

## **SECTION 6.0 DESIGN CRITERIA**

### **6.1 SUITABILITY OF LAND**

All land to be subdivided shall be of such character that it can be used for building purposes without danger to the public health, safety and welfare. Land with inadequate means of on-site sanitary sewage disposal and water supply shall not be subdivided for residential purposes.

### **6.2 LOTS**

- A.** All lots as part of a subdivision plan shall conform to the minimum size and configuration of the Hebron Zoning Regulations. The Planning and Zoning Commission, at its discretion, may increase the lot size in order to conform to State or local Health, Safety, Wetlands and Environmental Requirements.
- B.** No land adjacent to the subdivision shall be withheld by the subdivider which is not capable of satisfactory independent subdivision into lots of the size required by Hebron Subdivision Regulations, nor shall there be any fragment of a lot or remainder in the subdivision area of less size than that specified for lot dimensions.
- C.** No lot, regardless of size, which is rendered useless for building due to utility easements, rights-of-way, wetlands, watercourses, or topography shall be shown as building lots on any subdivision. Such property shall be included in adjoining lots.
- D.** Each lot shall conform to the size requirements of the underlying zone in conformance with the Hebron Zoning Regulations. Each lot laid out for subdivision shall conform to the requirements of Section 6.4 of the Hebron Zoning Regulations, Buildable Land Requirements.
- E.** No lot side line shall deviate more than 30 degrees from the perpendicular to the highway line. In the case of lots on a curved highway, no lot side line shall deviate more than 30 degrees from the curve radius.
- F.** Corner lots shall have prevailing front yard setback on both street frontages and have street corner cut-off with appropriate radius.
- G.** The design of the lots and roads shall bear a reasonable relationship to the existing topography. Excessive cuts and fills are to be avoided by good design and every lot must be safely accessible to the road.

### 6.3 REAR LOT

A rear lot is a lot which does not meet the minimum frontage requirements of the zoning district, which is approved by the Commission as a Special Permit under Section 6.5 of the Hebron Zoning Regulations, and which meets the following standards:

A rear lot must be at least five acres in size, excluding the access strip, and its front, side and rear yards must conform to 150% of the requirements of the underlying zone, and have a minimum of 40 feet frontage on a street. The access strip shall be part of the lot and shall be 40 feet in width and may not be used for building purposes. In addition, any rear lot must conform to the following:

- A. There shall be a maximum of one single-family dwelling with permitted accessory buildings or uses on each rear lot.
- B. No rear lot or subdivision shall landlock another rear property by blocking or removing the most logical or feasible access to such other rear property, except that the Planning and Zoning Commission may modify this requirement due to unusual circumstances such as topography, present divisions of property and the like.
- C. Any driveway to a rear lot or shall be of a durable and dustless surface, shall be 12 feet in width and which surface shall have a minimum depth of 10 inches of gravel and processed stone. Trees shall be preserved or planted along such side of the right-of-way in accordance with the requirements herein for streets.
- D. A special permit for the use of a rear lot or subdivision shall be approved only if the Commission determines that there is no logical or feasible alternative for the lot or subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.
- E. The Town of Hebron shall not be responsible for the maintenance or repair of any driveway or access road required or provided for a rear lot or subdivision.
- F. Not more than two access strips may be adjacent. When two access strips are adjacent, only one driveway opening onto a street is allowed having a paved apron 20 feet wide by 20 feet long conforming to town driveway standards.

### 6.4 STREETS

- A. All streets shall conform to Section 13, Public Improvement Specifications.
- B. All streets in any subdivision shall have free access to or shall be a continuation of one or more State or Town highways. At least one street in any proposed subdivision shall intersect with an existing public street or State highway;

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- C. Streets intended to accommodate, presently or at any future time, traffic other than that of the immediate neighborhood shall be indicated as a residential subcollector or residential collector street and shall meet all design requirements for that designation (see Section 13).

The design of through streets is encouraged. Where site conditions make through streets infeasible, cul-de-sacs may be permitted. Where a cul-de-sac is permitted and where it is feasible and desirable in the opinion of the Commission to extend the road into adjoining properties, the road right-of-way shall extend to property lines for ultimate future extension. The maximum length of any cul-de-sac roadway shall be limited to 2,000 feet with a maximum ADT of 200 vehicles per day.

- D. Each cul-de-sac shall terminate in a turnaround. The design of all permanent cul-de-sacs shall conform to the standards in Plate 8. In unusual circumstances, the Commission may permit the design as shown in Plate 7 following receipt of a recommendation from the Town Engineer.
- E. As far as practicable, streets shall adapt to existing contours, terrain, wetlands, watercourses, and other site features such as stone walls, significant tree lines, and the pattern of open fields in order to minimize disturbance of existing features, to minimize the potential for erosion and to retain the rural characteristics of the subdivision site.
- F. Center lines of alternate side streets shall not be closer than 200 feet measured along the center line of the principle street;
- G. All street names shall be subject to the approval of the Commission and shall not be similar sounding to existing street or subdivision names and, where practical, shall reflect historical or natural features of the site, surrounding area, or the Town of Hebron;
- H. Street signs shall be located at all intersections and constructed and installed as directed by the Commission;
- I. Private roads approved under the Rural Mini-Estates Subdivision provision of the Hebron Zoning Regulations shall adhere to all Town road standards except where road grades are less than five percent along the entire length, a processed aggregate surfacing may be approved by the Commission. In addition, the Commission may approve a "T" or "Y" turnaround in lieu of a cul-de-sac.
- J. Street layouts shall conform to the Town of Hebron Plan of Conservation and Development.

## 6.5 EXISTING STREETS

- A. If the Commission finds that a subdivision abutting or gaining access from an existing town road which does not meet Town road standards will adversely effect the health, safety or welfare of vehicular or pedestrian traffic due to poor sight lines, inadequate drainage or inadequate pavement and pavement widths, then the Commission may require the subdivider to improve the existing street based on the current road and drainage standards (see Section 13) and classification.
- B. Existing Town roads have been classified as listed in Appendix A.
- C. In order to determine the level of improvements required, the subdivider shall prepare a plan and profile of the existing abutting street(s) and prepare an improvement plan adhering to the standards of Section 13.
- D. The Commission may modify the standards contained within Section 13 for improvements to existing roads to preserve the unique character of the Town's rural streetscapes consistent with the policies in the Plan of Conservation and Development where such modifications can occur without adversely affecting public safety. Such modifications shall be made only after considering the recommendations of the Town Engineer and the Director of Public Works.
- E. In the case where the abutting existing road has been designated a "Scenic Road" under the Scenic Road Ordinance of the Town of Hebron, improvement plans shall be submitted to the Town Manager for action prior to the conclusion of the public hearing, if applicable, or prior to Commission action in a case where no public hearing is held.

## 6.6 STORM DRAINAGE

- A. Design of Storm drainage systems shall be in accordance with the Stormwater Management Plan requirements of Section 5.5 and based on the design guidance provided in that section.
- B. In general, roadway drainage conveyance systems shall be of closed pipe with surface inlet structures. However, in certain applications, the Commission may consider an alternative open drainage system that incorporates off-road swales in lieu of catch basins and piping. The acceptability of such a system shall be site specific and based on the existing physical conditions and proposed development plans. The factors in determining the suitability of such a system, and the required design standards, are as outlined in Section 13.7.A.2 of the Public Improvement Specifications and Plate 6. Where proposed storm drainage conveyance systems within a subdivision extend beyond the town road right-of-way, the Commission shall require the reservation of sufficient easements for storm drainage to be granted to the Town of Hebron.

- C. Where a subdivision is traversed by a watercourse, stream, channel, or other natural drainage way, the Commission shall require the subdivider to dedicate a suitable easement for storm water drainage adequate to conform substantially to the limits of such watercourse.
- D. Where the discharge of stormwater is proposed onto or through private property, perpetual drainage easements and discharge rights, in favor of the Town of Hebron, shall be secured by the applicant. Where discharges are directed to an existing natural wetland or watercourse that extends onto an adjacent property and the proposed development will increase the rate of flow, discharge rights shall also be required.

## 6.7 EROSION & SEDIMENTATION CONTROLS

Erosion and sedimentation controls shall be implemented in accordance with a site specific erosion control plan which satisfies the plan requirements of Section 5.5D.

### A. Excavation Fills and Grading

- 1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Commission under special conditions.
- 2) Adequate provision shall be made to prevent surface water from damaging the cut face of excavation or sloping surfaces or fills.
- 3) Cut and fills shall not endanger adjoining property.
- 4) Fill shall be placed and compacted so as to minimize sliding or erosion of soil.
- 5) Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of that landowner and the Commission.
- 6) Fills shall not encroach on natural watercourses or constructed channels.
- 7) During grading operations, necessary measures for dust control shall be exercised.
- 8) Grading equipment shall only cross a stream at right angles during the construction period or by other methods as approved by the Commission.

**B. Implementation Procedures**

In submitting the Erosion and Sedimentation Control Plan, the applicant shall comply with the following:

- 1) The plan should be fitted to the topography and soils so as to create the least erosion potential.
- 2) Wherever feasible, natural vegetation should be retained and protected.
- 3) Only the smallest practical area of land should be exposed at any one time during development.
- 4) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- 5) Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- 6) Sediment basins (debris, basins, desilting basins, or silt basins), should be installed and maintained to remove sediment from run-off waters and from land during development.
- 7) Provisions should be made to effectively accommodate the increased run-off caused by changed soils and surface conditions during and after development. Computations for run-off shall be in accordance with Technical Release #55, Urban Hydrology, USDA Soil Conservation Service, January 1975, as amended.

**6.8 WATER SUPPLY**

- A. All lots shall be laid out so as to provide for safe and adequate water supply as determined by the Hebron Health Department.
- B. The majority of the well protection area, required by Section 19-13-B51d (a), as amended, of the Public Health Code, shall be located within the property bounds of the lot served, but may also be located no more than 25 feet into the adjacent street right-of-way and no more than 10 feet into adjacent lots.
- C. Where a community or public water system is proposed, such system shall meet the requirement of the State of Connecticut and Town of Hebron Health Department.

All necessary mains, branch offsets to each lot and fire hydrants shall be installed to specification as laid out in Section 13 and as directed by the Town Engineer.

## 6.9 SEWAGE DISPOSAL

- A. Each lot shall be capable of providing adequate on-site disposal of sewage as determined by the Hebron Zoning Regulations and the Hebron Health Department; and, no septic system (primary or reserve areas) shall be shown on a proposed lot closer than 100 feet to an area designated as Inland Wetland soils or to any watercourses or waterbodies.
- B. Soils testing shall be limited to periods of times when seasonal high ground water is exhibited, or as otherwise determined by the Hebron Health Department.
- C. The method of soils testing will be done in accordance with the Hebron Health Department.
- D. All Percolation Tests, Deep Pit Tests and data collected shall be in accordance with the State of Connecticut Public Health Code.
- E. All test holes and deep test pits shall be reasonably accessible and filled in when the collected data is recorded. All test pits shall be filled in prior to the issuance of a Certificate of Occupancy.

## 6.10 OPEN SPACE

### A. Types of Open Space to be Dedicated

All subdivisions approved under these Regulations shall preserve open space in perpetuity where in the opinion of the Commission such land serves one or more of the following purposes:

- 1) Provide parks, playgrounds or other outdoor recreation areas and facilities;
- 2) Protect natural streams, ponds or surface or subsurface water supply, and watershed protection;
- 3) Conserve soils, wetlands, swamps or marshes;
- 4) Protect natural drainage systems or serves to assure protection from flooding;
- 5) Preserve open spaces along existing road frontages;
- 6) Preserve sites or areas of scenic beauty, or of historic or archaeological interest;
- 7) Conserve forests, field meadows, stands of unique or scenic trees, wildlife habitats, agricultural and other natural resources;

- 8) Supplement existing open space, greenways (including the Airline Trail), open space corridors and recreation areas;
- 9) Meet recreation needs of present and projected population;
- 10) Preserve ridges, ravines, ledge outcroppings, hilltops, scenic vistas, and other unusual physical features;
- 11) Promote orderly community developments; or
- 12) Further the findings, goals and policies contained in the Town of Hebron's Plan of Conservation and Development.

**B. Location of Open Space**

Open Space shall be located within all subdivisions (except as provided in Section 6.10H. or 6.10I) in a specific location as determined by the Commission where such open space will best further the purpose of the Open Space.

The Commission, as part of its determination, may take into consideration: (a) if any particular location may be adequate to existing or proposed open space or other property owned by the Town, a land trust or other similar entity; or (b) if any particular location is along the boundary of adjoining undeveloped land so that the Open Space may be potentially expanded if that adjoining parcel is the subject of a future subdivision application.

The Commission may require review of all proposed open space by the Recreation Commission, the Conservation Commission or a land trust which could be the open space recipient prior to subdivision approval.

**C. Size of Open Space**

The minimum required area of open space shall be twenty percent (20%) of the total area of the land to be subdivided, adjusted as set forth in Section 6.10.E.2, and shall be of such size as deemed appropriate by the Commission so that the Open Space will achieve the purpose intended as noted in Section 6.10 and serves the increased density of population resulting from the subdivision and serves to achieve the goals and objects of the Plan of Conservation and Development.

**D. Open Space Standards**

- 1) **Calculations:** Unless specifically waived by a two-thirds (2/3) vote of the Commission, the minimum required Open Space as per Section 6.10.C shall not include land designated as inland wetland soils nor slopes in excess of 30 percent; and, the Commission, to permit the inclusion of these areas, shall



find that proposed open space accomplishes the goals and findings of The Natural Resources Inventory and the Town of Hebron Plan of Conservation and Development.

- 2) **Access:** Such open space shall have access from a public street, with such access at least 40 feet wide and having a maximum grade of 15%, or shall abut existing open space having such access, unless specifically waived by the Commission due to the unique characteristics of the open space or subdivision.
- 3) **Condition:** Any land to be dedicated as Open Space (except open space set aside for parks, playgrounds or other outdoor recreational facilities) shall be left in its natural state by the subdivider, except for improvements as may be required by the Commission, and shall not be graded, cleared, disturbed, or used as a repository for stumps, brush, earth, building materials, or debris. Open space for parks, playgrounds or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such open space area to be graded by the subdivider to properly dispose of surface water, that it be seeded with appropriate perennial grass, and that all brush and debris be removed. Such improvement of open spaces will not be required until the subdivision is substantially completed.
- 4) **Open Space in Phased Developments:** If the entire parcel is not to be subdivided at one time, or where the land to be subdivided is adjacent to other land of the applicant, or adjacent to land owned by the owner of the land to be subdivided, the Commission will review the entire tract(s) to determine the location of the Open Space. The Commission shall utilize among other information, the plan required by Section 5.1A of these Regulations.

#### **E. Dedication of Open Space**

The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and, the Town shall consider any such dedication as satisfying the Open Space requirements of this Regulation and of Section 8-25 of the Connecticut General Statutes.

- 1) **Method of Dedication:** Permanent dedication of each such area of open space shall be accomplished by a) conveyance of fee simple ownership to the Town of Hebron; b) creation of a Conservation Easement in favor of the Town of Hebron; c) creation of a Conservation Easement in favor of the Town of Hebron reserving specific agricultural rights as approved by the Commission; d) conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission; e) creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the

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Commission; f) conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision are members, along with a conservation easement over the entire open space area; or g) any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section. The Commission may require dedication of open space by methods listed in a, b, c. or f of this paragraph; and the Commission may require dedication by methods listed in d, e, or g with the consent of the applicant. Any such dedication, regardless of the method used, shall be completed prior to the endorsement and filing of the final subdivision plans in the office of the Town Clerk. Any conveyance of an interest in the dedicated open space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission, shall be free of all encumbrances or defects.

2) Schedule of Open Space Credits:

<u>Method</u>	<u>Adjusted Average Value*</u>
a) Conveyance of Fee Simple Ownership to the Town of Hebron	(1.0)
b) Any approved Conservation Easement to the Town of Hebron	(0.5)
c) Conveyance of Fee Simple Ownership to Tax Exempt Organization	(1.0)
d) Conservation Easement in favor of Tax Exempt Organization	(0.5)
e) Conveyance of Fee Simple Ownership to Connecticut Non-Stock Corp.	(0.5)

\*Adjusted Average Value, meaning that each type of open space is given a value based upon the extent of public access allowed thereto. Each acre so dedicated shall be multiplied by its AAV to determine its proportionate value in satisfying the overall open space requirement.

3) General: When any dedication of Open Space is made as per Section 6.10.E.1.e (Convey once to a Connecticut non-stock corporation), the deed, declaration, or other instrument transferring interest in the property shall be in a form acceptable to the Town, and shall provide, at a minimum:

- a) That all such covenants or restricts shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision;

- b) That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;
  - c) That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and
  - d) That if at any time maintenance, preservation or use of such open space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred by the Town for such purposes.
- 4) Evidence of Acceptance: If Open Space is to be dedicated to an entity other than the Town, the applicant shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity.
- 5) Transfer of Interest: The Commission shall approve any transfer of title of interest to any successor entity.

**F. Delineation/Marking of Open Space**

All corners of the Open Space or Conservation Easement shall be permanently marked by iron pins or monuments as required for all other parcels as noted in Section 6.11 of these Regulations.

The Commission may require the applicant to post identification plaques, provided by the Town, on trees, fences or posts, each 50 ft. along the edge of the Open Space as visual identification of these areas to future residents.

**G. Legal Transfer**

Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good

title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen. In the event that acceptance is rejected by the Board of Selectmen, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

#### **H. Fee-in-lieu of Open Space**

As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

- 1) Amount. Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- 2) Procedure. To employ the fee-in-lieu of open space option, the following procedure shall be used:
  - a) The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of Section 6.10.H.
  - b) The Commission shall determine whether to accept the applicant's proposal, or to accept a different combination of land transfer and fee, or to require an open space dedication only.
  - c) The Commission and applicant shall jointly select an appraiser to submit a report. Steps (a) through (c) may be accomplished at the application acceptance portion of the process.
  - d) The applicant shall submit the appraisal during the formal application review process.

- e) The Commission, as part of the action on the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an open space dedication.
  - f) The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to reserve land in its natural state, as a satisfaction of the applicant's obligation to transfer land to the municipality.
- 3) Payment. The method of payment of any fees under this Section shall be one of the following two options:
- a) The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or
  - b) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee is paid.
  - c) No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

**I. Open Space Waiver**

The Commission shall require open space in all subdivisions or shall require a fee-in-lieu of open space for all subdivisions. No waivers of this requirement shall be granted except in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes:

- 1) Where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Subdivision Plan. If the

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Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and

- 2) Where the subdivision is to contain affordable housing, and defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

### 6.11 MONUMENTS

- A. Monuments shall be placed at all angle points, points of curves in streets, and at intermediate points on tangents over 600 feet in length, and shall be of concrete as specified in Section 13.
- B. Iron pins shall be installed at all lot corners, including all corners of all open space and easements.
- C. A building permit shall not be issued until required monumentation and corner pins are in place.

### 6.12 STREET LIGHTING

A street light shall be erected at street intersections as required by the Commission for all new subdivisions. See Public Improvement Specifications, Section 13.5N.

### 6.13 STREET TREES

The Commission shall require the planting of street trees in new subdivisions where any portions of the development are devoid of existing mature (greater than six inches in caliper) trees in proximity to the street. When selecting street trees, a mixture of native species trees shall be provided as noted in Section 13.9B.2. Wherever feasible, large or significant trees shall be preserved as a community asset. Trees to be planted shall be deciduous shade trees, planted at a minimum of three (3) inches in caliper as measured one foot above finished grade and be spaced approximately 75 feet apart and five (5) feet from the street property line. The Commission may waive these requirements where unique conditions warrant.

#### **6.14 STONE WALLS**

Stone walls are a significant man-made feature important to the character of the community. Proposed street, utility and future buildings shall be designed to preserve stone walls to the maximum extent possible. The Commission may require conservation easements along stone walls to ensure their future protection. The Commission may require the reconstruction of significant stone walls by the subdivider where their preservation is not possible.

#### **6.15 AGRICULTURE BUFFER AREAS**

Buffers adjacent to actively farmed land shall be established in residential subdivisions. Said buffer areas, when required, shall be no less than fifty (50) feet in width and may be required up to a width of one hundred (100) feet as directed by the Commission, depending on the type of agriculture or farm use, the topography, existing vegetation and the proposed design and planting of such areas. It shall be the responsibility of the developer, subject to approval by the Commission, to provide an effective barrier that will reasonably protect adjacent residential living areas. It shall be the responsibility of individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent.

Such responsibility shall be specifically noted on the subdivision plan and in the deeds of affected lots. Where a buffer area is part of a common open space, the responsibility for maintenance will be assumed by a homeowners association or by other arrangement that is acceptable to the Commission.

In addition, the following statement shall be noted on the subdivision plan: “This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. The policy of the Town is to encourage agricultural uses, which are an integral component of the existing community character. Agricultural operations sometimes emit such things as noise, odor, dust or chemical spray drift that are unavoidable byproducts of such operations.”

If abutting actively farmed land comes under development, then these requirements are voided.

#### **6.16 COMMON DRIVEWAYS**

- A. The Commission may require that lots in proposed subdivisions be served by common driveways when it is determined that such arrangement better provide for traffic safety or sight-line requirements or where it furthers the protection of natural resources.

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- B.** Where a lot is served by a common driveway on another adjacent parcel, the Subdivision Map shall contain a notation on the lot that access is only permitted to the street via the common driveway as shown on the final approved plan.
- C.** Where a lot is served by a common driveway on another adjacent lot, the final Subdivision Plan shall provide all necessary access, utility and construction easements.
- D.** No more than two lots may be served by a common driveway.