

**SUBDIVISION REGULATIONS  
TOWN OF STOWE\***

Adopted February 25, 2002  
Effective March 19, 2002

**SUBDIVISION REGULATIONS**  
**for the**  
**TOWN OF STOWE\***  
With Amendments  
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**\*Editors Note:** Printed herein are the Subdivision Regulations for the Town of Stowe, Vermont, with amendments adopted February 25, 2002, effective March 19, 2002. The Town of Stowe first adopted subdivision regulations on July 1, 1974. The regulations were reprinted in July, 1981 and revised in October, 1989. The regulations underwent substantial revision in 1995, at which time the adoption of the 1995 revisions constituted the adoption of new subdivision regulations. They were revised again November 15, 1999, effective December 6, 1999.

## **SECTION 1. STATUTORY AUTHORITY**

### **1.1 Enactment**

Whereas the Town of Stowe, Vermont has created a Development Review Board (DRB) and has in effect a Municipal Plan adopted under the Vermont Municipal and Regional Planning And Development Act, Title 24, Chapter 117, of Vermont Statutes (herein referred to as the "Act") there are hereby established Subdivision Regulations for the Town and Village of Stowe. These regulations shall be known as the Subdivision Regulations of the Town and Village of Stowe, Vermont.

### **1.2 Purposes**

The purposes of these Subdivision Regulations are to provide for orderly growth and coordinated development in the Town of Stowe, 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 and capital budget and program, to make proper provision for drainage, water, sewerage, streets, recreational facilities, open space and other improvements, to recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water run-off, and to the ground water table, to preserve natural assets, and to further the purposes of Section 4401, of the Act.

### **1.3 Authority**

The DRB is hereby authorized and empowered to do all acts and things set forth and provided in Section 4401(b)(2) and sections 4413-4421 of the Act including but not limited to the approval, modification, or disapproval of all plats filed.

## **SECTION 2. DEFINITIONS**

Applicant: Shall mean the owner of record, an optionee, or his agent duly authorized in writing.

Area rural: Any area in the Town of Stowe not defined as an urban area.

Area urban: All areas within the Village of Stowe and any other area designated on the municipal plan and amendments thereof as "village type development" or as "highway tourist business."

Building Area: The area designated on a plat within which may be located the principal building and/or house site.

Building Site: The ground area enclosed by the exterior surfaces of the walls of a building, together with the area of all covered porches and other roofed portions including roofed or open patios and decks. Also referred to as the building footprint.

Buffer Area: Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

Cluster or planned development: Development of a tract of land at an overall density complying with the aims and intent of the town plan and as prescribed by applicable provisions of the zoning bylaw other than interim zoning regulations, as provided in 24 VSA Section 4407(3) and 4407(12), permitting flexibility in land use regulations and maximum community open space in the same tract.

DRB: Shall mean the Development Review Board of the Town of Stowe.

Community open space: Land not to be developed for building purposes, but to remain permanently available for purposes of recreation, including recreation facilities, and for conservation, including agriculture, for the benefit of the neighborhood community, without buildings, except as incidental accessories to agricultural, forestry, conservation and recreational purposes and maintenance.

Density: The average area of land required per family of occupancy in the area of the town where located, as described in the municipal plan and more particularly as required by applicable provisions of the zoning bylaw. Density is expressed in acres per dwelling unit, but where less than one (1) acre, units per acres.

Historic Resources: Properties, either singly or in combination as a district, containing one or more structures eligible for listing on the National Register of Historic Places.

Homeowners Association: A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Landscaping: The addition of lawn, trees, plants, grading and other natural and decorative features to land.

Open space: See Community Open Space

Pre-existing subdivision: For the purposes of these regulations a pre-existing subdivision shall be a lot plan filed in the office of the town clerk prior to June 25, 1974.

Preliminary layout: Shall mean a plan submitted to the DRB for discussion purposes only, sufficiently clear to work out detailed solutions prior to preparing the subdivision plat prepared in accordance with the requirements of Section 6.01 of these regulations.

Prominent Hillside/Ridgeline: A ridgeline or hillside which is characterized by an elevation, slope, orientation and/or relationship to nearby property so as to be highly visible from distant vantage points.

Re-subdivisions: Any change in a recorded subdivision plat or lot plan, including a plat or lot plan for a pre-existing subdivision, if such change affects any street layout on such, or area reserved thereon for public use, or any lot line. (10/3/89)

Road: A town or state highway, a street of an incorporated village or a road shown on a subdivision plan approved by the DRB. The word "road" shall include the entire right-of-way thereof. If no such right-of-way has been surveyed and recorded and is not marked by a fence line or other physical boundary, the right-of-way shall be assumed to be one and one-half rods (24.75 feet) from the center of the traveled way or as described in the land records. The word "road" includes the word "street". Excepted from this definition are rights-of-way serving not more than three (3) family dwelling units or lots, unless the right-of-way is continued beyond the three units or lots to provide future access to adjacent property(s) or lots.

Rural Road: A limited use road, serving an area of low density, which is not up to present town road specifications.

Scenic corridor: A street or road which is an important scenic asset of the community, the scenic value of which would be impaired by strict adherence to these regulations.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Steep Slopes: Land characterized by a gradient in excess of 15%.

Street: See "Road".

Street, access: A street used primarily to give access to abutting properties.

Street, collector: A street which, in addition to giving access to abutting properties, serves to carry traffic from access streets to thoroughfares and to centers of traffic concentration.

Street, frontage: A roadway which is parallel and adjacent to a thoroughfare or collector street to provide access to abutting properties.

Subdivider: The owner of record of the land to be divided, including any subsequent owner of record making any subdivision of such land or any part thereof.

Subdivision:

- (A) The division of any parcel or area of land into two (2) or more lots, plots or parcels.
- (B) Any application to construct, reconstruct, convert, relocate two or more buildings for commercial or industrial purposes, or to commence any mining or landfill operation except when incidental to or in connection with the construction of a building or structure on the same lot, shall be reviewed as a subdivision.
- (C) Any application for approval of a planned unit/residential development, including, without limitation, an industrial, residential, ski or resort Planned Unit Development (PUD) shall be reviewed as a subdivision.

In conducting its review of an application for subdivision approval, the Stowe DRB may, upon request of an applicant and for good cause shown, waive the requirement that any lot, plot or parcel to be retained by the land owner be surveyed, provide said retained land is at least twenty (20) acres in size and will not be subjected to further land development (except for agricultural and silvicultural purposes). In granting such a waiver, the DRB may impose any reasonable conditions, including a condition requiring that a notice or agreement containing restrictions on such retained land be recorded the Town of Stowe Land Records. [Amended 12/6/99]

Subdivision, Minor: The alteration, reconfiguration or relocation of existing property lines between existing parcels in a manner which does not result in any additional lots, plots, parcels of land or movement of town highway.

Subdivision plat: The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 4.3, inclusive, hereof, which, when approved by the DRB, shall meet the Plat law requirements as defined in Title 27 V.S.A. 1401-1406.

Thoroughfare, principal: A street which serves primarily to carry large volumes of traffic between the town and other communities, or between town and a regional or interstate expressway.

Thoroughfare, secondary: A street which serves primarily to carry large volumes of traffic between collector streets and other thoroughfares.

Wetlands: Those areas indicated on the current National Wetland Inventory (NWI) maps as digitized on the Stowe Wetlands Map. Also, those areas that are not on the NWI maps but 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 reproduction. Such areas include but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas upon which food or crops are grown in connection with farming activities.

## **SECTION 3. APPLICATION PROCEDURES**

### **3.1 General Subdivision Application Procedures**

(1) Compliance with regulations: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of these regulations, has been approved by the DRB, and has been filed in the office of the town clerk. This requirement shall not apply to pre-existing subdivisions.

(2) Modification of regulations: The DRB may waive or vary such provisions and requirements of these regulations which in its judgement of the unique circumstances affecting a particular plat or plats are not requisite in the interest of the public health, safety and general welfare; and providing that all such modifications are justified by such physical circumstances in which the modification will enable the subdivider to better achieve the purpose and standards of these regulations and provide an overall better subdivision design; and providing that all such modifications have the purpose of implementing the municipal plan in accordance with the policies set forth therein and shall comply with the requirements of the zoning bylaw.

(3) Minor Subdivision Application: In the case of applications meeting the definition of minor subdivisions, such applications shall be reviewed and approved/denied by the Administrative Officer without the prior review of the DRB. A determination that a subdivision is “minor” shall not eliminate the necessity of a survey plat as otherwise required under Section 3.5 of these Regulations and public notification as otherwise required under Section 3.3(2) of these Regulations.

### **3.2 Pre-Application Meeting**

(1) Pre-application meeting: The applicant who proposes to submit a subdivision plat for such land, or his agent, should request an informal meeting with the DRB or Town planning staff for discussion of the proposed subdivision. Such person or his agent shall furnish a sketch survey map showing the proposed subdivision and development plans, boundaries of the subdivision area, general topography, drainage, land and soil conditions, existing roads, relation to principal roads, adjacent development and community facilities. The DRB may require further information and meetings. No application fee is required for this stage of the procedure.

### **3.3 Preliminary Layout Application**

(1) Preliminary Application: Anyone wishing to subdivide a parcel which will result in the creation of five or more lots shall submit an application for approval of a preliminary layout to the DRB. The application shall be submitted to the DRB by the owner of record, an optionee, or by his agent, authorized in writing, on a form to be supplied by the DRB. The application shall include a preliminary layout and information set forth in Section 4.1 of these regulations, and shall be accompanied by a fee for processing, payable to the town, in an amount established by the board of selectmen. Such application shall be submitted not less than fifteen (15) days prior to a regular

meeting of the DRB.

(2) Notification of Abutting Property Owners: Together with the application for a preliminary layout, the applicant shall include proof of written notification to all adjacent property owners of the proposed subdivision. Proof of notification shall include a list of abutting landowners, a copy of the notification letter and either a certificate of mailing from the Postal Service or an affidavit of notice signed by the applicant attesting that written notification has been delivered to all abutting landowners.

(3) Preliminary Plan Hearing: Within 45 days after formal submission of the preliminary plan application, the DRB shall conduct a preliminary public hearing; said hearing to be publicly warned at least 15 days in advance of the hearing date. Within 45 days of the date of adjournment of the hearing, the DRB shall approve, with or without modifications, or disapprove said preliminary layout. The conditions of the approval or grounds for disapproval shall be set forth in a written notice of decision.

(4) Phasing: At such time the DRB grants preliminary layout approval, it may require the project to be divided into two or more phases to insure conformity with the Town Plan and Capital Program, if one is in effect, and may impose such conditions upon the filing of application for final subdivision plat approval for each phase as it deems necessary to assure the orderly development of the project and to avoid overburdening Town facilities and services. In the event that a significant portion of the subject property not be included in the subdivision plan, or in cases involving subdivision in areas defined by the Stowe Zoning Ordinance as being within the Highway Tourist (HT) District, Village Commercial (VC) District, Lower Village Commercial District (LVC) and/or Moscow Commercial (MC) District at the time these regulations take affect, the DRB may require the applicant to provide an indication of future development plans per the requirements of Section 5.1 of these regulations.

(5) Validity of Preliminary Layout Approval: Approval of the preliminary layout shall not constitute final approval of the subdivision. Prior to approval of the final subdivision application, the DRB may require additional changes should additional relevant information become available.

(6) Expiration: The approval of a preliminary layout shall be effective for a period of 6 months from the date of the written notice of approval.

### **3.4 Final Subdivision Application**

(1) Final Subdivision Application: Anyone proposing a subdivision, as defined by these regulations, shall comply with the following:

A. Final subdivision application shall be filed with the DRB by the owner of record, or by his agent, authorized in writing, within six (6) months, from the date of conditional approval of the preliminary layout. If the subdivision application is not submitted within such period, the DRB may require resubmission of a preliminary layout. The application shall be accompanied by a fee for processing, payable to the town, in an amount established by the board of selectmen. The application shall be accompanied by the subdivision plat and information, as described in Section 4.2 of these regulations, and shall address any conditions or changes which may have been included as part of the preliminary plan approval. Such application shall be submitted not less than fifteen (15) days prior to a regular meeting of the DRB, the date of which meeting shall be the date of such submittal, provided that all maps, statements and data required under Section 4.2 of these regulations shall have been received by the DRB.

B. In case of a subdivision containing not more than four (4) lots, which does not require a new street for access to or for the required frontage of any lots, the applicant may submit the final subdivision application without having submitted a preliminary layout.

C. When applying for a subdivision from a parcel of land with 20 acres or more to be retained, the applicant, when submitting the final subdivision application, need only survey the land to be conveyed or developed.

(2) Notification of Abutting Property Owners: Together with the application for final subdivision approval, the applicant shall include proof of written notification to all adjacent property owners of the proposed subdivision (as prescribed in 3.3). In the event that abutting property owners were notified as part of a preliminary layout approval, no additional notification is required.

(3) Public hearing: The DRB shall hold a public hearing on each final subdivision application, notice of which hearing shall be given as required by Section 4447, 24, VSA, Chapter 117. A copy of such notice shall be sent to the Lamoille County Planning Commission at least fifteen (15) days prior to such public hearing. If any part of the proposed subdivision lies within five hundred (500) feet of a municipal boundary such notice shall also be sent to the clerk of the municipality adjacent thereto.

(4) Action of the DRB: Within forty-five (45) days after the public hearing, unless an extension of time is agreed to by the applicant and the DRB, the DRB shall approve, modify and approve, or disapprove the final subdivision application. Failure to do so within such forty-five (45) days shall be deemed approval, but approval or failure to act shall not constitute any acceptance by the town or village of any street, easement or other space shown on such application.

### **3.5 Subdivision Plat Filing Requirements**

(1) Filing with the town clerk and listers: The approval of the final subdivision application by the DRB, or certification by the town clerk of its failure to act within forty-five (45) days, shall expire ninety (90) days from such approval or certification, unless, within such ninety-day period, a final

subdivision plat shall have been duly filed or recorded in the office of the town clerk and listers. No plat showing a new street or highway may be filed or recorded in the office of the town clerk until it has been approved by the DRB, and such approval is endorsed in writing on such plat, or the certification of the town clerk showing the failure of the DRB to take action within forty-five (45) days is attached thereto and filed or recorded with said plat.

## **SECTION 4. SUBMISSION REQUIREMENTS**

### **4.1 Preliminary Layout Application**

(1) The preliminary layout may be drawn in pencil, and shall be submitted in four (4) copies. Dimensions may be approximate; the data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision plat. Maps shall be at an appropriate, readable scale as approved by the DRB.

The preliminary layout 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. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided, north point, scale, date and dates of any revisions;

C. Names of abutting property owners, including owners of parcels across a common highway, and proof of written notification as required by sections 3.3 (2)/3.4 (2);

D. Location of buildings to remain;

E. Existing and proposed street lines, widths of streets, existing and proposed lot lines;

F. Location of existing and proposed easements, building lines, parks and other open space, water mains, sanitary sewers, stormwater drainage lines, drainage structures, and drainageways;

G. Boundaries of zoning districts lying within the subdivision, municipal boundary if any;

H. An inset locus map indicating the location of the land depicted:

I. A full report prepared by a qualified registered Vermont Engineer or certified site technician on land and soil conditions in the subdivision, including a log of test pits. The report shall indicate the highest level of groundwater at any season of the year at the test pits.

Included with this report shall be a copy of the sewage disposal system plans prepared for submission to the Vermont Agency of Natural Resources;

J. A sketch map showing future subdivisions, if known, in and adjacent to the subject subdivision;

K. A statement and contours in sufficient detail to indicate clearly the method of stormwater drainage on and off the subdivision, methods of sanitary sewage disposal and water supply;

L. The location of neighboring water supplies and sewage disposal areas.

M. An outline of the proposed building area for each lot.

N. Existing site conditions, including water courses and ponds, wetlands, floodplains, significant rock outcrops, areas of steep slope, forest type and vegetative cover and other significant natural features.

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

P. Proposed landscaping plans, if any, including plant types, existing forest cover and extent of proposed land clearing, lighting and signage.

Q. A narrative describing how the proposed project meets the planning and design standards set forth in Section 5 of this Bylaw.

#### **4.2 Final Subdivision Application**

(1) The final subdivision application shall consist of four (4) copies of a final subdivision plan, at an appropriate, readable scale as approved by the DRB., and a project description including the following information:

A. All information required for the Preliminary Layout, specified in Section 4.1 of these regulations, shall be submitted in final form, including any revision or additional detail requested by the DRB. In the event that a preliminary layout was not required, the applicant shall submit the information set forth in Section 4.1, in addition to the following:

B. Names of proposed streets and all drives or rights-of-way serving three or more lots, as approved by the DRB, which names shall not duplicate or resemble the names of any existing street in the town or village, except in the case of an extension of an existing street;

C. The areas of all lots noted thereon; lots shall be numbered or lettered consecutively;

D. Accurate location of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;

E. In the event that the entire project is unable to be presented on a single sheet, a plan at an appropriate scale to present the entire project on a single sheet shall also be provided.

F. A plan showing any work required for existing streets to meet the minimum standards established hereunder, together with a statement of the proposed method of meeting the cost of such work;

G. Contours of such interval as the DRB may require as necessary to indicate clearly the relation of topography to the design of the subdivision. In subdivisions where all lots are not less than forty thousand (40,000) square feet in area, contour interval shall be twenty (20) feet, except where needed to show topographic detail, or where otherwise required by the DRB;

H. A full report on land and soil conditions for all lot areas in the subdivision, including a log of test pits. The report shall indicate the highest level of ground water at any season of the year at the test pits. Included with this report shall be a copy of the sewage disposal system plans approved by the Vermont Agency of Natural Resources.

I. Methods of dedication of proposed easements, rights-of-way, and open spaces, which may be required by these regulations;

J. Road profiles, showing accurate existing and finished grades, existing and proposed cross sections, together with construction plans, and such other information as the DRB may require;

K. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a statement from the Vermont Agency of Transportation, approving any proposed driveway or street intersection with such state highway. If the subdivision abuts a town or village road, or if a proposed street intersects a Town or Village Road, a statement from the Board of Selectmen or Village Trustees, approving any proposed driveway or street intersection with such town or village road;

L. If a subdivision is to be served by public water supply or by public sewage, a statement from the municipal department or company involved, attesting to the availability of such service.

M. A completed municipal department review form (included as attachment A of these regulations), initialed by the applicable municipal officials.

N. If required by the DRB, evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with public highways. The DRB reserves the right to DRB independent traffic impact studies the cost of which may be charged to the applicant.

### **4.3 Final Subdivision Plat Recording**

(1) The subdivision plat prepared in accordance with 27 VSA 1403 shall be printed on one of the following 1) original ink drawings on polyester film or linen; 2) wash-off photographic mylar or; 3) fixed-line photographic mylar. It shall be submitted in one (1) original and four (4) black or blue line

prints on paper. Sheet sizes shall be eighteen (18) by twenty-four (24) inches. Space shall be reserved on the plat for signature of the DRB chair. The subdivision plat shall conform to the approved preliminary layout except as specifically approved by the DRB.

The plat shall contain the following statement: "This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information is on file in the Stowe Planning and Zoning Office", in addition to the following information:

- A. Name of town, name of subdivision, name of owner of record, subdivider, name and seal of engineer, if any, and land surveyor, licensed by the State of Vermont, names of abutting property owners, including owners of parcels across a common highway;
- B. True north point, scale, as approved by the DRB, date, dates of all revisions, and approved title block in lower right-hand corner;
- C. Existing and proposed streets, boundary lines of the subdivision and of all lots and areas reserved for parks, playgrounds, open space, or other purposes, with accurate distances, true bearings, angles, and curve data;
- D. Easements and rights-of-way, including those for utilities, water mains, sewers, and drainage, either on or off the site, accurately located;
- E. Names of proposed streets and all drives or rights-of-way serving three or more lots, as approved by the DRB, which names shall not duplicate or resemble the names of any existing street in the town or village, except in the case of an extension of an existing street;
- F. The areas of all lots noted thereon; lots shall be numbered consecutively;
- G. The location of all existing and proposed water mains, sanitary sewers, sewage disposal facilities serving more than one (1) lot;
- H. Accurate location of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
- I. The outline of the building area for each lot.
- J. The DRB may require an additional statement(s) referencing specific conditions of subdivision approval to be included on the final plat to be filed in the Town land records.
- K. The DRB may require that separate site plans depicting information pertinent to the final subdivision approval be filed in the Town land records.

#### **4.4 Legal Requirements**

(1) Where applicable to a specific subdivision, one or more of the following may be required, in form as approved by the town or village attorney, prior to approval of a subdivision plat:

A. Agreement to convey to the town or village land to be used for streets and other public purposes, with transfer of title to such interest to be effective on such date as the town accepts such land;

B. Easements and rights-of-way over property to remain in private ownership;

C. Right to drain onto or across other property whether public or private, including a street;

D. Performance bond, described in subsection 4.5 hereafter.

#### **4.5 Bonding Requirements**

(1) In those cases in which the DRB requires bonding, the subdivider shall not begin construction or sell lots within the subdivision until he has filed with the DRB an estimate of costs of streets, improvements, drainage structures, and other utilities, together with maps, plans, and supporting data. In addition the DRB may require (Amended 10/3/89):

A. A surety bond, issued by a surety company authorized to do business in Vermont, to be filed with the selectmen in form and amount satisfactory to them, or;

B. Cash, interest bearing escrow account, letter of credit, or savings bank book properly endorsed to the town, in an amount to be determined by, and terms fixed by, the DRB, and to be deposited with the selectmen;

C. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement in writing from such public utility corporation or municipal department, that the work will be done within a reasonable time and without expense to the town or village;

D. Each approval of a plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed five (5) years, unless extended with the owner's consent by the DRB;

E. In addition to surety guaranteeing completion of improvements, surety covering maintenance of roads and improvements for a period of two (2) years from completion shall be furnished in an amount based on the cost of such improvements, as approved by the selectmen or trustees;

F. When the DRB grants approval for construction of part of a subdivision the surety bond may be required to cover only partial development of the subdivision.

## **SECTION 5. PLANNING AND DESIGN STANDARDS**

### **5.1 General Planning Standards.**

(1) Character of land for subdivision: Prior to the approval of a subdivision plat by the DRB, the subdivider has the responsibility to satisfy the DRB that the land to be subdivided is of such a character that it can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community. Subdivision plats shall conform to all regulations of the DRB, the zoning bylaw, interim zoning, subdivision regulations, Stowe Health Ordinance and other applicable statutes, ordinances, bylaws and/or regulations. In addition, subdivision plats should be in general accordance with Stowe's Municipal Plan.

(2) Natural and Scenic Features: Due regard shall be given to the preservation, protection and enhancement of existing natural features, including: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property; significant wildlife habitat; and other natural resource assets of a community nature. In granting subdivision approval, the DRB may:

A. restrict irregular, elongated or oversized lots;

B. establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of natural features;

C. require setbacks from property boundaries or identified natural features greater than specified in the Zoning Ordinance in order to create buffer zones and prevent degradation to significant natural features;

D. establish preserve areas where development is restricted or prohibited and specific land management techniques are employed to protect or enhance significant natural features

(3) Historic Resources and Community Character: Due regard shall be given to the preservation and enhancement of historic resources and the rural character of the Town. In granting subdivision approval, the DRB may require the following:

A. Subdivisions in or adjacent to existing urban areas, including Stowe Village, lower Village, Moscow and designated commercial growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.

B. Subdivisions in rural areas will result in minimal adverse impact on the rural landscape as characterized by open fields, forested mountains and hillsides. Impacts will be minimized

through appropriate considerations including but not limited to low density development patterns, clustering and/or screening.

C. Subdivisions within or adjacent to historic districts or structures shall result in a minimal adverse impact on the historic context of the affected property(s). The scale, location or design of proposed development may be restricted to ensure that new development is consistent and complementary of the historic district or structure.

(4) Reserved strips: No privately owned reserved strip which controls access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use, shall be permitted.

(5) Screening and Landscaping: The DRB may require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect where the DRB deems it appropriate. The size, type, or location of such trees shall depend on the particular land parcel. Stripped topsoil shall not be removed from the subdivision area unless specifically approved by the DRB.

(6) Pedestrian Access: The DRB may require right of way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses. Access to and across existing trails, including the Catamount and Long Trails, shall be preserved. In areas designated on the municipal plan for "village type development" or where the DRB finds highway traffic conditions to be specifically hazardous to pedestrians, the DRB may require rights-of-way or sidewalks for pedestrian travel and access between subdivisions or their parts, such as a school or park or playground. The DRB may require the construction of walks in such right-of-way or of sidewalks along streets where it deems it desirable in the interests of public safety and convenience.

(7) Traffic: Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways. To satisfy this standard, the DRB may request the preparation of a traffic impact study to address all concerns relative to traffic impact and safety.

(8) Municipal Facilities: The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services. To satisfy this standard, the DRB will require the completion of a Municipal Impact Questionnaire, included as appendix A of these regulations.

(9) Lot Configuration: RR1 and RR2 Districts, the greatest dimension of the lot shall not be more than three (3) times the shorter dimension except that lots having twice the size of the zoning district may be four (4) to one (1). In RR3 and RR5 Districts the greatest dimension shall not be more than four (4) times the shorter dimension.

(10) Building Area: The DRB shall find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building area, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of these regulations.

(11) Energy Conservation: In order to conserve energy, all subdivisions shall use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. All subdivisions shall be designed to minimize the use of energy resources to the greatest extent practical. Landscaping should be effectively used for providing wind barriers and reduce heat loss and heat gain. Cluster development (planned residential and planned unit development) should be considered wherever feasible, desirable and allowed.

(12) Fire Protection Facilities: Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB. Where practicable, or where required by the DRB, fire hydrants shall be installed by the subdivider. To assist the DRB in determining the adequacy of fire protection facilities the applicant shall consult with the Stowe Fire Chief.

(13) Disclosure of Subsequent Development Plans: Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel, the DRB may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing. The DRB may require the execution of a development agreement between the applicant and DRB which ensures the ongoing integration of future development with each phase of subdivision.

(14) Private Enforcement Mechanisms: Pursuant to the Regulations and as a condition of subdivision approval, the DRB may require the formation of a homeowners association, consisting of the owners of all properties within the subdivision, to ensure that the terms and conditions of any protective covenants or other appropriate agreements are monitored and enforced. [Added 12/6/99]

## **5.2 Prominent Ridgelines and Hillsides**

(1) General: In reviewing applications for subdivision, the DRB will protect the unique visual and environmental character of those areas defined by steep slopes, prominent knolls and ridgelines and significant focal points. Such areas will be retained in a natural state and development will be sited in a manner that does not interrupt or modify natural contour lines and does not create a silhouette against the skyline or mountain backdrop as viewed from important vantage points and principle highways, designated scenic roads and public properties.

(2) Identification/Designation of Prominent Ridgelines and Hillsides: In reviewing subdivision proposals, the DRB shall determine whether the subject property is characterized by steep slopes, significant exposure and/or visibility, or serves as the background for important scenic viewsheds. In making such a determination, the DRB may consider appropriate resource materials, including but

not limited to topographic maps, scenic resource inventories, resource publications such as Vermont's Scenic Landscape: A Guide for Growth and Protection, and other relevant information.

(3) Building Site Limitations: In reviewing proposed building sites, the DRB shall require the following:

A. No approved building site will result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the lowest elevation of the identified ridgeline.

B. No approved building site, by serving as a competing focal point, will detract from existing natural or cultural focal points in the vicinity that are critical to the overall visual quality of the landscape.

C. No approved building site will inordinately detract from the sense of order or harmony of the landscape formed by the ridgeline or hillside by appearing out of character with its natural surroundings.

(4) Forest Cover and Screening: To interrupt the facade, provide a visual backdrop and soften the facade of buildings, the DRB shall consider the existing vegetation on subject properties and may require that:

A. Clearing and forest management within areas defined as ridgelines be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a continuous canopy

B. On wooded sites, existing forest cover be maintained adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and/or soften the visual impact of new development from distant vantage points. The DRB may also place limitations on the amount and location of clearing adjacent to house sites.

C. On parcels characterized by meadows, or that have been cleared prior to subdivision, additional landscaping may be required immediately adjacent to proposed building sites to interrupt the facade of buildings, provide a forested backdrop to buildings and/or soften the visual impact of new development from distant vantage points.

D. A plan for the maintenance of all existing and proposed trees be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary replacement, of designated trees during and after the construction and/or installation of all site improvements

### **5.3 Open Space and Cluster Development**

(1) Required community open space: The DRB may, in subdivisions having lots or potential dwelling sites for five (5) or more family dwelling units, and for all Planned Residential Developments (PRDs), require that the subdivision plat designate one (1) or more areas of character, size, shape and location suitable to be used as open space, park or playground.

(2) Open space shown on town plan: Where a proposed park, playground, or other open space is shown on the municipal plan to be located in whole or in part in a proposed subdivision, the DRB shall require substantial compliance with such plan. As condition of approval of the subdivision plat, the DRB may require that an area not exceeding fifteen (15) percent of the total area of the subdivision shall be set aside for a public park or playground or similar public recreational purposes.

(3) Cluster or planned development: In the case of cluster subdivision, planned unit development (PUD) or planned residential development (PRD), open space shall be not less in area than as provided in the zoning bylaw. Such area of open space shall be dedicated, either in fee or through a conservation easement approved by the DRB, to the town or village, to a community association comprising all of the present and future owners of lots in the subdivision, or a non-profit land conservation organization.

(4) Designation of Open Space: Unless otherwise provided by the DRB, applications for the creation of five (5) or more lots and all PRDs and PUDs shall designate an area for open space on the preliminary layout. In designating an area as open space, the applicant shall be guided by the objectives in Section 5.3 (5)(6)(7) of the Subdivision Regulations and Section 17.5, 18.3(4) and 18.6(11) of the Stowe Zoning Regulations. The applicant is encouraged to seek guidance from the DRB or from Town planning staff during a pre-application meeting prior to the designation of open space. The DRB or staff will advise the applicant regarding the special features to be so designated, as well as an indication of the appropriate protection measures for the perpetual maintenance of open space.

(5) Objectives of open space design: Whether or not land to be subdivided includes open space shown on the municipal plan, the following objectives shall be used to guide the design and locations of open space:

A. Conservation and improvement of natural features and green areas, including areas along roads; the banks of rivers, streams and lakes; agricultural lands and open meadows; and ridgetops.

B. Retention of fish and wildlife refuge areas and nature observation areas; protection of the quality of water bodies.

C. Protection of natural drainageways and floodwater retention areas.

D. Provision, in appropriate areas of population concentration, of areas of land for active recreation use.

E. The provision of adequate controls to ensure the permanence of open space use in areas so designated, through public acquisition of easement or other suitable type of agreement.

F. Open space plans shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such open space easily available, if not adjacent to all of the lots in the subdivision.

G. When a property line of a subdivision abuts an existing public or community open space, the DRB may require the new community open space to form a continuation of the existing open space to provide a single large unified area.

(6) Access to community open space: To provide for maintenance and authorized access, community open space shall abut or have direct access to a street through a right-of-way dedicated to such purpose. Such right-of-way shall be not less than twenty (20) feet wide and shall be graded in a manner suitable for traffic of pedestrians and maintenance vehicles.

(7) Development of open space: Land to be used as public open space shall be left in condition for the purpose intended. The existing natural characteristics of open space land shall not be altered from its original condition, until a site plan has been approved by the DRB.

(8) Open Space Exemption: An applicant may request an exemption from this open space requirement in instances where a proposed subdivision is poorly suited for open space design because of unique characteristics of the land or other constraints related to site conditions. Such a request shall be submitted to the DRB, in writing, together with the application for preliminary layout approval. The request for exemption shall describe the rationale for not incorporating open space into the subdivision design and shall explain how the proposed layout achieves other standards set forth in Section 5 of these regulations. The DRB will determine whether an exemption is warranted and notify the applicant concurrent with the DRB's decision to approve, approve with conditions or disapprove the preliminary layout application.

#### **5.4 Road Standards and Coordination with Public Highways**

(1) Road Layout: All proposed roads shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to topography so as to produce usable lots and reasonable road grades and shall be in harmony with existing and proposed public highways. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required.

(2) Dead End Roads: Permanent dead-end roads shall terminate in a turnaround not less than one hundred (100) feet in diameter, with a roadway not less than eighty (80) feet in outside diameter, in a "T" having forty-foot arms measured from each shoulder edge of the road, or in other types of turnarounds suitable to the topography as approved by the DRB.

(3) Intersection Design: Roads shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles, and the grade does not exceed plus or minus two (2) percent. No structure or planting shall impair corner visibility at intersections.

(4) Access Roads and Driveways from Town & Village Roads and State Highways: Parcels of land, including parcels to be subdivided, which are located on state highways shall have no more than one (1) access road or driveway for the first one thousand (1,000) feet or fraction thereof, of frontage on such state highway and one (1) additional access road or driveway for each additional one thousand (1,000) feet or fraction thereof of such frontage.

Where located on town or village roads (local roads), such parcels shall have no more than one (1) access road or driveway for the first six hundred (600) feet or fraction thereof of frontage on such local road and one (1) additional access road or driveway for each additional six hundred (600) feet or fraction thereof of frontage.

All such access roads shall be subject to the approval of the Vermont Department of Highways in the case of state highways, the Board of Selectmen in the case of town roads and the Village Trustees in the case of village roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. Lots of other land development located on a subdivision and which abut a state highway or local road shall have access only from interior access roads within such subdivision or from a frontage street adjacent to or near the state highway or local road or from said driveways.

(5) Road Design Standards:

A. Public Roads: All proposed roads intended for consideration for acceptance as Town roads shall be built in conformance with the standards set forth in the "Town of Stowe Highways and other Public Ways and Public Places Ordinance". Acceptance of a private road by the Town is subject to the approval of the Stowe Board of Selectmen and construction of a road(s) to these standards does not insure such acceptance.

B. Private Roads: All proposed roads intended to remain as private roads shall be constructed in conformance with the A-21 road standards approved by the Vermont Agency of Transportation dated June 17, 1982. Per section 3.1 (2) of these regulations, the DRB may modify these standards if the applicant can document that the road, as designed, is readily accessible to emergency response vehicles; is in compliance with other applicable standards set forth in Section 5. Planning and Design Standards of these regulations; and will not pose a threat to public health and safety.

(6) Designation of Rights-of Way: Every subdivision plat shall show the necessary right-of-way for all proposed roads, as required by this ordinance, regardless of whether the proposed road is intended to be accepted by the Town. In the event the road is not intended for acceptance by the Town, the mechanism with which the right-of-way is to be maintained, owned and/or conveyed

shall be clearly documented.

In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet the minimum standards established in section 5.4 (5). Where a subdivision requires undue expenditures by the town or village to improve existing town or village roads to conform to minimum requirements the DRB may disapprove such subdivision until the selectmen shall certify that funds for the improvements have been ensured.

(7) Scenic Corridor and Scenic Roads: As a condition to approval of any subdivision plat, the DRB may require that any existing street or any old town highway, untraveled town highway, or pent road within or bordering such subdivision be designated on such plat as a scenic corridor or that any proposed street in such subdivision be so designated where natural conditions create a road with potentially significant scenic character, including the scenic outlook from the corridor.

(8) Modification of Road Standards: The DRB may require greater width of right-of-way where the demand of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

(9) Capacity of Existing Roads: In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or Capital Program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. The subdivider may also be asked to contribute to any or all of the expenses involved with road improvements necessitated by his or her project.

## **5.5 Utilities and Stormwater Management**

(1) Utilities: All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal, and required utilities and improvements. In urban areas, the DRB may require the extension of public water and sewers to and within a proposed subdivision without cost to the town or village.

(2) Power and Telecommunications: The DRB may require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character and property values of an area or neighborhood. In addition, the DRB may place restrictions on the location and design of utility transformers, trans closures, meter boards and related equipment in order to minimize adverse visual impact. If underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the selectmen or trustees and without expense to the town or village.

(3) Street Lighting: The DRB may require the installation of street lighting in any subdivision in Stowe Village or other designated commercial center where it deems necessary.

(4) Erosion and Sedimentation: The DRB may require the preparation and implementation of a

sedimentation and erosion control plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a registered Vermont engineer.

(5) Stormwater Management: The applicant shall, at the request of the DRB, submit a plan for the management of stormwater generated by the proposed subdivision. Any stormwater management plan required under this section shall be evaluated on the USDA-NRCS TR20 Hydrologic Model, or the equivalent. Management plans shall be required for all projects within the expanded sewer district. The management plan shall include measures to ensure that no increase in the rate of stormwater runoff is generated beyond the boundaries of the project and that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters. Plans for handling stormwater runoff shall utilize the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.

(6) Monuments: Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

## **SECTION 6. ADMINISTRATION AND ENFORCEMENT**

### **6.1. General Provisions**

- (1) Acceptance of streets: Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets by the town or village. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the town or village, or state.
- (2) Other regulations: This bylaw shall take precedence over any other regulations contained in any bylaw or ordinance of the town or village pertaining to roads or subdivisions which are inconsistent herewith.
- (3) Administration: These regulations shall be administered by the administrative officer appointed and acting in accordance with the provisions of Sections 4442 and 4445 of 24 VSA, Chapter 117.
- (4) Penalties: Any person, firm or corporation, making any subdivision of land violating any provision of these regulations, shall be subject to the penalties provided in Section 4444 of 24 VSA, Chapter 117.
- (5) Appeals: An interested person may appeal a decision of the DRB to the Vermont Environmental Court within thirty (30) days of the date of such decision. An interested person may appeal a decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Board of Adjustment within fifteen (15) days of the date of such decision or act.
- (6) Validity: If any section, subsection, or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.
- (7) Effective date: These regulations were adopted by a vote of the Stowe Board of Selectmen on February 25, 2002. The effective date of these regulations shall be March 19, 2002.

**IN WITNESS WHEREOF**, the Selectboard of the Town of Stowe hereby approves the amendments set forth herein, on this the 25<sup>th</sup> day of February, 2002, to be effective as of March 19, 2002; whereupon:

1. A proposed amendment was prepared by the DRB; and
2. On or about October 5, 2001, the DRB did cause to have delivered a copy of the proposed zoning and subdivision amendments to the Planning Commission and/or Town Clerk of Waterbury, Bolton, Elmore, Morristown, Underhill, Cambridge, Worcester and Middlesex and the Executive Director of the Lamoille Planning Commission and the Commissioner of the Vermont Department of Housing and Community Affairs; and
3. The DRB held a duly warned public hearing on October 23, 2001; and
4. The DRB forwarded its recommended amendment proposal to the Selectboard on November 9, 2001; and
5. The Selectboard held a duly warned public hearing on February 4, 2002, during which time substantive changes were proposed; and
6. The Selectboard continued its February 4, 2002 public hearing on February 11, 2002, during which time further changes were proposed, but said changes were not deemed substantive from those made at the February 4, 2002 hearing; and
7. The Selectboard held a duly warned, final public hearing on February 25, 2002, afer filing copies of the changed proposal with the Town Clerk and DRB as set forth in 17 VSA 4404(b).

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Richard C. Marron, Selectboard Chair

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Theodore J. Teffner, Selectboard Vice-Chair

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Charles T. Lusk, Selectboard Member

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Peter J. Beck, Selectboard Member

\_\_\_\_\_  
Helen Beckerhoff, Selectboard Member

UNDER SEAL OF THE TOWN, received, filed and recorded on this the \_\_\_\_\_ day of \_\_\_\_\_, 2002, by:

\_\_\_\_\_  
Alison K. Lewis, Town Clerk