Appendix C
Model Conservation Density Regulations

Model Conservation Density Subdivision

Conservation Density Subdivisions

Conservation Density Subdivisions encourage the preservation of large tracts of open space by affording flexibility to landowners in road layout and design. Such subdivisions preserve open space by creating lots that average at least five times the minimum size required in the Zoning District. This low density is maintained in perpetuity through the use of permanent conservation easements running with the land. To encourage the establishment of these permanent low densities, the Planning Board may reduce road frontage requirements and may allow common driveways built to the specifications shown in Subsection (J) below. In order to approve a Conservation Density Subdivision, the Planning Board must find that the proposed subdivision will maintain or enhance the rural quality of the area and will meet all of the requirements and conditions of this Subsection and such other conditions as the Planning Board deems appropriate under the particular circumstances.

A. The average size of the lots within the subdivision must be at least five times the minimum lot area required but not less than ten acres. The minimum lot area for individual lots shall be the same as shown on _____. The minimum road frontage shall be twenty-five feet and the minimum lot width shall be as shown on _____.

B. The maximum number of lots using a proposed common driveway shall be five if the common driveway has one entrance on a public road, and ten if the common driveway has two entrances.

C. The applicant shall submit to the Planning Board as part of the Application for Preliminary Plat approval, a professional engineer's drawings showing the exact location, dimensions and grade of the road, as well as the specifications setting forth the proposed composition of the common driveway.

D. Written comment from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any common driveway.

E. A homeowners' association shall be created to provide for the perpetual care and maintenance of the common driveway. Such HOA shall meet all requirements for an open space HOA contained in Subsection _____. The HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the common driveway. The HOA shall ensure that the road is properly maintained and kept open to permit emergency vehicle access. The Planning Board shall have discretion to determine whether the applicant should be required to establish a maintenance fund at the time of approval and, if so, how much of a deposit should be required. The Planning Board shall also have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the common driveway and, if so, how much the performance bond shall be and what form it shall take.

F. The common driveway may never be offered for dedication to the Town of _____ unless it conforms to Town Highway specifications in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up

to Town Highway specifications shall be borne by the homeowners' association (or the lot owners if there is no HOA).

G. The HOA shall provide at regular intervals (to be determined by the Planning Board) a written certification from a licensed professional engineer that the physical integrity of the common driveway is adequate to meet its present needs and the needs which can reasonably be anticipated in the future.

H. The lots in the conservation density subdivision shall be restricted by conservation easement so that they may never be subdivided beyond the number of lots permitted in Subsections (1) and (2) above, regardless of whether the road remains a common driveway.

I. The Subdivision Plat shall show the road clearly labeled "common driveway."

J. Design Standards

The following are minimum standards for construction of common driveways:

1. All construction shall be in accordance with these regulations and shall be under the immediate inspection, supervision and approval of the Planning Board.
2. The right-of-way for a common driveway shall be not less than fifty feet in width with a wearing surface not less than eighteen feet in width.
3. Whenever possible and as far as practicable streets shall follow natural contours.
4. Minimum curve radius shall be one hundred feet, minimum tangent distance between reverse curves shall be fifty feet.
5. Grade shall not exceed twelve percent nor be less than one percent. Grade shall not be greater than three percent within fifty feet of an intersection.
6. The subgrade and foundation course shall be constructed as required by the Town Road Specifications for the Town of _____.
7. The wearing surface shall consist of two inches of crushed gravel.
8. The maximum length of the common portion of any common driveway shall be 1,000 feet from the access road unless there are two points of access.
9. There shall be an adequate turnaround for emergency vehicles at the end of the common portion of the common driveway.

K. The Planning Board may waive the requirement of HOA ownership of a common driveway if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide sufficient protections to lot owners and the Town, and that all of the requirements and HOA functions described in Subsections (5) through (7) above will be properly fulfilled by such maintenance agreement.

L. The Planning Board may require an applicant for a conservation density subdivision to submit a conventional subdivision plan if the Planning Board has reason to believe that the proposed conservation density subdivision plan may not satisfy this Subsection.