

Effective Date: 5/1/04

SECTION 02. DEFINITIONS

For purposes of these Regulations, the following terms, phrases, words, and their derivations shall have the meanings stated below:

02.01. "A"

02.01.01. Applicant

Any person, firm, corporation, partnership, association, or appointed agent having an interest in a parcel of land and who applies to the Commission for approval of a subdivision of such land. Consent shall be required from the owner(s) of record of the premises. "Applicant" shall also include the terms "developer" and "subdivider".

02.01.02. Application

The formal documentation submitted to the Commission for the approval of a proposed subdivision or resubdivision of land. A formal application shall include the following:

1. A completed application form that is signed by the record property owner and applicant;
2. In the case of firms, corporations, partnerships and associations, a list of all principle members shall be included (principle members shall mean those persons holding 10% or more of stock or ownership);
3. Payment of the subdivision or resubdivision fee; and
4. All map(s) and technical data as outlined in Section 03. of these Regulations.

02.02. "B"

02.03. "C"

02.03.01. Commission

The Planning and Zoning Commission of the Town of Durham, Connecticut.

02.03.02. Construction Plan

A plan and profile drawing of all proposed improvements to be constructed, maintained, and installed as part of the proposed subdivision development. Such construction plan shall include methods of conveying the required information,

including supportive documentation and calculations. All construction plans shall bear the seal of a qualified professional engineer registered in the State of Connecticut.

02.04. "D"

02.04.01. Disturbed Area

An area where the ground cover is or will be destroyed or removed leaving the land subject to accelerated erosion.

02.05. "E"

02.05.01. Erosion

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

02.06. "F"

02.07. "G"

02.07.01. Grading

Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

02.08. "H"

02.09. "I"

02.09.01. Improvement

Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these regulations or rendering the site more suitable for development and/or habitation.

As used in these regulations, improvements include, but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, buildings, earth filling or removal, seeding, and grading.

02.09.02. Inspection

The periodic review of the installation of improvements or sediment and erosion control measures, as shown on the certified plan, by the Town's designated agent(s).

02.10. "J"

02.11. "K"

02.12. "L"

02.12.01. Lot

A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to such building and including such open spaces as are intended to be used in connection therewith or as required by subdivision. In the case of commercial, industrial, public or institutional buildings, a group of buildings devoted to a common interest or use and under the same ownership may be considered as occupying the same lot. Such plot or parcel of land shall maintain lot frontage on (1) State highways; (2) roads maintained by the Town of Durham; (3) roads which are to be built as part of a subdivision in accordance with these Regulations; and (4) unimproved public roads, public highways or public ways over which the developer has a right of access under Connecticut law, or; (5) access ways in Light Industrial Zones serving more than two parcels may be designated as a private road by the Planning and Zoning Commission. Such roads shall comply with all the standards set forth in Section .06.04. of these regulations pertaining to private road design and construction including the requirement of having a bituminous wearing surface. When considering the designation of an existing access way as a private road the Commission shall consider the adequacy of the road to accommodate existing and future traffic from a capacity as well as a safety perspective and shall find that such designation is in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent lots or impair the value thereof.

02.12.02. Lot Area

The area of a lot as measured on a horizontal plane bounded by the front, side and rear lot lines. In determining compliance with the minimum lot area requirements of these regulations, land subject to easements for drainage facilities may be included provided that not less than 90% of the minimum area requirement for the applicable zone or 45% of the minimum lot area requirement for interior lots is left unencumbered on the lot, but no street, highway, easement for vehicular access or private right-of-way for vehicles, utility easements, wetland, swamp or watercourses may be included in the computation of lot area. Lot area as defined herein shall be contiguous.

02.12.03. Lot Area--Minimum Rectangle

For purposes of assuring that all subdivision lots shall contain adequate area for on-site wells and sewage disposal systems, minimize the potential for sedimentation and erosion, prevent the creation of situations that will result in slopes, fills and cuts that would endanger the public health and safety of future residents, lots in the Farm Residential Zone shall contain a minimum rectangle of 130 feet by 150 feet which can be placed between a 10 foot setback from all property lines and a 50 foot setback from wetlands and watercourses. The minimum rectangle shall not include: (1) land subject to easements for drainage facilities, utilities (except for utility service to one or two dwellings) and vehicular access; (2) land classified as wetland, swamp or watercourse; or (3) land with a slope in excess of 30 percent as measured over 100 foot intervals perpendicular to the contour lines. The 100 foot interval shall extend 15 feet outside of the minimum rectangle.

02.12.04. Lot, Interior

A parcel of land situated generally behind the lots fronting on a street, accessible to the street only over an access strip.

02.12.05. Lot, Width

The distance between the side lines of a lot as measured along the front lot line. Where the front line is an arc or the side lines converge toward the front lot line, the width shall be measured along the minimum front yard setback line parallel to the front line, and if it is an arc, then along the arc of a circle drawn at the minimum front yard.

02.13. "M"

02.13.01. Maintenance Bond

A cash bond, furnished to the Town by the developer, that guarantees all subdivision improvements against defective workmanship or materials for a period of two (2) years after the date of acceptance of the improvements. The applicant may request the release of this maintenance bond, after a period of one (1) year, if such release is recommended for approval to the Commission by the Town Engineer.

02.14. "N"

02.15. "O"

02.15.01. Official Receipt Date

The date of the next regularly scheduled Commission meeting immediately following the date of submission of an application, request or appeal, or 35 days from the date of submission, whichever is sooner.

02.15.02. Open Space

Property designated to be deeded to the Town or other approved agency by the developer, either by transfer of ownership or by easement, to be used for passive or active recreation; sediment, erosion, or storm water control; for the preservation of natural features or other land preservation objectives.

02.16. "P"

02.16.01. Performance Bond

A cash bond, furnished to the Town by the developer, to be used to complete subdivision improvements if the developer does not complete the improvements as indicated in the application.

02.16.02. Plan of Development

The Plan of Development is a master plan for the most desirable use of land for residential, recreational, commercial, industrial, and other purposes and contains the Commission's recommendations for population density, streets and other public ways, municipal development, public utilities, public housing, and redevelopment pursuant to the General Statutes of Connecticut, as amended.

02.17. "Q"

02.18. "R"

02.18.01. Resubdivision

A change in a map of an approved or recorded subdivision or resubdivision if such change:

1. Affects any street layout shown on such map;
2. Affects any area reserved thereon for public use; or
3. Diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

02.19. "S"

02.19.01. Sediment

A solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

02.19.02. Soil

Any unconsolidated mineral or organic material of any origin.

02.19.03. Soil Erosion and Sediment Control Plan

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

02.19.04. Street

Any road, highway, avenue, lane, or other public right-of-way dedicated to the movement of motor vehicles and defined as follows: (1) State highways; (2) roads maintained by the Town of Durham; (3) roads which are to be built as part of a subdivision in accordance with these Regulations; or (4) unimproved public roads, public highways or public ways over which the developer has a right of access under Connecticut law.

- (1) **Arterial Street:** A major through street that conducts relatively high volumes of traffic between communities. Usual ADT (average daily trip) range is over 3,000 trips.
- (2) **Collector Road:** A road that collects traffic from local access roads and channels traffic to principle arterials such as Routes 17, 68, 77 and 79. A collector road customarily receives traffic from more than two local access roads or provides circulation within commercial or industrial areas. Roads designed to accommodate presently, or at any future time, traffic, other than that generated in the area, shall be classified as collectors. All roads within commercial or industrial areas shall be classified as collectors. Usual ADT range is 1,500 to 3,000 trips.
- (3) **Local Access:** A cul-de-sac, loop street or short street that primarily provides access to abutting lots, but may also serve as a connector to other local streets. Usual ADT range is 500 to 1,500 trips.

Local Access/Permanent Dead-End: A local access/permanent dead-end road provides direct access to abutting property, and there is no possibility of extension of the road at a future time.

- (4) Loop Road: A street that intersects another street in two places or loops back on itself in a "dead-end loop".
- (5) Dead-end Street: A street with only one intersection with another public street.
- (6) Cul-de-sac Street: A dead-end street that terminates in a circular vehicle turning area.

02.19.05. Subdivision

Subdivision means the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agriculture purposes, and includes resubdivision.

02.19.06. Subdivision Approval Expiration Date

Any person, firm, partnership, association or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years of the approval of the plan for such subdivision; the Commission's endorsement of approval on the plan shall state the date on which such five (5) year period expires. Failure to complete all work within such five (5) year period shall result in the automatic expiration of the approval of such plan provided the Commission shall file in the land records of the Town a notice of such expiration and shall state such expiration on the subdivision plan on file in the Office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the subdivider, or his successor in interest as such subdivider, except with the approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five (5) year period, the Town shall call the bond on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

02.19.07. Swamp

An area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet entitled Inland Wetland Plants of Connecticut, Wm. A. Neiring and R. H. Goodwin, for the Connecticut Arboretum for the Department of Environmental Protection, May 1973.

02.20. "T"

02.21. "U"

02.21.01. Use

The purpose or activity for which a piece of land or its building is designed, arranged, or intended.

02.22. "V"

02.23. "W"

02.23.01. Water Course

"Watercourse" shall mean all rivers, streams (perennial or intermittent), brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the Town of Durham, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive of the General Statutes, as amended.

02.23.02. Wetland

"Wetlands" shall mean all land, including submerged land, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey (as may be amended from time to time) of the USDA Soil Conservation Service.

02.23.03. Work

"Work", for purposes of Section 02.19.06. of these Regulations, shall mean all physical improvements required by the approved plan, other than the staking out of lots, and including but not limited to the construction of roads, storm drainage facilities, and water and sewer lines; the setting aside of open space and recreation areas; the installation of telephone, electric, and cable TV service; the planting of trees or other landscaping; street lighting and the installation of retaining walls or other structures.

02.24. "X"

02.25. "Y"

02.26. "Z"

02.26.01. Zoning Regulations

The current Town of Durham, Connecticut, Zoning Regulations.