

Town and Village of Ludlow, Vermont Subdivision Regulations Amended



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Article 1 – Authority and Purpose

Section 1.1 – Enactment and Authority

1. Subdivision regulations for the Town and Village of Ludlow are hereby established in accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A. chapter 117, §4402 and §4418], hereinafter referred to as “the Act,” and the Ludlow Municipal Plan. These regulations shall be known and cited as the “Ludlow Subdivision Regulations”.
2. It is the policy of the Town and Village of Ludlow to regulate the subdivision of land and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town and Village of Ludlow.

The Development Review Board (DRB) is authorized and empowered to act under these subdivision regulations in accordance with the Act [§4418 and §4463], including but not limited to the approval, modification or disapproval of all subdivision plats prescribed herein.

Section 1.2 – Purpose

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, comfort, convenience, and general welfare of the Town and Village of Ludlow.
2. To guide future growth and orderly development in accordance with the Ludlow Municipal Plan, Zoning Regulations, Capital Budget and Program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by open, working landscape.
3. To ensure that land to be subdivided shall be of such character that it can be used safely for its intended purposes.
4. To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
5. To guide public policy as to ensure the provisioning of adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities.
6. To promote the conservation of energy, and the utilization of renewable energy resources.
7. To ensure that the rate and distribution of growth does not exceed the ability of the Town and Village to provide public services and facilities, and that public facilities and services are available, and will have sufficient capacity, to serve any proposed subdivision.
8. To preserve natural areas, critical habitat, scenic and historic resources, and productive farmland, through the proper arrangement and location of uses on parcels to be developed.
9. To promote an efficient relationship between land use settlement patterns and the circulation of traffic throughout the Town and Village; and to avoid undue traffic congestion and overburdening of roads, highways, and intersections.
10. To prevent the pollution of air, streams, ponds and lakes; to ensure the adequacy of drainage facilities; to safeguard groundwater; and to encourage the wise use and

- management of natural resources throughout the Town and Village in order to preserve the integrity, stability, and beauty of the community, and the value of the land.
11. To protect Ludlow's rural character and unique sense of place, including its cultural heritage, scenic resources and its traditional working landscape of a Village surrounded by open countryside.
 12. To minimize the fragmentation of productive resource lands, including farm and forest land, and to encourage its continued use and availability for agriculture and forestry.
 13. To further the purposes contain in the Act, in particular those purposes set forth in §4302.

Section 1.3 – Application of Regulations

1. Applicability

Prior to any subdivision, construction, or site preparation of land for development; any contract for sale of all or any part of land, or structures involved; the issuance of a permit for the erection of any building in a proposed subdivision; or before any subdivision plat may be filed with the Town Clerk, the subdivider, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations.

2. Waivers

In accordance with the Act §4418 (2), the Development Review Board may waive, subject to appropriate conditions, either:

- a. sketch plan application requirements set out in Section 2.1 and/or final subdivision plat requirements under Section 3.1; or
- b. development review standards set forth in Article 4.

In the case of "a", the applicant shall identify the specific reasons for which a waiver is requested, and specify which regulations are not applicable or can not be met and are therefore the basis for the requested waiver. In the case of "b", the applicant must establish that due to the special circumstances of a particular site, the requirements of the development review standards, for which waiver is sought, will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to reach a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the provisions that are the subject of the waiver.

3. Boundary Line Adjustments

Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Zoning Administrator determines that the proposed adjustment:

- a. is a minor realignment that does not substantially change the nature of any previous subdivision;
- b. does not create any new lots as a result of the adjustment;
- c. will not adversely impact access to any parcel;
- d. will not adversely impact any significant natural resource, or result in fragmentation of agricultural land or identified fragile natural feature;
- e. will not result in the development on any portion of a parcel that has been designed as open space as the result of prior municipal permit, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; or
- f. Will not create a nonconforming lot(s).

In determining that a boundary adjustments is not a subdivision under this section, the Zoning Administrator shall issue a zoning permit for the adjustment in accordance with Section 6.1 of the Ludlow Zoning Bylaws. All boundary adjustments shall be surveyed in accordance with Article III and recorded in accordance with Section 2.3.

4. Coordination of Review

The Development Review Board may coordinate the concurrent review of subdivision applicant for Planned Unit Development (PUD's) under the Ludlow Zoning Bylaws. All procedures, submittal requirements, and standards under both sets of regulations must be complied with in this review.

Section 1.4 – Effective Date

These regulations shall take effect immediately after adoption at a regular or special Town and/or Village meeting, or if adopted by a majority of the Ludlow Selectboard and/or the Village Trustees, twenty-one (21) days from the date of adoption, in accordance with the procedures set forth in the Act §4442.

Section 1.5 – Amendments

Amendments to the regulations shall be enacted in accordance with the provisions of the Act § 4441, and 4442.

Section 1.6 – Severability

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

Article 2 – Subdivision Review Procedures

Section 2.1 – Sketch Plans

1. Sketch Plan Application

In accordance with the Act §4418 (2), any subdivider of land shall submit a sketch plan, application, and fees for the proposed subdivision and/or boundary adjustment, to the

Zoning Administrator prior to submitting an application for subdivision approval. The sketch plan shall include the following information:

- a. Name and Address of the owner of record and the applicant.
- b. Names of owners of record of abutting properties; and, proof of notification of all abutting property owners (See Section 5.1 (4)).
- c. Date, true north arrow, scale (numerical and graphic), date, and number of sketch plan revision, if any.
- d. Boundaries and area of all contiguous land belonging to the owner of record, including land separated by a public right-of-way.
- e. The location of existing zoning boundaries.
- f. A general indication of the boundaries of the following features:
 - wetlands;
 - flood hazard areas;
 - slopes in excess of 15%;
 - surface waters and associated buffer areas;
 - prime and statewide agricultural soils and other open farmland;
 - scenic features identified in the Town Plan; and,
 - prominent knolls and ridgelines.
- g. All other significant physical features, including but not limited to, current land uses, existing vegetation including forest type, structures, walls and fence lines, driveways, access roads, utility corridors, historic sites and structures, and drainage patterns.
- h. Existing and proposed layout of property lines; type and location of existing and proposed limits of rights on land, such as easements and covenants.
- i. The location of proposed development, including building envelopes, streets, driveways, utility easements, related site improvements, and the location of proposed open space, land to be held in common and/or other features to be preserved.
- j. Location map, showing the proposed subdivision relative to adjacent properties, uses, and the surrounding area.

2. **Initial Hearing**

Upon receipt of the sketch plan from the Zoning Administrator, the Development Review board shall schedule and initial hearing to review the sketch plans and accompanying information for compliance with these regulations. The subdivider, or his/her agent duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the requirements of these regulations.

3. **Action on Sketch Plan**

The Development Review Board shall review the sketch plan and accompanying information and shall determine whether the plans conforms to, or would be in conflict with, the planning and design standards set forth in Article IV, the Town Plan, Town and Village

Zoning Bylaws, and/or any other regulations currently in effect. The Development Review Board may make specific recommendations for changes in subsequent submissions and may request that additional information be submitted with the application, including special studies and/or supporting documentation as deemed appropriate. The Board also may provide specific recommendations as to the size, location, and configuration of the proposed building envelope to ensure compliance with Article 4.

All written recommendation and request shall be sent to the applicant within 45 days of the closing of the meeting, or any continuation thereof. For the purposes of this section, official minutes of the Development Review Board meeting may satisfy the requirement for written recommendations and requests.

Section 2.2 – Subdivision Review

1. Within six (6) months of the Development Review Board completing its review of the sketch plan, and providing written recommendations and requests, the subdivider shall submit an application to the Zoning Administrator for final subdivision plat approval. Failure to do so within six months shall require the resubmission of the sketch plan to the Development Review Board. The application and associated subdivision plat shall:
 - a. contains those items set forth in Section 3.1 of these regulations plus any other items that may be required by the Development Review Board;
 - b. includes proof of notification of abutting lands owners with Section 5.1 (4) (proof of notification of the submission of an application for subdivision review of a sketch plan under Section 2.1);
 - c. conform to the layout shown on the sketch plan except as amended as a result of recommendations made by the Development Review Board; and
 - d. any additional information specifically requested by the Board as a result of sketch plan review.

2. **Public Hearing**

A public hearing to consider the proposed subdivision plat, warned in accordance with Section 5.1 (4), shall be held by the Development Review Board at their earliest available regularly scheduled meeting after the date of submission. The subdivider or his fully authorized representative shall attend the hearing to discuss the preliminary plat and associated information and materials. During the course of the hearing, the Board shall provide each person wishing to receive party status (i.e., the right to participate and appeal) the opportunity to demonstrate that they meet one of the definitions of "Interested Person". The Board shall also keep a written record of the name, address, and participation of each of these persons.

3. **Development Review Board Decision**

The Development Review Board shall, within 45 days of the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to so act within such 45 days shall be deemed approved. Development Review Board findings, conditions of approval, or the justification of any required modification or for disapproval,

and provisions for appeal under Section 5.4, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant, and any interested parties appearing at the public hearing, within said 45 day period.

4. **Phasing**

As a condition of approval, the Development Review Board may require subsequent development of the subdivided lots to be divided into two or more phases to be developed at separate times to assure the orderly development of the subdivision and coordination with the planned and orderly growth of the Town and Village as set forth in the Town Plan and any Capital Budget and Program currently in effect.

5. **Effect of Final Approval**

The approval by the Development Review Board of a final subdivision plat shall not be deemed to constitute, or be evidence of, any acceptance by the Town and Village of any street, easement, utilities, park recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard in accordance with applicable State Laws.

6. **Revisions to Approved Plats**

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, including any amendment or revision of a condition of final plat approval, unless said plat as modified is first resubmitted to the Development Review Board and approved in accordance with the procedures set forth herein.

Section 2.3 – Filing of Approved Subdivision Plat

1. In accordance with the Act §4463 (b), within 180 days of the date of receipt of subdivision approval under Section 2.2, the applicant shall file one (1) Mylar original of the final plat, two (2) paper copies, and one (1) copy in a digital format, compatible with the Vermont geographic Information system, for recording with the municipality in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period shall expire, unless the Zoning Administrator issues and extension for an additional 90 days, in the event that final local or state permits, or approvals, are still pending.
2. Prior to plat recording, the plat must be signed by the Chair, or other authorized member of the Development Review Board.
3. After an approved plat, or certification by the Town Clerk, is filed, no expiration of that approval or certification shall be applicable.
4. The municipality shall also meet all recording requirements for final subdivision plan and plat approval as specified for municipal land use permits under Section 5.5.
5. Fees for the recording of the final plat and related documents shall be paid by the subdivider.

Article 3 – Subdivision Plat Requirements

Section 3.1 – Final Subdivision Plat

1. Final Subdivision Plat

The final plat shall consist of one (1) Mylar original, and two (2) copies of a complete survey of the submissions of the subdivision tract, on one or more sheets, prepared by a licensed land surveyor. The size and materials of the final plat shall meet all applicable requirements of the Ludlow Town Clerk. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a subdivision shall conform to the sketch plan as approved by the Development Review Board, unless modified to address specific recommendations or requests of the Board, resulting from sketch plan review. The final subdivision shall show:

- a. A notation stating: "This plat is subject to the terms and conditions of approval by the Ludlow Development Review Board in accordance with the Ludlow Subdivision Regulations, granted (date of final approval), " and shall contain a signature and date line for endorsement by the Development Review Board Chair.
- b. A signature panel for the Town Clerk stating: "Received for Record" with a place to enter the date and the time of receipt, "And Recorded In" with a space for the location the subdivision was recorded, and "Attest" with a place for the Town Clerk's signature.
- c. Proposed subdivision name or identifying title, the name and address of the owner of record and subdivider, the name, license number, and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets of other landmarks, and the scale, date, true north, and grid north.
- d. Street names and lines, trails, lots, reservations, easements, and areas to be dedicated to public use.
- e. Sufficient data acceptable to the Development Review Board to determine the location, bearing and length of every street line, lot line, boundary line, building envelopes, and to reproduce such lines upon the ground. When practicable, these should be tied to reference points previously established by a public authority. In instances involving the creation of one or more development lots from a large tract of land, in which one or more of the newly created lots will be of large acreage (e.g. 100+ acres) to be retained or transferred by the subdivider, the Development Review Board may waive the requirement that the large tract be surveyed in accordance with subsection (C).

- f. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- g. The location and distances from boundaries of designated building envelopes.
- h. The boundaries of all areas to be restricted from development held in common or reserved as open space or conservation land, pursuant to the requirements of Article 4, with appropriate notation.
- i. By proper designation on such plat, all public open space for which offers of cession are made by the subdivider and those spaces to be reserved by the owner.
- j. The location of all the improvements referred to in Article 4, as well as the location of all utility poles, underground lines, sewage disposal systems, and rough grading, and other devices and methods of draining the area, within the subdivision.
- k. The location of monuments which shall be set at all corners and angle points of the boundaries of the subdivision and at all road intersections and points of tangency and such intermediate points as shall be required by the engineer.
- l. Any additional notations required by the Development Review Board which reference specific conditions of subdivision approval.

2. **Supporting Document**

The following supporting document shall be submitted to the Development Review Board with the final plat, if applicable:

- a. A certificate of title showing the ownership of all property, easements to be dedicated to the Town, and proposed deeds conveying property or easements to the Town.
- b. A draft of all restrictions which will run with the land and become covenants, including copies of proposed deed restrictions, agreements or other documents showing the manner in which streets, open space and/or other commonly held lands or facilities are to be dedicated, reserved and maintained.
- c. A certificate from a Registered Professional Engineer as to the satisfactory completion of all public improvements proposed by the applicant and/or required by the Development Review Board, or in lieu thereof, a performance bond, or equivalent surety, to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Development Review Board that it is satisfied with either the bonding or surety company, or with security furnished by the subdivider.

- d. A copy of association covenants' and/or bylaws, if a property or homeowners' association is being proposed.
 - e. Any other legal data necessary for the administration and enforcement of these regulations.
 - f. Any other documents required by the Development Review Board pursuant to sketch plan review.
3. **Waiver for Large Parcels**
 Subdivision involving especially large parcels, such as the subdivision of a single ten acre lot from an existing 200 acres parcel, may, at the discretion of the Development Review Board, be exempted from one or more of the above requirements, such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed. In granting such an exemption, the Development Review Board shall require that the portion of the subdivision involving newly created boundary lines (e.g. the ten acre lot in the preceding example) comply with these requirements, and that a surveyed plat for that portion of the larger subdivision be recorded in the land records.

Article 4 – Planning and Design Standards

Section 4.1 – Evaluation and Application of Standards

The Development Review Board shall evaluate any application for subdivision approval in accordance with the standards set forth below. The Board shall require the subdivider to submit data addressing impacts related to the following standards. In light of findings made on these standards, the Board may require modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts.

Section 4.2 – General Standards

- 1. **Character of the Land**
 Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Development Review Board that the land to be subdivided is of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the rural character and natural beauty of the community.
- 2. **Conformance with the Town Plan and other Regulations**
 Subdivision plats shall conform to the Town Plan and the Town and Village Zoning Bylaws and, where applicable, to the Capital Budget and Program, and all other bylaws, ordinances and regulations of the Town and Village currently in effect.
- 3. **Lot Layout**
 The layout of lots shall conform to the Town and Village Zoning Bylaws. The following standards shall apply to all subdivisions:

- a. Corner lots
Corner lots shall have sufficient width to permit a front yard setback on each street.
- b. Side Lots
Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- c. Lot Shape
Lots with irregular shapes (curves, jogs, dog-legs, etc) can be created were warranted by conditions of topography, the location of natural features, or existing road conditions.
- d. Lot Size and Density
Lot sizes and densities must conform to the District Standards of the Zoning Bylaws, but larger lot sizes may be required by the Development Review Board based on prevailing site conditions and the potential impact on fragile natural resources, including floodplain, wetlands, areas of steep slope, significant wildlife habitat, and primarily agricultural soils.

4. **Monuments and Lot Corner Markers**

Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

5. **Establishment of Building Envelopes**

The Development Review Board shall require the designation of building envelopes to limit the location of structures and associated site development to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with the standards set forth in these regulations. The Development Review Board may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

6. **Landscape and Screening**

The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and types deemed appropriate by the Development Review Board, may be required in the following instances:

- a. to preserve existing specimen trees, tree lines, wooded area of particular natural or aesthetic value to the site, or critical wildlife habitat, and to maximize the preservation, and establishment of indigenous plants species;
- b. to provide an undisturbed vegetated buffer between development and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a 50 feet deep buffer shall be established from the mean water level of any stream or lane and/or the delineated boundary of an identified wetland;

- c. to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
- d. to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the board deems it appropriate, including the Villages Districts;
- e. to establish a naturalized, vegetative barrier between incompatible land uses.

7. **Disclosure of Subsequent Development Plans**

Whenever a subdivider submits a proposal for development on a minor portion of a parcel the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should including access, type of use, intensity of use, and phasing.

8. **District Settlement Patterns**

Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in the Town and Village Zoning and Flood Hazard Regulations.

Section 4.3 – Protection of Natural Resources

1. **Fragile Features**

Subdivision boundaries, lots layouts and building envelopes shall be located and configured to avoid any adverse impact to fragile features. For the purposes of these regulations, fragile features shall include wetland, flood hazard area, slopes in excess of 25%; and surface waters and associated buffer areas. Methods for avoiding such adverse impacts include, but may not to be limited to the following:

- a. Building envelopes shall be located and sized to exclude these features.
- b. Undisturbed buffer areas significant in width to protect the identified feature(s) shall be designated.
- c. Identified features and adjacent buffer lands should be designated as open space.

2. **Farm Land**

Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to primary agricultural soils and other open farm fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

- a. Building envelopes shall not be located at field and 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, or disruption to the scenic qualities of the site.
- b. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

- c. Access roads, driveways and utilities corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and minimize visual impacts.
- d. Intact parcels of productive farmland shall be designed as open space; conservation easements, limitations on further subdivision, and/or comparable site protection mechanisms may be required.

3. **Steep Slopes, Significant Wildlife Habitat, Scenic Features and Prominent Knolls, and Ridgelines.**

Subdivision boundaries, lots layout and building envelopes shall be located and configured to avoid adverse impacts to slopes between 15% and 25% gradient, critical wildlife habitat, scenic features and prominent knolls and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- a. Building envelopes shall locate to avoid and/or exclude these features. In the event that no other land is practical for development, the building envelopes and subsequent development shall be designed to encroach upon the identified feature to the minimum extent feasible.
- b. Subdivider may be required to develop and maintain management plans and/or establish appropriate buffers to protect significant wildlife habitat.
- c. Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
- d. Identified features should be designated as open space.

4. **Stormwater Runoff**

Stormwater runoff shall not result in adverse impacts to neighboring properties, Town and Village roads, or water quality in nearby surface waters. A stormwater management and/or erosion control plan, prepared by a Registered Professional Engineer, may be required and be incorporated as a condition to approval. Such plan shall be prepared in accordance with Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources.

5. **Subdivision in Village Districts**

Notwithstanding subsection (2) above, subdivisions in the Village Zoning District shall be designed and configured in accordance with the standards set forth in the Village of Ludlow Zoning and Flood Hazard Regulations.

Section 4.4 – Open Space and Common Land

1. **Purpose**

Subdivisions shall be designed to preserve open space areas for recreation, lakeshore protection and the preservation of fragile features and farmland. Common land shall be

designed to achieve these objectives and to facilitate the maintenance of community facilities.

2. **Preservation of Open Space**

Provisions 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:

- a. Open space land shall include, and provide for the protection of, identified fragile features, productive farmland (to the extent practical), recreation areas and facilities, including trails, and historic resources.
- b. Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features, and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
- c. The location, shape, size, and character of the open space shall be suitable for its intended use.
- d. Provisions should be made to enable open space designated for agricultural and forestry to be used for these purposes. Management plan for forest, wildlife habitat, and shoreline, may be required by the Board as appropriate. Areas preserved for agriculture or forestry use should be of a size that retains their eligibility for State and Town and Village tax abatement programs.
- e. Open space shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels.
- f. 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 Board, that they will in no way disrupt or detract from the values for which the open space is to be protected.

3. **Creation of Common Land**

Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including lake access and shoreline and road trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

4. **Legal Requirements**

To ensure that open space and common land is maintained for its intended purposes, the Development Review Board shall determine that appropriate legal mechanisms are in place. To this end, open space may be dedicated, either in fee or through a conservation easement approved by the Board, to the Town and Village, a community association comprising all of the present and future owners of lots in the subdivisions, 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 the applicant and subsequent land owners.

Section 4.5 – Community Services and Facilities

1. **Public Facilities and Services**

The proposed subdivision will not create an undue burden on public facilities or create an unreasonable demand for public services. The Development Review Board will consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local government units to provide municipal, governmental, or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate, the cost of which to be borne by the applicant.

2. **Fire Protection Facilities**

Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where practicable, or where required by the Board, fire hydrants or ponds shall be installed by the subdivider. To assist the Development Review Board in determining the adequacy of fire protection facilities the applicant shall consult with the Chief of the Ludlow Fire Department responsible for providing coverage for the subject property.

Section 4.6 – Roads and Pedestrian Access

1. **Applicability of Road Standards**

The standards contained herein shall apply to all proposed public roads and to private roads serving more than three lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide access to, or accommodate, anticipated future subdivisions. Acceptance of private roads by the Town and Village is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

2. **Traffic on Affected Roads**

Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the subdivision. The Development Review Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which to be borne by the applicant. The implementation of mitigation, including road improvements, necessitated by the subdivision shall be the responsibility of the applicant.

3. **Upgrades to Existing Roads**

Where an existing public or private road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or duly adopted Capital Budget and Program indicated that such improvement may be required in the future, the subdivider may be required to reserve land for such improvements. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards. Where a subdivision requires expenditures by the Town and Village to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard shall certify that funds for improvements have been ensured. The subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

4. **Design Standards for New and Improved Roads**

All roads serving proposed subdivision shall be designed in accordance with the Town Highway Specifications adopted and administered by the Selectboard, and shall conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as subsequently amended. Minimum design standards include the following:

- a. Rights-of-way for roads shall be a minimum of fifty (50) feet in width for subdivisions. However applicants may apply for a variance based upon Vermont State Statues Chapter 117, Title 24 § 4469. All variance applications will be review by the Ludlow Emergency Services and The Village of Ludlow Electric Department and/or Central Vermont Public Service for access needs and comments.
- b. Lots not having frontage on a public highway shall have access to a public highway by a fifty foot, deeded right-of-way and such right-of-way shall be laid out so that it can conform to the appropriate Highway Standards.
- c. To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds.
 - Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the Town Plan.
 - Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for collector and arterial roads), or to safety accommodate shared use by bicycles.

- d. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac, or a "T" or other configuration suitable to topography. The turnaround must be adequate for emergency vehicles to turn around and be approved by all emergency services organization.
- e. Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, in any fifty feet (50') section, exceed an average grade of 12%.
- f. Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within scenic or village areas, including, but not limited to, the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the roads corridor.
- g. Existing roads not meeting Ludlow road policy or ordinance adopted and administered by the Selectboard, may not be required to be upgraded as long as those roads are approved by and meet Emergency Services access needs.

5. **Drainage and Storm Water**

A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Subsection 4.3 (4) of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroad's Manual, as most recently amended.

6. **Coordination with Adjoining Properties**

The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions, the proper projection of roads through adjoining properties which are not yet subdivided, to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

7. **Accesses and Intersections**

All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of State highways, and the Selectboard in the case of Town and Village roads. Access to all lots created by subdivision of any parcel, to all buildings or other driveways, and for a new or relocated road or driveway, shall be located so that:

- a. A sight triangle of sufficient size to provide view for a safe stopping distance as determined by a combination of, traffic speed, terrain, alignments, and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mpg speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
- b. It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets or less than one hundred twenty-five (125) feet shall not be permitted;
- c. It intersected the existing road at an angle of between seventy (70) and ninety (90) degrees;
- d. The intersection grade does not exceed plus or minus three-percent (3%) and;
- e. No structure or planting is situated to impair corner visibility.

8. **Access Management**

To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply:

- a. Subdivision lots shall be served by shared driveways and/or internal development roads providing access to multiple lots. With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one access. The Board may approve additional accesses in the event that:
 - The additional access is necessary to ensure vehicular and pedestrian safety; or
 - The strict compliance with the standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable site payout and design than would be possible with the allowance of an additional access; or
 - A traffic management plan is developed and implemented which will improve vehicle and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the standards set forth under Section 5.3 than would be possible with a single access.
- b. If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.
- c. Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided. The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

- d. Approval of access and road configurations of a sub-division applies solely to that subdivision. If the road is used to access additional parcels at any future time, the road and access requirement shall be reviewed and may require upgrade in order to provide adequate access to those parcels.

9. **Road Names and Signs**

Roads shall be named in accordance with the Ludlow Road Naming Ordinance, and shall have specific historic, cultural and/or geographical relevance. Said Road names shall be posted on signs designed and located in accordance with the Town Ordinance, and shall be clearly depicted on the final plat.

10. **Driveways**

Driveways serving individual lots shall comply with the Ludlow Town Highway Specifications for residential and/or VTrans Access Management Program. In addition:

- a. Driveways shall be accessible by emergency service vehicles, and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed 12% average grade within any 50 feet segment. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required and shall be approved by Emergency Services.
- b. Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows, and fence lines; to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts on natural, cultural and scenic features.
- c. The use of common or shared driveways is encouraged and may be required to minimize the number of access points in accordance with Subsection (7).

11. **Pedestrian Access**

The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within a proposed subdivision and to ensure access to adjoining properties, uses, and/or public facilities. The Board may require, facilitating pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

12. **Modifications of Road Standards**

In the case of unusual topographic conditions, or other circumstances which would make the strict adherence to these standards a substantial hardship, the Development Review Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.

13. **Legal Requirements**

- a. Every subdivision plat shall show all proposed roads and pedestrian rights-of-way, as required under this bylaw, regardless of whether or not the proposed roads or rights-of-way are intended to be accepted by the Town & Village. In the event that the roads or rights-of-way are not intended for acceptance by the Town & Village, the mechanism by which the roads or rights-of-way are to be maintained, owned and/or conveyed shall be clearly documented.
- b. Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association, or through other legal mechanism. Such documentation shall be in a form approved by the Development Review Board and filed in the Ludlow Land Records.

Section 4.7 – Water Supply and Wastewater Disposal

1. Water Supply

Water supply systems shall be designed and built to meet all applicable state and local requirements. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require, as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department. The following standards shall be met for any subdivision being serviced by a public or private water system, or by individual wells:

- a. Due consideration shall be given to drainage patterns in the area.
- b. Building sites and new roads shall be located to avoid groundwater or surface water contamination as a result of leachate run-off.
- c. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

2. Wastewater Disposal Capacity

The applicant shall demonstrate that soil conditions onsite are adequate to accommodate the installation of a wastewater disposal system designed in accordance with State requirement, of sufficient capacity for the intended density and types of use, or that an alternative, off-site disposal location, secured through easement or other form of legal conveyance, is suitable and available.

3. Individual Systems

Individual water and wastewater systems shall meet all local and State regulations for design, installation, and maintenance. The Board may require copies of all applicable municipal or State on-site wastewater disposal permits.

4. Connection to Existing System

Where connection to an existing water system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary. The Development Review Board may also require that the

subdivider provide, or install, at his expense, larger lines, pumping, storage, or other facilities outside the subdivision, if needed, to meet the requirements of the proposed development.

5. In lieu of the preceding four paragraphs, when an unimproved lot, or lots, are created under these subdivision divisions, the permit, authorizing the creation of said lot/lots shall contain the following language:

"Notice of permit requirements. In order to comply with applicable State regulations concerning potable water supplies and wastewater systems, a person shall not construct or erect any structure or building on the lot of land described in the permit issued hereunder if the use, or useful occupancy, of that structure or building will require the installation of, or connection to, a potable water supply or wastewater system, without first complying with the applicable rules, and obtaining any required permit. Any person who owns this property acknowledges that these lot/lots may not be able to meet State standards for a potable water supply or wastewater system, and therefore these lot/lots may not be able to be improved."

Section 4.8 – Utilities

1. **Location**

All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- a. Utility systems, including but not limited to electric, gas, telephone, and cable television, shall be review by Central Vermont Public Service or the Village of Ludlow Electric Department for comments and recommendations. Underground power may be mandated in aesthetically sensitive areas, unless deemed unreasonable, and/or prohibitively expensive.
- b. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.
- c. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

2. **Easements**

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

Article 5 – Administration and Enforcement

Section 5.1 – Administration and Fees

1. **Administration**

These regulations shall be administered by the Ludlow Development Review Board as authorized by the Act [§§4418, 4463, 4464].

2. **Application Fee**

Upon submission of an application for a subdivision, the subdivider shall pay the application fee as established by the Select Board. Such fee shall include the costs of publication, public hearings, administrative review, and for periodic inspections by Town & Village retained consultants during the installation of public improvements.

3. **Independent Technical Review**

Should the Development Review Board deem it necessary to employ an engineer, attorney, or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the subdivider.

4. **Hearing Notice Requirements**

All public hearings required under these regulations shall be warned in accordance with the Act [§4464] and the following:

- a. Notice shall be given not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the town, the same information shall be posted in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made.
- b. For hearings on subdivision plats located within 500 feet of a municipal boundary, a copy of such notice shall be sent at least fifteen (15) days prior to the public hearing to the Clerk of the adjacent municipality.
- c. Abutting landowners shall be notified, via the U.S. Mail, by the applicant at least fifteen (15) days prior to the public hearing, and at least seven (7) days prior to the first meeting of the Development Review Board to consider a proposed sketch plan under Section 2.1. Such notice shall include a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and notification that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. Proof of notification may include a certificate of mailing or a copy of the letter, list of abutters and a signed affidavit attesting to the mailing.

Section 5.2 – Enforcement and Penalties

1. The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4451, 4452].
2. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.
3. Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or development, or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and

each lot, parcel, or unit so sold, transferred, or agreed to be sold or transferred shall be deemed a separate violations.

4. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4452] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

Section 5.3 – Limitations on Enforcement

5. The Town & Village shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454].
6. Nothing in this section shall prevent any action, injunction or other enforcement proceeding against the person who first created the violation, whether or not the person is the current owner or occupant. As used in this Section, "person" shall be defined in accordance with the statutory definition under the Act [Section 4454(d)].

Section 5.4 - Appeals

7. Pursuant to the Act [§4471], an interested person who has participated in a Development Review Board hearing to consider an application for subdivision review held in accordance with Section 2.2 may appeal a decision rendered by the Board to the Vermont Environmental Court. "Participation" in a hearing of the Board shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
8. A notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 5.5 – Recording Requirements

In accordance with the Act [§4449(C)], within 30 days after the issuance of a municipal land use permit, including subdivision approval, or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit or violation to the Town Clerk for recording in the land records of the Town as provided in 24 V.S.A. §1154, and file a copy in the offices in a location where all municipal land use permits shall be kept. The applicant may be charged recording fees as allowed by law.