

TOWN OF MIDDLEBURG  
STREET AND PARKING ORDINANCE  
As Revised Through January 2002

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## **1.0 GENERAL GUIDELINES AND CRITERIA**

It is the intent of the Town of Middleburg (Town) that all streets be dedicated for public use and maintained by the Virginia Department of Transportation (VDOT). Therefore, any new dedicated street proposed for construction must meet the VDOT standards and obtain the approvals of the Town and VDOT. Only upon written request by an applicant and subsequent approval by the Town may streets be constructed to non-VDOT standards. In such event, these streets shall be constructed to the corresponding standards set forth herein. Except as specified, all VDOT standards for materials, drainage structures and construction methods shall apply to private street and/or accessway construction.

The Town may allow for variations of given standards provided the effect of such variations is consistent with good engineering practices and procedures and provided there is sufficient justification for the waiver. Any request for a waiver to any of the standards provided herein must be addressed to the Town Council and contain a written Justification by the applicant.

## **2.0 DEFINITIONS**

AASHTO	American Association of State Highway and Transportation Officials.
Access Easement	An area of land, generally containing a private street or accessway, which provides legal ingress and egress across one property to another from a public street.
Cul-de-sac	A dead end street, one with a single point of ingress and egress and provided with a vehicle turn-around area at the end.
Driveway	A private drive serving a single property.
Intersection	The juncture of at least three segments of streets or accessways at a common point.
Landing	That section of a street that is adjacent to an intersection and utilized for vehicle stacking.
Parking Court	A parking area for the principal use of the owners or occupants of the lots and/or dwelling units abutting the parking area. A parking court shall not serve a through function for vehicular traffic.
Sidewalk	A pedestrian walkway with grading and alignment relative to the centerline of the adjacent street/accessway.

Street	A strip of land or right-of-way, generally with an improved surface, intended primarily for vehicular traffic and providing the principal means of access to property.
Street, Private	A street used for multi-lot access that is privately maintained and not a public responsibility of the Commonwealth of Virginia or the Town of Middleburg. Such streets are limited to cul-de-sacs, loops or other local streets of fixed traffic generation.
Street, Public	A street built to the standards of VDOT and accepted for maintenance by VDOT.
Townhouse/ Multi-Family Accessway	Private vehicular facilities used in townhouse or multi-family residential developments that provide for individual lot access, parking and predominately on-site traffic accommodation. Hereafter referred to as an “accessway”.
Private Access Easement Road	A private unpaved road for accessing up to six single family residential lots, which is privately maintained and not the responsibility of the Commonwealth of Virginia or the Town of Middleburg.
VPD	Vehicles per day, projected traffic count.

### **3.0 PROCEDURES**

1. All required material shall be submitted to the Town Zoning Administrator.
2. The applicant shall be responsible for obtaining all necessary VDOT permits required for working within VDOT right-of-way (R/W) or accessing a public street.
3. All public streets shall be inspected as provided for by VDOT requirements. Private streets and accessways shall be inspected during construction by a licensed Professional Engineer, or related professional certified to practice in the Commonwealth of Virginia, and engaged by the Town. All Town expenses related to the design review and inspection of private streets and/or accessways shall be charged to the applicant. The professional shall certify that construction has been in accordance with the requirements contained herein and general VDOT criteria as applicable.
4. Fully engineered plans and profiles shall be submitted for all public street, private street and accessway construction. Such construction shall be bonded with the Town based on the approved plans and profiles.

#### **4.0 REQUIRED PLAN SUBMISSION ITEMS**

##### Preliminary Subdivision Plats and Site Plans

The following street/accessway related information shall be included on/with all preliminary subdivision plats and/or site plans. It is in addition to the required information specified in the Town Subdivision and Zoning Ordinances.

1. Traffic projections for all proposed streets and/or accessways. This shall include projected VPD's for the project at buildout at all internal intersections and at all entrances to the site
2. Location of all site entrances and opposing entrances on adjacent streets.
3. Location and geometric design data including curve radii, grades, etc. for all proposed streets/accessways.
4. General plan for stormwater drainage.
5. Typical sections for all proposed streets and proposed improvements to existing streets.
6. General location of all existing utilities including those in the R/W of adjacent streets.

##### Final Subdivision Plats and Site Plans

The following street/accessway related information shall be included on/with all final subdivision plats and/or site plans. It is in addition to the required information specified in the Town Subdivision and Zoning Ordinances.

1. Items 1, 2, 3, and 5 above.
2. Location and size of all drainage structures
3. Location of all existing utilities including those in the R/W of adjacent streets.
4. Sight distance information for all entrances and intersections.

##### Street/Accessway Construction Plans

Construction plans for streets/accessways shall include the following information. Such plans shall be submitted and approved prior to approval of the final subdivision plat/site plan.

1. Stations shall be provided every 100 feet on centerline; points of curvature, points of intersection and points of tangency; at centerline intersections, at subdivision or section limits, and at turn-around radius points.

2. The profile of the building restriction lines shall be shown on the plan. Where there are none, show profile 25 feet from R/W line.
3. Centerline profiles of existing streets for a minimum distance of 300 feet shall be shown to ensure proper grade tie when a proposed street is an extension of, or connects with an existing street.
4. When a proposed street/accessway intersects with an existing street, the centerline of the existing street shall be shown for a minimum of 350 feet, or as required for adequate sight distance to the right and the left of the proposed connection.
5. The centerline and building restriction profiles extended 300 feet beyond the property line or boundary shall be shown on all streets providing access to adjoining property.
6. A grade line of all proposed street/accessway construction shall include:
  - a. Percent of grade.
  - b. Elevations at the beginning/end of all vertical curves.
  - c. The length of vertical curves with elevation site distances and stations of vertical points of intersection.
  - d. Elevations computed every 50 feet on all tangent sections and 25 feet on vertical curves.
  - e. Elevations at all:
    - centerline intersections of streets
    - street centerline intersections with the boundaries of a subdivision
    - curb returns
    - culvert and storm sewer crossings
    - curb inlets
    - beginning and ending of superelevation transition sections.
  - f. The point of finished grade on typical section, i.e., centerline, top of curb, etc. and of all sanitary sewer, water and other manholes or structures that are in the paved area of the street/accessway.
7. The location of curb cut ramps for the handicapped.
8. Roadside ditches shall be indicated in the profile where the depth is not in conformance with typical street cross section.

9. All proposed and existing culverts, storm sewer crossings, sanitary sewer crossings and utility crossings shall be shown on street profiles at the proper location and grade.
10. All utility easements and/or proposed relocations shall be identified.
11. When a proposed street parallels or is located near an existing stream or open drainageway, profiles of the top of the stream bank, computed water elevations and invert (or flowline) of the stream or drainageway shall be provided. The relationship of the proposed street grade to the existing profiles of the stream or drainageway shall be shown. Street construction shall not encroach on the approved floodplain limit of the stream except as permitted by State and Federal regulations.
12. Grade profiles of proposed curb and gutter construction in cul-de-sacs are to be computed along the face of the curb starting at the beginning of the curb return, following the face of the curb around the cul-de-sac and thence to the end of return opposite the point of beginning:
  - a. Grade ties of the proposed street, before entering the cul-de-sac grade, shall be shown on each end of the cul-de-sac profile to insure proper grade connection.
  - b. Other acceptable methods may be used subject to the approval of the Town and VDOT.
13. Building restriction line profiles for cul-de-sacs shall be radial to the profile at face of curb.
14. If a difference exists in elevations on proposed curb grades, curb elevations showing top of curb right and top of curb left shall be shown on the plans.
15. Street landings shall be shown on plans and profiles to ensure adequate sight distance and appropriate grade.
16. A proper connection to any existing or proposed public or private street shall be shown where appropriate.
17. Traffic control signage/devices and street signs shall be shown on the plans. Signage shall conform to Town and VDOT requirements.
18. Sight distance shall be shown at all entrances onto the street and for all intersections on both plan and profile to ensure adequacy. Where the line of sight departs the established R/W or private easement, a separate sight distance easement shall be provided. The profile along the line of sight shall be shown reflecting existing and proposed grades as well as any obstacles to a driver's vision (i.e., plantings, structures, etc.).

19. All off-site R/W required for construction shall be identified. Temporary construction and permanent maintenance easements for slope grading, drainage or erosion and sediment control shall be shown.
20. Typical street cross sections shall be provided on the plans.
21. Sidewalks shall be shown.
22. Equality stations for the centerlines of both streets shall be shown at all intersections and entrances.
23. A pavement striping plan shall be provided. Where appropriate, pedestrian crosswalks shall be included in this plan.
24. The following notes shall appear on all construction plans:
  - a. "Subbase depth is based on a CBR value of 10. Soil tests of subgrade will be performed for actual determination of required subbase thickness prior to the placement of subbase."
  - b. "A smoothing grade shall be maintained from the centerline of the existing road to the proposed curb and gutter to preclude the forming of false gutters and/or the ponding of any water on the roadway."
  - c. "Standard guardrail and handrail shall be installed at hazardous locations as designated during final field inspections by the Town or VDOT."

### Bond Information

Bonding shall be required for all public streets, private streets and accessways. The bond amount shall be based on a cost estimate from a set of construction plans approved by the Town and VDOT.

1. Private streets and accessways shall be subject to a 2-year maintenance bond.
2. All streets and accessways shall be subject to a construction completion bond. The estimated cost of improvements shall be provided by the applicant's engineer and include quantities, unit costs, and total construction costs. It shall also include the estimated cost of on-site inspection as may be required by the Town or VDOT and the cost of all utility relocation.

## **5.O PRELIMINARY PLANNING**

### **General Requirements**

1. All streets constructed in conjunction with subdivision plats and site plans shall be designed to comply with the requirements of VDOT/Town standards. All public streets, private streets and accessways shall provide drainage in accordance with VDOT standards. Geometric designs shall be in accordance with VDOT or Town standards as appropriate. All construction materials and procedures shall comply with VDOT specifications/methods.
2. The arrangement, character, extent, width, grade and location of all streets shall conform to the Town Comprehensive Plan where applicable.
3. Streets shall be designed to properly connect with existing, platted or planned streets.
4. When a subdivision or other development site abuts one side of any public street, the applicant shall be required to dedicate one-half of the total R/W necessary to make the street conform to VDOT or Town criteria. In addition the applicant may be required to dedicate additional R/W necessary to make appropriate horizontal and vertical adjustments to such street.
5. Vehicular access to other streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled so as to channel traffic to and from such areas conveniently and safely.
6. Urban sections, to include curb and gutter, shall be provided in all townhouse, multi-family and commercial developments.
7. Reserve strips (spite strips) controlling access to streets shall be prohibited.
8. Private streets will be limited to 490 VPD or less. Private accessways will be limited to 245 VPD or less.

### **Traffic Projections**

For residential developments, it is assumed that each dwelling unit will generate 7 VPD. Other methods of traffic projection may be used subject to the review and approval of the Town.

## **6.0 STREET DESIGN STANDARDS**

### General Criteria

1. For the purpose of this Standard, public streets shall be defined as streets intended for inclusion in the VDOT secondary road network. Unless otherwise approved by the Town, all streets shall be constructed as public streets.
2. Only when authorized by the Town may private streets or accessways be used in lieu of public streets. When private streets or accessways are authorized, they shall be constructed and maintained within a legally recorded ingress/egress easement and shall be subject to a private maintenance agreement acceptable to the Town. Authorization for public enforcement or an enforcement agreement is required to address policing needs.
3. The methods and materials used for the construction of all streets and/or accessways shall conform to the current VDOT standards and specifications.
4. Standard roadway structures and elements shall conform to current VDOT standards and specifications.
5. Temporary and permanent erosion and sedimentation control methods shall comply with applicable regulations and the Virginia Erosion and Control Handbook.
6. Each street shall have a continuity of design throughout.
7. All construction plans shall be identified with a seal of a Professional Engineer licensed to practice in the State of Virginia, or of a related professional as may be licensed and approved by the State.
8. For any new street construction that includes landscaping and is intended for inclusion in the secondary road system, a landscaping plan must be approved by VDOT and the Town.
9. New public street construction must conform to the requirements of VDOT's Subdivision Street Requirements.

### Design Requirements

1. Streets shall be laid out in such a manner as to intersect as nearly as possible at right angles, and no street shall intersect with any other street at less than 80 degrees.
2. Street jogs with centerline offsets of less than 225 feet shall not be allowed. Street intersections and entrances shall be designed to align with existing or proposed entrances wherever practical.

3. A vehicle turn-around area that will accommodate an SU-30 design vehicle shall be provided at the end of all dead end streets or accessways. A cul-de-sac shall not exceed 600 feet in length and shall have a turn-around with a radius of no less than 55 feet at the property line and no less than 45 feet at the curb or edge of pavement. Other types of turn-arounds may be considered for short streets with low vehicular traffic and accessways.
4. Street landings shall be provided for the minor street at all intersections to ensure adequate grade and sight distance. The maximum grade at the landing shall not exceed 5% and the minimum length of landing shall be 50 feet.
5. Except for access to individual residential lots, all streets shall have a minimum tangent length of 50 feet between curb returns and/or curb cuts.

#### **7.0 PUBLIC STREET STANDARDS**

1. Public streets shall be designed to conform fully to the requirements of the latest editions of appropriate VDOT standards except as specifically modified in writing by VDOT.
2. All public street construction plans require approval of VDOT and the Town.

#### **8.0 PRIVATE STREET STANDARDS**

1. Private streets in the Town are intended to allow development of subdivisions which enhance the degree of safety between vehicular and pedestrian traffic movements and allow greater flexibility for creative subdivision design than would otherwise be available through streets designed to VDOT standards.
2. Private streets shall be limited to local streets having less than 490 VPD and are mainly intended to provide individual lot access. Volumes greater than 490 VPD shall require public streets.
3. Except as modified by this section or in other sections of this Standard, private streets shall be constructed to the same design and construction standards as public streets within the Town. Any modification to this standard must be approved in writing by the Town.
4. Traffic control signage and roadway markings shall conform to VDOT requirements.

5. Private streets shall be designed to no less than a 25 MPH design speed and shall meet the following standards:
 

a. Minimum stopping sight distance (along street alignment)	150 feet
b. Minimum sight distance at intersections	250 feet
c. Minimum centerline curve radius	198 feet
d. Minimum curb radius at intersections	25 feet
e. Maximum grade along alignment	10%
g. Minimum tangent distance between reverse curves	50 feet
  
6. Private streets shall be designed to the following pavement widths:
 

a. Minimum pavement width - curb and gutter urban section (face of curb to face of curb)	26 feet
b. Minimum pavement width - rural section	18 feet

For urban sections where on-street parallel parking is provided widths shall be increased appropriately. Rural sections shall be allowed only when lot widths are 100 feet or more. On-street parking shall not be allowed on rural sections.
  
7. Parallel parking shall be allowed on private streets with urban sections; however, such parking shall not interfere with required sight distances. Diagonal parking shall not be allowed on private streets.
  
8. For urban sections VDOT curb and gutter standards shall apply. Rural sections shall be designed with a minimum shoulder width of 4 feet, and VDOT standards for ditches shall apply.
  
9. Private streets shall be designed to accommodate an SU-30 design vehicle (AASMT0). The travelway centerline radii at intersections shall be a minimum of 38 feet.
  
10. Yard setbacks required for street frontage in the Town Zoning Ordinance shall be measured from the access easement line established for a private street.
  
11. All private streets shall connect with a public street.  
An entrance permit shall be secured from VDOT in order to tie into the public street.
  
12. For streets with urban sections, each lot shall be served by a sidewalk that is connected to a system that serves the entire development.

13. The limits of the access easement in which a private street is located shall extend to the property lines of the individual lots to which it provides legal access and shall be a minimum of 40 feet wide along the entire length of the street.
14. Access for emergency and publicly owned vehicles to all private streets shall be provided.
15. All bridges and/or drainage facilities shall be designed to appropriate VDOT standards for similar public streets. Erosion and sedimentation control shall comply with applicable regulations and the Virginia Erosion and Sedimentation Handbook.

#### **9.0 TOWNHOUSE/MULTI-FAMILY PRIVATE ACCESSWAY STANDARDS**

1. Townhouse/multi-family private accessways are defined as private vehicular facilities in residential townhouse and multi-family developments which serve the following functions; 1) provide individual lot access via defined travelways, 2) provide for parking, and 3) carry predominately on-site traffic. Accessways shall be allowed only where a traffic volume of 245 VPD or less is projected and where the accessway will not serve as a through street. Travelways shall be clearly distinguishable from parking areas.
2. Except as modified by this section or in other sections of this Standard, accessways shall be constructed to the same design and construction standards as public streets within the Town. Any modification to this standard must be approved in writing by the Town Council.
3. Traffic control signage and roadway markings shall conform to VDOT requirements. Accessways shall not be posted for a speed higher than 15 MPH.
4. Private accessways shall be designed to the following standards:
 

a. Minimum stopping sight distance (along travelway alignment)	80 feet
b. Minimum centerline curve radius	42 feet
c. Minimum curb radius at internal intersections (entrances to parking courts/bays, etc.)	15 feet
d. Maximum grade along alignment	9%
5. Accessways shall be designed as urban sections with curb and gutter. Minimum pavement/curb and gutter width shall be 24 feet (face of curb to face of curb). Where on-street parking is provided, pavement width shall be increased appropriately.
6. For urban sections VDOT curb and gutter standards shall apply.

7. Accessways shall be designed to accommodate an SU-30 design vehicle (AASHTO) along their alignment with minimal encroachment on opposing lanes.
8. A turn-around to accommodate an SU-30 vehicle shall be provided in parking courts where the travelway length exceeds 200 feet measured from the flow line of the gutter pan.
9. No internal intersections shall occur for a distance of 50 feet from the intersection of an accessway with a public or private street as measured from the flow line of the gutter pan.
10. All legs of intersections shall have a minimum 20-foot tangent section, measured from the end of the curb return, before any horizontal curvature can occur.
11. For internal intersections, no parking shall occur for a minimum of 25 feet from an intersection measured from the flow line of the gutter pans. This shall be increased to 30 feet for intersections of the accessway and a public or private street.
12. An accessway or parking court/bay entrance jog of less than 100 feet at centerline shall not be permitted.
13. Parallel and diagonal (45 to 90 degrees) parking shall be allowed; however, parking shall not interfere with required sight distances and shall be clearly distinguishable from adjacent travelways.
14. Yard setbacks required for public street frontage in the Town Zoning Ordinance shall be provided from the public access easement line established for a private accessway.
15. Whenever an accessway extends from a street and exceeds a length of 500 feet on which no diagonal parking is provided, private street design standards shall apply.
16. An entrance permit shall be secured from VDOT in order to tie into a public street.
17. The limits of the access easement in which an accessway is located shall extend to the property lines of the individual lots to which it provides legal access and shall be a minimum of 36 feet wide along the entire length of the street.
18. Each lot shall be served by a sidewalk that is connected to a system that serves the entire development.
19. Access for emergency and publicly owned vehicles to all accessways shall be provided.
20. All bridges and/or drainage facilities shall be designed to appropriate VDOT standards for similar public streets. Erosion and sedimentation control shall comply with applicable regulations and the Virginia Erosion and Sedimentation Handbook.

**10.0 PRIVATE ACCESS EASEMENT ROADS**

When approved by the Town Council, private access easement roads may be used to serve six lots or less. Such roads must conform to the following requirements:

1. The minimum width of the easement shall be as follows:

<u>Number of Lots</u>	<u>Easement Width</u>	<u>Graded Width</u>	<u>Travelway Width</u>
Less than 3	24 feet	16 feet	12 feet
3 to 6	39 feet	22 feet	16 feet

Additional width may be required at specific locations to accommodate slope maintenance, drainage, sight distance, etc.

2. No structure of any kind within the subdivision shall be erected closer than 25 feet from the edge of the easement line.
3. The travelway shall be constructed of crushed stone (VDOT 21-A). The stone shall be compacted for a minimum layer of 6" depth. A minimum of two CBR tests will be taken. Where the average CBR value is less than 10, an additional one-inch of stone will be required for each point, or part thereof less than 10.
4. Adequate surface and subsurface engineering practice must be applied to assure proper drainage. This includes appropriate crown, side ditches, intercepting ditches and other measures.
5. Good engineering practice shall be followed with respect to geometric design and sight distances.
6. A paved apron of 50' length will be required where a gravel road accesses a paved road.
7. Stream crossings by bridge or culvert shall meet the following criteria:
  - a. As a minimum, all crossing structures shall be designed to accommodate a 25-ton vehicle, such as a fire truck. A 20,000-pound axle load is recommended.
  - b. Bridges and culverts shall be designed to pass a 10-year storm without overtopping. All structures shall have a permanent foundation.
  - c. The full width of the travelway shall be maintained on a bridge.
8. A VDOT entrance permit must be obtained where a State road is accessed.
9. Appropriate signage will be required for private road identification and traffic control.
10. The procedures and requirements for the submission of plans as set forth under Sections 3.0 and 4.0, including bonding, shall apply.

11. Permanent access easements and maintenance agreements conforming to Section 15.0 will be required. Access for emergency and publicly owned vehicles shall be provided.
12. The construction of the access easement road must be inspected and certified upon completion to be in compliance with these standards by a Professional Engineer or related professional licensed by the State of Virginia and engaged by the Town. The cost of these services will be charged to the applicant.

#### **11.0 PAVEMENT DESIGN STANDARDS**

1. The design of asphalt pavements for public streets, private streets and accessways in the Town shall comply with the requirements of the VDOT Subdivision Street Requirements. Subbase depth and pavement design shall be based on a California Bearing Ratio (CBR) value of 10.
2. The minimum pavement section for privately owned and maintained parking areas (including drives within parking areas) shall consist of a 6 inch aggregate base course (VDOT 21-A) and a 2 inch bituminous surface course (VDOT 5-5) based on a CBR value of 10.
3. Where the average CBR value is less than 10, an additional 1" of subbase shall be required for each point, or part thereof, less than 10.

#### **12.0 PARKING GEOMETRIC STANDARDS and 13.0 LOADING SPACES** – Deleted 5/15/00; See Zoning Ordinance Article XVI for Off-Street Parking and Loading Standards

#### **14.0 SIDEWALK STANDARDS**

All sidewalks shall be constructed in accordance with the following standards:

1. Sidewalks shall have a minimum unobstructed width of four feet. Alignment and grade shall follow that of the adjacent roadway curb.
2. The maximum cross-slope shall be 2.08% (1/4 " per foot).
3. Sidewalks shall be constructed from a minimum 4-inch thickness of VDOT type A3 concrete supported by a 4-inch (minimum) layer of compacted crushed stone (VDOT 21-A) base.
4. Handicapped ramps shall be provided in accordance with applicable VDOT and Federal standards/regulations.
5. Sidewalks may be constructed of brick paver when approved by the Town Council.

## **15.0 EASEMENTS AND AGREEMENTS**

### **Ingress/Egress (Access) Easements**

1. Adequate ingress and egress access easements shall be provided for all private streets and private accessways. The dimensions and location of easements shall be included on the record plat of the subdivision/site plan. In addition, easement agreements in a form approved by the Town shall be executed and recorded with the record plat.
2. Access easements shall extend to the property lines of the individual properties served by the easement.
3. Access easements shall clearly define the terms and conditions of ingress and egress and the specific lots served by the easement.

### **Maintenance Agreements**

1. Private streets and private accessways proposed in a subdivision or site development plan shall be subject to a maintenance agreement that specifically identifies the responsibility for maintenance of all improvements. The agreement will be subject to the approval of the Town.
  - a. In general, maintenance agreements guaranteeing private maintenance responsibility by Homeowner or Landowner Associations shall be acceptable for purposes of this section.
  - b. Each maintenance agreement shall contain a 20-year projected cost estimate for street/accessway maintenance. The agreement shall also identify revenue sources and provide for an emergency repair fund.
  - c. The developer of any subdivision that contains private streets and/or private accessways shall provide initial funding for emergency repairs and maintenance funding as part of the maintenance agreement. Such funding shall be available to the party responsible for maintenance.
2. Each deed of conveyance shall state that:
  - a. A private street or private accessway is not publicly maintained and shall be privately maintained by all owners of lots that are provided access by way of such private facility.
  - b. Each lot owner shall include a similar restriction in any deed of conveyance upon resale of the lot.
  - c. An agreement, in proper form, shall be recorded in the land record and reflected in the chain of title of each lot in order to set forth that the construction, repair and maintenance of the private street and/or accessway connecting such lot to the public street system is not the responsibility of the Town or the State and to set forth legally binding responsibilities for the parties who are responsible for the construction, repair and maintenance (including snow removal) and all pertinent details. The agreement shall be between the owner of the lot, the contract purchaser and other parties, if pertinent to the purpose of the agreement.

4. No record plat of land involving a private street, townhouse/multi-family accessway or easement access road shall be approved until the Town has agreed and acknowledged, in writing, that all applicable requirements for construction of said private facilities have been met.