

# TOWN OF BARRE SUBDIVISION ORDINANCE



Adopted – March 7, 1973  
Amended – December 7, 1994  
Amended – October 13, 2009



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# **TOWN OF BARRE SUBDIVISION ORDINANCE**

## **ARTICLE I. ENACTMENT, PURPOSE, AUTHORIZATION, WAIVERS, DEFINITIONS.**

### **Section 101 - Enactment**

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", 24 VSA, Chapter 117, Subchapter 6. By-Laws, there are hereby established Subdivision Regulations. These Regulations shall be known as the "Town of Barre, Vermont Subdivision Regulations". These regulations shall supersede all previous Subdivision Ordinances.

### **Section 102 - Purpose**

The purpose of the Subdivision Regulations is to provide for orderly Town growth, and to further the purposes of the Act, §4302.

### **Section 103 - Authorization**

The Development Review Board is authorized and empowered to administer all acts and things set forth and provided by 24 VSA §4401 and § 4418 of chapter 117

### **Section 104 - Waivers and Variances**

In accordance with 24 VSA § 4418 (2) (A):

- A. If it be determined that strict compliance with the rules and regulations of this ordinance would result in extraordinary hardship to the Subdivider due to unforeseen difficulties or conditions beyond the control of the Subdivider, then the Development Review Board may modify, vary or waive such compliances, provided that such modification, variance or waiver will not nullify the intent or purpose of this ordinance, and provided further that such modification, variance, or waiver, and the reasons therefore, shall be entered upon the minutes of the Development Review Board.
- B. Conditions of, and Applications for Variances.
  - (1) In granting modifications, variances and waivers, the Development Review Board may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances or waivers and still maintain substantially the objectives of this ordinance.
  - (2) Each and every modification, variance or waiver of the rules and regulations provided in this ordinance sought by a Subdivider, shall be specifically applied for, in the numerical order as found in this ordinance, in writing by the Subdivider at the time of presenting the plans. Any condition shown on the preliminary or final plan which would require a modification, variance or waiver, shall constitute a ground for disapproval of the preliminary or final plan unless a written request for such a modification, variance or waiver is accompanied with the plans.
  - (3) If a discrepancy should exist between the Subdivider Conceptual Plan, Preliminary Plan and the Final Subdivision Plan, the data contained in the Final Subdivision Plan shall take precedence.
- C. Standards for granting a variance, waiver, or modification of the rules and regulations.
  - (1) there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property.
  - (2) if granted, will not result in a change of the intent of the use of the land in the designated zone.

- (3) if granted, will represent the minimum variance, waiver, or modification that will afford relief and will represent the least deviation possible from the subdivision regulations and the Municipal Plan.
- (4) if granted, will not create or extend a burden on municipal services including municipal utilities.

#### **Section 105 – Amendments, previously approved subdivisions:**

No change to a previously approved subdivision plan shall occur unless first reviewed and approved by the Planning Director under administrative review in accordance with 24 VSA § 4464 (c). Administrative review does not apply to any approved plan that would alter a boundary line or result in substantial impact under any of the standards set forth in the Zoning Bylaws, Subdivision Ordinance, or other town regulation. No amendment issued as an administrative review shall have the effect of substantially altering any of the findings of fact of the most recent approval.

A previously approved subdivision that cannot be administratively reviewed and approved due to the above, such as an alteration in a boundary line, shall require Revised Subdivision Approval by the Development Review Board in one(1) public hearing. This requirement includes such instances where adjacent contiguous parcels are being combined or “merged” into one parcel.

In the case of adjacent contiguous parcels being combined into one parcel where one or more lot(s) is subject to an amendment but not another (meaning one lot(s) received subdivision approval and another did not), Revised Subdivision Approval is still required. If parcels that are not subject to amendment because they preexist (created before) this ordinance, then an amendment is not necessary. If an amendment is not necessary because of the preexistence of the lot(s), a report should be submitted to the Development Review Board indicating such combination for the record. Refer to Section 306 for more specific detail.

#### **Section 106 - Severability**

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

#### **Section 107 - Definitions**

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenues, boulevards, courts, expressways, highways, lanes, and roads. The word "watercourse" includes channels, creeks, ditches, drains, dry runs, springs, streams, rivers, lakes, and ponds. The word "may" is permissive; the words "shall" and "will" are mandatory.

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

ALLEY. A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

AUTHORIZED AGENT. A person or group of persons who have been duly authorized in writing filed with the Development Review Board by the subdivider to act in his or her behalf. Said written authorization shall be notarized.

BOARD. The Development Review Board. (DRB)

BOUNDARY LINE ADJUSTMENT (BLA) . Adjustments to boundary lines, also known as lot lines, in which there is a sale, conveyance, or exchange of land from adjacent lots which does not increase the number of parcels of land. A boundary line adjustment is not considered a subdivision of land.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street sidelines.

COMMISSION. The Town of Barre Planning Commission, hereinafter referred to as the "Commission".

CUL-DE-SAC. A minor street opened at one (1) end only with a provision for a turnaround.

EASEMENT. A non-possessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. Easements fall into three broad classifications, which are easement, surface; easement, subsurface; easement, overhead.

INTERIOR WALK. A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LOT. A tract or parcel of land with or without buildings thereon.

PLAN. A map or chart of a subdivision with surveyed lot lines and dimensions as well as other pertinent information as these regulations may require that after final approval becomes the approved document of the overall subdivision.

PLAT. A map or chart of surveyed lot lines and dimensions, which for the purpose of this ordinance, is recorded in the Town's land records depicting said lines and dimensions as an approved subdivided lot in accordance with 24 VSA § 4465 (b).

RIGHT OF WAY. Any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

ROADWAY. That portion of a street or alley used for vehicular access.

SIGHT DISTANCE. The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street based on acceptable highway standards.

STREET. A strip of land including the entire right-of-way, intended for use as a means of vehicular and pedestrian travel.

- (1) Minor streets are those used primarily to provide access to abutting properties. The minimum right-of-way width shall be 50 feet with wider slope and drainage rights if deemed by the Board.
- (2) Principal streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes carrying considerable volumes of traffic to community facilities and to major traffic streets, and shall be designed by the Board at the time the preliminary plan is submitted. The minimum right-of-way width shall be 60 feet with wider slope and drainage rights if deemed by the Board.

SUBDIVIDER. The owner, or authorized agent of the owner, of a subdivision.

SUBDIVISION.

1. A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels two (2) or more in number for the purpose of conveyance, transfer, improvement or sale with appurtenant roads, streets, lanes and alleys, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. A subdivision as defined above includes division of a parcel of land having frontage on an existing street, into two (2) or more lots each having frontage on an existing street.

However, in accordance with 24 V.S.A., Chapter 117, § 4413 (d), these regulations shall not restrict accepted agricultural or silvicultural practices as defined by the commissioner of agriculture, food, and markets or the commissioner of forests, parks, and recreation, respectively, under 10 VSA §1021(f) and §1259(f).

2. Any development of a parcel of land (for example, as a shopping center or a multiple-dwelling project), which involves the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for purposes of conveyance, transfer or sale.
3. The term subdivision shall include the amendments where previously approved subdivisions are altered but does not include boundary line adjustments.
4. The term subdivision shall include the Subdivision by Deferral of Permit. A Deferral of Permit is required for the subdivision of undeveloped lots when the owner and intended purchaser, if any, does not intend to develop the lot for the purpose of constructing any structure or building requiring sewage disposal, water supply, or plumbing. A Waiver of Development Rights must be signed by the owner and the intended purchaser, if any, and recorded in the Barre Town Land Records.

Prior to any development on a lot created by Deferral of Permit a subdivision permit must be obtained complying with the standards and rules of the town's subdivision regulations. If the lot(s) can not meet the regulations in effect at the time of the request to remove the Deferral of Permit, a permit will be denied and no building development will be permitted.

## **ARTICLE II. SUBDIVISION REVIEW AND APPROVAL PROCEDURE**

### **Section 201 - Notice of Application**

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the Development Review Board for and secure approval of the proposed subdivision.

Notice of submission for Board approval of a subdivision plan shall be filed in writing by the owner or their agent with the Planning & Zoning Administrator, who shall notify the Chairman of the Board. There are three levels of subdivision plan filing; 1) Subdivision **Conceptual Plan**; 2) Subdivision **Preliminary Plan**; and 3) Subdivision **Final Plan**. **Deferral of Permit** may be filed as part of a Subdivision Preliminary Plan and a Subdivision Final Plan. **Boundary Line Adjustments** shall follow the requirements in section 305 of this document.

The Subdivision Conceptual Plan is not mandatory, however, it is recommended that the owner or their agent submit these plans as part of the application review process for consideration and review by the Development Review Board prior to submitting Preliminary and Final Plans. A warned public hearing is required for all Final Plans. The Board, after a public hearing(s), may approve, modify and approve, or disapprove such Final Plan.

### **Section 201-A - Notification of On-Site Testing**

Where these subdivision regulations require on-site testing as part of the required information, the subdivider or their representative shall notify the Planning & Zoning Office of the program for said testing. Said notification shall indicate the types, location, and the persons performing said tests. Such notification shall be through written or verbal communication, filed with the Planning & Zoning Office at least 72 hours prior to the beginning of any tests. The Development Review Board may send a representative to observe said testing. The Planning & Zoning Office shall be notified of any changes in scheduling as soon as possible.

### **Section 202 - Exhibits**

The applicant shall submit to the Planning & Zoning Office for the consideration of the Board the following exhibits:

- A. The Subdivision Plan, for the parcel to be subdivided shall be prepared and submitted in accordance with the Subdivision Requirements hereinafter set forth in the regulations, with a location map

clearly showing the location of the proposed subdivision in the Town.

- B. The applicant shall obtain approval from the appropriate town official for sewage disposal and be in compliance with the Barre Town Code Ch. 8 Utilities, Article II Sewage or Chapter 4. Health, Article III On-Site Wastewater Disposal Systems based on whether or not the subdivision involves municipal sewer service or private on-site wastewater disposal systems.

A written report on both percolation tests and soil testing to determine the soils characteristics, depth to ledge and depth to the seasonal high ground water table for all on-site wastewater disposal systems shall be provided.

- C. All applications shall be accompanied by a statement indicating the method(s) of supply of potable water to the proposed subdivision and also show the approximate location. If on-site water supply(ies) is not proposed, engineering evidence shall be submitted to substantiate the proposed method of water supply.
- D. Any studies, reports or testing performed for the subdivision may be requested by the Development Review Board for consideration and review.

#### **Section 203 - Fees**

Each application shall be accompanied by the appropriate fee, payable to the Town of Barre. The Selectboard shall, from time to time, establish reasonable subdivision application fees to compensate the Town for its cost of subdivision review. The Selectboard's fee schedule may compensate for inspection costs, or the Selectmen may require the applicant to pay the Town's actual inspection costs. The fee schedule may include non-building lots. The subdivider/ developer/applicant shall be responsible for the actual cost associated with notification by certified mail of all abutting property owners.

#### **Section 204 - Fire District Application**

If the proposed subdivision lies wholly or in part in a Fire District, then the applicant shall submit two (2) copies of the application and exhibits to the Prudential Committee of the Fire District for consideration by said committee for use of utilities and public safety. Said filing with the Fire District shall be done at the same time as filing with the town. The Development Review Board shall consider any suggestions and recommendations made by the Prudential Committee of the Fire District.

#### **Section 205 - Public Hearing**

In accordance with the 24 VSA § 4463 (a), a public hearing shall be held by the Board after fifteen (15) days' public notice. Public notice shall be done in accordance with 24 VSA § 4464. A copy of said notice shall be mailed to the applicant, to the Regional Planning Commission, to the neighboring landowners who, in the opinion of the Board, will be affected by the proposed subdivision, and to the clerk of an adjacent municipality in the case of a plan located within five hundred (500) feet of a municipal boundary. Notice to all abutters shall be by certified mail with the cost of such borne by the applicant/subdivider.

#### **Section 206 - Decision**

In accordance with the 24 VSA § 4464 (b) (1), the Board will either approve, modify and approve, or disapprove the application within forty-five (45) days after the public hearing held under Section 205 of these regulations. Failure to so act within forty-five (45) days shall be deemed approval.

#### **Section 207 - Appeals**

An interested person, as defined in the 24 VSA § 4465 (b), may appeal a decision of the Development Review Board to the Environmental Court in accordance with 24 VSA § 4471. Participation at a public hearing shall be required to be eligible for an appeal.



## **Section 208 - Filing of Final Subdivision and Boundary Line Adjustment Plat**

In accordance with 24 VSA § 4463(b), approval of the Development Review Board shall expire in one-hundred and eighty (180) days unless, within such period, such plat shall have been duly recorded in the land records of the municipality.

No plat showing a new street or highway may be recorded in the land records of the municipality until it has been approved by the Development Review Board and such approval is endorsed in writing on such plat or the certificate of the Clerk of the municipality showing the failure of the Development Review Board to take action within the forty-five day period is attached thereto and recorded with said plat. The fee for recording said plat shall be paid by the applicant.

The copy of the Final Subdivision or Boundary Line Adjustment plat for record shall be in accordance with 27 VSA 1404, or for filing in accordance with 27 VSA 1403.

## **Section 209 - Limitation on Filing of Subdivision Plans**

No plan of a subdivision of land laid out wholly or partly within the limits of the Town of Barre shall be recorded in the land records until the Board Chair, Vice Chair, or Planning Director, except as otherwise provided by statute, shall have approved such plan and the fact of such approval is endorsed thereon as provided in the foregoing section. The provision of this Section shall not apply to maps made by a land surveyor for the sole purpose of establishing boundaries already on record or where the same is merely intended as an outline survey showing only the exterior boundaries of such unmapped land that has not been divided in violation of these regulations or of the Zoning Bylaw of the Town of Barre, Vermont.

The approval or filing for record of any Final Subdivision Plan shall not be deemed to constitute or to be evidence of an acceptance by the public of any street or other open public spaces shown on such plan or map. Such acceptance shall only be by formal resolution adopted by the Town Selectboard which resolution shall set forth the fact of such acceptance for public purposes; the width and exact length of the streets accepted together with the designations of the names which such streets shall thereafter be known.

## **Section 210 - Disapproval**

If the application and plan are disapproved, the Board shall return, without endorsement, the Preliminary Plan or the Final Subdivision Plan as submitted by the applicant together with a statement of its reasons for such disapproval. One (1) print of said plan shall be retained for the record of the Board.

## **Section 211 - Conditions to Plan Approval**

No plan may be approved unless the streets and other required public improvements have been satisfactorily installed in accordance with the plan and the Subdivision Regulations. In lieu of the completion of the required public improvements, the Development Review Board may require from the owner for the benefit of the municipality, a performance bond issued either by a bonding or surety company approved by the Selectboard or by the owner with security acceptable to the Selectboard, in an amount sufficient to cover the full cost of said new streets and required improvements on or in said streets or highways. Such bond or other security shall provide for, and secure to the Town, the completion of any improvements which may be required within the period fixed in the Subdivision Regulations for such completion.

## **Section 212 - Performance Bond**

A performance bond required by Section 211 of these regulations shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three (3) years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three (3) years. If any required improvements have not been installed as provided within the term of such performance bond, such bond shall be forfeited to the municipality and upon receipt of the proceeds thereof the municipality shall install or maintain such

improvements as are covered by such performance bond.

### **Section 213 - Penalties**

Violations of these regulations shall be regulated in accordance with 24 VSA § 4451 & 4452.

## **ARTICLE III. - INFORMATION REQUIRED ON PLANS**

### **Section 301 - Subdivision Conceptual Plan**

- A. A Subdivision Conceptual Plan may be presented to the Board for consideration prior to submission of a formal application to enable the Board to consider the proposed subdivision. There is no fee or formal application required, but written notice must be given to the Planning & Zoning Office so that the Development Review Board can be notified of the request for consideration. All applicants are strongly encouraged to submit a Conceptual Plan. It is recommended to use the tax maps as a basis for the presentation and sketch. At a minimum, the Conceptual Plan shall include the following:

- (1) A minimum plan size of 8½" x 11" is required.
- (2) Minimum Details on Plan:
  - a. Name of landowner;
  - b. Tax Map number and Lot number of original parcel;
  - c. Dimensions of perimeter of original parcel;
  - d. Proposed lot sizes and boundary lines;
  - e. Road frontage or vehicular access to lots;
  - f. Number of lots to be created;
  - g. Location and name of street(s) or road(s);
  - h. Sketch approximate locations of existing dwellings, buildings, water supply(ies) and sewage disposal services.

### **Section 302 - Subdivision Preliminary Plan**

A Subdivision Preliminary Plan must be presented to the Board for consideration prior to submission of a final subdivision application to enable the Board to consider the proposed subdivision.

- A. The Applicant shall file with their application and Preliminary Plan a written statement reciting the nature and extent of any private restrictions and any other requirements which are proposed for incorporation in the deeds to individual lots.
- B. The plan shall be twenty-four by thirty-six inches (24" x 36") outside dimensions with an appropriate margin. The Site Plan shall be drawn to any standard engineering scale, which will allow the entire study area to be presented. Subsequent detailed sheets shall be drawn to a scale of not less than one inch equals forty feet (1" = 40').

Five (5) prints of the Plan and associated detailed sheets, if any, which shall be clearly and legibly drawn, shall be submitted and filed with the Development Review Board.

- C. The Subdivision Preliminary Plan shall show the following:
- (1) The proposed tract name or other designation by which such development shall be known shall be indicated on the Plans.
  - (2) The location and approximate dimensions of all existing property lines; the approximate location and size of all permanent buildings and their present or proposed future usage; the location and approximate dimensions of all existing and proposed wastewater disposal systems and on-site sewage disposal systems; the location of significant or pertinent natural

resources or man-made features including forested areas, water courses and railroads; the location of all existing and proposed utility lines including sewer, storm drain, telephone, gas, electric, cable, etc; show the location of all existing and proposed water supplies including water mains, drilled wells, and springs; location of proposed structures/buildings. The line of mean high water shall be shown thereon in case the subdivision is adjacent to a body of water. The boundaries of the floodplain shall be shown thereon in case the subdivision is adjacent to or lies within the floodplain.

- (3) All existing streets, abutting, adjoining or crossing the proposed subdivision. All proposed new streets; the radii of all curves; the dimensions of all lots within the limits of the subdivision together with the names of all adjoining property owners as nearly as the same may be ascertained, shall be shown on the plan.
- (4) The name of the owner(s) and/or subdivider of the land to be subdivided; the name of the land surveyor, engineer or preparer of such Subdivision Preliminary Plan.
- (5) The approximate width and locations of all existing or proposed easements and public property for drainage, sewerage or public utilities, public areas, parks or playgrounds, if any.
- (6) Contours at vertical intervals of five (5) feet, larger contours allowed at the discretion of the Development Review Board, shall be shown to determine the proper location of streets storm and sanitary sewers, drainage facilities and other construction. The elevation of such contours shall refer to the U.S. Coast and Geodetic Survey bench marks when such bench marks are within reasonable distance of the location. If other datum plane is used, the plan shall so indicate and give a description of each bench mark.
- (7) The zone or zones in which the subdivision lies as established by the Town Zoning Bylaw. In case a zone boundary lies within the limits of the proposed subdivision, its approximate location shall be marked and clearly identified thereon.
- (8) All parcels proposed to be deeded to the Town of Barre shall be accompanied by a statement on the plans of the purpose for the use of such parcel(s) and the conditions of such transfer, if any.
- (9) Profiles of proposed streets, showing existing and proposed grades. Lengths of vertical curves shall be shown and elevations indicated at fifty (50) foot intervals along said curves. The horizontal scale of the profiles shall be forty (40) feet to one (1) inch; the vertical scale shall be four (4) feet to one (1) inch. Profiles shall also show the size and location of existing and proposed storm drains, water mains, sewer lines and appurtenances thereto. Lines indicating existing conditions shall be dashed; lines indicating proposed grades shall be solid. All elevations shall refer to the U.S. Coast and Geodetic Survey bench marks. If other datum plane is used, the plan shall so indicate and give a description of each bench mark.
- (10) Each plan shall have a locus showing surrounding area and identifying parcel being subdivided and how the parcel relates to area. Date, north arrow and scale.
- (11) If any the foregoing information may not practically be shown on the plan, it shall be contained in a signed written statement.

#### **Section 303 - Subdivision Final Plan:**

##### **A. Materials Requirements.**

The plan shall be twenty-four by thirty-six inches (24" x 36") outside dimensions

with an appropriate margin. The Site Plan shall be drawn to any standard engineering scale, which will allow the entire study area to be presented. Subsequent detailed sheets shall be drawn to a scale of not less than one inch equals forty feet (1" = 40').

Five (5) prints of the Plan and associated detailed sheets, if any, which shall be clearly and legibly drawn along with the mylar(s) of the Final Plan(s), or equivalent material, shall be submitted and filed with the Development Review Board.

B. Plan Data and Requirements. The Final Subdivision Plan shall conform to, contain and show the following:

- (1) All plan data required under Section 302 of these regulations.
- (2) The title of the subdivision, north arrow, scale, date and the name of the owner or owners, the name of developer.
- (3) A certificate from a licensed surveyor who prepared such plan, certifying that it is correct and made from actual land survey with the surveyor's seal affixed thereto accompanied by the date and surveyor's signature. The deeds, plans, and/or records used by the surveyor in preparing the land survey plan shall be identified on the plan.
- (4) The boundary lines of the subdivision with courses and distances marked thereon as determined by an accurate land survey. The error of closure of the unbalanced survey must not exceed one (1) to five thousand (5,000).
- (5) The length, bearing or direction of all straight lines, deflection angles, radii, arcs and central angles of all curves along property lines of each street, all established building lines and all dimensions along the lines of each lot, all duly balanced so as to be consistent throughout with the courses and distance of the boundary lines. All dimensions shall be shown in feet and decimals of a foot to the nearest hundredth.
- (6) The lines of all easements or rights-of-way to which any lots are subject shall be denoted by fine dotted lines. The limits of easements or rights-of-way shall be definitely stated and clearly labeled and identified.
- (7) Stone or concrete bounds shall be set on the exterior street lines at locations designated by the Development Review Board. Such bounds shall be set in bank gravel with their tops at the proposed finished surface grade, unless the Town Manager directs otherwise. Bounds shall be not less than four (4) feet long, and not less than four (4) inches square, with the top flat surface. They shall be set accurately on the street lines. A control point shall be placed clearly and permanently in the top of each bound. The accuracy of location of such monuments shall be certified in writing by the land surveyor making the Final Subdivision Plan.
- (8) Town boundary lines which cross or adjoin the subdivision shall be tied in and be clearly designated on the Final Subdivision Plan, if such information is available.
- (9) Design Plans prepared by a professional Engineer or Certified Site "B" Technician must be accompanied by the preparer's certification, signature and date.

#### **Section 304 - Subdivision by Deferral of Permit**

A Plan of the lot or lots involved with a deferral of permit must be included with the application in accordance with Section 303 - Subdivision Final Plan A. Material Requirements, of these regulations.

A. Plan Data and Requirements - the following information shall be included on the plan:

- (1) Title of subdivision.
- (2) Name of subdivider and landowner.
- (3) The dimensions and area of the lot or lots to be deferred.
- (4) A certificate from a licensed surveyor who prepared such plan, certifying that it is correct and made from actual land survey with the surveyor's seal affixed thereto, and signed and dated.
- (5) The remaining acreage in the parcel from which the deferred lot is being subdivided.
- (6) Points of reference on the plan to assist in locating the lot including the name and number of highways, north arrow, abutting property owners, and other land(s) owned by the purchaser, retaining owner, or seller.
- (7) Scale.
- (8) Zone lines or zoning designation of parcels.
- (9) Locus showing surrounding area and identifying parcel being subdivided and how the parcel relates to the area.

### **Section 305 - Boundary Line Adjustments (BLA)**

Boundary line adjustments shall be reviewed by the Development Review Board (DRB) during one (1) public hearing using the criteria for subdivision review and using the requirements listed under section 302 -- subdivision preliminary plan - except for those that are listed below. When considering BLA's, the DRB must use the following criteria to determine that the proposed BLA:

- a. Is a realignment;
- b. Does not substantially change the nature of any previously approved subdivision
- c. Does not result in the creation of any new lots;
- d. Will not impair access to any parcel;
- e. Will not adversely impact any significant natural resource or result in fragmentation of agricultural or conservation lands; and
- f. Will not create a nonconforming lot or other nonconformance unless already nonconforming or in the opinion of the DRB, using these criteria, no injustice is caused.

A corrective deed shall be recorded in the land records which describes the new configuration or refers to the plat to be recorded.

Exceptions to plan submittal;

- B. Three (3) final 24" x 36" paper plans are required after approval along with one (1) mylar of the same size. DRB review submittals prior to the public hearing shall consist of one (1) 24" x 36" paper plan along with a digital version of the same plan. Section 208 -- filing of the final plat still applies.
- C. (6) not required
- C. (9) not required

It should be noted that adjusting boundary lines may have effects beyond moving lines such as existing mortgages and land used as collateral. Consultation with a land use or real estate attorney is recommended before moving the boundary lines of any parcels.

### **Section 306 -- Amendments involving the combination of parcels "mergers"**

Plans submitted for amendments for the purpose of combining "merging" shall meet the same requirement as preliminary plan submittal with regard to size, title block, zone, abutters etc. Plans submitted shall show the outside boundary lines of the new parcel after combining. Interior lines that are to be removed shall be shown as dotted lines with a statement indicating said lines are being removed from the official record. Furthermore, a note shall be placed on the plan indicating that the purpose of said plan is to "merge" said parcels into one undivided parcel. Plans submitted shall also show all pertinent features that could potentially be impacted by the removal of boundary lines such as easements, rights-of-ways, waste disposal systems, wells, etc.

A corrective deed shall be recorded in the land records which describes the new configuration or refers to the plat to be recorded.

It should be noted that adjusting boundary lines may have effects beyond moving lines such as existing mortgages and land used as collateral. Consultation with a land use or real estate attorney is recommended before moving the boundary lines of any parcels.

#### **ARTICLE IV. - GENERAL SUBDIVISION REQUIREMENTS AND STANDARDS**

##### **Section 401 Conformity to the Town Plan and Barre Town Code**

All subdivisions shall conform to the existing Municipal Town Plan and regulations within the Barre Town Code, including but not limited to the Zoning Bylaw, Highway Ordinance, Health Ordinance related to On-Site Wastewater Disposal Systems, and Utility provisions. In addition, all subdivisions shall conform to other Barre Town ordinances and plans in effect at the time of seeking Subdivision Final Plan approval.

##### **Section 402 Street Standards**

All plans, proposals and plats for new streets or major changes in the location, alignment, or changes in the classification of a roadway shall be in accord and compliance with the Town of Barre Highway Ordinance in effect at the time of the subdivision and shall be submitted to the Development Review Board for review and comment.

The Town of Barre Highway Ordinance shall be referred to for the specific minimum standards as well as the road acceptance policy.

The arrangement of proposed streets shall in general provide for the continuation of existing streets without off-sets and with widths at least as great those of existing streets. Where such straight continuations are not practical, continuations may be adjusted by reasonable curves or deflection angles, subject to the approval of the Board. Where a subdivision touches or contains streets proposed on the existing Municipal Plan, the layout within the subdivision shall conform thereto.

- A. No street shall be proposed less than fifty (50) feet in width between property lines. Principal streets shall be at least sixty (60) feet in width.
- B. Right-of-Ways for vehicular access or driveways serving more than one (1) dwelling should not be permitted.
- C. Whenever any proposed subdivision shall adjoin another tract of acreage which tract is a potential subdivision, right-of-way that may logically be developed in the event of the future subdivision of such adjoining acreage, shall be required to be planned to extend through to the boundary line of the adjoining acreage.
- D. Unless enclosed on two (2) or more sides by obstacles, streets arranged in squares, ovals, and circles, etc. must have at least two (2) street connections at points substantially opposite to each other on the perimeter of each square, oval, or circle. One (1) of these street connections may extend to the undeveloped acreage.
- E. There shall be no more than one (1) access per lot to a public road in all residential districts. There shall be no more than one (1) access per dwelling if located on more than one (1) lot.

The following exceptions may be granted by the Planning Commission:

- (1) If it is determined after review by the Town Engineer, after consideration of the functional classification of the road, site distance, safety, width of the curb cut, drainage, topography,

and any other pertinent factors that a recommendation be made to the Planning Commission for the granting of an exception for a second driveway access. The Planning Commission would then act on the recommendation in considering granting approval of the request.

- (2) Commercial or industrial establishments.

#### **Section 403 Reserve Strips**

No subdivision showing a reserve strip for unspecified purposes shall be approved. The Development Review Board may disapprove any reserve strip shown on a plan.

#### **Section 404 Dead-end Streets**

Dead-end streets are discouraged. If the Development Review Board approves a dead-end street, approval shall be based on the minimum standards of the Barre Town Highway Ordinance.

No lot or part of a lot may be placed in such a portion of the dead-end street as to prevent future extension of the street.

**Exception:**

When topographic, physical, or natural conditions make it improbable at the time to extend the road or connect it with another proposed or existing road, Dead-end Streets may be permitted with lots proposed off the end of the street.

#### **Section 405 Block Dimensions**

- A. Intersecting streets shall be laid out at such intervals that block lengths between street lines are not more than eight (8) minimum lot frontages as required by the Zoning Bylaw of the Town of Barre for the area being subdivided, except when existing conditions in the opinion of the Board justify a variation from this requirement. Minimum widths of blocks shall generally be not less than two hundred thirty (230) feet between street lines in residential areas. The long side of blocks shall face the main or more important thoroughfare to reduce the number of intersections thereon.
- B. Pedestrian ways, a minimum of ten (10) feet in width, may be required by the Board through blocks over six hundred (600) feet in length, or to connect dead-end streets, to provide easier access to parks, schools, playgrounds, or other public or semi-public places, such pedestrian ways shall be deeded to the Town.
- C. Permanent easements may be required within blocks at the discretion of the Board.
- D. The minimum block length shall be not less than four (4) minimum lot frontages as required by the Zoning Bylaw of the Town of Barre for the area being subdivided.

#### **Section 406 Lot Requirements**

- A. **LOTS.** All lots shall conform to the requirements of the Zoning Bylaw of the Town of Barre for the particular zone in which they are located. When a lot is on a street turn, the Board may permit a reduction in the lot frontage (not to exceed fifty (50) percent for the particular zone in which it is located) provided the sidelines fan out so that the width of the rear line is not less than one hundred and fifty (150) percent of the required frontage and the lot area meets the minimum requirements for the zone.
- B. **LOTS PROHIBITED.** Lots without frontage on a street are prohibited. All lots shall be suitable for the purpose for which they are intended to be used and no area dangerous or injurious to health or subject to inundation shall be subdivided into individual lots for residential purposes.

All development of any lot containing a stream, river, lake, pond, or other watercourse or body of water shall provide for and maintain a minimum setback of fifty (50) feet as measured from the edge of the watercourse or body of water to all such development, (including but not limited to structures, driveways, site preparation, excavation, and grading).

No lot (other than a corner lot) having frontage on two (2) streets less than two hundred thirty (230) feet apart will be approved except where topographic or other physical conditions so require.

- C. **SIDE LOT LINES.** Insofar as practicable, the side lot lines of all lots shall be at right angles to the street on which the lot faces or radial to curved street lines and when such arrangement is not possible, the angle between the side lot line and the street line shall be shown, when possible. Town boundary lines shall not be considered to constitute a property boundary line in the proposed subdivision, unless it is the subdivider's intent to do so.
- D. **LOT NUMBERS.** All lots shall be numbered beginning with the numeral one (1) and shall continue consecutively throughout the entire subdivision with no omissions or duplications. No fractions and no prefix or suffix such as "1A", "B2", or "C" shall be used. All lot numbers shall be conspicuous and centered in the approximate center of the lots in solid black numerals one-quarter inch high on the final subdivision plan.
- E. The use of all lots within a subdivision must be clearly specified on the plans and any parcels intended to be conveyed must be accompanied with assurance for such conveyance.

#### **Section 407 Street Names**

All proposed streets shall bear tentative names which shall not duplicate the names used to designate any other street in the Town of Barre. The tentative names of all proposed streets shall be subject to the approval of the Board.

A sign for a development may be erected and shall be permitted on street corners if located outside of the Town Road Right-of Way. The sign must be constructed in accordance with the provisions of the Barre Town Zoning Bylaw and no sign shall be permitted to interfere with traffic, safety or obstruct visibility along roadways.

#### **Section 408 Parks and Playground Sites**

The Development Review Board may require the laying out of adequate local parks and playgrounds in residential areas to be dedicated to public use or to be reserved for the common use of all property owners by covenant in the deed, and subject to the control of the Town under conditions approved by the Selectboard of the Town of Barre. If such required park space is not available within the subdivision the Development Review Board may require payment to the Town, in the amount to be determined by the Selectboard, which shall be used to establish a neighborhood recreation facility.

#### **Section 409 Public Sites and Buildings**

Where a subdivision touches or contains sites proposed for public buildings in the Municipal Plan of the Town of Barre in force on the date the subdivision plan is filed, the layout of the site shall conform thereto.

#### **Section 410 Subdivision Improvement Requirements**

Within three (3) years of the approval of the Final Subdivision Plan, the applicant, owner, or developer thereof shall complete the following minimum improvements:

- A. All proposed streets shall be laid out, graded, and constructed their entire length and full width of right-of-way in accordance with the approved design plans on record on the date of the Board approval.
- B. All necessary storm drains, culverts, and bridges that are required for the proper development of the



site shall be built at the sole expense of the applicant, owner or developer. Storm drains shall include all necessary pipelines, manholes, catch basins, sufficient and adequate to provide proper drainage as per approved plans on record on the date of the Board approval.

- C. If sanitary sewers, storm drains, and water mains exist in any street adjacent to any development or if the Town or Fire District should extend a utility to a point adjacent to the development, the developer shall provide and connect like utilities to said system, as directed by the Town, with the concurrence of the owner of said utility.
- D. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the owner or developer at actual cost.
- E. The monuments are to be set in place in accordance with Section 303B.(7) of these regulations after all street development is completed.
- F. The bituminous surfacing indicated on the typical cross section of the approved plans shall be applied by, and paid for by the developer. This work will be inspected by and meet the approval of the Town Engineer. This requirement in whole or in part may be waived by the Development Review Board in Low Density Residential Zones only.
- G. Where lands are to be dedicated for public use, the dedication shall take place within three (3) years and three (3) months of the date of final approval.

Exception: Upon written request to the Development Review Board an extension may be granted to the completion date.

#### **Section 411 Miscellaneous Specifications**

Construction specifications with regard to roads, catch basins, drop inlets, and manhole covers and grates shall be as noted in the supplemental standards to these regulations and as found in the Barre Town Engineer's Office and the Barre Town Highway Ordinance. The Town Engineer may recommend equivalent specifications and standards. The categorical standards are as follows: Sewer; Water; Road Construction; Drainage.

#### **Section 412 Character of the land**

All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.

#### **Section 413 Energy Conservation**

In order to conserve energy, all subdivisions should use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. Buildings are encouraged to be sited so as to take advantage of southeast, south and southwest orientations where possible. Effective use of landscaping for providing wind barriers and reducing heat loss and heat gain are encouraged. Cluster development should be encouraged wherever feasible and desirable.

#### **Section 414 Preservation of Existing Features**

Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, historic resources, and preservation of ridge lines.

#### **Section 415 Utilities**

- A Easements: The Board may require that underground utilities be placed either in the street right-of-

way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities is not to be in the street right-of-way, a perpetual, unobstructed easement shall be provided with satisfactory access to the street. A minimum width of ten (10) feet shall be provided in areas where the easement is located adjacent to and running along the street right-of-way. A minimum width of thirty (30) feet shall be provided in all other areas.

- B. Extension of Municipal Utilities: All subdivisions shall make adequate provisions to utilize existing municipal services for water supply, storm water, and sanitary sewage disposal, and required utilities and improvements. Provision should be made to extend such services to adjoining properties.
- C. Water Supply Improvements: The Board may require that a community water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.

#### **Section 416 Electric, Telephone, Cable T.V.**

The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common right-of-ways shall be utilized whenever possible and, when technology and terrain make it economically feasible; distribution systems should be built underground.

#### **Section 417 Fire Protection**

Fire protection within the subdivision shall be provided to the satisfaction of the Board. In making a determination the Board may consider recommendations of the Barre Town Fire Chief. In areas served by an existing fire hydrant system, the subdivider may be required to extend the fire hydrant system and install additional fire hydrants.

#### **Section 418 Drainage Improvements**

An adequate surface storm water drainage system for the entire subdivision area shall be provided. Such system must provide for the displacement of water on-site and not adversely affect adjacent property and landowners. The subdivider may be required by the Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision.

Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until provision has been made for the improvement of said condition.

Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 25 year flood area of such water course, which easement shall be indicated on the Final Plan.

The Subdivision Final Plan shall show existing ground contours and proposed final contours, after implementation of the drainage plan.

#### **Section 419 Site Preservation and Improvements**

- A. NATURAL COVER: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Board, no topsoil, sand, or gravel shall be removed from the

subdivision for any other purpose than to meet the construction needs for that particular subdivision or to meet any requirements of these regulations.

- B. **EROSION AND SEDIMENT CONTROL:** The smallest practical area of land should be exposed at any one time during development. Land should not be left exposed during the winter months. Where necessary temporary vegetation and/or mulching and structural measures may be required by the Board to protect areas exposed during the development. A soil erosion control plan shall be submitted as part of the Final Plan based on accepted standards and measures for soil erosion control as noted in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, Special Publication No. 3, Vermont Geological Survey, Agency of Environmental Conservation, Department of Water Resources and Environmental Conservation, last revised 1987.

Adopted March 7, 1973

Revised December 7, 1994

Revised October 13, 2009

