

SUBDIVISION REGULATIONS
TOWN OF CORNWALL, VERMONT

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SUBDIVISION REGULATIONS

TOWN OF CORNWALL

ARTICLE I. GENERAL REGULATIONS

Section 110. Enactment

Whereas the Town of Cornwall has created a Planning Commission and has adopted and has in effect a plan under the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as the Act, there are hereby established subdivision regulations for the Town of Cornwall.

Section 120. Title

These regulations shall be known as the Town of Cornwall Subdivision Regulations.

Section 130. Purpose

- 130.1 To insure that development conforms to the policies set forth in the Town of Cornwall's Town Plan. The Commission will refer to the goals, objectives and policies, recommendations and capacities of public services as established by the Town Plan in making discretionary decisions and requiring modifications in subdivision proposals.
- 130.2 To insure that all development is compatible with the ecology, topography, geology, natural drainage, surface water runoff, groundwater resources, agricultural resources, and present and potential uses of land as identified in the maps and text of the Town Plan.
- 130.3 To insure conformity and compatibility of development with other applicable laws, as presently enacted or as from time to time hereinafter enacted, including but not limited to, Zoning Regulations, Health Ordinance, Official Map, and Capital Program.
- 130.4 To protect and provide for the health, safety, and general welfare of the Town of Cornwall, its property owners and its inhabitants.
- 130.5 To guide the future growth and orderly development of the Town.
- 130.6 To provide the most beneficial relationship between uses of land and buildings and the safe and convenient movement of pedestrian and vehicular traffic.
- 130.7 To provide for the conservation and protection of the natural, visual and historical assets of the Town; the preservation of the existing rural character of the Town through the proper arrangement of uses on development parcels; the preservation of adequate open

space between and within developments; and the preservation of land values and an adequate tax base.

- 130.8 To insure that development encourages efficient and economic uses of energy that are consistent with current technology.
- 130.9 To provide for public facilities and services such as parks and open spaces, recreation areas, schools, police and fire protection, off-street parking, and water supply and sewage disposal.
- 130.10 To insure that existing public services and facilities are available and will have a sufficient capacity to serve any proposed subdivision.

Section 140. Authority

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in 84401(b)(2) and 84413-4421 of the Act including but not limited to the approval, modification, or disapproval of all plats filed and the approval of the development of such plats previously filed in the municipal clerk's office if such plats are entirely or partially undeveloped under the subdivision regulations.

Section 150. Waivers and Variances

- 150.1 Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secured.
- 150.2 Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- 150.3 In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so waived or varied.
- 150.4 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Regulations, the Official Map, the Capital Budget and Program, or these Subdivision Regulations.

Section 160. Amendments

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

Section 170. Enforcement, Violations, and Penalties

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

Section 180. Severability

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

Section 190. Effective Date

These Regulations shall take effect after adoption at a regular or special town meeting as per (Title) 24 V.S.A. §4404.

ARTICLE II: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 210. Application of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, and before plat may be filed with the Town Clerk, the subdivider, or authorized agent, shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision in accordance with the procedure described in Section 220 of these Regulations.

Section 220. Discussion Phase

- 220.1 Initial Meeting: The applicant shall request a meeting with the Planning Commission to discuss the proposed subdivision and submit the discussion phase information as described in Section 310 of these regulations and to discuss the specific requirements of these regulations. He shall be guided by the Commission as to the need for further meetings and the advisability of entering into the preliminary and final plan stages of the application process.
- 220.2 Classification of Project: At this meeting, the Planning Commission will classify the project as a major subdivision or minor subdivision. The Commission shall specify what the submission requirements for subsequent review will be.

The Commission shall determine whether the project meets the purposes of these regulations and may make specific written recommendations for changes.

If the project qualifies as a planned unit development or planned residential development, the Commission may simultaneously review the project under the criteria established in both the subdivision regulations and Zoning Ordinance.

Section 230. Major Subdivision Application and Procedure

- 230.1 Preliminary Plan Application: Within six months after classification of the project as a Major Subdivision by the Commission, the subdivider shall submit an application for approval of a preliminary plan to the Planning Commission. The application shall conform to the requirements set forth in Section 320 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission. Failure to do so will require resubmission to the Commission for Discussion Phase review.
- 230.2 Official Submission Date: The application for approval of a Preliminary Plat shall be presented to the Chairman of the Commission at least 15 days prior to a regular meeting of the Commission. The date of such meeting, following receipt of the required materials, shall be the official submission date of the application for approval of a Preliminary Plat.
- 230.3 Approval of Preliminary Plan: Within forty-five days after formal submission of all preliminary plan information required by the Commission, the Commission shall conduct a preliminary public hearing, said hearing to be warned in accordance with the public notice requirements of the Act. The subdivider or his duly authorized representative shall attend the hearing to discuss the preliminary plan. Within an additional forty-five days of the date of adjournment of the hearing, the Commission shall approve with or without modifications or disapprove of said preliminary plan and the conditions of the approval or grounds for disapproval shall be set forth in a written notice of decision.
- 230.4 Form of Approval and Conditions: When granting approval of a Preliminary Plat, the Commission shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plat, (4) the completion of the project in two or more phases to insure compliance with Town Plan and Capital Program. The action of the Commission and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Commission, and one forwarded to the legislative body.
- 230.5 Validity of Preliminary Plan Approval: Approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the Commission may require additional changes as a result of further study.

Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to all local agencies having jurisdiction over the project (Selectmen, Board of Adjustment and Health Officer), and Regional, State, and Federal agencies as may be required by law. Upon receipt of evidence of approval of the Preliminary Plan by said agencies and the expiration of all relevant appeal periods, the applicant may apply to the Planning Commission for Final Plan approval.

The approval of a Preliminary Plan shall be effective for a period of six (6) months from the date of the written notice of approval.

- 230.6 **Final Plan Application:** Within six (6) months of Preliminary Plan approval, the subdivider shall submit an application for approval of a final subdivision plat. If the subdivider fails to do so, he shall be required to resubmit a new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations, unless the Commission, determines that lengthy delays are completely beyond the subdividers control.

The final application must conform to the requirements set forth in Section 330 of these regulations, and shall conform to the layout shown on the Preliminary Plan plus any recommendations made by the Commission.

- 230.7 **Official Submission Date:** The application for Final Plat review shall be presented to the Chairman of the Commission at least 15 days prior to a regular meeting of the Commission. The date of such meeting following receipt of the required materials shall be the official submission date of the application for approval of a Final Plat.

- 230.8 **Final Plan Hearing:** A public hearing shall be held by the Commission within 30 days after receipt of the final subdivision application, said hearing to be warned in accordance with the requirements set forth in the Act in §4447 and §4414.

- 230.9 **Final Plan Approval:** The Commission shall within forty-five (45) days from the adjournment of the Final Plan hearing, approve, modify, or disapprove the Final Plan. Failure to act within such forty-five (45) day period shall be deemed approval.

Section 240. Filing of Approved Subdivision Plat

- 240.1 **Plat Recording:** All subdivisions must be recorded in the office of the Town Clerk within ninety (90) days of the date of final plan approval or the approval expires. Prior to recording, the plat must be signed by two (2) authorized members of the Commission. For any subdivision which requires the construction of streets or other public improvements by the applicant, the authorized members of the Commission may not sign the approved plat until the subdivider has:

a) met the requirements of Section 270, Performance Bond Requirements, of these regulations, or

b) constructed all public improvements to the satisfaction of the Commission.

Two copies of the approved Final Plan shall be filed with the Town Clerk. The Plan to be recorded shall be of a size determined by the Commission.

240.2 Filing of Sections of Subdivision: At the time the Commission grants final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the Plat.

240.3 Plat Void if Revised After Approval: No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Commission and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Commission and such Commission approves any modifications.

Section 250. Public Acceptance of Streets, Recreation Areas

Approval by the Commission of a Subdivision Plat shall not be deemed to constitute or be evidenced of any acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such Subdivision Plat. The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

Section 260. Minor Subdivision Application and Procedures

260.1 Final Plan Submittal: Within six months (6) of the classification by the Commission of the project as a Minor Subdivision, the subdivider shall submit an application for approval of a subdivision plan according to the requirements set forth in Section 340 of these regulations. The plan shall conform to the layout presented to the Commission at the Discussion Phase, plus any recommendations made by the Commission.

The Commission may require, where necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or some of the submission requirements or the general and specific standards for Major Subdivisions.

260.2 Final Plan Hearing: Same as Section 230.8

260.3 Final Plan Approval: Same as Section 230.9

260.4 Filing of Approved Minor Subdivision Plat

Same as Section 240 and its subsections

Section 270: Improvements and Performance Bond

Before the Commission grants approval of the Final Subdivision Plat, the subdivider shall follow the following procedures:

In an amount set by the Planning Commission the subdivider shall either file with the Municipal Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Municipal Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Commission shall fix the term of the bond up to three years. The term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. The certified check or bond shall include an amount required for recreation land or improvements as specified in ARTICLE IV, Section 460.

An inspection fee to be paid by the subdivider to cover the costs of inspection shall be established by the legislative body as part of the application fee.

ARTICLE III: APPLICATION REQUIREMENTS

Section 310. Discussion Phase

The Discussion Phase submission shall contain the following maps and information:

- a) Name and address of the landowner and/or applicant, names of all adjacent property owners, and name of project.
- b) Copies of written notification to all adjacent property owners of the application for subdivision permit. If any portion of the land involved with the subdivision is within 500 feet of the boundary of an adjoining town, a copy of written notification to the planning commission of that town shall also be submitted.
- c) Map drawn to scale showing the location of the development parcel in the Town and all sites previously developed or subdivided by the applicant/owner in the Town or within one mile of the Town boundary within the past five (5) years.
- d) A sketch plan at a scale not to exceed one inch = one hundred feet (1" = 100") drawn on a contour map at no greater than 10 foot intervals showing the project boundaries, zoning district boundaries, adjacent land uses and ownership, significant natural and man-made features, existing easements, and layout and size of proposed lots, uses, and improvements.
- e) A written description of proposed development plans, including the total parcel size, the number and size of lots, general timing of construction, and nature and extent of all improvements.

The Commission may require additional information before recommending that the applicant proceed with the application.

Section 320. Major Subdivision--Preliminary Layout

The Preliminary Plan shall consist of the following maps and information. The submittal shall be made in three (3) copies. Information may be preliminary. Maps shall be at a scale no greater than 100 feet per inch.

- a) A completed subdivision permit application form obtainable from the Town Clerk.
- b) All information submitted from the Discussion Phase.
- c) A statement of the compliance of the proposed subdivision with the Town Plan; the Zoning Ordinance, including reference to any zoning variances; and other bylaws in effect.
- d) A complete survey of the boundaries of the subdivision parcel by a licensed surveyor with date, true north point and scale.
- e) Description of proposed water supply. If source is a community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable state and local health regulations.
- f) A description of proposed sewage disposal system. If on-site sewage disposal is proposed, then a registered professional engineer's or certified site technician's report, prepared in conformance with state and local health regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage shall be submitted.
- g) Preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval not greater than ten (10) feet.
- h) A stormwater drainage plan, drawn at a contour interval not greater than ten (10) feet, shall indicate the methods of collecting and discharging drainage, as well as methods for temporary and permanent erosion control, and shall include preliminary designs for any bridges or culverts which may be required.
- i) All existing and proposed street right-of-way lines, widths of streets, typical road, walkway, and utility profiles, dimensions of all lot lines and size of all lots, locations of all existing and proposed buildings, walkways, amenities, utilities and other man-made improvements.
- j) Evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip

Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.

k) Evidence that school-age population projected for the project can be accommodated in existing or be in conformance with school capital improvement program and budget.

l) Typical landscaping plans showing plant types, ground cover, lighting and signage, and existing features and trees to be maintained.

m) All land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes, and the methods for assuring and maintaining such dedication or reservation.

n) A description of any proposed covenants, and/or deed restrictions which are intended to cover all or part of the subdivision.

o) A description of the homeowners' association or other form of management organization, if such is proposed.

p) The location of temporary markers adequate to enable the Commission 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.

Section 330. Major Subdivision -- Final Application

The Final Application shall consist of four (4) copies of a Plot Plan and Project Description including the following information:

a) All information required for the Preliminary Submittal shall be submitted in final form, including any revision or additional detail requested by the Planning Commission.

b) In the event of granting of easements to the municipality, a written acknowledgment of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

c) Written evidence of approval by all local, regional, state and federal agencies having jurisdiction over the project, and written evidence of the expiration of all appeal periods.

Section 340. Minor Subdivision

At the Discussion Phase, the Commission shall specify which submission requirements stipulated for Major Subdivisions shall be required for a Minor Subdivision application approval. At a minimum Section 320. a)-d) shall be required.

ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 410. Planning Standards

- 410.1 Character of the Land: All land to be subdivided shall be, in the judgement of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or land with other hazardous conditions, shall not ordinarily be subdivided.
- 410.2 Energy Conservation: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. All subdivisions shall be designed so as to take advantage of southeast, south, and southwest orientations where possible and so that the maximum number of buildings shall receive sunlight sufficient for using solar energy systems for space and water heating. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) should be encouraged wherever feasible and desirable.
- 410.3 Reserved Strips: No privately owned reserved strip, except on open space areas, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- 410.4 Lot Layout: The layout of lots shall conform to the requirements of the Zoning Regulations where in force, and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a setback on each street. Side lots shall have extra width to permit a setback on each street. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines. Consideration in lot layout shall be given to topographic and soil conditions.
- 410.5 Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic resources.

Section 420. Streets

- 420.1 Layout: The layout of streets in the subdivision shall run in an east-west direction to the greatest extent possible in order to minimize future shading problems and to provide for the southerly orientation of buildings. Exceptions to the above requirement shall be granted if for safety or economic reasons it would be desirable for the arrangement of streets in the subdivision to provide for the continuation of principal streets in any adjoining subdivision or if topographic conditions or preservation of natural features makes an east-west street orientation difficult or undesirable, and if other

design techniques like clustering are used to obtain good solar orientation of buildings.

When an Official Map has been adopted by a municipality, subdivisions shall be required to conform to that map. Streets shall be dedicated or reserved in the locations and widths shown on the official map as a condition of plat approval.

Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

- 420.2 Topography: Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.
- 420.3 Horizontal Alignment at Intersections: Intersections of streets shall be 90 degrees. Two streets intersecting the same street (T-intersections) shall be offset by at least 200 feet (centerline offset) when practicable.
- 420.4 Vertical Alignment at Intersections: The gradient within 100 feet of intersections shall not exceed 3%.
- 420.5 Access: Access shall be available for fire, ambulance, and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.
- 420.6 Cut and Embankment Slopes: All slopes shall be well-rounded to form a smooth transition from the shoulder edge to the existing grades
- 420.7 Dead-end Streets, Cul-de-sacs, and Turn-arounds: The maximum length of a cul-de-sac or dead-end street shall be 1200 feet. An exception to the requirements may be made for temporary dead-end streets. Dead-end streets or cul-de-sacs shall terminate in a turn-around with a radius of one hundred (100) feet and a minimum area of twenty (20) feet in width. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.
- 420.8 All new streets shall comply with the Town Highway Specifications or standards except new streets in rural areas shall comply with the standards set forth in the table entitled Street Standards for Rural Roads.
- 420.9 Street Names: Streets shall be identified by name on the preliminary plat. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it road, street, avenue, boulevard, driveway, place, or court.

420.10 Access Road:

- A. If the access road to the subdivision is a Class 4 road, the Commission may require the subdivider to improve the access road to municipal highway construction standards. If in the Municipal 5-year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the subdivider must make arrangements for maintenance of the access road satisfactory to the Commission until such time as the legislative body may reclassify the road.
- B. The Commission may require the subdivider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

420.11 Curbs and Sidewalks: Curbs and sidewalks may be required in zoning districts where deemed necessary by the Commission.

Section 430. Pedestrian Access

Where necessary, in the judgement of the Commission, rights-of-way for pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

Section 440. Utilities

- 440.1 Easements: The Commission 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 in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.
- 440.2 Extension of Municipal Utilities: All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgement of the Commission, within a reasonable distance of the proposed subdivision.
- 440.3 Connections to Municipal Utilities: The subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.
- 440.4 Depth of Utility Mains: Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.

440.5 Water Supply Improvements:

- A. For subdivisions which will connect to a public municipal water supply system, applications for extensions to the municipal system shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal water supply system.
- B. The Commission may require that a community water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.
- C. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
- D. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:
 - (1) Due consideration shall be given to the drainage patterns in the area.
 - (2) Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
 - (3) Buildings and septic systems shall be located sufficiently above flood water levels and high groundwater areas to prevent the pollution of surface water.

440.6 Sewage Disposal Improvements:

- A. For subdivisions which will connect to a municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal sewage disposal system.
- B. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the municipal health regulations.
- C. Individual septic systems shall meet the requirements of the municipal health regulations.
- D. Subdivisions using subsurface sewage disposal shall meet the following standards:

(a) All subsurface sewage disposal systems shall be located at least 100 feet from a water supply.

(b) All subsurface sewage disposal systems shall be located at least 250 feet from a watercourse or standing body of water used as a source of public drinking water.

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

440.8 Fire Protection Facilities: Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Where practicable, fire hydrants shall be installed by the subdivider.

Section 450. Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivisions. 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 Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse 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 watercourse, which easement shall be indicated on the Final Plat.

Section 460. Open Space and Recreation Areas

A. Where a proposed park, playground, or other recreation area is shown on the Comprehensive Plan to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) percent of the total area of the Plat.

B. If the Commission determines that there is no proposed park, playground, or other recreation area in the Comprehensive Plan located in a proposed subdivision, or if the Commission determines that such a proposed recreation area of adequate size cannot be suitably located in the proposed subdivision,

the Commission shall require, as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development and maintenance of park and recreational facilities.

Section 470. School Site Dedication

Where a subdivision will accommodate a total of more than one hundred dwellings, the Commission may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Cornwall School Board. If the Board declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to set aside the site and to show such area on the Plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

Section 480. Site Preservation and Improvements

- 480.1 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 Commission, no topsoil, sand, or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.
- 480.2 Shade Trees: The Commission may require that suitable hardwood shade trees be planted along streets where trees do not exist. Shading by trees of the most southerly facing roof and wall of dwelling units shall be minimized to the greatest possible extent in selecting tree species and locating trees along streets. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at a point six inches above finished grade level. All trees are to be planted within five to eight (5-8) feet from the street line.
- 480.3 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 Commission to protect areas exposed during the

development. Sediment basins shall be installed and maintained during the development to remove sediment from run-off water and from land undergoing development.

480.4 Excavation and Grading: The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of top soil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

Section 490. Subdivision Organizations and Restrictions

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

ARTICLE V: DEFINITIONS

Certain means of references and words used herein shall be defined as listed below. Unless the content clearly indicates to the contrary, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.

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

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons, who have been duly authorized in writing filed with the Commission by the subdivider to act in his or her behalf.

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

COMMUNITY WATER SUPPLY SYSTEM: Any water system owned by one person that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more, but less than ten (10) users.

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any sewage disposal system, other than a municipal sewage disposal system, owned by one person that disposes of

sewage for domestic, commercial, industrial, or institutional uses to two (2) or more users.

COMPREHENSIVE DEVELOPMENT PLAN, OR PLAN: A plan adopted pursuant to 24 V.S.A. §§4384 and 4385.

CONSTRUCTION DRAWINGS: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

EASEMENT: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

FINAL SUBDIVISION PLAT: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Municipal Clerk.

LEGISLATIVE BODY: The Board of Selectmen.

MUNICIPALITY: Town of Cornwall.

MUNICIPAL SEWAGE DISPOSAL SYSTEM: Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial, or institutional uses.

OFFICIAL MAP: The map authorized under 24 V.S.A. §4401 (b)(3) and adopted according to 24 V.S.A. §§4403 and 4404 and modified according to 24 V.S.A. §4423.

OPEN SPACE: Land not occupied by structures, buildings, streets, rights-of-way, and automobile parking lots.

PLAT: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

PRELIMINARY PLAT: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

PUBLIC WATER SYSTEM: Any water system(s) owned by one person that supplies water for public, domestic, commercial or industrial uses to ten (10) or more users by pipe connection or by containers.

REGIONAL PLANNING COMMISSION: Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117.

RESUBDIVISION: A change of recorded subdivision plat if such change affects any street layout 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 of plan legally recorded.

SKETCH PLAN: A sketch of the proposed subdivision showing information specified in ARTICLE II, Section 220 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to form of the subdivision and objectives and requirements of these regulations.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

PUBLIC STREET: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than two (2) single-family residential uses or lots.

SUBDIVIDER: Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself and/or for others.

SUBDIVISION: The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes resubdivision.

SUBDIVISION, MAJOR: Any subdivision containing four (4) or more lots. Also, any subdivision containing two (2) or more lots which do not have frontage on any existing public street or which require any new public street.

SUBDIVISION, MINOR: A subdivision containing not more than three (3) lots which have frontage on an existing public street, and which does not require any new public street, extension of public street or of other municipal facilities.

TOWN HIGHWAY, CLASS 1: Town highways designated by the Highway Board which are part of a state highway route and which carry a state highway route number.

TOWN HIGHWAY, CLASS 2: Town highways designated by the legislative body of the municipality with the approval of the Highway Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

TOWN HIGHWAY, CLASS 3: All other traveled town highways, other than Class 1 or Class 2, designated by the legislative body of the Municipality, after conference with a representative of the Highway Board.

TOWN HIGHWAY, CLASS 4: All other town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the legislative body of the Municipality.

STREET STANDARDS FOR RURAL ROADS*

DESIGN STANDARD	STREET DESCRIPTION				
	CLASS 2			CLASS 3	
Average Daily Traffic	50-250	250-500	500-1000	0-25	25-50
Right-of-Way Width	66'	66'	75'	50'	50'
Pavement Width	20'	20'	22'	14'	18'
No Parking	20'	20'	22'	18'	18'
Parking 1 Side	N.A.	N.A.	28'	N.A.	N.A.
Parking 2 Sides	3'	4'	6'	N.A.	2'
Shoulder Width	0.5%-10%	0.5%-10%	0.5%-10%	0.5%-12%	0.5%-12%
Street Slope	200'	200'	200'	100'	100'
Sight Distance (at intersections)					

*These design standards are recommended as alternatives to street standards for roads in rural areas where excessive and inappropriate road design and construction could otherwise be required. It is recommended that all municipalities who choose to adopt these standards have a highway classification map readily available at the municipal clerk's office. The State Department of Highways has suggested that modifications of A-76 standards are possible for Class 2 and Class 3 roads for the purposes of state aid.

SOURCES: Urban Land Institute, American Society of Civil Engineers, National Association of Homebuilders, Residential Streets; Northeast Environmental Design, Vermont Backroad; Town of Springfield Construction Standards; Vermont Department of Highways, Procedures Relative to Town Highways.