TOWN OF DORSET

SUBDIVISION DEVELOPMENT REGULATIONS

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DEFINITIONS

ACCESS: Access is a driveway or road.

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

AFFILIATED PERSON: An affiliated person is the original applicant and members of his family, persons who are part of the applicant's corporations or partnerships, or his family's corporations or partnerships, or employees of same, or any entity created by a family member.

APPLICANT: The owner of record of real estate or his duly authorized agent. Such authorization shall be written.

AS-BUILTS: Plot, plan or drawing illustrating a facility constructed at an earlier date.

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons who have written authorization filed with the Commission by the subdivider to act in his behalf.

BOUNDARY LINE ADJUSTMENT: A realignment of a lot line between adjoining property owners to adjust property boundaries without creating a new lot, or development, and meeting the requirements of these regulations.

COMMISSION: The Planning Commission of the Town of Dorset.

CONDOMINIUM: As defined by 27 V.S.A., Chapter 15, Section 1301, et. seq.

CONTIGUOUS: Sharing a common lot line. Lots separated by a State Highway or Town Class 1, 2, or 3 Highways, or by surface waters with a drainage area greater than 10 square miles, are not considered to be contiguous.

DEVELOPMENT: Any construction or improvement including, but not limited to structures, roadways, driveways, parking areas, on-site septic systems or other infrastructure, or substantial alteration of the grades, necessary for the conversion of a tract of raw land into an area suitable for residential or business uses.

DRIVEWAY: Private access over privately owned land, or by permanent easement, serving no more than two dwellings or commercial uses.

EASEMENT: Authorization by a property owner for use by another for a specified purpose of any designated part of his property, which shall be in written and recordable form.

FINAL PLAT: The final drawings on which the subdividers plan of subdivision is presented to the Commission for approval.

FLESA: FLESA stands for Forest Land Evaluation and Site Assessment. FLESA is a system that numerically rates forest land. The system is based on criteria related to soils, timber management, wildlife, scenic and recreational resources, and certain other criteria as identified in the FLESA document. FLESA is a planning tool - to be used as a guideline by the Planning Commission, the Zoning Board of Adjustment, and the Selectboard.

INFRASTRUCTURE: The basic improvements required in a subdivision and by these regulations to allow further development on each lot so subdivided. Infrastructure improvements include but are not limited to roads, public sewer connections, community or individual septic systems, public water connections, community or individual water supplies and distribution systems, utility connections such as electric, natural gas, and cable communications, and other improvements that are required by the Commission.

LESA: LESA stands for Land Evaluation and Site Assessment. LESA is a system that numerically rates agricultural land. The Land Evaluation is based on the quality and slope of the soil. The Site Assessment is based on the size of the parcel, its location, and certain other criteria as identified in the LESA document. LESA is a planning tool - to be used as a guideline by the Planning Commission, the Zoning Board of Adjustment, and the Selectboard.

LOT: Any contiguous land owned or controlled by a person. Lots of land owned by a person which have in common one or more points on any boundary or which are divided by easement or interests consisting of less than fee simple ownership shall be deemed to be contiguous land except that:

a) Lots of land which are divided by State or Town Class 1, 2 or 3 highways or by surface waters with a drainage area greater than 10 square miles shall not be deemed contiguous;

b) For Subdivision Regulation purposes, lots of land acquired by their owner with the same boundaries as they are to be conveyed shall not be deemed contiguous to any other lots owned by that person;

c) A lot which is created by a State or Town condemnation for highway or utility construction shall not be treated as a subdivision.

MAJOR SUBDIVISION: All subdivision not defined as minor subdivision.

MINOR SUBDIVISION: The subdivision of a lot, which was not previously created through the Dorset Subdivision Development Regulation process, into four (4) or fewer lots. An amendment to an approved subdivision where no new (additional) lot is created may also, in some cases, be considered a Minor Subdivision.

PRE-EXISTING SUBDIVISION: A pre-existing subdivision is one or more of the following:

a) Any subdivision which has had a plat prepared by a State licensed engineer prior to 1972, or land surveyor, or recorded subdivision, which has been recorded in the Town of Dorset Land Records, and on the basis of this plat, one or more lots depicted thereon have been conveyed or made the subject of a contract for sale prior to December 21, 1987; or

b) Any subdivision which has an Act 250 Land Use Permit or approval by the State Protection Division prior to December 21, 1987; or

c) Any subdivision for which an Act 250 application was filed prior to December 21, 1987 and which received an Act 250 Permit prior to December 21, 1989; or

d) Any subdivision created pursuant to the December 21, 1987 version of the Town of Dorset Subdivision Regulations Section 1.04 ("Special Exemption From Regulations") and created between November 4, 1987 and December 21, 1989.

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

PUBLIC ROAD: Any Class 1, 2, or 3 road shown on the official highway map of the Town of Dorset as of December 21, 1987.

PUBLIC TRAIL OR CLASS 4 ROAD: A public right-of-way which is not maintained by the Town.

RESUBDIVISION: A change of recorded subdivision plat if such change affects any street layout on such plat, infrastructure provisions, 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 legally recorded. A boundary change as defined in these regulations will not be considered a resubdivision.

RIGHT-OF-WAY: A delineation of boundaries within which a road or driveway is or shall be located.

ROAD: Any road, highway, street, or other way commonly used by the public for vehicular access. A vehicular access serving three or more dwelling units shall be considered a road. Roads may be public or private.

SITE TECHNICIAN A: A person who is authorized to do all aspects of site evaluation, but may not design site modifications, in accordance with Chapter 7 of the Environmental Protection Rules as amended for single lot subdivisions.

SITE TECHNICIAN B: A person who is authorized to prepare site modifications in accordance with Chapter 7 of the Environmental Protection Rules as amended for single lot subdivisions.

SLOPE: Slope is calculated as percent (%) grade, that is, rise over run.

STRUCTURE: An assembly of materials for occupancy or use, including, but not limited to, a building or manufactured home.

SUBDIVIDER: Any person, firm, corporation, partnership, or association, or his or her authorized agent or successor(s) in title who shall lay out for the purposes of sale or development, any subdivision or part thereof.

SUBDIVISION: The division of land into two or more lots, plat sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or development. This shall apply to all uses, such as residential uses (including, but not limited to condominium units), commercial, industrial, recreational, agricultural, municipal, institutional, utilities, and forestry. The word subdivision shall refer to the land to be subdivided or to the process of subdivision, as appropriate to the context. The term subdivision includes resubdivision. A property boundary adjustment exchange, in accordance with Section 1.06 of this regulation, between adjoining property owners to adjust property boundaries only, shall not be considered a subdivision or resubdivision.

SURVEYOR: A land surveyor, licensed in the State of Vermont.

WATER SHED STUDY: A study to determine the appropriate sizing of projected culverts and bridges and proper drainage of water by a professional engineer.

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

SECTION 1.00 - GENERAL PROVISIONS

1.01 ENACTMENT: These regulations are adopted with, and are consistent with, the provisions enabled by Title 24 V.S.A., Chapter 117, hereinafter referred to as the Act. If any part thereof is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Subdivision Development Regulations in whole or in part, nor any other portion of these regulations.

1.02 PURPOSE: The purpose of these regulations is to provide for orderly growth and coordinated development to ensure only a moderate rate of growth, to provide for the comfort, convenience, safety, health and welfare of citizens of Dorset, to carry out the policies of the Dorset Town Plan of Development, to ensure conformance with the Zoning Bylaws, to make proper provision for sewage disposal, to avoid undue impact on municipal facilities and services, to provide for the proper design and location of roads, to protect identified natural areas and resources, to protect important agricultural and forest lands as identified by LESA and FLESA, and to further the purposes of the Act.

1.03 EFFECTIVE DATE AND ADMINISTRATION: These regulations became effective upon adoption by the Selectboard, on December 21, 1987. Administration of these regulations rests with the Planning Commission or its duly authorized representative as detailed herein.

1.04 APPLICATION OF THE REGULATIONS: No subdivision of land shall be made, and except for pre-existing subdivisions as defined in these regulations, no land in any subdivision shall be sold, transferred, or leased until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Commission and recorded in the Town Clerk's office; and all other required permits have been issued. The applicant shall familiarize himself with all other applicable State and Town regulations relative to health, buildings, roads, water, and sewer system requirements so that he is aware of the obligations and standards required.

The applicant may meet with the Administrative Officer to determine whether these regulations apply and to ascertain the application requirements. The applicant shall make application on a form as prescribed by the Town, to the Administrative Officer, who shall determine that the application and subdivision plan is complete, in which case he shall forward it to the Planning Commission for review. In the event of a dispute about the applicability of these regulations, it shall be resolved by the Planning Commission. It is the responsibility of the applicant to present a subdivision application to the Commission that will meet all Town of Dorset Zoning Bylaw requirements.

1.05 VARIANCES: The Planning Commission may grant a variance from specific requirements of these regulations if it is established that all of the following criteria apply:

1. The request is necessary to prevent unnecessary hardship. Factors to be considered in determining whether a hardship exists include:

a. Physical characteristics related to the property involved such as slope, drainage, bedrock, etc.

b. Whether a reasonable use similar to like properties can be made of the property without the variance.

c. Whether the hardship was created by the person requesting the variance.

2. Development consistent with the request will not be injurious to the neighborhood in which the property is located or to other property affected by the request. Factors to be considered in determining whether development is injurious include:

a. An analysis of the physical impacts such development will have such as visual, noise, traffic and the increased potential for storm drainage, erosion and landslide hazard.

b. Impacts on neighboring properties.

3. The request is the minimum variance necessary to make reasonable use of the property.
4. The request is consistent with the Town Plan and other Town regulations and standards.

1.06 BOUNDARY LINE ADJUSTMENT:

1. Qualifications: Where the moving of a lot line for a boundary line adjustment only does not result in subdivision, a Boundary Line Adjustment may be issued by the Administrative Officer. To qualify for a Boundary Line Adjustment, the adjustment must meet all of the following criteria:

a. No additional lot is created, and

b. The Administrative Officer shall be satisfied that the resulting configuration is in conformance with the Zoning Bylaw, the Town Plan, and the applicable requirements of these regulations.

At the discretion of the Administrative Officer, Commission review may be requested.

2. Procedure: To obtain a Boundary Line Adjustment, the applicant must submit the following items:

a. A completed application for Boundary Line Adjustment, and

b. A mylar prepared by a surveyor, stamped and signed by the surveyor, and

c. Any other state or local permits needed, and

d. Deeds, draft deeds, or boundary line agreements, shall be submitted to define the revised lots.

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

4. Amendment to an Existing Subdivision: An amendment of an existing minor or major subdivision for a Boundary Line Adjustment shall be reviewed as a subdivision if the Boundary Line Adjustment affects any previously approved roadways, driveway access, sewage or replacement areas, water systems, or any items conditioned in the subdivision permit or final plat, such as, but not limited to wildlife habitat, natural areas, aquifer recharge areas or springs, streams, wetlands, and flood hazard areas.

1.07 RELATIONSHIP TO EXISTING TOWN BYLAWS OR LAND USE CONTROLS: Where the provisions of these regulations conflict with, or impose a greater limitation, restriction or requirement than other Town bylaws or land use controls, the provisions of these regulations shall control.

1.08 ENFORCEMENT AND PENALTIES: These regulations shall be administered by the Planning Commission and enforced by the Administrative Officer. Any person, firm, or corporation making any subdivision in violation of any provision of these regulations shall be subject to the penalties provided in Section 4444 of the Act.

1.09 APPEALS OF COMMISSION OR ADMINISTRATIVE OFFICER ACTIONS: Actions of the Commission may be appealed as authorized by Section 4475 of the Act. Any appeal must be filed within thirty (30) days of the decision being appealed. Actions of the Administrative Officer as appropriate to these regulations may be appealed by filing an appeal as per Section 4464 of the Act.

SECTION 2.00 - GROWTH MANAGEMENT AND PERMIT ALLOCATION

2.01 GROWTH MANAGEMENT: Rapid, unplanned growth can place a burden on public facilities and services such that the quality of those services decreases and/or the tax burden of landowners increases unduly to provide increased services at a more rapid rate than planned or anticipated. Owing to problems associated with rapid growth, zoning ("building") permits shall be allocated as set out below.

2.02 APPLICABILITY: All subdivisions approved subsequent to the date of adoption of these subdivision regulations shall receive zoning permits as follows: (Pre-existing subdivisions are not subject to the Permit Allocation procedure.)

2.03 MINOR SUBDIVISION ALLOCATION: Minor subdivisions will receive one zoning permit in any calendar year. In the event that the applicant and any Affiliated Persons have more than one subdivision within the Town of Dorset, the permit ceiling shall be two per calendar year for the Affiliated Person(s) with permits to be apportioned between the projects as the Affiliated Person(s) deem appropriate.

2.04 MAJOR SUBDIVISION ALLOCATION: Within any major subdivision, only two (2) lots will receive a zoning permit in any calendar year. In the event that the applicant and any Affiliated Persons have more than one subdivision within the Town of Dorset the permit ceiling remains at two per calendar year for the Affiliated Person(s) with permits to be apportioned between the projects as the Affiliated Person(s) deem appropriate.

2.05 AFFORDABLE HOUSING PERMITS: Additional permits for housing units, up to a total of 10 housing units town wide, may be issued in any calendar year, for affordable housing units built under local, regional, State or federal guidelines for affordable housing.

2.06 OPEN LAND DEVELOPMENT PERMITS: Additional permits may be issued within subdivisions which include as permanent open space at least 33% of lands which would otherwise be eligible for development under then existing Town of Dorset regulations. Notwithstanding the number of qualifying applications, subdivisions, or developments, not more than five (5) permits shall be issued per calendar year pursuant to this section 2.06.

2.07 PERMIT ADMINISTRATION: Zoning ("building") permits are lot specific and not renewable. There shall be no more outstanding permits for any subdivision than the allocations identified above in 2.03, 2.04, 2.05, and 2.06. All zoning ("building") permit applications are governed by the Town of Dorset Zoning Bylaw.

SECTION 3.00 - PLANNING STANDARDS, LOT LAYOUT, AND CHARACTER OF THE AREA

3.01 RELATIONSHIP TO ZONING BYLAW: The layout of lots shall be appropriate for the intended construction and shall conform to the requirements of the Zoning Bylaws.

3.02 RELATIONSHIP TO PHYSICAL FEATURES:

1. Character of Land for Subdivision: Land considered for subdivision shall be of such character that it can be used for development purposes without danger to public health, or safety, or to the environment.

2. Planning Standards: When designing lot layout, consideration shall be given to: topography; soil conditions; aesthetics; health, safety, and welfare; streams, important springs, including their recharge areas as identified in the Town Plan; natural resource and natural hazard areas as identified in the Town Plan; lands of particular agricultural significance as identified by a LESA rating of 225 or greater; and lands for forestry as identified by a FLESA evaluation of "high importance" or "prime."

Lots shall be designed so that no development will be constructed on natural slopes of 20% or greater. Subdivisions shall be designed so that driveways and roads will not cross natural slopes of 20% or greater.

3.03 CLUSTER DESIGN: For a minor or major subdivision in the RR District, or in the FII District, applicants are encouraged to consider cluster development as a way to preserve desirable scenic, agricultural, and forest resources, and as a way to avoid natural hazard areas.

3.04 CHARACTER OF THE AREA: The Planning Commission shall determine, consistent with the Town Plan, that any sketch plan or plat complies with the following standards:

1. No undue impact will result with respect to the ability of municipal facilities and services to provide services such as emergency services, fire protection, road maintenance (where applicable), and quality education. Consideration shall be given to capacity of affected services and the policies and testimony of the Boards of those service providers.

2. There will be no adverse impacts on the aesthetics and scenic beauty of the area, with particular concern for openly visible mountain ridges and hilltops, open pasture areas, and retention of mature healthy vegetation. Any subdivision lying wholly or partially in the Ridgeline and Mountainside Conservation Overlay Zone shall comply with the additional standards contained in Section 3.05. .

3. Wildlife habitats and corridors designated by the State Fish and Game Department, or other wildlife habitats designated by the Town Plan, or adopted by reference in the Town Plan, are protected.

4. Natural and/or historic areas identified on the Town or Regional Plan Maps are protected.

5. Springs and recharge areas, natural drainageways, marshes, wetlands, and Class A and Class B streams identified in the Town Plan or adopted by reference in the Town Plan, are protected.

6. Lands of agricultural significance as identified by a LESA rating of 225 or greater are protected. A LESA study may be required as part of the application.

7. Lands of high importance, or prime lands for forestry as determined by a FLESA evaluation are protected. A FLESA study may be required as part of the application.

8. Lots are designed so that the portion of each lot which is to be developed is not on slopes of 20% or greater.

9. No undue adverse impact will result with respect to increased traffic and to the ability of the public road system to accommodate projected traffic increases.

3.05 SUBDIVISION WITHIN THE RIDGELINE AND MOUNTAINSIDE CONSERVATION OVERLAY ZONE:

1. Purpose:

Regulating subdivision on ridgelines and mountainsides in Dorset:

a. Conserves the beauty of the Town's most scenic resources and minimizes intrusions to the natural landscape;

b. Allows development primarily in existing wooded areas outside of open areas, and if not practical or possible to do so, to have such development sited and landscaped to protect scenic resources and;

c. Acheives town conservation and development objectives as outlined in the Dorset Town Plan.

2. Planning Commission Review:

a. In addition to the requirements of Section 7.02, the preliminary plat shall include:

* Location of wooded and open areas on the site;
* Proposed building envelopes and limits of clearing;

* Photographs of the site showing where development will occur and the appearance of the development area from public highways.

b. The Planning Commission shall consider the following criteria when reviewing plats under this section:

1. Adequate vegetation will be retained to provide a visual backdrop and soften the facade of buildings. Particular attention should be given to the impacts associated with removal of extensive areas of vegetation downslope from development sites.
2. Development shall be sited so that no building or structure constructed on any lot shall exceed the height of land serving as the visual and physical backdrop to the site as viewed from a public highway.
3. Construction of, or improvement to access roads, to the extent possible, shall follow the contour of the land. Access roads and driveways, when consistent with the intent of these Subdivision Regulations, should be located within existing forest or forest fringe areas and not open fields or meadows.
4. Development will maintain the sense of order or harmony of the natural landscape formed by the ridgeline, mountainside, forests, open meadows, or agricultural fields. Preferably, buildings should not be located in open fields, but rather in existing forested areas or at the forset-field fringe. Consideration should be given to whether the development would have an <u>undue adverse visual impact</u>, as set forth in the Vermont Environmental Board's "Quechee Lakes" decision (#3W0364-1A-EB).

SECTION 4.00 - ROAD STANDARDS

4.01 PLANNING STANDARDS:

1. All lots within a subdivision shall have at least 50 feet of frontage on a public or private road, or be served by a permanent easement or right-of-way of at least 50 feet in width. Such access shall be legally recorded, improved to the town's road standards, free from mortgage and with all drainage rights provided. The Planning Commission may approve a permanent easement or right-of-way not less than 20 feet wide serving not more than two lots, and legally recorded along with the provision that the lots will not be further subdivided.

2. Any new access serving more than two lots within a subdivision will be considered a new road and will meet the standards of this section.

3. Where new development is proposed which will access via an existing private access, the Planning Commission may require the improvement of the existing private access to the standards of this Section. Any extension of an existing private road to serve new development shall be built to these standards.

4. New roads shall be suitably located, of sufficient width, and adequately constructed to accommodate the prospective traffic, and to afford satisfactory access to fire fighting and other emergency vehicles, snow removal and road maintenance equipment, and school buses.

5. New roads shall be logically related to topography so as to produce useable lots, reasonable grades and safe intersections, appropriate to the proposed use of the land to be served.

6. Where new development is proposed fronting on a Class 4 Town Road or Public Trail, the Planning Commission may require the subdivider to improve the access to these standards. Any use of, and improvements to, the Class 4 Town Road or Public Trail shall be conditional upon approval by the Selectboard. The Planning Commission may also require the applicant to make arrangements for maintenance of the access satisfactory to the Commission and the Selectboard.

7. The intersection of private roads with public or private roads shall be in accordance with AOT A-76 Standards or such other Agency of Transportation Vermont State Standards as applicable such that good visibility is provided in both directions to vehicles entering traffic, and that emergency vehicles may negotiate the turn and continue on into the private road at reasonable speed.

8. A circular turn-around (cul-de-sac), or a "T" or a "Y" turn-around, shall be

provided at the end of a dead-end road.

9. Where a subdivision borders on a State highway or Class 1 or 2 Town road, driveways accessing to such roads shall be discouraged. Wherever possible, access to individual lots shall be from roads within the subdivision. Applicants are reminded that curb cut permits must be obtained from the Town when accessing a Town road and from the State when accessing a State highway. Approval of a subdivision does not result in approval of curb cut permits.

4.02 DESIGN STANDARDS:

1. Minimum right-of-way width: 50'

2. Minimum width of traveled portion: 20' plus 2' shoulder on each side.

3. Maximum grade: 7% if unpaved; 10% if paved.

4. Central angle of curves and maximum permitted gradient:

Central Angle (degrees)	Maximum Gradient Minimum Center Line Radius			
	80 ft.	110 ft.	140 ft.	165 ft.
0 - 45	5%	6%	8%	10%
46 - 90	4%	5%	7%	9%
91 - 135	3%	4%	6%	8%
136 - 180	2%	3%	5%	7%

Minimum centerline radius is 80 ft. Intermediate gradients may have proportionate intermediate centerline radii.

5. Grades within 25' of an intersection: Within 25' of an intersection, the grade of a new road shall slope downwards away from the intersection in conformance with Vermont Agency of Transportation Standard A-76 .

6. Angle of intersection: 90 degrees wherever possible, 80-100 degrees permitted
7. Minimum right-of-way for circular turn-around: 50' radius for residential subdivisions; 60' radius for commercial or industrial subdivisions.

8. Minimum traveled portion of circular turn-around: 40' radius for residential subdivisions; 50' radius for commercial or industrial subdivisions.

9. Minimum length of arms in "T" or "Y" turn-around: 50' each.

10. Maximum cross slope for circular, "T" or "Y" turn-around: 3 1/2 %.

11. Culverts: Where a watercourse or drainage ditch crosses a proposed road, or separates a property from a road, a minimum 18" culvert shall be installed. A larger diameter culvert may be required by the Commission if 18" is not adequate, based upon a water shed study, to carry the projected flow during storms or spring run-off.

12. Guard-rails: Treated wood or steel post guard rails, placed 10 ft. apart, plus 2 ft. shoulder widening, are required at the discretion of the Commission.

4.03 CONSTRUCTION STANDARDS:

1. The subdivider shall install road improvements as required by these regulations. See also Item 5 listed below in this Section.

2. For all new roads, whether paved or unpaved, preparation of sub-grade and all additional improvements shall be as per the Town of Dorset Road Specifications.

3. Pavement: For grades 5% and less, pavement shall consist of the application of a compacted 3 inches of properly mixed Hot Top Mix (1 3/4 inch of Type II - 3/4 inch topped with 1 1/4 inches of Type III - ½ inch) over an approved road base. For grades over 5%, pavement shall consist of the application of a compacted 2" base coat (stone mix 1/2" to 3/4") applied over a properly constructed base, plus the preceding application of Top Mix.

4. Where the Planning Commission deems necessary, other standards in excess of those identified above may be required. For example, the standards of the Vermont Agency of Transportation and other agencies as appropriate, may be imposed inorder to assure that slopes, horizontal and vertical curvature, sight distances, and soil erosion precautions are adequate to meet the needs of the subdivision, of neighboring properties, and of the environment.

5. Upon completion of road improvements for a subdivision involving a new road, the project engineer shall submit, as part of the final plat documentation, as-built plans stamped by a professional engineer and certification that all roads are built to the requirements of the Commission for that particular subdivision. If the roads are not yet built at the time of final plat application, the Planning Commission will require security for completion (see Section 8.02.2.a). As-built plans stamped by a professional engineer and certification will still be required upon completion.

4.04 OTHER ROAD REQUIREMENTS:

1. Maintenance: The Planning Commission shall require the subdivider to provide, or to create a mechanism such as a homeowners' association to provide for continuing maintenance of any private roads approved. In addition, the Commission shall require that each deed for lots within the subdivision contain a notification that the internal roads in the subdivision are private roads and that maintenance is the responsibility of the developer/owner and/or the individual property owner, and the owner, itself and its successors and assigns, waives any claim against the Town for assumption of the roadways or their improvements or maintenance. Such deed clause shall run with each lot within the subdivision.

2. Developers of subdivisions involving new private roads or accessing via existing private roads shall be required to furnish a plan for street naming and numbering to the Selectboard, in accord with the "Town of Dorset Ordinance for Street Naming and Street Addressing."

SECTION 5.00 - SEWAGE DISPOSAL AND WATER SUPPLY

5.01 SEWAGE DISPOSAL REQUIREMENTS FOR PROPOSED LOTS UNDER 10 ACRES:

1. Before the Commission grants approval of any final plat for a subdivision containing one or more lots under 10 acres, a State subdivision permit shall have been granted for every such lot by the Protection Division of the Vermont Agency of Environmental Conservation under the authority of the Vermont Agency of Natural Resources Environmental Protection Rules, in effect at the time of application. Such subdivision permit may be a Deferral of Permit or a Homestead Exemption Permit where these are determined to be appropriate by the Protection Division.

2. Any zoning permit within a subdivision issued by the Town for a use requiring plumbing shall contain a condition that a letter is received from a professional engineer, a certified Site Technician B, or a certified Site Technician A, within the limits of their professional capacities as defined in the Environmental Protection Rules, in effect at the time of application, and these regulations, certifying that the septic systems will be installed in a location and in conformance with the design approved by the Protection Division, and in accordance with these regulations, prior to occupancy of the use.

5.02 SEWAGE DISPOSAL REQUIREMENTS FOR LOTS OF 10 ACRES OR GREATER:

1. Before the Commission grants approval of any final plat for a subdivision containing one or more lots of 10 acres or greater, the Commission shall have received either:

a. A letter from a professional engineer, a certified Site Technician B, or a certified Site Technician A, within the limits of their professional capacities as defined in the Environmental Protection Rules, in effect at the time of application, and these regulations, certifying that septic systems have been designed which meet the design standards of the Vermont Agency of Natural Resources Environmental Protection Rules, and these regulations, in effect at the time of application, or:

b. A letter from a professional engineer, a certified Site Technician B, or a certified Site Technician A, within the limits of their professional capacities as defined in the Environmental Protection Rules, in effect at the time of application, and these regulations, certifying that there is a suitable location and suitable soil conditions to enable the design and installation of septic systems that meet the requirements of the Vermont Agency of Natural

Resources Environmental Protection Rules, and these regulations, in effect at the time of application. In this case, the Commission grants approval of a final plat with a condition that no zoning permit, for a structure requiring plumbing, will be granted until a letter is received from a professional engineer, a certified Site Technician B, or a certified Site Technician A, within the limits of their professional capacities as defined in the Environmental Protection Rules, in effect at the time of application, and these regulations, certifying that septic systems have been designed and will be installed to fully meet the requirements of the Environmental Protection Rules, in effect at the time of application, failing which a zoning permit will be denied; or:

c. A letter from the applicant indicating that no development is to be permitted on the proposed lot. This restriction must be recorded on title as a special restriction which runs with the land. This restriction can be removed only by full review under these Subdivision Development Regulations.

2. Any zoning permit within a subdivision issued by the Town for a use requiring plumbing shall contain a condition that prior to occupancy of the use a letter is received from a professional engineer, a certified Site Technician B, or a certified Site Technician A, within the limits of their professional capacities as defined in the Environmental Protection Rules, in effect at the time of application, and these regulations, certifying that the septic systems have been designed and will be installed in conformance with the full requirements of the Vermont Agency of Natural Resources Environmental Protection Rules, and these regulations, in effect at the time of application.

5.03 WATER SUPPLY REQUIREMENTS: Water supply systems, both individual and community, shall be designed and built to meet all applicable State and local requirements.

. 5.04 DEFERRAL OF WATER SUPPLY AND WASTEWATER DISPOSAL REQUIREMENTS:

1. The owner of an unimproved lot of land may waive development rights involving the construction, placement or erection of any building or structure, the useful occupancy of which would require the installation of water supply and wastewater disposal facilities. The Commission may grant approval of permit with deferral provided that the owner waives the right to develop, as noted above. The terms and conditions of deferral shall be binding upon all successors in title. A lot created under the provisions of this section shall not be resold unless the deferral encumbrance has been removed (as per Section 5.04.3 below) or the waiver of development rights is included in the deed or lease.

2. Any waiver shall be filed in any deed in the following form:

"In order to comply with Town of Dorset Subdivision Regulations, the grantee shall not construct, place, or erect a structure or building on the parcel of land created and/or conveyed herein, the useful occupancy of which will require the installation of water supply and wastewater disposal facilities, without first complying with the Town of Dorset Subdivision Regulations. By acceptance of this, the owner or grantee acknowledges that this lot may not qualify for approval for development under the regulations in force, and that the Town of Dorset Planning Commission may deny an application to develop the lot."

3. To remove the deferral encumbrance so imposed, the owner or purchaser of a lot created under the provisions of this section who subsequently seeks to develop said lot, must comply with the following:

a. A new application to the Commission, indicating compliance with the Town of Dorset Subdivision Regulations;

b. The Commission will review the proposal at a public hearing upon public notice;

c. Removal of State subdivision deferral encumbrance will be required; and

d. Should the removal of deferral encumbrance be granted, a new plat, with the approved conditions, must be filed as provided for in these regulations.

SECTION 6.00 - SKETCH PLAN PROCEDURE

6.01 SUBMISSION OF SKETCH PLAN:

1. When submitting an application for subdivision of land, the applicant may submit to the Administrative Officer, at least forty-five (45) days prior to the regular meeting of the Commission, twelve (12) copies of a sketch plan of the proposed subdivision together with the application fee as determined by the Selectboard. The sketch plan should be drawn on a survey of the property. The Administrative Officer shall review the sketch plan application for completeness, prior to forwarding it to the Commission. While optional, applicants are encouraged to go through the sketch plan process to discuss plans and obtain input from the Commission.

The sketch plan shall be a scale drawing and must include the following information:

a. name and address of record owner and applicant;
b. a locus map (USGS topographic map), showing the general location of the boundaries of the subdivision within the Town and a copy of the relevant portion of the Dorset tax map;
c. number of acres within the proposed subdivision;
d. proposed interior lot lines with proposed lots identified with approximate acreage;
e. approximate location of property lines;
f. known easements;
g. location of existing sewage systems and wells, or sewers and water mains within the site and within 200 feet;
h. existing structures within the site and within 200 feet of the proposed subdivision;
i. names and addresses of current abutting owners and whether any of the abutters are affiliated persons;
j. location of existing roads including road names and right-of-way widths, and driveways (including right-of way widths) within the site and within 200 feet;
k. proposed roads (with any proposed road names) or easements;
l. proposed improvements or features of the property including significant drainage features;
m. approximate areas of land which have slopes of 20% or greater;
n. location and names (if applicable) of significant natural physical features, and of streams, wetlands, recharge areas, watercourses, flood hazard areas, and springs;
o. existing zoning for the site and adjacent properties within 200 feet;
p. date, approximate north arrow, and scale;

q. proposed building envelopes shall be shown if any part of the property lies within the historic district.

2. When submitting an application for sketch plan for subdivision of land, the applicant may notify abutting property owners, and shall submit to the Administrative Officer certification of such notice with the list of names and addresses of the abutting property owners. While optional at sketch plan, the applicant is encouraged to notify abutting property owners so that their input can be considered at this stage.

6.02 SKETCH PLAN REVIEW: Within 45 days of receipt of a complete application the Commission shall review the sketch plan in relation to Sections 2.00 through 6.00 of these regulations.

1. The applicant, or duly authorized representative, shall attend the meeting of the Commission to discuss requirements of these regulations.

2. The Commission shall review the sketch plan taking into consideration the requirements of these Subdivision Regulations, the Town of Dorset Zoning Bylaw, and other municipal bylaws and regulations in effect. The Commission shall take into consideration whether the sketch plan would be in conflict with developments proposed by any public agency, existing private and public development, facilities and services, and whether there are any special problems that may be encountered.

3. If the proposed subdivision is within the Dorset Village Historic District, then house sites shall be submitted and the Administrative Officer shall forward the application to the Design Review Board for its review and recommendation to the Commission.

4. The Administrative Officer may forward the sketch plan application to the Conservation Commission for LESA, FLESA and/or environmental review.

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

6. The Commission may require changes to subsequent submissions in addition to those discussed and outlined during the sketch plan review.

7. The applicant shall comply with the procedures outlined in Sections 7 and 8, and other applicable sections of these regulations.

8. Resubdivision of one or more lots created pursuant to these regulations shall be considered a major subdivision. The deed for each lot created through minor or

major subdivision under this regulation shall include a statement that:

> This lot was created by subdivision. Further division of this lot shall be considered a major subdivision by the Town of Dorset, and shall be subject to the requirements for major subdivision in the applicable regulations at the time of the proposed division.

9. If the Commission finds serious concerns which could result in disapproval of the subdivision application, it shall make these known to the applicant. However, the applicant retains the right to proceed in order to have a complete application process and a public hearing.

SECTION 7.00 - PRELIMINARY PLAT

7.01 APPLICATION FOR PRELIMINARY PLAT APPROVAL: When submitting an application for preliminary plat approval, the applicant shall submit to the Administrative Officer twelve (12) copies of the preliminary plat of the proposed subdivision, together with the application fee as determined by the Selectboard. When submitting an application for subdivision of land, the applicant shall notify abutting property owners, and shall submit to the Administrative Officer certification of such notice with the list of names and addresses of the abutting property owners. The preliminary plat shall be drawn on a survey of the property. Information must be submitted by the applicant at least thirty (30) days prior to the regular meeting of the Commission if the applicant has gone through the sketch plan review process. If the applicant has not gone through the sketch plan review process then information must be submitted by the applicant at least forty-five (45) days prior to the regular meeting of the Commission.

The Administrative Officer shall review the preliminary plat submission for completeness prior to forwarding it to the Commission. When the application is complete, the Administrative Officer shall distribute copies of the entire application to Commission members. An agenda will be delivered to Commission members and all applicants prior to the scheduled hearing.

If the applicant has not had the benefit of sketch plan review, the following shall also apply:

1. The applicant shall comply with the procedures outlined in Sections 7 and 8, and other applicable sections of these regulations.

2. Resubdivision of one or more original lots created pursuant to these regulations shall be considered a major subdivision. The deed for each lot created through minor or major subdivision under this regulation shall include a statement that:

> This lot was created by subdivision. Further division of this lot shall be considered a major subdivision by the Town of Dorset, and shall be subject to the requirements for major subdivision in the applicable regulations at the time of the proposed division.

3. If the Commission finds serious concerns which could result in disapproval of the subdivision application, it shall make these known to the applicant. However, the applicant retains the right to proceed in order to have a complete application process and a public hearing.

4. When submitting an application for subdivision of land, the applicant shall notify abutting property owners, and shall submit to the Administrative Officer

certification of such notice with the list of names and addresses of the abutting property owners.

7.02 CONTENTS OF PRELIMINARY PLAT SUBMISSION: The preliminary plat shall be prepared by a licensed civil engineer or land surveyor (as licensing requirements dictate), at a scale of 1 inch equals 100 feet or other scale acceptable to the Commission and which clearly illustrates the proposal. It shall include contour intervals of 10 feet, or otherwise as the Commission requires. The preliminary plat shall be sufficiently clear to illustrate existing and proposed conditions, and shall contain or be accompanied by:

1. Name and address of the owner of record, subdivider, and preparer of the preliminary plat;

2. Proposed subdivision name or identifying title and name of the town;

3. A locus map (USGS topographic map), showing the general location of the boundaries of the subdivision within the Town and a vopy of the relevant portion of the Dorset tax map;

4. Date, basis of north point, basis of datum, and scale;

5. Names of addresses of owners of record of all property within 200 feet of any part of the proposed subdivision, as well as the names of any abutting subdivisions, and whether any of these property owners are affiliated persons;

6. Map of survey of tract boundary made and certified by a licensed land surveyor and tied into established permanent features or reference points and elevations where required by the Commission;

7. Number of acres within the proposed subdivision, number and acreage of individual lots, location of property lines, existing easements, buildings, watercourses and other existing natural features;

8. Proposed lot lines with approximate dimensions and suggested locations of dwellings;

9. Location of all existing structures on the site and within 200 feet of the site;

10. Proposed building envelopes shall be shown if any part of the property lies within the historic district;

11. A map showing the zoning district(s) within and adjacent properties within 200 feet of the site, a short summary of the density requirements of the zone(s) applicable to the

site, and narrative as to how those requirements will be met;

12. The location and size of any existing sewers or sewage systems (community or private); water mains or wells (public or private); culverts; and drains on or within 200 feet of the site;

13. Proposed connection to existing water supply or alternative means of supplying water to the subdivision. Plans for water supply must include provisions for water for fire protection as well as for domestic use;

14. Proposed connection to existing sewerage system or alternative means of treatment and disposal. If a private system or systems are proposed, the location and results of tests to determine subsurface soil, rock, and groundwater conditions, depth to groundwater unless pits are dry at a depth of 5 feet, and location and results of percolation tests shall be submitted;

15. Areas of 20% or greater slope;

16. Contour lines at five (5) foot intervals on proposed finished grades where change of ground level will be five (5) feet or more;

17. Proposed improvements or features of the property including significant drainage features; and a storm drainage plan showing proposed means of collecting and discharging storm water, reflecting the water shed study;

18. An erosion plan showing proposed location and techniques for erosion control during construction and also for areas which will need permanent erosion control measures;

19. Location, names, and right-of-way widths of existing roads; location and right-of-way widths of easements; and location and names of parks or other public lands within the site, within 200 feet of the site, or other distance as the Commission may reasonably require;

20. Location of proposed roads (with any proposed road names) or easements, proposed driveways (including right-of way widths) and easements within the site and within 200 feet of the site;

21. Width, location, grades, and profiles of all roads or other public ways proposed by the applicant;

22. Cross sections of proposed grading and roads;

23. Location of temporary markers adequate to enable the Commission to locate readily

and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest road intersection or other readily identified permanent feature will be shown;
24. Preliminary designs of any bridges or culverts which are proposed, and copies of applications for any necessary State or Federal permits;

25. If other lands are accessed through the subject property, an indication of how that access is to be preserved;

26. The location and names (if applicable) of significant natural physical features or areas such as but not limited to wetlands, streams, recharge areas, watercourses, flood hazard areas, springs, and aquifers as identified in the Town Plan, or identified by the Town Conservation Commission, and identification of those to be protected and the methods proposed for protection;

27. Mapping of, and proposed measures to protect lands of agricultural significance as identified by a LESA rating of 225 or greater on the site or contiguous sites. A LESA study may be required as part of the application;

28. Mapping of, and proposed measures to protect High Importance or Prime lands for forestry on the site or on contiguous sites, as identified by a FLESA evaluation. A FLESA study may be required as part of the application;

29. Narrative regarding proposed compliance with applicable sections of the Town Plan;

30. Map and/or narrative showing service districts such as school, fire, or other similar districts which provide services to the proposed subdivision. Testimony from the service providers about whether service can be made available and/or about their requirements (if any) specific to the proposed subdivision and regarding ease of access;

31. Location of any parcels of land proposed to be dedicated to public use and the conditions of such dedication;

32. Copies of covenants and restrictions for any homeowners association proposed. All homeowners associations shall be incorporated;

33. Arrangements for maintenance of roads, community or shared water or sewer systems, and storm drainage systems.

7.03 PUBLIC HEARING ON PRELIMINARY PLAT: If the applicant has gone through the sketch plan review process, the Commission shall hold a public hearing on the preliminary plat within 30 days of receipt by the Commission of a complete preliminary plat submission. If the applicant has not gone through the sketch plan review process then complete preliminary plat information must be submitted by the applicant at least forty-five (45) days prior to the regular meeting of the Commission. Notice of the public hearing shall be provided as per Section 4447 of the Act.

7.04 REVIEW OF PRELIMINARY PLAT:

1. The Commission shall review the preliminary plat in relation to the criteria a. through d. listed below, and in relation to Sections 3 through 5 of these regulations, so that special concerns related to the application may be brought forward to the public hearing. As part of the review, the Commission or its staff may refer the preliminary plat to State or local agencies whose advice will be helpful in reviewing the application.

a. Adequacy of access with regard to condition of the proposed access, ease of access by emergency vehicles, and potential for use of the proposed access by future subdivisions.

b. Topography of the site particularly with regard to area of slope within the site which is 20% or greater, and the necessity for erosion control measures to prevent siltation of onsite or adjacent streams or runoff on adjacent properties.

c. Adequacy of protection measures proposed for any areas within the site which are designated natural resource or natural hazard areas on the Town Plan Map, or adopted by reference in the Town Plan, or for lands of particular agricultural significance as identified by a LESA rating of 225 or greater, or for High Importance or Prime lands for forestry as identified by a FLESA evaluation.

d. Possibility of resubdivision as defined under Section 7.01.2 which may require additional review as a major subdivision.

2. If the applicant has not had the benefit of sketch plan review, the following shall also apply:

a. The Commission shall review the preliminary plat taking into consideration the requirements of these Subdivision Regulations, the Town of Dorset Zoning Bylaw, and other municipal bylaws and regulations in effect. The Commission shall take into consideration whether the preliminary plat would be in conflict with developments proposed by any public agency, existing private and public development, facilities and services, and whether

there are any special problems that may be encountered.

b. If the proposed subdivision is within the Dorset Village Historic District, then house sites shall be submitted and the Administrative Officer shall forward the application to the Design Review Board for its review and recommendation to the Commission.

c. The Administrative Officer may forward the preliminary plat application to the Conservation Commission for LESA, FLESA and/or environmental review.

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

3. The Commission may require changes to subsequent submissions in addition to those discussed and outlined during the preliminary plat review.

7.05 ACTION OF THE COMMISSION ON PRELIMINARY PLAT: If testimony is presented which raises new issues, or shows that a requirement of the Commission or a Town Bylaw or Regulation has not been met, the Commission may continue the hearing to allow the applicant to comply with all requirements. Before the public hearing is closed the Commission may continue the hearing to allow for revisions to the plat so that it complies with requirements and, if necessary, addresses concerns raised at the public hearing.

After the public hearing on the preliminary plat is closed, the Commission may either:

1. Give preliminary plat approval based on findings that all requirements have been or will be met by submittal of a final plat, or

2. Disapprove the preliminary plat. An applicant may reapply no sooner than 60 days from the date of denial. The new application shall be substantially different.

An applicant may begin work on roads and other required public improvements, following preliminary plat approval or may record the final plat prior to construction of any improvements. In either case, unless work on roads and other required public improvements have been completed some form of surety will be required as per Section 8.02.2.a. No lots may be sold prior to final plat approval and recording.

Applicants are hereby given notice that approval of the preliminary plat is contingent approval, and such approval is not a guarantee that the final plat will be approved. Final plats must meet the requirements of these subdivision regulations and conditions so imposed by the Commission, or other governing body as applicable.

SECTION 8.00 - FINAL PLAT APPLICATION AND APPROVAL PROCEDURE

8.01 APPLICATION FOR FINAL PLAT APPROVAL:

1. Minor Subdivision: The final plat shall be presented to the Commission within 6 months of the Commission's action to move the preliminary plat to final plat. The Commission may grant one additional six (6) month extension to this deadline if requested by the applicant, in writing, prior to expiration of the initial six (6) month period. If neither of these is done, the preliminary plat approval is void. The applicant will be notified of the expiration of his preliminary plat approval by certified mail. The final plat application shall be consistent with the approved preliminary plat. Application shall be made at least 45 days prior to the regular meeting of the Commission.

2. Major Subdivision: The final plat must be submitted within one (1) year of preliminary plat approval or the preliminary plat approval is void. The applicant will be notified of the expiration of his preliminary plat approval by certified mail. The final plat application shall be consistent with the approved preliminary plat. Application shall be made at least 45 days prior to the regular meeting of the Commission. The Commission may grant a single one (1) year extension based on extenuating circumstances such that the hardship has not been caused by the applicant.

Written request for such an extension, along with a description of the extenuating circumstances, must be received in time for a determination to be made at a regularly scheduled meeting of the Commission prior to the expiration of the preliminary plat approval.

8.02 CONTENTS OF FINAL PLAT SUBMISSION:

The final plat shall consist of one or more sheets of drawings which conform to the requirements of the State of Vermont Survey Plat Law 27 VSA 1401-1406.

1. The applicant shall prepare for final plat hearing an original and twelve (12) copies containing the following information:

   a. Subdivision name, name of the town, name and address of the owner of record, and of the applicant; the name, license number, and seal of the licensed land surveyor who prepared the plat; the boundaries of the subdivision; scale, date, and basis of north point; and location within the town.

   b. Road locations and names, and easements.

   c. Sufficient data acceptable to the Commission to determine readily the

location, bearing and length of all roads, lot lines and boundary lines. Where practicable, these should be tied to permanent reference points, and elevations where required by the Commission.

d. The length of all straight lines and the radius, arc length (distance around a curve), and central or included angle of all curves.

e. Lots within the subdivision numbered in order within blocks or sections, and blocks or sections labeled in order.

f. Locations of all improvements including roads, water and sewer lines and systems for community or shared facilities, permanent erosion control devices, storm drainage systems and utility trunk lines.

g. Permanent reference monuments shown thus: "X"

h. All lot corner markers shown thus: "O". Corner markers shall be of metal or other durable material and shall be at least 5/8 inch in diameter and at least 24 inches in length.

2. The following additional documentation may also be required:

a. For all subdivisions, a letter from the applicant's civil engineer certifying that all required public improvements have been installed as required in the preliminary plat approval, or by any State, Federal or Town permits. The engineer must be registered in the State of Vermont. If any required improvements have not been installed by the time of the filing of the final plat, the applicant shall file with the Commission an estimate of costs of the uncompleted improvements together with maps, plans, and other supporting data. This estimate shall be accompanied by either:

i. a surety bond, issued by a surety company authorized to do business in Vermont, and running to the Selectboard of the Town of Dorset, or

ii. cash, or savings bank book properly endorsed to the Town of Dorset Selectboard, or

iii. other collateral as approved by the Selectboard.

Any security must be filed with the Selectboard in a form and an amount prescribed by them. The Selectboard shall set a time limit, within which the improvements shall be completed, not to exceed 3 years. The applicant may request an extension of this time limit, up to another 3 years, from the Selectboard.

b. For all subdivisions which will have an incorporated homeowners association, or other internal governing body, a copy of the covenants, restrictions, and responsibilities of the association.

c. Proposed deeds to the Town of all areas that will be dedicated to the public.

d. A complete set of engineering drawings showing how all roads, storm drainage facilities, fire prevention facilities, and sewer and water supply facilities are to be built.

e. Documents showing how private utilities such as private roads, water, sewer, and storm drainage systems will be maintained.

8.03 PUBLIC HEARING ON FINAL PLAT: Within 45 days of receipt by the Commission of a complete final plat submission, the Commission shall hold a public hearing on the final plat. Notice of the public hearing shall be provided as per Section 4447 of the Act. Within the public notice timeframe, a copy of the notice shall be sent to the Bennington County Regional Planning Commission. If the plat is located within 500 feet of a municipal boundary, such notice shall be sent to the clerk of the adjacent municipality. These notices are to be forwarded by the Administrative Officer.

8.04 REVIEW OF FINAL PLAT/SURVEY: The Commission shall hold a public hearing and shall review the final plat to determine if it is consistent with the preliminary plat as presented, subject to the modifications required by the Commission during sketch plan and/or subsequent reviews, and shall also review the final plat with regard to Sections 3 through 5 of these Regulations.

If testimony is presented which raises new issues, or shows that a requirement of the Commission or a Town bylaw or regulation or State or Federal regulation has not been met, the Commission may continue the hearing to allow the applicant to comply with all requirements.

8.05 ACTION OF THE COMMISSION ON FINAL PLAT: Within 45 days following adjournment of the hearing, the Commission shall approve, approve with conditions, or disapprove the final plat. If the final plat is consistent with the contingent approvals and requirements of sketch plan review and preliminary plat review and meets the requirements of these Subdivision Development Regulations, the Commission may approve the final plat and issue its permit. The Commission may also disapprove a final plat on findings that it does not comply with these requirements and regulations. Failure to reach a decision within 45 days of adjournment of the public hearing shall be deemed approval.

8.06 PLAT VOID IF REVISED AFTER APPROVAL: No changes, erasures, modifications, or revisions shall be made in any final plat after it has been signed by the authorized officers of the Commission, unless the plat is first resubmitted to the Commission and the

Commission approves the modifications as per Section 9.00 of these regulations. The Commission shall schedule a public hearing prior to approving any modifications.

8.07 TOWN ACCEPTANCE OF PUBLIC AREAS: Approval of the final plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, utility, park, or any other public space shown on the plat.

8.08 FILING OF THE FINAL PLAT: All plats must meet State requirements for filing and recording with the Town Clerk. The final plat shall consist of one or more sheets of drawings which conform to the requirements of the State of Vermont Survey Plat Law 27 VSA 1401-1406. The approved and signed final plat and permit must be filed and recorded by the applicant with the Town Clerk within 90 days of the date of Commission approval. Any final plat and permit which has not been properly filed and recorded in the Town Clerk's office shall become null and void on the 91st day following approval of the final plat by the Commission. The latest filing date will be noted as a condition in the approved permit.

8.09 COPIES AND DISTRIBUTION: The applicant shall provide the Administrative Officer with the mylar and four (4) blueline copies of the approved final plat. Copies shall be distributed by the Administrative Officer as follows: one (1) to the Commission, one (1) to the Administrative Officer, and two (2) to the Dorset Listers.

SECTION 9.00 - AMENDMENT TO A MINOR OR A MAJOR SUBDIVISION

An amendment to a minor or a major subdivision approved under these regulations, which amendment would not result in the creation of any new (additional) lot may be reviewed and considered as a boundary line adjustment or as a minor subdivision, in accordance with the procedures set out in these regulations.

An amendment of a minor or a major subdivision approved under these regulations, which amendment would result in the creation of one or more new (additional) lots shall be reviewed and considered as a major subdivision, in accordance with the procedures set out in these regulations.

Amendment procedures include a duly warned public hearing, except in the case where the amendment is classified as a boundary line adjustment (see Section 1.06).

SECTION 10.00 - APPLICATION FEES

10.01 FEE REQUIREMENTS: Any application pursuant to these regulations shall be accompanied by a fee according to the Town of Dorset Subdivision Regulations fee schedule as approved by the Town of Dorset Selectboard. All fees shall be paid to the Town of Dorset. No application pursuant to these regulations shall be acted upon until the fees provided for pursuant to this Section 10.00 are paid.

10.02 TOWN AGENCY COSTS: In the event that the Commission determines that they will require special outside assistance to properly review a proposal, then the Commission shall so advise the applicant at sketch plan stage, or at preliminary plat stage. In this event, in addition to the normal application fees, the applicants shall be responsible for and shall reimburse the Town of Dorset and its agencies for all costs and expenses incurred by it in processing applications pursuant to these regulations such as, but not limited to, planning, engineering and legal costs.

10.03 INSPECTION COSTS: In addition to the fees noted above, a fee is required as per the Town of Dorset Subdivision Regulations fee schedule for the periodic inspection of the installation of public improvements. This fee is payable by the applicant at the time of application.