

# **SUBDIVISION BYLAWS FOR THE TOWN OF BRADFORD**

Adopted and Ratified  
by  
Bradford Selectboard  
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# **CHAPTER I. AUTHORITY AND PURPOSE**

## **SECTION 1.1 ENACTMENT**

In accordance with the Vermont Planning and Development Act [24 V.S.A. Chapter 117, as amended], hereinafter referred to as the “Act,” there is hereby established subdivision bylaw for the Town of Bradford, Vermont. This bylaw shall be known and cited as the “Bradford Subdivision Bylaw” and hereinafter referred to as “Bylaw”.

## **SECTION 1.2 PURPOSE**

It is the intent of this Bylaw 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.

This Bylaw are hereby adopted to assure that development conforms to the policies set forth in the Bradford Town Plan. . The Appropriate Bradford Municipal Panel shall approve the creation of lots in accordance with this Subdivision Bylaw 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 this Bylaw, the Appropriate Municipal Panel will seek to implement the Bradford Town Plan, focusing on the following Plan objectives:

1. To provide for the orderly growth of the Town of Bradford while protecting its unique setting, environmental integrity and scenic beauty.
2. To protect the quality of the Waits River and the Connecticut River.
3. 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.

## **SECTION 1.3 APPLICATION & INTERPRETATION**

- (A) The application of this Bylaw is subject to all provisions of the Act as most recently amended.
- (B) The Bylaw shall be deemed to constitute permanent subdivision regulations along with separately enacted Zoning Bylaw for purposes of determining Act 250 jurisdiction in accordance with 10 V.S.A. Chapter 151.
- (C) In accordance with the Act [para 4446], no subdivision of land shall commence in the Town of Bradford except in conformance with this Bylaw. Any subdivision of land not specifically authorized under this Bylaw, unless exempted under the Act or Section 1.4 (C) is prohibited.
- (D) All subdivisions of land, as regulated under this Bylaw, in existence as of the effective date of this Bylaw are allowed to continue indefinitely. Changes, alterations or expansions to pre-existing subdivision shall be subject to all applicable requirements of this Bylaw, including provisions applying to nonconforming lots under Section.
- (E) This Bylaw is not intended to repeal, annul or in any way impair any permit or approval previously issued.

- (F) Where this Bylaw imposes a greater restriction on the use of land than is required by any other statute, ordinance, rule regulation, permit, easement or agreement, the provisions of this Bylaw shall control. See Section 1.4 (C) Exemptions.

## **SECTION 1.4 APPLICABILITY**

- (A) This Bylaw applies 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:

- (1) **All subdivision within the Town of Bradford requires a Subdivision Permit unless specifically exempted by the Bradford Subdivision Bylaw.**
- (2) An Act 250 permit may be required for a subdivision. Consult with the Vermont Agency of Natural Resources in an office that covers Bradford, VT.
- (3) 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.
- (4) 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.
- (5) A permit for driveway construction is required for any new or modified access onto a public road. This permit is issued by the Highway Foreman 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.

- (B) In accordance with the Act [4440(2)], whenever any subdivision of land is proposed that is not specifically exempt from this Bylaw under Subsection (B), the applicant or his/her authorized agent shall apply for and obtain AMP (Appropriate Municipal Panel) approval of the proposed subdivision prior to undertaking:

- (1) Any construction or building development
- (2) Any sale or conveyance of any portion of a property to be subdivided
- (3) The application for any town permit for any land development involving land to be subdivided
- (4) The filing of a subdivision plot with the Town Clerk

- (C) Exemptions. The following are not subdivisions for the purposes of this 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 (2) adjacent lots involving no change in the number or use of lots, and resulting in a change of less than one (1) 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.
- (4) Lots created by a natural boundary provided by state or town road.
- (5) Submittal of plats for pre-existing subdivisions that had no plats filed.

Applicants or other residents in question as to whether a subdivision review is warranted under this Bylaw may seek a jurisdictional opinion in writing from the AO.

(D) Buildable Lots

- (1) The original lot does not count towards the total number of lots created.
- (2) Land separated by a public highway on the original lot creates a natural subdivision and does not count towards lots created.

**SECTION 1.5 EFFECTIVE DATE**

This bylaw shall take effect on the date of its adoption by the Town of Bradford, in accordance with the Act [para 4442]. All subdivision related regulations, if any, previously in effect for the Town of Bradford are repealed as of the effective date of this Bylaw.

**SECTION 1.6 AMENDMENT**

This Bylaw may be amended or repealed in accordance with the requirements and procedures established in the Act [para 4441, 4442].

**SECTION 1.7 SEVERABILITY**

The provisions of this Bylaw are severable. In the event that any part of this Bylaw, or their application is judicially determined to be invalid, such determination shall not affect the validity of any other part of these regulations or their application.

**SECTION 1.8 AVAILABILITY OF DOCUMENTS**

In accordance with the Act [4445], copies of this Bylaw as adopted have been provided to Two Rivers-Ottawquechee Regional Planning Commission, the Vermont Department of Housing and Community Affairs, and shall be available to the public during normal business hours at the Bradford Town Office.

## **SECTION 1.9 REFERENCES TO ACT**

All references to the Act as contained herein are intended to assist in the interpretation, understanding and reference to State statutory authority. Any conflict between the specific provisions contained within this Bylaw and the Act, it is intended that this Bylaw shall be controlling.

# CHAPTER II. SUBDIVISION REVIEW PROCEDURES

## SECTION 2.1 CLASSIFICATION OF SUBDIVISIONS

- (A) Minor Subdivision: four (4) or fewer residential lots that does not trigger Act 250 permitting:
- (B) Major Subdivision: Subdivisions that create more than four (4) lots from one original parcel within a five (5) year period or require any new public roads, or require any new road in excess of 800 feet in length or any subdivision for a commercial, industrial or commercial recreational project, planned residential development or planned unit development, or the extension of municipal facilities, are considered major subdivisions because they often have a more pronounced impact on the character of the town.
- (C) Boundary Adjustment

## SECTION 2.2 WAIVER

The AMP may waive or vary the provisions of any application or review procedures, submittal and development requirements, if the panel finds those provisions 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 at the time of application, and the applicant shall be responsible to provide sufficient information to justify the waiver and to enable the AMP to reach a decision. In such a case, the AMP may move to waive certain requirements and approve the project with appropriate conditions.

In granting waivers, the AMP shall do so at the preliminary approval stage and may require such conditions to substantially secure the objectives of the requirements that will be varied or waived. Such waivers and their justification by the AMP shall be in writing and included in the permit file.

## SECTION 2.3 SUBDIVISION APPLICATION PROCESS

### (A) Minor Subdivision Application Process

- (1) **Sketch Plan Phase** (discussion): Initial meeting with the AMP and classification of project.
- (2) Within 180 days after initial sketch plan discussion: **Final Plan/Plat** submission for public hearing.
- (3) Within 30 days after final plan submission: AMP Hearing (including written evidence of approval by all governmental agencies where approval is required by statute or administrative procedure).
- (4) Within 45 days after adjournment of the Public hearing: Notice of Decision issued by the AMP.
- (5) Within 180 days after the AMP approval: **Plat recording** Mylar is delivered to the Administrative Officer.
- (6) On completion: Submission of as-built drawings, if applicable.

Failure by the applicant to submit required items within timeframes shall be cause for denial unless the AMP determines the delay was beyond the control of the applicant.

### (B) Major subdivision Application Process

- (1) **Sketch Plan Phase** (discussion): Initial meeting with the AMP and classification of project.
- (2) Within 180 days after initial sketch plan discussion, **Preliminary Plan Application**.
- (3) Within 45 days after preliminary plan application: AMP Public Hearing

- (4) Within 180 days after preliminary plan approval: **Final Plan Application.**
- (5) Within 30 days after final plan application: Final Public Hearing (including written evidence of approval by all governmental agencies having jurisdiction over the project).
- (6) Within 45 days after Final Public Hearing: Notice of Decision issued by AMP.
- (7) Within 180 days after AMP approval: **Plat recording** Mylar delivered to Administrative Officer.
- (8) On completion: Submission of as-built drawings, if applicable.

Failure by the applicant to submit required items within timeframes shall be cause for denial unless the AMP determines the delay was beyond the control of the applicant.

### **(C) Boundary Adjustment and Annexation**

Boundary adjustments shall be heard only for joint applications by both property owners. In the case of annexations, the applicant shall demonstrate legal ownership of both parcels in question

## **SECTION 2.4 SKETCH PLAN PHASE**

**The sketch plan phase is an informal presentation to the AMP and is NOT a warned public hearing.**

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

While a scale drawing is not required for a sketch plan presentation, the map presented should be sufficiently accurate to determine the relative sizes of the lots, indicate all rights of way, major natural or man-made features and all property lines. A sketch plan is required for all major and minor subdivision applications, is highly recommended for lot line adjustments, and is optional for annexations. At the conclusion of the sketch plan discussion, the AMP may:

- (A) Recommend further discussion at the sketch plan level but not require it.
- (B) Refer major subdivision proposals to preliminary hearing and if deemed useful, may refer both minor subdivision and lot line adjustments to a preliminary hearing.
- (C) Refer minor subdivision proposals, lot line adjustments and annexations directly to a final approval hearing.

## **SECTION 2.5 FORMAL APPLICATION**

The applicant shall submit the following along with the appropriate fee to the Administrative Officer for the AMP's consideration at the Hearing for Preliminary Approval (Major Subdivision) or Final Approval (Minor Subdivision or Boundary Line Adjustment):

- (A) A completed subdivision application form, one (1) paper and one (1) digital, the forms of which may be obtained from the Town Clerk or the AO or on the town's website.
- (B) A location map showing the proposed subdivision relative to abutting properties
- (C) Names and mailing addresses of all abutting property owners including properties across the road
- (D) A copy of the Bradford Parcel Map with the proposed location of the subdivision indicated

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 along with true north and scale marked on the plat. This is to be provided in paper and digital form.

- (E) 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
- (F) 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
- (G) A description of any proposed covenants, and/or deed restrictions which are intended to cover all or part of the subdivision
- (H) A description of the home-owners association or other forms of management organization if one is proposed.
- (I) Written statement outlining approximate dates by which all improvements shall be completed.
- (J) 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
- (K) The AMP may require that the survey show contour lines at an interval not greater than five (5) 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
- (L) All supplemental information requested by the AMP from the sketch plan (discussion) phase.
- (M) A description of any existing or proposed rights of way lines, widths of roads, typical road profiles, dimensions of all lot lines and size of all lots, locations of all buildings, walkways, amenities, utilities and manmade improvements.
- (N) Lots should be of ordinary shape and compact layout unless compelling public interest or site feature.
- (O) Additional requirement for Boundary Adjustments must include a joint application of both property owners.
- (P) Additional requirement for Annexation is that the applicant must demonstrate ownership of both parcels.

The Administrative Officer will return incomplete applications. Upon receipt of a complete application, a site visit may be scheduled with the Administrative Officer 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 and clarifying the application, the AO shall forward the application to the AMP within 30 days.

## **SECTION 2.6 PRELIMINARY PLAN APPLICATION (REQUIRED FOR MAJOR SUBDIVISIONS)**

The AMP shall hold a warned public hearing as per V.S.A. Title 24, Chapter 117, 4464 per public hearing procedures. The purpose of the preliminary approval is to ensure issues discussed in the sketch plan phase

have been addressed, other state and local permits which may be required are in process or have been obtained and identify other deficiencies to be addressed for final approval.

At the conclusion of the hearing, the AMP may:

- (A) Recess the hearing to a date certain to generate further information or plat elements
- (B) Refer the application to a final approval hearing

In the event that all conditions required by the AMP have been met at the Preliminary Plan Approval phase, the AMP 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 AMP grants Preliminary Plan Approval, it may require the subdivision to be divided into two (2) or more phases to ensure 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.

## **SECTION 2.7 FINAL SUBDIVISION PLAN APPROVAL**

Unless the AMP chose to combine Final Plan Approval with the Preliminary Approval for a Major Subdivision, the Final Plan Approval takes place in a warned public hearing conducted per public hearing procedures. This is the final public hearing for major subdivision proposals and is the only public hearing for a minor subdivision or boundary adjustment. The plat as presented shall meet all requirements per this article and be ready for acceptance as a Mylar printed plat. At the conclusion of a Final Plan Approval hearing, the AMP may:

- (A) Recess the hearing to a date certain to allow submission of an acceptable plat as required by this Article or to conform to AMP conditions;
- (B) Accept the plat and sign any presented Mylar;
- (C) Accept the plat and require the submission of a Mylar for signing within 180 days of the closing of the hearing.

## **SECTION 2.8 SUBDIVISION PERMIT**

Within seven (7) days, following approval of the final plat, the Administrative Officer shall issue a subdivision permit for the actions as described in the approval which shall take effect after the 15-day appeal period has expired. 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.

## **SECTION 2.9 FINAL PLAT SIGNING**

The Plat for recording must be a minimum of an 18" x 24" Mylar copy of the final approved plan and an electronic copy 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 AMP. The authorized member of the AMP 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.

## **SECTION 2.10 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 along with an electronic copy. 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 and electronic copy are not filed within 180 days following approval of the subdivision, the subdivision approval and any subdivision or zoning permit associated with it 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.

## **SECTION 2.11 PLAT SUBMISSION REQUIREMENTS**

Submission requirements are determined by classification as either major or minor subdivisions. Major subdivisions by definition are subject to the full requirements of this Article and classification as such can be triggered by the AMP when it is found that the site conditions (e.g. topography, slope, soils, and wetlands) require greater definition, or at any time an Act 250 Land Use Permit is required by the Agency of Natural Resources. Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting. They lack complicated site conditions and involve relatively simple access and easement arrangements.

## **SECTION 2.12 REVISION OF APPROVED PLANS**

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 AMP and the AMP 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.

Minor changes to approved subdivision plans can be approved by AO without the necessity of a hearing.

## **SECTION 2.13 COMPLIANCE WITH OTHER BYLAWS OR ORDINANCES**

Nothing in this Bylaw shall be construed as to supersede the conditions and criteria for permit approval set forth in other municipal 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.

## **SECTION 2.14 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 AMP.

## **SECTION 2.15 PERFORMANCE BONDS**

- (A) The AMP 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 construction of public or private improvement that the AMP may require in approving the project, such performance bond to be submitted prior to Final Subdivision Plan approval.
- (B) 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.
- (C) The performance guarantee shall not be released until the AO has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan and the Selectboard has concurred. The performance bond shall run for a term to be fixed by the AMP, 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.
- (D) 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.
- (E) The AMP 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.

## **SECTION 2.16 LEGAL DATA**

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

- (A) An agreement to convey to the Town land and/or Development Rights to be used for roads, open space, and other public purposes;
- (B) 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;
- (C) Descriptions of easements and rights of way over other property to remain in private ownership; and
- (D) Description of easements to drain stormwater onto or across other property.

# CHAPTER III. SUBDIVISION REVIEW STANDARDS

## SECTION 3.1 GENERAL STANDARDS FOR SUBDIVISIONS

**Development Suitability.** The AMP shall authorize the creation of lots and improvements on those lots in accordance with the planning standards specified in subsections. Throughout the use of these standards, the AMP will seek to implement the Town Plan. The Town Plan is intended to reinforce the historical, rural character of Bradford and the natural beauty of its settings. Accordingly, the AMP shall consider the Town's special features, landscape patterns, natural resources, and the relationship of land use and road access in rendering its decisions.

**All lots permitted under this Bylaw must meet the dimensional requirements of the relevant zoning district.**

**(A) Energy Conservation and Environmental Design**

Applicants will demonstrate that 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).

**(B) 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 AMP may require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading.

**(C) Safety**

All land to be subdivided shall be, in the judgment of the AMP, 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.

**(D) Emergency Services**

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

On major subdivisions, the AMP 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.

**(E) 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.

**(F) General Road Standards for Subdivision**

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 any 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, and
- (3) Meet the requirements of the Bradford Fire Department with regard to emergency vehicle access.

**(G) Private Road Maintenance**

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

**(H) Public Acceptance of Roads and Open Spaces**

Nothing in this Bylaw 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 AMP 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 AMP 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.

**SECTION 3.2 ADDITIONAL STANDARDS FOR MAJOR SUBDIVISIONS**

**(A) Lot Layout**

**(1) Conservation of Natural and Cultural Resources**

The design of the subdivision shall conserve, to the extent reasonable, existing g 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:

**(2) 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 impact 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) 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.

**(4) Prime Agricultural Soils and Pastureland**

Subdivision of prime agricultural soils and pasturelands in Residential and Low Density District shall be permitted only where the AMP finds that the subdivision 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

**(5) Forest Resources**

Conservation of productive forestland and economic viability of the forest industry are matters of public good. A subdivision 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.

**(6) 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.

**(7) Conservation of Open Space**

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

**(8) 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. In the event that an applicant believes that the State Deeryard wintering Area Maps are inaccurate, the applicant may (at their own expense) hire a professional to properly determine the location of the deer wintering areas in relation to the proposed subdivision. Subdivision within a deeryard boundary shall be permitted only where the AMP makes the following findings:

- (a) The parcel to be subdivided includes no land that is practical for subdivision except that which is deeryard.
- (b) The subdivision can be designed and undertaken in a manner that minimizes the impact of the subdivision on the continued viability of the deeryard.
- (c) 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.
- (d) 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.

**(B) Power and Telephone**

The AMP 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.

**(C) 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.

- (1) The AMP may require the applicant to obtain drainage and erosion control plans designed by a professional engineer.
- (2) 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.
- (3) The AMP 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.
- (4) The AMP 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.
- (5) Where the AMP 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.

**(D) Roads**

- (1) All subdivisions shall be designed to manage traffic in an orderly and safe manner.
- (2) Where in the judgment of the AMP, 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 AMP and the applicant shall jointly select the firm or individual preparing the study.
- (3) Such studies include the following information:
  - (a) A description of the general location of the project.
  - (b) A statement of existing traffic conditions and projected traffic conditions in five years.
  - (c) 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 years.
  - (d) 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.
  - (e) Based upon a review of the study, the AMP shall set appropriate conditions to avoid or mitigate any traffic congestion or safety problems associated with the proposed subdivision.

**(E) Pedestrian Access**

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

**(F) Disclosure of Subsequent Development Plans**

Whenever an applicant submits a proposal for development on only a portion of contiguous parcel, the AMP may request 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.

**(G) Performance Bond**

- (1) The performance guarantee shall not be released until the AO has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan and the Selectboard has concurred.. The performance bond shall run for a term to be fixed by theAMP, 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.
- (2) 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.
- (3) The AMP 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.

# **CHAPTER IV. ADMINISTRATION, ENFORCEMENT AND APPEALS**

## **SECTION 4.1 ADMINISTRATIVE OFFICER**

As provided in Section 4448 of the Act, there is hereby established the position of a Zoning Officer and, at times, Acting Assistant Zoning Officer as Administrative Officers (AO's) to provide applications, take applications, and otherwise fulfill the duties and responsibilities of that position as set forth in the Act and in this Bylaw.

## **SECTION 4.2 APPROPRIATE MUNICIPAL PANEL**

As provided in section 4321-4325 and 4460 of the Act, there is hereby established the Bradford Planning Commission which shall act as the AMP to review and approve subdivisions. At some point in the future, the Bradford Selectboard may establish the Bradford Development Review Board who will become the AMP.

## **SECTION 4.3 NOTICE OF PUBLIC HEARINGS**

- (A) At least one (1) 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 (3) 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 AMP, 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.
- (B) 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.
- (C) 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.

## **SECTION 4.4 DECISIONS**

- (A) Any action or decision of the AMP shall be taken by the concurrence of a majority of the members of the PC. In accordance with the Act 4464(b). The AMP 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:

- (B) 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.
- (C) In rendering a decision in favor of the applicant, the AMP may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, this Bylaw, and the municipal plan currently in effect. This may include, as a condition of approval:
- (1) The submission of a three (3) year performance bond, escrow account, or other form of surety acceptable to the Selectboard, which may be extended for an additional three (3) 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.
- (D) All decisions of the AMP 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.
- (E) Once the AMP has issued its decision of Final Plan Approval the Administrative Officer shall issue a subdivision permit within 7 days, which shall take effect after the 15-day appeal period has expired.

## **SECTION 4.5 APPEALS**

### **(A) Appeals of Decisions by the Administrative Officer**

- (1) 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 AMP or with the Clerk of the municipality.
- (2) 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.
- (3) A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act (section 4466):

- (a) The name and address of the appellant;
  - (b) A brief description of the property with respect to which the appeal is taken;
  - (c) A reference to applicable provisions of this Bylaw;
  - (d) The relief requested by the appellant, including any request for a variance from one or more provisions of this Bylaw; and
  - (e) The alleged grounds why such relief is believed proper under the circumstances.
- (B) The AMP shall hold a **public hearing on a notice of appeal** within 60 days of its filing, as required under the Act (4468). The AMP 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.
- (C) The AMP 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).
- (D) 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 AMP from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.
- (E) 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 AMP to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

## SECTION 4.6 RECONSIDERATION

- (A) At the request of the applicant or interested parties, or on its own motion, the AMP may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision.
- (B) A request by the applicant or interested parties must be submitted to the AMP or AO within the 30-day appeal period.
- (C) To reopen a hearing on its own motion, the AMP AO must approve such a request within the 30-day appeal period.
- (D) In order to reopen a public hearing, the AMP or AO must find:
- (1) New evidence can be presented that could not have previously been presented which indicates a substantial change of conditions or circumstances.  
OR
  - (2) The prior decision was induced by fraud, surprise, error or oversight.  
OR

- (3) An unintended negative consequence will result.
- (E) The reopened hearing will be warned in accordance with Section 4.3
- (F) The submission of a request for reconsideration will terminate the running of the 30-day appeal period.
- (G) A new 30-day appeal period will start after the AMP or AO
  - (1) Decides to not reopen the hearing,
  - OR
  - (2) Votes to reopen and issues a reconsidered decision on the application.

## **SECTION 4.7 APPEALS OF APPROPRIATE MUNICIPAL PANEL DECISIONS TO ENVIRONMENTAL COURT**

- (A) An interest person who has participated in a proceeding before the AMP may appeal a decision to the Vermont Environmental Court in accordance with current Vermont Statutes.
- (B) 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.
- (C) 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.

## **SECTION 4.8 INTERESTED PARTIES**

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

- (A) 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;
- (B) The town of Bradford or any adjoining municipality
- (C) A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under this Bylaw, 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;
  - (1) Any ten (10) voters or real property owners within the municipality who, by signed petition to the AMP, 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
  - (2) 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.

## **SECTION 4.9 VIOLATIONS AND ENFORCEMENT**

- (A) The commencement or continuation of any land development that does not meet the requirements of this Bylaw shall constitute a violation.
- (B) All violations shall be pursued in accordance with the Act (4451, 4452). Each day that a violation continues shall constitute a separate offense.
- (C) The Administrative Officer shall issue notices of violation for violations of this Bylaw. If further action is needed to remedy violations, the AO shall recommend to the Selectboard that they institute, in the name of the Town of Bradford, any appropriate action, injunction or other proceeding to enforce the provisions of this Bylaw.
- (D) All fines imposed and collected shall be paid over to the municipality.

## **SECTION 4.10 NOTICE OF VIOLATIONS**

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

## **SECTION 4.11 LIMITATIONS ON ENFORCEMENT**

- (A) 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).
- (B) The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement is instituted.
- (C) 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

## CHAPTER V. 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.

**Acre:** 43,560 square feet.

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

**Administrative Officer (AO):** The Zoning Administrator or Assistant Zoning Administrator for the Town of Bradford.

**Adverse Impact:** Inadequate, unsafe or unhealthy conditions that result from a Land development.

**Agricultural Purpose:** Agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silvicultural, and animal and poultry husbandry. The terms shall not include the slaughtering of animals or poultry for commercial purposes.

**Agricultural Use:** The use of land containing at least two (2) acres that is used for agricultural purpose.

**Appropriate Municipal Panel (AMP):** Global term for a municipal board with the jurisdiction over one matter or another. AMPs include Selectboards, Boards of Civil Authority, Design Review Boards, Planning Commissions and Zoning Boards of Adjustment.

**Annexation:** The merger of previously subdivided lots into a unified parcel, lots subject to an annexation must be in common ownership and may not be bisected by a public ROW or road.

**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.

**Approval:** The form of approval shall be a written resolution prepared by the AMP and attached to the subdivision application, or in the event that the AMP fails to act within the 45-day time limit, certification of such failure to act by the Town Clerk, and recording of the approved application and subdivision plan with the Town Clerk, in accordance with the conditions set forth in this Bylaw: A structure having a roof supported by columns or walls, to include as or liquid storage tanks and intended for the shelter or enclosure of persons, animals or chattel.

**Bylaws:** Municipal regulation applicable to land development adopted under the authority of Chapter 117 (including Zoning and Subdivision Regulations). See 24 V.S.A. Para 4403(4).

**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.

**Cluster Development:** Land Development that concentrates Land Uses on lots that sometimes have been reduced in size below the minimum size required by the zoning bylaw to allow the remaining land on a site to be used for recreation, common open space, community infrastructure and services, or the preservation of environmentally sensitive areas.

**Construction:** The undertaking of the first improvement on a tract of land, including work preparatory to construction such as clearing, the staking out or use of a right-of-way or in any way incidental to the altering of land according to a plan or intention to improve or to divide land by lease, lease, partition or otherwise transfer an interest in the land. Activities which are principally for the preparation of plans and specifications that may be required and necessary for making application for a permit such as test wells and pits, percolation tests and line of sight clearing for surveys are not commencement of construction.

**Covenant:** A binding agreement or contract between two (2) parties.

**Dedication:** The formal acceptance by the Town of Bradford of title to streets, easements, or land to be used for public purpose.

**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.

**Deeryard:** A place where deer congregate in the winter; winter deer habitat or winter-feeding grounds.

**Density:** The number of dwelling units or units of non-residential use that are authorized or planned for a unit of land area.

**Development:** The division of a parcel into two (2) or more lots, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation of landfill and any change in the use of any building or other structure, or land or extension of use of land.

**Disapproval:** The form of disapproval is by a written Notice of Decision by the AMP and attached to an application and recording of the disapproved application and plan with the Town Clerk, in accordance with the provisions of this bylaw.

**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.

**Fragmentation:** Dividing areas used by wildlife for habitat with land uses or development into areas that are too small or lack all of the needed features to serve as habitat for specific species.

**Frontage:** That portion of a lot which is adjacent and parallel to a street, road or right-of-way.

**Infrastructure:** Facilities and installations (such as streets and utilities) that are necessary for the use and development of land. The term's usual usage is in reference to public facilities but may also be applied to planned improvements for subdivisions or PUDs, especially those that will be dedicated to the town. Land Development: as defined in VSA Title 24, Ch 117, 4303, Land Development means the division of a parcel into two (2) 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 AMP under this Bylaw, and duly recorded in the Land Records of the Town.

**Lot Area:** Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street, or other means of access as may be determined by the AMP to be adequate as a condition of the issuance of a zoning permit. A portion of land in a subdivision or plat that is separated from other portions of land by a proposed property line. For purposes of subdivision proceedings, the total surveyed land area within the boundaries of a proposed lot, exclusive of any land area designated for a public road as measured to the boundary of such right of way or easement.

**Lot Frontage Minimum:** That portion of a lot that is adjacent and parallel to a public road or street.

**Lot Line Adjustment:** A mutually agreed to shift in a boundary line between two parcels that does not result in more than one acre change in size of either parcel.

**Major Subdivision:** Any residential subdivision containing five or more lots, or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multifamily housing project, planned residential development or planned unit development, or a series of minor subdivisions of a tract of land occurring over a period of five years creating four or more lots, that meets the definition of a subdivision

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

**Minor Subdivision:** Any residential subdivision involving four or fewer lots with a new road less than 800 feet in length and does not involve Act 250.

**Municipal Services:** Bradford municipal water, street lighting, fire protection, emergency services, policing, snow clearance, library, transfer station, Town Clerk and Town recreational operations.

**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.

**Neighborhood:** An area that shares a common function and/or character. It may refer specifically to an area whose residents regard it to be a separate community or a collection of residential, commercial and institutional land uses that form a basic unit of community planning.

**Noncompliance or noncompliant:** Nonconformity in violation of the existing ordinances and as such actionable under violation procedures.

**Nonconforming Lots or Parcels:** Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaw, including a lot or parcel improperly authorized as a result of an error by the AO or AMP.

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

**Overlay District:** A Zoning District (with boundaries that may or may not coincide with those of regular zoning districts) used to define special areas or uses. Overlay Districts may be used to impose regulations that supplement those of the underlying zoning districts.

**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. As applies to subdivision proceedings, a parcel is the original area of land subject to subdivision into lots.

**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.

**Person:** Any individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed. The word “person” also means any municipality or State agency.

**Phased Development:** Required timing or other limitations on a particular development under the authority of a Bylaw to avoid or mitigate any undue Adverse Impact on existing or planned community facilities or services See 24 VSA para 4422.

**Planned Residential Development (PRD):** A type of Planned Unit Development that provides for a mixture of housing types or densities and typically involves Cluster Development.

**Planned Unit Development (PUD):** One or more lots, tracts or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. The plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space or other standards. See 24 VSA para 4303(19) and para 4417.

**Planning Commission:** The Planning Commission of the Town of Bradford, Vermont as created under 24 VSA Chapter 117.

**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. Plats are required to meet standards concerning format and information.

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

**Public Improvement:** Any improvement which shall be owned or maintained by the Town of Bradford.

**Public Notice:** The form of notice prescribed by 24 VSA para 4444, para 4449 or para 4464 as context requires but broadly meant to refer to the required posting in public places, publication in newspaper of record and web listing of the time and place of a public hearing or other proceeding warning of that public hearing or proceeding the required number of days before taking place.

**Rear Setback:** Setback between the principal building or accessory use building and a rear lot line as prescribed for the zoning district.

**Road:** A highway, street or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single family residential uses or lots. The word “road” shall mean the entire right of way. See also Public Road.

**Scale:** The size and proportion of Land Development in comparison with nearby development.

**Setback:** Space on a lot not occupied with a building. Porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into the required setback.

**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.

**Side Setback:** Setback between the principal building or accessory use building and a side lot line.

**Site Plan:** A Plan that depicts the general layout of a proposed Land Development. **Site Visit:** On-site inspection by the Administrative Officer and/or members of the AMP of the property proposed to be subdivided in order to ensure a clear understanding of site conditions for review.

**Site Work:** Part of a construction project that is not part of a building or house’s physical structure. This usually includes grading, excavation, construction and installation of septic tanks and filtration systems, driveways and other utilities.

**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 this Bylaw, the following are not considered subdivisions:

- (A) Annexations that result in the combination of any existing adjacent parcels into a single parcel for non-commercial use;
- (B) Agricultural leases;
- (C) 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.

**Subdivision Bylaw:** A municipal bylaw that may regulate the procedures and requirements for the submission and processing of plats; and establish standards for the design and layout of streets, curbs, gutters, streetlights, fire hydrants, shade trees, water, sewage, drainage facilities, public utilities and other necessary public improvements. See 24 VSA para 4418 and para 4463.

**Survey map:** A plat of land parcel to be subdivided, prepared by a licensed land surveyor, and required as part of a subdivision application that meets the current State standards

**Town Plan:** The duly adopted comprehensive plan for the Town of Bradford as developed by the AMP and approved by the Selectboard. This plan makes policies about a wide range of topics including land use to guide the development of an entire municipality. (See 24 VSA Para 4382 and para 4348(a).

**Variance:** An exception to the Subdivision Bylaw resulting from the physical circumstance, or characteristics of the particular property in question that causes a hardship not created by the property owner (i.e. purchasing a non-conformity is a self-created hardship).

**Waiver:** An exception to the setback requirements granted by the AO to improve ADA compliant access for by the AMP to relieve a hardship.