



TOWN OF MENDON

SUBDIVISION REGULATIONS

Adopted by Selectboard 9/8/14

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ARTICLE I: GENERAL PROVISIONS

Section 100 – Title

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

Section 101 – Enactment and Authority

These regulations are enacted in accordance with the Vermont Planning and Development Act, 24 VSA Chapter 117, hereafter referred to as “the Act”.

No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Planning Commission.

The Planning Commission is hereby authorized and empowered to do all acts and things set forth and provided in the Act, including but not limited to the approval, modification or disapproval of all plats to be filed and the approval of the development of any plats previously filed in the Mendon Town Clerk’s Office, if such plats are partially or entirely undeveloped prior to the adoption of these Subdivision Regulations.

Section 102 – Purpose

The purpose of these regulations is to provide for the orderly growth and coordinated development in the Town of Mendon; to assure the comfort, convenience, safety, health, and welfare of the residents; to carry out the purposes of the Mendon Town Plan; to assure conformance with the Mendon Zoning Regulations; to ensure proper provision for drainage, water, sewer, utilities, streets, recreational facilities, open space and other improvements; to preserve or improve a desirable relationship between land form, topography, geology, natural drainage, surface water runoff and the ground water table; to preserve natural assets; and to further the purposes of the Act.

Section 103 – Adoption and Amendments

These regulations shall take effect after being adopted by a town vote, in accordance with the requirements and procedures established in the Act. These regulations may be amended according to the requirements and procedures established in the Act.

Section 104 – Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended for these regulations to repeal, annul or in any way impair any permits previously issued.

Section 105 – Severability

The invalidity of any provision of these regulations shall not invalidate the remaining provisions.

Section 106– Conflicts

These subdivision regulations are not intended to interfere with or abrogate any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations, or any other ordinance, rule, regulation or other provision of law, those provisions which are more restrictive, or which impose higher standards, shall control.

Section 107 – Prior Approvals

All approved subdivision plats duly filed in the town land records before the adoption or amendment of these regulations remain valid and shall not expire.

Section 108 – Disclaimer of Liability

These regulations shall not create liability on the part of the Town of Mendon or any town official or employee thereof resulting from reliance on these regulations or any administrative decisions lawfully made thereunder.

Section 109 – Fees

The Selectboard shall establish such fees as may be necessary for the filing of applications for permits, notices, the processing of hearings and action thereon. Fees shall be paid to the Town Clerk upon application for a subdivision permit; where an appeal or application is made to the Zoning Board of Adjustment, any required fees shall be paid to the Town Clerk.

Section 110 – Scope

Nothing in these regulations shall absolve the applicant's responsibility to obtain all required local, state and federal permits before commencing any development in the Town of Mendon.

ARTICLE II: APPLICABILITY

Section 200 – Application of Regulations

In accordance with the Act, whenever any subdivision of land is proposed that is not specifically exempted from these provisions under Section 201, subdivision approval by the Planning Commission is

required. An approved subdivision application and recorded plat, granted in accordance with the Article VI and the Act, is required prior to:

- Any construction, building development, grading, land clearing or installation of site improvements on a lot to be subdivided (excluding forestry, agricultural and surveying activities); or
- any construction, building development, grading, land clearing or installation of an additional dwelling unit where a Principal Dwelling Unit already exists on a lot, unless the additional dwelling unit meets the definition of an Accessory Dwelling Unit under Section 603 of the Mendon Zoning Regulations; or
- any sale, conveyance or lease of any subdivided portion of a property; or
- applying for a zoning permit for the development of any parcel to be subdivided; or
- filing a subdivision plat in the land records of the town.

Section 201 – Exemptions

The following are specifically exempted from subdivision review:

1. Parcels leased for agricultural or forestry purposes where no permanent roads or structures are established.
2. The conveyance of rights-of-way or easements that do not result in the subdivision of land.
3. Boundary or lot line adjustments between parcels legally in existence as of the effective date of these regulations that do not create new additional lots, increase the degree of nonconformance of an existing lot, do not substantially alter an approved subdivision plat or conditions of subdivision approval, and do not result in the creation of a major subdivision. Boundary adjustments shall be surveyed by a licensed surveyor (unless the survey requirement is waived by the Planning Commission), issued an administrative permit approval by the Zoning Administrator, after notice to the Planning Commission, and recorded in the town land records.

Section 202 – Major and Minor Subdivision

For the purposes of these regulations, subdivisions of land shall be classified by the Planning Commission as “major” or “minor” subdivisions:

1. **Major subdivisions** shall include the subdivision of land which results in the creation of five (5) or more lots or any planned unit development that meets the definition of a subdivision.
2. **Minor subdivisions** shall include the subdivision of land which results in the creation of two (2), three (3) or four (4) lots.

In determining the number of lots created, any lots created during the seven (7) years prior to the date of application out of the parcel that the present lots are being created from shall be included regardless of whether the current landowner is the same as the landowner at the time of the previously created lots.

The term subdivision includes re-subdivision, amended subdivisions and the division of land held in common among several owners.

Section 203 – Waiver Authority

In accordance with the Act, the Planning Commission may waive or vary one or more application requirements specified in Articles III, IV and V, if the Planning Commission determines that the requirement:

- Is not requisite in the interest of public health, safety and general welfare.
- Is inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

- Will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the Mendon Town Plan and/or other bylaws and ordinances in effect.

The applicant shall identify the specific requirements for which the waiver is requested and the basis for the requested waiver. The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Planning Commission to make a decision.

In granting waivers, the Planning Commission may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations, the municipal plan, or other municipal ordinances or regulations currently in effect.

ARTICLE III: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 300 – Pre-Hearing Sketch Plan Review

(A) Purpose. The purpose of a pre-hearing sketch plan review is to acquaint the Planning Commission with a proposed subdivision at a conceptual stage in the design process, prior to the submission of a subdivision application. The review is optional and is intended to help identify the type of subdivision and subdivision design that will best meet the needs of the subdivider and the Town of Mendon and to help identify all supporting information that will be required by the Planning Commission, prior to the subdivider incurring significant expense. A complete application is not required at this time. Applicants should contact the Zoning Administrator to be placed on a Planning Commission agenda for the purposes of a pre-hearing sketch plan review.

A sketch plan may be submitted for all proposed subdivisions and boundary line adjustments, for the purposes of:

- (1) Classification as a minor or major subdivision.
- (2) Initial consideration of a proposed subdivision's compliance with the Town Plan, these regulations, and any other municipal regulations currently in effect.
- (3) Consideration of any associated waiver requested under Section 203.
- (4) Answering any questions regarding the proposed application and schedule.
- (5) Clarifying any issues regarding Planned Unit Developments and review under the zoning regulations.
- (6) Determining recommendations for modifications or changes in subsequent submissions, or requests for additional studies or supporting documentation that may be required.

(B) Information. The applicant may present any information that he or she deems appropriate at the pre-hearing sketch plan review, including site information, proposed subdivision design, and/or a sketch plan.

(C) Action of the Planning Commission. The Planning Commission will not take formal action of any kind at the pre-hearing sketch plan review meeting. The Planning Commission will review any sketch plan; provide guidance to the proposed subdivider regarding the application, review and approval process; and provide guidance on meeting the standards of Article V – General Requirements and Design Standards.

Section 301 – Subdivision Application

(A) Applicability. All applicants for subdivision approval shall complete a Town of Mendon Subdivision Application.

(B) Subdivision Application Requirements. The applicant shall submit to the Zoning Administrator a subdivision application, associated fee and materials in accordance with Article IV – Submission

Requirements. The applicant shall submit any request for waivers in accordance with Section 203 for consideration by the Planning Commission at this time.

(C) **Zoning Administrator Review.** The Administrative Officer shall document the date the completed application is received in the Town Office. The Zoning Administrator will not take action on an application deemed incomplete and will notify the applicant of what materials are necessary for a complete application.

(D) **Zoning Administrator Action.** Within 30 days of documenting the receipt of a complete subdivision application, the Zoning Administrator shall submit the application to the Planning Commission for public hearing.

(E) **Right of Appeal.** The applicant has the right to appeal the action or non-action of the Zoning Administrator, in accordance with Article VII.

Section 302 – Hearing for Subdivision and Final Plat Approval

(A) **Application Requirements.** The complete application for subdivision and final plat approval shall include associated fees and, unless otherwise specified or waived by the Planning Commission under Section 203, one original application with full size plat (24"x36") and five copies of the proposed plat re-sized to 11"x17" of the information specified under Article IV – Submission Requirements.

(B) **Public Hearing.** Within 60 days of receipt of a complete application for subdivision and final plat approval, the Planning Commission shall schedule a public hearing on the subdivision and final plat, warned in accordance with Article VI and the Act. **It is the responsibility of the applicant to notify adjoining property owners of the proposed subdivision of the hearing, in accordance with Section 600.**

A noticed Public Hearing is required for both Minor and Major Subdivisions. **For a Major Subdivision, the public hearing shall include at least two separate meetings.** The second meeting does not need to be re-warned if the hearing is recessed by the Planning Commission at the first meeting. After the second meeting, the Planning Commission may close the hearing for a major subdivision.

(C) **Site Visit.** The Planning Commission may schedule a site visit. Any site visit attended by a quorum of the Planning Commission must be warned in accordance with the Act.

(D) **Final Approval.** In accordance with Article VI and the Act, within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the subdivision and final plat, based on a determination of whether or not the subdivision and final plat conforms to applicable subdivision standards under Article V, and the municipal plan and other municipal regulations in effect. Approval, conditions of approval, or grounds for disapproval, shall be set forth in a written decision, which may consist of the minutes of the meeting.

(E) **Performance Bonding.** In accordance with Section 600 and the Act, for any subdivision which requires the construction of roads or other public improvements, the Planning Commission may require that the subdivider post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, in accordance with the conditions of approval. Such bond or surety must be approved by the Town of Mendon Selectboard prior to final plat approval. The term of the bond or surety may be fixed by the Planning Commission for a maximum of three (3) years, within which time all improvements must be completed or the Selectboard may call the bond. The term of such bond or surety, by mutual consent of the Selectboard, Planning Commission and subdivider, may be extended for an additional period up to three (3) years. The Planning Commission may also require a Maintenance Bond for two (2) years after completion of specified improvements. The Selectboard shall establish an inspection fee to cover the costs of inspection, to be paid for by the applicant.

(F) **Release of Bond or Surety.** The Selectboard shall release the bond or surety once all specified improvements have been completed in accordance with the project plans, permit conditions and performance bond conditions. In no event will a performance bond be released unless and until any required Certificate of Compliance is issued, and any required maintenance bonds are in place, or the subdivider provides written notice to the Town of Mendon that the subdivider is not proceeding with the project and that all application actions are being ceased, if no improvements have been commenced. If improvements have commenced, the performance bond will not be released until the site is returned to an acceptable condition.

(G) **Certificate of Compliance.** The Planning Commission may also require, as a condition of subdivision approval, that a Certificate of Compliance be obtained to ensure that required improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development. The satisfactory completion of any improvements shall be determined by the Zoning Administrator. A Certificate of Compliance shall not be issued for any subdivision that is not in compliance with the conditions of subdivision approval. Where a Certificate of Compliance has been required by the Planning Commission, the Zoning Administrator shall not issue a zoning permit for the development of a subdivided lot within the subdivision until the certificate has been issued.

(H) **Effect of Subdivision and Final Plat Approval.** The approval by the Planning Commission of a subdivision and final plat shall not be construed as acceptance for ownership and maintenance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with town policies and state law.

Section 303 – Post Hearing Plat Recording Requirements

(A) In accordance with Section 601 and the Act, the subdivider shall file a mylar plat in the Mendon land records and provide 2 paper copies and one electronic copy of the recorded plat to the Zoning Administrator. The approved plat shall:

- (1) Be a minimum of 18" X 24", or a multiple thereof;
- (2) Be signed by an authorized representative of the Planning Commission;
- (3) Carry the following endorsement on the original to be filed with the Town Clerk:

*Approved by Resolution of the Planning Commission for the Town of Mendon, Vermont, on the _____ day of _____, 20__, subject to the requirements and conditions of said resolution. Signed this ____ day of _____, 20__,
By _____, Chairperson.*

(B) Approval of subdivision plats not filed within 180 days after the approval date shall expire and nullify the proposed subdivision, even if subdivision approval had been granted by the Planning Commission. Applicants may request a time extension to record the plat in accordance with Section 601, so long as the request is prior to the plat approval expiration deadline.

(C) The municipality shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under V.S.A. T27 - Chapter 17 §1403.

Section 304 – Revisions to an Approved Subdivision and Plat

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision shall be made unless the proposed revisions are first resubmitted as a new subdivision application in accordance with Section 301, and are approved by the Planning Commission, in accordance with Article III and Article V. In the event that subdivision or plat revisions are recorded without Planning Commission approval, the revisions shall be considered null and void, and subject to enforcement under Article VIII.

ARTICLE IV: SUBMISSION REQUIREMENTS

Section 400 – Subdivision and Final Plat Submission Requirement

The following information shall be submitted to the Zoning Administrator along with the Application Form and associated fee, unless specifically waived by the Planning Commission in accordance with Section 203. The subdivision and final plat submission requirements are considered part of a complete application. Failure to submit all of the submission requirements may result in a determination of an incomplete application and delay of the public hearing for subdivision and final plat approval.

The applicant shall provide one original full size plat (24"x36") and five copies of the proposed plat resized to 11"x17" of all subdivision and final plat submission requirements, prepared by a State of Vermont licensed professional engineer. All dimensions shall be represented in feet or decimals of a foot, drawn to a reasonable scale which will clearly show the details and information required; but in no case shall the scale be smaller than one hundred (100) feet to the inch, or sixty (60) feet to the inch where lots have less than one hundred (100) feet frontage.

(A) Application Information

- (1) Application Form.
- (2) Application Fee.
- (3) Name of project.
- (4) Name and address of the property owner and the subdivider. In the event the property owner wishes to authorize another to appear at any public hearings on behalf of the property owner, the authorization must be in writing.
- (5) Written description of proposed development plans, including number and size of lots and the anticipated schedule of development.
- (6) Waiver request in writing [optional].
- (7) Names and addresses of adjoining property owners [from Mendon Grand List].

(B) Plat Requirements for Major or Minor Subdivisions

- (1) Proposed subdivision name or identifying title.
- (2) Date, north arrow, legend and scale.
- (3) Name and address of record owner, applicant and designer of plat.
- (4) Number of acres within the proposed subdivision and for each new lot.
- (5) Project boundaries and property lines.
- (6) Monument locations and descriptions.
- (7) Existing and proposed lot lines, dimensions and proposed lot numbers.
- (8) Zoning district designations and boundaries.
- (9) Adjoining land uses, roads and drainage.
- (10) Existing easements, buildings, water courses and other notable physical features.
- (11) Names of all adjoining property owners.
- (12) Existing and proposed utilities: power, water, wastewater, stormwater systems and associated rights of way or easements.
- (13) Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points, and any existing deed restrictions.
- (14) Location of natural and physical site features, including watercourses, wetlands and associated buffers; flood hazard areas; areas of steep slope (15 to 25%) and very steep slopes (>25%); identified critical wildlife habitat areas; and historic sites and structures.
- (15) Approximate building locations.
- (16) Vicinity map drawn to a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2000) feet of any property line of the proposed subdivision.

- (17) Certification block and associated plat requirements (see section 303).
- (18) License number and seal of the licensed surveyor or professional engineer.

(C) Plat Requirements for Major Subdivisions

- (1) Location, names and present widths of existing and proposed streets, highways, intersections, easements, building lines, walk ways, parks, or other public open spaces, as well as similar features regarding access to adjacent property.
- (2) Width, location, grades and street profiles of all streets or other public ways proposed.
- (3) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more; overall project elevation difference of less than 5 feet shall show one (1) foot contours.
- (4) Connections with existing water supplies or proposed alternative means of providing water to the proposed subdivision.
- (5) Connections with existing sanitary sewage systems or proposed alternative means of septic treatment and disposal.
- (6) If private septic disposal is proposed, location and results of tests to ascertain subsurface soil, rock and groundwater conditions and depth to groundwater.
- (7) Preliminary design of any bridges or culverts.
- (8) A general indication of land cover, including forested areas and forest type, tree lines, natural features, stormwater management areas and historic features.
- (9) Prime Agricultural Soils or areas enrolled in the Use Value Appraisal Program (Current Use)
- (10) All land proposed to be dedicated for public use, conservation, buffer and/or open space easement areas.
- (11) Location of trees and all other natural features or site elements to be preserved.
- (12) Proposed landscaping and screening.
- (13) Proposed park, playground or other recreation areas, or areas to be dedicated for public use.
- (14) All proposed exterior lighting.
- (15) All project signage.

(D) Supporting Information and Documentation [unless waived by the Planning Commission]

- (1) Road profiles; road, intersection and parking area geometry and construction schematics.
- (2) Copies of all necessary municipal and state permits and permit applications including, but not limited to: highway access permits, Act 250 permits, wastewater and potable water permits or letters of approval from the applicable fire department.
- (3) Letters from municipal and school district officials and emergency service providers regarding adequacy/capacity of existing facilities.
- (4) Existing and proposed traffic generation rates, volumes.
- (5) Off-site easements (e.g., for water, wastewater, access).
- (6) Proposed phasing schedule.
- (7) Proposed cost of site improvements (to determine bond or surety amount).
- (8) Proposed covenants and/or deed restrictions.
- (9) Proposed homeowner or tenant association agreements.
- (10) Private roadway language, if applicable, to be inserted into all deeds.
- (11) Proposed performance bond or surety.

(E) Additional items that may be required by the Planning Commission

- (1) Stormwater Management Plan.
- (2) Erosion Control and Sedimentation Plan.
- (3) Open space management plan.
- (4) Natural Resource Protection Plan.

- (5) Temporary field markers, located on the site, to enable the Planning Commission to determine the proposed location of parcel boundaries, building envelopes and associated improvements.
- (6) Outdoor lighting plan.
- (7) Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements).
- (8) Fiscal impact analysis (analysis of fiscal costs and benefits to the town).
- (9) Historic or archeological assessment.
- (10) Environmental impact assessment.
- (11) Visual impact assessment.
- (11) Written offers of cession to the Town of Mendon or private entity of all streets, public open spaces, sewage and water systems to be connected to a town or private facility, and other areas to be dedicated to the public shown on the Final Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the applicant, are to be maintained.

ARTICLE V: GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 500 – Planning Standards

The Planning Commission shall evaluate any application for subdivision approval in accordance with the standards set forth below. The Planning Commission may require the subdivider to submit data addressing impacts related to the standards, and may require modifications to the proposed subdivision to avoid or mitigate impacts. Should the Planning Commission deem it necessary to employ an engineer, attorney or other consultant to review any subdivision plans or portions thereof, and/or any associated legal documentation, the costs of review shall be paid by the applicant.

- (A) Character of the Land.** All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for the intended purpose(s), as stated in the application, without danger to public health or safety, neighboring properties, or the rural character and natural beauty of the community. Land subject to periodic flooding, poor drainage or other hazardous conditions will not ordinarily be approved for subdivision.
- (B) Conformance with Mendon Town Plan and Other Regulations.** Subdivisions of land shall be in conformance with all applicable requirements of these regulations, the Mendon Town Plan as most recently adopted, Town of Mendon Zoning Regulations, and all other municipal bylaws and ordinances currently in effect.
- (C) Density and Lot Layout.** Density, lot size and layout shall conform to zoning district standards, and general standards pertaining to frontage, lot and yard requirements, unless modified or waived by the Planning Commission. All lots shall be numbered for address purposes in accordance with the existing town-wide numbering system after approval by the town administrator.
- (D) Landscaping and Screening.** The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Planning Commission, may be required to:
- (1) Preserve existing specimen trees, tree lines, contiguous blocks of forest habitat, wooded areas of particular natural or aesthetic value to the site, critical wildlife habitat, and to maximize the preservation and establishment of indigenous plant species.
 - (2) Provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features.
 - (3) Provide screening of development to increase privacy, reduce noise and glare, or to establish a visual or physical buffer between incompatible land uses.

- (4) Establish a tree canopy along roads or pedestrian walkways, including areas where a substantial loss of existing trees will result from road construction and related site improvements.

(E) Preservation of Existing Features. The preservation and protection of existing site features, trees, scenic points, brooks, streams, water bodies, wetlands, other natural resources, and historic resources is encouraged. Existing features shall be represented on all site plans. Lots shall be configured to maintain contiguous tracts of undeveloped land on adjoining parcels, where feasible.

(F) Energy Conservation. Energy efficient site design and layout shall be encouraged in the design of a proposed subdivision to the extent that is economically and environmentally feasible. Examples include: 1) clustering structures and infrastructure; 2) encouraging solar use; 3) provision of wind barriers and reduction of heat loss or gain as appropriate; 4) siting lots and buildings to minimize the length of road and utility corridors required; and 5) supporting infrastructure for alternative modes of transportation such as for bicycle, pedestrian and public transit.

(G) Outdoor Lighting. In order to help maintain the Town's rural character, and to preserve the night sky, street and other exterior lights are not encouraged. However, where it is demonstrated that street and other exterior lights are necessary, only downcast, cutoff types of fixtures are encouraged.

(H) Disclosure of Subsequent Development Plans. Whenever a subdivider submits a proposal for development on a portion of a parcel, the applicant shall provide a general indication of the intended use of the remaining portion of the land.

Section 501 – Protection of Natural and Cultural Resources

The Planning Commission may consult with state officials, and/or other qualified professionals to determine the likely impact of a subdivision on one or more of Mendon's natural and cultural resources, and determine appropriate mitigation measures.

(A) Surface Waters, Wetlands and Flood Hazard Areas. Subdivision boundaries, lot lines and layout, and building sites should be located and configured to avoid any adverse impact to surface waters, wetlands, flood hazard areas and designated water supply source protection areas. Methods for avoiding such adverse impacts may include:

- (1) Configuring lot boundaries to prevent fragmentation of these features.
- (2) Locating and sizing building sites to exclude these features, and any associated buffer areas.
- (3) Establishing setback and buffer areas in accordance with any state mandates from the mean water level of any surface water and/or the delineated boundary of identified Class 1 and 2 wetlands.
- (4) Locating roads, driveways and utility lines or corridors to avoid the fragmentation of or encroachment on these features.
- (5) Including surface waters, wetlands and associated buffers as designated open space in accordance with Section 506.

(B) Rock Outcrops, Steep Slopes, Hilltops and Ridgelines. Subdivision boundaries, lot lines and layout, and building sites are encouraged to be located and configured to minimize adverse impacts to slopes greater than 15%, avoid disturbance to slopes in excess of 25%, and avoid the placement of structures on rock outcrops, prominent hilltops and ridgelines. Methods for avoiding such adverse impacts may include:

- (1) Locating building sites to exclude these features.
- (2) Minimizing visibility of building sites and associated development, as viewed from public roads, vantage points and adjacent sites, on prominent ridgelines and hilltops.

- (3) Configuring building sites so that the height of any structure will not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, or the height of land on exposed ridgelines or hilltops.
- (4) Maintaining existing forest cover to provide a forested backdrop to structures, and/or soften the visual impact of development as viewed from public roads and adjacent sites. A forest management, tree cutting, and/or landscaping plan may be required.
- (5) The Planning Commission may require additional plantings at specific locations within the subdivision or on individual lots, to provide screening.
- (6) The Planning Commission may require the preparation and implementation of an Erosion Control Plan for subdivision improvements, as a condition of approval.
- (7) After application for approval has been made to the Planning Commission, no topsoil, sand or gravel should be removed from the subdivision for any purpose other than to meet construction needs for that particular subdivision or to meet any requirements of the Subdivision Permit.
- (8) Driveways, access roads (including the conversion of logging roads to private roads or driveways) and utility corridors, should use or share existing access and rights-of-way, where feasible; follow existing contours, and avoid areas of steep slope.
- (9) Include land characterized by steep slopes, rock outcrops, prominent hilltops and ridgelines as designated open space in accordance with Section 507.

(C) Historic and Cultural Resources. Subdivision boundaries, lot lines and layout, and building sites should be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the municipal plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods for avoiding such adverse impacts may include:

- (1) Preserving and integrating historic features, including historic structures, stone walls and cellar holes, to the extent feasible, into the subdivision design.
- (2) Locating building sites to avoid known archaeological sites.

Prior to development on sites that have been identified as being archaeologically sensitive in the Mendon Town Plan or through site investigation, the Planning Commission may require a historic assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.

(D) Farmland. Subdivision boundaries, lot lines and layout, and building sites should be located and configured to avoid the fragmentation of and adverse impacts to primary agricultural soils and open fields. Methods for avoiding such adverse impacts may include:

- (1) Locating building sites at field or orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to scenic qualities of the site.
- (2) Using shared space for access roads, driveways and utility corridors to the extent feasible; and following existing linear features such as roads, tree lines, stone walls, fence lines or field edges to minimize the fragmentation of open agricultural land and associated visual impacts.
- (3) Retaining farm parcels or open land and including these lands as designated open space in accordance with Section 507 or under a conservation easements.
- (4) Separating building lots and subsequent development from agricultural operations and minimizing land use conflicts through the use of vegetated buffer areas.

Section 502 – Stormwater Management and Site Preservation

Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and

downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary should include pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types, the percentage of land covered in impervious surfaces, distances to streams and other surface waters, and impact on adjoining properties.

The Planning Commission may require the preparation and implementation of Stormwater Management and/or Erosion Prevention and Sedimentation Control Plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading shall not unduly impact surface waters or neighboring properties. Such plans, if required, shall be prepared by a licensed Vermont engineer, in accordance with the 'Vermont Stormwater Manual and the Vermont Handbook for Erosion Prevention and Sedimentation Control', as most recently amended, and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities

(A) Minimize Land Disturbance. Land should be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain natural contours, ground cover, and soils. For effective stormwater management, subdivision and/or site design, consideration should be given to the following mitigation tools:

- (1) Identify specific areas that provide significant hydrologic functions, such as existing surface storage areas, forested areas, riparian corridors, and areas with high groundwater recharge capabilities.
- (2) Require the least amount of vegetation clearing, soil disturbance and duration of exposure, soil compaction and topography changes as possible.
- (3) Maintain natural vegetative cover and use native landscape materials in subdivision design.
- (4) Maintain any state mandated buffers from all designated wetland, riparian and shoreland areas.
- (5) Avoid subdivision design where structures, infrastructure or site disturbance takes place on areas with steep slopes.
- (6) Forested lands located on stream and wetland buffers and steep slopes are priority areas and clearing them should be avoided in order to prevent erosion and sedimentation resulting from stormwater runoff.
- (7) Retain environmental resource areas and open spaces, preferably in contiguous blocks or linear corridors.
- (8) Retain the soils best suited for infiltration.
- (9) The length, width, and paved area of roads, driveways and parking areas should be appropriate to the intended use.
- (10) Cluster development to minimize site disturbance where feasible.
- (11) Minimize the impervious area connected directly to stormwater conveyance systems.
- (12) Incorporate landscaped areas to absorb stormwater runoff from adjoining impervious surfaces.
- (13) Encourage shared driveways and parking areas.
- (14) Avoid or minimize the use of curbing and road gutters.
- (15) Incorporate naturally occurring ponding and drainage areas.
- (16) Incorporate best management and treatment practices as defined by the VT Agency of Natural Resources in the Vermont Handbook for Erosion Prevention and Sedimentation Control and the Vermont Stormwater Management Manual.
- (17) Size culverts or other drainage facilities large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. The applicant's engineer shall provide information deemed necessary by the Planning Commission to make the determination of the adequacy of facilities.

The Planning Commission may request determination from the applicant's engineer of the effect of the subdivision on existing downstream drainage capacity and facilities outside of the area of the subdivision. Where the Planning Commission anticipates that increased runoff incident to the development may

overload the capacity of the downstream system or facility, it may require modifications to the proposed subdivision design or condition final approval upon improvement of the downstream facilities to prevent such an overload.

(B) Erosion and sediment control during construction. Slopes and soils exposed during construction shall be managed to prevent erosion by using accepted erosion control measures. Plans meeting the guidelines of the latest edition of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites shall be submitted for all major subdivisions. Methods to manage water, prevent erosion and control sediment during construction should include:

- (1) Within the construction site, water shall be controlled and allowed to infiltrate. Rock check dams shall be installed before excavation or fill activities begin. Hay bales shall not be used as check dams due to their high failure rates.
- (2) The amount of sediment produced from areas of disturbed soils shall be minimized by using control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control and silt fences.
- (3) Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction or at the conclusion of construction. The Planning Commission may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.
- (4) The applicant shall follow the erosion prevention and sediment control practices for construction that occurs from October 15th to May 15th found in the most recent ANR standards for winter construction ("The Low Risk Site Handbook for Erosion Prevention and Sediment Control")

Section 503 – Transportation Facilities and Infrastructure

All roads serving proposed subdivisions shall be designed and built in accordance with the Mendon Road Ordinance adopted and administered by the Mendon Selectboard.

(A) Applicability of Road Standards. The standards contained herein shall apply to all proposed public roads and to private roads serving five or more lots. In addition, these standards may be applied to private roads serving four or fewer lots when the Planning Commission determines such standards are necessary to provide suitable access to, or accommodate, anticipated future subdivision. A road shall be considered private unless formally offered for dedication to the town and accepted by the Mendon Selectboard as a public road in accordance with adopted town road policies and state statutes.

(B) Layout. The arrangement of roads in the subdivision shall facilitate a logical system of inter-parcel circulation. Roads shall, to the extent feasible designed and laid out to:

- (1) Follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines.
- (2) Be consistent with existing road patterns in village and other settlement areas.
- (3) Maximize connectivity within the subdivision to adjoining parcels and road networks.
- (4) Avoid adverse impacts to natural, historic, cultural and scenic resources.
- (5) Avoid fragmentation of agricultural and forest resources.
- (6) Discourage dead end roads, cul-de-sacs and turn-arounds unless deemed necessary by the Planning Commission due to physical site limitations or safety considerations.
- (7) Allow for access by emergency vehicles.

(C) Topography. Streets shall be logically designed to fit the topography so as to produce useable lots, minimize the amount of cut and fill required, produce reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such roads. The maximum cut or embankment slope shall be two horizontal to one vertical unless otherwise designed by a licensed soils engineer and approved by the Planning Commission.

(D) Access. To better manage traffic flow and safety, avoid congestion and frequent turning movements and avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) Limit the number of access points onto public highways.
- (2) Encourage shared access, driveways, and/or roads to serve multiple lots.
- (3) Encourage rights-of-way for future road extensions to connect to adjoining parcels.

The Planning Commission may require the applicant to improve the subdivision access road to municipal highway construction standards.

(E) Intersections.

- (1) Horizontal Alignment at Intersections: Intersections of streets shall be 90 degrees where practical.
- (2) Vertical Alignment at Intersections: The gradient within 100 feet of intersections shall not exceed 3% where practical.

(F) Drainage and Stormwater. Stormwater management shall be provided to control and accommodate stormwater collected on all proposed roads and/or parking areas in accordance with Section 502 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, as most recently amended.

(G) Road Names and Signs. Road names shall be approved in accordance with road naming ordinances and policies currently in effect. Approved road names shall be clearly depicted on the final plat. Road name signs shall be installed by the subdivider.

(H) Maintenance. Roads within the subdivision shall be maintained by the subdivider and subsequent property owners in adequate condition for safe year-round use and access by emergency vehicles. For major subdivisions the Planning Commission may require documentation of maintenance requirements in the form of association agreements, covenants, or deed restrictions.

(I) Improvements. The proposed subdivision shall not unduly burden town or state highways, including roads and intersections in the vicinity of the project. Any highway access, drainage, land or other infrastructure or traffic control improvements necessitated by the proposed subdivision shall be paid for and installed by the applicant, unless otherwise approved by the Planning Commission in consultation with the Selectboard or state highway officials. The Planning Commission may also require as conditions of approval:

- (1) Performance bonding or other form of surety in accordance with Sections 302 and 600.
- (2) Phasing of development in relation to planned state or municipal transportation infrastructure improvements included in adopted capital or transportation improvement programs.
- (3) A development agreement approved by the Selectboard governing the timing, installation and any agreed upon cost-sharing arrangements between the subdivider and the town or other affected property owners.

(J) Transit Facilities. The Planning Commission may require that major subdivisions incorporate transit facilities, such as a sheltered transit stop or a park and ride lot, in subdivision design.

(I) Pedestrian and Bicycle Access. To facilitate pedestrian and bicycle access from the subdivision to adjoining parcels and roads, or to nearby public schools, playgrounds, or public lands, the Planning Commission may require one or more of the following:

- (1) Sidewalks or bike paths to connect existing sidewalks and bike paths to adjoining properties.
- (2) Sidewalks along internal subdivision roads.
- (3) Installation of pedestrian or bicycle crosswalks at designated intersections.
- (4) Unobstructed easements at least 10 feet in width for pedestrian or recreation paths, as indicated on the final plat.

Section 504 – Water Supply and Wastewater Systems

When the State of Vermont requires a Potable Water and Wastewater Permit, the subdivider shall demonstrate that adequate potable water supply and wastewater disposal systems exist on-site or off-site to serve the proposed subdivision. Any water supply and wastewater systems, including the location of water sources, water lines, sewer lines and any connections to municipal systems, shall be shown on the Final Plat.

For all proposed subdivisions subject to state permit requirements, the applicant shall provide evidence of the State of Vermont Potable Water and Wastewater Disposal Permit, or permit application, to the Planning Commission prior to the public hearing for subdivision approval. The Planning Commission may condition subdivision approval contingent upon receipt of the State of Vermont Potable Water and Wastewater Disposal Permit.

(A) Water Supply. Individual or community water supply systems shall be designed and installed in accordance with applicable state regulations. In addition, the Planning Commission may require that:

- (1) All water sources, and required isolation distances, be identified on the Final Plat.
- (2) The Planning 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.

The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:

- (1) Consideration given to the drainage patterns in the area.
- (2) Building sites and new roadways located 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 supplies.
- (3) Buildings and septic systems located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

Subdivisions that will connect to a municipal water supply system must meet applicable municipal and state regulations in effect at the time of application. The applicant shall provide documentation from the municipality, certifying that adequate reserve capacity exists to serve new development resulting from the proposed subdivision.

(B) Wastewater Systems. Individual or community wastewater disposal systems shall be designed in accordance with applicable state regulations. In addition, the Planning Commission may require that:

- (1) The location of individual on-site septic systems and replacement fields are shown on the Final Plat.
- (2) The Planning Commission may require that a community sewage disposal system unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system.
- (3) New and replacement wastewater disposal systems shall be located out of special flood hazard areas.

Subdivisions that will connect to a municipal wastewater system must meet applicable municipal and state regulations in effect at the time of application.

For subdivisions which will connect to the Alpine Pipeline Company sewage disposal system, applications for extensions shall be subject to approval by the Company. Documentation of approval shall be provided by the applicant prior to the Public Hearing.

The Planning Commission may require the extension of public water lines and sewers by the applicant to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Planning Commission, within a reasonable distance of the proposed subdivision.

Section 505 – Utilities

(A) Utility Corridors. Utility corridors should be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, the fragmentation of natural resources, and any adverse impacts to natural, cultural or scenic resources, as identified in the Mendon Town Plan. The Final Plat shall include all proposed utilities to be constructed by the applicant.

(B) Easements. The Planning Commission may require that all utility systems, including but not limited to electric, gas, cable TV and telecommunications utilities be located underground, either in the street right-of-way between the paved roadway and right-of-way line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements shall be provided with satisfactory access to the street and shown on the Final Plat.

(C) Coordination. The applicant shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation, both for the proposed subdivision, and areas adjacent to the subdivision. Common rights-of-way should be utilized whenever possible.

Section 506 – Community Services and Facilities

The proposed subdivision shall not create an undue burden on existing and planned municipal facilities or create an unreasonable demand for public services. The Planning Commission may consult with municipal officials and emergency service providers to determine whether adequate capacity exists to serve the subdivision. The Planning Commission may also require the applicant to document that sufficient infrastructure capacity exists by providing letter from local officials, or an analysis of available capacity needed to serve the subdivision, to be prepared by a qualified professional and paid for by the applicant.

The Planning Commission may consider whether the anticipated taxes generated by the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate, the cost of which is to be borne by the applicant.

(A) Fire Protection. Adequate fire suppression infrastructure (water storage tanks or ponds, water mains, fire hydrants, etc.) within the proposed subdivision shall be required, to the satisfaction of the Planning Commission and the Rutland City Fire Chief, and shall meet the requirements of the State of Vermont Division of Fire Safety. The applicant shall obtain a letter from the Fire Chief documenting that the proposed fire suppression infrastructure will adequately serve new development created by the proposed development. Fire suppression infrastructure shall be installed by the subdivider.

Post-construction, the subdivider shall submit documentation to the Planning Commission from the Rutland City Fire Chief certifying that all fire suppression infrastructure has been installed to the specified plans and is operational, before a Certificate of Compliance will be issued. Continued maintenance of fire suppression infrastructure shall be addressed in homeowners association covenants,

(B) Emergency Access. The proposed subdivision shall not unduly burden the capacity of emergency responders such as police, ambulance, fire and other services. The applicant shall obtain documentation from emergency responders that there is capacity to serve new development created by the proposed subdivision.

(C) Schools. The proposed subdivision shall not unduly burden the school system. A letter from the Mendon School Board documenting that the school has sufficient existing or planned capacity to accommodate new students resulting from new development created by the proposed subdivision may be required by the Planning Commission.

(D) Parks and Playgrounds. The Planning Commission may require the dedication of a portion of the proposed subdivision to be used for a park, playground, trail or pathway or other recreation purposes. All such land shall be of a reasonable character for park or other recreational uses without adversely affecting resources identified in these regulations and the Mendon Town Plan.

Section 507 –Open Space and Common Land

(A) Open Space. The preservation of open space should be encouraged. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Planning Commission, in accordance with the following:

- (1) Open space land provides for the protection of natural and cultural features identified and designated for protection in accordance with Section 501.
- (2) Open space areas are configured to be contiguous with existing and potential open space lands on adjacent parcels.
- (3) Designated open space may include a portion of a single lot, or extend over several contiguous lots. The Planning Commission may require lot configurations that minimize the subdivision and fragmentation of contiguous open space areas.
- (4) The location, shape, size and character of the open space is suitable for its intended use.
- (5) Provisions are made to enable open space designated for agriculture and forestry (silviculture) to be used for these purposes. Management plans for forests, wildlife habitat, and farmland may be required by the Planning Commission as appropriate.
- (6) Utility and road rights-of-way or easements and access and parking areas should not be normally counted as open space areas, except where the applicant can prove to the satisfaction of the Planning Commission that they will in no way disrupt or detract from the values for which the open space is to be protected.

(B) Common Land. Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail-rights-of-way) may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(C) Legal Requirements. The Planning Commission may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Planning Commission, to the municipality, a community association comprised of all the present and future owners of lots in the subdivision and/or a non-profit land conservation organization.

Designated open spaces or common land shall be indicated with appropriate notation on the Final Plat.

Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term

stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners.

ARTICLE VI: PROCEDURAL REQUIREMENTS

Section 600 – Public Hearings and Notice

A warned public hearing shall be required for applications in accordance with Section 302. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing and shall include the following:

- (1) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.
- (2) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.
- (3) Written notification to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a state highway, also including written notification to the secretary of transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

The applicant is required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant is required to demonstrate proof of delivery to adjoining landowners either by certified mail, return or digital receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

No defect in the form or substance of any requirements in this section shall invalidate the action of the Planning Commission where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the environmental division or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

The Planning Commission may recess the proceedings on any application pending submission of additional information. The Planning Commission shall close the evidence promptly after all parties have submitted the requested information. The Planning Commission shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the Planning Commission has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

Any decision shall be delivered to the applicant and the appellant in matters on appeal. Copies of the decision shall also be delivered to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality. Conditions may require that no permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development

unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws.

In rendering a decision in favor of the applicant, the Planning Commission may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Subdivision Regulations and Municipal Plan then in effect. The Planning Commission may condition the permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

In lieu of the completion of the required public improvements, the Planning Commission 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 legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the appropriate municipal panel or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion.

The performance bond required by this subsection shall run for a term to be fixed by the Planning Commission, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond. Any unused portion shall be returned to the owner.

The legislative body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.

Section 601 – Subdivision Plat

(A) Approval of plats. Before any plat is approved, a public hearing on the plat shall be held by the Planning Commission after public notice. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

(B) Plat; Record. The approval of the Planning Commission shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

- (1) The Administrative Officer may extend the date for filing the plat by an additional 90 days, if approved by the Planning Commission prior to the expiration of the original 180-day period.
- (2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the town until it has been approved by the Planning Commission, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

(C) The town shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under V.S.A. T27 - Chapter 17 §1403.

ARTICLE VII: APPEALS

Section 700 – Appeals

In accordance with the Act, an interested person may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Board of Adjustment within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

Section 701 – Appeals of Decisions of Planning Commission and Board of Adjustment

In accordance with the Act, an interested person who has participated in a municipal regulatory proceeding authorized under the Act may appeal a decision rendered in that proceeding by the Board of Adjustment or Planning Commission to the Environmental Division or in such manner as the Supreme Court may by rule provide for appeals from state agencies governed by 3 V.S.A. §§ 801-816, unless the decision is an appropriate municipal panel decision which the municipality has elected to be subject to review on the record.

ARTICLE VIII: VIOLATIONS AND ENFORCEMENT

Section 800 – Penalties

Any person who violates these Subdivision Regulations after adoption shall be fined in accordance with the Act. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.

Section 801 – Remedies

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of these Subdivision Regulations, the Zoning Administrator shall institute in the name of the municipality any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation.

A court action under this section may be initiated in the Environmental Division, or as appropriate, before the Judicial Bureau, as provided under the Act.

ARTICLE IX: 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 words "may" and "should" are permissive; the words "shall" and "will" are mandatory.

ACT: The Vermont Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ADJACENT: A land parcel, area, or district that shares a boundary with, or that is directly across a public road or right-of-way from another parcel, area, or district.

APPLICANT: An individual or corporate landowner seeking approval for a subdivision. See also Subdivider.

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons who have been duly authorized in writing by the applicant to act in his, her or its behalf. Any representation made by the authorized agent binds the principal.

BYLAWS: Municipal regulations applicable to land development adopted under the authority of this chapter.

BOUNDARY LINE ADJUSTMENT: Adjustments of boundary 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.

BUFFER: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

CERTIFICATE OF COMPLIANCE: A form issued to the applicant by the Zoning Administrator stating that required improvements have been installed in accordance with the conditions of subdivision approval.

CLEARING: The removal of existing vegetation as part of site preparation for the installation of driveways, septic systems, building sites and construction or yard areas.

COMMUNITY WATER SUPPLY SYSTEM: Any water system owned by the same person or entity that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more users.

COMMUNITY WASTEWATER SYSTEM: Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person or entity that disposes of sewage for domestic, commercial, industrial or institutional uses to two (2) or more customers.

CONFORMANCE WITH THE TOWN PLAN: A proposed application conforms to the Mendon Town Plan in effect if (1) it makes progress toward attaining, or at least does not interfere with, the goals, and policies contained in the municipal plan; (2) it provides for proposed future land uses, densities, and intensities of development contained in the town plan; and (3) it carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the town plan.

CURB CUT: The access or opening along the curb line of a traveled way at which point vehicles, bicycles and pedestrians may enter or leave the traveled way.

DEVELOPMENT: The division of a parcel or lot into two or more parcels or lots.

DRIVEWAY: A privately owned access road serving one or more lots.

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

FLOOD HAZARD AREA: Those lands subject to flooding from the 100-year flood, as defined in the existing or

subsequently revised Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration.

FORESTRY: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting.

FRAGMENTATION: A process of dividing continuous forests into isolated patches of forest.

IMPERVIOUS SURFACE: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include roads, rooftops, out buildings, decks, paths, patios, parking areas, and concrete, asphalt, or gravel driveways.

INTERESTED PERSON: For the purposes of these bylaws, an interested person means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

FINAL PLAT: The final drawings on which the applicant's plan of subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Mendon Town Clerk.

HISTORIC RESOURCES: Any site, structure, district, or archeological landmark which has been officially included in the National Register of Historic Places and/or the State Register of Historic Places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant.

LEGISLATIVE BODY: The Selectboard of the Town of Mendon.

LOT: A parcel of land under single ownership, and not divided by a State or Town road, with defined boundaries, having not less than the minimum area, width and depth required in the district which the land is situated, and having frontage on a street or other means of access which created by the act of subdivision. A "lot of record" includes a lot identified on a subdivision plat or deed recorded in the land records of the Town.

LOT LINE: Property lines bounding a lot.

MAJOR SUBDIVISION: Any subdivision which results in the creation of five (5) or more lots.

MEAN WATER LEVEL: The normal summer (June 1 to September 15) water level in lakes, measured in feet above sea level, as determined by an average of water level readings available over time as established by the State of Vermont.

MINOR SUBDIVISION: Any subdivision which results in the creation of two (2), three (3) or four (4) lots.

MUNICIPALITY: The Town of Mendon, Vermont.

MUNICIPAL LAND USE PERMIT: means any of the following whenever issued:

- (A) A zoning, subdivision, site plan, or building permit or approval that has received final approval from the applicable board, commission, or officer of the municipality.
- (B) Final official minutes of a meeting that relate to a permit or approval that serve as the sole evidence of that permit or approval.
- (C) A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described herein.

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.

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

PARCEL: Any contiguous piece of land in single ownership at the time of subdivision, not divided by any public road (also see "lot" definition).

PARKING AREA: Any public or private land area designed and used for storing motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

PERFORMANCE BOND OR SURETY: A security, such as a performance bond or letter of credit, acceptable to the Town, that assures that required improvements will be satisfactorily completed.

PLANNING COMMISSION: The Mendon Planning Commission, as created pursuant to the Act.

PLAT: A map or representation on paper, mylar or other accepted material representing a tract of land, showing the boundaries and location of individual properties and streets, drawn to scale.

PRE-DEVELOPMENT SITE PREPARATION: Activities including, but not limited to, road and driveway construction, clearing and /or grading for house sites and septic systems, and related work.

PRIMARY AGRICULTURAL SOILS: soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage, plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome, and an average slope that does not exceed 15 percent. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation.

PRINCIPAL DWELLING UNIT: The first dwelling unit constructed on a lot.

PRIVATE ROAD: Any road or street, and associated right-of-way, which is not publicly owned and maintained. The word "road" shall mean the entire right-of-way.

REGIONAL PLANNING COMMISSION: The Rutland Regional Planning Commission created under the Act.

RE-SUBDIVISION: A change of an existing subdivision, if such change affects any street lay-out on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan on file with the Planning Commission or in other municipal records.

RIDGELINE: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

RIPARIAN AREA: The width of adjacent land along a stream or river that supports a distinct ecosystem.

RIVER: The full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

RIVER CORRIDOR: Lands adjacent to and including the river channel. The width of the river corridor is defined by the lateral extent of the channel in equilibrium condition (called the meander belt width), which is governed by valley landforms, surficial geology, and the length and slope requirements of the river channel. The river channel is in equilibrium condition when water flow, sediment, and woody debris are transported by the stream in such a manner that it maintains its dimension, general pattern, and slope without unnaturally aggrading (raising) or degrading (lowering) the channel bed elevation.

SHOULD: Means that an activity is encouraged but not mandated.

SLOPE: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.

STREAM: The full length and width, including the bed and banks, of any watercourse, including rivers, creeks, brooks, and branches and intermittent watercourses that have a defined channel and evidence of water and sediment transport, even if such watercourses do not have surface water flow throughout the year or throughout the channel.

STREET: Any road, highway, avenue, land or other way between right-of-way lines, commonly used by the public for all modes of transportation.

SUBDIVIDER: An individual or corporate landowner seeking approval for a subdivision. See also "Applicant".

SUBDIVISION: The division of any lot or parcel of land into two or more parcels or lots for the purpose of offer, transfer, sale, conveyance, lease, or development. The term subdivision includes re-subdivision, amended subdivisions and the division of land held in common among several owners.

TOWN PLAN: The Town of Mendon Municipal Plan as most recently adopted pursuant to the Act.

UNDUE ADVERSE IMPACT: An unnecessary or excessive effect or impact that (1) violates a clearly stated community standard, to include applicable provisions of these regulations, other municipal bylaws and ordinances in effect, or clearly defined standards and policies of the Mendon Town Plan and (2) which cannot be avoided through site or design modifications, on- or off-site mitigation, or other conditions of approval.

WETLANDS: Areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproductions. Such areas include marshes, swamps, sloughs, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.