

Effective Date: 5/1/04

SECTION 06. DESIGNER SUBDIVISIONS

06.01. PURPOSE

The purpose of this Section is to allow for the flexible development of parcels of land by permitting subdivisions in the FR (Farm-Residential) zone to utilize private roads, which are not intended to be dedicated to the Town as public roads at any time in the future, provided such private roads shall not provide access to more than four (4) lots. It is the intent of these Regulations to preserve the Town's scenic beauty and rural character by allowing for more desirable lot arrangements than would be possible through the strict application of these Regulations.

06.02. DESIGN CRITERIA

A designer subdivision shall be permitted by the Commission provided the following criteria will be met:

1. The proposal shall minimize the disturbance of the natural landscape and preserve significant natural features; and
2. The proposal shall protect scenic roads by eliminating multiple driveway curb cuts, destruction of mature vegetation, stone walls or fences.

06.03. LOT REQUIREMENTS

Minimum lot sizes as to depth, width and areas shall not be less than those required in the FR (Farm-Residential) zone by the Town of Durham, Connecticut, Zoning Regulations.

A minimum of two (2) of the proposed lots shall meet the minimum width at the minimum setback requirement on: (1) State highways; or (2) roads maintained by the Town of Durham. The remaining lots shall meet the frontage requirements on the private road to be constructed as part of the Designer Subdivision. Access to all lots shall only be via the private road.

06.04. PRIVATE ROAD DESIGN AND CONSTRUCTION CRITERIA

Minimum Right-of-Way Width	30 Feet
Maximum Right-of-Way Width	40 Feet
Minimum Travel-Way Width	18 Feet
Minimum Slope of Travel-Way	1 %
Maximum Slope of Travel-Way	14 %
Maximum Length of Maximum Slope	250 Feet
Maximum Average Slope for the Entire Road as Measured from the Right-of-Way Line	12%

For designer subdivisions containing three (3) lots or less and containing a travel-way with a slope of 6% or less, the following road construction standards shall apply:

Sub-base	Minimum of 8" of Bank Run Gravel*
Base Course	Minimum of 4" of Processed Stone
Paved Apron	Minimum Length of 25'

For designer subdivisions containing a travel-way with a slope in excess or 6%, the following road construction standards shall apply:

Sub-base	Minimum of 8" of Bank Run Gravel*
Base Course	Minimum of 4" of Processed Stone
Pavement Binder Course	Minimum of 2" (Compacted Depth) Bituminous Concrete or Oil Penetration (as approved by the Town Engineer)

*The minimum sub-base thickness in rock cuts shall be 12".

All private roads shall be constructed with a cross slope of 1/4" per foot, drained from the centerline of the road.

Bituminous concrete curbing shall be constructed where deemed appropriate by the Commission.

06.05. DRIVEWAYS

All driveways shall have access from the private road constructed to serve the subdivision. The Commission may waive this requirement, however, if it is deemed appropriate due to the location of wetlands or watercourses, irregular topography, etc.

06.06. CUL-DE-SACS

All private roads shall contain a turn-around constructed in accordance with the designs shown in Figure 1.

All designer subdivision roads are to be cul-de-sacs, shall not exceed 800' in length and shall not connect to any other road or driveway serving a lot that is not part of the designer subdivision.

06.07. INTERSECTIONS

Where a private road approaches an intersection with an existing State highway or Town road a transition area shall be required with a minimum length of 20 feet as measured from the right-of-way line of the road intersected, and a maximum grade of 3%.

06.08. DRAINAGE

Roadway drainage shall be sufficient to carry runoff from the road surface and divert water beneath or around the road without causing sedimentation, erosion or the impounding of water on property upstream.

06.09. ROADWAY OWNERSHIP

All private roadways in Designer Subdivisions shall be preserved by maintenance and common easement agreements. Documentation of such agreements shall be submitted to the Commission, prior to the filing of the subdivision mylars, for approval of the form and content of such agreements by the Commission's Attorney.

All agreements shall be filed in the Town Clerk's Office prior to the transfer of any of the lots in the subdivision. All easement agreements shall address the following criteria:

- (a) All easements shall be shown on the map of survey;
- (b) All easements shall be declared in a separate agreement filed prior to the conveyance of any of the lots in the subdivision. The map of survey shall be referenced in the declaration of easements and the easements shall be referenced in all property deeds;
- (c) The declaration of easements shall define the use of the easements;
- (d) The declaration of easements shall contain a formula for the sharing of maintenance and snowplowing expenses and shall explain how these expenses will be approved by the lot owners;
- (e) The declaration of easements shall include dispute resolution procedures;
- (f) The declaration of easements shall specifically state that the agreement runs with the land and is binding upon the lot owners and their successors;
- (g) The declaration of easements shall prohibit the parking of vehicles within the travel portion of the right-of-way;
- (h) The lot owners shall release each other from liability for use of the right-of-way unless an injury results from the specific act of any particular lot owner;
- (i) The lot owners shall indemnify and hold harmless the Town, or their duly authorized representatives, 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 or execution of services, including, but not limited to, emergency services, which would require utilization of the private road for access to the subdivision lots;
- (j) The declaration of easements shall contain an amendment procedure. All amendments shall be recorded in the Durham Land Records;
- (k) The declaration of easements shall specifically state that no obligation shall be imposed on the Town of Durham. It shall also state that the declaration does not intend to dedicate the right-of-way to the Town of Durham or to the use of the general public, but that the right-of-way shall remain at all times a private road intended for the use and enjoyment of the lot owners and their invitees.

06.10. HOUSE LOCATIONS

The subdivision plans shall note that house, well and sewage disposal system locations are positioned to account for lot to lot relationships so that minimum setback and separation distance requirements contained in local zoning and subdivision and State public health code regulations are maintained. In light of the above, the layout of lots are interrelated such that changes on one (1) lot could adversely affect the layout of surrounding lots. Therefore, any changes in the location of the house, well and sewage disposal systems deemed significant by the Town Sanitarian, Zoning Enforcement Officer, Town Planner, or Commission Chairman shall be referred back to the Planning and Zoning Commission for approval.

06.11. CUTTING PLANS

All applications shall include a cutting plan showing the areas of vegetation to be retained and/or modified on the site.

06.12. ADDITIONAL REQUIREMENTS

All other provisions of the Town of Durham, Connecticut, Subdivision Regulations shall apply to Designer Subdivisions unless a waiver thereof is granted by the Commission pursuant to the provisions of Section 07.01. of these Regulations.