

SUBDIVISION REGULATIONS

TOWN OF CHESTER, VERMONT

SECTION 1 - ENACTMENT, PURPOSE, APPLICATION

Section 1.1 - ENACTMENT AND TITLE

In accordance with the Vermont Planning and Development Act (hereinafter referred to as the "Act") 24 V.S.A., Chapter 117, Subchapter 6, Section 4401, there are hereby established Subdivision Regulations for the Town of Chester which are set forth in the following text that constitutes these Regulations. These Regulations shall be known as the "Town of Chester Subdivision Regulations," and shall, upon adoption, supersede the Town of Chester Subdivision Regulations adopted on March 3, 1971.

Section 1.2 - PURPOSE

It is the purpose of these Regulations to provide for orderly community growth, to support the Chester Town Plan, and to further the purposes established in the Act, Section 4302.

Section 1.3 - APPLICATION OF REGULATIONS

Before any land is subdivided from a larger parcel, or any offer to sell such land is made, or grading, clearing, construction or other improvement in a subdivision is undertaken, the Subdivider shall apply to the Planning Commission for and secure approval of the proposed subdivision. Plats filed in the office of the Town Clerk prior to the effective date of these Regulations are exempt if they have been approved by the Commission under superseded Town of Chester Subdivision Regulations. Minor subdivisions are subject to the waivers under Section 2.1.

SECTION 2 - WAIVERS AND CONDITIONS

Section 2.1 - WAIVERS

Where the Commission finds extraordinary and unnecessary hardship may result from strict compliance with these Regulations and/or where there are special circumstances of a particular Plat, it may waive portions of these Regulations so that substantial justice may be done and the public interest secured; provided that such waiver will not have the effect of nullifying the intent and purpose of the Chester Town Plan, or the municipal bylaws in effect.

Section 2.2 - CONDITIONS

In granting waivers, the Commission may require such conditions as will, in its judgment, secure the objectives of the requirements so waived. Such action shall pertain to that particular subdivision and shall not set a precedent for similar action relative to any other subdivision.

SECTION 3 - SKETCH PLAN REVIEW

Section 3.1 - SUBMISSION OF SKETCH PLAN

Any Subdivider may, prior to submitting an application for subdivision approval, submit to the Administrative Officer at least fourteen (14) days prior to a regular meeting of the Commission six (6) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Section 9.1 for the purpose of preliminary discussions and consideration of waivers and conditions. Sketch Plan Review is not mandatory if the Subdivider prefers to file an application immediately for Preliminary Plat Review.

Section 3.2 - STUDY OF SKETCH PLAN

The Subdivider, or his duly authorized representative, shall attend the meeting of the Commission to discuss the requirements of these Regulations for road improvements, drainage, sewerage, water supply, fire protection, and other matters related to the subdivision.

Section 3.3 - PROCEDURAL WAIVERS FOR MINOR SUBDIVISION

When land is being divided into less than five (5) lots on an existing public road requiring no capital improvements, the Planning Commission may waive some or all of the requirements of these Regulations provided that the necessary number of access permits have been obtained for entry onto the public road, the required Town and/or State Health Permits have been obtained for installation of proper sewage disposal facilities and that the subdivision conforms to Chester Zoning Regulations requirements. Such waivers shall only be granted when the Planning Commission determines that compliance with these Regulations is not requisite in the interest of public health, safety, and general welfare. The Commission may attach conditions as it deems necessary. Notice of such subdivision shall be sent by the Planning Commission to all adjoining landowners.

Section 3.4 - ACTION ON SKETCH PLAN

The Commission shall, within forty-five (45) days of the Official Submittal Date, finish its review of the Sketch Plan and decide upon any requests for waivers and/or act upon by approving or disapproving the Sketch Plan. Notice of these decisions and conditions attached pursuant to them shall be sent to the Subdivider by certified mail. The Commission may also make specific suggestions to be incorporated by the applicant in his subdivision design.

Failure of the Commission to decide upon requests for waiver within forty-five (45) days shall be deemed approval of these requests.

SECTION 4 - PRELIMINARY PLAT REVIEW

Section 4.1 - APPLICATION AND FEE

The Subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision in the form described in Section 9.2 using the approved application blank available from the Administrative Officer.

The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of these Regulations. The application for review of the Preliminary Plat shall be accompanied by a fee, as established by the Legislative Body, payable by check to the Town of Chester, Vermont, six (6) copies of the Preliminary Plat with a vicinity map shall be submitted to the Administrative Officer at least fourteen (14) days prior to a regular meeting of the Commission.

Section 4.2 - STUDY OF PRELIMINARY PLAT

The Commission shall study the practicability of the Preliminary Plat in relation to the requirements of Section 8. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes, and arrangement, the impact on adjoining lands, and the requirements of the Chester Town Plan and Zoning Regulations. The Subdivider, or his duly authorized representative, shall attend meetings of the Commission to discuss these issues. Notice of such subdivision shall be sent by the Planning Commission to all adjoining landowners.

Section 4.3 - PUBLIC HEARING

Within forty-five (45) days of the Official Submittal Date for the Preliminary Plat, the Commission may hold a public hearing at which time the Subdivider, or his duly authorized representative, shall discuss with the Commission the details of his proposal and both shall respond to comment from the public. Notice of the hearing shall be given in accordance with Section 4447 of the Act, and a copy of the notice shall be sent to the Regional Planning Commission and to an adjacent municipality in accordance with Section 4414 of the Act.

Section 4.4 - ACTION ON PRELIMINARY PLAN

Within forty-five (45) days after the adjournment of the public hearing, the Commission shall take action to approve, approve with conditions, or disapprove the Preliminary Plat. Failure of the Commission to act within forty-five (45) days shall constitute approval. Notice of the decision shall be sent to the Subdivider by certified mail along with a statement of the

grounds for denial or conditions of approval supported by findings of fact, and specific changes required in the Final Plat. If no public hearing was held, the 45-day period shall

begin with the Official Submittal Date for the Preliminary Plat. A copy of the decision shall be sent to the Legislative Body.

Approval of a Preliminary Plat shall not constitute approval of the subdivision, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which shall be submitted for approval of the Commission and for recording upon fulfillment of the requirements of these Regulations and the conditions of the Preliminary Plat approval. Prior to approval of the Final Plat, the Commission may require additional changes as a result of further study of the subdivision in final form.

SECTION 5 - FINAL PLAT REVIEW

Section 5.1 - APPLICATION AND FEE

The Subdivider shall, within six months after the approval of the Preliminary Plat, file with the Commission an application for approval of the Final Plat in the form described in Section 9.3, using the approved application blank available from the Administrative Officer. If the Final Plat is not submitted to the Commission within six (6) months after the approval of the Preliminary Plat, the Commission may refuse without prejudice to act on the Final Plat and require resubmission of the Preliminary Plat. The application for Final Plat approval shall be accompanied by a fee, as established by the Legislative Body, payable by check to the Town of Chester, Vermont. One (1) original and one (1) copy of the Final Plat, two (2) sets of Construction Drawings and the original and one true copy of any offers of cession shall be presented to the Administrative Officer at least fourteen (14) days prior to a regular meeting of the Commission.

Section 5.2 - STUDY OF FINAL PLAT

The Commission shall study the Final Plat to see that it conforms in all respects to the requirements set forth during review of the Preliminary Plat and that it responds fully, in its final form, to the requirements of Section 8. The Subdivider, or his duly authorized representative, shall attend meetings of the Commission to discuss these issues.

Section 5.3 - PUBLIC HEARING

Within forty-five (45) days of the Official Submittal Date for the Final Plat, the Commission shall hold a public hearing at which time the Subdivider, or his duly authorized representative, shall be present. Notice of the hearing shall be given in accordance with Section 4447 of the Act and a copy of the notice shall be sent to the Regional Planning Commission and to an adjacent municipality in accordance with Section 4414 of the Act.

Section 5.4 - ACTION ON FINAL PLAT

Within forty-five (45) days after the adjournment of the public hearing, the Commission shall approve, approve with conditions, or disapprove the Final Plat. Failure of the Commission to act within forty-five (45) days shall be deemed approval. However, if approved, the Plat shall not be signed by any member of the Commission until the Subdivider has complied with the provisions of Section 6.2. Notice of this fact and of the Commission's decision shall be sent to the Subdivider by certified mail along with a statement of the grounds for denial or conditions of approval supported by findings of fact. A copy of the decision shall be sent to the Legislative Body, and also to the District II Environmental Commission.

Section 5.5 - DEVELOPMENT IN SECTIONS

At the time the Commission grants Final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the subdivisions.

The applicant may only proceed with a section of the approved Plat if said section constitutes at least ten (10) percent of the total number of lots contained in the approved Plat. In these circumstances, Plat approval on the remaining parts of the Plat shall remain in effect for three (3) years or a period of time mutually agreed upon, in writing and attached to the Plat, by the Commission and the Subdivider subject to compliance with Sections 6.2 and 7 of each of these parts.

SECTION 6 - PUBLIC INVESTMENTS

Section 6.1 - PUBLIC INVESTMENT REVIEW

The Commission shall, during its review process, study the Subdivision Plat to determine the extent and adequacy of planned public investments requisite in the interests of the public health, safety, and welfare. When a proposed subdivision would have an extraordinary impact upon the Town's existing public investments outside of the subdivision, the Planning Commission shall require the Subdivider to assume or share in the added financial burden on the municipality in an amount to be negotiated with the Legislative Body.

Section 6.2 - BONDING FOR PUBLIC INVESTMENTS

Before the Final Plat is signed, the Subdivider shall, in an amount set by the Commission, file with the Town Clerk a certified check, performance bond or other surety to cover the full cost of required public investments. Any such surety shall be satisfactory to the Legislative Body as to form, sufficiency manner of execution and surety. A maximum period of time, not to exceed three (3) years, which the Commission may determine appropriate, shall be set forth in the surety contract within which the public investments must be completed. The contract may also provide for reduction of the surety amount in proportion to satisfactory completion of portions of the required public investments. If the public investments are to be completed in stages, the surety amount need only cover the cost of improvements for each stage, provided that the stages conform to section of the Plat filed in accordance with Section 5.5.

Section 6.3 - MODIFICATION OF DESIGN IMPROVEMENTS

If any time before or during the construction of the public investments it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary to modify the design of such improvements, the Town Engineer may authorize modifications, provided these modifications do not constitute a waiver or an alteration of the function of any improvements required by the Commission. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission to be attached to the Final Plat. Modifications which constitute revisions of the Plat shall receive Commission approval in accordance with Section 7.3.

Section 6.4 - INSPECTION OF IMPROVEMENTS

At least five (5) days prior to commencing construction of public investments, the Subdivider shall pay an inspection fee, as established by the Legislative Body, payable by check to the Town of Chester, Vermont, and shall notify the Town Engineer, in writing, when construction of such improvements commence, so that inspection can proceed to assure that all requirements of the Town of Chester Highway Construction Specifications, the Town of Chester's Design Standards and Construction Specifications, and any other bylaws are fulfilled during construction of the improvements, and to assure the satisfactory completion of improvements and utilities required by the Commission.

Section 6.5 - PROPER INSTALLATION OF IMPROVEMENTS

If the Town Engineer shall find, upon inspection of the improvements completed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with Construction Drawings submitted by the Subdivider or authorized modifications thereto, the Town Engineer shall report to the Legislative Body, the Administrative Officer, and the Planning Commission. The Legislative Body shall notify the Subdivider and take all necessary steps to preserve the Town's rights under the surety. No other Plat, submitted by the Subdivider who is in default on a previously approved Plat, shall be approved by the Planning Commission.

Section 6.6 - MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to provide for maintenance of all improvements until acceptance of said improvements by the Legislative Body. The applicant may be required to secure a maintenance bond upon completion of the improvements in an amount set by the Commission and satisfactory to the Legislative Body as to form, sufficiency, manner of execution, and surety. Such bond shall insure the satisfactory condition of the improvements for a period of two (2) years after their completion.

SECTION 7 - FILING OF SIGNED PLAT

Section 7.1 - FINAL APPROVAL AND FILING

Upon completion of the requirements in Section 5 and 6.2 above and notation to the effect upon the Subdivision Plat, such Plat shall be deemed to have final approval and shall be properly signed by a quorum of the Planning Commission and may be filed by the applicant in the office of the Town Clerk. Any subdivision Plat not so filed or recorded within ninety (90) days of the date upon which such Plat is approved, or considered approved by reason of the failure of the Commission to act, shall become null and void.

Section 7.2 - MONUMENTS

When the Plat is filed, the Subdivider shall certify to the Town Clerk that permanent markers have been placed at all lot corners. All markers shall be of metal at least three-quarters (3/4) of an inch in diameter and shall project at least twenty-four (24) inches above the ground.

Section 7.3 - REVISION OF PLAT AFTER APPROVAL

No changes, erasures, or revisions shall be made on any Subdivision Plat after approval has

been given by the Commission and endorsed, in writing on the Plat, unless the revision is first resubmitted to the Commission and the Commission approves it. In the event that such Subdivision Plat is filed or recorded without complying with this requirement, the Plat shall be considered null and void.

Section 7.4 - EXPIRATION OF PLAT

If a Plat or section of a Plat is filed or recorded with the Town Clerk and no action is taken by the Subdivider to develop his proposed subdivision within two (2) years of the date thereof, the Subdivision Plat shall become null and void.

Section 7.5 - PUBLIC ACCEPTANCE OF FACILITY OWNERSHIP

The approval by the Commission of a Subdivision Plat shall not be deemed to constitute or be evidence of acceptance by the Town of any road, utility, easement, or open space shown on such Subdivision Plat. Although deemed to be private facilities prior to formal acceptance, all such facilities shall meet the standards established herein.

SECTION 8 - PLANNING, DESIGN, AND CONSTRUCTION STANDARDS

Section 8.1 - PLANNING STANDARDS

- 8.1.1 - Character of the Land: All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Subdivisions proposed for lands characterized by periodic flooding, poor drainage, incapability to support structures, roads, and utilities; or other hazardous conditions, shall incorporate special design provisions which reflect these limitations.
- 8.1.2 - Flood Hazard Area: Subdivision improvements shall be consistent with the Town of Chester Flood Hazard Area Regulations as adopted by the Legislative Body.
- 8.1.3 - Lot Layout: The layout of lots shall conform to the requirements of the Chester Zoning Regulations, and shall be appropriate for the intended use. Corner lots shall be laid out to permit a setback on each road. Side lot lines shall generally be at right angles to straight roads, or radial to curved road lines. Consideration in lot layout shall be given to topographic and soils conditions.
- 8.1.4 - Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic sites.

- 8.1.5 - 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.

Section 8.2 - ROAD DESIGN

- 8.2.1 - New Roads: All new roads shall be constructed in conformance with the requirements of the Town of Chester Highway Construction Specifications as adopted by the Legislative Body.
- 8.2.2 - Layout: The arrangements of roads in the subdivision shall provide for the continuation of existing roads in or between adjacent properties in order to create a logical system for convenient movement of traffic.
- 8.2.3 - Street Names: All roads or streets shall be named subject to the approval of the Planning Commission. Street name signs shall be furnished and installed by the Subdivider. The type, size, and location shall be subject to the approval of the Commission.
- 8.2.4 - Access Road: If the access road to the subdivision is a Class 4 road, the Commission may require the Subdivider to improve the access to Chester Highway Construction Specification standards. If in the Municipal 5-year Highway Plan the Class 4 road is not intended to be reclassified as Class 3, the Subdivider shall make arrangements for maintenance of the access road satisfactory to the Commission until such time as the Legislative Body may reclassify the road. No parcel of land being subdivided will be permitted more than one access point onto a Class 1 or 2 Town Highway.
- 8.2.5 - Sidewalks: In subdivisions where the density is greater than one unit per acre, sidewalks may be required on at least one side of all roads by the Commission. Sidewalks may be required in other zoning districts where deemed necessary by the Commission.
- 8.2.6 - Pedestrian Access: Where necessary, in the judgment of the Commission, rights-of-way may be required to facilitate pedestrian circulation through the subdivision or to provide access to public lands or waters.
- 8.2.7 - Rights-of-Way: The establishment of more than one access driveway or right-of-way to lots not having frontage on a public highway shall be prohibited. Two or more lots not having frontage on a public highway shall have access to a public highway by a fifty (50) foot right-of-way and such right-of-way shall be laid out so that it can conform to Town of Chester's Highway Specifications. The

establishment of adjacent rights-of-way to lots without road frontage in order to circumvent the intent of these Regulations is prohibited.

Section 8.3 - UTILITY DESIGN

- 8.3.1 - Easements: The Commission may require that underground utilities be placed either in the road right-of-way between the paved roadway and road line or placed horizontally underneath the roadway. Where inclusion of utilities in the road right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the road.
- 8.3.2 - Extension of Municipal Utilities: All subdivisions shall make adequate provisions for water supply, storm water, and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision.
- 8.3.3 - Connection to Municipal Utilities: The Subdivider shall install laterals from all utilities to the road property line of each building lot. Any residential building constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the Subdivider.
- 8.3.4 - Depth of Utility Mains: Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.
- 8.3.5 - Water Supply Improvements:
- A. For subdivisions which will connect to municipal water supply system, applications for extensions to the municipal system shall be approved by the officers and agents of the municipality entrusted with the care and superintendence of the municipal water supply system.
 - B. The Commission may require that a community water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to the public municipal water supply system.
 - C. For subdivisions which will have individual water supplies, the Subdivider shall provide evidence of the location and availability of potable water in adequate quantities.

8.3.6 - Sewage Disposal Improvements:

- A. For subdivisions which will connect to a municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of the municipality entrusted with the care and superintendence of the municipal sewage disposal system.
- B. The Commission may require that community sewage disposal systems unconnected to a municipal system be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the Town of Chester Health Regulations.
- C. Individual sewage disposal systems shall meet the requirements of the Town of Chester Health Regulations.
- D. Any lot(s) subdivided must have an approved on-site sewerage disposal permit or an approved Municipal Sewer System application, or a waiver of development rights as required by Section 1218, Chapter 23, Title 18, Vermont Statutes Annotated.

8.3.7 - Electric, Telephone, Cable T.V.: The Subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.

8.3.8 - Fire Protection Facilities: Adequate fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Where practicable, fire hydrants shall be installed by the Subdivider.

8.3.9 - Drainage Improvements: An adequate surface storm water drainage system for the entire subdivision area shall be provided. The Subdivider may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. A bridge, culvert, or other drainage facility shall be designed to a Live Load or H20-44 and to a Q25 drainage, 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 Commission 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 25-year flood area of such water course, which easement shall be indicated on the Final Plat. In design of the drainage system, natural waterways shall be utilized to the fullest extent feasible. Natural drainage courses should be extended across roads and not diverted into roadside drainage ditches.

Section 8.4 - CONSTRUCTION STANDARDS

- 8.4.1 - Erosion Control: The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Commission to protect areas exposed during development.
- 8.4.2 - Construction Requirements: Suitable fill material for any road, construction of the proper subgrade of any road, removal of stumps and other fibrous materials from any embankment, materials for and grading of embankments, side slopes in any embankment and on roadside ditches, and finish grades on all slopes and roads shall conform to the requirements of the Town of Chester Highway Construction Specifications.

Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

Section 8.5 - ADDITIONAL PLANNING REQUIREMENTS

- 8.5.1 - Park and Recreation Sites: When a development will accommodate a total of more than twenty-five (25) dwelling units, the Commission may require the Subdivider to reserve park and recreational sites, the size and type of which shall be determined by the Commission based upon the number and type of dwellings. The Commission may require a payment in lieu of these site reservations.
- 8.5.2 - Subdivision Organizations: When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the Subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

SECTION 9 - REQUIRED SUBMISSIONS

Section 9.1 - SKETCH PLAN

The Sketch Plan shall be a drawing of the proposed layout of roads, lots, and other features of the subdivision, with taped or surveyed lot boundaries, showing the location of permanent boundary reference points. The subdivision shall also be located on the most recent USGS Quad for the area. Plans shall be clearly and accurately drawn with locations, directions, and dimensions all carefully recorded.

Section 9.2 - PRELIMINARY PLAT

The Preliminary Subdivision Plat shall consist of six (6) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale or not more than one hundred (100) feet or more to the inch, showing or accompanied by information on the following points unless waived by the Commission:

- (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, water courses, and other essential existing physical features.
- (4) The names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (6) The location and size of any existing sewer and water mains, culverts, and drains on the property to be subdivided.
- (7) The width and location of any existing roads within the area to be subdivided and the width, location, grades, and road profiles of all roads or other public ways proposed by the Subdivider.
- (8) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
- (9) Date, true north point, and scale.
- (10) Deed description and map of survey of tract boundary made and certified by a licensed

land surveyor tied into established reference points, if available.

- (11) Location of connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
- (12) Location of connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
- (13) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (14) Preliminary designs of any bridges or culverts which may be required.
- (15) The proposed lots with surveyed dimensions, certified by a licensed land surveyor, numbered and showing suggested building locations.
- (16) The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout of the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
- (17) Locations of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (18) Names identifying roads and streets; locations of street name signs and description of design of street name signs.
- (19) The Preliminary Plat shall be accompanied by:
 - (a) A vicinity map drawn at the scale of not over four hundred (400) 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 roads, provided any part of such a road 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 the locations of existing roads, utilities, and easements.
 - (b) A list or verification of the applications for all required State permits applied for by the Subdivider. Approval of the subdivision application by the Commission may be conditioned upon receipt of these permits.

Section 9.3 - FINAL PLAT

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: All sheets shall be linen, mylar black or blue-lined duplicating paper and shall be 18 inches x 24 inches or a multiple thereof in size. Such sheets shall have a margin of one and a half (1-1/2) inches outside of the border lines on the left side for binding, and a one quarter (1/4) inch margin outside the border along the remaining sides. Space shall be served thereon for endorsement by all appropriate agencies. The Final Plat shall be clearly and legibly drawn and shall be accompanied by final design information on all of the first eighteen (18) points covered in Section 9.2, including Construction Drawings for all capital improvements.

SECTION 10 - 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, Vermont Statutes Annotated, The Vermont Municipal and Regional Planning and Development Act.

"*Applicant*:" Shall mean the person(s) who owns the land on which the subdivision is to take place.

"*Authorized agent or representative*:" A person or group of persons who have duly authorized in writing filed with the Commission by the Subdivider to act in his or her behalf.

"*Chester Town Plan*:" Comprehensive development plan adopted pursuant to Title 24 Vermont Statutes Annotated, Chapter 117, Subchapter 2.

"*Community water system*:" Community water system means a public system which serves at least ten (10) service connections used by year-round residents, or regularly serves at least twenty-five (25) year-round residents.

"*Community sewage disposal system*:" Any sewage disposal system, other than a municipal sewage disposal system, that disposes sewage from five (5) or more domestic, commercial, industrial, or institutional uses.

"*Construction drawings*:" The drawing showing the location, profile grades, size and types of sewers, water mains, roads or other capital improvements.

"*Easement*:" The authorization of a property owner for the use by another, and for a specified

purpose, of any designated part of his or her property.

"Final Subdivision Plat:" The final drawings on which the Subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Town Clerk within 90 days of final approval.

"Lease:" Lease shall not include land leased by any person for agricultural purposes.

"Town Engineer:" Town Manager or other person duly designated to perform this function.

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

"Municipal Water System:" Any water system owned and operated by the municipality that supplies water by pipe connection to domestic, commercial, industrial, or institutional uses.

"Official Submittal Date:" The day of a regular meeting of the Commission following receipt of all the required submissions by the Administrative Officer, and accompanied by the required fee, if receipt of the submissions has occurred at least the required number of days prior to such regular meeting.

"Parcel:" Parcel means any contiguous land owned or controlled by a person. Tracts or lots of land owned by a person which have in common one or more points on any boundary or which are divided only by easement or interests consisting of less than fee simple ownership shall be deemed to be contiguous land for purposes of this Chapter except that:

(1) tracts or lots of land which are divided by State or municipal highway rights-of-way or surface waters with a drainage area greater than 10 square miles shall not be deemed contiguous.

(2) tracts or lots of land which were acquired by their owners with the same boundaries as they are to be conveyed shall not be deemed contiguous to any other parcel owned by the person; and

(3) a subdivision which is created by State or municipal condemnation for highway or utility construction, shall not require a permit.

"Person:" Person means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

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

"Preliminary Plat:" The preliminary drawings indicating the proposed layout of the

subdivision to be submitted to the Planning Commission for its consideration.

"Public investment:" Public investment means existing or planned facilities to include, but not limited to, highways, street lighting, sidewalks, or ports, waste disposal facilities, water supply, storage and distribution, waste water disposal systems, storm water disposal, schools, emergency medical service, fire service, police services, highway maintenance, municipal office and maintenance facilities, parks, municipal forest, and recreation facilities.

"Resubdivision:" A change of a recorded subdivision plat if such change affects any road layout on such plat, or area reserved thereon for public use, or any change of a lot line, or any change which affects any may or plat legally filed or recorded.

"Roads:" Any street, highway, avenue, land, or right-of-way commonly used by the public for vehicular traffic, regardless of its length that provides access to two or more lots, shall be deemed a road. An access driveway to a single lot shall not be considered a road.

"Subdivision:" The division of a parcel of land into two (2) or more lots regardless of size, when such action is taken for the purpose of sale, lease, gift, or land development. Construction of a second dwelling on a lot shall be deemed a division of the parcel, and a subdivision permit is required. An exchange of small parcels between adjoining property owners to adjust boundaries shall not be considered a subdivision. The term, Subdivision, includes resubdivision.

"Town Highway, Class 1:" 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:" 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 travelled town highways, other than Class 1 or Class 2, designated by the Legislative Body of the municipality, 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 highway, designated by the Legislative Body of the municipality.

SECTION 11 - ADMINISTRATION, AMENDMENTS, EFFECTIVE DATE

Section 11.1 - FEES

The Legislative Body shall review its established fees periodically to insure that they cover the cost of published public notices, holding public hearings and inspecting the installation of public investments.

Section 11.2 - ENDORSEMENT

Every Final Plat filed with the Town Clerk shall carry the following endorsement:

"Approved by the Planning Commission of the Town of Chester, Vermont as per findings of fact, dated ____ day of _____, ____ subject to all requirements and conditions of said findings.

Signed this ____ day of _____, _____ by

_____, Planning Commission"

Section 11.3 - SURETY FORFEITURE

If any required public investments have not been installed or maintained, or have been incorrectly installed, within the term of surety contracts provided for herein, such surety shall be forfeited to the Town which, upon receipt of the proceeds thereof, shall install or maintain the improvements as provided for in the surety contract. Such action by the Town shall not be deemed to constitute any acceptance of the improvements.

Section 11.4 - ENFORCEMENT, VIOLATIONS, AND PENALTIES

A violation of this Regulation shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a and Section 1977 et seq. A civil penalty of \$500.00 shall be imposed for a violation of this civil Regulation, and the waiver fee shall be set at \$50.00 for the first offense, \$100.00 for the second offense within a six-month period, and \$150.00 for all subsequent offenses within a six-month period. Each day that the violation continues will constitute a separate violation of this Regulation.

Section 11.5 - APPEALS

Appeals from decisions of the Commission shall be taken to the Superior Court in accordance with Section 4475 of the Act.

Section 11.6 - AMENDMENTS

These Regulations may be amended according to the requirements and procedures established in Sections 4403 and 4404 of the Act.

Section 11.7 - SEPARABILITY

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

Section 11.8 - EFFECTIVE DATE

These Regulations shall become effective on the date of approval by the legal voters of the Town of Chester.

/s/ Cecil Waldo
/s/ John W. Whitaker
/s/ William N. Tupper
/s/ Charles N. Crouch
Selectmen, Town of Chester

Filed for record this 19th day of August, 1976.

/s/ Wilma A. Barrett
Town Clerk

Adopted by the Legal Voters of the Town of Chester at the March 1, 1977, Town Meeting, effective date March 1, 1977.

Attest: /s/ Wilma A. Barrett
Town Clerk

Amendment No. 1

Amendment Number One (1) adopted this 8th day of December, 1986, and shall become effective the 29th day of December, 1986, unless five percent of the Voters of the Town petition for a meeting of the Town to consider this Amendment and the petition is filed within twenty days of December 8, 1986.

/s/ Cecil Waldo
/s/ Leigh J. Dakin
/s/ William H. Maass
/s/ John Whitaker
/s/ P. E. Hunt
Selectmen, Town of Chester

Filed for record this 9th day of December, 1986.

/s/ Sandra K. Walker
Town Clerk

Amendment No. 2

Amendment Number Two (2) adopted this 17th day of July, 1996, and shall become effective the 17th day of September, 1996, unless five percent of the Voters of the Town petition for a meeting of the Town to consider this Amendment and the petition is filed within twenty days of July 17, 1996.

/s/ Carol L. Balch

/s/ Michael R. Westine

/s/ Richard G. Jewett

/s/ Samuel B. Capogrossi

Board of Selectmen, Town of Chester