested party" with respect to the application may appear and be heard in person or be represented by an agent or attorney at the hearing. The Development Review Board may adjourn the hearing from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the

rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in [3 VSA 810]. If any portion of the land involved with the subdivision is within five hundred 500 feet of the boundary of an adjoining town, the Town shall also submit a copy of written notification to the Development Review Board of that town.

254. Decisions: The Development Review Board shall issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal, within forty-five (45) days after completing the hearing and shall within that period send the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the AO and the Town Clerk, who shall record the decision as a public record. If the Development Review Board fails to make a decision within forty-five (45) days, on the 46th day the Development Review Board shall be deemed to have rendered a decision in favor of the applicant.

255. Form of Approval and Conditions: When granting approval of a Preliminary Plat, the Commission shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Preliminary Plat;
2. The character and extent of the required improvements for which waivers may have been requested;
3. The amount of improvement or the amount of all bonds which it will require as prerequisite to the approval of the Final Plat; and
4. Any required phasing of the project to insure compliance with Town Plan or conformance with these Regulations or any capital budget adopted by the Town at the time of the application.

The action of the Development Review Board and any conditions attached thereto shall be noted on **two (2)** copies of the Preliminary Plat. One copy shall be returned to the applicant, one retained by the Development Review Board, and one forwarded to the legislative body.

256. Validity of Preliminary Plan Approval: Approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the Development Review Board may require additional changes as a result of further study. Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to any other local officials having jurisdiction over the project (e.g. Selectboard, Town Highway Foreman, and Health Officer). Upon receipt of evidence of approval of the Preliminary Plan by said officials, the applicant may apply to the Development Review Board for Final Plan approval. The approval of a Preliminary Plan shall be effective for a period of six (6) months from the date of the written notice of approval.

257. Final Plan Application: Within six (6) months of Preliminary Plan approval, the applicant shall submit **four (4)** copies of an application for approval of a final subdivision plat. If the applicant fails to do so, the Development Review Board may require the applicant to resubmit a new plat for Preliminary Plan approval subject to any new subdivision regulations, unless the Development Review Board determines that lengthy delays are beyond the applicant's control. The final application must conform to the requirements set forth in **Section 330** of these Regulations, and shall conform to the layout shown on

the Preliminary Plan plus any recommendations made or conditions required by the Development Review Board. **Four (4)** copies of the application for Final Plat review shall be presented to the Chair of the Development Review Board at least twenty-five (25) days prior to a regular monthly meeting of the Development Review Board. The date of such meeting following receipt of the required materials shall be the official submission date of the application for approval of a Final Plat.

258. Final Plan Hearing: A public hearing shall be held by the Commission within sixty (60) days after receipt of the final subdivision application, pursuant to **Subsection 253** above. Said hearing shall be warned in accordance with the requirements of **Subsections 252(1) and (2)** noted above.

259. Final Plan Decision: The Development Review Board shall within forty-five (45) days from the adjournment of the Final Plan hearing approve, modify, or disapprove the Final Plan pursuant to the procedure outlined in **Subsection 254** above. When granting approval of a Final Plan, the Development Review Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plat;
2. The character and extent of the required improvements for which waivers may have been granted;
3. The improvement or the amount of all bonds that the Commission will require to secure work on public infrastructure as prerequisite to the approval of the Final Plat;
4. Any required phasing of the project to insure compliance with Town Plan, or conformance with these Regulations or any capital budget adopted by the Town at the time of the application; and
5. Any conditions requiring the applicant to secure final State or Federal permits, should the Commission grant final approval of the plat prior to applicant's securing of all required final State and or Federal permits.

Section 260. Public Acceptance of Roads, Recreation Areas

Approval by the Development Review Board of a subdivision plat shall not be deemed to constitute acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such final subdivision plat. As noted in **Section 281** below, the Development Review Board may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

Section 270. Improvements and Performance Bond

If the Development Review Board deems it necessary to require a performance bond for any improvements within the subdivision or adjacent area, the applicant shall follow the following procedures: In an amount set by the Development Review Board the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Development Review Board shall fix the term of the bond up to three years. An inspection fee to be paid by the applicant to cover the costs of inspection shall be established by the legislative body as part of the application fee.

Section 280. Filing of Approved Final Subdivision Plat

281. Plat Recording: All final subdivision plats must be recorded in the office of the Town Clerk within one hundred and eighty (180) days of the date of final plan approval or the approval expires. The approved final subdivision plat shall be filed with the Town Clerk. The plat to be recorded shall meet all requirements for the recording of a survey plat pursuant to [27 VSA 1403]. Prior to recording the final subdivision plat, the Final Plat, must be signed by two (2) authorized members of the Development Review Board (Chairman and Clerk). Final subdivision plats for Boundary Line Adjustments shall be signed by the ADMINISTRATIVE OFFICER. For any subdivision which requires the construction of streets or other public improvements by the applicant, the authorized members of the Development Review Board may not sign the approved plat until the applicant has:

1. Demonstrated that the proposed public improvements have been accepted by the Selectboard and any other municipal official having jurisdiction over such improvements;
2. Met the requirements of **Section 270** of these Regulations regarding performance bonds, if any; or
3. Constructed all public improvements to the satisfaction of the Development Review Board and Board of Selectmen.

282. Plat Void if Revised After Approval: No changes, modifications, or revisions shall be made in any final subdivision plat after the Development Review Board has issued its approval and executed the plat, unless the plat is first resubmitted to the Development Review Board and the Development Review Board approves any modifications.

ARTICLE III: APPLICATION REQUIREMENTS – Major Subdivision

Section 310. Sketch Plan Review

The Sketch Plan Review submission shall contain the following drawings and information:

1. Name and address of the landowner and all adjacent property owners, with the name of project;
2. A drawing showing the location of the development parcel in the Town and all sites previously developed or subdivided by the applicant/owner in the Town within the past five (5) years. Projects following within five (5) years of other projects by the same applicant will be deemed Major Subdivisions;
3. A drawing at a scale and interval, acceptable to the Administrative Officer, drawn on a contour map showing the project boundaries, adjacent land uses and ownership, significant natural and manmade features, existing easements, and layout and size of the proposed lots, uses, and improvements. The Administrative Officer may waive the requirement of a contour map for minor subdivisions.
4. A written description of proposed development plans, including the total parcel size, the number and size of lots, general timing of construction, and nature and extent of all improvements. The Development Review Board may require additional information before

- recommending that the applicant proceed with the application;
5. Boundaries and area of:
 - a) all contiguous land belonging to owner of record, including land separated by a public right of way and open space, and
 - b) proposed subdivision;
 6. Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land such as easements and covenants;
 7. Type, location, and approximate sizing of existing and proposed roads and utilities.
 8. Date, true north arrow, and scale (numerical and graphic);
 9. Type, location, and approximate sizing of existing and proposed roads and utilities;
 10. Delineation of significant physical features such as wooded area, watercourses, drainage ways, wetlands, geologic outcrops, and open space; and
 11. Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

Section 320. Major Subdivision - Preliminary Plan

The Preliminary Plan shall consist of one original and **three (3) copies (four (4) total)** of the following maps and information (Information may be preliminary. Maps shall be at a scale acceptable to the ADMINISTRATIVE OFFICER):

1. **Subdivision Permit Application.** A completed subdivision permit application form obtainable from the Town Clerk, the application fee and any funds the Development Review Board has determined will need to be escrowed to cover Town's technical review or inspection costs as established per **Subsection 233** of these Regulations;
2. **Sketch Plan Information.** All information submitted from the Sketch Plan Review.
3. **Compliance.** A statement of the compliance of the proposed subdivision with the Town Plan;
4. **Survey.** A complete survey of the boundaries of the subdivision parcel by a Vermont licensed surveyor including, but not limited to, information concerning the date, true north point and scale. In addition to the outside boundary survey, the map should depict a map of the proposed lots, easements and other infrastructure;
5. **A statement and maps regarding water impact.** If necessary, or other documents demonstrating that the applicant has considered the impact the development may have on Grafton's waters and has designed the project to comply with the standards contained in **Section 410** of these Regulations. Additionally, the applicant will describe the steps they have taken to screen the delivery/disposal area from the road and neighboring properties.
6. **Description of proposed water supply.** A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system.
7. **Description of proposed sewage disposal system.** A report prepared in conformance with state wastewater regulations from an engineer, hydrologist or other person qualified to render an

opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system.

8. **Description of stormwater systems.** A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of stormwater system proposed and stating that the system will be designed to meet the State of Vermont Stormwater Regulations governing both construction and permanent infrastructure and a map depicting the systems. Additionally, the applicant will supply preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval sufficient to demonstrate the scope of the earthwork.
9. **Description of impacts on school and other municipal services.** Applicant shall demonstrate that the proposed subdivision shall not place an unreasonable burden on the ability of the Town to provide municipal, educational, or governmental services or facilities. The applicant may satisfy these criteria by providing information sufficient to satisfy the Development Review Board or letters from the following entities or officials: Road Foreman, Fire Department, Board of Selectman, School Board or Principal.
 - a. **Schools.** A letter from the school official responsible for the Grafton Elementary School showing that school age population projected for the project can be accommodated in the existing facilities in conformance with school capital improvement program and budget.
 - b. **Road Letter.** A letter from the road foreman regarding the capacity of roads, intersections and bridges in the immediate vicinity of the proposed subdivision to accommodate additional traffic generated by the proposed subdivision within an appropriate level of service. If new roads or upgrades are required, please also see **Sections 430 – 431** of these Regulations regarding standards for road improvements. Where upgrades to Town roads are required, applicant shall receive approval from the Grafton Selectboard stating that the improvements meet the Town's Road Standards as well as a letter approving the proposed upgrades from the road foreman.
 - c. **Fire.** A letter from officials of the Grafton Volunteer Fire Department confirming that the proposed subdivision is designed in such a manner to allow them sufficient access for response vehicles and that they have the ability to provide service to the proposed subdivision.
 - d. **Board of Selectmen.** A letter from the Board of Selectmen indicating that the subdivision will not place on burden on the Town's infrastructure or the project will be mitigated to reduce the burden on the Town's infrastructure and is in conformance with the Town Capital Budget and Program.

Applicants unable to provide letters from local officials shall provide any other evidence they or the Development Review Board determines will be appropriate to satisfy the condition, including additional compensation the applicant will provide towards mitigating the impact created.

10. Description of Natural Resource impacts. A report describing and a map depicting the natural resources on the property and how the proposed application will impact each of the following:

- a. Describe the general character of the land as it currently exists and how it will exist after the development. Depict significant wetlands, floodplains, streams, brooks, steep slopes, rock outcroppings scenic areas, ridgelines, exceptional trees or other significant natural or historic features and describe methods used to preserve those features or otherwise reduce impacts, if any, to them;
- b. Describe and depict the lot layout and configuration, building envelopes, if any, and why the applicant chose to configure the development in the manner depicted;
- c. Describe the steps the applicant took to retain natural cover and limit impacts of construction;
- d. Describe any landscaping proposed. Depict landscaping plans showing plant types, ground cover, lighting and signage, and existing features and trees to be maintained;
- e. Describe any agricultural activities currently on or adjacent to the parcel proposed to be subdivided and depict any prime agricultural soils on the property. Describe any steps taken to minimize the impacts on the soils or operations in light of the requirements listed in **Subsection 451** of these Regulations;
- f. Describe steps the applicant has taken to reduce the visual impact of the proposal in light of the requirements listed in **Subsection 452** of these Regulations;
- g. Describe and depict any deer wintering areas on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in **Subsection 453** of these Regulations;
- h. Threatened and endangered species. Describe and depict any threatened or endangered species know to exist on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in **Subsection 454** of these Regulations;
- i. Describe and depict all land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes and the methods for assuring and maintaining such dedication or reservation;
- j. Provide any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision;
- k. Describe the homeowners' association or other form or management organization, if such is proposed, and provides copies of the association documents; and
- l. Describe the steps the applicant has taken to reduce the impact on agricultural lands and forest lands.

11. Description of utilities serving the project. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed utilities infrastructure including utility easements, provisions for connections with municipal infrastructure, if any, location of electric telephone and cable infrastructure, and any energy conservation measures incorporated into the design.

12. **Description of the construction activities.** The description shall include hours of operation, hours of trucking, blasting, if any, or any other steps applicant has taken to reasonably reduce construction impacts.

13. **Temporary Markers.** Establish temporary markers on the site adequate to enable the Commission to locate and appraise the basic layout of the lots and infrastructure in the field. On the map, show an existing street intersection or provide the distance from one corner of the property to the nearest existing street.

Section 330. Major Subdivision - Final Application

The Final Application shall consist of **eight (8)** copies of a surveyed Plat Plan and Project Description including the following information:

331. **Submitted Information.** All information required for the Preliminary Submittal shall be submitted in final form, including any revision or additional detail requested by the Development Review Board.

332. **Easements.** In the event of granting of easements to the Town of Grafton, a written acknowledgment of the applicant's responsibility for maintenance of easement areas until such land has been, if they are, legally accepted by the Town.

333. **Approvals.** Written evidence of approval by all applicable local officials having jurisdiction over the project, and written evidence application for or approval of applicable State and Federal agency permits. Should the applicant move forward with only applications for State or Federal agency permits, and fail to secure such permits prior to final plan approval, the Development Review Board may issue approval subject to the condition that the applicant must secure State or Federal agency permits substantially similar to those presented to the Development Review Board prior to recording the final subdivision plat.

Section 340. Minor Subdivision

At the Discussion Phase, the Development Review Board may specify which submission requirements stipulated for Major Subdivisions might be required for a Minor Subdivision application approval. The information listed in **Section 320**, (1)-(4), (6) and (7) shall be required. Other criteria may be required at the sole discretion of the Development Review Board. At the Sketch Plan meeting, the Development Review Board will make an initial determination concerning which of the application materials it is willing waive.

ARTICLE IV: DESIGN STANDARDS

Section 400. Design Standards

In order to promote the thoughtful subdivision of property within the Town, the Development Review Board will evaluate Minor and Major Subdivision applications it receives pursuant to all criteria listed below that are relevant to applicant's proposed subdivision.

Section 410. Water Pollution

Proposed subdivisions shall not cause unacceptable air or water pollution. Applicants shall demonstrate that the development proposed has been designed to comply with the following standards.

411. Rivers and Streams: Applicant shall demonstrate that the subdivision has been designed to reasonably mitigate impacts on rivers and streams by demonstrating that:

1. All infrastructure planned as part of the subdivision has been designed to protect the water quality in the Town's rivers and streams;
2. Unless not feasible, a vegetated, undisturbed buffer of not less than twenty-five (25) feet from high water's edge along the Saxton's River; fifteen (15) foot buffer from high water's edge for all streams and a ten (10) foot buffer from high water's edge for all intermittent streams is required;
3. Any infrastructure that encroaches or crosses a stream shall be designed to minimize the number of stream crossings through clustering or use of existing infrastructure easements or crossings, or the use of reasonable alternative routes; and
4. Applicant shall secure a stream alteration permit from the Agency of Natural Resources as applicable.

412. Wetlands: Applicant shall demonstrate that the subdivision has been designed to mitigate impacts upon all wetlands that have been identified as significant by the Agency of Natural Resources or are found on the National Wetlands Inventory Map or falls under the jurisdiction of the Army Corps of Engineers. All significant wetlands must have a minimum undisturbed vegetated buffer of fifty (50) feet and the disturbance of significant wetland is strongly discouraged. If there is disturbance of a wetland, the applicant shall obtain a conditional use permit from the Agency of Natural Resources.

413. Floodplains: Applicant shall demonstrate that any proposed infrastructure will follow the Town of Grafton's Flood Hazard Regulations.

Section 420. Runoff and Erosion

Applicant shall demonstrate that the subdivision has been designed and phased to control stormwater and erosion control both during and after construction. Projects that disturb one (1) or more acres of land may need either a Stormwater or a General Construction permit. The applicant is required to have a determination made prior to any construction and it will be a condition for Final Plat approval. Smaller subdivision proposals shall provide plans and information sufficient to demonstrate they have included adequate provisions for the control of runoff and erosion, before, during and after construction, by following the requirements in Section 2 of the "*Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control*" dated August 2006 and as subsequently revised.

Section 430. Highway Congestion and Pedestrian Traffic

Proposed subdivisions shall not cause unreasonable highway congestion or unsafe conditions with respect to the current or projected use of highways, streets and roads in the Town. If necessary, the proposed subdivisions shall contain adequate provisions for pedestrians in terms of safety, convenience and access to

appropriate destinations.

431. Roads and Driveways:

1. Topography: Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets;
2. Access: Access shall be available for fire, ambulance, and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions;
3. New Road Design Standards: New roads serving the public shall be designed to comply with Town of Grafton Road Standards and receive approval by Selectboard prior to construction;
4. Traffic Capacity: Subdivision projects judged by the Development Review Board to generate traffic that exceeds the existing capacity of adjacent public roads or intersections shall be denied, or phased in a manner which allows the improvement of said capacity to better accommodate the project. The Development Review Board may require traffic study if the proposed project, in the judgment of the Development Review Board, will place a burden on the Town's road network ;
5. Road Upgrades: If the proposed access road or driveway intersects a Class 4 Town Highway, that portion of the Class 4 road that is intersected, will remain a public access. All access roads or driveways onto a Class 4 road require approval by the Board of Selectmen. The Development Review Board, with approval from the Board of Selectmen, may require the applicant to improve the intersection onto a Class 3 Town Highway to meet town or state road standards. The Development Review Board may also impose conditions for approval of a subdivision for the improvement of private roads or drives on the subdivided parcel which, in the judgment of the Development Review Board, are inadequate to handle the increased traffic;
6. Road Names: All street names must be approved by the Board of Selectmen. Streets shall be identified by name on the preliminary plat. Proposed streets aligned with existing streets shall bear the E-911 names of the existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it road, street, avenue, boulevard, driveway, place, or court; and
7. Driveways: A right of way of twenty (20) feet is required for a driveway serving up to two (2) houses and thirty (30) foot right of way for three (3) or more houses;

432. Financial Impacts: An applicant shall be required to provide for any or all of the expenses of road or intersection improvements created by the applicant's project.

433. Pedestrian Improvements: Where necessary, in the judgment of the Development Review Board, rights-of-way for sidewalks, trails or other pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

Section 440. Land Character, Preservation and Open Land

The applicant shall demonstrate that the project is consistent with the purposes of this section and the subdivision shall meet the following criteria, unless waived by the Development Review Board.

441. **Character of the land:** All land to be subdivided shall be, in the judgment of the Development Review Board, of such a character that it can be used for the intended purpose without danger to public health or safety, or to the environment. Significant wetlands, land subject to periodic flooding or poor drainage, steep slopes over twenty percent (20%) grades or land with inadequate capability to accommodate structures, septic systems, roads, utilities, will be considered to be inconsistent with the purposes of this section and shall be mitigated by the applicant or the application could be denied by the Development Review Board.

442. **Preservation of existing features:** Due regard shall be given to the preservation and protection of existing features, including but not limited to exceptional trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, and other natural and historic features. To avoid fragmentation, isolation or destruction of such features, irregular or elongated lots may be restricted or prohibited, and the location of structures or other development may be restricted or limited to within certain building envelopes established on the property.

443. **Compatibility with Town Plan and compliance with existing ordinances:** The proposed development shall be compatible with goals, policies, and elements to the Town Plan. The proposed subdivision may be denied if the proposed subdivision cannot be shown to be in compliance with the Town Plan.

444. **Lot layout and configuration:** Lot layout and building envelope shall be appropriate for the intended purpose and shall support the existing pattern of development. In the Village and Hamlets, lot layout and building envelope shall reinforce the existing building pattern by enabling building sites and setbacks consistent with existing development patterns, contributing to logical and connective street and pedestrian networks. The applicant shall consider topography, soil conditions, existing features, natural resources and adjacent uses. Cluster development shall be encouraged and may, at the Development Review Board's discretion, be required whenever it is deemed to be feasible and desirable.

445. **Natural cover:** Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil.

446. **Open space:** Land dedicated to open space shall be in a location or locations, and of a size and shape approved by the Development Review Board (for park, recreation, open space, agriculture, forestry, wildlife habitat, natural areas, aquifer protection areas, water body bank, or municipal purposes). Provisions for open space shall include but shall not be limited to the following objectives:

1. The open space land shall provide for the protection of resources on the site including agricultural land, woodland, wildlife habitat, natural areas, aquifer protection areas, views, vistas, stream banks and historic sites;
2. The location, shape, size and character of the open space land shall be suitable for its intended use and shall be located so as to conform with and extend existing and potential common open space lands on adjacent parcels;

3. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing natural resources worthy of preservation may be required to be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required; and
4. The Development Review Board, as a condition of approval, may establish such conditions as it deems necessary to the ownership, use and maintenance of land set aside as open space, to assure the preservation of such lands for their intended purposes.

Section 450. Natural Resources

Applicant shall demonstrate that they have developed the subdivision in a manner that provides due regard for natural resources by minimizing impacts upon the following identified natural resources and wildlife commutes or habitat:

451. Agriculture and primary agricultural soils: Applicant shall demonstrate that they have minimized the impact of the proposed subdivision on agriculture and primary agricultural soils on the property through clustering developed areas away from operating agricultural operations or preserving significant blocks of primary agricultural soils on the property as common or open space.

452. Views and aesthetics: Applicant shall demonstrate that they have designed the subdivision to minimize the view shed impacts of the proposed subdivision by demonstrating how the subdivision complies with the following principles (the Development Review Board may waive this requirement for renewable energy facilities):

1. Homes, driveways and other structures will be sited to blend in with the landscape wherever practical and safe by:
 - a. Avoiding ridgeline building locations by setting the structure back from the edges of ridges;
 - b. Locating structures and drives at the edge of wood lines, not in the middle of fields;
 - c. Siting structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties.
2. Clearing for homes, driveways and other structures outside the building envelope and view corridor should be controlled as follows:
 - a. Limiting the extent of clearing and ridgeline disturbance necessary to accommodate the structures and services;
 - b. Outside of the building footprint, minimizing clearing by selectively cutting small trees with diameters of less than four (4) inches at breast height and the lower branches of larger trees when clearing views out from the structure to look strategically through the tree line;
 - c. This provision is intended to control clearing that impacts the views of structures. It is not intended to prohibit the clearing of the meadows that give the Town its unique character.

453. **Deer wintering areas:** Applicants shall demonstrate that the proposed subdivision has been designed to reasonably mitigate impacts on deer wintering areas in the Town as depicted upon the Statewide Deer Wintering Area GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife.

454. **Threaten and endangered species:** Applicants shall demonstrate that the proposed subdivision has been designed to reasonably mitigate impacts on threatened or endangered species in the Town as depicted upon the Statewide Non-game and Natural Heritage Threatened and Endangered Species GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife. If threatened and/or endangered species exists on the parcel proposed to be subdivided, applicant shall demonstrate how they have reasonably mitigated impacts on the resource through clustering developed areas away from operating agricultural operations or preserving significant blocks of primary agricultural soils on the property as common or open space.

Section 460. Utilities, Energy Conservation and Construction Planning and Timing

Applicant shall demonstrate that they have thoughtfully designed the utilities serving the subdivision, incorporated energy saving design techniques and timed significant construction activity to reasonably mitigate their impacts.

461. **Creation of community utilities:** All subdivisions shall make adequate provisions for community water supply system, storm water and community sewage disposal system, and required utilities and improvements. The Development Review Board may require that a community water supply or wastewater system be established.

462. **Electric, telephone, cable television:** The applicant shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it feasible.

463. **Energy conservation:** In order to conserve energy, subdivisions should minimize areas of roadway, sewer, water, and utility lines, within environmentally and economically sound limits. All subdivisions shall be designed so as to take advantage of southeast, south, and southwest orientations in order to maximize the potential use of solar power systems. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development is encouraged.

464. **Construction mitigation:** Applicants shall demonstrate that they plan to mitigate noise or other impacts caused by construction by creating a plan including agreeing to the following mitigating conditions:

1. Hours. Limiting the hours of major construction;
2. Trucking Hours. Further limiting the hours of trucking of material; and

3. **Blasting Notification.** Requires notification of neighbors before any blasting occurs.

ARTICLE V: DEFINITIONS

Certain means of references and words used herein shall be defined as listed below. Unless the content clearly indicates to the contrary, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.

ACT: Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act.

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

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons, who have been duly authorized in writing filed with the Commission by the applicant to act in his or her behalf.

BOUNDARY LINE ADJUSTMENT: Any revision to a plat record or deed legally filed in the Town's land records which creates no new building lot(s) and which has no impact on roads, rights-of-way or other public facilities; (i.e. a case in which the owners of two abutting properties wish to move a common boundary, without the intent to create an additional lot). A boundary line adjustment shall be treated as an administrative change if it meets the criteria found in **Section 132**.

BUILDING ENVELOPES: A building envelope constitutes a specific area of land designated within a subdivided lot of land on which all of the infrastructure, except the driveway or utilities serving the lot, shall be located. Building envelopes constitute a useful tool for maintaining open space and limiting the scope of impact of a project. The Development Review Board may require any subdivision to create building envelopes on any subdivision.

COMMUNITY WATER SUPPLY SYSTEM: Any water system owned by one person that supplies water for domestic, commercial, industrial or institutional uses for two (2) or more, but less than ten (10) users.

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any sewage disposal system, owned by one person that disposes of sewage for domestic, commercial, industrial, or institutional uses for two (2) or more dwelling units.

GRAFTON TOWN PLAN, OR PLAN: A plan adopted pursuant to 24 VSA §§ 4384, 4385.

DEER WINTERING AREA: Deer wintering areas within the Town of Grafton shall constitute only those areas as depicted upon the Statewide Deer Wintering Area GIS data layer and map produced by the Agency of Natural Resources, Department of Fish and Wildlife, as it may be modified from time to time or modified by direct field observations. A copy of the deer wintering area map for the Town of Grafton is available at the Grafton Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont

Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

DEVELOPMENT REVIEW BOARD: The Town of Grafton Development Review Board Created under 24 VSA §4460.

DRAWING: A relatively informal depiction of information in a visual format, where unless specifically required, scale is not represented to be accurate.

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

FINAL SUBDIVISION PLAT: The final survey plat rendered by a licensed surveyor and meeting all the requirements of 27 VSA 1403 for recording, on which the applicant's plan of subdivision is presented to the Development Review Board for approval and which, if approved, may be filed for record with the Grafton Town Clerk.

LEGISLATIVE BODY: The Town of Grafton Board of Selectmen.

MAP: A document depicting information in a visual format. Maps are more formal than drawings and should depict information in an accurate scale, but are not guaranteed to the same precision as formally surveyed plats.

MUNICIPALITY: Town of Grafton.

OFFICIAL MAP: The map authorized under 24 VSA 4402 (5) and adopted according to 24 VSA §§ 4441 and 4442 and modified according to 24 VSA 4421.

OPEN SPACE: Land not occupied by structures, buildings, streets, rights-of-way, and automobile parking lots. See **Subsection 446** for a more detailed description.

PERFORMANCE BOND: A performance bond constitutes a contractual obligation made by the applicant for the benefit of the Town protecting the Town against loss due to the inability of the applicant to install infrastructure benefiting the town as may be required as a condition of a subdivision permit.

PLANNING COMMISSION: The Town of Grafton Planning Commission created under 24 VSA 4321.

PRELIMINARY PLAN OR PLAT: The preliminary maps indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

PRIMARY AGRICULTURAL SOILS: Prime agricultural soils within the Town of Grafton constitute units of prime and statewide agricultural soils as defined by the Natural Resource Conservation Service of the United States Department of Agriculture. A copy of a map locating prime agricultural soils for the Town of Grafton is available at the Grafton Town Clerk's office or may be viewed on the World Wide Web

through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

PUBLIC STREET OR ROAD: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than two (2) single-family residential uses or lots.

REGIONAL PLANNING COMMISSION: Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 VSA Chapter 117.

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

SKETCH PLAN: A drawing of a proposed subdivision showing information specified in Article III, Section 310 of these Regulations.

SKETCH PLAN MEETING: A warned meeting between the applicant and the Development Review Board designed to allow the applicant the opportunity to discuss with the Development Review Board their proposed subdivision. See the requirements of Sketch Plan review under **Section 230**.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

SUBDIVISION: The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes re-subdivision and boundary line adjustment. The division of a building for sale, lease or transfer (condominium) is a subdivision and shall meet the requirements of 27A VSA 2-109.

SUBDIVISION, MAJOR: Any subdivision containing four (4) or more lots. Also, any subdivision containing two (2) or more lots which do not have frontage on any existing public street or which require any new public street.

SUBDIVISION, MINOR: A subdivision containing (3) lots or less which have frontage on an existing public street, and which does not require any new public street, extension of public street or of other municipal facilities.

SURVEY PLAT: A map or representation of a parcel of land subdivided into lots and streets, drawn to scale by a licensed surveyor.

THREATENED AND ENDANGERED SPECIES: Threatened or endangered species in the Town of Grafton are depicted upon the Statewide Non-game and Natural Heritage Threatened and Endangered

Species GIS data layer and map produced by the Agency of Natural Resources as it may be modified from time to time or modified by direct field observations. A copy of the map generally locating threatened and endangered species for the Town of Grafton is available at the Grafton Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

TOWN HIGHWAY, CLASS 1: Town highways designated by the Highway Board which are part of a State highway route and which carry a State highway route number.

TOWN HIGHWAY, CLASS 2: Town highways designated by the legislative body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

TOWN HIGHWAY, CLASS 3: All other traveled Town highways, other than Class 1 or Class 2, designated by the legislative body of the Town, after conference with a representative of the Highway Board.

TOWN HIGHWAY, CLASS 4: All other Town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the legislative body of the Town.

WETLANDS: Significant Wetlands within the Town constitute Class II wetlands as designated on the Vermont Significant Wetlands Inventory Map and GIS data layer produced by the Agency of Natural Resources, Department of Fish and Wildlife, as it may be modified from time to time or modified by direct field observations. A copy of the Vermont Significant Wetlands Inventory Map locating Class II wetlands within the Town is available at the Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.