

## SECTION 4A.

### CONSERVATION SUBDIVISIONS

#### 4A.1. Purpose

The Commission finds that certain parcels of land, because of their unique physical characteristics, may benefit from additional flexibility in the design of subdivisions. Such benefits may include: improved living and working environments; more economical subdivision layouts; greater ingenuity and originality in total subdivision and individual site design; and, especially, the preservation of valuable open space to serve recreational, scenic, and other public purposes. The Commission also finds that, in order to achieve these benefits, it will sometimes be necessary to permit modifications of the minimum lot area, frontage, width, and yards, and the maximum building height and percentage of allowable land coverage. These Conservation Subdivision Regulations are therefore intended to provide a mechanism to permit such modifications, while, at the same time, assuring (1) adequate maintenance and restricted use of open space areas for maximum public benefit; (2) adequate protection of the neighborhood; and (3) the conservation of natural resources and of Haddam's rural character.

#### 4A.2. Special Permit Required

Conservation Subdivisions shall require a special permit. Any such special permit must comply with the standards, criteria and procedures set forth in both Section 4A and Section 15 of the Zoning Regulations.

#### 4A.3. Standards for Approval

- A. There shall be no minimum number of lots required for the approval of a Conservation Subdivision.
- B. Minimum Area, Yards and Coverage. The following minimum standards shall apply to Conservation Subdivisions in lieu of the standards that would otherwise apply to lots in the underlying zoning district pursuant to other provisions of these Zoning Regulations:

<b>Standard</b>	<b>R-2/R-2A Zones One Family or Two Family</b>
Minimum Lot Area	15,000 square feet 20,000 square feet
Minimum Lot Frontage	25 Feet
Minimum Front Yard	20 Feet
Minimum Side and Rear Yards	15 Feet except that a minimum yard of 75 feet shall be maintained along the boundary of any part of land that is not part of a Conservation Subdivision.
Cul de Sac length	1000 feet subject to modification by the Planning and Zoning Commission
Maximum % of Land Coverage	30%

C. Determining Maximum Lot Density Or "Yield":

Applicants shall estimate the maximum, legally permissible lot density on the basis of a "yield plan." Such "yield plans" shall consist of "conventional" lot and street layouts (i.e., layouts conforming to the provisions of the Zoning Regulations and Subdivision Regulations that would be applicable in the absence of these Conservation Subdivision regulations). Although such plans may be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a conventional layout. Except as provided in Section 4A.3.d of these Regulations, the maximum density of lots in the Conservation Subdivision shall be no greater than the density in the conceptual yield plan, provided the Commission finds that the yield plan is reasonably accurate.

In order to prepare a realistic yield plan, applicants generally first need to map, at a minimum, basic topography, locations of wetlands and watercourses, 100-year floodplains, and slopes exceeding 25%. On "conceptual" lots that will not be served by a public or community sewerage system, the applicant must demonstrate the suitability of the soils for individual septic systems. The Commission may require additional testing in areas that have not been adequately tested or

that are determined to be marginal. The Commission may allow testing on fewer than all of the proposed "conceptual" lots if it finds that the testing has been adequate to constitute a representative sampling of soil conditions.

D. Minimum Percentage of Open Space:

1. A minimum of fifty (50%) not including the following kinds of land, shall be designated as permanent open space (the "Minimum Open Space Acreage"):
  - a. Land required for street rights-of-way, stormwater management ponds or basins, and rights-of-way for underground pipelines, telephone, cable, or electrical power lines, or other public utilities.
  - b. Land under permanent easement prohibiting future development (including easements for drainage, access and utilities).

The percentage of the Minimum Open Space Acreage that comprises wetlands and watercourses, as defined by Conn. Gen. Stat. § 22a-38, as amended (together hereinafter referred to as "Non-Buildable Land"), shall not be greater than the percentage of such Non-Buildable Land in the subdivision tract as a whole.

2. Any approved conservation subdivision issued pursuant to this Section 4A shall set forth a Minimum Percentage based on the following criteria:
  - a. If greater than sixty percent (60%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be forty-five percent (45%).
  - b. If forty percent (40%) to sixty percent (60%) of the total tract consists of Non-Buildable Land, the Minimum Percentage shall be fifty percent (50%).
  - c. If less than forty percent (40%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be fifty-five percent (55%).
3. Upon a demonstration by the applicant that one or more septic systems or water-supply wells cannot reasonably be placed

within the proposed residential lots without compromising an important design element of the Conservation Subdivision, the Commission may permit a portion of the Minimum Open Space Acreage to be used for individual or community septic systems or wells.

E. Density Incentives To Encourage Public Access:

The Commission may offer a lot-density bonus to encourage the dedication of additional open space land for public use, including trails, active recreation, etc. The density bonus shall be computed on the basis of a maximum of one additional lot per five additional acres of publicly accessible open space provided by the applicant. For purposes of this Section 4A.3.e, "additional acres of publicly accessible open space" shall mean open space that exceeds the Minimum Percentage required by Section 4a.3.d. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Commission. In making that decision, the Commission shall be guided by the recommendations contained in Haddam's Plan of Conservation and Development, particularly those sections dealing with trail networks and/or recreational facilities. The Commission may require that a percentage of the land dedicated to publicly accessible open space be suitable for active recreation purposes. However, in order to preserve a reasonable portion of natural areas on the site, no more than fifty percent (50%) of the open space shall be utilized for active recreation. The application for a special permit for the Conservation Subdivision shall specify the purposes for which publicly accessible open space areas are proposed.

4A.4 Special Permit Criteria:

In determining whether to approve a proposed Conservation Subdivision, the Commission shall give due consideration to the standards and criteria set forth in Section 15 of these Regulations. A special permit that is issued for a Conservation Subdivision shall not, in and of itself, be sufficient to allow the creation of a Conservation Subdivision. Rather, the special permit shall simply entitle the applicant to seek subdivision approval using the modified standards set forth in Section 4A.3 of these Regulations. If the applicant is denied a special permit for a Conservation Subdivision pursuant to this Section 4A, the applicant may file an application for a standard subdivision pursuant to Section 2 of the Town of Haddam Subdivision Regulations.