

## **2.2 BUILDING LOTS -**

Proposed building lots shall conform to the requirements of the New Milford Zoning Regulations in effect at the date of the filing of the application for final approval of such plan by the Commission. The proposed lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably and that they can be occupied and used without danger to the health and safety of the occupants and the public. In areas of severe topographic and soils conditions, the Commission shall require such lots to each contain an area meeting Zoning regulations and with adequate soil to accommodate a private sewage disposal system and an appropriate reserve area in conformance with State of Connecticut Health Codes. Any lot which cannot provide such area or is otherwise found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock or other conditions may be eliminated. The following additional standards are applicable to proposed building lots:

### **2.2.1 Access -**

Each proposed lot, except as hereinafter provided, shall abut a street and shall have a safe and direct access to the street via its own private driveway. The entire driveway must be located on the lot which it serves. An interior or rear lot which lacks conventional street frontage and is accessible by a permanent access way no less than twenty (20) feet wide and owned in fee by the same ownership as the interior portion shall connect to a street. Up to six lots may be permitted to share a common driveway subject to the conditions and standards for common driveways set forth below.

**2.2.1a - Driveways:** That portion of driveways commencing with the street line shall be constructed in accordance with the Town road ordinance.

- 1) Pavement shall mean a minimum of two and one-half inches (after compaction) of bituminous concrete or equivalent over a minimum of six inches of compacted gravel.
- 2) Except as provided in subsection (a) hereof, driveways shall not exceed 15% maximum grade. Any driveway that exceeds 10% grade shall be paved. Pavement shall be continuous from the edge of the street line to a point where the driveway resumes a 10% or less grade.
  - (a) Exception - Driveways steeper than 15% or unpaved driveways steeper than 10% may be allowed by the Commission when it can be shown by plans produced by a professional engineer that all drainage and/or erosion will remain on the property served and will not in any way affect a Town highway. This exception shall only apply to a driveway serving a single home.
- 3) The traveled portion of any driveway exceeding 5% grade will be above the surrounding terrain and crowned to drain water to the sides. Where the driveway passes through or along a cut, there shall be provided a gutter of sufficient width and depth, in addition to the width of the driveway, to handle run-off from the driveway and surrounding terrain and be

stabilized with rock, rip rap, or other approved means to prevent erosion. Ample drainage shall be provided at the Town road to handle additional runoff.

- 4) For corner lots, driveways shall be located as far from the intersection of the street lines of the lot as is practical, but a driveway shall not be located within 60 feet of such intersection.
- 5) The Commission shall require a bond in cash, passbook or other form, in an amount acceptable to the Commission to ensure the completion of all required driveway improvements in accordance with the provisions of these regulations within a period of time specified in the bond.

### **2.2.1b Common Driveways –**

That portion of a “common driveway” as that term is defined in these regulations commencing with the street line shall be designed and constructed in accordance with the following standards:

- 1) No common driveway shall be approved by the Commission unless the applicant produces plans prepared by a registered professional engineer showing the feasibility of constructing separate driveways, within each lot, for each lot. The feasibility plan shall conform to the driveway standards set forth in these regulations as well as the standards set forth in “an ordinance covering the construction of driveways intersecting Town highways,” as the same may be amended, concerning that portion of the common driveway located within the street line.
- 2) The Commission shall require a bond in cash, passbook, or other form, in an amount acceptable to the Commission for all common driveways to ensure completion of all required driveway improvements in accordance with the provisions of these regulations within a period of time specified in the bond.
- 3) All applications seeking permission to provide access to lots in a proposed subdivision via a common driveway shall be accompanied by a legally enforceable homeowner’s maintenance agreement which shall be subject to review and approval by the Commission, noted on the record subdivision map and recorded with said map in the land records of the Town of New Milford.
- 4) Any proposed lot abutting a common driveway and a street shall have access to the public road system via the common driveway unless one of the following exceptions is applicable:
  - (a) Exception: Where the applicant demonstrates there is no driveway corridor which meets the grade requirements set forth in section 2.2.2.a of these regulations.
  - (b) Exception: Where the report from the Inland Wetlands Commission recommends that the driveway location be from a street.
- 5) All common driveways shall meet all applicable 911 requirements.

- 6) Common driveways serving two (2) lots shall be equipped with a hammer head type turn-around at the end of the common use portion of the driveway adequate to accommodate fire apparatus or other emergency equipment.
- 7) Except as provided in subsection (a) hereof, common driveways serving from three to six lots shall terminate in a turn-around of the common driveway.
  - (a) Exception: The Commission may allow a large hammer head type turn-round in consideration of the short length of the common driveway.
- 8) Pavement shall mean a minimum of two and one-half inches (after compaction) of bituminous concrete or equivalent over a minimum of six inches of compacted gravel.
- 9) All common driveways shall be paved for the entire length in accordance with the Town road ordinance.
  - (a) Two Lots - 12 feet wide with a 12% maximum grade.
  - (b) Three Lots - 14 feet wide with an 11% maximum grade.
  - (c) Four to Six Lots - 18 feet wide with a 10% maximum grade.
- 10) All common driveways shall have drainage systems designed by a registered professional engineer and installed to accommodate all surface and subsurface water. Drainage disposal shall be adequate for the ten year storm for the proposed development and shall not increase the Town's obligations for additional storm drainage on existing public roads.
- 11) The minimum sight distance for a common use driveway shall be the distance as listed for an intersecting street in New Milford Road Ordinance (Intersections at Grade Minimum Sight Distance); however, based on the facts before it, the Planning Commission may allow a reduced sight line distance for a common use driveway serving three (3) lots or less. In no case shall the distance be less than the stopping sight distance for the posted speed limit, as shown in Table 1, New Milford Streets and Sidewalk Ordinances.
- 12) The Commission shall approve common drive names. Common drive name signs and stop signs shall include the label "Private" and be supplied and installed by the developer and maintained pursuant to the homeowners' maintenance agreement.
- 13) A notation on the map of record shall clearly state the common drive is not a public street.

**2.2.2** Reserved for future use.

**2.2.3 Solar Design, Energy Conservation**

Applicants shall demonstrate to the Commission that they have considered, in developing the plan, the use of passive solar energy techniques. Passive solar energy techniques mean site design techniques that maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural

ventilation during the cooling season. The site design techniques shall include, but not be limited to:

- (a) House orientation;
- (b) Street and lot layout;
- (c) Vegetation;
- (d) Natural and man-made topographic features; and
- (e) Protection of solar access within the development.

#### **2.2.4 Lot Lines-**

Insofar as practicable, lots should be regularly shaped, the side lot lines of all lots should be at right angles to the street on which the lot faces or should be radial to the street line, unless the purpose of the lot line orientation other than those mentioned is to secure greater solar access or protection or control thereof.

**2.2.5** Reserved for future use.

**2.2.6** Reserved for future use.

**2.2.7** Reserved for future use.

#### **2.2.8 Trees and Topsoil-**

When required, each lot shall have two trees of not less than 1-1/2 inch caliper at breast height planted on it by the sub-divider at his expense. These trees shall be of a quality which meets the requirements of the American Association of Nurserymen. These trees shall be planted in the area of the lot lying not less than ten feet from the street line. The Commission shall require the planting of new trees in subdivisions which lack or are deficient in trees. To the extent possible, existing trees shall be saved. Removal of stripped topsoil from the subdivision shall not be permitted except with the written permission of the Commission.