

SUBDIVISION REGULATIONS TOWN OF ANDOVER

SYNOPSIS

This page is intended to provide an overview of the information requirements and time limits for the subdivision permit process.

The numbers in the parentheses refer to the Sections in the Subdivision Regulations which deal with the subject.

- (1) Any division of land requires a permit. (Section 1.3)
- (2) Submit applications to Administrative Officer. (Section 4.1)
- (3) Permit applications must contain the information required for submission. (Section 9.2)
- (4) Informal review may be requested. (Section 3.1)
- (5) Minor Subdivisions may be granted procedural waivers. (Section 3.3)
- (6) Variances and waivers may be granted by the Board. (Section 2)
- (7) Public hearings may be held for preliminary plat reviews. (Section 4.3)
- (8) Public hearings shall be held for final plat reviews. (Section 5.3)
- (9) The Board will act on all applications within 45 days after the public hearings. (Sections 4.4 and 5.4)
- (10) Permit fees are established by the Selectmen. (Section 11.1)
- (11) Doubt as to the meaning of definitions will be resolved by the Andover Zoning Board of Adjustment. (Section 10)

SUBDIVISION REGULATIONS

Town of Andover, 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 ANDOVER which are set forth in the following text that constitutes these Regulations. These Regulations shall be known as the “TOWN OF ANDOVER Subdivision Regulations.”

Section 1.2 – PURPOSE

It is the purpose of these Regulations to provide for orderly community growth, to support the ANDOVER 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 Zoning Board of Adjustment for and secure approval of the proposed subdivision.

SECTION 2. VARIANCES, WAIVERS AND CONDITIONS

Section 2.1 – VARIANCES

Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular Plat, it may vary these regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Andover Town Plan or the Andover Zoning Ordinance.

Section 2.2 – WAIVERS

Where the Board finds that, due to special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

Section 2.3 – CONDITIONS

In granting variances and waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified. 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 Board, four (4) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Section 9.1 for the purpose of preliminary discussion 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, sewage, 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 fewer than three (3) lots on an existing public road requiring no capital improvements, the Zoning Board of Adjustment 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 Zoning Regulations requirements. Such waivers shall only be granted when the Zoning Board of Adjustment determines that compliance with these Regulations is not requisite in the interest of public health, safety and general welfare. The Board may attach conditions as it deems necessary. Notice of such subdivision shall be sent by the Zoning Board of Adjustment to all adjoining landowners.

Section 3.4 – ACTION ON SKETCH PLAN

The Board shall complete its review of the Sketch Plan within forty-five (45) days of the Official Submittal Date and shall act by either approving or disapproving the Sketch Plan and any requests for waivers. Notice of these decisions and conditions attached to them shall be sent to the Subdivider by certified mail. The Board may also make specific suggestions to be incorporated by the applicant in his subdivision design. Failure of the Board to decide upon requests for waivers within forty-five (45) days shall be deemed approval of these requests. The Official Submittal Date shall be the first regular meeting of the Zoning Board of Adjustment after receipt of the submittal requirements by the Administrative Officer.

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 ANDOVER, VT. Four (4) 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 Board.

Section 4.2 – STUDY OF PRELIMINARY PLAT

The Board 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 ANDOVER TOWN PLAN and ZONING ORDINANCE. The Subdivider, or his duly authorized representative, shall attend meetings of the Board to discuss these issues. Notice of submission of such subdivision plat shall be sent by the Zoning Board of Adjustment to all adjoining landowners.

Section 4.3 – PUBLIC HEARING

Within forty-five (45) days of the Official Submittal Date for the Preliminary Plat, the Board shall hold a public hearing at which time the Subdivider, or his duly authorized representative, shall discuss with the Board 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 any adjacent municipality as required by Section 4414 of the Act.

Section 4.4 – ACTION ON PRELIMINARY PLAT

Within forty-five (45) days after the adjournment of the public hearing, the Board shall take action to approve, approve with conditions or disapprove the Preliminary Plat. Failure of the Board 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 reasons 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 the 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 Board 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 Board 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 (6) months after the approval of the Preliminary Plat, file with the Board 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 Board within six (6) months after the approval of the Preliminary Plat, the Board may refuse without prejudice to act on the Final Plat and require re-submission 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 ANDOVER, VT. 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 (e.g. deeds) shall be presented to the Administrative Officer at least fourteen (14) days prior to a regular meeting of the Board.

Section 5.2 – STUDY OF THE FINAL PLAT

The Board 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 Board to discuss these issues.

Section 5.3 – PUBLIC HEARING

Within forty-five (45) days of the Official Submittal Date for the Final Plat, the Board 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 any adjacent municipality as required by 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 Board shall approve, approve with conditions or disapprove the Final Plat. Failure of the Board 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 Board’s decision shall be sent to the Subdivider by certified mail along with a statement of the reasons 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 Board grants Final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the subdivision. 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 Board and the Subdivider subject to compliance with Section 6.2 and 7 for each of these parts.

SECTION 6. PUBLIC INVESTMENTS

Section 6.1 – PUBLIC INVESTMENT REVIEW

The Board 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 Zoning Board of Adjustment 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 Board, 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 Board 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 sections of the Plat filed in accordance with Section 5.5.

Section 6.3 – MODIFICATION OF DESIGN IMPROVEMENTS

If at any time before or during the construction of the public investments it is demonstrated to the satisfaction of the Legislative Body that unforeseen conditions make it necessary to modify the design of such improvements, the Legislative Body may authorize modifications, provided these modifications do not constitute a waiver or an alteration of the function of any improvements required by the Board. The Legislative Body shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Zoning Board of Adjustment to be attached to the Final Plat. Modifications which constitute revisions of the Plat shall receive Board 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 Andover, VT, and shall notify the Administrative Officer, the Health Officer and the Highway Dept. Foreman, in writing, when construction of such improvements commences, so that inspection can assure that all requirements of the Andover Highway Construction Specifications, the Andover Health Ordinance, and any other by-law are met during construction of the improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

Section 6.5 – PROPER INSTALLATION OF IMPROVEMENTS

If the Administrative Officer, the Health Officer or the Highway Dept. Foreman 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, a report shall be made to the Legislative Body and the Zoning Board of Adjustment. 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 Zoning Board of Adjustment.

Section 6.6 – MAINTENANCE OF IMPROVEMENTS

The Subdivider shall be required to provide for the maintenance of all improvements. The Applicant may be required to secure a maintenance bond upon completion of the improvements in an amount set by the Board 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 until acceptance of said improvements by the Legislative Body.

SECTION 7. FILING OF SIGNED PLAT

Section 7.1 – FINAL APPROVAL AND FILING

Upon completion of requirements in Section 5 and 6.2 above and notation to that effect upon the Subdivision Plat, such Plat shall be deemed to have final approval and shall be properly signed by a quorum of the Zoning Board of Adjustment 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 Board 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 Board and endorsed in writing on the Plat, unless the revision is first resubmitted to the Board and the Board approves it. In the event that such Subdivision Plat is filed or recorded without complying with this requirement, the Plat shall become 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 Board 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 show 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 Board, 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 structure, 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 need to minimize flood damage. Building sites should not be in flood prone areas unless flood-proofed; public utilities and facilities should be located, elevated or constructed to minimize or eliminate flood damage; and drainage should be provided to reduce exposure to flood hazards.

8.1.3 – Lot Layout – The layout of lots shall conform to the requirements of the ANDOVER Zoning Ordinance, 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 ANDOVER 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 Zoning Board of Adjustment. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be subject to the approval of the Board.

8.2.4 – Access Road – If the access road to the subdivision is a Class 4 road, the Board may require the Subdivider to improve the access road to ANDOVER Highway Construction Specification standards. If the Legislative Body has no current plan to reclassify the Class 4 road as Class 3, the Subdivider shall make arrangements for maintenance of the access road satisfactory to the Board 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 Board. Sidewalks may be required in other zoning districts where deemed necessary by the Board.

8.2.6 – Pedestrian Access – Where necessary, in the judgment of the Board, 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 – There shall be no more than one access driveway or right-of-way to a development. This shall apply to developments having frontage on any or all Classes of Town Highways. It shall also apply to developments not having frontage on a Town Highway. Rights-

of-way shall be fifty (50) feet in width and shall be laid out so that it can conform to Town of ANDOVER Highway specifications.

Section 8.3 – UTILITY DESIGN

8.3.1 – Easements – The Board may require that underground utilities be placed in the road right-of-way between the paved roadway and road line. 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 – Water Supply Improvements:

- A. The Board shall require that a community water supply system be designed by a certified engineer, specializing in the design of such systems, and that such design be approved by consultants retained by the legislative body.
- B. For subdivisions which will have individual water supplies, the Subdivider shall provide evidence of the location and availability of potable water in adequate quantities.

8.3.3 – Sewage Disposal Improvements:

- A. The Board shall require that community sewage disposal systems be designed by a certified engineer, specializing in such design, and that such design be reviewed by consultants retained by the legislative body. Community sewage disposal systems shall meet the requirements of the Town of ANDOVER Health Regulations.
- B. Individual sewage disposal systems shall meet the requirements of the Town of ANDOVER Health Regulations and shall be reviewed by consultants retained by the legislative body.
- C. Any Lot(s) subdivided into fewer than ten (10) acres must have an approved on-site sewage disposal permit. Each Lot over ten (10) acres must have an approved on-site sewage disposal permit, or a waiver of development rights as required by Section 1218a, Chapter 23, Title 18, Vermont Statutes Annotated.

8.3.4 – Electric, Telephone, Cable TV – 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.

8.3.5 – Fire Protection Facilities – Adequate fire protection within the subdivision shall be provided to the satisfaction of the Board and the Fire Department providing fire protection for the Town of ANDOVER. Where practicable, fire hydrants shall be installed by the Subdivider.

8.3.6 – Drainage Improvements – An adequate surface storm water drainage system for the entire subdivision area shall be provided. The Subdivider may be required by the Board 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 of H20-44 and to a Q25 drainage (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 down-stream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until the Subdivider has made provisions to upgrade the existing facility to accommodate the anticipated additional runoff. In the 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, and should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Board to protect areas exposed during development.

8.4.2 – Construction Requirements – Suitable fill material for any road, construction of the proper subgrade for 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 ANDOVER 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 REQUIREMENT

8.5.1 – Park and Recreation Sites – When a development will accommodate a total of more than twenty-five (25) dwelling units, the Board may require the Subdivider to reserve park and recreational sites, the size and type of which shall be determined by the Board based upon the number and type of dwellings. The Board 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 Board. A prospectus shall be submitted by the Subdivider describing this organization, its financing and membership, which must meet the requirements of the Board.

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 four (4) 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 of not more than one hundred (100) feet to the inch, showing or accompanied by information on the following points unless waived by the Board:

1. Proposed subdivision name or identifying title and the name of the Town.
2. Name and address of the owner of record, the subdivider and the 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. e 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 in 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) 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 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 Board 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 ½) inches outside of the border lines or the left side for binding and a one quarter (1/4) inch margin outside the border along the remaining sides. Space shall be reserved 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

The meaning of words and references used in this Regulation are defined in this section. Doubt as to the precise meaning of any word or reference shall be clarified by the ANDOVER ZONING BOARD OF ADJUSTMENT. Unless the content clearly indicates 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 or any parts 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.

“**ANDOVER TOWN PLAN**” – Comprehensive development plan adopted pursuant to 24 V.S.A. Section 4384 and 4385.

“AUTHORIZED AGENT or REPRESENTATIVE” – A person or group of persons, who have been duly authorized in writing filed with the Board by the Subdivider to act in his or her behalf.

“COMMISSION” – The Planning Commission of the municipality created under 24 V.S.A., Chapter 117, Subchapter 2.

“COMMUNITY WATER SUPPLY SYSTEM” – 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 drawings 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 Zoning Board of Adjustment for approval and which, if approved, may be filed for record with the Town Clerk within 90 days of final approval.

“OFFICIAL SUBMITTAL DATE” – The day of a regular meeting of the Board 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 fourteen (14) days prior to such regular meeting.

“PARCEL” – 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 that person; and
3. a subdivision which is created by State or municipal condemnation for highway or utility construction, shall not require a permit.

“PLAT” – A map or presentation on paper of a piece of land subdivided into lots drawn to scale.

“PUBLIC INVESTMENTS” – Existing or planned facilities to include, but not limited to, highways, street lighting, sidewalks, or waste disposal facilities, water supply, storage and distribution, waste water disposal systems, schools, fire service, police services, highway maintenance, municipal office and maintenance facilities, parks, municipal forest and recreation facilities.

“PRELIMINARY PLAT” – The preliminary drawings indicating the proposed layout of a subdivision to be submitted to the Zoning Board of Adjustment for its consideration.

“RE-SUBDIVISION” – 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 map 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 re-subdivision.

“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 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 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 highways, designated by the Legislative Body of the Municipality.

“WAIVER OF DEVELOPMENT RIGHTS” – In order to comply with the Zoning and Health Regulations of the Town of Andover, as well as the Subdivision Regulations then in effect, the grantee shall not erect a structure or building on the parcel of land conveyed herein, the useful occupancy of which will require the installation of plumbing and sewage facilities. The grantee, by acceptance of this deed, acknowledges that this lot may not qualify for development under the provisions of the Town of Andover Zoning, Health or Subdivision Regulations.

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 Zoning Board of Adjustment of the TOWN of ANDOVER, Vermont as per findings-of-fact, dated _____ day of _____, 20__ by the Zoning Board of Adjustment.

Section 11.3 – SURETY FORFEITURE

If an 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

These Regulations shall be enforced in accordance with Sections 4444 and 4445 of the Act.

Section 11.5 – APPEALS

Appeals from decisions of the Board 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 – ADOPTION AND EFFECTIVE DATE

These Subdivision Regulations are adopted this 31st day of March, 1987, by the Legislative Body of the Town of Andover, and shall become effective the 1st day of April, 1987, as authorized by vote of the Town by Australian Ballot on March 31, 1987.

BOARD OF SELECTMEN

Alan E. Plumb, Chairman
Randall C. Burns
David Hume
Sheila W. Plumb
Arnold C. Wilson