

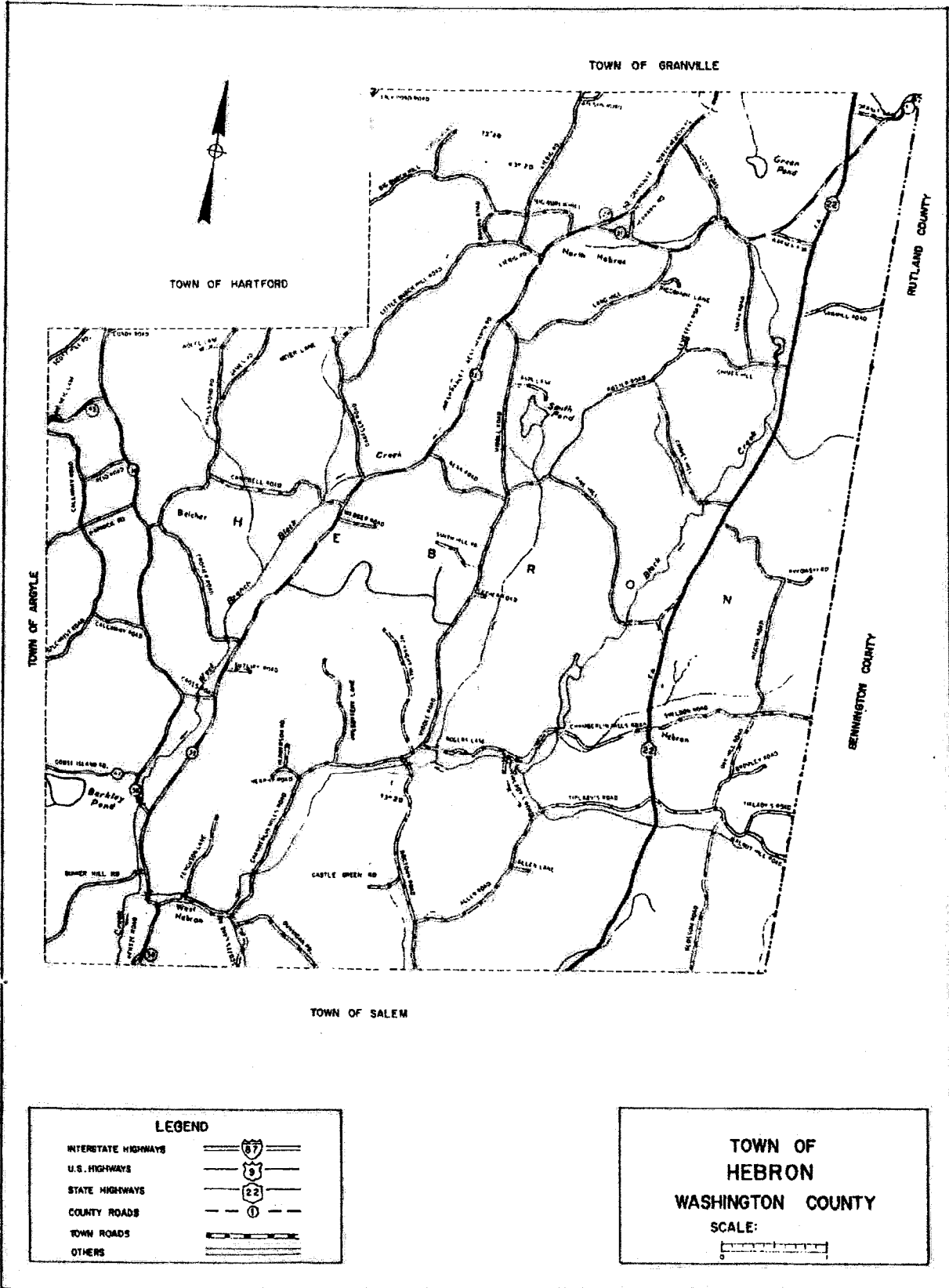
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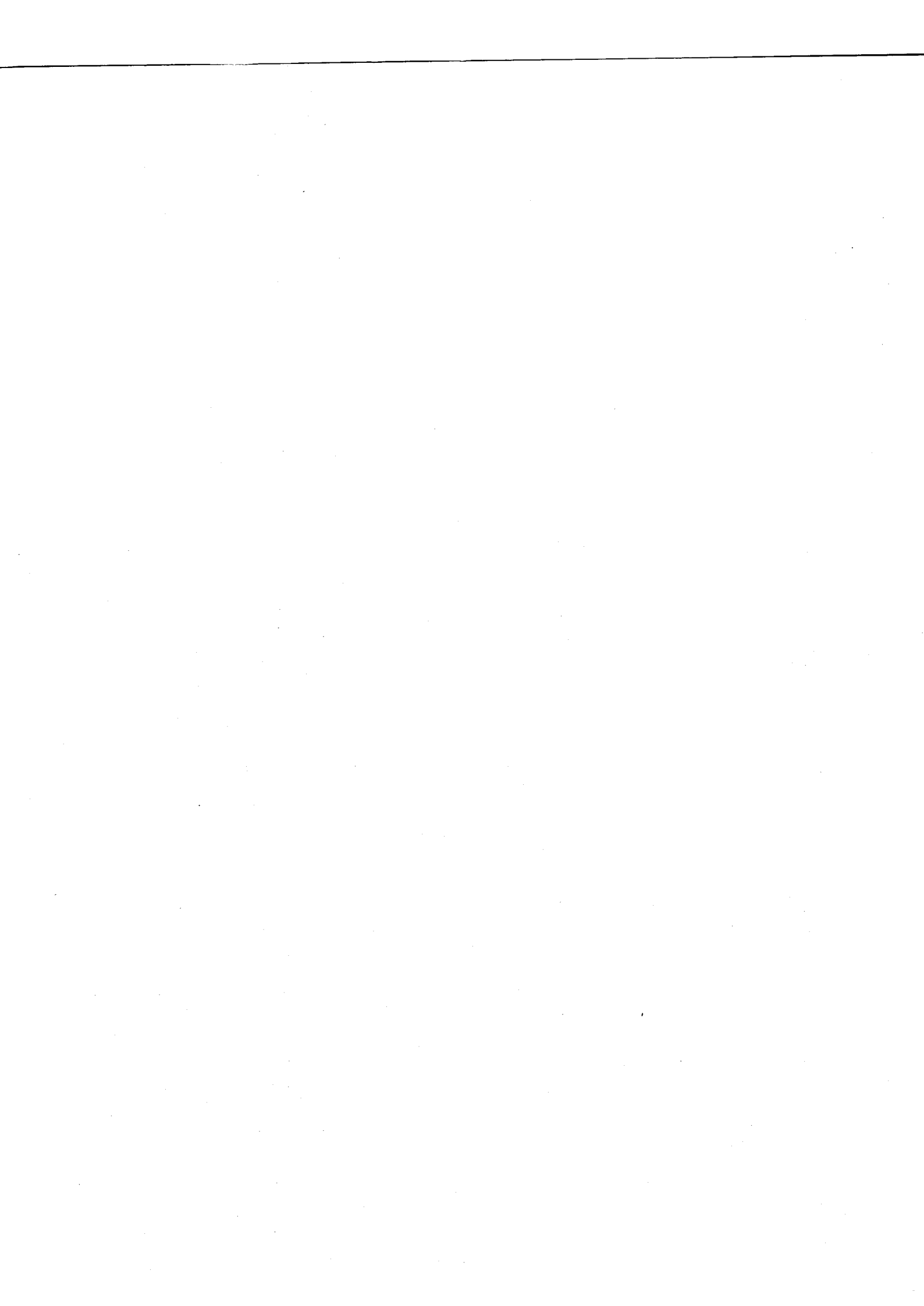
# LAND SUBDIVISION REGULATIONS AND GUIDELINES

## TOWN OF HEBRON

Revised November 2, 2020

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# LAND SUBDIVISION REGULATIONS AND GUIDELINES

Town of Hebron

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LAND SUBDIVISION REGULATIONS AND GUIDELINES

Town of Hebron

ARTICLE I            GENERAL PROVISIONS

Section 1

It is the policy of the Hebron Planning Board to consider Land Subdivision plats as part of a plan for the orderly efficient and economical development of the Town of Hebron to help insure the comfort, convenience, safety, health and welfare of its people.

This means among other things that :

- Ⓐ Land to be subdivided shall be of such character that it can be used safely for the intended purpose of the subdivision without danger to health or peril from fire, flood, or other menaces;
- Ⓑ That consideration be given to drainage, water supply, sewerage and other needed improvements;
- Ⓒ That all proposed lots shall be so laid out as to be in harmony with the development of the neighboring properties;
- Ⓓ That all plats will be subject to the requirements of the Comprehensive Plan, the Official Map, and any zoning requirements, as they may exist; and
- Ⓔ That proposed roads to be accepted by the Town shall comprise a convenient system to accommodate prospective traffic and to provide access for firefighting and road maintenance equipment, as set forth in ARTICLE IV, Section 2 herein.

Section 2            Authority

A. Citation

In order that land subdivisions may be made in accordance with this policy .these regulations, which shall be known as, and which may be cited as "The Town of Hebron Land Subdivision Regulations and Guidelines," after a duly advertised public hearing, have been adopted by the Planning Board on 15 June 1992 and approved by the Town Board on 13 July 1992    Amended on 9 October, 2007 by Hebron Town Board • Amended on 2 November 2020 by Hebron Town Board.

By authority of the resolution of the Hebron Town Board adopted on 10 July 1989, pursuant to the provision of Section 276 of Article 16 of the Town Law of the State of New York, the Hebron Planning Board is thereby authorized and empowered to approve as set forth herein, the following: 1) Plats showing lots, blocks or sites, with or without roads or highways; and 2) To conditionally approve preliminary plats with in that part of the Town of Hebron outside the limits of any incorporated village or city.

B. Effective Date

These regulations shall take effect immediately.

Section 3 Enforcement, Violation, Penalties

These regulations shall be enforced in accordance with Section 268 of Article 16 of the Town Law of the State of New York as provided for by ordinances of the Town Board of Hebron.

Section 4 Severability

Should any section or provision of the regulations herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

Section 5 Variances and Waivers

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the requirements so that substantial justice may be done and public interest secured. The above variations shall not have the effect of nullifying the intent and purpose of these subdivision regulations.
- B. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities, adjacent to or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- C. In considering any variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE II            DEFINITIONS

For the purpose of these regulations, certain words and terms used herein are defined as follows :

Applicant. Shall mean the owner of record or his agent duly authorized in writing.

Authorized Agent or Representative. A person or persons who have been duly authorize in writing filed with the Planning Board by the subdivider to act in his or her behalf.

Comprehensive Plan. A comprehensive plan prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures, and for general physical development of the Town, and includes any unit or part of such plan separately prepared and any amendment to such plan or parts thereof.

Construction Drawings. These include plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of roads, sidewalks, curbs, road lighting standards, trees, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins, and other facilities.

Driveway. A roadway extending from the edge of a road surface to its terminus.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his or her property.

Engineer, Licensed Professional. A person licensed as a professional engineer by the State of New York.

Engineer, Town. Means an engineer designated by the Town Board.

Hebron Planning Board. Herein referred to as the Planning Board.

Hebron Town Board. Herein referred to as the Town Board.

Official Map. Means a map established by the Town Board pursuant to Section 270 of the Town Law, showing roads, highways, parks and drainage, both existing and proposed.

Plat. A map or representation on paper of a piece of land, drawn to scale and providing pertinent information as to lots and roads.

Plat, Preliminary. A drawing or drawings, clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in ARTICLE V, Section 3 of these regulations, submitted to the Planning Board for its consideration.

Plat, Final Subdivision. The final drawings of the proposed subdivision, containing all information and detail, required by law and these regulations, to be submitted for recommendation and final approval to the Town Board.

Re-Subdivision. Change of a recorded subdivision plat if such change affects any road layout on such plat, or an area thereon reserved for public use, or any change of a lot line, or any such change if it affects any map or plat legally recorded.

Road. Means and includes roads, lanes, or other ways between right-of-way lines, whether publicly or privately owned, used or to be used, for vehicular traffic.

Road: Minor. Means a road intended to serve primarily as an access to abutting properties.

Road: Major. Means a road which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Road: Collector. A road which serves or is designed to serve as a traffic way for a neighborhood or as a feeder road to a major road.

Road: Dead-End or Cul-de-Sac. Means a road or portion of a road with only one vehicular traffic outlet.

Road Pavement. The wearing or exposed surface of the roadway used by vehicular traffic.

Road Width. The width of the right-of-way measured at right angles to the center line of the road.

Sketch Plan. Means a sketch drawn of a proposed subdivision showing information specified in Article V, Section 1 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Subdivider. Means any person, firm, corporation, partnership or association which shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision. The division of any parcel of land into two or more lots, blocks, or sites, with or without roads or highways, and includes re-subdivisions.

Subdivision: Minor. Any subdivision containing not more than three lots and not adversely affecting the development of the remainder of the parcel or adjoining properties.

Subdivision: Major. Means any subdivision not classified as a Minor Subdivision.

Surveyor. A person licensed as a land surveyor by the State of New York.

Town Requirements. Refers specifically to "Town of Hebron Requirements for Acceptance of New Roads" and to "Town of Hebron Guidelines for the Placement of Driveways on Town Roads," enactments of the Hebron Town Board.



ARTICLE III      PROCEDURE IN FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, and before any contract for the sale or transfer of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 1      Sketch Plan

A. Submission of Sketch Plan: Any owner of land shall, prior to submitting an application for a subdivision of land, submit to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to the regular meeting of the Board eight (8) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of ARTICLE V, Section 1 (See Page 21) for the purposes of classification and preliminary discussion. In addition, the applicant must submit a completed SEQR short form document.

B. Discussion of Requirements : The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations along with those of the Town of Hebron and Washington County for roads, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

C. Classification: Classification of the Sketch Plan will be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as is defined in these regulations.

If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedures outlined in ARTICLE III, Section 2 of these regulations. The Planning Board may require, however, when it deems necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with some or all of the requirements specified for a Major Subdivision.

If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures set forth in ARTICLE III, Sections 3, 4 and 5 of these regulations.

D. Study of Sketch Plan: The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it, deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Board.

- E. Exemption: At the Sketch Plan conference the Planning Board may exempt the subdivider from certain requirements of the subdivision review process under one of the following circumstances:
- (a) If it is determined that the proposed subdivision is for farming/agricultural purposes only; or
  - (b) Where none of the lots in the proposed subdivision is less than ten (10) acres in size; or
  - (c) Where the proposed subdivision is a one-lot transfer per family member and does not involve an offering to the public or a sale for more than one dollar (\$1) to an immediate family member (immediate family member being defined as father, mother, immediate offspring and spouse), and where the specific lot may not be exempted in a future subdivision.
2. Each of the newly created parcels as noted in (a), (b), and (c) above is to have adequate frontage onto an existing road, proposed road, or adequate right-of-way access to each of the parcels, in accordance with these regulations.
  3. The application for exemption shall be accompanied by a processing fee of fifty dollars (\$50) per lot in accordance with the Fee Schedule in Appendix A, along with a final plat in accordance with Article III, Section 2, paragraph B, and/or Section 3, paragraph B, of these regulations.
- F. Natural Subdivision: A municipal road can act as natural subdivision upon request from the Subdivider and proper submission of forms, fees, and maps. All regulations in this instance will be the same as a Minor Subdivision.

Section 2

Approval of Minor Subdivision

- A. Application and Fee: Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit a formal application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification.

The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. The application shall also conform to the requirements listed in ARTICLE V, Section 2 (see pages 21-22).

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of fifty dollars (\$50) per lot in accordance with the fee schedule in Appendix A of these regulations.

- B. Number of Copies and Attendance: Eight (8) copies of the Minor Subdivision Plat shall be presented to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a scheduled meeting of the Planning Board. At this same meeting the subdivider, or his duly authorized agent, shall attend in order to discuss the Minor Subdivision Plat with the Planning Board.

- C. When Officially Submitted: The time of submission of the Minor Subdivision Plat shall be considered to be the date of the regular meeting of the Planning Board.

- D. Public Hearing: A public hearing shall be called by the Planning Board within forty-five (45) days from the time of sub-mission of the Minor Subdivision Plat for approval.

Said hearing shall be advertised in the legal sections of the official publications as prescribed by the Town Board at least ten (10) days before such hearing

- E. Action on Minor Subdivision Plat: The Planning Board shall, within forty-five (45) days from the date of the public hearing, preliminarily approve, modify, or disapprove the Minor Subdivision Plat, and so report to the Town Board their final action.

Section 3 Preliminary Plat for Major Subdivision

- A. Application and Fee: Within six ( 6 ) months after classification of the Sketch Plan as a Major Subdivision , and prior to filing an application for final approval of the Major Subdivision Plat , the subdivider shall file an application for Consideration of a Preliminary Plat of the pro-posed subdivision in the form described in Article V , Section 3 (see pages 22-23) .

The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law of the State of New York and in Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board .

The application for conditional approval of the Preliminary Plat shall be accompanied by a fee of 50 dollars ( \$50 ) per lot for each lot in the proposed subdivision, in accordance with the fee schedule in Appendix A of these regulations.

- B. Number of Copies and Attendance: Eight (8) copies of the Preliminary Plat shall be presented to the Secretary or Clerk of the Planning Board at least fourteen ( 14 ) days prior to a regular monthly meeting of the Board .

At this same meeting ;the subdivider , or his duly a uthor-ized representative, shall attend in order to discuss the Preliminary Plat with the Board .

- C. Study of Preliminary Plat: The Planning Board shall study the practicability of the Preliminary Plat, taking into consideration the natura limitations of the land .

Particular attention shall be given to the arrangement, composition, location and width of roads , their relation to the topography of the land , water supply , sewage disposal, drainage, lot sizes and arrangement , and the future development of adjoining lands as yet unsubdivided.

- D. When Officially Submitted : The time of submission of the Preliminary Plat shall be the date of the regular monthly meeting of the Planning Board .

E. Conditional Approval of the Preliminary Plat: Within forty-five (45) days after the time of submission of a Preliminary Plat the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove, such Preliminary Plat, and the grounds of any modification required, or the grounds for disapproval, shall be stated upon the records of the Planning Board.

Failure of the Planning Board to act within such forty-five (45) days shall constitute a conditional approval of the Preliminary Plat.

When granting conditional approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to the following:

- (a) The specific changes which it will require in the Preliminary Plat.
- (b) The character and extent of the required improvements for which waivers may have been requested and which in the opinion of the Planning Board may be waived without jeopardy to the public health, safety, and general welfare; and
- (c) The amount of improvement (s), or the amount of all bonds for the improvement (s) it may require as prerequisite to the approval of the Subdivision Plat.

The action of the Planning Board plus any conditions attached thereto shall be noted on two (2) copies of the Preliminary Plat. One copy shall be returned to the sub-divider, and one copy retained by the Planning Board.

Conditional approval of the Preliminary Plat shall not constitute approval of the Final Subdivision Plat but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to preparation of the Final Plat for submission to the Planning Board.

Section 4 Final Plat for Major Subdivision

- A. Application for Final Approval: The subdivider shall , within six (6) months after conditional approval of the Preliminary Plat in final form, file with the Planning Board an application for approval of the Final Subdivision Plat, using the approved application blank available from the Secretary or Clerk of the Planning Board.

If the final plat is not submitted within six (6) months after conditional approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require a re-submission of the Preliminary Plat.

- B. Number of Copies: A subdivider submitting a Final Subdivision Plat for approval of the Planning Board shall provide the Sec-retary or Clerk of the Planning Board with one (1) copy of the application and three (3) copies of the Plat (one copy in ink on mylar).

Also required are the original and one true copy of all offers of cession, covenants, and agreements.

All documents are required at least fourteen (14) days in ad-vance of the regular monthly Planning Board meeting at which the Final Subdivision. Plat is to be officially submitted.

- C. When Officially Submitted: The time of submission of the Final Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board.
- D. Endorsement of State and County Agencies: Applications for approval of plans for sewer and/or water facilities will be filed by the subdivider with all necessary Town, County, and State agencies as required.

E. Public Hearing : Within forty-five (45) days after the Preliminary Plat Application date, the Planning Board shall call a public hearing on the subdivision. This hearing shall be advertised in the official publications as pre-scribed by the Town Board at least ten (10) days before such hearing.

F. Action on Final Subdivision Plat : The Planning Board, within forty-five (45) days from the date of the public hearing, shall preliminarily approve, modify or disapprove the final subdivision Plat.  
However, prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the plat in final form or as a result of new information obtained at the hearing.

The subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with any necessary requirements of Section 5 of this article, and final approval given.

Section 5

Required Improvements

- A. Improvements and Performance Bond: Before the Planning Board grants conditional approval to the Final Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph (1) or subparagraph (2) as follows:

- (1) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of any required improvement OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements.

Any such bond shall comply with the requirements of Section 277 of the Town Law of the State of New York and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

A period of one year (or such other period as the Planning Board may determine appropriate but not to exceed three (3) years) shall be set forth in the bond within which the required improvements must be completed.

- ② The subdivider shall complete all required improvements to the satisfaction of the proper authorities who shall file with the Secretary or Clerk of the Planning Board a letter signifying satisfactory completion of all improvements required by the Planning Board.

For any required improvements not so completed, the subdivider with the Town Clerk a bond or certified check covering all costs of such improvements. The above process shall not exceed three (3) years.

Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

- ③ The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the proper authorities and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed.

If the subdivider completes all required improvements according to subparagraph (2), then said map shall be submitted to the Planning Board prior to endorsement of the plat by the authorized Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in



sub- paragraph (1), such bond shall not be released  
until such map is submitted.

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- B. Modification of Design of Improvements: If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the proper authorities that unforeseen conditions make it necessary or preferable to modify the location or design of such improvements, the proper authorities may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the improvements' function as required by the Planning Board.

The proper authorities shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board no later than at its next regular meeting.

- C. Inspection of Improvements: At least five (5) days prior to commencing construction of required improvements, the sub-divider shall pay to the Town Clerk the inspection fee required by the Planning Board and shall notify the Planning Board in writing of the time he proposes to commence construction so that the Planning Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction, and to assure satisfactory completion of improvements and utilities required by the Planning Board.

- D. Proper Installation of Improvements: If the proper authorities shall find, upon inspection of the improvements performed before the performance bond's expiration date, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Planning Board.

The Planning Board shall then notify the subdivider and, if necessary, the bonding company, and take all the necessary steps to preserve the Town's rights under the bond.

No Plat shall be approved by the Planning Board as long as the subdivider is in default of a previously approved Plat.

Section 6      Filing of Approved Subdivision Plat

- A. Final Approval and Filing: Upon completion of the requirements in Sections 4 and 5 above and notation to that effect on the Subdivision Plat, it shall be deemed to have conditional approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or acting Chairman) and may be filed by the applicant in the office of the County Clerk.

Any Subdivision Plat not so filed or recorded within ninety (90) days of the date on which such plat is approved, or considered approved by reason of failure of the Planning Board to act, shall be null and void, unless special circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days each.

- B. Plat Void If Revised After Approval: No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after final approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board which will then be reviewed again before final approval.

In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Section 7      Acceptance of Public Areas

- A. Roads, Easements, Open Spaces: Conditional approval by the Planning Board and final approval by the Town Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space shown on the Subdivision Plat.
- B. Ownership and Maintenance of Recreation Areas: When a park, playground, or other recreation area shall have been shown on a plat, approval of said plat shall not constitute acceptance by the Town of such area, and the Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE IV GENERAL REQUIREMENTS, DESIGN STANDARDS, RECOMMENDATIONS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article I herein.

Section 1 General

- A. Character of Land: Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- B. Specifications For Required Improvements: All required im-provements to be accepted shall be constructed or installed to conform to the Town specifications, which may be obtained from the proper authorities.

Section 2 Road Layout

- Width, Location, and Construction: All new traffic ways intended to be taken over by the Town shall be of sufficient width, suitably located, and adequately constructed to conform with the Town requirements, to accommodate the prospective traffic and afford reasonable access for fire fighting, snow removal, and road maintenance equipment.

The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

Where planned new roads are not intended to be taken over by the Town and are to be maintained by other means, such roadways (except the width of the right-of-way) need not conform to the Town standards. Such a deed restriction must be noted in the legal transfer of ownership for each individual lot in the subdivision.

- Arrangement: The arrangement of roads in the subdivision shall provide for the continuation of principal roads of any adjoining subdivisions, and for proper projection of principal roads into 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 such as sewer, water, and drainage facilities.

In the opinion of the Board, where topographic or other conditions make such continuance undesirable or impractical, the above requirements may be modified.

C. Minor Roads: Minor roads shall be so laid out that their use through traffic will be discouraged.

C. Special Treatment Along Major Roads: When a subdivision abuts or contains an existing or major arterial road, the Planning Board may require marginal access or collector roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Dead-End Roads : The creation of dead-end or loop residential roads will not be encouraged. When the Planning Board finds that such type of development will not interfere with normal and emergency traffic circulation in the area, dead-end or loop roads may be considered adequate.

F. Major or Arterial Road Intersections: Minor or secondary road openings into collector or major arterial roads shall, in general, be at least 500 feet apart.

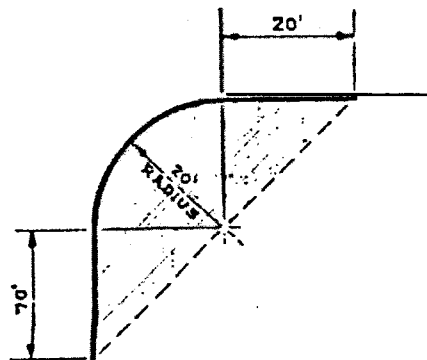
G. Road Jogs: Road jogs with centerline offsets of less than 125 feet shall be avoided.

H. Angle of Intersection: In general, all roads shall join each other so that for a distance of at least 125 feet the road is approximately at right angles to the road it joins.

I. Relation to Topography: The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the road.

Section 3 Road Design

- A. Widths of Rights-of-Way: All roads to subdivisions shall have widths as set forth in the Town's Requirements.
- B. Improvements: Roads to be accepted by the Town shall be graded and improved with pavements, storm drainage facilities, and signs as set forth in the Town Requirements and as may be requested by the Planning Board with due regard for the public safety and convenience.
- C. Utilities in Streets: The Planning Board shall, wherever possible, require that planned underground utilities be placed between the surfaced road and the road right-of-way according to State and Town Requirements, to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of such lot before the road is surfaced.
- D. Grades : Grades of all roads shall conform in general to the terrain and the Town's Requirements.
- E. Changes in Grade: All changes in Grade shall be made so that clear visibility shall be provided for a safe distance
- F. Curve Radii at Road Intersections: All road right-of-way lines at intersections shall be rounded by curves of at least twenty (20) feet radius.
- G. Visibility at Intersections: To provide adequate visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road), as shown shaded on Sketch A below, shall be cleared of all growth and obstructions above the level three (3) feet higher than the center line of the road. If directed, ground shall be excavated or fill used to achieve desired visibility.



Street Line  
Sketch A

- H. Access Across a Watercourse: Where a watercourse separates the buildable area of a lot from the access road, provision must be made for installation of a culvert or other structure according to the rules and regulations of the Department of Environmental Conservation, and of a design approved by the proper authorities.

Section 4      Road Names

- A. Types of Names : All road names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.
- B. Names To Be Different: Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name.

Section 5      Lots

- A. Lots To Be Buildable: The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography, or other natural conditions.
- B. Side Lines: In general, side lines of lots shall be at near right angles to road lines and radial to curved road lines, unless a better road or lot plan is proposed.
- C. Corner Lots: In general, corner lots should be larger than interior lots to provide a desirable building site.
- D. Driveway Access: Driveway openings and grades shall conform to specifications of the Town driveway guidelines. Driveway grades between the road surface and the deepest right-of-way line generally shall not exceed ten per cent (10%), and all driveway openings shall meet with the approval of the Town's Superintendent of Highways. Roads existing prior to 1820 have a 66-foot right-of-way; roads after 1820 have 49.5 feet right-of-way, according to the County Superintendent of Highways.)
- E. Access From Private Roads : Access from private roads shall be deemed acceptable only if such road entrances are designed and improved in accordance with these applicable regulations.

Section 6            Drainage Improvements

- A. Removal of Spring and Surface Water: The subdivider may be required by the Planning Board to carry away by pipe or open ditch any 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 perpetual unobstructed easement of appropriate width.
- B. Drainage From Upstream: A culvert or other drainage facility shall, in each case, be large enough to accommodate the run-off from its entire upstream drainage area, whether inside or outside the subdivision.

The proper authorities shall approve the design and size of the facility based on anticipated runoff from "ten year" storm under conditions as they exist.

- C. Land Subject to Flooding: Land subject to flooding or deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

Section 7            Parks, Open Spaces, Natural Features

- A. Parks, Playgrounds, Recreation Areas: These may be required in the case of condensed housing.

The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on a subdivision plat.

- B. Preservation of Natural Features and Open Spaces: While overseeing the orderly development of the Town, the Planning Board may consider the natural features which add to the value of the community.



ARTICLE V      DOCUMENTS TO BE SUBMITTED

Section 1      Sketch Plan Information

- A. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map, at a scale of not less than fifty (50) feet nor more than 200 feet to the inch.

The Sketch Plan submitted shall clearly show the following information:

- (1) Name of the owner and names of all adjoining property owners as disclosed by the most recent tax records.
- (2) The tax map sheet, block and lot numbers.
- (3) Location of that portion of the land which is to be subdivided in relation to the entire tract.
- (4) All roads, existing and proposed, and so identified.
- (5) Distance to the nearest existing road intersection.
- (6) The proposed pattern and size of lots, including the approximate lot depth and width.
- (7) All existing structures, wooded areas, streams, rock outcroppings, and other significant features within the subdivided area.
- (8) Open drainage as needed;
- (9) All existing land use restrictions, including easements and covenants.

Section 2      Minor Subdivision Plat

- A. In the case of a Minor Subdivision ONLY, the Subdivision Plat application shall include all of the above data from the Sketch Plan as well as eight (8) copies of the plat showing the following information:

- (1) Name of proposed subdivision, name of Town, and County in which it is located.
- (2) The date, north point, map scale, name and address of record owner and subdivider.

- (3) An actual field survey of the boundary lines of the tract to be developed, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor.
- (4) The corners of the tract to be developed shall also be located on the ground and marked by monuments comprised of 3/4-inch rebar with an identification cap, and shall be referenced and shown on the plat.
- (5) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (6) The plat to be filed with the County Clerk shall be printed or clearly drawn on mylar of an appropriate size, at least 20 inches by 24 inches.

Section 3            Major Subdivision Preliminary Plat, Accompanying Data

The following documents shall be submitted for Conditional Approval:

- A. Eight (8) copies of the Preliminary Plat prepared at a scale of not more than one hundred (100) feet but preferably not less than fifty (50) feet to the inch, showing:
  - (1) Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, his license number and seal.
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) Location of existing property lines, easements, buildings, watercourses, and other significant features of the proposed subdivision.
  - (4) Construction drawings of any proposed improvements where required.
  - (5) The proposed lot lines with approximate dimensions and area of each lot.

(6) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of the proposed permanent easements over and under private property.

(7) An actual field survey of the boundary lines of the tract, giving complete data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be marked by substantial monuments comprised of 3/4-inch rebar with an identification cap.

B. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

#### Section 4 Major Subdivision Final Plat and Accompanying Data

The following documents shall be submitted for Plat approval:

A. The Major Subdivision Final Plat to be filed with the County Clerk shall be printed on mylar, of an appropriate size at least 20 inches by 24 inches, including a margin of two inches for binding, outside the border along the left side, and a margin of one inch inside the border along the remaining sides. A second copy shall also be provided to the Planning Board

The plat shall be drawn to a scale of no more than 100 feet to the inch and orientated with the north point at the top of the map. When more than one sheet is required, an additional in-dex sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The plat shall show:

(1) Proposed subdivision name or identifying title, name of Town and County in which located, name and address of record owner and subdivider, and name, license number and seal of the licensed land surveyor.

(2) Road lines, lots, reservations and easements.

(3) Sufficient data acceptable to the Planning Board and/or other authorities to determine readily the location, bearing and length of every road line, boundary line, and to reproduce such lines upon the ground. Where applicable these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by public authority.

- (4) All dimensions and angles of the lines of each lot shall also be given. The plat shall show the boundaries of the property location, graphic scale, and true point north.
- (5) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (6) Permanent reference monuments comprised of 3/4-inch rebar with an identification cap shall be shown and shall be constructed at the site. When referenced to the State system of plane coordinates they shall also conform to the requirements of the State Department of Public Works.
- (7) Monuments of a type described above shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all road intersections, angle points in road lines, points of curve, and such in-intermediate points as shall be required.

APPENDIX A

Fee Schedule

1. Submission of Sketch Plan for proposed subdivision, no fee required.
2. Application for approval of a Minor Subdivision Plat, a Preliminary Plat for a Major Subdivision, or an Exempt Subdivision Plat shall be accompanied by a one-time fee of fifty dollars (\$50) per lot.
3. The applicant shall be responsible for any special legal, consulting, engineering, or inspection fees that need to be incurred as agreed upon in writing between the applicant and the Planning Board, and such fees shall not exceed three per cent (3%) of the current tax value of the property being subdivided.

NOTES