

Effective Date: 5/1/04

SECTION 01. GENERAL PROVISIONS

01.01. AUTHORITY

These Regulations have been adopted pursuant to the authority conferred by the General Statutes of Connecticut, as amended, and shall govern the subdivision of land within the Town of Durham, Connecticut. Hereinafter no land within the Town of Durham shall be subdivided except in accordance with the provisions of these regulations.

01.02. PURPOSE

The purpose of these Regulations is to regulate the subdivision of land within the Town of Durham. It is the policy of the Durham Planning and Zoning Commission to assure that the subdivision of land shall be in harmony with the Plan of Development, dated 5/1/81 and as amended, and that the prospective occupants of the land will be able to use and enjoy the land in a suitable living or working environment without danger and inconvenience. It is further the policy of the Commission to assure that:

- 1) The land can be used for building purposes without danger to public health, safety or welfare;
- 2) Proper provisions are made for water supply, storm drainage, sewage disposal and other necessary utility services;
- 3) Proper provisions are made for protective flood control measures in areas contiguous to watercourses, wetlands, or other land prone to flooding;
- 4) Proposed roads will be in harmony with existing or prospective public roads, especially in regard to safe and convenient intersections and traffic flow, and that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs;
- 5) Open spaces are provided that will preserve and enhance natural features or provide space for recreation or other land preservation objectives;
- 6) The subdivision does not impose burdens on municipal services in excess of their capacity or planned expansion;
- 7) Buildings, lots, and streets are arranged to facilitate fire protection and to provide ample access to property for emergency apparatus;
- 8) Proper provisions are made to control erosion and sedimentation; and
- 9) Energy conservation techniques are considered for all subdivisions by designing energy efficient lot layouts and site development plans and by using solar and other renewable forms of energy to the maximum extent possible and practical.

01.03. INTERPRETATION AND APPLICABILITY

These regulations shall supersede any earlier dated regulations or revisions of the Town of Durham, Subdivision Regulations. These regulations do not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of other laws, ordinances, regulations, or covenants; or with any other rules, regulations, or permits previously adopted or issued, pursuant to law, relating to the subdivision of land. However, the provisions of these regulations shall apply where they would impose greater requirements upon land, structures, uses, or improvements than are imposed or required by such other laws, ordinances, regulations, or covenants; or by such other previously adopted or issued rules, regulations, or permits. The provisions of these regulations shall be interpreted by the Commission and applied as the minimum requirements to promote public health, safety, and general welfare. HEREINAFTER THESE REGULATIONS SHALL

BE KNOWN, CITED, AND REFERRED TO AS THE TOWN OF DURHAM, CONNECTICUT, SUBDIVISION REGULATIONS.

01.04. CONFORMITY TO ZONING REGULATIONS

All subdivision plans shall conform to the Town of Durham, Connecticut, Zoning Regulations in effect at the time of receipt of the subdivision application.

01.05. INDEMNIFICATION OF TOWN AND COMMISSION

Although these regulations authorize and empower public officials and their designated representatives to inspect premises and work either in progress or completed, and to order cessation and re-execution of work where work does not conform to the provisions of these regulations; nothing in these regulations is intended to require any work to be performed under the supervision, direction, or control of the Town, the Commission, or any of their designated representatives; and none of them shall be responsible for any work means, methods, controls, techniques, sequences, procedures, or for construction safety. Each applicant and/or owner of land who consents to an application, as outlined in these regulations, shall be deemed to agree, by making or consenting to such application, to indemnify and hold harmless the Town, the Commission, and authorized representatives, acting within the scope of authority vested by these regulations, from all claims, demands, and liability for any and all personal injuries, damages, losses, and expenses, of whatever kind and nature, incurred by any person arising out of or in connection with the performance, correction, re-execution, cessation, or any related delays of work that is part of the subdivision plan approved under these regulations.