
ARTICLE 6. SUBDIVISION REVIEW

Section 6.1 Applicability

(A) Whenever any subdivision of land is proposed, subdivision review and approval is required prior to:

- conveying or leasing of a subdivided parcel,
- grading, clearing, construction or installation of subdivision site improvements,
- applying for a zoning permit for the development of any subdivided parcel, or
- filing a subdivision plat in the land records of the town.

Subdivision of Land: The division of any parcel of land into two or more parcels for the purpose of sale, transfer, lease or development. The term includes the resubdivision of a previously subdivided parcel, and the development of a parcel as a planned residential development.

Such approval shall be granted by the Zoning Administrator or Planning Commission in accordance with the procedures and standards set forth below.

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

- (1) parcels leased for agricultural or forestry purposes where no permanent roads or structures are established,
- (2) rights-of-way or easements which do not result in the subdivision of land, and
- (3) boundary adjustments between existing parcels which do not create new or nonconforming lots.

(C) **Minor & Major Subdivisions.** 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 Zoning Administrator under Section 6.2 include:

- a. the subdivision of land, or the resubdivision of a previously subdivided parcel, which results in the creation of a total of three or fewer lots within any five year period, regardless of any change in ownership; or
- b. an amendment to an approved subdivision which does not substantially alter the subdivision, nor result in the creation of a major subdivision.

(2) **Major subdivisions**, to be reviewed by the Planning Commission under Section 6.3 include:

- a. the subdivision of land, or the resubdivision of a previously subdivided parcel (e.g., a minor subdivision) which results in the creation of a total of four or more lots within any five year period and/or involves the construction of a new road;
- 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;
- c. a planned residential development; and
- d. the creation of a lot which does not meet minimum frontage or access requirements, which is subject to approval under Section 3.3.

(D) **Coordination with Planned Residential Development Review.** Applications for planned residential developments (PRDs) shall be reviewed concurrently by the Planning Commission as major subdivisions in accordance with Section 6.3 and associated PRD requirements under Article 5.4.

Section 6.2 Minor Subdivision Review

(A) **Zoning Permit Requirement.** A zoning permit issued by the Zoning Administrator in accordance with Section 7.1 is required for all minor subdivisions. The zoning permit issued for a minor subdivision under these regulations shall be separate from the zoning permit issued for the subsequent development of a subdivided parcel, and shall be identified as such; however zoning permits may be issued by the Zoning Administrator concurrently for the minor subdivision of land, and for the subsequent development of a subdivided parcel. Any decision or act of the Zoning Administrator with regard to a minor subdivision may be appealed to the Board of Adjustment in accordance with Section 7.3. In acting on any such appeal, the Board may determine whether major subdivision review by the Planning Commission under Section 6.3 is required.

(B) **Review Criteria.** The zoning permit application for a minor subdivision shall include information required for sketch plans, as specified in Table 6.1. The Zoning Administrator shall review the sketch plan to determine whether all proposed lots, including any retained lot, comply with applicable lot size, setback, and access requirements under these regulations.

Section 6.3 Major Subdivision Review

(A) **Subdivision Approval Requirement.** The Planning Commission shall review all major subdivisions in accordance with the Act [§4418] and these regulations. Subdivision approval, rather than a zoning permit, shall be required for a major subdivision. An application for subdivision approval shall be made on forms provided by the Commission and filed with the Planning Commission Secretary.

(B) **Waiver Authority.** Pursuant to the Act [§4418] the Planning Commission may waive application requirements as specified in Table 6.1, or subdivision standards under Sections 6.5, 6.6 and/or 6.7 which, in its judgment:

- (1) are not requisite in the interest of public health, safety, and general welfare;
- (2) are inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision; or
- (3) would unnecessarily add to the cost of an affordable housing development as defined in Article 10.2.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application. It shall be the responsibility of the applicant to provide sufficient information to justify the waiver or variance, and enable the Commission to reach a decision. In granting waivers, the Commission may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or varied. 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.

(C) **Sketch Plan Review.** Prior to the submission of an application for major subdivision review, the applicant may submit a sketch plan to the Planning Commission Secretary for consideration by the Planning Commission at a regularly scheduled Commission meeting. Sketch plan review is strongly recommended for all planned residential developments.

- (1) **Purpose.** The purpose of sketch plan review is to acquaint the Planning Commission 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 Commission subdivision design options that best meet the needs of the applicant and the requirements of these regulations.

TABLE 6.1 SUBDIVISION APPLICATION REQUIREMENTS

	Sketch	Final
(A) Application Information		
Application Form [number of copies]	One [original]	Three [2 copies]
Application Fee [to be set by Selectboard]		Y
Name of project, if any	Y	Y
Name, address of applicant [landowner and/or subdivider]	Y	Y
Written description of proposed development plans, including: Number and size of lots, intended use, general timing of development	Y	Y
Waiver request, in writing [optional]	Y	
Names, addresses of all adjoining property owners		?
(B) Plan/Plat Mapping Requirements		
	Sketch	Final Plat
Material	Paper	Mylar
Preparer Information, Certifications		Y
Scale	To scale noted	Min. 1" = 100'
Date, North Arrow, Legend	Y	Y
Project boundaries and property lines;	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Surveyed
Adjoining land uses, roads and drainage	Y	Y
Zoning district designations and boundaries	Y	Y
The location of natural and physical features located on the site, including buildings; roads, driveways and parking areas; fences and walls; watercourses; wetlands; areas of slope in excess of 20%; and a general indication of land cover, including forested areas and land in current or recent (prior 3 years) agricultural production	Y [General Locations]	Y [Specifically Delineated Areas]
Existing and proposed elevations, contour lines within 50 feet of any proposed excavation/grading		5' interval
Existing and proposed roads, paths, common or shared parking areas, associated rights-of- way or easements	Drawn	Surveyed
Proposed building envelopes (if required)		Y
Proposed utilities, water and wastewater systems and associated rights-of-way or easements	Y	Y
Road profiles; road, intersection and parking area geometry and construction schematics		Y
Proposed landscaping and screening		Y
Proposed conservation buffer and/or open space easement areas		Y

Monument locations		Y
(C) Supporting Information & Documentation	Sketch	Final
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Y	Y
Statement of compliance with town plan and applicable local regulations	Y	Y
Engineering reports (water and wastewater systems)		Y
Existing and proposed traffic generation rates, volumes		Documented
Off-site easements (e.g., for water, wastewater, access)	Description	Final
Proposed phasing schedule	Description	Final
Proposed covenants and/or deed restrictions	Description	Final
Proposed homeowner or tenant association or agreements	Description	Final
Proposed performance bond or surety		Final
(D) As may be required by the Planning Commission		
Stormwater and erosion control plan		As required under sketch plan or preliminary approval
Grading plan (showing proposed areas of cut and fill)		
Open space management plan		
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)		
Other		

(2) **Submission Requirements.** One original and seven copies of the sketch plan, to include information specified in Table 6.1, should be submitted to the Planning Commission at least 15 days prior to a regularly scheduled commission meeting.

(3) **Effect.** The Planning Commission may offer comments and recommendations at the meeting or, within 30 days of the date of the meeting, provide comments and recommendations to the applicant in writing. Such comments are advisory and as such shall not constitute an appealable decision or action of the Planning Commission, and shall not be binding on subsequent subdivision review.

(D) **Subdivision Review [Required].** The application for major subdivision review shall include one original and seven copies of the information for subdivision plan approval specified in Table 6.1, and any required fees. The application must also include, in writing, any requested waivers to be considered

under Subsection (B) and the reasons for such waivers. The Planning Commission shall consider the application in accordance with the following:

- (1) **Public Hearing.** As required by the Act [§4463] within 45 days of the date submission of a complete application for major subdivision approval, the Commission shall hold a public hearing on the application, warned in accordance with Section 7.6. In the event that the subdivision is located within 500 feet of a municipal boundary, copies of the hearing notice also shall be sent, at least 15 days prior to the hearing date, to the regional planning commission and to the clerk of an adjacent municipality. After the hearing is convened the Planning Commission may continue the hearing as needed to request and allow for the submission of additional information or studies to determine conformance with these regulations.
- (2) **Final Approval.** As required by the Act [§4463], within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions or disapprove the subdivision plan and associated plat, based on a determination of the subdivision's conformance with review standards under Sections 6.5, 6.6 and 6.7.
- (3) **Performance Bonding.** For any subdivision that includes the construction of roads or other physical improvements, the Planning Commission may require the subdivider to post a performance bond or other comparable surety to ensure completion of the improvements in accordance with approved specifications. In accordance with the Act [§4464(b)(6)], the term of a performance bond shall be fixed by the Planning Commission for a period not to exceed three years, unless with the consent of the owner it is extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided, the bond shall be forfeited to the municipality which shall then use the proceeds to install and maintain covered improvements.
- (4) **Effect.** Approval of the Planning Commission of a major subdivision shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area or other open space shown on the final plat. Such acceptance may be accomplished only by an act of the Hardwick Selectboard, in accordance with state law for the laying out of public rights-of-way.

(E) **Recording & Amendment Requirements.**

- (1) In accordance with the Act [§4463], within 180 days of the date of receipt of final subdivision approval under Subsection (D)(2), the subdivider shall file three copies of plan and final plat (one Mylar, two paper), signed by an authorized representative of the Planning Commission, for recording in the land records of the town in conformance with the requirements of 27 V.S.A. Chapter 17. Approval of subdivision plats not filed within 90 days shall expire.
- (2) The municipality shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under Section 7.6.
- (3) No changes, modifications, or other revisions that alter the final plat or the conditions attached to subdivision approval shall be made unless the proposed revisions are first submitted for review by the Zoning Administrator under Section 6.2 as a minor subdivision amendment, or the Planning Commission under 6.3 as major subdivision amendment. 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 6.4 Application of Subdivision Standards

(A) The Planning Commission shall evaluate major subdivisions under the standards set forth in this article. The Commission, 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 and paid for by the subdivider; 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.

Section 6.5 General Standards [applicable to all Major Subdivision]

(A) **Development Suitability.** All land to be subdivided shall be suitable for the intended use and proposed density of development, and not result in undue adverse impacts to public health and safety, natural resources identified in the Hardwick Town Plan, or the character of the surrounding neighborhood in which it is located. Subdivisions shall set aside, 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) **Hardwick Town Plan & Regulations.** Subdivisions shall conform to the *Hardwick Town Plan*, other provisions of these regulations, capital budget and programs, and all other municipal bylaws, ordinances and regulations in effect at the time of application.

(C) **District Settlement Patterns.** A subdivision shall be designed to achieve the purpose, objectives and desired settlement patterns of the zoning district(s) in which it is located, as defined in Article 2. To the extent feasible, new subdivisions of land shall:

- (1) maintain and extend desired settlement patterns, including lot areas and configurations, building locations, and road networks;
- (2) maintain contiguous tracts of open land with adjoining parcels; and
- (3) connect and extend existing road, sidewalk, path, and utility corridors.

(D) **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 required under Subsection (C);
- (3) meet zoning district minimum lot size and density requirements under Article 2, except as modified for planned residential developments under Article 5.4;
- (4) conform to lot and yard requirements under Section 3.8; 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) **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.

(F) **Building Envelopes.** The Planning Commission may require 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. The size and shape of each building envelope shall be established in accordance with these regulations. The Commission also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations.

(G) **Natural, Scenic & Historic Resource Protection.** Subdivision boundaries, lot lines, and building envelopes shall be located and configured to avoid adverse impacts to significant natural, historic and scenic features identified in the *Hardwick 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 (Section 5.3); prominent ridgelines and hilltops, rock outcroppings, and slopes in excess of 25% (Section 3.14); critical wildlife habitat areas; and historic sites, structures and features (e.g., buildings, cellar holes, stone walls). Accordingly:

- (1) lot lines shall be configured to avoid the fragmentation of significant natural or cultural features, including designated buffer areas;
- (2) building envelopes shall be located and sized to exclude such features;
- (3) roads, driveways and utility corridors, to the extent feasible, shall 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;
- (4) lot lines and building envelopes shall be located to ensure that no buildings are placed on steep slopes, or extend above the height of land (highest point) of any prominent ridgeline or hilltop;
- (5) historic sites and structures shall be incorporated in subdivision design and layout;
- (6) 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.

(H) **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 Planning Commission may require the submission of stormwater management and erosion control plans, prepared by a licensed professional. 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 Commission may require the phasing of site development or construction to limit the extent of disturbed area during each phase of the subdivision.
- (4) The Commission also may require an evaluation of the effect of the subdivision on existing downstream drainage capacity outside the area of subdivision. Where the Commission finds that increased runoff from the subdivision will exceed the capacity of downstream storage, drainage or

treatment systems, it may request that the subdivider delay construction until such capacity exists, or to install necessary off-site improvements as needed to increase capacity.

(I) **Landscaping & Screening.** The preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Planning Commission, 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 establish a barrier between incompatible land uses; and/or to
- (4) establish a tree canopy along roads or pedestrian walkways where the Planning Commission deems it appropriate.

(J) **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 6.6 Transportation Facilities & Infrastructure

(A) **Access.** Access to the subdivision and to individual lots shall be provided in accordance with the requirements of Section 3.3. All access onto town highways shall be subject to the approval of the Hardwick Selectboard, or for state routes, 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 Planning Commission 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) **Driveways.** Driveways serving three or fewer lots, shall meet standards for driveways included in the *Town of Hardwick Policy for Transportation Construction and Improvements* 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).

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

- (1) **Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion on public highways, or exceed the functional capacity of roads, intersections and related infrastructure in the vicinity of the subdivision. The Planning Commission 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 village areas, 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 *Town of Hardwick Policy for Transportation Construction and Improvements*.
- (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 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 Hardwick Selectboard shall be required prior to final subdivision approval.
- (5) **Names & Signs.** Road names shall be approved by the Hardwick 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 Planning Commission 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 Planning Commission 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 Central Business and Village Neighborhood 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 6.7 Facilities & Utilities

(A) **Public Facilities.** The Planning Commission shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities. The Planning Commission may consult with appropriate municipal and school officials to determine whether adequate capacity exists to serve the subdivision. The Planning Commission also may 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 Planning Commission, in consultation with the Hardwick Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection. The subdivider shall install fire hydrants, dry hydrants, or fire ponds as required by the Commission.

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

- (1) Subdivisions within the designated municipal water system service areas for Hardwick and East Hardwick shall be connected to such systems in accordance with municipal water system ordinances currently in effect; and the location of water lines shall be shown on the final subdivision plat.
- (2) On-site systems, including individual or community water supply systems, shall be designed in accordance with all applicable state and municipal regulations. The Planning Commission may require that all water sources be identified on the final subdivision plat.
- (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.
- (4) 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 subdivisions within the Hardwick municipal sewer service area shall be designed and connected to the municipal system in accordance with the municipal sewer ordinance. Sewer lines shall be shown on the final plat. All other on-site systems, including individual and community (clustered) systems, shall be designed in accordance with applicable state and municipal regulations. The Planning Commission may require that sewage disposal areas be identified on the final plat.

(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 Planning Commission 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, including the Hardwick Electric Company, 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.

Section 6.8 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 Planning Commission, 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 Planning Commission. Such documentation, as approved by the Planning Commission, shall be filed in the Hardwick land records.

(C) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Planning Commission. The Commission may require that all such improvements be 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 Hardwick Selectboard may be required to ensure that all improvements are completed to specification.