ROAD PLANNING & DEVELOPMENT

Introduction

Denning is updating its land use laws. The codes being considered for refinement include the subdivision regulations, zoning, and local laws covering the siting of telecommunications facilities and manufactured housing.

Subdivision control involves the development of new lots, roads and access to lots (driveways). The subdivision regulations were selected as the first phase of the project to upgrade Denning's land use laws. Therefore, a public outreach meeting on April 12, 2008 will concern aspects of subdivision design and control. (There will be future opportunities for public input on the topics scheduled to be taken up during the next phase of the project.)

This document explains aspects of subdivision control and explores the broad sub-topic 'road planning and development'. It identifies components of 'road planning', discusses road planning goals for Denning, and reviews the regulatory techniques under consideration. At the outreach meeting on April 12, 2008 there will be dialogue about road planning. Specifically, there will be requests for public input on the policy approaches being considered by the Committee to Update Denning's Land Use Codes.

The current subdivision regulations were adopted in 1975. These are available for review at Town Hall during normal business hours, as well as on the Town web page at: *http://www.denning.us/*

> ***Please note**, in addition to road planning and development, the outreach meeting will cover two other broad topics: 'driveways & curb cuts' and 'conservation /environmental planning'. These three subjects overlap. Please see the other discussion documents for information on those topics*

Comprehensive Plan Context

This project builds on the comprehensive plan adopted in late 2007. The purpose of this project is to make the Town's land use codes consistent with the new master plan. The Plan itself should be consulted in considering policy; however, some summarization is provided here to aid discussion.

Denning is a hilly community with older roads and mountaintop elevations that are subject to severe storms, and valleys that have potential for hazardous flooding. Denning's Comprehensive Plan 'Vision Statement' (pg. 5) states, in part:

> *"…there should be limited development of new infrastructure with most investment directed to the existing roads and neighborhoods. Going forward, the community should promote development that enhances the scenic beauty of the Town, and is compatible with natural resource capabilities".*

Denning's Plan provides overall goals, including:

- Accommodate new growth within the traditional community settings and specific designated areas. Minimize the conversion of undeveloped land in the remote mountain areas and the outlying areas in favor of careful infill in and adjacent to the valleys and on Red Hill. This will strengthen the community and its sense of place.
- Ensure that development is compatible with natural resources protection by achieving site development where buildings and access are separated from the most sensitive resources.
- Emphasize maintaining and enhancing existing road and stormwater facilities before adding new infrastructure.

Objectives in the Plan, or identified by the Committee, specific to road planning are:

- Avoid critical resources (natural or cultural) during planning and reconstruction activities
- Limit building on steep slopes
- Limit the areas of physical disturbance as reasonably practical
- Where suitable, help the community maintain gravel roads
- Describe and promote best management practices for highway drainage management.
- Encourage orderly growth and careful outlay of public finance in managing and developing the road network
- Require landowners to carefully plan new roads and provide for their connection with the existing road network

When planning subdivisions and roads to serve them, there must be safe and adequate access. Drainage systems need to be carefully designed to handle drainage from upstream and enable safe conveyance of stormwater downstream. Construction must be durable so that it does not fail and place an undue burden on the public sector. Given harsh winters and heavy rains, there is potential for roads to become dangerous because of ice, snow, rain, flooding, power outages, and downed trees.

Since roads involve a major physical alteration to the landscape, the development of roads also influences the community's rural character and open, natural appearance. For instance, the extent of clearing for a road and utilities will influence views, wildlife habitat and storm drainage.

What Is Involved In Road Planning & Development?

Since subdivision control involves establishing new lots, it often requires laying out roads[1] and utilities to serve the parcels. There are many technical, varied components of subdivision road planning and design. These range from establishing the boundaries of a proposed street (right of way), to the layout of the road footprint (road surface and shoulders), to the construction specifications for the utilities (electric, telephone and drainage systems). Subdivision road planning involves:

- Location analysis
- Descriptive guidelines, such as the preferred methods of siting, construction or performance
- Subdivision application submission requirements
- The fit of a new road with the Town's and region's road hierarchy
- The layout of a proposed drainage system (and drainage system interconnections)
- Intersections of a new road with existing roads, including access to County roads
- Construction approaches and standards for different types of streets. Standards explain how different types of roads may be designed and are expected to operate, covering facets like:
    - Pavement width
    - Shoulder specifications
    - Side slope construction
    - Maximum grades
    - Standards for road curvature, cross-slopes and lines of sight
    - Intersections and pullovers
    - Pedestrian connections
    - Guardrails and signage
    - Landscaping and street trees standards
    - Preferred turn-around specifications
    - Cul-de-sac standards
- Legal standards establishing permanent right of ways and roads (public or private)
- Standards for road improvement (on older, existing substandard roads)
- Mechanisms of construction oversight and quality assurance

TOPICS FOR DISCUSSION

TOPIC 1: *Establish Subdivision Road Design & Construction Guidelines*

[1] The terms road and street are interchangeable.

Subdivision road planning, design, and construction involves many steps in a complicated, long process. The pre-application meetings through final construction sign-offs can easily take four or more years. Road planning and subdivision control are highly technical and legalistic. Still, achieving quality development requires careful study of context, creativity in design and construction, and flexibility so that physical development fits with community character, planning goals and infrastructure.

The first topic for discussion covers a proposal to establish separate guidelines that will complement the subdivision law. Guidelines will explain and elaborate on the possible principles and techniques behind the standards set in the subdivision code. Guidelines can help applicants, agents and abutters understand subdivision objectives. They can explain site design goals and techniques. Diagrams, pictures and text descriptions would explain preferred approaches and identify ways to resolve contradictions. Guidelines are intended to establish a broad baseline of understanding which can enable landowners and contractors to understand long-range land use planning objectives and the preferred development techniques. The tool will clarify goals and discuss how to achieve designs that fit with the unique conditions and circumstances in Denning. However, guidelines will not be binding and would be easier to maintain and modify than the main subdivision law.

On the day of the meeting there will be a series of questions to confirm people's comfort with guidelines, as opposed to having each individual road and utility design and construction practice (method) defined and elaborated on right within the subdivision law or the local highway codes.

A few examples of guidelines (albeit more generic and not specifically focused on subdivision) are:

Woodstock Planning Board Design Manual (2001) accessible at:

http://www.woodstockny.org/WPBDM.PDF

Dutchess County Greenway Guides (1999) accessible at:

http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/12417.htm

TOPIC 2: *Define Policies Concerning Private Roads*

Public input is desired concerning a proposal to clarify when it is acceptable to develop private roads to serve new subdivision development. There would be clear standards within the subdivision law that define the specific standards for the design, operation, and maintenance of private access roads.

An advantage of allowing private roads would be that the responsibility for maintaining the infrastructure remains with the private sector. It would be one less responsibility for the Town. The road owners (abutters) would be required to provide on-going management of all aspects of the road, including shoulders, pullovers, roadside vegetation and drainage. The road would have to be maintained in good working order, with accessibility to inhabited structures constantly available for public safety officials (police, fire, ambulance). Private roads may be appropriate when access routes do not, and will not, serve a public purpose, such as when roads do not contribute to an existing or future connected public road grid. Dead end roads or routes that serve only a few houses in a remote part of the community may meet this standard.

A disadvantage of allowing private roads would be that extensive legal controls must be formed to ensure that the parties to the road sustain its operation and maintenance in good working order in perpetuity. The legal agreements are challenging to establish and enforce. There could be cases where the parties do not carry forward their obligations, or disagree among themselves about required investments. This can provide challenges to local government in compelling the private parties to carry out their obligations. What could result over time is poor public safety access or pressure on the local government to accept a street as public when it is substandard.

When private roads are allowed, there are thorough and binding maintenance agreements and legal covenants which run with the land. These agreements ensure that all abutters (road users) are collectively responsible for the on-going costs to maintain and operate the road. Subdivision approval process would not only establish the construction specifications for the road, but would also provide for legal review paid for by the applicant. This would ensure that the corresponding legal agreements are set in place, will clearly run with the land, and the owners will carry forward their responsibility to provide the road upkeep.

The forum on April 12 will explore support for allowing private roads, plus whether it is acceptable to allow steeper grades or more flexible design of private ways (see the driveway discussion of exploration of the subject road grades).