ARTICLE 6: SUBDIVISION REVIEW

Section 6.1 Applicability

(A) Whenever any subdivision of land is proposed, the subdivider or authorized agent shall apply for and obtain Development Review Board approval of the proposed subdivision in accordance with the procedures set forth in these regulations. Subdivision approval must be obtained prior to:

(1) The start of any construction, land development or land clearing (excluding forestry or agricultural activities) on land to be subdivided.

(2) The issuance of any permit for any land development involving land to be subdivided;

(3) The sale or lease of any subdivided portion of a property; and/or

(4) The filing of a subdivision plat in the land records of the town.

(B) **Exemptions**. The following are specifically exempted from Development Review Board subdivision review under this article:

(1) Parcels leased for agricultural or forestry purposes;

(2) Parcels leased for a legally allowed use that does not involve a subdivision as defined in Article 8;

(3) Granting of rights-of-way or easements which do not result in the subdivision of land;

(4) A boundary (lot line) adjustment between parcels, provided that the boundary adjustment does not result in the creation of new or nonconforming lots under these regulations and the adjustment is surveyed by a licensed surveyor and issued a zoning permit in accordance with Section 7.3. A boundary adjustment permitted by the Zoning Administrator shall also be subject to plat recording requirements under Section 6.6; and

(5) Two or more adjoining lots owned by the same entity can be merged through a boundary adjustment. All mergers must be issued a zoning permit in accordance with Section 7.3 and also be subject to plat recording requirements under Section 6.6.

(C) **Minor & Major Subdivision**. For the purposes of these regulations, subdivisions of land are defined as "minor" or "major" subdivisions, as follows:

(1) **Minor subdivisions**, to be reviewed by the Development Review Board under Sections 6.3 and 6.5, include:

(a) The subdivision of land which results in the creation of a total of three or fewer lots; or
(b) An amendment to an approved subdivision that does not substantially alter the subdivision, nor result in the creation of a major subdivision; or
(c) The adjustment of one or more boundary lines between adjacent parcels if not exempted under Section 6.1(B)(4) above.

(2) Major subdivisions, to be reviewed by the Development Review Board under Sections 6.3, 6.4 and 6.5, include:

(a) The subdivision of land which results in the creation of a total of four or more lots and/or involves the construction of a new road; or
(b) An amendment to an approved subdivision which substantially alters the subdivision or conditions of approval, or which results in the creation of a major subdivision or a new road.

(D) **Coordination with ~~Planned Residential and~~ Planned Unit Development Review**. Applications for ~~planned residential developments (PRDs) or~~ planned unit developments (PUDs) shall be reviewed concurrently by the Development Review Board as subdivisions, in accordance with Section 5.6.

Commented [J1]: Removes references to PRDs.

DRAFT

DRAFT

Section 6.2 Waiver Authority

(A) **General Waiver Authority**. Pursuant to the Act [§4418], the Development Review Board may waive application requirements as specified in Table 6.1, or subdivision standards under Sections 6.8 through 6.11, when in the Board's judgment, the requirements:

(1) Are not requisite in the interest of public health, safety, and general welfare; and

(2) Are inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

The request for a waiver shall be submitted in writing by the applicant, along with the subdivision application. It shall be the responsibility of the applicant to provide sufficient information to justify the waiver and enable the Board to reach a decision. In granting waivers, the Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirements waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

(B) **Waiver for Large Parcels**. The Development Review Board may waive one or more application or review requirements (e.g., boundary survey requirements) for the retained portion of a parcel to be subdivided if the retained parcel is substantially larger in area than the lots to be created and is to remain unimproved and undeveloped. In granting such a waiver, the Board shall require that any portion of the subdivision to be separately conveyed and/or developed comply with all applicable requirements of these regulations.

Section 6.3 Sketch Plan Review

(A) **Purpose**. The purpose of sketch plan review is to acquaint the Development Review Board with the proposed subdivision at an early stage in the design process, prior to the applicant incurring significant expense. Sketch plan review is intended to allow for an informal exchange of ideas, in which the applicant explores with the Board subdivision design options that best meet the needs of the applicant and the requirements of these regulations.

(B) **Sketch Plan Application**. Prior to the submission of a formal application for subdivision review, the applicant shall submit nine (9) copies of the sketch plan, to include information specified in Table 6.1, to the Zoning Administrator for distribution to the Development Review Board and subsequent consideration at a regularly scheduled meeting.

(C) **Effect**. The Development Review Board may offer comments and recommendations on the proposed sketch plan, including an indication of whether it will be reviewed as a minor or major subdivision, at the meeting. Such comments and recommendations are advisory only and, as such, shall not constitute an appealable decision or action of the Board, and shall not be binding on subsequent subdivision review.

DRAFT

Table 6.1 Subdivision Application Requirements			
(A) Application Information Requirements	**Sketch Plan**	**Preliminary Plan***	**Final Plan**
Application Form	1 original & 2 copies	1 original & 3 copies	1 original & 3 copies
Application Fee		Y	Y
Name, address of applicant [landowner and/or subdivider]	Y	Y	Y
General description of proposed development plans, including number and size of lots; general timing of development	Y	Y	Y
Waiver request, in writing (if applicable)		Y	Y
Names, addresses of all adjoining property owners		Y	Y
Evidence of written notification to adjoining landowners of intent to Subdivide		Y	Y
(B) Plan/Plat Mapping Requirements	**Sketch Plan**	**Preliminary Plan***	**Final Plan**
Materials	Paper	Paper	Paper & Mylar**
Preparer Information, Certifications			Y
Scale		Y	Y
Date, North Arrow, Legend		Y	Y
Existing property lines and proposed lot lines, dimensions	Drawn (general location)	Drawn	Surveyed
The location of known natural and physical features located on the site, for example: buildings; watercourses; wetlands; flood hazard areas; areas of slope between 15 and 25% and in excess of 25%; critical habitat; historic or archaeological resources	Drawn (general location)	Y	Y
Existing and proposed roads, driveways, paths, parking areas, associated rights-of- way or easements	Drawn	Drawn	Surveyed
If applicable, proposed utilities, water and wastewater systems and associated rights-of-way or easements		Y	Y
Proposed building envelopes	Drawn (general location)	Y	Y
Monument (i.e., survey pin) locations			Y
Certification block (see Section 6.6(A))			Y
(C) Other Plan/Plat Mapping Concerns (may be required by DRB)	**Sketch Plan**	**Preliminary Plan***	**Final Plan**
Proposed landscaping and screening		Y	Y
Existing & proposed elevations, contour lines		10' interval (maximum)	10' interval (maximum)

(D) Supporting Information & Documentation	Sketch Plan	Preliminary Plan*	Final Plan
Site location map showing proposed subdivision in relation to major roads, major water courses, and adjoining properties	Y	Y	Y
Engineering reports (water and wastewater systems) (if applicable)		Y	Y
Off-site easements (e.g., for water, wastewater, access) (if applicable)	Description	Draft	Final
Proposed covenants and/or deed restrictions (if applicable)	Description	Draft	Final
Proposed homeowner or tenant association or agreements (if applicable)	Description	Draft	Final
(E) As may be required by Development Review Board	**Sketch Plan**	**Preliminary Plan***	**Final Plan**
Existing & proposed traffic generation rates, volumes		Estimated	Documented
Proposed phasing schedule	Description	Draft	Final
Proposed performance bond or surety		Description	Final
Stormwater and erosion control plan			
Grading plan (showing proposed areas of cut and fill)			
Existing & proposed traffic generation rates, volumes			
Proposed conservation buffer and/or open space easement areas; open space management plan			
Temporary field markers, located on the site, to enable the PC to determine the proposed location of parcel boundaries, building envelopes and associated improvements			
Letters from municipal, state, and school district officials and emergency service providers regarding adequacy of existing facility capacity, and compliance of proposed improvements with applicable municipal and state policies and ordinances		As required under sketch plan approval	As required under sketch plan or preliminary approval
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Historic or archeological assessment			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			

Table 6.1 notes:
(*) Column requirements are not necessary for minor subdivisions.
(**) Refer to Section 6.6.

Section 6.4 Preliminary Plan Review (Major Subdivisions)

(A) **Purpose**. The purpose of preliminary subdivision plan review, which applies to all major subdivisions, is to identify significant issues or concerns associated with a proposed subdivision under the provisions of these regulations, and to provide the applicant with guidance to address identified issues and concerns prior to preparing final engineering plans for the subdivision and related site improvements.

(B) **Application Requirements**. Within six months of Development Review Board review of a sketch plan, the applicant shall submit an application and associated fees for preliminary plan and plat

DRAFT

review. The application shall include an original and three (3) copies of the information specified for preliminary plans in Table 6.1.

(C) **Public Hearing**. Upon receipt of the completed application, the Zoning Administrator will schedule a public hearing on the preliminary plan, warned and conducted in accordance with Subsection 7.8(E), in order to obtain public comment on the proposed subdivision prior to final plan preparation.

(D) **Preliminary Plan Approval**. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Section 6.8 to 6.11 and other municipal regulations in effect. The Board may require, as a condition of approval, the submission of proposed changes or modifications to the subdivision plan. Approval, conditions of approval, or grounds for disapproval shall be set forth in accordance with Section 7.8 (F). The approval of a preliminary plan shall be effective for a period of six months from the date of written notice of approval, unless otherwise extended by the Board in its decision.

(E) **Phasing**. At the time the Development Review Board grants preliminary plan approval, it may require the subdivision of 25 or more lots to be divided into two or more phases to ensure project conformity with the Town Plan and capital budget and program currently in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase, as the Board deems necessary to ensure the orderly development of the plat and/or to avoid overburdening municipal facilities and services.

(F) **Effect of Preliminary Plan Approval**. Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat. As a condition of approval of the preliminary plan, the Development Review Board may require that the applicant obtain all applicable approvals form municipal officials having jurisdiction over the project (e.g., Selectboard), and state and federal agencies as may be required by law. Once applicable approvals have been obtained, and all relevant appeal periods have expired, the applicant may apply to the Development Review Board for final plan approval under Section 6.5.

Section 6.5 Final Plan & Plat Approval (All Subdivisions)

(A) **Application Requirements**. Unless otherwise waived or extended by the Development Review Board, the applicant shall submit, within six (6) months of the date of sketch plan approval (for minor subdivisions) or preliminary plan approval (for major subdivisions), an application for final subdivision plan and plat approval. If the subdivider fails to do so, s/he may be required to submit a new sketch plan or preliminary plan for Board review. The application for final subdivision plan approval shall include associated fees, one original and three (3) copies of the information specified for final plans and associated plats under Table 6.1.

(B) **Public Hearing**. Upon receipt of a complete application, the Zoning Administrator will schedule a public hearing on the plan and associated plat, to be warned and conducted in accordance with Section 7.8(E). In the event that the plat is located within 500 feet of a municipal boundary, copies of the hearing notice shall also be sent to the clerk of the adjacent municipality at least 15 days prior to the hearing date.

(C) **Final Plan Approval**. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision review standards and other municipal regulation in effect. Approval, conditions of approval, or grounds for disapproval, and provisions for appeal, shall be set forth in a written decision in accordance with Subsection 7.8(F).

(D) **Performance Bonding**. As a condition of approval of any subdivision that requires the construction of roads or other public improvements, the Development Review Board may require that the subdivider post a performance bond or comparable surety to ensure completion of improvements in

DRAFT

accordance with approved specifications, and their maintenance for two years following completion, in accordance with Subsection 7.8(F)(2).

(E) **Effect of the Final Plan Approval**. The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, as appropriate, in accordance with state law. Final plan approval may include a time limit within which all public improvements shall be completed. This time period shall not exceed three years unless, by mutual consent of the Board and applicant, the period is extended for not more than an additional three years.

Section 6.6 Plat Recording Requirements

(A) Within 180 days of the date of receipt of final subdivision approval under Section 6.5, the subdivider shall file a mylar plat in the East Montpelier land records in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies or one digital copy of the recorded plat to the Zoning Administrator. The recorded mylar of the plat shall:

(1) Be a minimum of 18" x 24", or a multiple thereof;

(2) Have a margin of 1.5" outside of the border lines on the left side for binding and a margin of 0.5" outside the border lines along all other sides;

(3) Be identical to the approved final plat; and

(4) Carry the following endorsement on the copy to be filed with the Town Clerk:

This mylar is identical to the final plat approved by resolution of the Development Review Board of the Town of East Montpelier, Vermont on the _____ day of <month>, <year>, subject to the requirements and conditions of said resolution.

Signed this _____ day of <month>, <year>, by _____, Zoning Administrator, East Montpelier.

(B) Approval of subdivision plats not filed within 180 days shall expire, unless the subdivider requests and receives a 90-day extension from the Zoning Administrator, based upon a determination by the Zoning Administrator that necessary final municipal, state or federal permits are pending but have not been issued.

(C) The municipality shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under Subsection 7.8(G).

(D) No changes, modifications, or other revisions that alter the final plat or the conditions attached to the subdivision approval shall be made unless the proposed revisions are first submitted for review as either a boundary adjustment, a minor subdivision amendment, or a major subdivision amendment, in accordance with Section 6.1. In the event that revisions are recorded without complying with this requirement, the revisions shall constitute a violation of these regulations, and be considered null and void.

Section 6.7 General Standards

(A) **Development Suitability**. All land to be subdivided shall not result in undue adverse impacts to public health and safety, natural resources, or the character of the neighborhood, area or district in which it is located. Land that is subject to flooding or is characterized by flood hazard areas or other hazardous conditions shall not be platted for residential occupancy or for other uses that might cause danger to health, life or property.

DRAFT

(B) **East Montpelier Regulations**. Subdivisions shall conform to all applicable provisions of these regulations, the capital budget and program, and all other municipal regulations, ordinances and regulations in effect at the time of application.

(C) **Lot Layout**. Lot layouts shall:

(1) Be consistent with the suitability of land for development as defined under Subsection (A);

(2) Conform to desired district settlement patterns, as defined in Article 2;

(3) Meet zoning district minimum lot size and density requirements under Article 2, except as modified for ~~PRDs and~~ PUDs under Section 5.6;

(4) Conform to lot and yard requirements in Section 3.8; and

(5) Avoid elongated "spaghetti lots" (for example the maximum length of a lot is not greater than five (5) times its width as measured at the lot's narrowest point, or the minimum width of the lot is not less than six (6) times the side setback width).

(D) **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.

(E) **Natural & Historic Resource Protection**. Subdivision boundaries, lot lines, and building envelopes should be located and configured to avoid adverse impacts to significant natural and historic features identified in the *East Montpelier Town Plan* or through site investigation. For purposes of these regulations, these shall include wetlands, surface waters, and associated buffer areas [Section 3.12]; flood hazard areas [Article 9]; areas within the Conservation Overlay Districts [Table ~~2.6~~2.9]; slopes in excess of 25%; significant wildlife habitat areas; and historic sites and structures. Accordingly:

(1) Lot lines and building envelopes should be configured to avoid development on, or the fragmentation of, significant natural or cultural features, including designated buffer areas;

(2) Roads, driveways and utility corridors, to the extent feasible, should be shared, located to follow existing linear features (e.g., farm roads, stone walls, tree and fence lines), and to avoid significant natural and cultural features.

(3) Lot lines and building envelopes shall be located to ensure that no buildings are placed on steep slopes (in excess of 25%), in wetlands or in flood hazard areas.

(4) Historic sites and structures should be incorporated in subdivision design and layout;

(5) Subdividers may be required to incorporate buffers, landscaping or screening in subdivision design, and/or submit management plans to protect significant natural, scenic and historic resources.

(F) **Stormwater Management & Erosion Control**. Subdivisions shall incorporate temporary and permanent stormwater management and erosion control practices appropriate for the type and density of proposed development. Accordingly:

(1) All stormwater management systems shall be designed to:

(a) Use natural drainage systems to the extent feasible, and minimize the need for maintenance;
(b) Maximize on-site infiltration and treatment of stormwater, and minimize surface runoff;
(c) Accommodate anticipated storm events;
(d) Provide storage areas and treatment to manage flow and protect water quality; and
(e) Avoid damage to adjoining or downstream properties.

(2) The Development Review Board may require the submission of stormwater management and erosion control plans, prepared by a licensed professional in instances involving a high risk of stormwater impacts on neighboring properties and public facilities (e.g., roads and culverts).

DRAFT

Such plans shall incorporate acceptable stormwater treatment practices and sizing criteria set forth in the *Vermont Stormwater Management Manual* as most recently amended.

(3) The Board may require the phasing of site development or construction to limit the extent of disturbed area during each phase of the subdivision.

(4) The Board may also require an evaluation of the effect of the subdivision on existing downstream drainage capacity outside the area of subdivision. Where increased runoff from the subdivision may exceed the capacity of downstream storage, drainage or treatment systems, the Board may require that the subdivider either delay construction until such capacity exists, or install necessary off-site improvements as needed to increase capacity.

(G) **Landscaping & Screening**. The Development Review Board may require the preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Board in order 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 establish a barrier between incompatible land uses; and/or to

(4) Establish a tree canopy along roads or pedestrian walkways.

(H) **Energy Conservation**. Subdivision design and layout, to the extent feasible, will encourage energy efficiency through the siting and orientation of development (e.g., building envelopes) to take advantage of southern exposures and natural vegetative or topographic features.

Section 6.8 Roads & Access

(A) **Access**. Access to the subdivision and to individual lots shall be provided in accordance with the requirements of Section 3.3. All access onto town roads shall be subject to the approval of the East Montpelier Selectboard, or for state routes, the Vermont Agency of Transportation. Access approval to the subdivision 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 roads and 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; and/or

(4) Require rights-of-way for future road extensions to connect to adjoining parcels.

(B) **Driveways**. Driveways serving one or two lots shall meet standards for driveways ~~included in the *Town of East Montpelier Highway Ordinance*, as most recently amended, and the standards~~ set forth in Section 3.3. For the purposes of these regulations, driveways servicing three or more lots shall be considered roads subject to the requirements of Subsection (C).

Commented [J2]: Removes reference to a town highway ordinance, which was never developed.

(C) **Roads**. The following road standards shall apply to all public roads and to private roads serving three (3) or more lots:

(1) **Capacity**. Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion on public roads and highways, nor exceed the functional capacity of roads, intersections and related infrastructure in the vicinity of the subdivision. The Selectboard may require the submission of a traffic impact study to identify impacts and necessary mitigation

DRAFT

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; and
(e) Attempt to avoid adverse impacts to natural, scenic and historic features.

(3) **Maintenance**. The maintenance of all private roads and all Class IV town roads shall be the responsibility of the subdivider and subsequent 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 he East Montpelier Selectboard shall be required prior to final subdivision approval.

(4) **Names & Signs**. Road names shall be approved by the East Montpelier Selectboard, in accordance with road naming ordinances and policies currently in effect. Approved road names shall be identified on signs approved by the Selectboard.

(D) **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 the installation of sidewalks and/or pathways to connect to existing sidewalks on adjoining properties within the Village Mixed Use District (Zone VMU), Village Residential Medium Density District (Zone VRMD); Village Residential (Zone VR); Commercial District (Zone A), Industrial District (Zone B) and/or the Residential-Commercial District (Zone C).

Commented [J3]: Adds village districts to this subsection.

Section 6.9 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 to determine whether adequate capacity exists to serve the subdivision. The Board may also require a fiscal impact analysis, to be paid for by the subdivider, and/or the phasing of development in accordance with a duly adopted municipal or school capital budget and program.

(B) **Fire Protection**. The Development Review Board, in consultation with the East Montpelier Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection.

(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) On-site systems, including individual or community water supply systems, shall be designed in accordance with all applicable state and municipal regulations. The Board may require that all water sources be identified on the final subdivision plat. The entire well-head protection area of an individual or community well shall be located on the same lot on which the well is located, unless the owner of record of an affected adjacent lot grants written permission allowing a well-head protection area to encompass a portion of their lot.

(2) 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.

DRAFT

(3) The location of structures and in-ground wastewater disposal systems will be reviewed to ensure such locations do not encroach upon existing water supply isolation distances, as defined by applicable state regulations.

(D) **Wastewater Systems**. All individual and/or community wastewater systems shall be designed in accordance with applicable state and municipal regulations, and Section 3.18. The Development Review Board may require that sewage disposal areas be identified on the final plat.

(E) **Utilities**. 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. The Board may require the subdivider to show the location of all above ground utilities on the final plat. In addition:

(1) 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.
(2) 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.

Section 6.10 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, whether 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 a 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 Board, shall be filed in the East Montpelier land records.

DRAFT