

TOWN OF WESTFORD SUBDIVISION REGULATIONS

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1.0 TITLE, POLICY AND PURPOSE

1.1 TITLE

These regulations shall be known as the Westford Subdivision Regulations.

1.2 POLICY

1.2.1 It is hereby declared to be the policy of the Town of Westford to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Westford pursuant to Title 24 VSA Chapter 117, the Vermont Planning and Development Act (hereinafter referred to as the Act) and the Westford Town Plan (Plan) for the orderly, planned, efficient and economical development of the Town.

1.2.2 These regulations are intended to provide for growth and development while strengthening a sense of community and protecting threatened and important resources. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or damage from fire, flood or pollution. Land shall not be subdivided until necessary public facilities and improvements are available and proper provision has been made for drainage, water, sewage, and capital improvements such as parks, recreation facilities, schools, transportation facilities and improvements.

1.3 PURPOSE

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the Town of Westford.
2. To guide the future growth and orderly development of the Town in accordance with the Westford Town Plan, Zoning Regulations, Capital Budget and Program, when adopted, and Official Map.
3. To provide for adequate light, air, and privacy; provide for safe, sanitary and affordable housing; to secure safety from fire, flood and other danger; and to prevent over-crowding of the land and undue congestion of population.
4. To guide public and private policy and action in order to provide adequate and efficient transportation, water and sewage, schools, parks, playgrounds, greenways, recreation, and other public requirements and facilities.
5. To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in and safety of the roads.
6. To ensure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.

7. To prevent the pollution of air, streams, rivers, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water tables and wetlands;
8. To encourage the wise use and management of natural resources, including actively farmed primary agricultural soils, managed primary forest soils, wildlife habitat, greenways, significant natural areas, and water resources in the Water Resources Overlay Zoning District, in order to preserve the integrity, stability, and beauty of the community and the value of the land.
9. To ensure the capability of the land to support subdivision and development and to preserve the topography of the Town.
10. To establish controls for the design of subdivisions and developments so that the historic and rural character of important areas, such as the Town Common, Town Village and Town Center, is maintained and development along roads is visually pleasing and preserves the beauty of the countryside.
11. To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

1.4 APPROVAL REQUIREMENT

No subdivision of land, as such term is defined in these regulations, shall occur unless approved in conformance with these regulations. No land shall be subdivided within the Town until the subdivider has obtained final approval of the proposed subdivision from the Development Review Board and the final approved subdivision plat is recorded in the Westford Land Records.

Any subdivision of land which occurred prior to the effective date of these regulations but at a time when any prior subdivision regulations of the Town of Westford were in effect, shall require approval in conformance with these regulations unless approval was obtained for such subdivision under prior subdivision regulations of the Town.

2.0 SKETCH PLAN

2.1 SUBMISSION REQUIREMENTS

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the Planning Coordinator at least ten (10) days prior to a regularly scheduled meeting of the Board a sketch plan of the proposed subdivision, which shall include the following information:

1. Name and address of the owner of record and applicant.
2. Name of owners of record of all contiguous land, including land separated by a public right of way.
3. Boundaries and area of: a) all contiguous land, including land separated by a public right-of-way, belonging to owner of record and b) proposed subdivision.
4. Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
5. Type of, location, and approximate size of existing and proposed roads, utilities, and open space.
6. Date, true north arrow and scale (numerical and graphic).
7. Delineation of primary agricultural soils, primary forestry soils, slopes 25 % or greater, significant natural areas, the Water Resources Overlay District, wildlife habitat and greenways identified in the Town Plan.
8. Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

2.2 ATTENDANCE AT MEETING

The subdivider, or his/her duly authorized representative, shall attend the meeting of the Board on the sketch plan to discuss the requirements of these regulations for lot layout, building location, roads, improvements, drainage, sewage, water supply, fire protection, open space, resource protection, the availability of and impact on existing services, and conformance with the planning standards of these regulations.

2.3 CLASSIFICATION AS MAJOR OR MINOR SUBDIVISION

The Board shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision and determine if the subdivision will be reviewed as a Residential Planned Unit Development, Small Residential Cluster, or Mixed Use Planned Unit Development under both the Zoning and Subdivision Regulations.

2.4 ACTION ON SKETCH PLAN

The Board shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the objectives of the Town Plan, the Zoning Regulations, Capital Budget and Program, when adopted, Official Map, when adopted, and any other by-laws then in effect, and shall, where it deems necessary, make specific recommendations for changes, to bring the subdivision plan into conformance with the above documents, in subsequent submissions. Such written recommendations shall be sent to the applicant within thirty (30) days of the expiration of the meeting, or any continuation thereof. The Board may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these regulations for major subdivisions.

2.5 NUMBER OF REVIEWS

More than one sketch plan review for an application is permitted.

3.0 MINOR SUBDIVISION APPLICATION

3.1 APPLICATION

Within six (6) months of classification by the Board of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 5.2 of these regulations, plus any other items for a major subdivision that may be required by the Board, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Board. At the expiration of six months from classification by the Board, the subdivider shall be required to resubmit a sketch plan in accordance with Section 2.0.

3.2 PUBLIC HEARING

A public hearing shall be held by the Board at the earliest available regularly scheduled Development Review Board meeting after the time of submission to the Planning Coordinator of a complete application for approval of a minor subdivision. The hearing shall be warned in accordance with the public notice provisions of the Act, (§4463 (a) and §4464) and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

3.3 ACTION

The Board shall within forty-five (45) days after the completion of the public hearing, or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modification required or for disapproval shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said forty-five day period.

3.4 SITE VISITS

To verify the location of proposed lots, building sites or envelopes, driveways and utilities and to evaluate conformance of the proposed subdivision with standards in these regulations, the Development Review Board may make a site visit and request the applicant's attendance at the site visit.

4.0 MAJOR SUBDIVISION APPLICATION

4.1 PRELIMINARY PLAT APPLICATION

Within six (6) months of classification by the Board of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 5.1 of these regulations plus any other items for a major subdivision that may be required by the Board, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Board. At the expiration of six months from classification by the Board, the subdivider shall be required to resubmit a sketch plan in accordance with Section 2.0.

4.2 PRELIMINARY PLAT PUBLIC HEARING

A public hearing on the preliminary plat shall be held by the Board at the earliest available regularly scheduled Development Review Board meeting after the time of submission to the Planning Coordinator of a complete application for approval of the preliminary plat. The hearing shall be warned in accordance with the public notice provisions of the Act (§4463 (a) and §4464) and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

At the request of the Applicant, the Development Review Board may choose to conduct the preliminary plat public hearing and final plat public hearing for a project at the same Development Review Board meeting.

4.3 ACTION ON PRELIMINARY PLATS

Within forty-five (45) days of the completion of the public hearing, or any continuation thereof, the Board shall approve, modify and approve, or disapprove said preliminary plat, and the grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Failure of the Board to act within said forty-five-day period shall constitute an approval of the preliminary plat. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said forty-five-day period.

4.4 PHASING

At the time the Board grants preliminary plat approval, it may require the plat to be divided into two or more phases to be developed at separate times and may impose conditions on the filing of the application for each phase for final plat approval as it deems necessary to assure the orderly development of the plat and coordination with the planned and orderly growth of the Town as reflected in the Town Plan and Capital Budget and Program.

4.5 EFFECT OF PRELIMINARY PLAT APPROVAL

Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Board may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year, and any plat not receiving final approval prior to the expiration of one (1) year shall be null and void, and the subdivider shall be required to resubmit a new plat for sketch plan review subject to

all zoning and subdivision regulations in effect at the time of the resubmittal. Should the Board impose phasing as a condition of preliminary plat approval, it may extend the one-year effective period of preliminary approval.

4.6 SITE VISITS

To verify the location of proposed lots, building sites or envelopes, driveways and utilities and to evaluate conformance of the proposed subdivision with standards in these regulations, the Development Review Board may make a site visit and request the applicant's attendance at the site visit.

4.7 MASTER PLAN REQUIREMENT

For any subdivision or re-subdivision application(s) resulting in four or more new lots within a ten year period, the applicant shall be required to submit a master plan for approval by the Development Review Board prior to subdivision approval.

4.8 MASTER PLAN REVIEW PROCESS

An applicant required to complete a master plan shall submit to the Development Review Board a master plan meeting all sketch plan requirements when the applicant's sketch plan application for subdivision is submitted.

A master plan conforming to the layout shown on the sketch plan and incorporating recommendations made by the Development Review Board shall be submitted with the applicant's preliminary plat application. The Development Review Board shall review the master plan application and the preliminary plat application simultaneously, and shall make separate findings of fact as to the master plan and the areas reviewed for preliminary plat. The findings of fact pertaining to the master plan shall be binding on the Development Review Board and applicant for all subsequent preliminary plat applications made pursuant to the master plan approval. The applicant shall receive master plan approval prior to receiving final plat approval for subdivision.

4.9 APPROVAL AND AMENDMENT OF MASTER PLAN

1. Upon receipt of a complete application for master plan approval, with or without an associated preliminary plat application, the Development Review Board shall take action to approve, approve with conditions, or deny the master plan at a duly warned public hearing.
2. In its approval of a master plan, the Development Review Board shall specify the level of review and process required for subsequent applications pursuant to the approved master plan provided such procedure is consistent with the intent of these regulations and the master plan conforms to current regulations. Any application for amendment of the master plan or preliminary plat that deviates from the master plan shall be considered a new application for the property and shall require sketch plan review as well as approval of an amended master plan.

4.10 FINAL PLAT APPLICATION

Within six (6) months of preliminary plat approval, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 5.2 of these regulations, and shall conform to the layout shown on the preliminary plat and the recommendations and conditions made by the Board. At the expiration of one year from preliminary plat approval by the Board, the subdivider shall be required to resubmit a sketch plan in accordance with Section 2.0, unless extended by the Development Review Board under Section 4.5 of these regulations.

If phasing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.

4.11 FINAL PLAT HEARING

A public hearing shall be held by the Board at the earliest available regularly scheduled Development Review Board meeting after the time of submission to the Planning Coordinator of a complete application for approval of the final plat. The hearing shall be warned in accordance with the public notice provisions of the Act (§4463 (a) and §4464), and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.

At the request of the applicant, the Development Review Board may choose to conduct the preliminary plat public hearing and final plat public hearing for a project at the same Development Review Board meeting.

4.12 FINAL PLAT ACTION

The Board shall within forty-five (45) days after the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modification required or for disapproval shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said forty-five day period.

4.13 COORDINATION WITH ZONING REVIEW OF RESIDENTIAL AND MIXED USE PLANNED UNIT DEVELOPMENTS AND SMALL RESIDENTIAL CLUSTERS

The Development Review Board may combine its review of Residential Planned Unit Developments and Mixed Use Planned Unit Developments under the Zoning and Subdivision Regulations. All procedures, submittal requirements, and standards of both sets of regulations must be complied with in this review process. The Development Review Board may combine its review of Small Residential Clusters under the Zoning and Subdivision Regulations. Small Residential Clusters shall be subject to Minor Subdivision Review unless at the Sketch Plan stage the Development Review Board determines that the application has potential significant impacts under these regulations and should be subject to Major Subdivision Review.

4.14 REFERRAL TO CONSERVATION COMMISSION

If a parcel of land under review contains primary agricultural soils, primary forest soils, wildlife habitat, a significant natural area, or a site of a proposed greenway, the Planning Coordinator shall submit a copy of the Preliminary Plat to the Conservation Commission for review and comment before or at the public hearing on the Preliminary Plat. The Development Review Board shall consider the comments and recommendations of the Conservation Commission in its deliberations on the Preliminary Plat.

5.0 APPLICATION SUBMISSION REQUIREMENTS

5.1 PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS

5.1.1 The Preliminary Subdivision Plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one inch equals one hundred (100) feet, unless modified by the Development Review Board in sketch plan review, showing or accompanied by the following information:

1. The name of the town and the address where the subdivision is proposed.
2. Name and address of owner of record of the property and of all contiguous lands, including land separated by a public right of way. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address and interest of the applicant in the subject property.
3. Map or survey of the property, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, showing number of acres within the proposed subdivision; location of property lines; existing easements; deed restrictions; and existing features, including contours at intervals of five (5) feet unless otherwise required by the Development Review Board at sketch plan review; buildings; wooded areas; roads; water courses and water bodies; and other existing physical features, including large trees and rock outcroppings.
4. All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, and the names of owners of record of such adjacent acreage.
5. The provisions of the Zoning Regulations and any zoning district boundaries applicable to the proposed subdivision, including boundaries of the Water Resources Overlay District.
6. A site development plan, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, showing the proposed lot lines with approximate dimensions, building envelopes, and an indication of the future probable lot lines and building envelopes of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding; the location of other proposed structures and their use; roads, driveways, traffic circulation and parking; pedestrian ways; a landscape plan, including site grading, landscape design, street trees, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land to be set aside for open space or public use.
7. A site resource map of the parcel at the same scale as the site development plan, showing the location of the following resources, identified in the Town Plan, on the entire parcel within which the subdivision is proposed: significant natural areas; wetlands; water courses and water bodies; primary agricultural soils, existing farm fields, crop land,

pastures, farmsteads, primary forest soils, managed woodland, wildlife habitat, and greenways. The applicant may present additional information on the location of these resources. The application should demonstrate how these resources will be protected. In addition the map should indicate flood hazard areas, as shown on the town flood hazard area maps, and slopes of 25% grade or greater.

8. The location and size, as applicable, of any existing individual or community sewage disposal systems, wells, water lines, culverts and drains on the property to be subdivided.
9. Contour lines at intervals of five (5) feet of proposed finished grades where change of existing ground elevations will be five (5) feet or more unless otherwise required by the Development Review Board in sketch plan review.
10. Typical cross sections of the proposed grading of roads and sidewalks. Profiles of roads within the subdivision.
11. Construction sequence and time schedule for completion of each phase of the subdivision if the subdivision is phased.
12. Means of providing water supply to the proposed subdivision, including any fire ponds.
13. Means of disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at a depth of eight (8) feet; location and results of percolation tests for each lot in the subdivision.
14. Calculations of proposed impervious surface and provisions for collecting and discharging storm drainage, in the form of a drainage plan.
15. Preliminary designs of any bridges or culverts which may be required.
16. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
17. All parcels of land proposed to be dedicated to public use and conditions of such dedication and all open space areas proposed to be protected and the means of such protection, including draft conservation easements.
18. List of waivers, if any, the subdivider desires from the requirements of these regulations.

5.1.2 The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller

area between the tract and all surrounding existing roads, provided any part of such a road used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

1. All existing subdivisions and approximate tract lines of parcels together with the names of the recorded owners of all adjacent parcels of land, namely, those directly abutting or directly across any road adjoining the proposed subdivision.
2. Locations, widths, and names of existing, filed or proposed roads, easements, pedestrian ways, greenways, protected open space areas or public land, and building lines pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.
3. An outline of the platted area together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the Preliminary Plat covers only part of the subdivider's entire holding.

5.2 MASTER PLAN FOR MAJOR SUBDIVISIONS

The master plan shall consist of one or more maps or drawings. The applicant shall submit a complete preliminary plat application consistent with the master plan for any area or phase for which approval is sought simultaneously with the master plan. The following information shall be submitted for master plan approval:

1. Accurate and updated Sketch Plan data/plans, prepared by a landscape architect, licensed surveyor, registered civil engineer or registered architect.
2. The name of the proposed master plan or identifying title.
3. Name of the plan designer.
4. The location and total area of the property currently proposed for subdivision that is to be left as open spaces land.
5. The location, total area and nature of any public amenities such as pedestrian paths.
6. The maximum building and total lot coverage proposed, if located within the Town Common or Town Village Districts.
7. The location and widths of existing and proposed public roads, private roads, driveways, pedestrian paths, curb cuts and parking areas and their relationship to existing and proposed public roads, private roads, driveways, pedestrian paths, curb cuts and parking areas on surrounding properties.
8. The location of slopes 25% or greater, primary agricultural soils, primary forest soils, significant natural areas, the Water Resource Overlay District, Class 2 wetlands, the

Flood Hazard Overlay District, wildlife habitat and greenways identified in the Town Plan.

9. The Development Review Board may ask for stormwater drainage and landscaping to be depicted.
10. A list of waivers the applicant desires from these regulations.

5.3 FINAL PLAT FOR MAJOR AND MINOR SUBDIVISIONS

5.3.1 The Final Subdivision Plat for a minor subdivision shall meet all submission requirements for a preliminary plat for major subdivisions as set forth in Section 5.1 of these regulations. The Final Subdivision Plat for major subdivisions shall conform in all aspects to the preliminary plat as approved by the Board. The Final Subdivision Plat for minor and major subdivisions shall consist of one or more sheets of drawings, which shall show:

1. Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks and scale, date, and true north point.
2. Road names and lines, pedestrian ways, lots, reservations, easements, building envelopes, and areas to be dedicated to public use.
3. Sufficient data acceptable to the Board to determine readily the location, bearing and length of every road line, lot line, building envelope, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
4. Final design of all roads, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road, cross sections of roads, and road profiles.
5. By proper designation of such Plat, all public open space or recreation land or conservation easement areas for which offers of cession are made by the subdivider and those spaces title to which is reserved by the subdivider.
6. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
7. The location of all the improvements referred to in Section 7.0 and in addition thereto the location of all utility poles, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area within the subdivision.
8. Boundary monuments shall be set at all lot corners, points of curvature, both sides of any

rights of way, and any other critical points in the lot or road lines as will enable a land surveyor to correctly mark any lot in the subdivision. Each monument shall have identification on the top, and the marked center shall be the point of reference. Monuments shall project above the surrounding ground surface at least four (4) inches. Monuments shall be set in place after all road improvements and excavation work is completed. Monuments shall be reinforcing rod, iron pins, steel pipe or reinforced concrete containing four (4) number three reinforcing rods (set one (1) in each corner) and four (4) inches square at the top and three (3) feet in length. Where underground barriers prevent the setting of three (3)-foot monuments, two (2)-foot monuments may be substituted with approval of the Board or, if approved by the Board, the land surveyor may set drill holes with identification where rock outcroppings or other barriers prevent the setting of reinforcing rod, iron pins, or steel pipe.

9. Final design of all bridges and culverts that are a part of the subdivision.
10. A statement that all sanitary sewage disposal systems will be designed and constructed in conformance with applicable state regulations and standards.
11. For subdivisions of ten (10) or more lots, designation of the required affordable house lot or unit according to the provisions of Section 7.12.

5.3.2. When considering a subdivision application which will result in the creation of up to three (3) lots or a Small Residential Cluster, the Development Review Board may allow an applicant to submit a plat which satisfies the requirements set forth above only for one (1) or two (2) lots if the subdivision application meets the following requirements:

1. The lot for which certain subdivision requirements are waived must not be further subdivided for a period of at least two (2) years from the date of approval of the subdivision.
2. The total size of the lot for which certain requirements are waived must be at least 150% of the minimum lot size as demonstrated by the tax maps for the Town of Westford.

5.3.3 There shall be submitted to the Board with the final plat the following supporting documents:

1. Copies of proposed deeds, agreements or other documents showing the manner in which roads and open space, including park and recreational areas, are to be dedicated, reserved and maintained and which natural resources are to be protected and maintained, as applicable, and a certificate from the Selectboard or Town Attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Westford of any areas proposed to be dedicated to the Town.
2. A performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from Selectboard or Town Attorney that it is satisfied either with the bonding or surety company, or with security

furnished by the subdivider.

3. Any other documents required by the Board as a result of preliminary plat approval.

5.4 PLAT REQUIREMENTS FOR A BOUNDARY ADJUSTMENT

5.3.1 The section applies only when an adjoining property owner gives/grants/sells or otherwise conveys land to an abutting property owner. The new deeds must be reviewed by the Development Review Board before being recorded in the Westford Land Records. The new deeds must make reference to the recorded survey and must not list the property to be transferred as a separate parcel.

5.4.2 A survey is required of the property to be adjusted and conveyed to an abutting landowner. If the parcel of decreasing acres will remain at least 150% of the required lot size as demonstrated by the Westford Tax Maps, no survey of that entire parcel will be required. The plat must show the following:

1. The name of the municipality, the name and address of both property owners, the name, license number and seal of the licensed land surveyor, the general property location in relation to existing roads or other landmarks, any easements or rights-of-way over the property to be transferred, the date, scale, and true north point.
2. Sufficient data acceptable to the Board to determine readily the location, bearing and length of every road line and boundary line.
3. The following statement: The land to be conveyed will immediately merge with the present parcel upon approval of the boundary adjustment by the Development Review Board.
4. Boundary monuments shall be set at all new lot corners, points of curvature, both sides of any rights of way, and any other critical points in the new lot line(s) as will enable a land surveyor to correctly mark the new property boundary. Each monument shall have identification on the top and the marked center shall be the point of reference. Monuments shall project above the ground surface at least four (4) inches. Monuments shall be of reinforcing rod, iron pins, steel pipe or reinforced concrete containing four (4) number three (3) reinforcing rods (set one (1) in each corner) and four (4) inches square at the top and three (3) feet in length. Where underground barriers prevent the setting of three (3)-foot monuments, two (2)-foot monuments may be substituted with approval of the Board or, if approved by the Board, the land surveyor may set drill holes with identification where rock outcroppings or other barriers prevent the setting of reinforcing rods, iron pins, or steel pipes.
5. A statement that both lots will meet all requirements of the Zoning Regulations, including but not limited to 5.11 Lot Shape, lot size, and dimensional requirements.
6. The survey will be recorded in the Westford Land Records within 180 days of approval

by the Development Review Board.

6.0 PLANNING STANDARDS

6.1 STANDARDS FOR ALL SUBDIVISIONS

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

- 6.1.1. Land shall not be subdivided in such a way that building, including structures, roads, and utilities, occurs on land that is unsuitable due to flooding, improper drainage, steep slopes of 25% grade or greater, soils that are shallow to bedrock or have a high water table condition, rock outcroppings, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 6.1.2. The proposal shall give due regard for the preservation and protection of existing site features, including large trees, rock outcroppings, historic sites, high elevations and ridge tops.
- 6.1.3. The proposal includes sufficient open space, where required, under the provisions of Sections 4.5.8, 4.6.3, and 4.7.7 of the Zoning Regulations.
- 6.1.4. The proposal includes adequate provision for the control of runoff and erosion during and after construction.
- 6.1.5. The proposed development is in compliance with the objectives of the Westford Town Plan, Zoning Ordinance, Capital Budget and Program, Official Map, and other by-laws then in effect.
- 6.1.6. The proposed development is compatible with surrounding properties and the lot configuration, road network, the natural features, protected open space, and public uses on those properties.
- 6.1.7. The site is suitable for the proposed density.
- 6.1.8. The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness, and connections with pedestrian ways and greenways on adjoining properties.
- 6.1.9. The proposed development will not place an unreasonable burden on the ability of the town to provide municipal or governmental services.
- 6.1.10. There is sufficient water available for the reasonably foreseeable needs of the proposed development.

6.1.11. The proposed development will not cause unreasonable congestion or unsafe conditions with respect to the use of roads in the Town. The layout of lots and buildings will not result in strip development along roads.

6.1.12. All buildings, building envelopes, roads, sewage disposal sites, and sewer lines will be located outside of the Water Resources Overlay District.

6.2 PLANNING STANDARDS FOR RR, AFR I & II ZONING DISTRICTS

Within the Rural Residential District, Agricultural, Forestry and Residential I and II Districts the following additional standards shall be met:

6.2.1. All buildings, building envelopes, lots, roads, sewage disposal sites, and sewer and water lines will be located so as to retain the following significant natural resources designated in the Town Plan as protected open space for their productive agricultural or forestry use:

- Primary agricultural soils
- Primary forestry soils
- Crop land, hay land, or pasture land
- Land under a forest management plan

6.2.2. All buildings, building envelopes, roads, sewage disposal sites, and sewer and water lines will be located so as to protect the following significant natural resources designated in the Town Plan from incompatible uses:

- Significant natural areas
- Greenways
- Wildlife habitat

6.2.3. Assurances as to how existing agricultural land will be maintained will be required.

6.2.4. Areas in agricultural and productive woodland use should be of a size that retains their eligibility for state tax abatement programs.

6.2.5. Phased developments shall demonstrate how the natural resource values will be protected in future phases. Building envelopes may be required for present and future phases.

6.2.6. Development shall be carefully integrated into resource lands and be sited so as to retain the appearance of predominantly open space. To accomplish these objectives, buildings and driveways may be sited at the edge of resource lands, along hedge rows, at the edge of forested areas, at the edge of development roads, town roads, or road crossings, and within non-prime forested areas.

6.3 PLANNING STANDARDS FOR TOWN COMMON, TOWN VILLAGE & TOWN CENTER DISTRICTS

Within the Town Common, Town Village and Town Center Districts the following additional standards shall be met:

- 6.3.1. The subdivision will promote and contribute to a logical road and pedestrian network for the Town Common, Town Village and Town Center which provides for connections between parcels and between residential and commercial areas and for the continuation of roads and pedestrian ways. New roads within the Town Common, Town Village and Town Center are anticipated. Where applicable, provisions for new roads shall be provided in the plat, especially to provide connections between parcels and access for all proposed and potential development areas of the parcel proposed for subdivision.
- 6.3.2. Lot layout shall reinforce the existing village pattern of buildings lining public roads, ways, and spaces and shall enable building sites and setbacks to be consistent with current village patterns.
- 6.3.3. Pedestrian ways may include sidewalks along public roads as well as at the rear of building lots.
- 6.3.4. In accordance with Section 7.11, the subdivision will make provision for a greenway between the School and the Town Common, Town Village and Town Center if a logical route for the greenway is located on the parcel.

7.0 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

7.1 ROADS

7.1.1 Public and Private Roads

The standards of this section shall apply to all proposed public and private roads. In addition, these standards may be applied to driveways when the Board determines that such standards are necessary to provide suitable access or to accommodate potential future subdivision.

7.1.2 Arrangement

The arrangement of roads in the subdivision, including unused town rights of way, shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services. Where in the opinion of the Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The Board may require easements for future roads to connect properties and to provide for the safety and well-being of Westford residents through a proper road network.

7.1.3 Topography

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

7.1.4 Access

1. Access to Roads: On all public roads, especially Route 15 and Route 128, the Board generally shall encourage and may require common access points serving multiple properties.
2. Accessibility to Emergency Vehicles: All occupied structures must be accessible by emergency and service vehicles.
3. Existing Access: Where an existing road is inadequate or unsafe, the Board may require the subdivider to upgrade that road to the extent necessary to serve additional traffic from the subdivision.
4. Dedication for Road Realignment or Widening: Where the proposed subdivision borders on an existing road, and when the Board determines that the realignment or widening of such road would be in the public interest, the Board may require that the right of way for such realignment or widening be shown on the plat as "Reserved for Road Realignment and/or Widening Purposes." Areas so designated shall be proposed for dedication to the Town.

5. Lot Access: All subdivisions shall meet the access requirements in the Site Plan Review Section 4.4. of the Zoning Regulations. The Development Review Board may require two access points for large subdivisions of greater than ten (10) lots to protect the public health, safety, and welfare.

7.1.5 Public Highway, Private Road, & Driveway Standards

Public Highways:

Development Roads to be Town Highways and Major Access Roads must conform to all Town Highway standards as outlined in Vermont Agency of Transportation standard A-76.

Emergency Vehicle Access Type A (EVAT-A):

Type A Emergency Vehicle Accesses serve 4 or more house sites or driveways. They shall be a minimum of 18 feet wide with 2 foot wide shoulders with a minimum of 15 inches of gravel with a 3 inch crusher run wearing surface over Mirafi fabric. The useable road must be able to bear the weight of a 29,000 pound (14 ½ ton) fire truck on all 18 feet of road. The maximum grade shall not be more than 10% or no more than 12% over a distance greater than 200 feet. If the access is not a through road, it must terminate at a cul-de-sac of at least 40 foot radius or an 80 foot i.d. turning circle. Other suitable turn around designs such as “hammer heads” or “Y” turnarounds may be considered on a case by case basis. Tree limbs must be maintained to a height of not less than 12 feet above finished grade of the vehicle access. Where an EVAT-A intersects with another like roadway, there shall be a turnaround big enough to accommodate three fire trucks at one time (approximately 1,600 square feet). Refer to *Emergency Vehicle Road Spec* Document.

Emergency Vehicle Access Type B (EVAT-B):

Type B Emergency Vehicle Accesses serve 3 or fewer house sites or driveways. They shall be a minimum of 14 feet wide with a minimum of 15 inches of gravel with a 3 inch crusher run wearing surface over Mirafi fabric. The useable road must be able to bear the weight of a 29,000 pound (14 ½ ton) fire truck on all 14 feet of road. Type B accesses shall have a turn out capable of accommodating one fire truck every 600 feet, greater distances between pull offs may be determined by the Development Review Board on a case by case basis. The maximum grade shall not be more than 10% or no more than 12% over a distance greater than 200 feet. If the access is not a through road, it must terminate at a cul-de-sac of at least 40 foot radius or an 80 foot i.d. turning circle. Other suitable turn around designs such as “hammer heads” or “Y” turnarounds may be considered on a case by case basis. All driveway entrance intersections must be at least 18 feet wide for the first 20 feet of driveway, tapering to 14 feet to allow for emergency vehicles to turnaround. Tree limbs must be maintained to a height of not less than 12 feet above finished grade of the vehicle access.

The Development Review Board may reduce or increase emergency vehicles standards on a case by case basis.

7.1.6 Through Traffic

Private roads and driveways shall be laid out so that their use by through traffic will be

discouraged except as required under 7.1.2 above.

7.1.7 Reserved Strips

The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

7.1.8 Dead End Private Roads

In general, dead ends are discouraged and interconnecting roads are encouraged. Dead end private roads shall not be approved unless a cul-de-sac of at least 40 foot radius or an 80 foot i.d. turning circle is provided at the closed end. Other suitable turn around designs such as “hammer heads” or “Y” turnarounds may be considered on a case by case basis. No dead end private road shall be more than 600 feet in length measured from the nearest road intersection to its point or radius unless a longer dead end private road is approved by the Development Review Board in order to provide a public purpose stated in these regulations.

7.1.9 Intersections

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

7.1.10 Sight Distances

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

7.1.11 Drainage

A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with this section of these Regulations.

7.1.12 Rights-of-Way

Rights-of-way for all roads shall be a minimum of 40 feet in width within the Town Common, Town Village and Town Center Districts and shall be 60 feet in width in all other districts unless the Development Review Board deems it appropriate for environmental, conservation, or design reasons to have a narrower right-of-way in the other districts in which case the minimum is 40 feet. Rights-of-way for all driveways shall be a minimum of 30 feet in width unless the Development Review Board determines that a greater width is necessary to provide suitable access or to accommodate potential future subdivision.

7.1.13 Design

All roads, public, private and driveways, shall be designed in accordance with Section 7.1.5 of these regulations.

7.1.14 Traffic Impact

All subdivisions shall have safe and uncongested access and shall not place unsafe or congested conditions on public roads onto which they access. To provide for safe and uncongested traffic flow the Development Review Board may require modifications to the access and circulation within and to the property or may limit the size of the subdivision if necessary. Such modifications may include: reduction in curb cuts; change in location or number of access points; provisions for emergency vehicles; turning lanes; shared access with adjoining property owners; installation of frontage or service roads, for a distance equal to the frontage of the property.

7.1.15 Road Names and Signs

All roads serving two or more lots shall be required to be named and identified by a road sign which is of a standard approved by the Town.

7.1.16 Class IV Roads

The Development Review Board may require that access be provided by either pedestrian or vehicular easement to Class IV roads in the event that such roads are upgraded to Class III status or reclassified as public trails in the future. There shall be no land development within a Class IV right of way.

7.2 FIRE SUPPRESSION WATER SUPPLIES

For projects of seven (7) or more house sites and/or units, the Development Review Board shall require the construction of a fire pond containing a minimum of 90,000 gallons of useable water. Useable water does not include water lower than the dry hydrant intake pipe or water that will freeze in the winter. Each water source will be served by a dry hydrant or drafting basin installed to the specifications of the Westford Fire Department. The applicant shall bear the cost of purchasing and installing all fire suppression water supply infrastructure.

For projects of three (3) to six (6) house sites and/or units, the Development Review Board may require the applicant to grant an easement to the Town of Westford so the Town may construct/install future fire suppression water supply infrastructure such as a dry hydrant, drafting basin, and/or fire pond. The easement shall include a provision for providing sufficient access to infrastructure.

The number of house sites and/or units approved for a property over the course of a ten (10) year period shall determine the fire suppression water supply infrastructure required for future development of the property.

The Development Review Board may waive the above requirements due to unsuitable soils, an insufficient water source, or excessive costs, if as a condition of subdivision approval, the Development Review Board adds the requirement that prior to the issuance of a certificate of occupancy for any lot within the subdivision a residential automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard is installed and functioning; NFPA 13: *Installation of Sprinkler Systems*, NFPA 13R: *Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height* or NFPA 13D: *Installation of Sprinkler Systems in One- or Two-Family Dwellings and Manufactured Homes*.

7.3 CURBS, SIDEWALKS AND PEDESTRIAN ACCESS

7.3.1 Curbs and Sidewalks

Curbs and sidewalks may be required in the Town Common, Town Village and Town Center Districts and elsewhere when deemed necessary by the Board. When required, they shall be constructed to standards established by the Board. Graded areas along one side of a road may be required in the Rural Residential District.

7.3.2 Pedestrian Access

The Board may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds, recreation and natural areas or other nearby roads, along greenways, and between residential areas and the Town Common, Town Village and Town Center, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

7.4 OUTDOOR LIGHTING

7.3.1 Outdoor Lighting

Outdoor lighting may be required where deemed necessary by the Board to illuminate areas such as roads, sidewalks, and parking areas.

7.4.2 Fixtures

Outdoor lighting fixtures shall be designed to direct light downward and located and adjusted so as not to cast light directly on adjacent roads or properties. The Development Review Board may prohibit fixtures that cause excessive glare within the property or on adjoining properties.

7.5 SITE PRESERVATION AND LANDSCAPING

7.5.1 Existing Features

Site amenities, such as trees, water courses or drainageways and scenic roads, historic sites, natural areas that are identified in the Town Plan or any other unusual features which the Board feels are an asset to the site and/or community and are identified in the Town Plan, shall be preserved insofar as possible through harmonious design and appropriate construction methods

and in accordance with policies and standards for such amenities in the Town Plan.

7.5.2 Natural Cover

Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision except in accordance with the requirements of the Zoning Regulations.

7.5.3 Erosion and Sediment Control

All areas exposed during construction shall be protected in accordance with standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Department of Environmental Conservation, Agency of Natural Resources. Permanent vegetation and erosion control structures shall be established according to a schedule established by the Board.

7.5.4 Road Trees

The Board may require the planting of new trees within the right-of-way limits in subdivisions which are lacking in trees or in which substantial loss of trees has or will occur in the process of road construction. Such trees shall be a shade variety, indigenous to the area, planted in fertile or fertilized ground, and shall be watered and nurtured after planting until growth is assured. Such trees shall have a minimum diameter of trunk at a point six (6) feet above ground level of at least two and one-half (2-1/2) inches, and shall be planted close to the property line and at intervals of no more than forty (40) feet. Such trees shall be clear of any branches from a point of ground level to a point six (6) feet above ground level. The recommendations of the County Forester or professional (licensed) forester or landscape architect may be required.

7.6 STORM DRAINAGE

7.6.1 Removal of Spring and Surface Water

The subdivider shall remove, either by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in unobstructed easements of adequate width for maintenance but not less than 20 feet in width. In design of the drainage system, natural waterways and drainageways shall be utilized to the fullest extent possible.

7.6.2 Accommodation of Potential Development Upstream

Drainage facilities shall be designed to accommodate potential run-off from the entire upstream drainage area, based on conditions of total potential development.

7.6.3 Responsibility for Drainage Downstream

To prevent flooding and erosion, the Development Review Board may require the subdivider to

maintain the post-development peak storm water flows at pre-development levels, reduce post-development peak storm water flows below pre-development levels, and/or make down-gradient improvements.

7.6.4 Storm Water Treatment

All development requiring DRB approval resulting in more than 0.5 acres and less than 1 acre of impervious surfaces and all major subdivisions shall at a minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. Treatment practices shall meet the design and construction requirements of the latest version of the Vermont Stormwater Management Manual.

7.6.5 Design Storm

All drainage facilities and easements shall be designed for the following storm frequency based on the location of the facility or easement, except when the Board determines it is appropriate to design for a less frequent event:

Subdivision system:	10 Year Storm
Town road system:	25 Year Storm
State highway system:	50 Year Storm

7.7 WATER

7.7.1 Water Supplies

All potable water systems shall conform to the Environmental Protection Rules , Chapter 1, Wastewater System and Potable Water Supply Rules as published by the Agency of Natural Resources and State potable water permits shall be obtained prior to recording the approved final plat in the Land Records.

7.7.2 Water Samples

The Board may require that the subdivider provide the results of water samples tested by the Vermont Health Department.

7.8 SEWAGE DISPOSAL

7.8.1 All wastewater disposal systems shall conform to the Environmental Protection Rules , Chapter 1, Wastewater System and Potable Water Supply Rules as published by the Agency of Natural Resources and State wastewater permits shall be obtained prior to recording the approved final plat in the Land Records.

7.9 UTILITIES

7.9.1 Easements

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

7.9.2 Requirements

All utilities shall be located underground unless the applicant provides the Board with a letter from the utility company stating natural features such as the presence of ledge prohibits the installation of underground utilities.

7.9.2 Documentation and Coordination

All utility systems, existing and proposed, throughout the subdivision shall be shown on the final plat. The subdivider shall provide evidence of coordination in the subdivision design with the utility companies to ensure adequate and suitable areas for underground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

7.10 LOT AND BUILDING LAYOUT AND OPEN SPACE

7.10.1 Zoning Regulations

The layout of lots shall conform to the requirements of the Town's Zoning Regulations. The lot configuration and shape shall enable future buildings to meet the requirements of the Town's Zoning Regulations.

7.10.2 Corner Lots

Corner lots shall have sufficient width to permit a front yard setback on each road.

7.10.3 Side Lot Lines

Side lot lines shall generally be at right angles to straight roads, or radial to curved road lines.

7.10.4 Lot Shape

Regular shape lots are required under these regulations. Regular shape lots are defined as lots with:

1. Side lot lines generally perpendicular (90°) to front lot lines for the depth of the lot. Variations from perpendicular lot lines of up to 15° will be accepted. And
2. Rear lot lines generally parallel to front lot lines. Variations from parallel lot lines of up to 15° will be accepted. And
3. The minimum lot width to lot depth is 1 to 5 in the Town Common, Town Village and Town Center Districts and 1 to 4 elsewhere in Town.

Dog leg lots, bowling alley lots, and lots that are otherwise contorted in order to get around zoning or subdivision regulations are not regular shaped lots. Exceptions may be made from the above three requirements where expressly permitted by the Development Review Board in order to protect a significant natural resource or to avoid excessively steep slopes, water courses or wetlands, and where no other form of subdivision of the property, including Residential Planned Unit Development, Small Residential Cluster, or Mixed Use Planned Unit Development, is appropriate or possible without severe hardship to the applicant.

7.10.5 Lot Size and Density

1. Lots shall be appropriately sized to provide satisfactory water supply and sewage disposal and to comply with zoning setback standards, standards for the protection of natural resources, aesthetic considerations, and other standards of these regulations. Lot sizes and densities in the Zoning Regulations are a **minimum** standard that it will not always be possible to meet in a subdivision. Given the physical limitations to development on land in the town and the significant natural resources in the town that are a high priority for protection in the Town Plan, lower densities may be appropriate in some cases.
2. The area within a subdivision that is (1) subject to an easement at the time of application, or (2) required for public roads, private roads, or public recreation shall not be included for the calculation of land available for development based on the density requirements of the Zoning Regulations.
3. The Development Review Board may require smaller lots in a Residential Planned Unit Development, Small Residential Cluster, or Mixed-Use Planned Unit Development than those proposed by the applicant if such lots meet other standards of these regulations, and the Zoning Regulations and if smaller lots would enable greater protection of natural resources identified in the Town Plan and/or would maximize land for continued productive agricultural or forestry use.

7.10.6 Open Space

The Board shall encourage lot layout that will preserve contiguous open space areas and natural resources (farmland, forest land, wildlife habitat, significant natural areas, and stream and river corridors), and present or future opportunities for greenways that are identified in the Town Plan. The standards for Open Space Land in the Zoning Regulations must be met for all major subdivisions that are also Residential or Mixed-Use Planned Unit Developments.

7.10.7 Topography

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

7.10.8 Building Envelopes

The Development Review Board may require building envelopes to be designated on lots on the plat for the purpose of ensuring that the standards in this section are met. All future buildings must be located within these building envelopes designated on the plat.

7.11 RECREATION LAND

The Board, pursuant to 24 V.S.A. §4418 (as may be amended), may require the dedication of land for public park or recreation purposes where such land, or area, has been identified as suitable for this purpose in the Town Plan as it exists or may be amended in the future. All such land shall be of a reasonable character for park or other recreational uses. Such land shall be generally level, well-drained, have good access for residents of the subdivision and residents of the community, and be of a size and shape suitable for its intended use.

7.12 AFFORDABLE HOUSING PROVISION

7.12.1 Purpose

- a. To provide incentives for residential development that meets the needs of Westford's population, including housing for low and moderate income individuals and families.
- b. To increase opportunities for home ownership and rental units.
- d. To encourage mixed-income development.

7.12.2 Affordable Housing Density Bonus Lots & Units

For every three market rate lots or units proposed, the applicant shall be entitled to one additional affordable housing lot or unit provided such lot can meet the standards of these regulations. Fractional lots or units shall be rounded down.

7.12.3 General Standards

- a. Housing proposed under this section shall meet the definition of "affordable housing" as defined in Section 10 of these regulations.
- b. Affordable housing shall be maintained for a minimum of 25 years starting on the date of the issuance of a certificate of occupancy for said lot or unit.
- c. Each affordable house lot or unit shall be indicated as such on the final plat survey and site plans.
- d. The affordable housing lot or unit shall be integrated into the development.

7.12.4 Application Requirements

- a. Documentation of proposed selling prices and/or rental rates, financing requirements, housing costs, and associated household income limitations, in accordance with definitions of affordability.
- b. Information on how resale prices shall be determined.
- c. Information regarding the administration and management of affordable lots or units, including the person(s) and/or organization who will be responsible for choosing purchasers or tenants, and monitoring and ensuring long-term affordability.
- d. Legal documentation to be approved by the Town including, at minimum, proposed deed restrictions or covenants for affordable lots or units which require that such lots or dwelling units be sold and leased at or below prices that will preserve their affordability, as defined herein, for a minimum of 25 years starting on the date of the issuance of a certificate of occupancy for said lot or unit.
- e. The Development Review Board may require, as a condition of approval, a partnership agreement and/or covenant with an established public or non-profit housing trust or provider that will be responsible for the long-term administration and management of affordable lots or units, including the selection of buyers or tenants in accordance with income limits and federal and state fair housing laws, the resale of affordable lots or units, and on-going property management and monitoring activities.

8.0 GENERAL APPLICATION REQUIREMENTS

8.1 NUMBER OF COPIES

Three (3) copies of all required submissions under these regulations shall be submitted. If a site plan map or sheet exceeds 11" x 17" in size, a reduced copy of a maximum 11" x 17" in size shall be submitted in addition to the three full-sized copies.

8.2 APPLICATION FEES

Upon submission of an application for minor subdivision approval or major subdivision preliminary approval, or major subdivision final approval, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearings, and for periodic inspections by Town retained consultants during the installation of public improvements. Should the Board deem it necessary to employ an engineer or other professional to review any plans for roads, drainage, water, sewage or other improvements, natural resources, and site design, 100% of the costs of such assistance shall be paid by the subdivider.

8.3 LEGAL DATA

The final plat application for a minor or major subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town, non-profit conservation organization acceptable to the Town, or the State of Vermont. All proposed deeds conveying property or easements to the Town, non-profit conservation organization acceptable to the Town, or the State of Vermont, shall also accompany the final application. In addition, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final application. The Board may require the filing of such other legal data as it deems necessary in the enforcement of these regulations. Should the Board deem it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the subdivider.

8.4 WAIVERS

The Board may waive or vary, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate both in the short and long term.

In granting waivers or variances, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Regulations, Capital Budget and Program, Official Map or other Town Bylaws.

8.5 FILING OF FINAL PLAT

Upon approval of final plat by the Board, the subdivider shall prepare a copy of the plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. The plat shall be on linen, mylar or canvas-backed paper clearly and legibly drawn, and the size of the sheets shall be 18 inches x 24 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The Development Review Board Chair, or in the absence of the Chair, the Planning Coordinator, shall endorse in writing on said plat such approval and the date thereof within fifteen days of its receipt from the subdivider after final approval. The final plat with endorsement shall be filed by the subdivider with the Town Clerk within one-hundred and eighty (180) days of the Board's final approval. Final approval shall expire if the final plat and related documents are not filed by the subdivider within said one-hundred and eighty (180) day period.

8.6 REVISIONS

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

8.7 EFFECT OF FINAL APPROVAL

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

9.0 ADMINISTRATION AND ENFORCEMENT

9.1 SEVERABILITY

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

9.2 AMENDMENTS

Amendments to these regulations shall be enacted in accordance with the provisions of the Act as presently enacted or as from time to time hereinafter amended.

9.3 ENFORCEMENT AND PENALTIES

Violations of these regulations shall be prosecuted in accordance with 24 V.S.A. §4451 and §4452, as may be amended from time to time. Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or erects any structure thereon without first having recorded a duly approved final plat under these regulations or otherwise violates these bylaws shall be fined not more than \$100 per lot or parcel for each offense, unless a higher fine is permitted under amendments to §4451 of Title 24 in which case the highest possible fine shall be imposed.

Each day that a violation is continued shall constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation. In default of payment of the fine, such person, the members of any partnership or association, or the principal officers of such corporation, shall each pay double the amount of such fine. All fines collected shall be paid over to the Town.

If any road, building, structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these regulations, the Administrative Officer shall institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators thereof.

9.4 ENACTMENT

On the date these subdivision regulations become effective, they shall amend in their entirety the Subdivision Regulations of the Town of Westford then in effect.

10.0 DEFINITIONS

For the purpose of these regulations, the following words shall be defined as follows:

Act - The Vermont Planning and Development Act. Title 24, Chapter 117, Vermont Statutes Annotated.

Affordable Housing – Housing that is either: 1) owned by its inhabitants, whose gross annual household income does not exceed 80% of the median income for the Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 % of the household’s gross annual income; or 2) rented by its inhabitants whose gross annual household income does not exceed 80% of the median income for Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 % of the household’s gross annual income.

Affordable lot - A lot offered for purchase or lease to very low, low, or moderate income households for the construction of an affordable housing unit.

Boundary Adjustment - Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Board determines that such adjustment is a minor realignment, does not substantially change the nature of any previous subdivision, does not create any new lots as a result of the adjustment, will not impact access to any parcel, will not adversely impact any natural resource, and will not create a nonconforming lot. All boundary adjustments shall be surveyed and recorded and approved by the Development Review Board.

Building Envelope - An area on a lot delineated on a subdivision plat within which structures may be located and outside of which on the lot no structures may be located.

Board - The Development Review Board of the Town of Westford.

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

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

Density - The number of acres or square feet of land area that are required for a given number of units, uses, or structures. Where a parcel is located in two or more zoning districts, the density for the entire parcel shall be the aggregate of the allowable density of each portion that is in a separate district.

Driveway - A private vehicular access from a road to a parking space, garage, dwelling or other structure and generally subordinate in nature to a road. A driveway may be shared among three or fewer lots and dwelling units, but its function is generally subordinate to a road.

Final Subdivision Plat - The final drawings on which the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Large Trees - Trees outside of protected open space lands that are six (6) inches in diameter or greater at a height of six (6) feet above ground level.

Lot - A lot is a parcel of land under one ownership, not divided by any state or town highway which is:

1. Described as a single parcel of land in a deed recorded in the Town of Westford land records prior to February 4, 1972. If a single deed describes two or more parcels of land, each described parcel shall constitute a lot; or
2. Described as a single parcel of land in a deed recorded in the Town of Westford land records after February 4, 1972, provided the conveyance creating such parcel did not violate any Town of Westford regulations or ordinances in effect at the time of the conveyance. If a single deed describes two or more parcels of land, each described parcel shall constitute a lot; or
3. Described as a development lot in a zoning permit issued by the Town of Westford, provided the development activity authorized by the permit was completed in conformance with the permit and prior to the expiration of the permit; or
4. Depicted as a separate lot on a subdivision plat approved by the Westford Planning Commission or Development Review Board pursuant to regulations in effect, provided the plat was signed and filed in accordance with the requirements of law, and the approval has not expired.

Except as specifically provided for existing small lots under these regulations, a lot shall be of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, to provide such yards and other open spaces as are herein required, and to meet town subdivision standards and health regulations. A lot shall be occupied or intended to be occupied by one principal building or structure or used together with any accessory building or open space except as otherwise provided by these regulations.

Low income household - A household having an income not exceeding 80% of median income.

Major Subdivision - Any residential subdivision containing four or more lots, including all lots created from a single parcel within the past ten years; any subdivision requiring installation of new public streets or a community sewer or water system; any non-residential subdivision; any planned unit developments; or any other subdivision classified as major by the Development Review Board at sketch plan review.

Market unit or lot - Any dwelling unit or lot available for rental or purchase which is not an affordable unit or lot as defined herein.

Median income - The income for Chittenden County set forth in or calculated by regulations promulgated by the U.S. Department of Housing and Urban Development.

Minor Subdivision - Any residential subdivision containing less than four lots, including all lots created from a single parcel within the past 10 years, and which does not require installation of new public streets or a community sewer or water system, and/or a subdivision classified as minor by the Development Review Board at sketch plan review.

Moderate income household - A household having an income not exceeding 100% of median income.

Open Space Lands - Lands in Master Plans, Residential Planned Unit Developments, Small Residential Clusters, or Mixed Use Planned Unit Developments that are protected from development in accordance with the Zoning Regulations, Sections 4.5.8, 4.6.3.(5), (9), or 4.7.7.

Plan - The Municipal Plan of the Town of Westford adopted pursuant to the Vermont Planning and Development Act.

Preliminary Plat - The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Primary Agricultural Soils - Soils (Class I through VII) classified by the U. S. Soil Conservation Service as having high or good potential for agriculture. The location of such soils in the Town of Westford is illustrated on a map of Primary Agricultural Soils in the Town Plan.

Primary Forest Soils – Soils (Groups 1-3) classified by the U.S. Soil Conservation Service as having high potential value for commercial forest (wood) production. The location of such soils in the Town of Westford is illustrated on a map of Primary Forest Soils in the Town Plan.

Private Road - A road providing vehicular access to more than three lots or dwelling units which is not a town road, which has a permanent easement or right of way, and which is constructed to town specifications.

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

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

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

Small Residential Cluster - Any residential subdivision of up to three lots, including all lots created from a single parcel within the past 10 years and/or any lots previously created from a single parcel as a Small Residential Cluster .

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

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a residential planned unit development or mixed use planned unit development.

Very low income household - A household having an income not exceeding 50% of median income.

Other Definitions - Unless otherwise defined herein, the definitions contained in the Vermont Planning and Development Act and the Westford Zoning Regulations shall apply to these regulations.