

April 2009

**ORDINANCE 0-99-1
TO AMEND
ORDINANCE 0-87-3
SUBDIVISION REGULATIONS
TOWN OF SPRINGFIELD, VERMONT**

Prepared by: Springfield Planning Commission

With assistance by: Southern Windsor County Planning Commission

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ARTICLE I: ENACTMENT AND PURPOSE

SECTION 101 ENACTMENT: In accordance with the Vermont Planning and Development Act, Act [24 V.S.A., Chapter 117, [§§4410, 4418], the Town of Springfield hereby adopts these Subdivision Regulations. These regulations shall be known and cited as the "Town of Springfield Subdivision Regulations", and shall supersede the Subdivision Regulations previously adopted by the Town on April 17, 1989.

SECTION 102 POLICY AND PURPOSE:

102.1 Policy: It is declared to be the policy of the Planning Commission to consider land subdivision as part of a plan for the orderly, efficient, and economical development of the Town. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. It is, therefore, to the interest of the Town and its citizens that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

102.2 Purpose:

- A. It is the purpose of these Regulations to implement the recommendations of the Town Plan. As such, These Regulations are to insure that development is in harmony with the surrounding area and the Town Plan. This involves regulations for such things as water supply, surface water drainage, erosion, stormwater, sewage disposal, traffic, recreation, public utilities and any other feature of the subdivision that may affect the health or wellbeing of the public.
- B. It is also the purpose of these Regulations to insure that the design and construction of all subdivisions and the various required improvements are in accordance with the Town's Construction Standards, which are incorporated herein by reference.
- C. It is also the purpose of these Regulations to ensure that the cost of installation and maintenance of all public improvements, prior to acceptance by the Town, shall be borne by the developer or parties directly benefited by them.

102.3 Land Suitable for Development: All land to be used for any purpose on the plat submitted for approval shall be of character that it can be used for that intended purpose without danger to health, life and property due to floods, poor drainage, unstable soils, or unsanitary condition.

SECTION 103 EFFECTIVE DATE: These regulations shall take effect twenty-one (21) days after adoption by the Springfield Selectboard.

ARTICLE II: DEFINITIONS

SECTION 201 WORD DEFINITIONS: Unless the context clearly indicates to the contrary, the following shall apply:

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words in the present tense include the future.
- C. The word "**person**" includes a corporation, unincorporated association, partnership, society, and political body, as well as an individual.
- D. The word "**building**" includes structures and shall be construed as if followed by the phrase "**or part thereof**".
- E. The word "**street**" includes avenue, lane, boulevard and court.
- F. The word "**road**" includes expressway, highway and thoroughfare.
- G. The word "**watercourse**" includes channel, creek, ditch, drain, dry run, spring, river and stream.
- H. The word "**may**" is permissive; the words "**shall**" and "**will**" are mandatory.

SECTION 202 CLARIFICATION OF WORD MEANING: Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Development Review Board, referred to as **Board**.

SECTION 203 SPECIFIC DEFINITIONS: Certain means of reference and words used herein shall be defined as listed below.

Act, the: The Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, and amendments.

Adjoining Property Owners: Owners of properties that actually abut the property subject to these Subdivision Regulations without regard to public right-of-way 4464(a)(1)(c).

Administrative Officer (AO): Individual nominated by the Planning Commission for a three (3) year term, and appointed by the legislative body in accordance with Title 24, Chapter 4448.

Application: An application for review and approval under these regulations, and which contains all information required by these Regulations. An application typically includes maps or plans plus written supporting information.

Authorized Agent or Representative: A person, or group of persons, who have been duly authorized by the owner or subdivider, to act in the owner's or subdivider's behalf relative to a subdivision.

Board: The Development Review Board commonly referred to as the Board of the Town of Springfield created under subchapter 10 of the Act.

Boundary Adjustment: An exchange of small parcels (less than one (1) acre) between adjoining property owners to adjust property boundaries.

Commission: The Planning Commission for the Town of Springfield, Vermont, created under Subchapter 2 of the Act.

Construction Drawings: Means drawings showing the location, profile, grades, size and type of drains, sewer, water mains, erosion control, stormwater and retention ponds, underground fire alarm ducts, underground power ducts and underground telephone ducts, roads, streets, cross-section of streets, miscellaneous structures, etc.

Construction Standards: Designs and engineering standards for the construction and installation of required improvements adopted and as may be amended by resolution of the Selectboard, and which are included as **Appendix A** of these Regulations.

Development Review Board (See Board): A Development Review Board for a municipality created under subchapter 10 of Chapter 117 of Title 24 Vermont Statutes Annotated. The Development Review Board shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide: administrative appeals; variance requests; and applications for site plan approval, conditional use, design review, planned unit development, flood hazard review, and subdivision review

Director of Public Works: A department head, under the jurisdiction of the Town Manager, that is responsible for the construction and maintenance of all town properties, including roads, streets, water and sewer lines, public buildings, etc.

Dwelling Unit: A room or rooms for the combined purpose of living, sleeping, cooking and eating and/or a room or rooms for the purpose of occupancy by a single family, including independent facilities for living, sleeping, cooking, eating and sanitation.

Easement: The authorization of a property owner for the use by another person or persons for a specific purpose, of any designated part of a property.

Final Subdivision Plat: The final drawings, in a form specified by statute and of a size specified by the Town Clerk, on which the subdivider's plan of a subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Inspection Fee: A fee paid by the subdivider or authorized agent to cover the inspection of a subdivision by the Department of Public Works.

Lot: A parcel of land defined by boundary lines. Land which is in common ownership but which is divided by a Federal, State or Class I, II or III Town highway shall be considered to be two separate lots. Land in common ownership which is divided by roads other than the above shall be considered as a single lot.

Maintenance Surety: A surety posted by the subdivider or authorized agent to secure satisfactory condition and operation of required improvements. The term "maintenance surety" is interchangeable with "irrevocable letter of credit", "construction bond" or "certified check" which may have been filed for the same purpose.

Monument: A permanent marker designating corners, points of curvature or tangency, or points of intersection of lot lines. (See **Section 507.1** of these Regulations for details).

Official Map: The Official Map of the Town of Springfield, adopted in accordance with the provisions of Sections 4402 and 4421 of the Act.

Official Submittal Date: The official date of submission of a Subdivision Plat is considered to be the date of the regular monthly meeting of the Board following the submission of a complete application for Plat approval to the Administrative Officer (AO), accompanied by the required fee and all data required by these regulations, provided that such submission has occurred at least ten (10) days prior to such regular meetings for a minor subdivision and twenty (20) days prior to the meeting for a major subdivision.

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Performance Surety: A surety given by the subdivider or authorized agent, to secure the payment of funds for completion of the improvements required by these Regulations. The

term "performance surety" is interchangeable with "construction bond", "irrevocable letter of credit" or "certified check" which may have been filed for the same purpose.

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

Plat: A detailed drawing or drawings showing all aspects of the subdivision, including dimensioned boundary lines, lot area, physical features and other items required by these regulations. A final plat shall also meet all requirements for filing documents spelled out in 27 V.S.A., Chapter 17.

Principal structure: A structure housing a primary use which is or could be independent of other uses located on the same parcel of land.

Private Access Easement: An easement granted by the owner(s) of one lot to the owner(s) of another lot, permitting the owner of the second lot to cross the first lot in order to gain access to a public street or road.

Preliminary Subdivision Plat: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for approval in accordance with the provisions of **Section 406** of these Regulations.

Real Estate: means any leasehold or other estate or interest in, over or under the land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land through not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air and water. 27A V.S.A. 1-103 (25)

Regional Planning Commission: A Planning Commission for a region created under Subchapter 3 of the Act.

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

Right-Of-Way: See Private Access Easement.

Shopping Plaza: An area with three or more permanent business structures served by common parking. These business structures may or may not have common walls.

Sketch Plan: A sketch of a proposed subdivision showing information specified in **Section 404** of these regulations. A sketch plan enables the subdivider to save time and expense in

reaching general agreement with the Board on the form of the subdivision and compliance with these regulations.

Street: Any road, highway, avenue, street, parkway, lane or other way between right-of-way lines, commonly used for vehicular traffic which serves as access to more than one (1) single family dwelling unit. (Defined for the purposes of These Bylaws) Any public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Subdivider: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale, lease, transfer or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: The division or proposed division of any real estate into lots, parcels, sites, plots, units or interests for the purpose of sale, lease, transfer or development. All subdivisions are major subdivisions, minor subdivisions, or boundary adjustments, and shall include re-subdivision.

Subdivision, Major: Any subdivision containing five (5) or more lots or units, or any subdivision requiring any new public street extensions, or the extension of municipal sewer and water facilities. For purposes of classification, all lots created within ten years shall be counted.

Subdivision, Minor: A subdivision containing not more than four (4) lots or units, none of which have been involved in a subdivision in whole or in part in the previous ten years, which has access to an existing public street, and which does not require any new municipal street, street extension or extension of municipal sewer and water facilities.

Surety: A pledge, guarantee or bond, usually to back the performance of an individual or company.

Town Plan: The Town Plan for the Town of Springfield, Vermont, adopted pursuant to Section 4385 of the Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

SECTION 204 OTHER DEFINITIONS: The definitions established in the "Town of Springfield Zoning Regulations" shall apply to these regulations unless these regulations specifically provide for a different definition.

ARTICLE III: WAIVERS AND CONDITIONS

SECTION 301 WAIVERS: Where the Board finds that extraordinary and unnecessary hardship may result from strict compliance with these subdivision regulations or where there are special circumstances of a particular Plat, it may waive the requirements of these subdivision regulations so that substantial justice may be done and the public interest secured. The Board shall first find that the waivers will not have the effect of nullifying the intent and purpose of the Official Map, the Town Plan, or the Zoning Regulations, where such exist.

301.1 Procedural Waivers: Where the Board finds that, due to special circumstances of a particular plat, strict adherence to the procedures of these Regulations will cause an unnecessary hardship on the subdivider and is not necessary to achieve the objectives of these Regulations, the Board may waive or modify the procedures herein. In addition to the inclusion of the bases stated in the preceding sentence, the waiver or modification shall include the explicit findings and conclusions that the waiver or modification will not negatively impact the purposes and objectives of these Regulations. In no case shall there be a procedural waiver of notice requirements or substantive State or Local regulations.

301.2 Improvement Waivers: Where the Board finds that, due to special circumstances of a particular Plat, the provision of certain required improvements, as outlined in Article V of these regulations, is not a 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. In addition to the inclusion of the bases stated in the preceding sentence, the waiver shall be accompanied by explicit findings and conclusions that the waiver or modification will not negatively impact the purposes and objectives of these Regulations.

SECTION 302 CONDITIONS:

302.1 General: The Board may set conditions to the approval of any subdivision if it deems the conditions necessary to the achievement of the purpose and objectives of these Regulations.

302.2 Conditions With Waivers: In granting waivers, the Board shall require such conditions that will, in its judgment, substantially secure the objectives of the requirements so modified. Waivers granted by the Board shall pertain to the subdivision application before it only and shall not set a precedent for another application for the same subdivision or a similar action relative to any other subdivision.

ARTICLE IV: PROCEDURES FOR SUBDIVISION REVIEW

SECTION 401 GENERAL REQUIREMENTS: These regulations concerning the preparation and review of subdivision applications are necessary for the information of the Board and of the public at public hearings as provided in this section. Careful preparation of maps and other information will facilitate the Board's review of the proposed subdivision. No parcel may be sold or offered for sale, and no grading, clearing, or other construction shall be undertaken until the subdivider has received Subdivision Approval from the Board in accordance with these Regulations.

401.1 Revisions to Plans after Submitting Applications: Once plans for a subdivision have been submitted as part of any application required by these Regulations, lot layouts and building locations may not be revised until after they have been reviewed by the Board. If the subdivider wishes to make such revisions, the original application must be withdrawn, a new application submitted, and new meetings scheduled.

401.2 Approval of State and Municipal Agencies: The subdivider shall apply for all municipal and State permits required by the proposed development and, upon request, submit copies of these applications to the Board. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, and State Subdivision Permit.

401.3 Request for Acceptance of Streets, Utilities or Other Community Facilities: The applicant shall submit a request in writing to the Selectboard for a preliminary determination of the Town's willingness to accept any streets, utilities, or other community facilities in the Subdivision. A copy of such letter shall be submitted along with Sketch Plan Application.

401.4 Connection to Public Utilities and Public Acceptance of Streets, Utilities, or Other Community Facilities:

- A. The approval by the Board of a Subdivision Plat does not constitute acceptance by the Town of any street, utility, easement or other open space shown on such Subdivision Plat. However, within thirty (30) days of rendering a decision, the Board shall submit to the Selectboard, in writing, a recommendation for or against such action.
- B. When a proposed development would have extraordinary impact on the provision of Town services by requiring, for example, purchase of new fire, emergency or highway equipment or loss of substantial excess capacity in a sewer plant development, the Board shall forward a recommendation to the Selectboard regarding such impacts and how they might be addressed.

401.5 Survey: Prior to obtaining approval of any subdivision as defined herein, a developer must submit to the Board a survey or plat meeting the requirements of **Section 405.2** for a minor subdivision or **Sections 406.2** and **407.2** for a major subdivision. The plat or survey shall encompass all other remaining lands and parcels owned by the Subdivider within the subdivision, except as excluded by the provisions set forth in **Section 405.2, A., 9., b. and c.**

401.6 No Work to Start Prior to Approval of Final Plat: No grading, clearing, construction or other improvements can begin before approval of the Final Subdivision Plat by the Board. Violators shall be subject to enforcement under 24 V.S.A. §§ 4451-4452.

401.7 Revisions Resulting From Reviews by Other Regulatory Bodies: If, as part of review and approval by any other regulatory body, changes are made to an approved subdivision that affects the overall layout, street alignment or lot boundaries, the subdivision must be submitted to the Board for approval as an amended subdivision.

SECTION 402 BOUNDARY ADJUSTMENTS: Any Boundary Adjustment, as defined in Article II, shall be approved and filed according to the provisions of this Section.

402.1 Application materials: The applicant shall provide a scale drawing of the lots being adjusted which shows the following:

- A. The existing and proposed boundaries of both lots;
- B. The existing and proposed perimeter dimensions of both lots;
- C. The existing and proposed area of both lots; and
- D. The names and addresses of the owners of both lots and of adjacent properties.

402.2 Fees: A fee, as may be established by the Selectboard, shall be submitted with the scale drawing of the boundary adjustment.

402.3 Notification: The AO shall attempt to notify the owners of all adjacent properties, in writing, of the proposed adjustment and invite comment by a specified date.

402.4 Review and Approval: The AO shall review and approve the proposed boundary adjustment if the following conditions are met:

- A. No new lots are being created;
- B. No lot is being made non-conforming or more non-conforming; and
- C. No structure is being made nonconforming or more nonconforming.

402.5 Filing: If the proposed boundary adjustment is approved, the applicant shall prepare Mylar drawing, at a scale recommended by the AO and (consistent with the requirements of 27 V.S.A., Chapter 17 and the Town's Mylar check list available from the Town Clerk or AO) suitable for filing

in the Town Land Records and submit it to the AO. The AO shall determine that the Mylar shows the boundary adjustment as approved, note and date the approval on the Mylar, and submit it to the Town Clerk for filing. A fee for filing may be charged, and will be due at the time of submittal.

SECTION 403 APPLICATION AND REVIEW PROCESS - GENERAL: All subdivisions other than boundary adjustments shall be reviewed in accordance with the procedures set forth in these Regulations. The general procedure is outlined as follows:

- A. The first step is sketch plan review where the subdivider has the opportunity for informal discussions with the Board about the proposed subdivision. At sketch plan review the Board will classify the proposed subdivision as a major or minor subdivision.
- B. A minor subdivision must then be submitted to the Board for final review and approval at a meeting which includes a public hearing. Upon approval the plat must be filed with the Town Land Records in conformance with the requirements of 27 V.S.A. Chapter 17.
- C. A major subdivision must be submitted to the Board for preliminary review and approval, and then for final review and approval at meetings which include a public hearing. Upon approval the plat must be filed with the Town Land Records.

SECTION 404 SKETCH PLAN REVIEW: Sketch Plan review is intended to be an informal discussion between the subdivider and the Board to ensure that the proposed subdivision is consistent with the requirements of these regulations, and to explore optional layouts prior to the investment in detailed site layout and engineering. Applicants are encouraged to be prepared to discuss options on tracing overlays of the scale drawing submitted to the Board.

404.1 Submission of Sketch Plan: Any subdivider of land shall, prior to submitting an application for subdivision or re-subdivision of land, submit to the AO at least ten (10) days prior to the regular meeting of the Board, two (2) copies of a Sketch Plan of the proposed subdivision, which shall contain all information specified in **Section 404.4**.

404.2 Scheduling of Meetings:

- A. General: Upon receipt of all required material, the AO will schedule a Sketch Plan review at the next regularly scheduled Board meeting. Should the agenda of the next meeting be full, the AO will place the Sketch Plan review of the next available Board meeting. In no case, however, shall there be more than sixty (60) days between the date of receipt of the complete application with fees and the date on which the application is considered at a Board meeting. The AO will notify the subdivider of the date of the meeting for sketch plan review and classification.

B. Fast track for Certain Minor Subdivisions: If the AO determines that the proposed subdivision will most likely be classified as a minor subdivision, and that there are few, if any, layout or design issues to be addressed in sketch plan review, the AO may offer the following fast track option to the subdivider.

1. The AO will schedule sketch plan review and classification, a public hearing and final approval at the same Board meeting, and publish the required notice for the public hearing.
2. The subdivider shall provide, in addition to all materials required under **Section 404.4** of these regulations, all materials required under **Section 405.2** (for Minor Subdivision Final Approval).
3. The AO will advise the subdivider that the Board will ultimately decide if the subdivision can be approved via the fast track option.
 - a) If the Board does not classify the proposed subdivision as a minor subdivision, the subdivider must proceed with the procedures set forth in **Sections 406 and 407** of these Regulations.
 - b) If the Board classifies the proposed subdivision as a minor subdivision, but determines that revisions must be made to the proposed subdivision before presenting it to a public hearing and reviewing it for final approval, the Board shall recess the hearing to a date certain or cancel the hearing and final approval previously scheduled, and the subdivider shall make necessary revisions and resubmit for review and approval in accordance with **Section 405** of these Regulations.
 - c) If the Board classifies the proposed subdivision as a minor subdivision and determines that the submitted material is satisfactory and that the proposed subdivision satisfies all parts of these Regulations, it may proceed immediately with the previously warned public hearing and final approval, using the standards set forth in **Section 405**.

404.3 Attendance at Meetings: The subdivider, or his duly authorized representative, shall attend a meeting with the Board to discuss the requirements of these regulations for general layout, lot configuration, street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. If the subdivider does not attend, the Board may review it in the subdivider's absence, table it to a date certain, or deny it.

404.4 Required Application Materials: The following information and materials shall be submitted with an application for Sketch Plan approval for all subdivisions other than Boundary Adjustments:

- A. A site plan, drawn to scale, providing a reasonably accurate representation of the parcel's size, shape and general location;
- B. Proposed subdivision name or identifying title;
- C. Name and address of record owner, Subdivider and Designer;
- D. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other important physical features such as steep slopes, wetlands, wellhead protection areas, natural habitats, archeological resources, and other such features noted in the Town Plan and shown on the associated resource maps available at the Town Offices. The location and acreage of land adjacent to the proposed subdivision, which the subdivider owns or has an interest in, shall also be shown;
- E. A description of all subdivisions involving the land proposed to be subdivided over the past ten (10) years, including the total acreage previously subdivided;
- F. The names of all subdivisions and the names and addresses of owners of record of all parcels adjacent to the land proposed to be subdivided;
- G. The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract;
- H. The approximate location and size of any existing onsite wastewater and water supply, or sewers and water mains, culverts and drains on or adjacent to the property to be subdivided;
- I. Date, approximate north arrow, and approximate scale;
- J. Proposed point of connection with existing water supply, if any;
- K. Proposed point of connection with existing sanitary sewage system, if any;
- L. The proposed lot lines with dimensions and field evidence of boundary lines and corners;
- M. A map of the Town showing the general location of the boundaries of the subdivision; and
- N. A copy of the letter to the Selectboard requesting preliminary determination on the Town's willingness to accept any streets, utilities or other community facilities, if applicable.

404.5 Notification: The AO shall notify the owners of properties of the date of the meeting when the Board will consider the proposed subdivision.

404.6 Board Review: The Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions to be incorporated by the applicant in subsequent submissions.

404.7 Classification: At this time the Board will classify the proposed subdivision as either a Minor or Major Subdivision, as defined herein.

- A. If classified as a Minor Subdivision, the subdivider shall comply with procedures outlined in **Section 405** of these regulations.
- B. If classified as a Major Subdivision, the subdivider shall comply with procedures outlined in **Sections 406 and 407** of these regulations.

404.8 Action by Board: The Board shall act to approve, approve with specific recommendations, or disapprove the proposed Sketch Plan. Approval shall be deemed as authorization to proceed with subsequent steps as outlined in these Regulations.

- A. If the Board approves with specific recommendation, those written recommendations shall be conveyed to the subdivider.
- B. If the Board disapproves, the reasons for disapproval shall be conveyed, in writing, to the subdivider.
- C. If the Board approves a minor subdivision with no specific recommendations, if the fast track option set forth in **Section 404.2(B)** of these Regulations has been selected, and if the subdivider has submitted all materials required under **Section 405.2** of these Regulations, the Board may proceed with the previously scheduled and warned public hearing and final approval.

SECTION 405 MINOR SUBDIVISION REVIEW AND APPROVAL:

405.1 Application and Fee:

- A. Within six months after Sketch Plan approval of a Minor Subdivision, the Subdivider shall submit an application for approval of the Minor Subdivision Plat, using the approved application form available from the AO. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board, and shall include all materials and information specified in **Section 405.2** of these Regulations. Failure to submit this application within six (6) months shall require resubmission of the Sketch Plan to the Board.
- B. All applications for Minor Subdivision final approval shall be accompanied by a non-refundable fee, as established by the Selectboard, payable to the Town of Springfield, Vermont, and stating the specific purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application.

405.2 Required Application Materials: An application for final approval of a Minor Subdivision shall consist of the completed application form, a plat containing one or more maps or drawings, and all necessary supporting materials, as set forth below in this Section.

- A. The Plat shall show all dimensions in feet and decimals of a foot, and be drawn to a scale suitable for review by the Board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for the binding and one (1) inch margin outside the border along the remaining sides. The Plat shall include the following information:
1. The name of the proposed subdivision or identifying title;
 2. The name of the Town in which the subdivision is located.
 3. The date;
 4. True and magnetic north arrows;
 5. The map scale;
 6. The name and address of record owner and subdivider;
 7. The names and addresses of all adjoining property owners.
 8. An actual field survey of the boundary and property lines of the tract being subdivided, giving complete descriptive data by bearings and distances, and prepared by a registered land surveyor;
 9. A survey showing the location and dimensions of all proposed lot lines, and the areas of all proposed lots;
 - a) The corners of the lots shall be marked on the survey by monuments approved by the Board, to be placed in the field by the subdivider. Such survey shall encompass all other remaining lands and parcels owned by the Subdivider within the proposed subdivision;
 - b) At the request of the Subdivider, the Board may exempt one (1) parcel from the survey requirements provided that parcel exceeds twenty-five (25) acres. The Subdivider shall submit a sketch plan of the total parcel, including the exempted portion. The sketch plan shall meet the requirements of **Section 404.4** of these Regulations.
 - c) In the event that there is a difference of opinion as to the remaining acreage, and the tax maps indicate that there is less than twenty-five (25) acres, the tax maps shall be used as a guideline for determining whether or not the remainder must be surveyed. The owner must prove to the satisfaction of the Chief Assessor that there is more than twenty-five (25) acres remaining.
 10. If appropriate, any proposed on-site septic systems and/or water supply facilities shall be shown, to scale, as to approximate location and size, as well

as any replacement areas. A note shall be included on the final plat that any septic system designed for parcels shown shall comply with State and/or Local Requirements.

- B. **Supporting Materials:** In addition to maps and drawings, written supporting materials may be submitted as may be required by the Board. At a minimum, the following shall be provided:
1. Copies of applications for other State and municipal permits required by the proposed subdivision as set forth in **Section 401.2** of these Regulations, if available. If a curb cut application is not available, the subdivider shall provide, at a minimum, the sight distances and grades associated with all curb cuts and intersections with existing roads.
 2. Discussion of how all specific recommendations made by the Board at Sketch Plan review have been incorporated into the final design.
 3. Written descriptions of arrangements to be made for the ownership and maintenance of any land or facilities to be held in common, and any privately maintained roads, water facilities and sewerage facilities.

405.3 Number of Copies: Six (6) copies of the minor Subdivision Plat, all materials specified in **Section 405.2** (including but not limited to the survey), and all supporting materials shall be presented to the AO at least thirty (30) days prior to a scheduled monthly meeting of the Board. No public hearing shall be scheduled until the AO has received all required materials.

405.4 Notification: The AO shall notify the owners of properties of the date of the meeting when the Board will consider the proposed subdivision.

405.5 Public Hearings:

- A. Upon receipt of all required material, the AO will schedule a public hearing at the next regularly scheduled Board meeting. Should the agenda of the next meeting be full, the AO will place the public hearing on the next available Board meeting. In no case, however, shall there be more than sixty (60) days between the date of receipt of the application material and the date of the public hearing. The AO will notify the subdivider of the date of the hearing and will publish notice of that hearing as required by State Statute, as amended. Current notification requirements include the following:
1. Said hearing shall be advertised in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing;

2. Notice of said hearing shall be posted in three (3) or more prominent places at least fifteen (15) days prior to the hearing.
3. In addition, notice of such hearing shall be forwarded to the Regional Planning Board, and to the clerk of an adjacent town in the case of a Plat located within five hundred feet of a town boundary, at least fifteen (15) days prior to the hearing.

405.6 Attendance at Meetings: The subdivider, or his duly authorized representative, shall attend the meeting of the Board to present and discuss the Minor Subdivision Plat. If the subdivider does not attend, the Board may review it in the subdivider's absence, table it to a date certain, or deny it.

405.7 Action by Board: The Board shall, within forty-five (45) days from the adjournment of the public hearing, approve, modify and approve or disapprove the Minor Subdivision Plat. The Board shall specify in writing its reason for any such disapproval. In the event that the Board fails to act on the Minor Subdivision Plat within the forty-five (45) days specified above, the Plat shall be deemed approved.

- A. Endorsement: Every approved Subdivision Plat shall carry the following endorsement on the Mylar copy to be filed with the Town Clerk,

*"Approved by the Board of the Town of Springfield,
Vermont, on the ___ day of _____, 20___, subject to
all requirements and conditions of said Approval.*

*Signed this ___ day of _____, 20___, by _____",
on behalf of the Springfield Development Review
Board".*

- B. Before endorsing such plat the Board shall require certification that all pins and monuments shown on the plat have been placed on the site.

405.8 Filing of Approved Minor Subdivision Plat:

- A. After final approval by the Board the subdivider shall have prepared a final Mylar of the plat which includes any changes required by the Board, which meets the requirements of Title 27, V.S.A., Chapter 17, and which meets the requirements of the Town Clerk's office (see Mylar check list available from the Town Clerk or AO). Such final plat shall be endorsed by the Board Chairman, or designee, and filed in the office of the Town clerk. Any subdivision not so filed or recorded within one hundred and twenty (120) days of the date of approval, or the date on which it is

considered approved by reason of the failure of the Board to act, shall become null and void.

405.9 Plat Void if Revised After Approval: No changes, erasures, modifications or revisions shall be made in any Minor Subdivision Plat after approval has been given by the Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Board and the Board approves any modifications. In the event that such Minor Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the record of the Town Clerk.

SECTION 406 MAJOR SUBDIVISION--PRELIMINARY APPROVAL:

406.1 Application and Fee:

- A. Within six months after Sketch Plan approval of a Major Subdivision, the Subdivider shall submit an application for Preliminary Approval of the proposed subdivision, using the approved application form available from the AO. The Preliminary Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board, and shall include all materials and information specified in **Section 406.2** of these Regulations. Failure to submit this application within six (6) months shall require resubmission of the Sketch Plan to the Board.
- B. All applications for Preliminary Approval of a Major Subdivision shall be accompanied by a non-refundable fee as established by the Selectboard, payable to the Town of Springfield, Vermont, and stating the specific purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application and shall be paid in addition to other charges for which the Subdivider may be liable under these Regulations.

406.2 Required Application Materials: A complete application for Preliminary Approval of a subdivision shall consist of the completed application form, a preliminary plat containing one or more maps or drawings which may be printed or reproduced on paper, and all necessary supporting materials, as set forth below in this section.

- A. **The Preliminary Plat:** Shall show all dimensions in feet and decimals of a foot, drawn to a scale suitable for review by the Board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for the binding and one (1) inch margin outside the border along the remaining sides. The Plat shall include or be accompanied by the following information:

1. Proposed subdivision name or identifying title and the name of the Town in which it is located.
2. Name and address of record owner, subdivider and designer of Preliminary Plat.
3. The names of all subdivisions immediately adjacent and the names and addresses of owners of record of adjacent parcels.
4. Number of acres within the proposed Subdivision, location of property lines, and existing easements, buildings, watercourses.
5. Flood plains, slopes over 20% if within the building envelope and must be depicted on a USGS map, areas of archeological interest, important agricultural soils, and other essential existing physical features (such as water courses, water bodies, historic structures, wetlands, well head protection areas, natural heritage areas and deer wintering habitats), as shown on the current effective maps.
6. The provisions of the Zoning Regulations applicable to the area to be subdivided, including the name of the district in which the subdivision is located, minimum lot size, minimum frontage, and the location of any zoning district boundaries affecting the lot.
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 width of existing and proposed streets, highways, easements, alleys, parks and other open spaces as well as similar facts regarding adjacent property.
9. The width and location of any streets and other public ways or places shown upon the Official Map and the Comprehensive Development Plan, if any, within the area to be subdivided, and the width, location, grades and street profiles of all streets and other public ways proposed by the Subdivider.
10. Typical cross-sections of the proposed grading of roadways and of sidewalks.
11. Date, scale, true and magnetic north arrows.
12. An actual field survey of the boundary and property lines of the tract including all lands owned by the subdivider, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor.
13. The survey shall show the location and dimension of all proposed lot lines. The corners of the tract and all lots shall be located on the ground and shall be marked by monuments and markers approved by the Board. The monuments and markers shall be placed in the field by the subdivider. All monuments and markers shall be shown on the survey.
14. Contour lines at intervals of five (5) feet, based on a field survey or photogrammetric mapping of existing grades and also of proposed finished grades where change of existing ground elevation will be five (5) feet or more. The Board may determine that the topography is such that five foot

contours are not necessary, and may accept contours from USGS topographical maps.

15. Connection with the existing water supply or alternative means of providing water supply to the proposed subdivision.
16. Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
17. If appropriate, any proposed on-site septic systems and/or water supply facilities shall be shown, to scale, as to approximate location and size, as well as any replacement areas. A note shall be included on the final plat that any septic system designed for parcels shown shall comply with State and/or Local Requirements.
18. Provisions for collecting and discharging storm drainage in the form of a drainage plan approved by the Public Works Director..
19. Preliminary designs of any bridges or culverts which may be required as approved by the appropriate State or Local Official. A note shall be included on the final plat that any bridge or culverts designed shall comply with State and/or Local requirements.
20. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
21. All parcels of land proposed to be dedicated for public use and the conditions of such dedication.
22. The location of major natural features or site elements to be preserved.

B. Supporting Materials: In addition to maps and drawings, written supporting materials shall be submitted as may be required by these Regulations and the Board. At a minimum, the following shall be provided:

1. Copies of applications for other State and Municipal permits required by the proposed subdivision.
2. A prospectus describing the management organization for commonly held property or community facilities. If applicable, a demonstration of management of other developments owned or operated by the developer.
3. A traffic impact study and indication of traffic improvements (both on and off-site) proposed to mitigate anticipated adverse traffic impacts.
4. A discussion of how any significant natural features are to be protected.
5. A written statement from Town Police, Fire and Public Works indicating approval and/or concerns regarding the proposed subdivision.

C. Vicinity Map: The Preliminary Plat shall be accompanied by a vicinity map or aerial photo at the scale of not over five hundred (500) 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 one thousand (1,000) feet of any property line of the proposed subdivision. Within such area the vicinity map shall show:

1. All existing subdivision and approximate lines of adjacent parcels, together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
2. Locations, widths and names of existing, filed or proposed streets, easements and utility lines, pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph one (1) above.
3. The boundaries and designations of zoning districts, school districts and parks or other public spaces.

406.3 Number of Copies: Six (6) copies of the completed application form, the preliminary plat, the vicinity map and all supporting materials, shall be presented to the AO at least thirty (30) days prior to a regular monthly meeting of the Board.

406.4 Notification: The AO shall notify the owners of properties of the date of the meeting when the Board will consider the proposed subdivision in accordance with State Statute.

406.5 Scheduling of Meetings:

- A. Upon receipt of all required material, the AO will schedule a review of the preliminary plat at the next regularly scheduled Board meeting. Should the agenda of the next meeting be full, the AO will place the review of the preliminary plat on the next available Board meeting. In no case, however, shall there be more than sixty (60) days between the date of receipt of the complete application with fee and the date of the scheduled review. The AO will notify the subdivider of the date of the review and will publish notice of that review as required by State Statute.
- B. If the Town of Springfield chooses to create a Conservation Commission in accordance with 24 V.S.A. §4501, the AO will also notify the Conservation Commission of the proposed subdivision, and invite the Conservation Commission to offer comments on the proposed subdivision at the Board’s Preliminary Subdivision Review.

406.6 Attendance at Meetings: The subdivider, or his duly authorized representative, shall attend the meeting of the Board to present and discuss the Preliminary Plat. If the subdivider does not attend, the Board may review it in the subdivider's absence, table it to a date certain, or deny it.

406.7 Review by Board: The Board shall study the practicability of the Preliminary Plat. Particular attention shall be given to the arrangement, location and width of streets and the location, size and arrangement of lots, the relation of all lots and streets to the topography of the land, water supply, sewage disposal drainage, lot sizes and arrangement, the background history of subdivisions of the land to be subdivided over the previous ten (10) years and future development of adjoining lands as yet not subdivided, and the requirements of the Town Plan, the Official Map, Zoning Regulations, and Capital Improvement Program, if such exist.

406.8 Action by Board: Within forty-five (45) days from the adjournment of the public hearing on an application for preliminary approval, the Board shall take action to approve with or without modifications, or disapprove the application and the grounds for any modifications required or the grounds for disapproval shall be stated upon the records of the Board. Failure of the Board to act within such forty-five (45) day period shall constitute an approval.

- A. When granting preliminary subdivision approval, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which will be required in the Preliminary Plat;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the intent of the Town Plan, these Regulations, or to the public health, safety, and general welfare;
 - 3. The amount of improvement and the amount of all surety therefore which it will require as prerequisite to final subdivision approval.
- B. If the Board approves with specific recommendation, those written recommendations shall be conveyed to the subdivider in accordance with State Statute.
- C. If the Boards disapprove, the written reasons for disapproval shall be conveyed to the subdivider in accordance with State Statute.
- D. The action of the Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One (1) copy shall be returned to the Subdivider, one (1) retained by the Board and one (1) forwarded to the Selectboard.
- E. Preliminary Subdivision approval 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 and shall act as a guide to the preparation of the Final Subdivision Plat.

SECTION 407 MAJOR SUBDIVISION--FINAL APPROVAL:**407.1 Application and Fee:**

- A. The subdivider shall, within six (6) months after receiving Preliminary Subdivision Approval, file with the Board an application for Final Subdivision Plat Approval using the approved application form available from the AO. The Final Subdivision Plat shall have incorporated all the changes required as conditions of Preliminary Approval.

If application for final Subdivision Plat Approval is not submitted within six (6) months after the preliminary approval, the Board may refuse without prejudice to act on the application for Final Subdivision Plat Approval and require re-submission for Preliminary Subdivision Approval.

- B. All applications for Final Subdivision Plat Approval for Major Subdivisions shall be accompanied by a non-refundable fee as set annually by the Selectboard payable by check to the Town of Springfield, Vermont, specifying the purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application and shall be paid in addition to other charges the Subdivider may be liable for under these regulations.

407.2 Required Application Materials: The application for Final Approval of a Major Subdivision shall consist of the completed application form, a plat containing one or more maps or drawings, and all necessary supporting materials, as set forth below in this Section.

- A. The Plat shall show all dimensions in feet and decimals of a foot, and be drawn to a scale suitable for review by the Board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for the binding and one (1) inch margin outside the border along the remaining sides. The Plat shall include the following information:
1. Final information on all items listed under **Section 406.2**, complying with conditions attached to the Board's Preliminary Approval.
 2. The location of all Required Improvements and, if applicable, all on-site water supplies, sewage disposal systems, and drainage devices within the Subdivision.
 3. The location of all monuments and lot corner markers to be placed on the site, shown as illustrated in the legend of the plat.

- B. Supporting Materials: In addition to maps and drawings, written materials shall also be submitted to the Board, if applicable.
 - 1. Written offers of conveyance to the Town of all open space, roads, streets, or commons designated on the plat as to be conveyed to the Town, and copies of agreements or other documents showing the manner in which all spaces or other facilities, title to which is reserved by the subdivider, are to be maintained.
 - 2. Written evidence that the Selectboard and the Town Attorney have approved the legal sufficiency of the documents referenced above.
 - 3. A certificate from the Town Clerk as to the filing of a performance surety complying with the requirements of the Director of the Public Works, the Board and the Town Attorney.
 - 4. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, if any.
 - 5. Written descriptions of arrangements to be made for the ownership and maintenance of any land or facilities to be held in common, and any privately maintained roads, water facilities and sewerage facilities.

407.3 Number of Copies: At least thirty (30) days prior to a scheduled monthly meeting of the Board, the Subdivider shall provide the AO with six (6) copies of the following: the completed application form; the final subdivision plat; all supporting materials; all offers of conveyance, covenants and agreements; and all construction drawings for all site work and improvements required by these Regulations.

407.4 Notification: The AO shall notify the owners of properties of the date of the meeting when the Board will consider the proposed subdivision as required by State Statute.

407.5 Public Hearing:

- A. Upon receipt of all required material, the AO will schedule a public hearing at the next regularly scheduled Board meeting. Should the agenda of the next meeting be full, the AO will place the public hearing on the next available Board meeting. In no case, however, shall there be more than sixty (60) days between the date of receipt of the application material and the date of the public hearing. The AO will notify the subdivider of the date of the hearing and will publish notice of that hearing in accordance with State Statute, as amended. Current notification requirements include the following:
 - 1. Said hearing shall be advertised in a newspaper of general circulation within the Town at least fifteen (15) days before such hearing;

2. Notice of said hearing shall be posted in one (1) or more prominent places at least fifteen (15) days prior to the hearing.
3. In addition, notice of such hearing shall be forwarded to the Regional Planning Board, and to the clerk of an adjacent town in the case of a Plat located within five hundred feet of a town boundary, at least fifteen (15) days prior to the hearing.

407.6 Attendance at Meetings: The subdivider, or his duly authorized representative, shall attend the meeting of the Board to present and discuss the proposed Subdivision. If the subdivider does not attend, the Board may review it in the subdivider's absence, table it to a date certain, or deny it.

407.7 Review by Board: The Board shall review the proposed subdivision to ensure that it is in compliance with these Regulations and has incorporated all suggestions and conditions set forth by the Board at previous levels of approval.

407.8 Action by Board: The Board shall, within forty-five (45) days from the adjournment of the public hearing, act to approve, modify and approve or disapprove the Subdivision. However, if approved, the Final Subdivision Plat shall not be endorsed by the Board Chairman, or designee, for recording until the subdivider has complied with the provisions of **Section 501.2** relating to "Guarantee of Required Improvements". In the event that the Board fails to act on the Proposed Subdivision within forty-five (45) days specified above, the Plat shall be deemed approved.

If the subdivider does not comply with the provisions of **Section 501.2** within forty-five (45) days, the Board may disapprove the Application for Final Subdivision Plat Approval and require re-subdivision for preliminary subdivision approval.

- A. Endorsement: Every approved Subdivision Plat shall carry the following endorsement on the Mylar copy to be filed with the Town Clerk,

"Approved by the Development Review Board of the Town of Springfield, Vermont, on the ___ day of _____, 20 __, subject to all requirements and conditions of said Approval. Signed this ___ day of _____, 20 __, by _____", on behalf of the Springfield Development Review Board".

- B. Before endorsing such plat the Board shall require certification that all pins and monuments shown on the plat have been placed on the site.

407.9 Filing of Approved Major Subdivision Plat:

- A. General: After final approval by the Board, completion of the requirements of this Section and **Section 501.2** and notation to that effect upon the final Subdivision Plat, the subdivision shall be deemed to have final approval. The subdivider shall have prepared a final plat which incorporates all changes required by the Board and which meets the requirements of Title 27, V.S.A., Chapter 17. Such final plat shall be endorsed by the Board Chairman and filed in the office of the Town Clerk. Any subdivision 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, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of ninety (90) days.
- B. Phasing: At the time the Board grants final approval to a major subdivision, it may permit the Plat to be divided into two or more phases, subject to any conditions the Board deems necessary to insure the orderly development of the Plat. The applicant may, with Board approval, file a plat corresponding to one or more phases, provided that any plat so filed corresponds to no less than ten (10) percent of the total approved subdivision. In these circumstances, Plat approval on the remaining sections of the Plat shall remain in effect for three (3) years or a period of time mutually agreed to by the Selectboard, the Board and the subdivider. The Board may require, however, that plats for subsequent phases may not be filed until work on previously filed phases is substantially complete.
- C. If at any time field changes to the approved subdivision which modify the location and configuration of roads or the configuration of lots, the subdivider shall submit the revised plat to the Board for approval as an amended subdivision in accordance with **Section 408** of these Regulations.
- D. If the project is subject to phasing under paragraph B of this section, and if field changes in any phase modify the location and configuration of roads or the configuration of lots, no subsequent phase may be started until the Board has approved a revised plat as an amended subdivision in accordance with **Section 408** of these Regulations.

407.10 Plat Void if Revised After Approval: No changes, erasures, modifications or revisions shall be made in any Major Subdivision Plat after approval has been given by the Board and endorsed in writing on the Plat, unless said Plat is first resubmitted to the Board as an amended subdivision in accordance with **Section 408** of these Regulations, and the Board approves any modifications. In the event that a Subdivision Plat is recorded without complying with this

requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the Town Clerk.

SECTION 408 AMENDED SUBDIVISIONS: Any subdivision which is revised after final approval by the Board must be resubmitted to the Board for approval as an amended subdivision.

408.1 Application: An application for approval as an amended subdivision shall include a copy the original approved plat, a copy of the revised subdivision, a written description of the revisions, and a written justification for the revisions.

408.2 Notification of Adjacent Landowners: The AO shall notify the owners of all adjacent properties of the date of the meeting when the Board will consider the amended subdivision in accordance with State Statute.

408.3 Board Review: The Board shall consider an amended subdivision at a meeting duly noticed for that purpose. At the meeting the subdivider shall describe the revisions and the justification for them. If the Board approves the amended subdivision, the subdivider shall proceed to file the approved plat in accordance with either **Sections 405.8 or 407.9** of these Regulations. If the Board determines that the revisions change the entire concept of the subdivision, it may decide to review the amended subdivision under the provisions of **Section 405** (Minor Subdivision Review and Approval) or **Section 407** (Major Subdivision-- Final Approval), and schedule the necessary public hearing.

408.4 Board Action: The Board may act to approve or deny the amended subdivision.

- A. If the Board approves the amended subdivision, notice of such approval shall be conveyed to the subdivider in accordance with State Statute, and the subdivider shall proceed to file the approved subdivision in accordance with the provisions of these Regulations. (Reference **Sections 405.8** and **407.9** of these Regulations)
- B. If the Board denies the amended subdivision, the reasons for the denial, in writing, shall be conveyed to the subdivider within fifteen (15) days of the date the denial decision was made.
- C. The Board may require the subdivider to comply with the provisions of **Section 501.2** relating to "Surety of Required Improvements" for those elements affected by the Amendments of the Subdivision. Failure to comply with this provision may require the Board to disapprove the amended subdivision.

ARTICLE V: DEVELOPMENT REQUIREMENTS

SECTION 501 GENERAL REQUIREMENTS: All subdivisions shall be consistent with the provisions of the Town Plan. In addition, the following specific requirements shall apply.

501.1 Required Improvements List: The following improvements are required for all major subdivisions unless waived by the Board. Those marked with an asterisk (*) are required for minor subdivisions unless waived by the Board.

- A. Lot markers (monuments and pins)*;
- B. Streets*;
- C. Sidewalks*;
- D. Street signs;
- E. Street lighting*;
- F. Water mains;
- G. Sanitary sewers;
- H. Stormwater management and erosion control plan
- I. Fire hydrants / fire ponds with dry-hydrants;
- J. And other capital improvements as required by the Board*.

501.2 Guarantee of Required Improvements: Before the Final Subdivision Plat is endorsed, the Subdivider may be required to file with the Town Clerk, in an amount set by the Director of Public Works and approved by the Board, and in a form approved by the Town Attorney, a performance surety, irrevocable letter of credit, or certified check to cover the full cost of the required improvements. A period of one (1) year shall be set forth in the surety, within which time required municipal improvements must be completed. However, the Board may, at its discretion, extend this period up to a total of three (3) additional years, and, with agreement of the Subdivider, may add three (3) additional years, for a total term of six (6) years.

501.3 Consulting Engineering and Legal Service: Consulting engineering and legal services may be contracted for by the Town in fulfillment of **Sections 501.5** and **509.1**. Such services shall be paid for by the subdivider.

501.4 Modification of Design of Improvements: If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Director of Public Works that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Director of Public Works may authorize modifications provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Director of Public Works shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at their next regular meeting. The Subdivider shall make such changes on the Plat filed with the Town Clerk as are necessary to record approved modifications.

Failure of the subdivider to comply with this provision will cause the Board to take action to void the subdivision. The subdivider will be required (in this event) to submit an Application for an Amended Subdivision.

501.5 Inspection of Improvements: At least five (5) days prior to commencing construction of required improvements the Subdivider shall pay to the Town Clerk an inspection fee equal to three (3) percent of the cost of the proposed improvements, or the actual cost of inspection as estimated by the Director of Public Works, whichever is less, payable by check to the Town of Springfield, Vermont, stating the purpose of the fee; and shall notify the Town Manager in writing of the time when he proposed to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

501.6 Proper Installation of Improvements: If the Director of Public works finds, upon inspection of the improvements completed within the term of the performance surety, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, or if the Subdivider fails to complete the required improvements within the term of the performance surety, the Director of Public Works shall report to the Selectboard and Board. The Selectboard shall then notify the Subdivider and, if necessary, the surety holder, and take all necessary steps to preserve the Town's rights under the surety. No Plat shall be approved by the Board as long as the subdivider is in default on a previously approved Plat.

501.7 Agreement with Selectboard: As noted in **Section 401.4(B)**, when a proposed subdivision will have an extraordinary impact on the provision of Town services, the subdivider is required to negotiate an agreement for sharing those costs with the Selectboard. A copy of this agreement shall be filed with the Board before any work on the development may commence.

501.8 Maintenance of Improvements and Maintenance Sureties: The applicant shall be required to provide for maintenance of all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Selectboard. The applicant shall also be required to file a maintenance surety, certified check or irrevocable letter of credit with the Selectboard prior to acceptance of the improvements and release of the performance surety, in an amount equal to fifteen (15) percent of the construction cost of the required improvements, and in a form satisfactory to the Selectboard and Town Attorney, in order to assure the satisfactory condition and operation of the required improvements for a period of two (2) years after the date of their acceptance by the Town.

501.9 Completion of Improvements Before Structures May be Occupied: No structure in the proposed subdivision may be occupied until all improvements that serve that structure have been installed, are operating and have been approved in writing by the Director of Public Works.

SECTION 502 CONSTRUCTION STANDARDS: All required improvements, whether to be publicly or privately owned, shall be completely constructed and costs borne by the Subdivider or other parties benefited by them in accordance with the Springfield Construction Standards, as adopted by the Selectboard.

SECTION 503 ROADS, DRIVEWAYS & PEDESTRIAN ACCESS:

503.1 Applicability of Road Standards: These standards apply to all proposed development roads serving four or more lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide suitable access to, or to accommodate anticipated future subdivision.

503.2 Acceptance of Private Roads: Acceptance of private roads by the town is subject to the approval of the Springfield Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance. In the event the Springfield Selectboard agrees to accept a road associated with an approved subdivision, the terms of acceptance, including road construction standards, inspection, and maintenance, shall be prescribed in an agreement approved by the Selectboard. Such agreement may be included as a condition of subdivision approval, and such approval may specify the timing of development on subdivided lots to ensure coordination with the terms of the agreement between the Selectboard and subdivider.

503.3 Road Design: All roads serving proposed subdivisions shall be designed in accordance with applicable municipal road policies and ordinances adopted and administered by the Selectboard, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, dated October, 1997, or as most recently amended (see **Table 5.1** below). Minimum design standards include the following:

1. All Roads shall meet the standards set forth in Article 4, General Regulations, in the Town of Springfield Zoning Bylaws.
2. Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the town plan.
3. Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for on-street parking, emergency vehicle access, snow removal, collector and arterial roads), or to safely accommodate shared use by bicycles.
4. Permanent dead end roads shall be discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead end road

shall be permitted without a suitable turn around at its terminus. "T" or "L" configurations suitable to topography are required; no cul-de-sac is allowed.

5. All Development Roads must meet the Class 3 Standard as identified in the *Springfield Construction Standards Ordinance*.
6. Roads construction shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road construction shall meet the policies and standards found in the *Springfield Construction Standards Ordinance*.
7. Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.
8. The placement of structures or materials within the road right-of-way, including mail boxes, signs or landscaping, shall be subject to the standards set forth in these regulations, the *Springfield Zoning Regulations*, and municipal policies and ordinances regarding road and highway maintenance and *Springfield Construction Standards Ordinance*. No such structure or materials shall be placed in a manner which impairs visibility (site distance) from any road or driveway intersection.

503.4 Road Construction Standards: Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76 specifications*, and the *Springfield Construction Standards Ordinance*.

1. **Intersections.** A new or relocated road, and any driveway, shall be located so that they meet the standards and specifications found in *Road Construction Standards*.
2. **Drainage & Stormwater.** A stormwater drainage system shall be provided which is designed to control and accommodate stormwater collected on all proposed roads, driveways, and/or parking areas in accordance with **Section 505** of these regulations and the *Springfield Construction Standards Ordinance*. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.
3. **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet

subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

4. **Access Management.** To manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:
 - (a) All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Springfield Selectboard in the case of town roads, private roads and driveways outside of the Right of Way. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.
 - (b) To promote shared driveways and/or internal development roads providing access to multiple lots, subdivisions shall comply with the provisions of Section 404 of the *Springfield Zoning Regulations*.
 - (c) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.
 - (d) Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided.

503.5 Traffic & Road Capacity: Traffic generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

1. Where an existing access road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards.

2. In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan indicates that such improvements may be required in the future, the subdivider may be required to reserve a Right of Way for such improvements.
3. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards.
4. Where a subdivision requires expenditures by the town to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured. The subdivider may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.
5. Conformance to the frontage requirement found in Section 4.1 of the Town of Springfield Zoning Bylaws shall be required for all public and private roads.
6. Entry onto Class I and II Highways:
 - (a) No subdivision shall be permitted more than one entry point onto a Class I or II Highway. Therefore, access to lots in subdivisions along such routes shall be from service roads parallel or tangent to the highway rather than directly from the highway itself. This may require construction of a road to Town standards that might not be required if the subdivision were located on a class 3 road.
 - (b) The applicant shall demonstrate that any new or existing intersection will function at a Level Of Service (LOS) at or better than level "C" (as defined in the Highway Capacity Manual published by the Transportation Research Board) as a result of the proposed subdivision, and that this LOS will be maintained for no less than three years unless impacted by other new developments.

503.6 Road Names & Signs: Roads shall be named in accordance with Springfield road naming policies, as approved by the Selectboard, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. All street signs and posts shall be provided and installed by the Subdivider in accordance with the *Springfield Construction Standards Ordinance*. If street signs are not installed by the subdivider, they may be installed by the Town and the costs shall be paid by the subdivider.

503.7 Driveways: Driveways serving three or fewer lots shall meet the standards set forth in the *Springfield Zoning Regulations* as well as those set forth in the *Springfield Construction Standards*

Ordinance. In addition, driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of fragile features and natural and cultural resources.

503.8 Modification of Road Standards: In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, not created by the applicant, the Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road:

- is accessible by emergency response vehicles;
- does not pose any threat to the safety of motorists or pedestrians;
- will not result in unreasonable maintenance requirements for landowners; and
- is designed in a manner that is consistent with other applicable standards of these regulations.

503.9 Parking & Transit Stops: For major subdivisions located on existing or proposed public transit routes, sheltered stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design

503.10 Pedestrian Access: The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities.

1. The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.
2. Unless specifically waived by the Board, sidewalks may be required along internal streets of all major subdivisions. Sidewalks shall also be required to connect such major subdivisions to existing sidewalks on adjoining properties.

503.11 Legal Requirements:

1. Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the town. In the event that the right-of-way is not intended for acceptance by the town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
2. Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately constructed and maintained either by the subdivider, a homeowners' association or through other legal mechanisms. Such documentation shall be in a form approved by the Board and filed in the Springfield Land Records.

503.12 Class IV Access Road:

In no case shall any development be permitted which is accessible only by intersection with a Class 4 town highway. However, the applicant may petition the Town of Springfield Selectboard to upgrade the highway, if the public good and necessity requires, to a Class 3 town highway, but in so doing, the applicant shall bear the costs of upgrading that road. If access to a Class IV road is approved, that portion of the Class IV road that is intersected will remain a public access.

The Board shall require that Class IV roads accessing a proposed subdivision be improved to the appropriate construction standards provided in these regulations if such access would otherwise be inadequate. The Board shall not approve the subdivision until the subdivider and the Selectboard agree on whether the Town should share the cost of the necessary improvement required. Lots shall not be sold until the road upgrade is completed or a performance surety to cover the upgrade is posted with the Town.

503.13 Street Lighting: Street lights shall be provided and installed by the subdivider according to Town Construction Standards. All street light must comply with standards found in the Zoning Bylaws. If street lighting is not installed by the subdivider, they may be installed by the Town and the costs shall be paid by the subdivider.

- A. Street light fixtures shall be of a "cut-off" design as specified by the Illuminating Engineering Society of North America (IESNA). No more than ten percent of peak intensity shall radiate above eighty (80) degrees from the vertical, and no more than two and one-half percent (2.5%) shall radiate above ninety (90) degrees from the vertical.
- B. Street light fixtures shall be mounted no more than thirty (30) feet above grade unless a higher mounting height is specifically approved by the Board;
- C. Street lights shall use metal halide or mercury vapor lamps unless alternatives are specifically approved by the Board.

503.14 Curbs and Sidewalks: Curbs and sidewalks may be required where deemed necessary by the Board, and shall be designed and built to meet the *Springfield Construction Standards Ordinance*.

SECTION 504 UTILITY STANDARDS: No connection will be allowed to any municipal facility which would place an undue burden on the Town of Springfield infrastructure. A project may be denied or phased if the Board considers too large to be supported by existing infrastructure. The construction of infrastructure shall conform to the *Springfield Construction Standards Ordinance*.

504.1 Water Supply: In any subdivision having an off-lot water supply, the applicant must provide documentation that the Town Public Works Director has determined that the requirements of this paragraph will be met.

- A. The existing public water system shall be extended or a community system shall be built so as to provide the necessary quantity of water of acceptable quality and at acceptable pressure for fire protection.
- B. If the Subdivision is within one-half mile of the public water system, the Board may require connection to the public system by the Subdivider. In the event of connection to the public water system, the following shall apply:
 - 1. The subdivider may be required to pay to the Town a sum of money which will not exceed the cost to the Town of developing additional water supplies necessary to service the proposed subdivision.
 - 2. The Subdivider may be required by the Board to provide or have installed at his expense larger transmission lines and storage and pumping facilities outside the subdivision if the supply and pressure to the proposed subdivision would otherwise be inadequate, or if as a result of the subdivision pressure to existing users would become inadequate.
 - 3. The system installed by the subdivider shall include the installation of fire hydrants in accordance with the Town's Construction Standards.

504.2 Waste Water Collection and Disposal: The Subdivider shall make adequate provisions for waste water collection and disposal, and must provide documentation that the Town Public Works Director has determined that the requirements of this paragraph will be met.

- A. The Subdivider shall be required to connect to the public sewer system or provide an adequate community sewer system in any subdivision where off-lot sewerage is proposed.
- B. If the subdivision is within one-half mile of the public sewer system, the Board may require connection to the public system by the subdivider.
 - 1. The subdivider shall be required to provide such pumping and other facilities as may be necessary to connect to the public system in an efficient and effective manner.
 - 2. The Subdivider may also be required to pay to the Town a sum of money in lieu of construction of an addition to the municipal plant capacity sufficient to treat the effluent from the proposed subdivision.
 - 3. The Subdivider may be required by the Board to provide or to have installed at his expense larger sewer lines, pumping and other facilities, outside the

subdivision if the sewer service to the proposed subdivision would otherwise be inadequate, or if, as a result of the subdivision, service to existing users would become inadequate.

4. The new system and all connections to the public system shall be constructed in accordance with the *Springfield Construction Standards Ordinance*.
- C. A private on-site sewerage treatment facility shall meet all requirements of the State and Municipal Regulations.

504.3 Improvements and Provisions for Future Infrastructure Expansion: In conformance with the Town Plan or as may otherwise be determined by the Town, the subdivider may be required to install storm drainage, water supply or sewage disposal facilities of a size adequate to accommodate anticipated needs of future developments.

- A. The Town may require the subdivider to provide easements, in combination with anticipated street connections or at other necessary locations, to allow future extension of facilities to adjacent undeveloped properties.
- B. The Town may reimburse the subdivider for the difference in cost between the facilities actually needed for the proposed subdivision and the cost of facilities necessary to provide for future development.
- C. When further development occurs, the Town may charge the appropriate portion of the additional cost to that subsequent subdivider.

504.4 Power and Communications Lines: 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 easements shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems shall be built underground unless this requirement is specifically waived by the Board due to extreme technological difficulties. See the requirements set forth in the *Springfield Construction Standards Ordinance* which are incorporated here.

504.5 Fire Protection: The Board may, after consultation with the Town Fire Chief, require the subdivider to provide fire protection facilities. This decision will be based on the facts and circumstances at the time the application is made. The subdivider shall provide a letter from the Town Fire Chief or designee regarding the ability of the Town to provide adequate fire protection service to the proposed subdivision.

SECTION 505 DRAINAGE:

505.1 Drainage Structure to Accommodate Potential Development Upstream: Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development upstream. The Subdivider shall provide such information as the Board deems necessary for the determination of the adequacy of the facilities.

505.2 Responsibility for Drainage Downstream: The subdivider shall provide all calculations for the drainage system, including upstream potential discharge, downstream capacity, on-site flows, and requirements for on-site facilities, based on a fifty (50) year storm. The quantity or quality of run-off leaving the proposed subdivision shall not have an adverse impact on downstream properties or on new or existing drainage facilities.

- A. Sedimentation basins, or other means of treatment, shall be provided to ensure that storm run-off does not carry sedimentation onto downstream properties.
- B. If the proposed subdivision will increase the volume and/or rate of run-off, retention basins may be required to ensure that downstream drainage ways are not overloaded.
- C. As an alternative to B, the Board may require the subdivider to upgrade downstream drainage facilities to accommodate anticipated flows. In such case, the Board shall not approve the subdivision until the subdivider and the Selectboard agree on whether the Town should share the cost of the necessary improvements.

505.3 Preservation of Natural Drainage: In design of the drainage system, natural waterways shall be utilized to the full extent feasible. Whenever possible, natural drainage courses should be extended under a road and not diverted to roadside drainage ditches.

505.4 Stormwater Management & Erosion Control:

- A. Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff and prevent sedimentation and water pollution on-site and downstream from the proposed subdivision.
- B. Applicant shall demonstrate that the subdivision has been designed and phased to control stormwater and erosion control both during and after construction. Projects that disturb one (1) or more acres of land may need either a Stormwater or a General Construction permit. The applicant is required to have a determination made prior to any construction and it will be a condition for final Plat approval. Smaller areas of disturbance shall provide plans and information sufficient to demonstrate they have

included adequate provisions for the control of runoff and erosion, before, during and after construction, by following the requirements in Section 2 of the “*Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control*” dated August 2006 and as subsequently revised.

- C. Areas impacted during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service, and other appropriate regulatory bodies. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

SECTION 506 LOTS:

506.1 Lot and Yard Requirements: Minimum lot and yard requirements shall be those set forth in the Springfield Zoning Bylaws, and shall be appropriate for the proposed development.

506.2 Lot Size: Lots shall be of sufficient size to provide an adequate building site and suitable areas for sewage disposal and water supply, as needed.

506.3 Frontage: All lots shall meet the frontage requirement as set forth in the Springfield Zoning Bylaws.

506.4 Planned Unit Development: Where difficult topography or the possibility of savings on the cost of providing streets and utilities make it desirable, the Board will encourage the Subdivider to design the subdivision in accordance with Section 5.5 Springfield Zoning Bylaws.

SECTION 507 MONUMENTS AND MARKERS: Monuments and markers shall be placed on the subdivision as described below. Their location, size and type shall be shown on the final subdivision plat.

507.1 Monuments: Permanent monuments constructed of concrete or stone at least 4 X 4 inches on the top and at least thirty six (36) inches long shall be set at a minimum of two (2) points along the subdivision's perimeter, and at all street right-of-way intersections.

507.2 Markers: Iron pins or equivalent markers shall be placed at all lot corners and all points of curvature and tangency along street rights-of-way.

SECTION 508 SITE PRESERVATION:

508.1 Existing Features: Existing features on the site which are identified in the Town Plan and associated resource maps, such as surface waters, historic sites and structures, archeological resources, wetlands, wellhead protection areas, natural heritage areas, deer wintering areas and other similar irreplaceable assets, shall be identified and protected to the extent practicable, through harmonious design. Subdivisions shall be designed to fit the topography and to respect and complement other important features.

508.2 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 run-off, and conserve the natural cover and soil.

508.3 Excavation and Grading: All excavation and filling required for construction of the subdivision shall be in accordance with standards set forth in the *Springfield Construction Standards Ordinance*, and shall be governed by the preceding policies of this section.

508.4 Soil Survey: When a development is proposed which, because of its size or location, requires detailed soils analysis and/or erosion and sediment control, the Board shall require the Subdivider to obtain this analysis from the Soil Conservation Service or other qualified soils scientist. The results of investigation by the soils scientist will be provided by the subdivider to the Planning Board along with the other submission requirements of this regulation.

SECTION 509 - SUBDIVISION ORGANIZATION AND RESTRICTIONS

509.1 Land and Facilities Held in Common Ownership: When a development involves condominiums or other types of common ownership of facilities, open spaces, or other commonly held property, a management organization which will operate and maintain these facilities shall be required by the Board. A prospectus shall be submitted by the Subdivider describing this organization, its financing, charter, bylaws and membership. The prospectus shall be reviewed and approved by the Town Attorney. The cost of legal consultation incurred by the Town in review of these agreements will be assumed by the Subdivider.

509.2 Additional Restrictions: The owner of the subdivision may place restrictions on the subdivision greater than those required by these regulations, the Zoning By-Laws and other State or local regulations. Such restrictions shall be attached to the plan and shall also, when applicable, be placed as covenants in the deeds of dedication to the Town.

ARTICLE VI: ADMINISTRATION AND ENFORCEMENT

SECTION 601 Administrative Officer(AO): In accordance with § 4442, 24 V.S.A. Chapter 91, An AO shall be appointed to perform the necessary administrative and enforcement requirements of this by-law.

SECTION 602 APPEALS: Decisions of the Board may be appealed to the Environmental Court (created under 4 V.S.A., Chapter 27) in accordance with §§4475 and 4471 of The Act, as it may be amended. Such appeals shall be governed by §§801 through 816 of Title 3 of Vermont Statutes Annotated.

SECTION 603 ENFORCEMENT: Enforcement of this by-law shall be in accordance with §§ 4451 and 4452 of The Act.

SECTION 604 FEES: In accordance with §4420 of The Act, fees for administration of subdivision review shall be as established by the Selectboard, and shall include the costs of publishing notices, holding public hearings and conducting inspections during construction of public improvements. Such fees shall be due with each application for subdivision review and approval.

SECTION 605 AMENDMENTS: Amendments to these Regulations may be made in accordance with Sections 4403 and 4404 of The Act.

SECTION 606 SEPARABILITY: The invalidity of any section or provision of these regulations shall not invalidate any other section or provision.