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SUBDIVISION REGULATIONS

for the

TOWN OF FRANKLIN, VERMONT

Adopted on November 5, 2002

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ARTICLE I. GENERAL PROVISIONS

100 **AUTHORITY**

A) Whereas the Town of Franklin has appointed a planning commission and has in effect a town plan, the policy of the town shall be to regulate the subdivision and subsequent development of land in accordance with this ordinance which shall be known as the Franklin Subdivision Regulations.

B) The Franklin Planning Commission is hereby authorized and empowered to do all acts set forth in Title 24 VSA Chapter 117 (The Act) including but not limited to the approval, disapproval, and/or conditioning of all plats filed, and the approval of the development of such plats previously filed in the office of the Town Clerk if such plats are entirely or partially undeveloped under these regulations.

101 **PURPOSE**

These regulations are adopted for the following purposes:

A) To provide a common standard for the development of land;

B) To ensure that new development addresses the goals and policies expressed in the Franklin Town Plan, and conforms to the town's zoning and other local regulations;

C) To control impacts on on municipal services, local tax burden, and resource lands;

D) To ensure that development serves the public good, as well as the needs of the landowner.

102 **EFFECTIVE DATE**

These regulations shall become effective immediately following adoption by the voters according to Australian ballot, as provided by state law (Title 24 VSA Chapter 117).

103 **ENACTMENT**

On the date these subdivision regulations become effective, the regulations shall repeal any prior subdivision regulations in the Town of Franklin.

104 **SEVERABILITY**

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

105 **AMENDMENTS**

Amendments to these regulations shall be enacted in accordance with the provisions of the Vermont Municipal & Regional Planning & Development Act.

106 **APPLICABILITY**

Whenever any subdivision of land creating more than three (3) lots within 5 years is proposed, before any grading, clearing, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the Franklin Planning Commission for approval according to these regulations.

ARTICLE II. ADMINISTRATION & ENFORCEMENT

200 ADMINISTRATION

These regulations shall be administered by the Franklin Planning Commission as authorized by the Act.

201 COORDINATION WITH ZONING REVIEW OF PLANNED RESIDENTIAL & PLANNED UNIT DEVELOPMENTS

The Planning Commission may combine its review of Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs) under the zoning and subdivision regulations. All procedures, submittal requirements, and standards of both sets of regulations must be complied with in this review process.

202 WAIVERS

The Planning Commission may waive or vary, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements it judges are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate both in the short and long term. In granting waivers or variances, the Planning Commission shall require such conditions as will secure substantially the objectives of the requirements so waived or varied. No such waiver or variance shall be granted if it would have the effect of nullifying the intent and purpose of the Franklin Town Plan or varying the Franklin Zoning Regulations or other town bylaws.

203 ENFORCEMENT AND PENALTIES

A) Any person who violates any of the provision of these regulations shall be fined not more than \$100.00 for each offense, and each day that a violation continues shall constitute a separate offense.

B) Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than \$100.00, and each lot, parcel, or unit so sold, transferred, or agreed to be sold or transferred shall be deemed a separate violation.

204 APPEALS

Any decision of the Planning Commission may be appealed to the Vermont Environmental Court..

ARTICLE III SKETCH PLAN REVIEW

300 PURPOSE

The Sketch Plan Review provides an opportunity for the potential subdivider, the Planning Commission, and adjoining property owners to discuss a proposed subdivision informally to determine whether the project meets the goals and policies of the town plan, fulfills the requirements of the zoning bylaw, and can address Article VI of these regulations. A review at this preliminary stage of the process should highlight issues which need to be addressed in a formal application.

301 SUBMISSION REQUIREMENTS

A) Prior to submitting an application for subdivision approval, any subdivider of land shall submit to the Zoning Administrator at least 15 days prior to a regularly scheduled meeting of the Planning

Commission a sketch plan of the proposed subdivision, which shall include the following information:

1. Name and address of the owner of record and applicant.
2. Name of owners or record of contiguous properties, including owners of parcels across a common public right-of-way.
3. Boundaries and area of all contiguous land, including land separated by a public right of way, belonging to owner of record, and proposed subdivision.
4. Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
5. Provisions of the zoning regulations and any zoning district boundaries applicable to the proposed subdivision.
6. Location of existing and proposed homes and home sites, well sites, and septic systems.
7. Location of existing and proposed drainage structures and drainage ways.
8. Type of, location, and approximate size of existing and proposed streets, utilities, and open space.
9. Natural features such as wetlands, shorelands, water courses, rock outcroppings, rare/threatened plant or animal species, geological sites and historic sites.
10. Location map showing relation of proposed subdivision to adjacent property and surrounding area.
11. Date, true north arrow, and scale (numerical & graphic).

B) The applicant shall also prepare a statement which describes how the proposed subdivision addresses the goals and policies stated in the Town of Franklin Municipal Plan.

C) The applicant, five (5) days prior to the meeting at which the subdivision is to be discussed, shall provide the Planning Commission with proof, by certified mail receipts that all adjacent landowners have been notified of the meeting

302 ATTENDANCE AT MEETING

A) The subdivider, or his duly authorized representative, shall attend the meeting of the commission to discuss the requirements of these regulations for lot layout, building location, streets, improvements, drainage, sewerage, water supply, fire protection, resource protection, and other aspects, as well as the availability of existing services and other pertinent information and conformance with the planning standards of these regulations and the goals and policies of the town plan.

B) The Planning Commission may hold a public hearing on the sketch plan. Adjoining property owners and/or the general public should be notified of the meeting in order to have input in the early stages of the project.

303 ACTION ON SKETCH PLAN

A) The Commission shall study the sketch plan to determine whether or not it conforms to the town plan the zoning regulations, any capital budget and program in effect, the official map, the local sewerage ordinance, and any other municipal by-laws in effect, and shall, where it deems necessary, make specific recommendations for changes in subsequent submissions.

B) The Commission may require submission of such additional information as it deems necessary to determine conformance with these regulations, including but not limited to a property survey, contour map, and engineering details of proposed improvements by properly licensed professionals.

C) The Commission shall determine if the subdivision will be reviewed as a Planned Residential or Planned Unit Development under both the zoning bylaw and the subdivision regulations.

D) Within 45 days after the conclusion of the sketch plan review, the Planning Commission shall either accept the sketch plan as proposed, accept with conditions, or reject it. The Commission shall state in its minutes any conditions or modifications required in the project layout, or any reasons for rejection, and send a copy of the written record to the applicant.

E) Approval of the sketch plan authorizes the applicant to prepare a subdivision application according to Article V below.

304 FEES/NUMBER OF REVIEWS

In order to ensure the most complete and efficient review of projects and to provide public and municipal input at the earliest stages of project development, there shall be no fee for review of sketch plans, and more than one sketch plan review will be permitted at the mutual discretion of Planning Commission and applicant.

ARTICLE IV. SUBDIVISION REVIEW PROCESS

400 APPLICATION

Within 6 months of the acceptance of a sketch plan by the Planning Commission, the subdivider shall submit an application for approval of a subdivision to the Zoning Administrator. The application shall contain those items set forth in Article V, Section 503 of these regulations, plus any other items which may be required by the Commission, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Commission and agreed upon by the applicant. At the expiration of 6 months from acceptance of a sketch plan by the Commission, the subdivider shall be required to resubmit a sketch plan in accordance with Article III.

401 PUBLIC HEARING

A public hearing shall be held by the Planning Commission at the earliest available regularly scheduled meeting after a subdivision application is submitted to the Zoning Administrator. The hearing shall be warned in accordance with the public notice provisions of the Act, and notice of the hearing shall be sent to those required to receive notice under the provisions of the Act.

402 ACTION

The Planning Commission shall approve, condition and approve, or disapprove such application within 45 days after the completion of the public hearing, or any continuation thereof. Failure to act within 45 days shall be deemed approval.

403 PHASING

At the time the Commission grants approval, it may require the subdivision to be divided into two or more phases to be developed at separate times, and may impose such conditions as deemed necessary to ensure the orderly development of the subdivision and coordination with the planned and orderly growth of the town as reflected in the town plan and any capital budget and program in effect.

404 SECURITY TO ENSURE PERFORMANCE

A) The Commission shall require the applicant to provide security in an amount sufficient to cover the full cost of constructing any improvements required by the subdivision approval. The Commission may also require surety covering the maintenance of improvements for a period of 2 years, said surety to be equal to not less than 10% of the estimated cost of the improvements. An estimate of the full costs of such improvements and appropriate security shall be submitted prior to Final Approval. Security may be required in the form of:

1) A surety bond, issued by a surety company authorized to do business in Vermont, to be filed with the Selectboard in form and amount satisfactory to the Board;

2) A letter of credit, cash, escrow account, or savings bank book properly endorsed to the Town of Franklin in an amount to be determined by the Selectboard; or

3) A performance bond from the developer or contractor in an amount acceptable to the Selectboard.

B) The performance guarantee shall not be released until the Planning Commission or their duly authorized representative has certified completion of the improvements in substantial accordance with the approved Final Plat and supporting documentation.

C) The security shall run for a term to be fixed by the Planning Commission, but in no case for a period longer than 3 years. With the consent of the owner, the term of such bond or security may be extended for an additional period not to exceed 3 years.

D) If any required improvements have not been installed or maintained as provided within the term of such performance security, the security shall be forfeited to the Town of Franklin and upon receipt of the proceeds thereof, the town shall install or maintain such improvements as are covered by such security.

405 CONTINGENT APPROVAL

A) The approval of any subdivision requiring either a State Subdivision Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or local permits noted by the Planning Commission shall be classified as Contingent Approval. Such subdivision shall be considered approved contingent upon no further changes made to accommodate any other permit.

B) All subdivisions granted Contingent Approval shall be submitted for review by the Planning Commission after all other necessary permits have been received. The Commission shall review for acceptance, any changes which have been made by other permitting authorities, or by the subdivider to conform to other permit requirements. If no changes have been made, or if the Planning Commission deems all changes acceptable, the subdivision shall be given Final Approval.

406 FINAL APPROVAL

The approval of any subdivision which does not require other permits, shall be classified as Final Approval.

407 FILING OF FINAL PLAT

A) Upon Final Approval of the subdivision by the Planning Commission, the subdivider shall prepare a plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. The plat shall be on linen, mylar, or canvas-backed paper clearly and legibly drawn, and the size of the sheets shall be 18 inches by 24 inches or a multiple thereof. Such sheets shall have a margin of 2 inches outside of the border lines on the left side for binding and a 1-inch margin outside the border along the remaining sides. Space shall be reserved for endorsement of all the appropriate agencies. Supporting documentation shall accompany the final plat in conformance with Section 503 of these regulations.

B) The chairperson of the Planning Commission shall endorse in writing on said plat such approval and the date.

C) The final plat with endorsement shall be filed by the subdivider with the Town Clerk within 90 days of the Commission's Final Approval. Final Approval shall expire if the final plat and related documents are not filed by the subdivider within the 90-day period.

408 REVISIONS

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, unless said plat is first resubmitted to the Planning Commission in accordance with these regulations and the commission approves the modifications.

409 EFFECT OF FINAL APPROVAL

Final Approval by the Planning Commission shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, utilities, park, recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard. Approval of the final plat shall not exempt an applicant from compliance with subsequent bylaw amendments, except in the case of lots within the plat that have been sold in separate and unaffiliated ownership or for which zoning permits have been secured for building and in the case where all required improvements, including streets, pedestrian ways, and utilities have been installed in accordance with the Final Plat Approval.

ARTICLE V. SUBMISSION REQUIREMENTS

500 NUMBER OF COPIES

All application materials shall be submitted in triplicate.

501 APPLICATION FEES

Upon submission of an application for subdivision approval, the subdivider shall pay application fee(s) as established by the Selectboard. Such fee(s) shall include the costs of publication, public hearings, site visits, and for periodic inspections by town employees or consultants during the installation of public improvements.

502 SUBDIVISION APPLICATION

The application shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to scale, showing or accompanied by the following information:

1. Name and address of the proposed subdivision.

2. Name and address of the owner of record of the property and of adjoining properties. Name and address of person or firm preparing the map. Scale of map, north arrow, and date. Name, address, and interest of the applicant in the subject property.

3. Map or survey of the property, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, showing number of acres within the proposed subdivision; location of property lines; existing easements, deed restrictions, and existing features, including contours at intervals of 5 feet unless otherwise required by the Planning Commission at sketch plan review; buildings; wooded areas; streets; water courses; and other existing physical features, including large trees and rock outcroppings.

4. All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, with the names and addresses of owners of record of such adjacent acreage.

5. Location and size of any existing sewers and water mains, individual or community sewage disposal systems, wells, culverts, and drains on the property to be subdivided.

6. Site development plan, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, showing the proposed lot lines with size and dimensions, building envelopes, the location of other proposed structures and their use; streets, driveways, traffic circulation, and parking; pedestrian ways; a landscape plan, including site grading, landscape design, street trees, and screening; utility lines; lighting; water supply sources, and sewage disposal areas; and land to be set aside for public use.

7. Contour lines at intervals of 5 feet of proposed finished grades where change of existing ground elevations will be 5 feet or more unless otherwise required by the Planning Commission in sketch plan review.

8. Typical cross sections of the grading of roadways and of sidewalks. Road profiles of roadways within the subdivision.

9. Construction sequence and time schedule for completion of each phase of the subdivision.

10. Means of providing water supply to proposed subdivision, including any fireponds.

11. Means of disposal of septic wastes including location and results of tests to ascertain soil suitability and percolation rates for onsite systems.

12. Drainage plan for collection and discharge of stormwater with written description and contours in sufficient detail to indicate clearly the method of stormwater drainage entering and exiting the site.

13. Designs for any bridges or culverts which may be required.

14. Location of temporary markers adequate to enable the commission to locate readily and appraise the basic layout in the field.

15. All parcels of land proposed to be dedicated to public use and conditions of such dedication.

16. Any wetlands present on the property to be developed as indicated by the National Wetlands Inventory Maps available at the Town Clerk's Office or through the Vermont Department of Water Resources and any significant wildlife habitat as identified by the Vermont Department of Fish & Wildlife.

17. A vicinity map drawn at the scale of not over 400 feet to the inch showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

18. The following supporting documentation:

A. Copies of proposed deeds, agreements, or other documents showing the manner in which streets and open space, including park and recreation areas, are to be dedicated, reserved, and maintained, and in which significant natural resources are to be protected and maintained, as applicable, and a certificate from the Selectboard or town attorney that these documents are satisfactory. Such certificates shall not be construed, however, as acceptance by the Town of Franklin of any areas proposed to be dedicated to the Town.

B. A plan showing any work required for existing streets or roads to meet the minimum standards established by these regulations, together with a statement of the proposed method of meeting the cost of such work and a time limit for such work approved by the Selectboard.

C. If the subdivision or any of its streets abuts a state highway, an access permit from the Vermont Agency of Transportation approving any access or intersection.

D. If the subdivision abuts a town road or village street, an access permit from the appropriate local authority.

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

F. A draft of all restrictions of all types which will run with the land and become covenants.

G. Any other documents required by the Planning Commission as a result of sketch plan review.

503 FINAL PLAT

A) The final plat is the documentation which is recorded in the Town Clerk's Office see Section 406). It should be prepared to reflect conditions imposed by the Planning Commission at the sketch plan review and warned hearing.

B) The final plat shall conform in all aspects to the application as approved by the Planning Commission and shall show:

1. Proposed subdivision name or identifying title; name & address of owner of record and subdivider; name, license number, and seal of licensed land surveyor; boundaries of the subdivision and its general location in relation to existing streets or other landmarks; scale, date, and north arrow;

2. Street names and lines, pedestrian ways, lots, reservations, easements, building envelopes, and area to be dedicated to public use;

3. All public open space or recreation land for which offers of cession are made by the subdivider, and those spaces title to which is reserved by the subdivider;

4. Total acreage of the subdivision and each proposed lot with lots numbered and identified;

5. Easements and rights-of-way, including those for utilities, water mains, sewer, and drainage;

6. Location of all utility poles, sewage disposal systems, water supply systems, and grading or other devices and methods for draining the area within the subdivision; and

7. The following supporting documentation:

A. If required as a condition of Planning Commission approval, a performance bond or equivalent surety to ensure completion of improvements and their maintenance for a period of two years, with a certificate from the Selectboard or town attorney that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider;

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

C. Final copies of all deed restrictions and covenants which are to run with the land.

ARTICLE VI. PLANNING & DESIGN STANDARDS

600 PLANNING STANDARDS

The Planning Commission shall evaluate any subdivision in accordance with the following standards. The Commission may require the subdivider to submit data addressing impacts related to these standards. In light of findings made on these standards, the Commission may require modification and phasing of the proposed subdivision or correction of any adverse impacts.

A) **Characteristics of the Land.** Land shall not be subdivided in such a way that structures, roads, and utilities occur on land that is unsuitable due to flooding, improper drainage, steep slopes greater than 25%, soils that are shallow to bedrock or have a high water table, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. The site shall be found suitable for the proposed density of development.

B) **Existing Natural Features.** The proposal shall give due regard for the preservation of existing site features, including large trees, rock outcroppings, ridge tops, streams, lake shore, and other water bodies.

C) **Drainage & Erosion Control.** The proposal shall provide for the control of surface water runoff and erosion, both during and after construction.

D) **Compliance with Local Plan & Regulations.** The proposed development must comply with the town plan, zoning regulations, and other bylaws and ordinances of the Town of Franklin.

E) **Compatibility.** The proposed development shall be compatible with land uses, lot configuration, road network, and natural features on surrounding properties.

F) **Municipal Impacts.** The anticipated tax return from the project must be equal to or exceed the cost of anticipated municipal services and facilities directly attributable to it. The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or education services and facilities.

G) **Water Supply.** Sufficient water shall be available for the reasonably foreseeable needs of the proposed development.

H) **Water Resources.** All buildings, roadways, sewage disposal sites, and sewer lines will be located at least 100 feet from the mean high water mark of Lake Carmi. Development near shorelines and streambanks should maintain existing vegetation as much as possible.

I) **Land Resources.** Subdivisions shall be designed to minimize adverse affects upon productive agricultural and forest land and historic resources.

J) **Agricultural Uses.** Residential uses and water supplies shall be sited so as to minimize conflicts with agricultural operations.

K) **Energy Conservation.** Developments should be designed to allow for energy-efficient siting of buildings and accesses.

601 ROADS

A) **Public & Private Roads.** The standards of this section shall apply to all proposed public roads and to private roads serving more than 3 lots. In addition, these standards may be applied to private driveways serving three or fewer lots when the commission determines that such standards are necessary to provide suitable access or to accommodate potential future subdivision.

B) **Arrangement.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension of utilities and public services. The Planning Commission may require easements for future roads to connect properties.

C) **Topography.** Roads shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such roads.

D) **Access to Major Roads.** The Planning Commission shall encourage common access points serving multiple properties in order to limit the number of curb cuts onto major roads and state highways. The following shall apply to lands outside of the village limits: Parcels of land in existence as of the date these regulations are adopted which are located on state highways, shall have no more than 1 access road or driveway for each 1,000 feet of highway frontage. All such accesses shall be subject to the approval of the Vermont Agency of Transportation. Parcels in existence as of the date these bylaws are adopted which are located on Class 1 or Class 2 town roads, shall have no more than 1 access road or driveway for each 500 feet of road frontage. All such accesses shall be subject to the approval of the Selectboard.

E) **Through Traffic.** Minor roads shall be laid out in a manner which discourages their use by through traffic.

F) **Dead Ends or Cul De Sacs.** Dead end roads are discouraged. No dead end road shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than 35 feet, and no such road shall be longer than 1800 feet.

G) **Intersections.** New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of the street. Otherwise, "T" intersections are encouraged except that jog intersections with center line offsets of less than 200 feet shall not be permitted. All road intersections shall be as nearly at right angles as possible, and in no case shall be less than 75 degrees.

H) **Accessibility.** All structures to be occupied on a permanent, year-round basis must be accessible by emergency and service vehicles.

I) **Existing Access.** Where an existing access road is inadequate or unsafe, the planning commission may require the subdivider to upgrade that access road to the extent necessary to serve additional traffic from the subdivision.

J) **Sight Distances.** Sight distances should be consistent with probable traffic speed, terrain, alignments, and climactic extremes.

K) **Drainage.** A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas.

L) **Rights-Of-Way.** Rights-of-way for all roads shall be a minimum of 50 feet in width within the villages and a maximum of 65 feet in width in all other districts unless the planning commission deems it appropriate for environmental, conservation, or design reasons to have a narrower right-of-way.

M) **Traffic Impact.** The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the town. The Planning Commission may require modifications to the access and circulation within and to the property including, but not limited to reduction in curb cuts; change in location or number of access points; provisions for emergency vehicles; turning lanes; shared access with adjoining property owners; installation of frontage or service roads.

N)**Road Construction.** In order to be considered for road maintenance by the Town of Franklin, all roads must comply with State of Vermont A-76 design standards.

O) **Design.** All roads shall be designed in accordance with the following standards:

STREET/ROAD STANDARDS FOR SUBDIVISIONS TOWN OF FRANKLIN		
	Village Districts	Outside Villages
Minimum ROW Width	50 feet	65 feet
Minimum Width of Travel Lanes	24 feet	18 feet
Minimum Angle of Intersection	75 degrees	75 degrees
Width with Parking - 1 Side	24 feet	18 feet
Width with Parking - 2 Sides	28 feet	NA

Street Slope	0.5 - 10%***	0.5 - 10%***
Sight Distance at Intersections	200 feet	100 feet*
Graded Area or Shoulder	4 feet**	2 feet
<p>*Except at intersections with state or town highways, in which case the sight distance should be 200 feet.</p> <p>**Not required where a curb and sidewalk are provided.</p> <p>***Steeper grades may be approved, but in no case shall they exceed 10% within 100 feet of an intersection with a town road or state highway.</p>		

P) **Street Names & Signs.** All subdivision roads, whether public or private shall be named and identified by signs as required by the town.

602 PEDESTRIAN TRAFFIC & ACCESS

The proposal shall contain provision for pedestrian traffic which is adequate in terms of safety, convenience, access to points of destination, attractiveness, and connections with pedestrian ways on adjoining properties. Curbs and sidewalks may be required in the village districts, graded areas along one side of a street or access road may be required in rural areas.

603 OUTDOOR LIGHTING

Outdoor lighting may be required where deemed necessary by the Planning Commission to illuminate areas such as streets, sidewalks, and parking areas. Outdoor lighting fixtures shall be designed to direct light downward and located and adjusted so as not to cast light directly on adjacent roadways or properties.

604 SITE PRESERVATION & LANDSCAPING

A) **Existing Features.** Site amenities such as trees, water courses or drainageways, scenic roads, historic sites, unique geologic features, shall be preserved insofar as possible through harmonious design and appropriate construction methods in accordance with policies and goals set forth in the town plan.

B) **Ridgeline Development.** Developments on ridges and hilltops shall be strongly discouraged. Subdividers shall present plans for mitigation of adverse aesthetic and environmental impacts from such development. The Commission may require subdividers to specify building envelopes or clearing limits or limit the height of buildings and structures to mitigate such impacts.

C) **Natural Cover.** Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand, or gravel shall be removed from the site except in accordance with the zoning bylaw.

D) **Erosion & Sediment Control.** All areas exposed during construction shall be protected in accordance with standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Vermont Department of Environmental Conservation, Agency of Natural Resources. A detailed erosion control plan shall be provided for development on slopes of 15% or greater.

605 STORM DRAINAGE

A) **Removal of Spring or Surface Water.** The subdivider shall remove, either by pipe or by open ditch, spring or surface water that may exist, either previous to or as a result of the subdivision. Such drainage facilities shall be located in the road or street right-of-way when feasible, or in unobstructed easements of adequate width for maintenance. In design of the drainage system, natural waterways and drainageways shall be used to the fullest extent possible.

B) **Accommodation of Development Upstream.** Drainage facilities shall be designed to accommodate potential run-off from the entire upstream drainage area, based upon conditions of total potential development.

C) **Responsibility for Drainage Downstream.** To prevent flooding and erosion, the Planning Commission may require the subdivider to maintain the post-development peak storm water flows at pre-development levels and/or make down-gradient improvements.

D) **Storm Water Treatment.** The developer shall provide an appropriate level of storm water treatment to ensure that receiving waterways are not adversely affected.

E) **Design Storm.** All drainage facilities and easements shall be designed for the following storm frequency based upon the location of the facility or easement, except when the Planning Commission determines it is appropriate to design for a less frequent event:

Subdivision System: 10 Year Storm
Town Road System: 25 Year Storm

606 WATER SUPPLY

A) **Community Systems.** Community water systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system. Long term provisions for the replacement and maintenance of these systems by the users must be provided in a form acceptable to the town attorney or selectboard.

B) **Individual Water Supplies.** If the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities. Applicants may be required to enable sharing of identified water sources among lot owners where applicable.

C) **Standards.** The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:

- 1) Due consideration shall be given to the drainage patterns in the area.
- 2) Building sites and new streets shall be located far enough away from underground water concentrations or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
- 3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

4) There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

D) **Fire Ponds.** Fire ponds may be required for major subdivisions remote from existing water sources adequate for fire fighting. Fire ponds within a subdivision shall be accessible for use in an emergency on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the state or the National Wetlands Inventory.

607 SEWAGE DISPOSAL

A) **Community Systems.** Community sewage disposal systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community sewage disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal sewage disposal system. Long term provisions for the replacement and maintenance of these systems by the users must be provided in a form acceptable to the town attorney or selectboard.

B) **Individual Systems.** Individual septic systems shall meet the requirements of the town's sewage disposal ordinance and all other applicable municipal and state regulations and standards.

C) **Standards.** Should the Planning Commission determine that the proposed individual septic systems are not subject to any applicable municipal or state regulations, it may require the subdivider to make percolation tests and test holes as directed by the local health officer or Vermont Department of Environmental Conservation with the results thereof being submitted to the commission. The proposed individual disposal system, including the size of septic tanks and leach fields or other secondary treatment device shall be approved by the Selectboard or Vermont Department of Environmental Conservation, at the commission's discretion.

608 UTILITIES

A) **Connection & Supply.** All utility systems, existing and proposed, throughout the subdivision shall be shown on the final plat. The subdivider shall provide evidence of coordination in the subdivision design with the utility companies to ensure adequate supplies and connections.

B) **Installation.** The Commission may require underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character of an area or to maintain property values of adjacent property owners.

C) **Easements.** Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

609 LOT LAYOUT

A) **Zoning Regulations.** The layout of lots shall conform to the town's zoning regulations.

B) **Corner Lots.** Corner lots shall have sufficient width to permit a front yard setback on each street.

C) **Side Lot Lines.** Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

D) **Lot Shape.** Lots with irregular shapes (curves, jogs, dog-legs, bowling alleys, etc.) shall not be approved unless warranted by conditions of topography, protection of natural resources, existing road location and/or shape or use of the tract being subdivided.

E) **Lot Size & Density.** Lots shall be appropriately sized to provide satisfactory water supply and sewage disposal and to comply with other standards set by these regulations. Lot sizes and densities in the zoning bylaw are a minimum standard, and lower densities may be required in some cases.

F) **Productive Land.** The Planning Commission shall encourage lot layout that will conserve open areas in blocks large enough for productive agriculture and forestry. Planned Residential Development will be encouraged for major subdivisions.

G) **Topography.** Consideration in lot layout shall be given to topographic drainage and soils conditions. Steep slopes of 25% grade or greater are unsuitable for development of structures, roads, and public utilities.

H) **Access.** Lots shall be laid out so as to avoid direct access to heavily travelled streets or highways. The planning commission may require two access points for large subdivisions of greater than 10 lots to protect the public health, safety, and welfare.

610 OPEN LAND

A) **Applicability.** The Planning Commission may, in a subdivision having lots or potential sites for 6 or more dwelling units, require that the subdivision plat show one or more areas of character, size, shape, and location suitable to be used as open space, park, or playground.

B) **Limitation.** The Commission may not require the total area of such open space to exceed 15 percent of the total area of the subdivision.

C) **Objectives.** The following objectives shall be used to guide the design and location of required open land:

1) Conservation of and access to natural features including river banks, streams, lakes, and ridge-tops.

2) Retention of fish and wildlife refuge areas, and nature observation areas.

3) Protection of water quality.

4) Protection of natural drainage ways and flood water retention areas.

5) Provision, in appropriate areas of population concentration, of areas of land for active recreational use.

6) Continued access to existing trails and greenways.

7) Provision for 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.

D) **Design.** Open land shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such space easily accessible. When a property line of a subdivision abuts existing public or community open land, the Commission may require the new open land to form a continuation of the existing open area.

E) **Access.** 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 not be less than 20 feet wide and shall be graded in a manner suitable for traffic or pedestrians and maintenance vehicles.

F) **Development of Open Land.** Land to be used as public open land shall be left in condition for the purpose intended. The existing natural characteristics of open land shall not be altered from its original condition until a site plan shall have been approved by the Planning Commission.

ARTICLE VII. DEFINITIONS

Unless otherwise defined herein, the definitions contained in the Vermont Municipal & Regional Planning & Development Act (the Act) and the Zoning Bylaw for the Town of Franklin shall apply to these regulations. For the purposes of these regulations, the following words shall be defined as stated:

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, firm, corporation, partnership, or association, that disposes of sewage for domestic, commercial, industrial, or institutional uses for three or more customers.

Community Water System - Any water system owned by the same person, firm, corporations, partnership, or association, that supplies water for domestic, commercial, industrial, or institutional uses to three or more customers.

Density - The number of acres or square feet of land area that are required for a given number of units, uses, or structures. Area within a lot that is subject to an easement shall not be included within the lot area for calculation of density. Where a lot is located in two or more zoning districts, the density for the entire lot shall be the aggregate of the allowable density of each portion that is in a separate district.

Final Subdivision Plat - The final drawings on which the subdivision is presented to the planning commission for approval and which, if approved, shall be filed for record with the town clerk.

Lot - A parcel of land of at least sufficient size to meet the minimum zoning requirements and to meet the standards of these subdivision regulations and the town or state health regulations. A lot is a parcel of land under one ownership, not divided by any public road, highway, or street, and occupied or intended to be occupied by one principal building or other structure or used together with any accessory building or open space. Land in common ownership shall constitute a lot even if acquired by separate deeds or conveyances.

Resubdivision - Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded prior to the adoption of any subdivision regulation by the Town of Franklin.

Sketch Plan - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the planning commission as to the form of the subdivision and objectives and requirements of these regulations.

Street - Any road, highway, avenue, street, land, or other way between right-of-way lines commonly used by the public for vehicular traffic.

Subdivider - Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a planned residential or planned unit development. Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the planning commission determines that such adjustment is a minor realignment, does not substantially change the nature of any previous subdivision, does not create any new lots as a result of the adjustment, will not impact access to any parcel, will not adversely impact any significant natural resource, and will not create a nonconforming lot. All boundary adjustments shall be surveyed and recorded.