

Town of Sandgate

Revised Subdivision Regulations (11/13/2002)
[Revisions appear in *italics*.]

SECTION 1.00 - GENERAL PROVISIONS

- 1.01 Enactment: These regulations are established under the authority of 24 V.S.A. Chapter 117, herein referred to as the Act.
- 1.02 Purpose: The purpose of these regulations is to provide for orderly growth and coordinated development in the Town of Sandgate, to assure the comfort, convenience, safety, health, and welfare of the people, to carry out the purposes of the Town Plan, to assure conformance with the zoning regulations, to make proper provision for sewage disposal, to provide for the proper design and location of streets and driveways, and to further the purposes of the Act.
- 1.03 Enforcement, Violations, and Penalties: These regulations shall be enforced in accordance with Sections 4444 and 4445 of the Act.

SECTION 2.00 - GENERAL PLANNING STANDARDS

- 2.01 Application of the Regulations: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Commission and other required permits have been issued. The subdivider shall become familiar with all State and Town regulations relative to zoning, sewage, buildings, roads and other pertinent data, in order to be aware of the obligations and standards expected. The subdivider may request the assistance of the Planning Commission before preparation of applications or plans.

Standards for the design and layout of necessary public improvements not otherwise provided for in this bylaw, including fire hydrants, street lighting, shade trees, public sewer and water and drainage facilities, and public utilities shall be as described in the Standard Subdivision Regulations for Bennington County Regional Planning Commission Towns, which are incorporated herein by reference. The Planning Commission may waive or vary, subject to appropriate conditions, only the provisions for necessary public

improvements included in the Standard Subdivision Regulations where the circumstances of a proposed subdivision make such requirements inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

2.02 Lot Layout: The layout of lots shall be appropriate for the intended construction and shall conform to the requirements of the Zoning Regulations, where applicable. For lots lying in more than one zoning district, the portion of the lot to be developed must contain at least the minimum acreage required for that district, with all said acreage lying in that same district. Topographic and soil conditions shall be given consideration in lot layout.

2.03 Access: All lots within a subdivision shall have at least 50 feet of frontage on a public street, or be served by a permanent easement or right-of-way of at least 50 feet in width.

2.04 Boundary Line Adjustment

1. Qualifications: To qualify for a Boundary Line Adjustment the adjustment must meet all of the following criteria:
 - a. *No additional Lot is created.*
 - b. *The administrative Officer shall review the requested change for conformity with the Zoning Bylaws, the Town Plan and the applicable requirements of these regulations. After review the Administrative Officer shall refer the application to the appropriate Commission or Board.*
2. Procedure: To obtain a Boundary Line Adjustment, the applicant must submit:
 - a. *A detailed written request for the adjustment.*
 - b. *A site plan including roadways, driveway access, sewage or replacement areas, water systems, or any items conditioned in a subdivision or final plat, such as, but not limited to wildlife habitat, natural areas, aquifer recharge areas or springs, streams, wetlands and flood hazard areas.*
 - c. *Any other state or local permits needed, and*
 - d. *Draft deeds or draft boundary line agreements shall be submitted to define the revised lots.*

Permit and Recording: When all items have been received to the satisfaction of the Planning Commission, said Commission shall grant a Boundary Line Adjustment. The applicant shall file and record the approval and final deeds or boundary line agreement in the Town Clerk's office within 90 days of the date of commission approval.

SECTION 3.00 - STREET STANDARDS

- 3.01 Street Layout: 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.
- 3.02 New Streets: Any new street within a subdivision shall meet the following minimum requirements, whether intended for acceptance by the Town or not:
1. Gradient - No greater than 10%, except that the maximum grade may be modified for short sections of streets in hilly topography, with the approval of the Planning Commission. In no case shall the grade be greater than 3% within 50 feet of any intersection or town highway.
 2. Right-of-Way - All rights-of-way shall be at least 50 feet wide.
 3. Culverts - Where a watercourse or drainage ditch crosses a proposed street, provision shall be made for adequately sized culverts or other suitable structures. Where a watercourse or drainage ditch separates a property from a street, a driveway access permit must be obtained from Select Board.
 4. Width of Traveled Portion - Minimum of 14 feet.
 5. Sub-base - There shall be 15" of compacted gravel sub-base (with 18" in ledge cuts) (with a 6" sand cushion over clay subgrade). Material must meet the Vermont Department of Highways specifications or equal.
 6. The Planning Commission may Impose other design standards from Vermont Department of Highway Standard A-76 in order to assure that slopes and horizontal and vertical curvature and soil erosion precautions are adequate to meet the needs of the subdivision and protect the environment. The Commission may seek the advice of a qualified engineer, the road commissioner, or the Board of Selectmen in making a determination under this subsection.
- 3.03 Existing Private Streets: That portion of any existing private street serving two or more lots to be created shall be improved to meet the standards cited in Section 3.02.
- 3.04 Existing Public Streets: If the access road to the subdivision is a Class 4 Public Highway, the Commission may require the subdivider to Improve the access road to the standards cited in

Section 3.02. The Commission may also require the subdivider to make arrangements for maintenance of the access road satisfactory to the Commission until such time as the Board of Selectmen may reclassify the road.

3.05 Dedication To The Town: Any street intended for dedication to the Town shall be constructed to meet the Standards established by the Board of Selectmen. Acceptance of such streets shall be at the discretion of the Board of Selectmen.

3.06 Deferral of Street Requirements:

1. The Planning Commission may waive the requirements of Sections 302, 303, 304 (except the requirement for a 50 foot right-of-way and the provision of culverts between a lot and a public highway). This waiver may be granted only for subdivisions creating no greater than three lots, provided a statement, signed by the purchaser of each lot served by a street within the subdivision, has been submitted to the Commission indicating that:

(a) The purchaser is fully aware that the access road serving the lot does not meet the minimum standards for streets established by the Sandgate Subdivision Regulations;

(b) The purchaser waives his or her right to convey, by sale or by lease, the lot without first either meeting the requirements of Section 3.00 or submitting to the Commission prior to sale or lease a statement signed by the subsequent purchaser or lessee indicating his or her agreement to also abide by the provisions of this section.

2. Any waiver of the street standards granted by the Planning Commission shall be stated in any deed noted on the subdivision plat for any lot served by such street in the form as follows:

The access road serving this lot does not meet the minimum standards of the Town of Sandgate Subdivision Regulations in regard to gradient, width, sub-base materials, or other design criteria, and therefore the use of this road for residential purposes is not permitted.

SECTION 4.00 - SEWAGE DISPOSAL

4.01 Requirements: The following requirements shall have been met, before the approval by the Planning Commission of any subdivision;

1. If applicable, a state subdivision permit shall have been granted by the Protection Division of the State of Vermont, Agency of Environmental Conservation under the authority of Chapter 5 of the Vermont Health Regulations.
2. Each lot shall have received the approval of the Sandgate Sewage Officer under the authority of the Sewage Ordinance for the Town of Sandgate. The approval shall state that a favorable site inspection report for each lot has been submitted by a professional engineer, a certified site technician, or the On-Site Specialist of the Vermont Association of Conservation Districts, indicating that each lot meets the site requirements of the Sewage Regulations for the Town of Sandgate.
3. For each lot within all subdivisions, a specific on-site sewage disposal system designed by a professional engineer, certified site technician, or On-Site Specialist shall have been submitted to, and approved by, the Sandgate Sewage Officer. The design shall identify the possible location or locations of the sewage disposal system and meet all the requirements of the Sewage Regulations for the Town of Sandgate. Such design and accompanying Information shall be made available for the use of subsequent purchasers of each lot. Final Inspection of the system installation shall occur in accordance with the Sandgate Sewage Ordinance and shall be the responsibility of the property owner at the time of installation.
4. Notwithstanding the above, any lot to be created which contains an existing structure connected to a sewage disposal system constructed before the effective date of these regulations is exempt from the requirements of subsection 4.01(1)-(3) provided that all portions of the existing system are located at least 100 feet from any new or existing lot line and are in compliance with state regulations.

4.02 Deferral of Sewage Disposal Requirements:

- A. If in the judgment of the Planning Commission, it is unlikely that a lot within a subdivision will be developed with a structure requiring plumbing or sewage facilities, the

Planning Commission may defer the requirements of subsection 4.01(1)-(3) for that lot provided the Individual purchasing that lot from the subdivider waives his or her developmental rights. The Planning Commission may defer the requirements of subsection 4.01(1)-(3) only after a statement, signed by the Individual purchasing that lot from the subdivider, has been submitted to the Planning Commission indicating that:

1. The purchaser waives his or her right to construct or place on the lot any building or structure, the useful occupancy of which would require the installation" of plumbing or sewage disposal facilities, unless the requirements of subsection 4.01(1)-(3) of these regulations are met, and
2. The purchaser waives his or her right to convey, by sale or by lease, the parcel of land without first either meeting the requirements of subsection 4.01(1)-(3) or submitting to the Planning Commission a statement signed by the subsequent purchaser or lessee indicating his or her agreement to also abide by the conditions of this section.

B. Any waiver of developmental rights shall be made a term of any contract of sale or of lease of the parcel, and shall be recited in any deed in the form as follows:

"In order to comply with the Town of Sandgate Subdivision Regulations, the grantee shall not construct, place, or erect a structure or building on the parcel of land conveyed herein, the useful occupancy of which will require the installation of plumbing or sewage disposal facilities, without first complying with Section 4.01 of said Regulations."

SECTION 5.00 - SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

- 5.01 First Step: The subdivider, or his authorized representative, shall attend a meeting of the Planning Commission to discuss the requirements of these regulations. At this meeting, the Commission shall classify the application as a minor or major subdivision, as defined in Section 6.00 of this bylaw.

Submission of Sketch Plan: Simultaneously with the submission of an application for the subdivision of land, the subdivider shall submit to the Planning Commission a sketch plan of the proposed

subdivision showing the proposed layout of streets, lots, and other features, and the names of adjoining property owners. The subdivider shall also submit a U.S.G.S. topographic map with contour intervals of 20 feet onto which the location of the subdivision and its relationship to the surrounding area has been marked. The Planning Commission shall determine whether the sketch plan meets the purposes of these regulations, and may make specific written recommendations for changes so that plat fulfills requirements of 5.03.

Upon approval of the sketch plan of a minor subdivision, the applicant then proceeds to file an application for final approval under Section 5.06. Upon approval of the sketch plan of a major subdivision, the applicant must proceed to file a preliminary plat under Sections 5.02 - 5.12.

5.02 Application for Preliminary Plat Approval: Applications for preliminary plat approval of a major subdivision shall be submitted to the Planning Commission at least 10 days prior to its next regularly scheduled meeting, along with the appropriate fee as set by the Board of Selectmen. The application shall be accompanied by a preliminary plat conforming to the requirements of Section 5.03.

5.03 Preliminary Plat: The preliminary plat shall be prepared by a licensed land surveyor at a scale of 1 inch equals 100 feet. It shall have contour lines with an interval of 10 feet or as the Planning Commission may require as necessary. It may be drawn in pencil, dimensions may be approximate, and the data may be tentative, but it shall be sufficiently clear to illustrate existing and proposed conditions and establish the basis and clarify the design requirements for the subdivision plat.

The preliminary plat shall comply with the sketch plan as approved and shall contain, or be accompanied by, the following information:

- a. Name of subdivision, name and address of the owner of record, subdivider and designer;
- b. The location and dimensions of all boundaries and area of the entire parcel in single ownership, whether or not all land therein is to be subdivided, arrows indicating the North, scale map drawn, date, and dates of any revisions;
- C. Names of abutting property owners of record;

- d. The locations of existing buildings;
- e. Existing and proposed street lines, width of streets, road profiles and cross section, and a statement of the work required, including cost estimates, to construct or improve streets to meet the requirements of this bylaw;
- f. The location of existing and proposed easements and rights of way, and the location and dimensions of existing and proposed lot lines;
- g. A sketch map showing future subdivisions, if any, in and adjacent to the subject subdivision;
- h. The location of any streams, waterbodies, or wetlands;
- i. The location of all soil borings, test pits, and percolation holes made in accordance with Section 4.01 of this bylaw;
- j. The sewage disposal system design for each lot as required by Section 4.01(3) of this bylaw, a copy of a state subdivision permit as described in Section 4.01(1) (if required), and evidence of approval by the Sandgate Sewage Officer.

Requirements (i) and j) above may be waived in accordance with the deferral provisions of Section 4.02; (e) may be waived in accordance with Section 3.06.

5.04 Meeting on Preliminary Plat: The Planning Commission shall consider the preliminary plat at its next regularly scheduled meeting following the plat's submittal.

5.05 Approval of Preliminary Plat: After the meeting described in Section 5.04, the Planning Commission shall give tentative approval and authorize the preparation of a final plat, or shall disapprove the preliminary plat. The Planning Commission shall state in its records and on copies of the preliminary plat any modification which it will require in the final plat, or any reasons for disapproval. The records and preliminary plat shall also show the amount, surety, and conditions of any bonds which will be required before the approval of the final plat. A copy of the Planning Commission's decision shall be given to the applicant.

5.06 Application for Final Plat Approval: For both major and minor subdivisions, the applicant shall file with the Planning

Commission a final subdivision plat as described in subsection 5.08. For major subdivisions, the final plat shall be submitted within 6 months of the approval of the preliminary plat, otherwise the Planning Commission may require resubmission of the preliminary plat. The final plat shall be submitted no less than 20 days prior to the next regularly scheduled meeting of the Planning Commission, and shall be accompanied by a fee established by the Board of Selectmen.

5.07 Public Hearing: A public hearing upon public notice according to subsection 4447 of the Act shall be held by the Planning Commission within thirty (30) days after the official submission of the final plat for approval. In addition, at least 15 days prior to the hearing, notice of such hearing shall be forwarded to the Bennington County Regional Commission. In the case of a plat located within 500 feet of Sandgate boundaries, notice must also be sent to the Clerk of the adjacent town(s).

5.08 Final Plat: The final subdivision plat shall be printed on muslin-backed paper, or shall be drawn in ink on tracing linen, acetate, or mylar. It shall be submitted in one original and one print. Space shall be reserved on the plat for endorsement by the Planning Commission and the Sewage Officer. The final plat shall conform to the approved preliminary plat, except as specifically approved by the Commission. The final plat shall include all the information required under Section 5.03 (a)-(j), except that requirements (i) and (j) may be waived in accordance with the deferral provisions of Section 4.02; and (e) with 3.06.

5.09 Performance Bond: The Planning Commission may require the subdivider to file with the Planning Commission an estimate of the costs of street improvements, together with maps, plans, and supporting data, accompanied by:

- a. A surety bond, *cash or other financial instrument from an institution* authorized to do business in Vermont, to be filed with the Selectmen in form and amount satisfactory to the Selectmen;
- b. Each approval of a plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed 3 years, unless extended by the Planning Commission at the applicant's request;
- c. In addition to surety guaranteeing completion of improvements, surety covering maintenance of roads and improvements for a period of 2 years from completion *may be requested* in an amount based on the cost of such improvements, as approved by the Selectmen.

- 5.10 Action of the Planning Commission. Within 45 days after the public hearing, the Planning Commission shall approve, modify and approve, or disapprove the subdivision plat. Failure to so act within such 45 days shall be deemed approval. Approval of a subdivision plat shall not constitute any acceptance by the Town of any street, easement or other open space shown on such plat.
- 5.11 *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 Planning Commission and endorsed in writing on the plat, unless the applicant reapplies for a new subdivision plat, resubmits the application to the Planning Commission, and the Planning Commission approves any modifications.*
- 5.12 *Filing With Town Clerk: Upon completion of the requirements of Sections 5.01 – 5.10 above, and notation to that effect on the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Commission and filed in the office of the Town Clerk. Any subdivision plat not so filed and recorded within ninety (90) days of the date on which the plat is approved or considered approved by reasons of the failure of the Planning Commission to act, shall become null and void.*

SECTION 6.00 - DEFINITIONS

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

APPLICANT: Shall mean the owner of record or his agent duly authorized in writing.

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.

BOUNDARY LINE ADJUSTMENT.- The exchange of properties in accordance with Sec. 2.04 of this regulation, between adjoining property owners, to adjust property line boundaries only. A boundary line adjustment shall not be considered a subdivision or revision of subdivision.

CERTIFIED SITE TECHNICIAN: An Individual certified by the Vermont Agency of Environmental Conservation to conduct site inspections for sewage disposal purposes.

COMMISSION: Shall mean the Planning Commission of the Town of Sandgate.

DEVELOPMENTAL RIGHTS: The right of an owner or lessee of a parcel of land to construct, erect, or place any building or structure the useful occupancy of which will require the installation of plumbing or sewage disposal facilities.

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, shall be filed for record with the Town Clerk.

ON-SITE SPECIALIST: An employee of the On-Site Sewage Program of the Vermont Association of Conservation Districts trained and qualified to conduct site inspections and design sewage disposal systems.

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.

PROFESSIONAL ENGINEER: An engineer, registered in the State of Vermont, who has been trained in, and engages primarily in, civil or sanitary engineering.

PURCHASER: A person, firm, corporation, partnership, or association who has or will purchase a parcel of land from the subdivider.

REVISION OF SUBDIVISION: 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 such change if it affects any map or plan legally recorded. Revision requires reapplication for a subdivision.

STREET: Any road, highway, avenue, street, land, or other way between right-of-way lines, whether publicly or privately owned, used or to be used for vehicular traffic.

SUBDIVIDER: Any person, firm, corporation, partnership, or

association having an interest in land who shall lay out for the purpose of sale, lease, or development any interest, lot, unit, or plat in a subdivision.

SUBDIVISION: Means to divide land by sale, gift, lease, mortgage foreclosure, court ordered partition or decree, or the filing of a plat, plot plan or deed in the Town records where the act of subdivision creates one or more additional lots. A subdivision of land shall also be deemed to have taken place when a lot is divided by a state or municipal highway, road or right-of-way, or when a lot is divided by surface waters with a drainage area of greater than ten square miles. A subdivision of land shall not include leases for mobile homes when these leases are subject to the requirements of 10 V.S.A. Chapter 153. The word subdivision shall refer to the land to be subdivided or to the process of subdivision, as appropriate to the context. A property boundary adjustment exchange, in accordance with Section 2.04 of this regulation, between adjoining property owners to adjust property boundaries only, shall not be considered a subdivision or revision of subdivision.

SUBDIVISION, MAJOR: Any subdivision which is not a minor subdivision.

SUBDIVISION, MINOR: A subdivision containing not more than four (4) lots fronting on an existing public street, and not requiring any new street, street extension or extension of municipal facilities.

SUBSEQUENT PURCHASER: A person, firm, corporation, partnership, or association who has or will purchase a parcel of land from the purchaser (as defined herein).

NOTE: When there is a question of definition of terms not defined herein, the Town of Sandgate Zoning Bylaw definition shall be used. If the definition in question is not found in the Sandgate Zoning Bylaw, the appropriate dictionary usage shall apply.

SECTION 7.00 - SEVERABILITY

If any section or provision of this bylaw is invalidated or declared unconstitutional, it shall not affect the validity of any other section or provision.

Municipal Office

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Phone: (802) 375-9075



TOWN OF SANDGATE

SUBDIVISION REGULATIONS

APPROVED 11/02/1982

UPDATED AND APPROVED 11/04/1986

UPDATED AND APPROVED 03/04/2003