

Draft of Bradford Subdivision Bylaw

1.1 Exemptions

The following are not subdivisions for the purposes of these Regulations and therefore do not require a subdivision permit:

1. Annexations that result in the combination of any existing adjacent parcels into a single parcel for non-commercial use;
2. Agricultural leases;
3. A minor boundary line adjustment between two adjacent lots involving no change in the number or use of lots, and resulting in a change of less than one acre of land of any involved lot. Lot line adjustments may not result in the creation of a lot that does not meet the minimum lot size in the zoning district in which it is located.

1.2 Purpose

The appropriate Bradford Municipal Panel shall approve the creation of lots in accordance with these Subdivision Regulations through Final Plan Approval, with conditions if needed. The Administrative Officer will issue a Subdivision Permit to authorize such subdivision in conformance with that approval. Through the use of these Regulations, the Municipal Panel will seek to implement the Bradford Town Plan, focusing on the following Plan objectives:

To provide for the orderly growth of the Town of Bradford while protecting its unique setting, environmental integrity and scenic beauty.

To protect the quality of the Waits River and the Connecticut River.

To encourage the maintenance of our agricultural and forest lands in accordance with the standards established by the Vermont Department of Forests Parks and recreation.

These Regulations are hereby adopted to assure that development conforms to the policies set forth in the Bradford Town Plan. The Bradford Municipal Panel shall refer to the goals, objectives, policies and data contained in the Town Plan when making discretionary decisions.

It is the intent of these Regulations to accommodate the subdivision of land and its subsequent use in an orderly manner, without causing undue burden to the Town, while preserving, to the extent possible, the rural character of the downtown of Bradford and the surrounding environment.

1.3 Relationship to Other Permits

These regulations apply only to the subdivision of land, not to land development. Therefore the applicant needs to be aware that other permits may be needed before a subdivision plat can be filed in town records and/or before development may begin. Some of the permits that may be required include:

All development within the Town of Bradford requires a Zoning Permit unless specifically exempted by the Bradford Zoning Bylaw.

An Act 250 permit may be required for a subdivision. Consult with the Vermont Agency of Natural Resources in Springfield, Vermont.

Water and wastewater permits must be obtained from the Agency of Natural Resources, or the required deed notice filed, before local subdivision plats may be filed. When a deed notice is used instead of a wastewater permit, then the deed notice shall also be printed in no less than 10 point font on the plat itself.

A stormwater construction permit must be obtained from the Agency of Natural Resources before any construction disturbing more than one acre of land is initiated, and an operational stormwater permit is required for industrial or commercial uses and uses that create more than one acre of impervious surface.

A permit for driveway construction is required for any new or modified access onto a public road. This permit is issued by the Selectboard for town highways and the Vermont Agency of Transportation for state roads. This permit must be in place, and in accord with the approved subdivision, before a plat may be filed in town records.

1.4 Buildable Lots

1. Original lot does not count towards the total number of lots created.
2. Land separated by road creates a natural subdivision.

2. Subdivision Application Process

2.1 Overview

1. Sketch Plan Phase: Pre-application Meeting with the Planning Commission. Optional, but recommended.
2. Preliminary Plan Approval: This takes place following an officially warned hearing of the Municipal Panel and is the substantive review stage, in which the project can be modified as needed, abutters may voice any concerns and any unresolved questions are answered. The Preliminary Plan Approval hearing may be combined with the Final Plan Approval hearing at the request of the applicant.
3. Final Plan Approval: This takes place following an officially warned hearing of the Municipal Panel, in which the applicant has revised (if needed) the application to address all Planning Commission concerns provided at the Preliminary Plan Approval stage needed to meet the standards of this Bylaw. Within forty-five (45) days after the Final Plan public hearing, the Municipal Panel shall take action to approve, disapprove or approve with conditions the subdivision and final plat.
4. Administrative permit: The Administrative Officer issues a subdivision permit, if approval is granted by the Municipal Panel, within 7 days of approval.
5. Signing of Approved Plat: The authorized member(s) of the Municipal Panel checks the Mylar against the permit as issued and signs the plat provided that all conditions have been met by the applicant.
6. Plat Recording: Within one hundred and eighty (180) days after receiving the administrative permit from the Administrative Officer, the applicant files a signed Mylar with Town Clerk.

2.2 Sketch Plan

Potential applicants for subdivisions are strongly encouraged to meet with the Administrative Officer and Municipal Panel when beginning to consider their projects in order to avoid misunderstandings and to ensure a smooth application process once formal review is started.

The Sketch Plan Meeting is an opportunity to discuss the overall description of the project, familiarize the applicant with the regulations, and answer basic questions of procedure. The discussion shall be conducted at a regular monthly meeting held by the Municipal Panel. **No written findings, conclusions or decision shall be provided to the applicant and any comments by the Municipal Panel, the applicant and interested parties are non-binding.**

2.3 Formal application and Preliminary Plan Approval

Preliminary Plan Approval is the major review stage for subdivisions. Prior to the Planning Commission's hearing on Preliminary Plan Approval, the applicant shall submit the following along with the appropriate fee to the Town Clerk for the Municipal Panel's consideration at the Hearing for Preliminary Approval:

1. A completed subdivision application form, in duplicate, which may be obtained from the Town Clerk
2. A location map showing the proposed subdivision relative to abutting properties
3. Names and mailing addresses of all abutting property owners including properties across the road
4. A copy of the Bradford Parcel Map with the proposed location of the subdivision indicated
5. A draft survey plat drawn to a scale adequate for showing the subdivision boundary with lot lines and lot size, dimensions, and abutters' names (affixed to the appropriate property). The map shall include streams, ponds, wetlands, existing or proposed leach fields, existing or proposed wells, existing buildings, existing utilities, existing and proposed accesses, and existing and proposed roads and rights of way
6. Description of the proposed water supply. If source is an existing community water supply, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with the applicable State and local health regulations
7. Description of the proposed sewage systems. If onsite sewage disposal is proposed, then a registered professional engineer's or certified site technician's report and plans prepared in conformance with the State regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such a system and a registered professional engineer's statement of the adequacy of the system to handle the additional sewage shall be submitted
8. A description of any proposed covenants, and/or deed restrictions which are intended to cover all or part of the subdivision
9. A description of the homeowners association or other forms of management organization if one is proposed.
10. Written statement outlining approximate dates by which all improvements shall be completed.
11. In the event of granting of easements, and/or development rights to the Town of Bradford, a written acknowledgment of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town
12. The Municipal Panel may require that the survey show contour lines at an interval not greater than five feet; grading plans showing any areas of cut and fill' stormwater drainage plan, which shall indicate the methods for collecting and discharging drainage, as well as methods for temporary and permanent erosion control; proposed lighting and signage, if any; covenant or

easement language detailing the maintenance responsibilities for any common areas or improvements, any articles of incorporation if needed to create legal entities, and other existing and proposed facilities also be located on the plat

13. Any other relevant information requested in writing by the Municipal Panel following the pre-application meeting.

The Administrative Officer will return incomplete applications. If the application for Preliminary Plan Approval is determined to be complete, a site visit may be scheduled with the Zoning Administrator within 15 days, if it is deemed necessary. Testimony is not to be taken at the site visit, but rather this is the time to clarify any items in the application or to mark on the ground items shown in application materials. Following the site visit, if held, a public hearing shall be scheduled within 30 days.

The Municipal Panel shall hold a hearing as per V.S.A. Title 24, Chapter 117, 4464. At the hearing the Municipal Panel shall take testimony as to whether the project meets the requirements of this Bylaw and each relevant standard (see section 3), and may make specific written recommendations for changes necessary for such compliance. If additional information is needed, the applicant shall have up to 60 days to supply such, which if not provided shall be grounds for denying the application. Anyone seeking interested party status must participate in this hearing (this may be done in writing) to retain any appeal status.

When the Municipal Panel is satisfied that all relevant issues have been discussed and addressed sufficiently and is ready to decide on Preliminary Plan or Final Plat Approval, it shall close the hearing prior to any decision, and may then deliberate and deny the application if it clearly will not be permissible, or approve the preliminary plan with such conditions as it deems appropriate. In the event that all conditions required by the Municipal Panel have been met at the Preliminary Plan Approval phase, the Municipal Panel may choose to move immediately to the Final Plan approval phase without another hearing if the hearing has been warned as both the Preliminary and Final Plan hearing.

At the time the Municipal Panel grants Preliminary Plan Approval, it may require the subdivision to be divided into two or more phases to insure the conformity with the Town Plan and may impose such conditions upon the filing of the application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat and to avoid overburdening Town facilities and services.

If, in the opinion of the Municipal Panel, the applicant's subdivision request meets all of the requirements of a Final Plat, it may combine the Preliminary Approval Meeting, with the Final Plan Approval meeting. However, if the Municipal Panel requires more time to deliberate or needs further information from the applicant, it may choose to hold an additional meeting.

2.4 Final Plan Approval

Unless the Municipal Panel chooses to combine Final Plan Approval with the Preliminary Approval, within six months of the Preliminary Plan Approval, the applicant shall submit a Final Plan for approval to the Municipal Panel materially conforming to the layout and information shown on the Preliminary Plan, with any modifications required by the Panel. If the applicant fails to do so, the application shall be void.

The Municipal Panel shall hold a public hearing on the Final Plan, with notice as required, and shall, within 45 days from the adjournment of the final hearing, approve the Final Plan if it meets the requirements of the Preliminary Plan Approval and has, or is conditioned to have, any necessary federal, state and/or local permits. Copies of the hearing decision shall be promptly sent by certified mail to the applicant, and sent by first class mail to every person with party status at the hearing.

Failure to approve or deny the Final Plan within such 45 day period shall be deemed approval on the 46th day. In the event of such failure to act, the applicant must obtain certification from the Administrator documenting the Municipal Panel's failure to act within the specified period of time.

The Municipal Panel in its approval may require a performance bond or other surety as provided for under section 3.4.2

2.5 Subdivision Permit.

Within seven days, following approval of the final plat, the Administrator shall issue a subdivision permit for the actions as described in the approval. Copies of the permit shall be supplied to the Town Listers and posted by the Town Clerk as prescribed in section 4449 of the Act, as presently in effect or hereinafter from time to time amended.

2.6 Signing of approved Final Plat

The Plat for recording must be an 18" x 24" Mylar copy of the final approved plan and must not differ in any way from the plat approved at the final public hearing. Prior to filing and recording, but after the appeal period has expired, the plat must be reviewed for compliance with the Final Plan Approval, and signed by a duly authorized representative of the Municipal Panel. The authorized member of the Municipal Panel may not sign the final Mylar plat unless the applicant has provided all required items of approval, such as a bond or surety, a written agreement with the Selectboard, easement(s) or covenant(s), the receipt of additional permits, etc.

2.7 Filing of Approved Plan/Effect of Failure to File within 180 Days

Within 180 days following the date of approval of a subdivision, the applicant must submit the final signed Mylar plat to the Town Clerk for filing in the land records of the Town of Bradford. Filing of the plat shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended. The plat to be recorded shall be in compliance with state law, 27 VSA, Chapter 17. Filing fees shall be paid directly to the Town Clerk. Filing of the approved plat, any denials, notices of violation, and other matters of record shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended.

If an accurate Mylar plat is not filed within 180 days following approval of the subdivision, the subdivision approval shall be rendered null and void. It is the responsibility of the applicant to present the Mylar plat in a timely manner so as not to render the approval void.

3 Subdivision Standards

3.1 Major and Minor Subdivisions

The scale and intensity of a subdivision can have a distinct impact on town services, rural character and the community as a whole. Recognizing, this, Bradford has two types of subdivisions, Major and Minor. A Minor Subdivision is generally a simpler application process, with less detail required. A Major Subdivision may at the discretion of the Municipal Panel, require more detailed information to allow it to make a well informed decision about the permit application.

3.1.1 Minor Subdivisions

Subdivisions that create no more than four lots within five year period and do not require any new public roads or the extension of municipal facilities, are considered minor subdivisions. Applications for minor subdivisions generally require a less extensive permitting process because they are assumed to have a lower impact on the character of the town.

3.1.2 Major Subdivisions

Subdivisions that create more than four lots within a five year period or require any new public roads, or the extension of municipal facilities, are considered major subdivisions because they often have a more pronounced impact on the character of the town.

3.2 Waivers

The Municipal Panel may waive or vary the provisions of any application or review procedures, submittal and development requirements, that it finds are not in the interest of public health, safety and general welfare, and are not required by the Act.

The request for a waiver shall be made by the applicant, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Municipal Panel to reach a decision. In such a case, the Municipal Panel may move to waive certain requirements and approve the project with appropriate conditions.

In granting waivers, the Municipal Panel shall do so at the preliminary approval state and require such conditions to substantially secure the objectives of the requirements varied or waived. Such waivers and their justification shall be in writing and included in the permit file.

3.3 General Standards for Subdivisions

The Municipal Panel shall authorize the creation of lots and improvements on those lots in accordance with the following planning standards. Throughout the use of these standards, the Municipal Panel will seek to implement the Town Plan. The Town Plan is designed to reinforce two principal factors: the historical, rural character of Bradford and the natural beauty of its settings. Accordingly, the Municipal Panel shall consider the Town's special features, landscape patterns, natural resources, and the relationship of land use and road access in rendering its decisions.

The following subdivision standards, unless otherwise noted, shall apply to Major and Minor Subdivisions.

3.3.1 Energy Conservation and Environmental Design

Applicants will demonstrate reasonable steps have been taken to maximize efficiency in their building orientation, selection of materials, landscaping (such as the reduction of need for watering or chemical fertilizers).

3.3.2 Character of the Land and Site Preservation

Subdivisions shall be designed in reasonable conformity with existing topography to minimize grading, to reduce cuts and fills, and to retain, insofar as reasonable, natural contours, land cover, and soil. Projects involving major disturbance to existing topography must show that there is no feasible alternative, and the Municipal Panel may require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading.

All land to be subdivided shall be, in the judgment of the Municipal Panel, of such a character that it can be used for the intended purposes without danger to public health or safety, to the environment, or to critical resources as identified in the Town Plan.

3.3.3 Emergency Services

Subdivision shall be designed to ensure adequate provision of facilities necessary for adequate fire protection. Access drives shall be designed to safely accommodate emergency vehicles. Design of such drives or similar facilities shall be done in consultation with the Bradford Fire Department.

On major subdivisions, the Municipal Panel may require the provision of storage ponds and dry hydrants necessary for adequate fire protection. Such facilities shall be designed in consultation with the Bradford Fire Department.

3.3.4 Water Supply and Wastewater Disposal

Where creation of lots is intended for development requiring on-site sewage systems or potable water, state permits will be required as a condition, and prior to the filing, of any final plat approval. For lots without designed systems and intended to have no buildings, the required deed notice, as defined by the Vermont Environmental Protection Rules, shall be a condition of final plat approval.

Where creation of lots is intended for development and municipal water and/or sewer are available, any new construction will be required to connect to these systems.

3.3.5 General Road Standards for Subdivisions

All new, or extensions of, private roads, whether or not intended to be taken over by the town, and new private access rights of way, shall:

1. Preserve existing public access through the property to adjoining properties or uses when in the town's interest
2. Have a right of way of at least 30 feet
3. Shall meet the requirements of the Bradford Fire Department with regard to emergency vehicle access.

3.3.6 Private Road Maintenance

The maintenance of all private shall be the responsibility of the applicant.

3.3.7 Public Acceptance of Roads and Open Spaces

Nothing in these Regulations shall be construed to constitute the acceptance by the municipality of any road, easement, utilities, park, recreation area, or other open space shown on the Final Subdivision Plan. The Municipal Panel may require the filing of a written agreement between the applicant and the Selectboard covering future deed and title, dedication and provisions for the cost of grading, development, equipment and maintenance of any such improvements. The Municipal Panel may require the filing of a written agreement between the applicant and the Selectboard waiving any existing or future claim by the applicant and/or his/her heirs, successors and assignees regarding the Town's obligation to accept any road or other improvement as a Town facility as shown on the final Subdivision Plan and providing for the future grading, development, equipment, repair, and maintenance of any such road or other improvement by the applicant and/or his/her heirs, successors and assignees.

3.3.8 Revision of Approved Plan

No changes, modifications, or revisions that alter the conditions attached to an Administrative Permit shall be made unless the plan is first resubmitted to the Municipal Panel and the Municipal Panel approves such modifications after public hearing, if a hearing is required.

In the event that such final subdivision plat is recorded without complying with this requirement, the plan and all approvals shall be considered null and void.

3.3.9 Compliance with other Bylaws or Ordinances

Nothing in these Regulations shall be so construed as to supersede the conditions and criteria for permit approval set forth in this or other bylaws or ordinances in effect. This includes, but is not limited to, conditional use criteria and Planned Unit Development requirements set forth in the Bradford Zoning Bylaw, and local and state water/sewer requirements.

3.4_Subdivision Standards for Major Subdivisions

Notwithstanding specific entries in section 3.3 and related sub-sections that apply to major subdivisions, the following additional standards may apply:

3.4.1 Conservation of Natural and Cultural Resources

The design of the subdivision shall conserve, to the extent reasonable, existing resources, including streams, forest and meadowland, primary agricultural soils, historic structures or sites, scenic resources, critical wildlife habitats, wetlands, aquifers, and other natural or cultural resources. Specifically, the following areas shall be treated as follows:

3.4.1.1 Scenic Resources

Subdivisions visible from scenic public highways (as outlined in the Bradford Town Plan) shall be designed to ensure that the subdivision and resulting proposed structures or site alterations, including grading, filling, removal of trees, stone walls or contributing landscape features are consistent with the scenic quality of the road and roadside areas to minimize any adverse effects on views or vistas afforded from the scenic road. Subdivisions shall be designed so that location of any subsequent utilities maintains and protects the character of scenic areas (as indicated in the Bradford Town Plan).

3.4.1.2 Historic Structures/Sites

Subdivision involving buildings or sites of historic significance shall be designed to retain or enhance the unique characteristics of the historic structures or sites. The work shall not unnecessarily destroy or result in removal of such historic resources.

3.4.1.3 Prime Agricultural Soils and Pastureland

Subdivision of prime agricultural soils and pasturelands shall be permitted only where the PC finds that the subdivision

1. Retains the maximum possible soils/pastureland for agricultural use through such means as clustering under PUD provisions, reduction in allowable density, sale or donation of development rights
2. Maximizes development on the least productive land to further the protection of primary agricultural soils.

3. Does not conflict with existing or potentially viable agricultural uses in the area

3.4.1.4 Forest Resources

Conservation of productive forestland and economic viability of the forest industry are matters of public good, subdivisions involving tracts of forest resources over 10 acres may be approved on determination that it has been planned to retain its forestry potential by providing for reasonable lot sizes and numbers, the use of cluster planning concepts and economical layout of roads, utilities, or similar investments.

3.4.1.5 Natural Heritage Areas

Any subdivision proposed on lands containing a Natural Heritage area designated by the State of Vermont shall be required to avoid impacting the area in a manner that would harm it unless no other reasonable use is feasible.

3.4.1.6 Conservation of Open Space

Subdivisions in the Conservation Residential district will be required to maintain at least 80% of the total acreage in contiguous (but not necessarily single ownership) and undeveloped acreage.

3.4.1.7 Deeryards

Subdivision immediately within or adjacent to a deeryard identified on State Deer wintering Area Maps shall be designed, sited, and undertaken in a manner compatible with the continued viability of the deer yard. Subdivision within a deeryard boundary shall be permitted only where the PC makes the following findings:

The parcel to be subdivided includes no land that is practical for subdivision except that which is deeryard.

The subdivision can be designed and undertaken in a manner that minimizes the impact of the subdivision on the continued viability of the deeryard.

Proposals for subdivision of a lot involving or adjacent to an identified deer yard shall be based upon the applicant's consultation with representatives of Vermont Department of Fish and wildlife and shall provide evidence of such consultation.

Where subdivision takes place within a deeryard, or includes part of or all of a deeryard in the land base for the subdivision or the determination of its density, the remainder of the deeryard owned by the applicant shall be managed in a manner compatible with the continued viability of the deeryard. This may include the preparation and implementation of a forest management plan approved by the Vermont Fish and wildlife.

In the event that an applicant believes that the State Deeryard wintering Area Maps are inaccurate, the applicant may (at his/her own expense) hire a professional to properly determine the location of the deer wintering areas in relation to the proposed subdivision.

3.4.2 Power and Telephone

The Municipal Panel may require the installation of underground 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. A diagram showing proposed location of utility lines shall be submitted with the subdivision application.

3.4.3 Drainage and Erosion Control

Subdivisions shall be designed so as not to cause unreasonable soil erosion, storm water run-off, or a reduction in the capacity of the land to hold water so that a dangerous condition might result. The Municipal Panel may require the applicant to obtain drainage and erosion control plans designed by a professional engineer. The site shall be planned to minimize the use of pavement, make use of retention ponds and berms, and employ phased construction to reduce runoff and erosion. Use of innovative permeable materials is encouraged.

The Municipal Panel may require the phasing of construction to reduce the amount of land disturbed by construction at any one time, and may stipulate deadlines for installation of erosion control or soil stabilization measures.

The Municipal Panel may require the applicant to obtain determination of the effect of the subdivision on the existing downstream drainage capacity outside of the area of the subdivision. Where the PC anticipates that the increased runoff will overload the capacity of the downstream system, it may require the applicant to delay construction until the capacities are adequate, and may require the applicant to perform the capacity improvements deemed necessary.

3.4.4 Traffic Management Study

All subdivisions shall be designed to manage traffic in an orderly and safe manner. Where in the judgment of the Municipal Panel, a proposed major subdivision presents a potential for significant traffic impact on Town or State highways, village centers or historic areas adjunct to the subdivision, a traffic study may be required. The purpose of the study shall be to quantify the traffic impacts resulting from the subdivision and to identify necessary and appropriate mitigating measures. When warranted, the applicant shall fund the study. The Municipal Panel and the applicant shall jointly select the firm or individual preparing the study.

Such studies include the following information:

1. A description of the general location of the project.
2. A statement of existing traffic conditions and projected traffic conditions in five (5) years.
3. A statement comparing the operating Level of Service of the roadway(s) and/or intersection(s) in the Town with and without the proposed project(s) at the opening date of the project and in five (5) years.
4. A statement of recommendations outlining any adverse traffic impact of a proposed subdivision and the necessary improvements to provide an acceptable operating Level of Service.

Based upon a review of the study, the Municipal Panel shall set appropriate conditions to avoid or mitigate any traffic congestion or safety problems associated with the proposed subdivision.

3.4.5 Pedestrian Access

The Municipal Panel may require a right-of-way to facilitate pedestrian circulation within the subdivision and to adjacent uses.

3.4.6 Disclosure of Subsequent Development Plans

Whenever an applicant submits a proposal for development on only a portion of contiguous parcel, the Municipal Panel may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

3.4.7 Completion Date

Each approval for Final Subdivision Plan shall contain a time limit within which all improvements shall be completed not to exceed three (3) years unless extended by the Municipal Panel.

3.4.8 Performance Bond Requirements

The Municipal Panel may require from the applicant, for the benefit of the Town, a performance bond in an amount sufficient to cover the full cost of the constructing way public or private improvement that the Municipal Panel may require in approving the project, such performance bond to be submitted prior to Final Subdivision Plan approval.

Security that the project shall be completed as approved may be required in the form of:

1. A surety bond, issued by an insurance company or surety bond broker authorized to do business in Vermont to be filed with the Selectboard in a form and amount satisfactory to it, or
2. A letter of credit, cash, escrow account or savings bank book properly endorsed to the Town in the amount to be determined by the Selectboard, or
3. A performance bond from the developer or contractor.

The performance guarantee shall not be released until the Municipal Panel has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan. The performance bond shall run for a term to be fixed by the Municipal Panel, but in no case for a longer term than three (3) years. However, the term of such a bond may, with the consent of the owner, be extended for an additional period not to exceed three (3) years.

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

The Municipal Panel may also require surety covering the maintenance of said improvements for a period of two (2) years after acceptance by the Town; said surety to be equal to but not less than 10% of the estimated cost of those improvements.

3.4.9 Legal Data

Where applicable to a specific major subdivision, the following may be required prior to approval of the Final Subdivision Plan:

1. An agreement to convey to the Town land and/or Development Rights to be used for roads, open space and other public purposes;
2. An agreement to maintain the roads, parks, recreation areas and other improvements in the future and to waive any claim regarding the Town's obligation to accept said improvements as Town facilities;

3. Descriptions of easements and rights of way over other property to remain in private ownership; and
4. Description of easements to drain stormwater onto or across other property.

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4. Administration, Enforcement and Appeals

4.1 Administrator

As provided in Section 4448 of the Act, there is hereby established the position of an Administrator, and acting Administrator in his/her absence, to provide applications, take applications, and otherwise fulfill the duties and responsibilities of that position as set forth in the Act and in these Regulations.

4.2 Municipal Panel

As provided in section 4321-4325 and 4460 of the Act, there is hereby established the municipal panel which shall act as the municipal panel to review and approve subdivisions.

4.3 Notice of Public Hearings

At least one warned public hearing shall be required for subdivision review and Administrative Officer appeals. An additional public hearing may be required for final plat approval. Notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of a notice in a newspaper of general circulation in the Town of the date, time, place, and purpose of the hearing; a description of the proposed project; where additional information may be obtained' and that participation in the hearing is a prerequisite to the right to take any subsequent appeal.
2. Posting of the same information in three or more public places within the municipality, including at least the Town Office.
3. Posting of the same information on a form provided by the town within view from the public right of way most nearly adjacent to the property for which an application is made. Posting on private property outside the right-of-way requires landowner permission.
4. Mailing or hand delivery by the applicant, or if previously agreed, by the Municipal Panel, of a copy of the notice of hearing, (which will be provided by the town), by first class mail or hand delivery to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The applicant must provide a signed sworn certificate of service at the hearing, or return receipts if they choose to use certified mail.
5. Written notification to any neighboring town's clerk if the proposed subdivision is within 500 feet of that town.

If additional hearings are needed for additional information, the first hearing may be recessed to a later date and time specified at the first hearing without requiring new notice. If the first hearing is closed and any additional hearings are needed, the notice requirements above apply the same as if for a first hearing.

Any decision shall be sent by certified mail to the applicant and appellant (in matters on appeal). The decision shall also be mailed to interested parties in accordance with current Vermont statutes.

4.4 Decisions

Any action or decision of the Municipal Panel shall be taken by the concurrence of a majority of the members of the PC. In accordance with the Act 4464(b). The Municipal Panel shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day. In addition:

All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 4.5.

In rendering a decision in favor of the applicant, the Municipal Panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:

1. The submission of a three-year performance bond, escrow account, or other form of surety acceptable to the Selectboard, which may be extended for an additional three-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project: and/or
2. A requirement that no lot may be sold or subsequent Zoning Permit be issued within an approved subdivision until required improvements have been satisfactorily installed in accordance with the conditions of approval.

All decisions of the Municipal Panel shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Town Clerk as part of the public record of the municipality.

4.5 Issuance of a Subdivision Permit

5. Once the Municipal Panel has issued its decision of Final Plan Approval the Administrative Officer shall issue a subdivision permit, which shall take effect after the 15-day appeal period has expired.

4.6 Appeals

4.6.1 Interested Persons

The definition of an interested person under the Act 4465(b) includes the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a Bylaw, who alleges that the Bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. The town of Bradford or any adjoining municipality
3. A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or Bylaw of that municipality;

4. Any ten (10) voters or real property owners within the municipality who, by signed petition to the Planning Commission, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
5. Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

4.6.2 Appeals of Decisions by the Administrative Officer

Any interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Municipal Panel or with the Clerk of the municipality. If the appeal is made with respect to any decision or act of the Administrative Officer, such notice of appeal must be filed within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer.

A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act (section 4466):

1. The name and address of the appellant
2. A brief description of the property with respect to which the appeal is taken
3. A reference to applicable provisions of these regulations
4. The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
5. The alleged grounds why such relief is believed proper under the circumstances.

4.63 Appeal Process

The Municipal Panel shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act (4468). The Municipal Panel shall give public notice of the hearing under Section 4.3, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

The Municipal Panel may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant (4470).

In accordance with the Act (4468), all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes (3 V.S.A. 810) Any interested person (see 4.6.1) or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Municipal Panel from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.

A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act (4464 (b)). The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Municipal Clerk as part of the public records of the municipality, in accordance with Section 4.4. Failure of the Municipal Panel to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

4.6.4 Appeals of Municipal Panel Decisions to Environmental Court

An interest person who has participated in a proceeding before the Municipal Panel may appeal a decision to the Vermont Environmental Court in accordance with current Vermont Statutes. Participation in a proceeding shall consist of offering through oral or written testimony, evidence or statement of concern related to the subject of the proceeding. In the event that a notice of appeal is properly filed, any permit, approval or action shall not take effect until final adjudication of said appeal.

4.7 Violations and Enforcement

The commencement or continuation of any land development that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act (4451, 4452). Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute, in the name of the Town of Bradford, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.

4.7.1 Notice of Violations

No action may be brought under this section unless the alleged offender has had a least seven (7) days' warning notice by certified mail that a violation exists, as required under the Act (4451). The notice of violation also shall be recorded in the land records of the municipality under Section 5.7. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

4.7.2 Limitations on enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act (4454). The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 5.7

5 Definitions

Access: Subdivided property must have direct access onto a town or state road, or onto a private road or right-of-way that provides entry to and egress from a town road or state highway. Any access by private road or right-of-way must be constructed according to the Town of Bradford Highway Policy. No landlocked lots may be created.

Act: The Vermont Planning and Development Act, 24 VSA Ch. 117, as presently in effect or hereinafter from time to time amended.

Annexation: The combining of any number of adjacent lots in their entirety into a single lot.

Applicant: The owner of the land proposed for subdivision, or his or her representative. Any party with a legal interest in the property may apply in cooperation with the owner.

Building: An enclosed structure with walls and a roof for occupation or use.

Certificate of Service: A document which includes the names and addresses of interested parties stating the date and manner in which the parties were served (given) a document.

Covenant: A binding agreement or contract between two parties.

Deed Notice: A non-enforceable, purely informational document filed in public land records that alerts anyone searching the records to important information about the property.

Easement: The authorization by a property owner for the right of specific use of a designated part of the property by another party or entity.

Land Development: as defined in VSA Title 24, Ch 117, 4303, Land Development means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Lot: A portion of a parcel that is separated by a property line and has a separate deed; land designated as a lot on a plat approved by the Bradford Planning Commission under these Regulations, and duly recorded in the Land Records of the Town.

Map: A scaled drawing of features on the land with such features accurately located.

Mylar: A plastic medium, transparent or opaque, which is required for the final plat, to be filed in the land records of the Town within 180 days of the Final Plan Approval.

Natural Heritage Area: Those areas identified by the VT Fish and Wildlife Department as containing significant nongame wildlife (vertebrates and invertebrates), native plants and natural communities, which require protection or conservation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, parking lots, or other manmade encumbrances; land reserved for recreation, including hunting, fishing, forestry, agriculture, and tourism.

Parcel: Any contiguous land owned or controlled by the same person or legal entity, regardless of whether acquired at different times or through separate conveyances.

Performance Bond: A form of surety that guarantees a subdivision will be developed and maintained as permitted, which, if need be, is used by the Town to construct and maintain such improvements in the subdivision without cost to the town.

Plat: A map of a parcel of land, showing boundaries of lots, roads, or other features, drawn to scale. For subdivision approval, the plat must be a survey prepared by a licensed land surveyor and submitted for recording in the municipal land records of the Town of Bradford.

Private Road: Any non-public road that serves a major subdivision road with ownership retained by the property owner or an association of landowners.

Shall: The use of this verb indicates mandatory action or requirement.

Shared Access: An access onto a public or private road, where the access will serve as the sole access serving lots within a subdivision.

Site Visit: On-site inspection by the Administrative Officer and/or members of the Planning Commission of the property proposed to be subdivided in order to ensure a clear understanding of site conditions for review.

Subdivider: a person, partnership, firm, corporation, association, or other legal entity proposing to divide property for the purpose of sale, lease, or other development: the term includes any applicant for approval of the subdivision of land.

Subdivision: The division of any lot or parcel into two or more lots, parcels or interests, for the purposes, whether immediate or not, of sale, lease, or development. The term includes amended subdivisions or re-subdivisions. For the purposes of these Regulations, the following are not considered subdivisions:

- Annexations that result in the combination of any existing adjacent parcels into a single parcel for non-commercial use;
- Agricultural leases
- A minor boundary line adjustment between two adjacent lots involving no change in the number or use of lots and resulting in a change of less than an acre of land of any involved lot.

Survey map: A plat of land parcel to be subdivided, prepared by a licensed land surveyor, and required as part of a subdivision application.

Town Plan: The duly adopted comprehensive plan for the Town of Bradford as developed by the Planning Commission and approved by the Selectboard.

