

TOWN OF MILTON

SUBDIVISION REGULATIONS

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Amended

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Town of Milton Subdivision Regulations

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ARTICLE I - TITLE, POLICY AND PURPOSE

Section 100 **Title**
Section 110 **Policy**
Section 120 **Purpose**
Section 130 **Applicability**

Section 100 **Title**

These regulations shall be known as the Milton Subdivision Regulations.

Section 110 **Policy**

110.1 It is hereby declared to be the policy of the Town of Milton to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Milton pursuant to the Vermont Planning and Development Act (Act) and the Milton Town Comprehensive Plan (Plan) for the orderly, planned, efficient and economical development of the Town.

110.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

Section 120 **Purpose**

These regulations are adopted for the following purposes:

120.1 To protect and provide for the public health, safety, and general welfare of the Town of Milton.

120.2 To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.

120.3 To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.

- 120.4 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- 120.5 To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
- 120.6 To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- 120.7 To prevent the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; 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 land.
- 120.8 To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- 120.9 To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

Section 130 **Applicability**

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the Town of Milton. No land shall be subdivided within the Town of Milton until the subdivider shall obtain final approval of the proposed subdivision from the Development Review Board (DRB) and the final approved subdivision plat is recorded in the Milton Land Records.

ARTICLE II - DEFINITIONS

Section 200 **Specific Definitions**

Section 210 **Other Definitions**

Section 200 **Specific Definitions**

For the purposes of these regulations, the following words shall be defined as follows:

- 200.1 Act - The Vermont Planning and Development Act. Title 24, Chapter 117, Vermont Statutes Annotated.
- 200.2 Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system that disposes of sewage for domestic, commercial, industrial or institutional uses from two or more users.
- 200.3 Community Water System - Any water system, other than a municipal water system that supplies water for domestic commercial, industrial or institutional uses to two or more users.
- 200.4 DRB – The Development Review Board of the Town of Milton.
- 200.5 Final Subdivision Plat - The final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be filed for record with the Town Clerk.
- 200.6 Major Subdivision - Any subdivision containing seven or more lots; any planned residential development or planned unit development containing seven or more units.
- 200.7 Minor Subdivision - Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units.
- 200.8 Plan - The Comprehensive Plan of the Town of Milton adopted pursuant to the Vermont Planning and Development Act.
- 200.9 Preliminary Plat - The preliminary drawings for a major subdivision, indicating the proposed layout of the subdivision, to be submitted to the DRB for its consideration.

- 200.10 Resubdivision - Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded after the adoption of any subdivision regulation by the Town of Milton.
- 200.11 Sketch Plan - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the DRB as to the form of the subdivision and objectives and requirements of these regulations.
- 200.12 Street - Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic.
- 200.13 Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, development or otherwise. The term also includes amended subdivisions and resubdivisions. The term shall also include the development of a planned residential development or planned unit development.
- 200.14 Subdivider - Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale, development or otherwise any subdivision or part thereof.

Section 210 **Other Definitions**

Unless otherwise defined herein, the definitions contained in the Vermont Planning and Development Act and the Milton Zoning Regulations shall apply to these regulations.

ARTICLE III - SKETCH PLAN

Section 300 **Submittal of Application**
Section 310 **Requirements**
Section 320 **Classification**
Section 330 **Conformance**
Section 340 **Effect of Sketch Plan Approval**

Section 300 **Submittal of Application**

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Town Planner at least ten (10) days prior to a regularly scheduled meeting of the DRB, a sketch plan of the proposed subdivision, which shall include the following:

- 300.1 Name and address of the owner of record and applicant.
- 300.2 Name of owners of record of contiguous properties.
- 300.3 Boundaries and area of proposed subdivision.
- 300.4 Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
- 300.5 Type, location, and approximate size of existing and proposed streets, utilities and open space.
- 300.6 Date, true north arrow, and scale (numerical and graphic).
- 300.7 Location map, showing relation of proposed subdivision to adjacent property and surrounding area.
- 300.8 Deed reference - tax map reference.
- 300.9 Zoning district.
- 300.10 Payment of required fees.

Section 310 Requirements

The subdivider, or his duly authorized representative, shall attend the meeting of the DRB on the sketch plan to discuss the requirements of these regulations for streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Section 320 Classification

The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision.

Section 330 Conformance

The DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the Plan, the Zoning Regulations and any other By-laws then in effect, and shall where it deems necessary, make specific recommendations for changes in subsequent submissions. The DRB may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these regulations for major subdivisions.

Section 340 Effect of Sketch Plan Approval

Approval of a sketch plan shall not constitute the approval of a subdivision plat and is merely an authorization for the applicant to file a preliminary plan or final plan application.

ARTICLE IV: MINOR SUBDIVISION APPLICATION

- Section 400 **Application**
 - Section 410 **Public Hearing**
 - Section 420 **Action**
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Section 400 **Application**

Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.

Section 410 **Public Hearing**

A public hearing shall be held by the DRB as soon as schedule allows after the time of submission to the Planner of an application for approval of a minor subdivision. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

Section 420 **Action**

The DRB shall within forty-five (45) days after the completion of the public hearing or any continuation thereof approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval.

ARTICLE V: MAJOR SUBDIVISION APPLICATION

Section 500	Preliminary Plat Application
Section 510	Preliminary Plat Public Hearing
Section 520	Action on Preliminary Plat
Section 530	Sectionalizing
Section 540	Effect of Preliminary Plat Approval
Section 550	Final Plat Application
Section 560	Final Plat Hearing
Section 570	Final Plat Action

Section 500 Preliminary Plat Application

Within six (6) months of classification by the DRB of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 600 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.

Section 510 Preliminary Plat Public Hearing

A public hearing on the preliminary plat shall be held by the DRB as soon as schedule allows after the time of submission to the Town Planner of the preliminary plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

Section 520 Action on Preliminary Plat

Within forty-five (45) days of the completion of the public hearing, or any continuation thereof, the DRB shall approve, modify and approve, or disapprove said preliminary plat, and the grounds for any modifications required or the grounds of the disapproval shall be set forth in a written notice of decision. Failure of the DRB to act within said forty-five (45) day period shall constitute an approval of the preliminary plat. A copy of the notice of decision of the DRB shall be sent to the applicant by certified mail, return receipt requested, within said forty-five (45) day period.

Section 530 Sectionalizing

At the time the DRB grants preliminary plat approval, it may require the plat to be divided into two or more sections and may impose such conditions upon the filing of application for final plat approval for each section as it deems necessary to assure the orderly development of the plat.

Section 540 Effect of Preliminary Plat Approval

Approval of a preliminary plat shall not constitute approval of the submission plat. Prior to approval of the final subdivision plat, the DRB may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year, and any plat not receiving final approval prior to the expiration of one (1) year shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision regulations. Should the DRB impose sectionalizing as a condition of preliminary plat approval, it may extend the one (1) year effective period of preliminary approval.

Section 550 Final Plat Application

Within six (6) months of preliminary plat approval, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the approved preliminary plat and incorporate all conditions set forth in the preliminary plat approval.

If sectionalizing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.

Section 560 Final Plat Hearing

A public hearing shall be held by the DRB as soon as schedule allows after the time of submission to the Town Planner of the final subdivision plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

Section 570 Final Plat Action

The DRB shall within forty-five (45) days after the public hearing approve, modify and approve, or disapprove such plat. Failure to do so within such forty-five (45) days shall be deemed approval. A copy of the notice of decision of the DRB shall be sent to the applicant by certified mail, return receipt requested, within said forty-five (45) day period.

ARTICLE VI: APPLICATION SUBMISSION REQUIREMENTS

Section 600 **Preliminary Plat for Major Subdivision**Section 610 **Final Plat for Major and Minor Subdivision**

Section 600 Preliminary Plat for Major Subdivision

600.1 The Preliminary Subdivision Plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to scale of not more than one hundred (100) feet per inch, showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title and the name of the Town.
- (2) Name and address of record owner, subdivider and designer of Preliminary Plat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The zoning district designation of the area to be subdivided and any zoning district boundaries affecting the tract.
- (6) Deed reference, tax map reference.
- (7) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (8) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property two hundred (200) feet from property lines.
- (9) Contour lines at intervals of five (5) feet for existing grades and for proposed finished grades where change of existing ground elevation will be five (5) feet or more.
- (10) Typical cross sections of the proposed grading and roadways and of sidewalks.
- (11) Complete survey of subdivision tract by a licensed land surveyor.

- (12) Date, true north point and scale.
 - (13) Means of providing water supply to the proposed subdivision.
 - (14) Means of providing sewage disposal to the proposed subdivision.
 - (15) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
 - (16) Preliminary designs of any bridges or culverts which may be required.
 - (17) The proposed lot lines with approximate dimensions and suggested locations of buildings.
 - (18) The location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field. Unless an existing street intersection shall be shown.
 - (19) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (20) The location of natural features or site elements to be preserved.
 - (21) Fire protection - letter of requirements from the Fire Department.
 - (22) List of waivers, if any, the subdivider desires from the requirements of these regulations.
- 600.2 The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:
- (1) All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any right-of-way adjoining the proposed subdivision.

- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph one (1), above.
- (3) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

Section 610 **Final Plat for Major and Minor Subdivisions**

610.1 The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements; It shall be on linen; mylar or canvas backed paper clearly and legibly drawn, and the size of the sheets shall be either 18 inches x 24 inches or a multiple thereof. Such sheets shall have a margin of one (1) inch outside the border along three sides and of one and one-half (1-1/2) inch on the binder side. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a major subdivision shall conform in all respects to the preliminary plat as approved by the DRB. The subdivision plat shall show:

- (1) Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.
- (2) Street names, as approved by the DRB, and lines pedestrian ways, lots, reservation, easements and areas to be dedicated to public use.
- (3) Sufficient data acceptable to the DRB to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (5) By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by him.
- (6) Lots within the subdivision numbered in alternating order within the blocks.
- (7) The location of all the improvements referred to in Article VIII and in addition

thereto the location of all fire protection devices, utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.

- (8) Permanent reference monuments and lot corner markers shall be clearly indicated.
- (9) Monuments shall be set at all corners and angle points of the boundaries of the subdivision, and for new roads at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the DRB.
- (10) Deed reference, tax map reference.

610.2 It is recommended that the final plat be submitted in digital form. If it will be submitted it should comply with the following specifications:

- (1) All data should be submitted in Autocad 2000 or an Autocad compatible DXF file.
- (2) If a drawing can not fit on one CD-ROM due to its file size, the drawing should be condensed or compressed using the PK Zip program or provided on a DVD.
- (3) All legal property lines should be on a layer called "property".
- (4) All old or original property lines that have been or are to be dissolved should be on a layer called "old".
- (5) All building footprints should be on a layer called "building"; and building envelopes in a layer called "envelopes".
- (6) All paved site improvements should be on a layer called "paved". Parking spaces and circulation should be on this layer.
- (7) All easements and/or private rights-of-way should be on a layer called "easements".
- (8) All lines should be complete and continuous from one end point to the next (i.e. there should be no gaps). All polygons should snap together to produce closed parcel polygon boundaries.
- (9) All line types should be continuous.
- (10) All property lines should be labeled with the Roman Simplex text accurate to the tenth of a foot with the foot sign after it.

- (11) The text showing dimensions should be put on a layer called “dimensions”. It should be five units high. Miscellaneous text, such as road names, should be put on a layer called “text”.
 - (12) All entities not explicitly mentioned in this document should be deleted from the submitted file.
 - (13) Digital data should be rotated so that north is indicated by the Y-Axis in the digital data.
 - (14) All data should be delivered in any State Plan coordinates, preferably NAD83 datum. Data should be labeled with the coordinate system and units used.
 - (15) All public roads should be on a layer called “public roads”.
 - (16) All private roads should be on a layer called “private roads”.
 - (17) All Town right-of-way should be on a layer called “ROW”.
 - (18) All underground utilities should be on a separate layer for each utility and appropriately named (i.e. “VTGAS”).
- 610.3 There shall be submitted to the DRB with the final plat the following supporting documents:
- (1) Copies of the proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas served and maintained and a certificate from the Legislative Body or Town Attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Milton of any areas proposed to be dedicated to the Town.
 - (2) A certificate from a Town consulting engineer as to the satisfactory completion of all improvements may be required by the DRB. or in lieu thereof, a performance bond to secure completion of all improvements and their maintenance for a period of two (2) years, with a certificate from the legislative body that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
 - (3) Any other documents required by the DRB as a result of preliminary plat approval.
 - (4) The final plan application for a minor or major subdivision shall be accompanied by a Certificate of Title showing the ownership of all property or easements to be dedicated or acquired by the Town, or reserved, and said Certificate of Title shall be

approved by the Town Attorney. Copies of all proposed offers of Dedication, deeds, easements or other instruments conveying property or easements to the Town shall also accompany the final application, and be approved by the Town Attorney.

ARTICLE VII: PLANNING STANDARDS

- Section 700 **Standards for Evaluation**
 - Section 710 **Parkland and School Sites**
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Section 700 **Standards for Evaluation**

Final approval of any subdivision, including Planned Unit Developments as regulated in Section 850 of the Zoning Regulations, shall be based on a finding by the DRB that the subdivision is in accord with the following standards:

- 700.1 The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 700.2 The proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.
- 700.3 The proposal includes sufficient open space for recreation.
- 700.4 The proposal includes adequate provision for control of runoff and erosion during and after construction.
- 700.5 The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect.
- 700.6 The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of stream for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.
- 700.7 The proposed development is compatible with surrounding properties.
- 700.8 The site is suitable for the proposed density.

- 700.9 The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
- 700.10 The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.
- 700.11 There is sufficient water available for the reasonably foreseeable needs of the proposed development.
- 700.12 The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.

Section 710 **Parkland and School Sites**

The DRB, pursuant to 24 V.S.A. #4417 (as amended from time to time), may require as a condition to subdivision approval, the dedication of land or the payment of a fee in lieu of land thereof for public recreation and school purposes. The DRB shall develop uniform criteria for determining: when to require land dedication or a fee alternative, the amount of land or fee to be exacted, the uses to which the land or fee are to be put, and the manner in which dedication or payment is to be made. In developing uniform criteria; the DRB shall consider the following factors:

- (1) Acreage of proposed subdivision.
- (2) Physical suitability of the subdivider's land for use as a parkland or a school site.
- (3) The minimum area required for practical use for such purposes.
- (4) Whether use of the subdivider's land for such purposes would conform to the Town's recreation plans and the school district's school facility plans.
- (5) The potential need for school sites or parkland that the proposed subdivision may generate.

ARTICLE VIII: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

- Section 800 **Streets**
- Section 810 **Curbs, Sidewalks, and Pedestrian Accesses**
- Section 820 **Outdoor Lighting**
- Section 830 **Shade Trees**
- Section 840 **Drainage**
- Section 850 **Water System**
- Section 860 **Sewage Disposal**
- Section 870 **Utilities**
- Section 880 **Layout**

Section 800 **Streets**

800.1 Layout Coordination

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the DRB such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.

800.2 Topography

Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

800.3 Through Traffic

Minor streets shall be so laid out that their use by through traffic will be discouraged.

800.4 Reserved Strips

The creation of reserved strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

800.5 Dead Ends

No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than one thousand (1000) feet in length.

800.6 Intersections

All street intersections shall be as nearly at right angles as possible.

800.7 Accessibility

All dwellings must be accessible to emergency and service vehicles.

800.8 Sight Distances

Sight distances should be consistent with probable traffic speed, terrain, alignments, and climatic extremes.

800.9 Drainage

Adequate provisions shall be made to control the storm water runoff.

800.10 Design

All streets shall be constructed in accordance with State design standards.

Section 810 **Curbs, Sidewalks, and Pedestrian Accesses**

810.1 Curbs and Sidewalks

Curbs and sidewalks may be required when deemed appropriate by the DRB.

810.2 Pedestrian Accesses

The DRB may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

Section 820 **Outdoor Lighting**

Outdoor lighting may be required where deemed appropriate by the DRB to illuminate areas such as

streets, sidewalks, and parking areas.

Section 830 **Shade Trees**

The DRB may require that suitable hardwood shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less. All trees shall measure ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planted within five (5) feet of the edge of the street right-of-way.

Section 840 **Drainage**

An adequate surface storm water drainage plan for the entire subdivision area shall be provided. The subdivider may be required by the DRB to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the DRB shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood area of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the DRB deems necessary to determine the adequacy of all proposed drainage facilities.

Section 850 **Water System**

850.1 Water - Community Systems - The DRB may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and state regulations and standards. The DRB may also require community water systems be designed in such a way that they may eventually be connected to a municipal water supply system.

850.2 Individual Water Supplies - If the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities. Wells shall be located and installed in accordance with all applicable municipal and State regulations and standards.

850.3 Standards - The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:

- (1) Due consideration shall be given to the drainage patterns in the area.

- (2) Building sites and new streets shall be located far enough away from underground water concentrations, or surface areas which take in water to prevent runoff from roads or leachate from septic systems from contaminating water supply.
- (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

Section 860 **Sewage Disposal**

860.1 Community Systems - The DRB may require that the proposed development be serviced by a community sewage disposal system which shall be designed and installed in accordance with all applicable state regulations and standards. The DRB may require that community sewage disposal systems shall be designed in such a way that they may eventually be connected to a municipal sewage disposal system.

860.2 Individual Systems - Individual septic systems shall meet the requirements of the state regulations and standards.

860.3 Standards - Should the DRB determine that the proposed individual septic systems are not subject to any state regulations, it may require the subdivider to make percolation tests and test holes as directed by the local health officer or the State Department of Health with the results thereof being submitted to the DRB.

The proposed individual disposal system, including the size of septic tanks and leachfields or other secondary treatment device, shall be approved by the local Health Officer or State Health Department, at the DRB's discretion, prior to subdivision approval.

Section 870 **Utilities**

870.1 Easements - Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

Section 880 **Layout**

880.1 Zoning Regulations - The layout of lots shall conform to the requirements of the Town's Zoning Regulations.

880.2 Corner Lots - Corner lots shall have extra width to permit a front yard setback on each street.

- 880.3 Side Lot Lines - Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- 880.4 Topography - Consideration in lot layout shall be given to topographic, drainage and soil conditions.
- 880.5 Access - Lots shall be laid out so as to avoid direct access to heavily travelled streets or highways.

ARTICLE IX: GENERAL APPLICATION REQUIREMENTS

Section 900	Number of Copies
Section 910	Application Fees
Section 920	Legal Data
Section 930	Waivers
Section 940	Filing of Final Plat
Section 950	Revisions
Section 960	Effect of Final Approval
Section 970	Expiration of Approval

Section 900 **Number of Copies**

All required submissions under these regulations shall be submitted in quadruplicate.

Section 910 **Application Fees**

Upon submission of an application for subdivision approval the subdivider shall pay the application fee as established by the Select Board. Such fee shall include the costs of publication, public hearings, administrative expenses, and for periodic inspections by the Town retained consultants during the installation of public improvements. Should the DRB deem it necessary to employ an engineer to review plans for streets, drainage, water, sewage or other public improvements, the costs of such engineer shall be borne solely by the subdivider.

Section 920 **Legal Data**

The final plat application for a minor subdivision, shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the Town shall also accompany the final application. In addition, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final application. The DRB may require the filing of such other legal data as it deems necessary in the enforcement of these regulations.

Section 930 **Waivers**

The DRB may waive, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgement of special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgement are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

In granting waivers the DRB shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Regulations or other Town By-Laws.

Section 940 **Filing of Final Plat**

Upon approval of a final plat by the DRB, the Chairman of the DRB shall endorse in writing on said plat such approval and the date thereof. The final plat, on mylar measuring 11" x 17" or 18" x 24" with endorsement shall be filed by the subdivider with the Town Clerk within one hundred eighty (180) days of the DRB's final approval. Final approval shall expire if the final plat is not filed by the subdivider within one hundred eighty (180) day period. The initial one hundred eighty (180) day period may be extended another ninety (90) days at the discretion of the Zoning Administrator/Acting Zoning Administrator if final local or state permits or approvals are still pending.

Section 950 **Revisions**

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the DRB and the DRB approves the modifications. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

Section 960 **Effect of Final Approval**

Final approval by the DRB shall not be deemed to constitute or be evidence of an acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Legislative Body.

Section 970 **Expiration of Approval**

Approval shall expire twenty-four (24) months from the date of final approval if, in the DRB's judgement, no substantial development has occurred.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

- Section 1000 **Severability**
 - Section 1010 **Amendments**
 - Section 1020 **Enforcement and Penalties**
 - Section 1030 **Saving Provision**
 - Section 1040 **Implementation**
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Section 1000 **Severability**

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

Section 1010 **Amendments**

Amendments to these regulations shall be enacted in accordance with the provisions of the Vermont Planning and Development Act as presently enacted or as from time to time hereinafter amended.

Section 1020 **Enforcement and Penalties**

No land development, improvements, additions, buildings, structures, or change of use may be undertaken on any lot, tract or parcel of land subdivided out of a larger parcel, and no zoning permit or occupancy permit shall be issued therefore, until said subdivision has been approved by the DRB under these regulations.

Any person who violates any provision of these regulations shall be fined not more than fifty (\$50) dollars, for each offense, and each day that a violation continues shall constitute a separate offense.

Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than Fifty Dollars (\$50), and each lot, parcel or unit sold, transferred or agreed to be sold or transferred shall be deemed a separate violation.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators thereof.

Section 1030 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision or interim subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing on or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation by lawful action of the Town except as shall be expressly provided for in these regulations.

Section 1040 Implementation

All subdivision regulations and interim subdivision regulations heretofore in effect in the Town of Milton shall be deemed repealed upon the effective date of these regulations.