
ARTICLE VII. SUBDIVISION REVIEW STANDARDS

Section 7.1 Application of Subdivision Standards

(A) The Development Review Board shall evaluate all subdivision applications under applicable standards set forth in this article. The Board, to assist in its evaluation, may require:

- (1) that the subdivider identify the intended use of land to be subdivided, including a general indication of subsequent development plans for retained land when only a portion of an existing parcel is to be subdivided;
- (2) an independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional retained by the Board and paid for by the subdivider, in accordance with Section 9.8(C); and
- (3) the modification of the subdivision design, the phasing of development, and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

(B) Standards under this article may be modified or waived by the Board only in accordance with Section 6.2. Any waiver requests should be submitted in writing with the application.

Section 7.2 General Standards

(A) **Development Suitability.** All land to be subdivided shall be suitable for the intended use and proposed density of development, and will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivisions shall set aside as open space, and/or exclude from subsequent development, land that is characterized by periodic flooding, poor drainage, steep slopes, or other hazardous conditions, or that is inadequate to support structures or infrastructure.

(B) **Bolton Town Plan & Regulations.** Subdivisions shall conform to goals and policies specified in the *Bolton Town Plan* as most recently amended, other provisions of these regulations, any duly adopted capital budget and program, and all other municipal bylaws, ordinances and regulations in effect at the time of application.

(C) **District Settlement Patterns.** A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined under Article II and the town plan. To this end, the following general standards shall apply to subdivisions within the respective districts.

- (1) Subdivision within the Village, Resort Village, and Resort Residential Districts shall be designed and configured to reinforce a compact, pedestrian scale and pattern of development. Lots and building envelopes should be sized and located to maintain a consistent building line and streetscape along roads. Subdivisions in these districts also should be designed to incorporate, extend, or connect to existing roads, pedestrian paths and utility corridors. Sidewalks and other pedestrian facilities may be required where appropriate; new roads in these districts shall be designed to maximize pedestrian safety and circulation.
- (2) Subdivisions within the Rural I and Rural II Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development

interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

- (3) Subdivisions within the Forest and Conservation Districts shall be designed and configured to preserve existing forest resources and environmentally sensitive upland areas, including watersheds, critical wildlife habitat and corridors, and to maintain traditional land uses including forestry and outdoor recreation. Fragmentation of productive forest lands and critical wildlife habitat shall be avoided. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels. Lots created for the purpose of constructing seasonal camps or year-round dwellings in these districts shall not result in the development of environmentally sensitive areas identified in the town plan or through site investigation, and as specified in Section 7.3.

(D) **Lot Layout.** Lot layout shall:

- (1) be consistent with site topography and the suitability of the land for development, as defined under Subsection (A);
- (2) conform to desired district settlement patterns, as required under (C);
- (3) meet zoning district minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article VIII;
- (4) conform to lot and yard requirements under Section 3.6; and
- (5) avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.

(E) **Building Envelopes.** The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots intended for subsequent development in the Forest and Conservation Districts, and may be required by the Development Review Board for such lots in other zoning districts, as deemed necessary to protect significant natural or cultural resources under Section 7.3. The size and shape of each building envelope shall be established in accordance with these regulations. The Board also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations.

(F) **Survey Monuments.** The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat.

(G) **Landscaping & Screening.** The preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Development Review Board, may be required to:

- (1) preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat areas;
- (2) provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality, or other natural or scenic features;
- (3) provide screening to increase privacy, reduce noise or glare, or to establish a visual or physical buffer between potentially incompatible land uses; or to
- (4) establish a tree canopy along roads or pedestrian walkways where the Development Review Board deems it appropriate, including areas where a substantial loss of existing trees will result from road construction and related site improvements.

(H) **Energy Conservation.** Subdivision design and layout, to the extent feasible, will encourage energy efficiency through:

- (1) the siting and orientation of development (e.g., building envelopes), to take advantage of southern exposures and natural vegetative or topographic buffers;
- (2) the clustering of development (e.g., lots, building envelopes) to minimize road and utility line extensions and reduce travel distances; and
- (3) the effective use of landscaping to provide wind barriers and shading, and to reduce heat loss.

Section 7.3 Protection of Natural & Cultural Resources

(A) **Resource Identification & Protection.** All applications for subdivision review shall identify and provide for the protection of Bolton's significant cultural and natural features in accordance with these regulations. Applicants are encouraged, but not required, to meet with the Bolton Conservation Commission to discuss their application prior to submission. The Development Review Board may consult with the Bolton Conservation Commission, state officials, and/or other qualified professionals to determine the likely impact of a subdivision on one or more of these resources, and appropriate mitigation measures.

(B) **Surface Waters, Wetlands & Floodplains.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid any adverse impact to surface waters, wetlands, floodplains and designated water supply Source Protection Areas (SPAs). Methods for avoiding such impacts include but may not be limited to the following:

- (1) Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure their permanent protection
- (2) Building envelopes shall be located and sized to exclude these features, and any associated buffer areas. Building envelopes are allowed within the Flood Hazard Area Overlay District only where it overlays the Village District.
- (3) Setback and buffer areas of sufficient width to protect surface waters and wetlands shall be designated in accordance with Section 3.17. The Development Review Board may require increased setbacks or buffers, and/or management plans as deemed necessary to protect water quality in relation to slope, soil, and site conditions.
- (4) Roads, driveways and utility lines or corridors shall be located, to the extent feasible, to avoid the fragmentation of, or encroachment on these features.
- (5) Surface waters, wetlands and associated buffers should be included as designated as open space in accordance with Section 7.4.

(C) **Rock Outcrops, Steep Slopes, Hillside & Ridgelines.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to minimize adverse impacts to slopes greater than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on rock outcrops, prominent hilltops and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes, to the extent feasible, shall be located to exclude these features.

- (2) On prominent ridgelines and hilltops, the location of building envelopes, and associated development, shall minimize visibility as viewed from public roads or properties. Building envelopes shall be located down-slope of prominent ridgelines and hilltops, and configured so that the height of any structure placed within the envelope will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, or the height of land on exposed ridgelines or hilltops. Existing forest cover outside the envelope shall be maintained to provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hilltops remain wooded. The Board also may require additional plantings at specific locations within the subdivision or on individual lots, to provide screening.
- (3) In the event that development on slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, associated building envelopes shall be sized and configured to minimize the extent of clearing and disturbance. The Board may require the preparation and implementation of an erosion control plan for subdivision improvements, in accordance with Sections 3.16 and 7.5, as a condition of approval. Excavation, filling and development on slopes in excess of 25% shall be avoided.
- (4) Driveways, access roads (including the conversion of logging roads to private roads or driveways) and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.
- (5) Land characterized by steep slopes, rock outcrops, prominent hilltops and ridgelines should be included as designated as open space in accordance with Section 7.4.

(D) **Natural Areas & Wildlife Habitat.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid the fragmentation of and adverse impacts to natural areas and critical wildlife habitat identified in the town plan, by the Vermont Department of Fish & Wildlife, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located to exclude identified natural and critical wildlife habitat areas, including but not limited to wildlife travel corridors, deer wintering areas, critical bear habitat areas, peregrin falcon nesting sites, and rare, endangered or threatened natural communities.
- (2) A buffer area of adequate size, as determined in consultation with the Conservation Commission, state officials or other qualified consultants, shall be established as needed to protect critical wildlife habitat areas and natural communities.
- (3) Roads, driveways and utilities shall be designed to avoid the fragmentation of identified natural areas and wildlife habitat.
- (4) The Board may require the submission of a management plan, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat, and associated management strategies.
- (5) Identified natural areas, critical wildlife habitat and associated buffer areas should be included as designated as open space, in accordance with Section 7.4.

(E) **Historic & Cultural Resources.** Subdivision boundaries, lot lines and layout and building envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites

and resources identified in the town plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- (1) Historic features, including historic structures, stone walls and cellar holes shall, to the extent feasible, be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls).
- (2) Building envelopes shall be sited to avoid known archaeological sites. Prior to development on sites that have been identified as being archaeologically sensitive in the town plan or through site investigation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(F) **Farmland.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid the fragmentation of and adverse impacts to primary (“prime” and “statewide”) agricultural soils and open fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located at field or orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Vegetated buffer areas may be required to separate building lots and subsequent development from agricultural operations and minimize land use conflicts.
- (3) Access roads, driveways and utility corridors shall be shared to the extent feasible; and follow existing linear features such as roads, tree lines, stone walls, fence lines or field edges to minimize the fragmentation of open agricultural land and associated visual impacts.
- (4) Retained farm parcels or open land shall be included as designated as open space in accordance with Section 7.4.; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required to ensure their long-term protection.

(G) **Forestland.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid fragmentation of, or adverse impacts to productive forest land, including large (50+ acres) tracts of forest, land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses unique or fragile features, including natural areas, critical wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot lines, building envelopes, access driveways or roads, and utility corridors shall be laid out to avoid unnecessary fragmentation of distinct timber stands, and to allow access for long-term forest management.

- (2) Building envelopes should be sized to minimize the extent of forest clearing required for development. Where applicable, the Development Review Board may require that building envelopes be set back and buffered from adjacent forest parcels as needed to protect public recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflicts between new development and existing forest management activities on land that is protected or enrolled in the current use program. Setback and buffer areas shall be included as designated open space, in accordance with Section 7.4
- (3) Lots specifically intended for long-term forest management should be of sufficient size to qualify for enrollment in state and/or municipal tax stabilization programs, and may be included as designated open space in accordance with Section 7.4.

(H) **Modifications for Village Districts & PUDs/PRDs.** The Development Review Board may modify or waive one or more of the standards under this section within the Village, Resort Village or Resort Residential Districts, or within a planned residential or planned unit development, if the Board determines that:

- (1) such modification will result in a more desirable settlement pattern, and
- (2) impacts to identified resources will be mitigated either on- or off-site.

Section 7.4 Open Space & Common Land

(A) **Open Space.** Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Development Review Board, in accordance with the following:

- (1) Open space land shall include and provide for the protection of natural and cultural features identified and designated for protection in accordance with Section 7.3.
- (2) Open space areas shall be configured to be contiguous with existing and potential open space lands on adjacent parcels.
- (3) Designated open space may include a portion of a single lot, or extend over several contiguous lots. The Development Review Board may require lot configurations that minimize the subdivision and fragmentation of contiguous open space areas.
- (4) The location, shape, size and character of the open space shall be suitable for its intended use.
- (5) Provisions should be made to enable open space designated for agriculture and forestry (silviculture) to be used for these purposes. Management plans for forests, wildlife habitat, and farmland may be required by the Development Review Board as appropriate. Areas preserved for forestry and agricultural use should be of a size that retains their eligibility for state and municipal tax abatement programs.
- (6) The Development Review Board may require the dedication of up to 15% of the total land area of a proposed subdivision for recreational use by its residents. Such area, to be set aside as common land unless otherwise approved by the Board, shall be of suitable character to serve as parkland, a playground or recreational trail network. All subdivisions resulting in the creation of 10 or more lots shall meet this requirement.
- (7) Sewage disposal areas, utility and road rights-of-way or easements, and access and parking areas shall not be counted as open space areas, except where the applicant can prove to the satisfaction of

the Development Review Board that they will in no way disrupt or detract from the values for which the open space is to be protected.

(B) **Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail rights-of-way) may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(C) **Legal Requirements.** The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Board, to the municipality, a community association comprising all of the present and future owners of lots in the subdivision and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners (see also Section 7.8).

Section 7.5 Stormwater Management & Erosion Control

(A) Temporary and permanent stormwater management and erosion control may be required to control drainage, protect water quality and avoid damage to downstream properties. Proposed grading, clearing and construction of driveways shall provide for the preservation of natural drainage systems, retention of native topsoil, stabilization of steep slopes and the prevention of erosion and consequent sedimentation of wetlands, streams and watercourses. Stormwater management of the site shall use an integrated approach to deal with water quantity control, water quality protection, and downstream channel protection. All stormwater management practices shall be designed to use the natural drainage system to minimize the need for maintenance. In addition, the Development Review Board may require:

- (1) the establishment of building envelopes, which shall define the extent of construction, clearing and yard area;
- (2) in addition to minimum requirements under Section 3.17, increased setback and buffer areas, and/or the submission and implementation of a buffer management plan to protect water quality from surface runoff and erosion;
- (3) the submission and implementation of a stormwater management plan that incorporates state design standards and management practices to control stormwater runoff from the subdivision, prepared by a licensed engineer in accordance with the *Vermont Stormwater Management Manual*, as most recently amended; and
- (4) the submission and implementation of an erosion control plan which, at a minimum, incorporates the standards and specifications set forth in the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, as most recently amended.

Section 7.6 Transportation Facilities & Infrastructure

(A) **Access.** Access to the subdivision and to individual lots shall be provided in accordance with the requirements of Section 3.2. All access onto town highways shall be subject to the approval of the Bolton Selectboard, or for state routes (Route 2), the Vermont Agency of Transportation. Such approval shall be required prior to final subdivision plan approval. To better manage traffic flow and safety, to avoid congestion, and to preserve the capacity of local roads, the Development Review Board may also:

- (1) limit the number of access points onto public highways;
- (2) require shared access, driveways, and/or roads to serve multiple lots;
- (3) require access from secondary roads, if a proposed subdivision has frontage on both primary and secondary roads;
- (4) require rights-of-way for future road extensions to connect to adjoining parcels; and/or
- (5) prohibit the creation of reserved strips adjacent to a proposed road which would deny access from adjacent properties.

(B) **Nonfrontage Lots.** Access to lots legally in existence as of the effective date of these regulations that do not have frontage on a public road, or to lots in districts without frontage requirements, may be approved by the Board in accordance with Section 3.2 concurrently with subdivision approval. All other lots created after the effective date of these regulations shall meet minimum applicable frontage requirements for the district in which they are located, unless otherwise approved by the Board as part of a planned residential or planned unit development under Article VIII.

(C) **Driveways.** Driveways serving three (3) or fewer lots, shall meet the requirements of Section 3.2 and town driveway standards as most recently amended. For the purposes of these regulations, driveways serving four or more lots shall be considered roads subject to the requirements of Subsection (C).

(D) **Roads.** The following road standards shall apply to roads, including public roads and all public rights-of-way serving four (4) or more lots.

(1) **Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or delay (below a Level of Service "C") on public highways, or exceed the functional capacity of roads intersections and related infrastructure in the vicinity of the subdivision. The Development Review Board may require the submission of a traffic impact study to identify impacts and necessary mitigation measures to ensure road safety and efficiency, the cost of which shall be borne by the applicant. The subdivider, as a condition of approval, also may be required to install needed traffic control measures and road improvements, and/or reserve land to accommodate future improvements, as needed to serve the subdivision.

(2) **Layout.** Roads shall be laid out to:

- (a) minimize the amount of cut and fill required,
- (b) maintain reasonable grades and safe intersections,
- (c) produce useable lots,
- (d) allow for access by emergency vehicles,
- (e) avoid adverse impacts to natural, scenic and historic features,
- (f) follow existing linear features (e.g., field edges, utility corridors, tree and fence lines, stone walls),
- (g) avoid dead-end streets and cul-de-sacs, particularly in the Village, Resort Village and Resort Residential Districts; and
- (h) allow for future road extensions, identified as proposed easements on the subdivision plat, to serve adjoining parcels.

(3) **Design & Construction.** All roads serving the proposed subdivision shall be designed according to the dimensional and geometric design standards for streets and roads contained in the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets* as most recently amended; and constructed in accordance with the VTrans A-76 construction standard, as most recently amended. Minimum design standards include the following:

- (a) Rights-of-way for all roads shall be a minimum of 50 feet in width.
- (b) Dead end roads in excess of 500 feet shall be constructed with a suitable turnaround at the terminus. This may consist of a cul-de-sac with a radius of at least 40 feet or a “T” or other configuration that allows emergency vehicles to turn-around safely and efficiently. Roads in excess of 800 feet in length shall also have a vehicle turnout a minimum of 12 feet wide and 35 feet in length near the half-way point of every 800 feet section, with a suitable turn around at the terminus. Dead-end roads in excess of 2,500 feet in length are prohibited.
- (c) The width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. Design standards for rural roads outside village areas are included in Table 7.1, which are considered maximum standards. State standards also have been defined for roads within Village areas. The Development Review Board, in consultation with the Road Foreman or Selectboard, may modify these standards as appropriate to ensure pedestrian and vehicular safety, or when the strict application of the standards would adversely impact primary or secondary conservation areas or other significant or cultural natural resources on-site or in the vicinity of the subdivision.

Table 7.1 Travel Lane and Shoulder Widths for Rural Roads							
Design Volume (ADT)	0-25	25-50	50-100	100-400	400-1500	1500-2000	2000+
Design Speed (mph)	Width of Lane/Shoulder (ft)						
25	7/0	8/0	9/0	9/2	9/2	10/3	11/3
30	7/0	8/0	9/0	9/2	9/2	10/3	11/3
35	7/0	8/0	9/0	9/2	9/2	10/3	11/3
40	7/0	8/0	9/2	9/2	9/2	10/3	11/3
45	---	---	9/2	9/2	9/2	10/3	11/3
50	---	---	9/2	9/2	10/2	10/3	11/3

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

- (4) **Maintenance.** The maintenance of all roads not designated as Class III town highways or higher shall be the responsibility of the subdivider and subsequent adjoining property owners. The subdivider shall provide evidence and assurance that such roads will be adequately maintained by the subdivider and/or an owners’ association. In instances involving proposed lots requiring access onto Class IV town highways, a road maintenance agreement approved by the Bolton Selectboard shall be required prior to final subdivision approval in accordance with Section 3.2.
- (5) **Acceptance.** A road shall be considered private road unless formally dedicated to the town and accepted by the Bolton Selectboard as a public road in accordance with adopted town road policies and state statutes.
- (6) **Names & Signs.** Road names shall be approved by the Bolton Selectboard, in accordance with road naming ordinances and policies currently in effect. Approved road names shall be clearly depicted on the final plat, and identified on signs approved by the Selectboard.
- (E) **Parking Facilities.** Common or shared parking areas shall be identified on the subdivision plat, and designed in accordance with Section 3.10. Parking areas for individual lots shall be included within designated building envelopes.

(F) **Transit Facilities.** The Development Review Board may require that subdivisions located on existing or proposed transit routes, including school bus routes, include a sheltered transit stop for use by residents of the subdivision.

(G) **Pedestrian Access.** To facilitate pedestrian access from the subdivision to adjoining parcels and roads, or to nearby public schools, playgrounds, or public lands, the Development Review Board may require one or more of the following:

- (1) sidewalks and curbing to connect to existing sidewalks on adjoining properties,
- (2) sidewalks and curbing along internal subdivision roads within the Village, Resort Village and Resort Residential Districts,
- (3) the installation of pedestrian crosswalks at designated intersections,
- (4) unobstructed easements at least 10 feet in width for pedestrian or recreation paths, as indicated on the final plat.

Section 7.7 Facilities & Utilities

(A) **Public Facilities.** The Development Review Board shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities. The Board may consult with appropriate municipal and school officials and emergency service providers to determine whether adequate capacity exists to serve the subdivision. The Board also may require that the applicant submit documentation from appropriate officials, or a fiscal impact analysis to be paid for by the subdivider, that identifies potential impacts of the subdivision on public facilities and methods for mitigating those impacts, which may include the phasing of development in accordance with a duly adopted capital budget and program.

(B) **Fire Protection.** The Development Review Board, in consultation with the Bolton Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection in accordance with Department specifications. The subdivider shall install fire hydrants, dry hydrants, or fire ponds as required by the Board, and shall ensure adequate access to developed lots for emergency response vehicles. The Board may also require that fire ponds be designed by a licensed professional engineer in accordance with Section 3.13.

(C) **Water Systems.** The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water supplies exist on and/or off site to serve the subdivision. In addition:

- (1) Individual or community water supply systems shall be designed in accordance with applicable state regulations. The Development Review Board may require that all water sources, and required isolation distances, be identified on the final subdivision plat.
- (2) Only subdivided lots within the Resort Village and Resort Residential Districts may be served by the Bolton Valley (Fire District) water system; no subdivisions or subdivided lots located within the Forest, Conservation or Rural II Districts shall be connected to this water system.
- (3) Where applicable, designated source protection areas (SPAs) for municipal and community water supplies also shall be identified on the final subdivision plat; and shall be managed in accordance with a state approved source protection plan.

(D) **Wastewater Systems.** The subdivider shall demonstrate to the satisfaction of the Development Review Board that wastewater collection and disposal capacities exist on- or off-site to serve the proposed subdivision. In addition:

- (1) Sewage disposal systems, which may include individual and/or community systems, shall be designed in accordance with all applicable state and municipal regulations, as certified by a professional licensed by the state (see also Section 3.18). Wastewater collection lines and sewage disposal areas are to be identified on the final plat. The Development Review Board also may require that the location of individual on-site septic systems be shown on the final plat.
 - (2) Where connection to pre-existing wastewater system is proposed, the subdivider shall provide evidence as to system adequacy, and supporting legal documentation concerning access and available capacity.
 - (3) Only subdivided lots located within Resort Village or Resort Residential Districts may be served by the Bolton Valley wastewater treatment system; no subdivision or subdivided lot located in the Forest District, Conservation District or Rural II District may be connected to this facility.
 - (4) The Development Review Board may require that a proposed subdivision with adequate on-site capacity for clustered systems be served by a community wastewater system to allow for increased densities of development or reduced lot sizes, or to protect potable water supply sources.
 - (5) Septic systems located within designated flood hazard areas (Flood Hazard Overlay District) shall be sited and designed in accordance with applicable requirements of Sections 3.18 and 5.5.
- (E) **Utilities.** All existing and proposed utilities, including but not limited to electric, telephone, and cable television utilities, shall be shown on the final plat. In addition:
- (1) All utilities within the subdivision shall be located underground, unless the Development Review Board determines that burial is not necessary to preserve the scenic character of the area, or that it is prohibitively expensive.
 - (2) The subdivider shall coordinate subdivision design with utility companies to ensure that suitable areas are available for above ground or underground installation, within and adjacent to the proposed subdivision. Utility easements of sufficient width shall be provided to serve both the proposed subdivision, and future service extensions to adjoining properties. Such easements shall be identified on the final plat.
 - (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, adverse impacts to significant natural, cultural and scenic features, and to public health.
- (F) **Outdoor Lighting.** Outdoor lighting shall meet the standards under Section 3.9. In the event the applicant proposes parking area or street lighting, lighting fixtures shall be limited to cut-off fixtures and shall be the minimum height necessary to ensure vehicular and pedestrian safety on roads and adjacent sidewalks and paths.

Section 7.8 Legal Requirements

- (A) Land reserved for the protection of significant natural, cultural or scenic features, or other open space areas, may be held in common, or in separate ownership from contiguous parcels. Such land may be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of all present or future owners of subdivided lots, and/or a nonprofit conservation organization. At minimum, land designated for protection shall be indicated with appropriate notation on the final subdivision plat.

(B) The subdivider shall provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained either by the subdivider, an owners' association, or through other legal means acceptable to the Development Review Board. Such documentation, as approved by the Development Review Board, shall be filed in the Bolton land records.

(C) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Development Review Board. The Board may require the issuance of a Certificate of Compliance in accordance with Sections 6.5, 9.4 and 9.8(F) to ensure that all such improvements are completed prior to the issuance of a zoning permit for the subsequent development of subdivided lots. A performance bond or comparable surety acceptable to the Bolton Selectboard may be required to ensure that all improvements are completed to specification in accordance with Sections 6.5 and 9.8(F).