

PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS
IN RESPONSE TO BUTTERMILK FARMS DECISION
CONCERNING OFF-SITE IMPROVEMENTS
(Sections 4.5.4.1 & 4.6)

Draft 9/26/11

4.5.4.1 Existing Street Improvements –

- 1) Access – Whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed subdivision ~~or beyond the limits of the proposed subdivision~~, the Commission may ~~disapprove such plan or may condition its approval upon alteration of such street by and at the expense of the subdivider or may disapprove such plan until the Board of Selectmen has authorized expenditures for such improvements to the extent allowed by statute.~~
- 2) Frontage Improvements – Whenever any subdivision is proposed for land which fronts on an existing Town street which does not conform with the minimum requirements of width and construction set forth in these Regulations, the subdivider shall improve such frontage from the centerline of the street to the required street line, in accordance with Appendix 2 to these Regulations to the extent allowed by statute. ~~Where such improvement from the centerline is impractical, the Commission may require improvements of comparable value to be performed along the existing road frontage of the subdivision, or adjacent frontage impacted by the subdivision. In the alternative, the Commission may require that the cost of such improvements shall be paid to the Board of Selectmen, or its designated agent, in lieu of completion of such improvements by the applicant. Such payment shall be held in a separate fund to be used exclusively for the improvement of the subject street in ways which directly benefit the future owners of lots in the subdivision.~~
- 3) Right of Way Extension – When the proposed subdivision abuts an existing improved town road, the right of way width of which does not comply with the requirements of these Regulations, the subdivision shall provide for the dedication to the Town, in the manner required by the Commission, of sufficient land to permit the widening of such road right of way as will comply with the requirements of these Regulations.

In making the determinations set forth in the preceding paragraphs, the Commission shall take into account ~~the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision~~, any traffic or safety conditions created by the subdivision or its related alterations or improvements, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and generally the ability of any vehicle to use the street safely.

4.6 Sidewalks – Sidewalks shall be provided as follows to the extent allowed by statute: