

NEW MILFORD

PLANNING COMMISSION



NEW MILFORD, CT

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GEORGE C. BUCKBEE  
TOWN CLERK

*Handwritten initials*

SUBDIVISION REGULATIONS

Effective June 2, 2001

With changes & amendments through  
March 7, 2002

## PREFACE

The Subdivision Regulations of the Planning Commission of the Town of New Milford have been updated following the adoption of the Town's updated Plan of Conservation and Development.

The first section of the regulations spells out their purpose and explains general administration policies and requirements. The second section explains the land use and design standards the Commission will enforce to achieve the regulations' purpose.

Individual application procedures are explained in section three, and section four describes the submission requirements for maps, plans and reports that must accompany an application. Section five includes the definitions of numerous terms as applied in the regulations.

A draft regulation was submitted to the Planning Commission in July 1998. The draft was reviewed by the Commission and a second draft, which includes changes, deletions, and additions made during three workshop sessions, was developed. A third draft was prepared after Commission editing and circulated for input to be considered in the preparation of the proposed revision. A fourth draft dated March 2000 incorporated Commission revisions and input from departments. Fifth and sixth drafts reflected subsequent changes. The sixth draft was the subject of three public hearings in March and April 2001. The seventh, and final, draft reflects changes set forth at the Special meeting of May 3, 2001, public hearing of May 24, 2001, and special meeting of May 30, 2001, and was approved at May 30, 2001 special meeting. Amended November 15, 2001 to add Section 3.8, Planned Residential Developments. Corrected copy March 7, 2002 reflecting grammatical changes.

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## SECTION 1

### GENERAL ADMINISTRATION

#### 1.1 TITLE -

These regulations of the New Milford Planning Commission shall be known and may be cited as the "New Milford Subdivision Regulations."

#### 1.2 POLICY -

(1) It shall be the policy of the New Milford Planning Commission to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Commission pursuant to the considerations of Sections 8-125 of Chapter 126 of the Connecticut General Statutes and in conformance with the New Milford Plan of Conservation and Development for the orderly, planned, efficient, and economical development of the municipality with respect to the environment.

(2) The Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, sewerage and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for flooding on a state highway, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of conservation and development as described in Section 8-23, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the New Milford Plan of Conservation and Development. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the town ordinance, land use plan, and other pertinent documents.

### 1.3 PURPOSE –

These Regulations are adopted to promote and ensure the orderly development of land within the town so that the land, when subdivided, can be used for building purposes without danger to health and safety and for the following specified purposes:

- (1) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (2) To protect and provide for the public health, safety and general welfare of the town.
- (3) To guide the future growth and development of the town in accordance with the town's Plan of Conservation and Development.
- (4) To protect and conserve the value of buildings and improvements upon the land, and to minimize conflicts among the uses of land and buildings.
- (5) To protect the character and the social and economic stability of the town and to encourage the orderly and beneficial development of the town.
- (6) To guide public and private policy and action to make proper provision for transportation, surface drainage, water supply, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities, and in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision shall be made for protective flood control measures.
- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- (9) To ensure that public facilities and services are available and will have a sufficient capacity to serve the proposed subdivision.
- (10) To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources including aquifers and other drinking water sources throughout the town to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To provide for open spaces and environmental protection through the most efficient design and layout of the land, while reserving the density of land as established in the town's Zoning Regulations.

- (12) To preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features.
- (13) To encourage energy efficient patterns of development and land use, use of solar energy and energy conservation.
- (14) To ensure that proposed streets are in harmony with existing or officially proposed streets and arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs.
- (15) To provide that proper provision shall be made for soil erosion and sedimentation control.

#### **1.4 AUTHORITY -**

Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning Commission of the Town of New Milford adopts these Regulations controlling the subdivision and re-subdivision of land.

#### **1.5 APPLICATION OF REGULATIONS -**

These Regulations shall apply to any owner or the agent of any owner of any land located within the Town of New Milford who, subsequent to the effective date of these Regulations, subdivides or re-subdivides land as defined by these Regulations.

#### **1.6 CONFLICTS -**

Where any provision of these Regulations imposes restrictions different from those imposed by any other provision or provisions of these Regulations, the more restrictive provision or provisions shall govern, subject to final decision by the Commission. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. These Regulations are not intended to substitute for or govern any application proceeding that may be required to be presented to any other Local, State or Federal Land Use Agency.

#### **1.7 SEPARABILITY -**

If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances.

#### **1.8 AMENDMENTS -**

These Regulations may be amended by the Planning Commission after a public hearing on said amendment(s), for which hearing notice is appropriately published as provided in the Connecticut General Statutes, as amended.

**1.9 EFFECTIVE DATE –**

The effective date of these Regulations shall be June 2, 2001.

**1.10 APPROVAL REQUIRED -**

No subdivision or re-subdivision of land shall be made by any person until a map for such subdivision or re-subdivision has been submitted for approval by the Commission and has been endorsed by the Commission and recorded in the Office of the Town Clerk.

**1.11 ENDORSEMENT -**

No subdivision or re-subdivision shall be considered approved until the Commission has endorsed its approval on the map.

**1.12 PROCEDURE AND NOTICE –**

The Commission, in reviewing any proposed subdivision or re-subdivision, and the person proposing a subdivision or re-subdivision shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or re-subdivision unless it conforms to the standards hereinafter specified. All required notices shall be published or mailed in accordance with the provisions of Chapter 126 of the Connecticut General Statutes, as amended.

**1.13 AUTHORIZATION OF DEVELOPMENT -**

The construction and installation of roads, drainage facilities, and other improvements required by these Regulations shall not be deemed authorized until the proposed subdivision or re-subdivision has been approved.

**1.14 PENALTIES –**

Any person making subdivision or re-subdivision of land without the approval of the Commission shall be subject to penalties in accordance with the Connecticut General Statutes.

**1.15 ADMINISTRATIVE POLICY -**

The Commission may, from time to time, by resolution adopt forms, policies, procedures and interpretations for the administration of these Regulations.

**1.16 SUPERVISION OF CONSTRUCTION -**

All construction and installation of roads, drainage and other improvements required by these Regulations shall be carried out in accordance with the Town road ordinance. The Commission may establish such rules and procedures as are necessary to the proper supervision and inspection of construction.

**1.17 WAIVER –**

The Commission may waive certain requirements under these regulations by a three-quarters vote of all the members of the Commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case.

**1.18 APPEALS –**

Appeals may be filed in accordance with the Connecticut General Statutes.

**1.19 FEES –**

A Land Use Fee shall be paid with each application in the amount specified in New Milford's Land Use Fee Ordinance as adopted by the Town Council effective September 10, 1992, as amended.

## SECTION 2

### SUBDIVISION LAYOUT, DESIGN AND CONSTRUCTION STANDARDS

#### **2.1 GENERAL -**

Proposed subdivisions and resubdivisions and all improvements therein shall be designed and constructed in accordance with the following standards and specifications and in accordance with appropriate ordinances and special acts of the Town of New Milford.

##### **2.1.1 Character of the Land-**

The land to be subdivided shall be of such character that it can be used for building purposes without danger to public health or safety.

##### **2.1.2 Natural Features-**

The planning of any subdivision, including streets, drainage, other improvements and building lots, shall give due regard for the preservation and potential enhancement of natural features of the tract, including but not limited to mature trees or other plant materials which will serve as wind barriers and energy conservation, scenic points, wetlands, watercourses, soil resources and other assets of community interest.

##### **2.1.3 Consistency with Plan of Conservation and Development-**

Proposed subdivisions shall reflect the development guidelines of New Milford's Plan of Conservation and Development. That plan identifies areas to be conserved in a rural character, other areas proposed for suburban development and a central development area including commercial and industrial areas along Route 7 and an urban residential area built up around the Village Center.

#### **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-round 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.

### **2.3 STREETS -**

Proposed streets must intersect an existing street and shall be planned to be appropriate to the topography and location giving due consideration to contours and natural features. Streets shall be planned to conform with the Town Plan of Conservation and Development and designed to provide a safe and convenient system for the character and volume of present and prospective traffic. The proposed streets shall be in harmony with existing or proposed streets, especially with regard to safe intersections. The Commission may require provision to be made for future extension of proposed streets into adjoining land.

#### **2.3.1 Construction -**

Streets and that portion of driveways within the street line shall be constructed and paved in accordance with the Road Ordinance of the Town of New Milford as amended and the width of pavement, cross-section, alignment, grade, vertical and horizontal curves, curbs, sidewalks, ramps, storm drainage system, signage, traffic control and other miscellaneous associated improvements shall conform to the specifications set forth in the Road Ordinance. The Commission may require seeding, sidewalks and such grading as are appropriate to the area being developed.

### **2.3.2 Layout and Rights-of-Way –**

The minimum right-of-way for a proposed street shall be 50 feet. The Commission may require a wider right-of-way in commercial and industrial districts or when a proposed street is anticipated to carry other than neighborhood traffic. Streets shall be graded to the full width of the right-of-way.

#### **2.3.2a Existing Streets –**

A proposed street shall have at least one intersection with an existing street in the Town of New Milford. In cases where an existing street providing access to a subdivision has a right-of-way less than 50 feet, a strip of land along the subdivision frontage shall be deeded to the Town of sufficient depth to create a right-of-way 25 feet wide from the centerline of the existing street to the subdivision property line.

#### **2.3.2b Dead-End Streets –**

Permanent or temporary dead-end streets and dead-end street systems may be permitted at the discretion of the Commission. They shall terminate in a turn-around as required by the Town Road Ordinance. The full width of the right-of-way shall be extended to the subdivision property line and shall be dedicated to the Town. The Town will require title to the segments of the turn-around outside the normal road right-of-way width. Title to such segments will revert to adjoining property owners when the road is extended. No dead-end streets within a subdivision or street systems within a subdivision shall service more than twenty (20) lots not including corner lots at the entrance unless the Commission determines on the basis of the facts before it, including but not limited to, the horizontal and vertical geometry of the proposed dead-end street that it can accommodate a greater number of lots without endangering the public health, safety, convenience and welfare.

#### **2.3.2c Extension and Connections –**

Proposed streets which may be projected into adjoining properties shall have their right-of-way carried to the property line. No reserved strips shall be provided in any subdivision between an adjacent property and such proposed street and topographic maps submitted with the application should demonstrate that extension into the adjoining property is feasible. The Commission may require the improvements needed to make the connection. The right-of-way shall be deeded with other streets to the Town of New Milford. Where a proposed subdivision street pattern connects to an unimproved street in an existing subdivision left for future extension to abutting property, the proposed subdivision plans shall show and include all work required to connect and complete the road improvements and utilities between the proposed and existing subdivisions.

### **2.3.3 Street Names-**

All street names shall be subject to the approval of the Commission. The applicant will check all proposed street names with the Town Clerk's Office before submission to avoid duplication.

#### **2.3.4 Monumentation –**

Stone or reinforced concrete markers not less than four inches (4") by four inches (4") by forty-eight inches (48") set so that the top is five inches (5") above the finished grade and clearly visible shall be set at the point of curve and point of tangency of all curves in street lines and at angle points and shall be used to mark the boundaries of the subdivision.

Lot corners shall be marked with iron pins at least one-half inch in diameter by thirty-six inches (36") long where not otherwise marked as set forth above. The developer shall provide and set such markers at his expense, and shall attempt to keep them in full view at any and all times during the development of the property.

#### **2.4 STORMWATER MANAGEMENT –**

The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town drains with adequate capacity to carry additional water. Where the discharge shall be onto private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the Town before approval of the record subdivision map. When discharge is into existing Town drainage facilities not capable of handling the additional water, the existing facilities shall be replaced by the developer to adequately carry the flow based on the design storm. Best available practice shall be used to minimize soil erosion and sedimentation of waterways during the construction of the proposed subdivision and to assure a site which is stabilized and protected from erosion when completed. No land shall be subdivided if the effect is to increase the likelihood of flood hazard or flood damage in an area of special flood hazard as defined in the Flood Plain Management Regulations of the Town of New Milford.

##### **2.4.1 Drainage Analysis–**

The drainage analysis shall consider the entire tributary watershed area and downstream area affected by run-off. All drainage facilities shall be adequately sized or replaced with adequately sized facilities to accommodate the 25 year storm or such less frequent storm as required by the New Milford Road Ordinance or recommended by the New Milford Director of Public Works. Analysis shall be based on anticipated run-off at full development under current zoning.

##### **2.4.2 Construction –**

The construction of drainage facilities including catch basins, pipes, swales, detention basins, culverts, manholes and bridges shall conform to the specifications and methods set forth in the Road Ordinance of the Town of New Milford as amended.

### **2.4.3 Erosion and Sedimentation –**

The minimum standards for individual control measures are those in the Connecticut Guidelines For Soil Erosion and Sediment Control (1985) as amended and the appropriate method from those guidelines shall be used to determine peak flow rates and volumes of runoff.

### **2.5 WATER SUPPLY –**

All subdivision plans shall make proper provision for water supply to all proposed lots.

#### **2.5.1 Community Water Supply –**

In areas generally supplied by a community water system the proposed subdivision shall be connected to such system. The extension shall be designed and constructed in accordance with the requirements of the water company and those of the New Milford Department of Public Works as to the location of utilities within the street. All necessary mains, branch offsets to each lot and fire hydrants shall be installed by the developer without expense to the Town. A letter from the public water company confirming the availability of services shall be included with a submission proposing public water supply.

#### **2.5.2 Private Well Supply –**

An applicant proposing private wells serving individual lots shall submit evidence of the feasibility of such supply and such wells shall be located and installed in conformity with prevailing health codes.

**2.5.3 Fire Protection-** The sub-divider shall take into account the need for adequate fire protection either by providing hydrants in the water supply system or a fire suppression system approved by the Commission within the subdivision, including necessary access easements to such system.

### **2.6 SANITARY DISPOSAL –**

All subdivision plans shall make proper provision so adequate sanitary sewage disposal can be installed with respect to all proposed lots.

#### **2.6.1 Public Sewer System –**

In areas generally served by the public sewer system, the proposed subdivision shall be connected to such system. The extension of the system shall be designed and constructed in accordance with the requirements of the New Milford Water Pollution Control Authority (NMWPCA) and those of the New Milford Department of Public Works as the location of utilities within the street. All necessary mains, offset branches to each lot and pump stations (if required) shall be installed by the developer without expense to the Town. A letter from the NMWPCA confirming the service availability shall be included with a submission proposing public sewer service.

### **2.6.1a Future Service –**

In areas where the public sewer system is planned but not yet available, the Commission may require installation of capped dry sewer lines in the street as well as associated laterals.

### **2.6.1b Conveyance –**

The Town will require a conveyance from the sub-divider to the Town of any sanitary sewer system installations and appurtenances.

### **2.6.2 Septic Sanitary Disposal–**

Subsurface individual sewage disposal systems shall be designed and installed in accordance with the requirements of the Connecticut Public Health Code Regulations and Technical Standards for Subsurface Sewage Disposal Systems.

### **2.6.2a Site Tests and Sanitation Report –**

Where on site sewage disposal is to be provided, percolation tests, soils tests and groundwater observations shall be within the perimeter of the proposed sewage disposal systems for each lot as prescribed by the Connecticut Public Health Code. The applicant shall install a segment of perforated pipe, at least 4 inches in diameter, vertically from the bottom of every test pit dug in the propped subdivision to an elevation approximately 18 inches above grade or higher for ground water table observation. The Planning Commission shall be notified at least seven (7) days in advance of the performance of such tests. A professional engineer licensed in Connecticut shall complete and submit to the Commission a report including a map showing the numbered locations of the tests, the percolation rates observed, the soil characteristics encountered, and the water table elevations observed.

### **2.7 OTHER UTILITIES -**

Utilities generally shall be located within the street right-of-way on a side of and parallel to the street. Electric power, telephone and other cable systems shall be placed underground in all subdivisions. The Commission may waive this requirement where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

### **2.8 OFF TRACT IMPROVEMENTS –**

New developments may stress existing infrastructures beyond acceptable limits. The Commission may require reasonable off-tract improvement necessitated by a new development and, in such instance, shall require their inclusion with approved subdivision plans.

## **2.8.1 TYPES OF IMPROVEMENTS THAT MAY BE REQUIRED -**

### **2.8.1a Drainage -**

If the existing system functions inadequately or does not have adequate capacity to accommodate the applicant's stormwater runoff given existing and reasonably anticipated peak hour flows, drainage improvements may include (but are not limited to): installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, rip rap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances.

### **2.8.1b Sanitary Sewers -**

If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, sanitary sewer improvements may include (but are not limited to): installation, relocation, or replacement of collector, trunk, and interceptor sewers, pump stations, and associated appurtenances.

## **2.9 OPEN SPACE -**

Open spaces, parks or playgrounds shall be provided and reserved in each subdivision for residential purposes and may be required in commercial-industrial subdivisions as appropriate to accomplish objectives such as:

To preserve and provide recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms or other natural features, and scenic and historic resources; to supplement existing open space and recreational areas; to promote the development of land in a way that is sensitive to the environment; to promote development compatible with surrounding areas; to preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion and water pollution; to control the extent to which steep slopes and problem soils are used for roadways, sewage disposal systems and other aspects of development; and to preserve the Town's rural character by providing and preserving compatible streetscapes and other visual amenities along roadways.

### **2.9.1 Type and Amount of Open Space -**

The land reserved shall be of such size, location, shape, topography and general character as to be useful to accomplish the Commission objectives. The reservation of land also shall conform to the New Milford Plan of Conservation and Development pertaining to parks, playgrounds, recreation areas and open spaces. Not less than 15% of the total area of the subdivision shall be so reserved.

#### **2.9.1a Size Exception -**

The open space reservation requirement shall not apply if the parcel to be subdivided is less than twice the required minimum lot size plus ten percent (10%) of the lot size required in the zone.

### **2.9.1b Family Sale Exception –**

The open space reservation requirements shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration.

### **2.9.2 Access and Improvement of Open Space–**

The Commission may require the open space to have direct access to a public street through an access area which is at least [15] 10 feet wide. Improvements to the accessway may be required by the Commission. In cases where the open space is intended as a link in a trail system, the Commission may require such trail to be marked, cleared and improved in a manner appropriate to the intended form of use.

### **2.9.3 Fees in Lieu of Open Space–**

When conditions such as subdivision size, population density, existing municipal facilities, topography, or other site- or development-specific characteristics are such that on-site open space is not desirable, the Commission may require the applicant to provide a fee in lieu of open space or a combination of land and fee.

#### **2.9.3a Amount –**

Such payment or combination of payment and the fair market value of land transferred shall equal no more than 10 percent of the fair market value of the land to be subdivided before subdivision approval. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost to be borne by the applicant.

#### **2.9.3b Method of Payment –**

A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. Each approved lot on the subdivision plan shall have a note placed thereon stating the exact dollar amount to be paid to the Town at the time of sale of the lot as required by these regulations.

### **2.9.4 Open Space Ownership and Preservation–**

The type ownership and method of preservation for land dedicated to open space purposes shall be selected by the applicant subject to Commission approval. Ownership may include, but is not limited to: The Town of New Milford, pursuant to the Town Charter; a non-profit land preservation organization, also subject to their acceptance; or a neighborhood lot owners' association. The method of preservation conveyance may be a fee interest or a permanent conservation easement.

#### **2.9.4a Owners Association –**

If the open space is owned and maintained by an owners association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application. The provisions shall include, but are not necessarily limited to, the following:

- 1) The association must be established before any lot is sold.
- 2) Membership must be mandatory for each buyer and any successive buyer.
- 3) The open space restrictions must be permanent.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Lot owners must pay their pro rata share of the cost of maintenance, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association.
- 6) The association must be able to adjust the assessment to meet changed needs.
- 7) The association shall not be dissolved.

#### **2.9.4b Deed Restrictions –**

Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town-dedicated property) ensuring that:

- 1) The open space area will not be further subdivided in the future.
- 2) The use of open space will continue in perpetuity for the purpose specified.
- 3) Appropriate provisions will be made for the maintenance of the open space.
- 4) Open space shall not be converted into a commercial for-profit enterprise.
- 5) Rights of public access to the open space are provided when appropriate.

#### **2.9.4c Maintenance of Open Space Areas -**

The person or entity identified in Section 2.9.5a of these regulations as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

## SECTION 3

### APPLICATION PROCEDURES

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without approval of the Commission shall be fined not more than \$500.00 for each lot sold or offered for sale or so subdivided (Section 8-25(a), September 1997 Connecticut Planning and Zoning General Statutes).

#### **3.1 INFORMAL PRELIMINARY CONSIDERATION –**

The New Milford Planning Commission recommends that, before to submission of an official application for approval of a subdivision or re-subdivision, the applicant prepare and present to the Commission at a meeting a preliminary plan of the subdivision or re-subdivision for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided or re-subdivided before the applicant proceeds with the official application and the preparations of final maps, plans and documents required for formal consideration by the Commission. If the subdivision plan is presented in preliminary rather than in final form, any alterations or changes recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or re-subdivisions of land as contemplated under the provisions of the General Statutes of the State of Connecticut.

**In particular, neither the preliminary plan nor the informal consideration by the Commission shall be deemed to constitute part of the official procedure described in Chapter 126, of the 1958 Revision of the General Statutes of the State of Connecticut as amended nor should it be binding on either the Commission or the applicant.**

**3.1.1** The applicant(s) should avail himself of the assistance of the Commission before preparation of applications or plans to save unnecessary time and expense due to a lack of understanding of the Regulations.

**3.1.2** The applicant(s) should familiarize himself in advance with State and Town Regulations relative to health, buildings, roads and other pertinent data so that he is thoroughly aware of the obligations and standards expected. He should study these subdivision regulations and the requirements contained herein thoroughly.

**3.1.3** He should consult with parties potentially interested with him (such as lending and mortgage institutions) and with the ultimate users of the development with a view to reaching firm conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, and the most advantageous subdivision plan and other features of the proposed development.

### **3.2 FORMAL APPLICATION** –

The applicant to the New Milford Planning Commission shall submit an official “Application For Approval” including the required forms, reports, maps, data and exhibits as set forth below.

#### **3.2.1 The submission for a formal application shall include the following:**

- a) Written application, the Commission’s form, including names of partners or members or shareholders with 10% or more interest
- b) Application fee
- c) Transmittal Letter (see Section 4.2)
- d) Map, including:
  - 1-Existing conditions (see Section 4.3)
  - 2-Feasibility plan (see section 4.7)
  - 3-Site land use development, grading and landscaping plan (see section 4.8)
- e) Site photographs (see Section 4.4)
- f) Reserved for future use.
- g) Record subdivision map (see Section 4.5)
- h) Construction plans and engineering reports (see Section 4.6)
- i) Site land use development, grading and landscaping plan (see Section 4.8)
- j) Erosion and sedimentation control plan (see Section 4.8)
- k) Copy of restrictive covenants
  - l) Copy of deed demonstrating title as of application date
- m) Affidavit of transfers since September 20, 1958
- n) A release granting the Commission members or its agents permission to enter the property during the application process or while the Commission holds a bond.
- o) Names and addresses of adjacent property owners.
- p) A table showing the percentage of steep slopes and wetlands for each lot.

For all subdivisions of more than four lots, the applicant shall post a sign at least 3' x 4' with 4" letters on the property visible from each street which presents public notice of the proposed subdivision activity.

In the case of a proposed “affordable housing development”, the formal application shall include the above items plus:

- q) Copy of deed covenants to maintain affordability.

### **3.2.2 Day of Receipt –**

The receipt of an application request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, request or appeal; or thirty-five days after such submission, whichever is sooner.

### **3.2.3 Completeness of Submission –**

The Commissions shall review the submission and make a finding as to whether it is complete or incomplete. When an application is found to be incomplete, the Commission may allow the applicant until the next regularly scheduled meeting to make the application whole. If an application remains incomplete at the next regular meeting following its submission, it shall be denied without prejudice except that, if an applicant is present when such finding is made, he may be given the opportunity to withdraw the application.

### **3.2.4 Public Hearing –**

The Commission may schedule a public hearing on a subdivision application if in its judgment the circumstances require such action. The Commission shall hold a public hearing on any application for a re-subdivision, cluster housing development, planned residential development or affordable housing development. Notice of time and place of such hearing shall be published in a newspaper having a general circulation within the Town of New Milford in accordance with the provisions of the General Statutes of the State of Connecticut, as amended, and by sending a copy thereof by certified mail to the applicant. The applicant shall post a 3' by 4' sign with 4" letters on the property visible from the street which presents public notice of the proposed subdivision activity and the date, time and place of the scheduled hearing. The applicant shall notify abutting owners in writing at least 15 days before the Public Hearing by certified mail return receipt regarding the proposed subdivision activity and the date, time and place of the scheduled hearing and the proof of notice shall be made part of the hearing record. When a public hearing is scheduled, it shall commence within sixty-five days after receipt of the application and shall be completed within thirty days of commencement.

### **3.3 REVIEW AND REFERRAL -**

The Commission shall formally consider the proposed subdivision or re-subdivision after the complete application has been submitted. The application for approval of a proposed subdivision or re-subdivision shall be considered complete when the Commission, at the Regular Meeting, has made a determination that all the application requirements of these Regulations have been fulfilled by the applicant. In reviewing the application, the Commission shall consider the proposed subdivision or re-subdivision and shall determine whether the maps, plans and accompanying certificates and documents conform to the requirements of these Regulations. The Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable review of the proposed subdivision in accordance with the requirements of these Regulations.

3.3.1 Every applicant shall be afforded the opportunity to appear before the Commission. If no public hearing is conducted, notice shall be given to the applicant by mail not less than seven days before the date of the Commission meeting at which the applicant will be afforded the opportunity to appear before the Commission; and such notice shall advise the applicant of the date, time and place of the Commission meeting.

3.3.2 The Commission may refer the application to other agencies, commissions or consultants to review and comment on the proposed application within their areas of concern and expertise.

3.3.3 When the land proposed for subdivision or re-subdivision abuts or includes land in a neighboring community, the Commission shall refer the application for advisory comment to the Housatonic Valley Council of Elected Officials and, if such community is Kent, Washington or Roxbury, also to the Northwestern Connecticut Regional Planning Agency.

3.3.4 When any portion of land proposed to be subdivided or re-subdivided is a) within five hundred feet of an adjoining town, b) will generate significant traffic over the streets of that town, c) will significantly affect the drainage or sewerage system of that town or d) will create water runoff affecting facilities or property in the adjoining town, then the Commission shall notify the clerk of that adjoining municipality of the pendency of the application and no hearing may be conducted on such application unless the adjoining town has received such notice.

3.3.5 When any portion of land proposed to be subdivided or re-subdivided is within the watershed of a water company as defined in C.G.S. 16-1, and which company has filed a map of its watershed boundaries on the land records of New Milford, the applicant shall provide written notice of the application to the water company and submit evidence of such notice to the Commission at the time of application.

#### **3.4 DECISION –**

On any application, request or appeal for which a public hearing is scheduled, the Commission shall render its decision within sixty-five (65) days after the hearing is closed. In case on which no public hearing is held, the Commission shall make its decision on the application within 65 days after the Regular Meeting at which the application is received. The applicant may consent in writing to one or more extensions of the (65) day period provided any such extension or extensions shall not exceed a further period of (65) days. If an application involves a wetlands activities and the time for a decision by the Planning Commission would elapse before the 35th day after a decision by the Inlands Wetlands Commission, the time period for a decision shall be extended to 35 days after such agency's decision. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant.

### **3.5 APPROVAL -**

The Commission, after the public hearing, if any, or after meeting, shall approve the subdivision application if it finds the subdivision map and plans and accompanying certificates, documents, and data conform to the requirements of these Regulations. Such approval shall include and be conditioned upon the following:

**3.5.1** Completion of all required subdivision improvements, or the posting of a bond guaranteeing such completion;

**3.5.2** Reserved for future use.

**3.5.3** Presentation of a copy of a permit from the ConnDOT for any proposed road or storm drainage system which joins with a State Highway, which permit shall include all potential drainage flow from the subdivision and all land in the watershed draining through the subdivision;

**3.5.4** Presentation of evidence that final arrangements have been made for provision of any proposed sewage disposal system and/or water supply system; and

**3.5.5** Presentation of a copy of a report from the Inland Wetlands Commission concerning any proposed modification of wetlands and watercourses and/or other matters within the jurisdiction of said Commission proposed in connection with construction of required subdivision improvements. The Planning Commission shall not render a decision until the Inland Wetlands Commission has made its final decision.

If an application involves a wetlands activity and the time for a decision by the Planning Commission would elapse before the 35th day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to 35 days after such agency's decision. The provision of this subsection shall not be construed to apply to any extension consented to by an applicant.

**3.5.6** In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents to preserve the purpose and intent of these Regulations. If the Commission does not approve the subdivision application and all the accompanying maps, plans, certificates, and documents, it may modify and approve, or disapprove the application. In approving, modifying, or disapproving an application, the Commission shall state in its records any conditions of approval and modifications required, and the grounds for its action.

**3.5.7** Notice of the Commission's decision shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant, by the Commission staff, in any written, printed, typewritten, or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application has been approved, modified and approved, or disapproved, together with the date of such action but the applicant shall also receive from the Commission, under the same cover with the

statement, copy of the notice of its decision, any conditions of approval, any modifications required, and the grounds for the Commission's action.

### **3.6 CONDITIONAL APPROVAL –**

In lieu of the completion of the work or the provision of a 100% bond as provided herein, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. The conditional approval is intended to allow construction of infrastructure improvements to begin in accordance with plans, but not to authorize the sale of lots or construction of homes. Any request for conditional approval must be accompanied by a cash bond in the amount of 10% of the estimated cost of the infrastructure improvements required by the Commission. Any conditional approval shall be specifically conditioned upon the actual construction, maintenance and installation of utilities and improvements require by the Commission, or the provision of a bond to guarantee performance of such items. A final approval will be endorsed on the plan upon the occurrence of either completion of the improvements or posting of such bond. Any conditional approval shall lapse three years from the date it is granted; the developer may apply for and the Commission may grant a renewal of such conditional approval for an additional two years. Any person, firm, or corporation, prior to such final approval, who sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined not more than \$500.00 for every lot sold or offered for sale.

### **3.7 BOND –**

The applicant shall execute an agreement and file a subdivision bond with the Planning Commission Office to guarantee infrastructure completion within an initial time period of 5 years or less with additional time periods subject to Commission approval of extensions. The bond shall be acceptable to the Commission.

### **3.8 PLANNED RESIDENTIAL DEVELOPMENTS -**

#### **3.8.1 General**

In accordance with the procedures and requirements herinafter specified and of the Zoning Regulations, the Commission may approve an application for a Planned Residential Development (PRD). An approval under this section with or without conditions, authorizes application for a Zoning permit.

#### **3.8.2 Informal Preliminary Consideration**

The Commission would recommend that, before submission of an official application for approval of a PRD, the applicant prepare and present a preliminary plan of the proposed planned development for informal study and consideration by the Commission. The preparation of a preliminary plan of development is recommended to facilitate general consideration of factors and problems that affect or may affect the development of land being submitted for a PRD before proceeding with the preparation of the fully detailed maps, plans, documents and presentation required for formal consideration by the Commission.

Presentation of the PRD for consideration in a preliminary rather than in a final form allows for changes or alterations, recommended or required by the Commission, to be more readily and economically made. Neither the preliminary presentation nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approval of, a PRD as contemplated herein, or, under the provisions of the General Statutes of the State of Connecticut.

The preliminary submission should contain the following information:

- A. A general description of the project and how the project design will provide significant benefit to the proposed community and/or the Town and that the neighborhood properties will not be substantially or permanently injured.
- B. A statement regarding the nature of all proposed open spaces and the means by which they will be maintained and their continuity guaranteed.
- C. A statement regarding the proposed types of dwelling units, methods of ownership occupancy and general design concepts.
- D. A proposed schedule for development of the PRD including provision for any phasing of construction of dwellings, utilities, recreational facilities and other services. The Commission may allow bonding to reflect the phasing of construction.
- E. A statement regarding the types and uses of all non-residential structures proposed.
- F. A statement regarding the type of water supply and sewage disposal facilities proposed, the method of establishment of such facilities and the intended ownership, financing and management arrangements.
- G. Computation and data showing compliance with the Zoning regulations.
- H. Such other information that the applicant deems will be of assistance in the consideration of the PRD application.

### **3.8.3 Preliminary Maps and Plans of the PRD Tract**

Seven (7) clear, legible prints, each drawn to a scale of not less than 1" = 40' as follows (these maps may be combined, provided they clearly show all the information required):

- A. Existing Condition Evaluation Map showing the entire tract with the following:
  - 1. Boundaries of the tract and approximate dimensions and the names of all owners.
  - 2. Existing contours at intervals not exceeding two feet in building areas and sewage disposal areas and ten feet elsewhere.

3. Significant topographic features, such as all wetlands and water courses, rock outcroppings, wooded and other vegetation areas by type and other natural features.
  4. General soil types by Soil Conservation Service classification.
  5. The location of any existing structures, trailways, fences and walls.
- B. Sketch Subdivision Plan showing how the tract could reasonably be divided into individual building lots conforming to the Zoning and Subdivision Regulations and served by roads that could conform to the Road Ordinance.
- C. Site Use Plan showing the following:
1. The location of proposed vehicular access into the tract and the principle system of circulation, driveways or streets within the tract.
  2. Areas, with boundaries delineated, for dwelling construction and accessory services, and with data on the acreage of such areas and the number and type of dwelling units proposed for each.
  3. Areas or sites proposed for recreational facilities and any nonresidential structures.
  4. Areas proposed for on site sewage disposal leaching systems.
  5. Proposed connection to a public water supply or proposed site for water supply wells and if appropriate water storage facilities.
  6. Areas, with boundaries delineated, for reservation as open space land.
  7. Any existing or proposed restricted areas such as setbacks from the boundary tract, channel encroachment lines and zone boundaries including flood plains.
- D. Sanitation and Water Supply Study Report in five (5) copies presenting: a) Estimates of water supply and sewage disposal requirements; b) Results of soil investigations, including borings, seepage tests and test pits for areas proposed for sewage disposal; c) a description and schematic layout of proposed sewage disposal facilities and; d) a description of the proposed water supply system.

Additional percolation and test pits may be required by the Commission.

The Commission may require that test wells be drilled and the results furnished to the Commission prior to final approval.

All of the above shall be prepared and certified by a Professional Civil Engineer.

E. Schematic Architectural Drawing in four (4) legible sets of prints illustrating the type of dwelling proposed in the PRD, provided however that such drawings are not required for single family detached dwellings proposed to be individually constructed and owned on separate lots.

### **3.8.4 Formal Application**

Following Preliminary Consideration, the applicant for a PRD shall submit the following for final approval:

A. A PRD Application Form: as prescribed by the Commission completed and signed by the applicant and also signed by the owner of the land in the PRD if different from the applicant.

B. Final Plan: This map shall cover the entire PRD tract proposed for final approval.

C. Site Improvement Plans: These plans shall cover all proposed streets, driveways, utilities including drainage, water supply and distribution system and sewage disposal system, provisions for erosion and sedimentation control and other improvements for the area covered by the Final Plan. Roadway Plans shall conform to Section 4.6 and be of a scale of 1" = 40' minimum. Areas requiring extensive grading shall be on a scale of 1" = 20'.

D. Grading and Landscape Plans: These plans shall cover all areas included in and at the same scale as the Final Plan and shall show at least the following information:

1. Areas to be graded with the existing and final contours at 2' intervals.
2. Layout of proposed areas to be seeded and landscaped.
3. Proposed type of planting by common name and general location.
4. Type of trees to be planted and existing trees to remain in construction areas.

E. Design Development Architectural Drawings: Architectural drawings of all typical buildings other than single family detached dwellings to be individually constructed and owned on separate lots, as proposed for construction, prepared by a registered architect, shall be submitted for design review to determine whether they meet the standards of PRD. These shall include, but not be limited to:

1. Basement plans (if any).
2. First, second and third floor plans as proposed.
3. Front, side and rear elevations of all dwelling, supporting, recreational and non-recreational structures.
4. Overall perspectives of typical grouping, courtyards or other views of proposed structures.
5. Outline specifications showing types of construction proposed and adequate to obtain a building permit under Building Code of the Town of New Milford.

F. Sanitation and Water Supply Report: Five (5) copies of: a) computations for water supply and sewage disposal systems; b) the results of test well pumping if public water supply is not to be provided; c) the design plan for sewage disposal and water supply.

G. A check payable to the Town of New Milford in the amount equal to \$20.00 for each bedroom in the proposed PRD.

### **3.8.5 Public Hearing**

Before granting final approval of a PRD, the Commission will conduct a public hearing in accordance with the General Statutes of the State of Connecticut.

### **3.8.6 Final Review**

The Commission shall review the submission for completeness and may request the submission of additional information deemed necessary to clarify or complete the application.

### **3.8.7 Final Approval**

The Commission shall act on the application in accordance with Section 3.4.

### **3.8.8 Performance Bond**

The Commission shall require a cash performance bond guaranteeing completion of all public improvements in accordance with Section 3.7. An additional site performance bond may be required to guarantee completion of all utilities and other site improvements before a Certificate of Occupancy is issued.

### **3.8.9 Filing**

The Final Plan shall be filed or recorded by the applicant in the office of the Town Clerk in accordance with Section 3.11.

### **3.8.10 Changes In Approved PRD**

If during the development of construction of the PRD, any changes are proposed or required which affect the approved Final Plan and supporting plans, or are not in accordance with the stipulations of approval, the appropriate maps, plans and documents showing such changes shall be submitted to the Commission before effecting or implementing such changes. If the changes do not affect the approved density of bedrooms or reduce the amount of open space, or alter conditions imposed by the Commission, the Commission may approve the changes by resolution and notice of such action shall be sent to the applicant within 10 days and thereafter such approved changes may be effected or implemented. If the changes do affect the approved density of bedrooms or reduce the amount of open space or alter conditions imposed by the Commission, such changes may be made only after a new submission of a PRD application, which shall be considered by the Commission in accordance with the General Statutes of the State of Connecticut. The Application Fee for such revisions shall be determined by the Commission.

3.9 Reserved for future use.

3.10 **MAP ENDORSEMENT** –

The Commission shall endorse the record subdivision map to permit filing with the Town Clerk, but such endorsement shall not be executed until all conditions of approval have been met or provided for, all required conveyances have been presented and/or an appropriate performance bond has been posted to guarantee completion of required improvements.

3.11 **FILING AND RECORDING** -

The final approved and endorsed subdivision map shall constitute the record subdivision map. The date of approval of the record subdivision map shall be noted on said map by the Commission Chairman or Secretary. Within 90 days after the endorsement of the record subdivision or re-subdivision map, the applicant shall file and record in the office of the Town Clerk the record subdivision map and any easements; except that the Commission may by resolution extend the time for such filing and recording for two additional periods of 90 days and the map shall remain valid until the expiration of such extended time. Filing or recording fees shall be paid by the applicant. The Town will file deeds for any open space and for streets when it accepts them, and any filing or recording fees shall be paid by the applicant.

3.12 **CERTIFICATE OF COMPLIANCE** –

Before release of any subdivision or re-subdivision bond, or before the Commission endorses any subdivision or re-subdivision map to permit filing with the Town Clerk, the Commission may require the applicant to present a statement, signed and sealed by a land surveyor or engineer, fully licensed in the State of Connecticut, certifying such surveyor or engineer has inspected the required construction work and that all of the required improvements have been completed in accordance with plans and Town specifications as approved, such certification to be reviewed by the Town Engineer. The Commission may require a Performance Bond to remain in effect during a maintenance period of two years commencing with the date the Commission accepts the subdivision improvements and recommends acceptance of same by the Town Council as Town Public Highways. The amount of such maintenance bond shall be ten percent (10%) of the original bonded amount.

3.13 **COMPLETION** –

All work in connection with a subdivision or re-subdivision shall be completed within an initial time period of five years or less, with additional time periods subject to Commission approval of extensions in accordance with General Statutes Section 8-26c. The expiration date shall be shown on the record subdivision map.

**3.13.1** The applicant may apply for, and the Commission may grant, one or more extensions of the time to complete the work in connection with such subdivision, if the time for all extensions under this subsection shall not exceed 10 years from the date the subdivision was approved. If the Commission extends an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety furnished under this Section, securing the Town the actual completion of the work.

**3.13.2** Before the issuance of any certificate of occupancy, all roads shall be completed to include the first course of asphalt.

## SECTION 4

### MAP, PLAN AND REPORT STANDARDS

#### **4.1 GENERAL –**

The maps and plans required by these Regulations shall show the information and be prepared in accordance with the standards hereinafter specified. The following requirements are applicable to all maps and plans:

4.1.1 All maps, plans, and profile drawings shall be prepared by and shall bear the name, signature and seal of a land surveyor or engineer, or both, as required by law. They shall also show the following:

- a) Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town.
- b) Name and address of the owner of the land to be subdivided; name and address of the applicant, if different from the owner.
- c) Date, scale, true north and magnetic north points, Town and State.

4.1.2 Record maps for filing in the Town Clerk's office shall be clearly and legibly drawn and shall be submitted on a polyester film not less than 3 mils thick, and having a sheet size of either 12" x 18", 18"x 24", or 24" x 36". All plan and profile and construction drawings for filing in the Department of Public Works shall be clearly and legibly drawn and shall be submitted either on a photographic washoff mylar, not less than 3 mils thick, or an original ink mylar not less than 3 mils thick, and having a sheet size of 24" x 36".

4.1.3 A locator map shall be supplied (scale: 1"=1,000') showing the location of the subdivision in relation to primary roads in Town.

#### **4.2 TRANSMITTAL LETTER -**

A narrative overview of existing conditions will be submitted with discussion of site areas most and least suitable for development. The discussion should reflect the applicant's familiarity with State and Town Regulations relative to land use, health, buildings, roads and other pertinent development issues. It should present the basic market strategy for the subdivision and the manner in which the proposed subdivision will be planned to satisfy the purpose of these regulations in conformity with zoning and in furtherance of the goals of New Milford Plan of Conservation and Development.

### **4.3 EXISTING CONDITIONS MAP -**

The purpose of the existing conditions map is to identify the site's features with sufficient information for the Commission to review and consider with respect to the several purposes of these regulations, as listed in Section 1.3. The existing conditions map shall show the following for the parcel to be subdivided and for a reasonable distance, but not less than 200 feet adjacent to the parcel:

**4.3.1** Existing streets, including the paved travel way and the street lines on both sides; also the classification of existing streets on the Circulation Plan of the New Milford Plan of Conservation and Development and a notation as to whether any streets are designated scenic roads or country roads by municipal ordinance or in the Plan of Conservation and Development.

**4.3.2** Property line of the parcel to be subdivided and adjacent properties along with the names of adjacent subdivisions or owners and any existing easements.

**4.3.3** Any existing storm drainage system and identification of downstream drainage facilities likely to be affected by the parcel's development.

**4.3.4** Existing utilities including any utility easements over the parcel.

**4.3.5** Existing buildings, structures, stone walls, wells, septic systems, cisterns and other site improvements such as but not limited to trails, fences and driveways including a notation if any buildings or structures are designated as historic.

**4.3.6** General soils types by Soils Conservation Service classification and specific identification of areas likely to be shallow to bedrock, areas of wetlands soils and rocky outcrops. Identification of areas likely suitable for on site septic disposal, including results of sufficient percolation and deep pit tests to indicate variation of soils types, at least one (1) test for each five (5) acres. All tests shall be clearly numbered and identified on the supplemental map.

**4.3.7** Wooded areas by foliage line, meadows, farmlands and individual trees greater than 30" diameter breast high or specimen type tree.

**4.3.8** Watercourses, ponds, aquifers, floodplains and any water supply watershed area.

**4.3.9** On a separate map, existing elevations and contours at 2' intervals with specific identification of areas with slopes in excess of 25%. It also should be noted whether the parcel is situated on one of the following hills or mountains: Bear Hill, Peat Hill, Iron Hill, Green Pond Mountain, Mount Tom, Long Mountain including Rock Cobble Hill, Sawyer Hill, Candlewood Mountain, Pine Knob, Great Mountain, Second Hill, Mine Hill, Cedar Hill, Stilson Hill, Carmen Hill, Town Hill, Pine Hill, Boardman Mountain, Fort Mountain and Guarding Mountain (as identified on U.S.G.S. maps Kent and New Milford quadrangles). Existing elevations should be tied into the Connecticut Data.

4.3.10 Reserved for future use.

4.3.11 Existing zoning classification and Land Use Category in New Milford's Plan of Conservation and Development.

4.3.12 Adjacent open space abutting the parcels, including ownership of this open space.

#### 4.4 SITE PHOTOGRAPHS -

Site photographs should be a simple visual presentation of key site features. Photos should be no smaller than 4" by 6" and should be in color. At a minimum, photos should include pictures of the existing street frontage, the entry and centerline of proposed streets, notable features identified on the map of existing conditions, and a typical likely building site. Photos should be labeled and keyed to an index map which could be the map of Existing Conditions.

In the preparation of a feasibility plan layout, the applicant and his engineer should reference the development strategies for rural conservation set forth in the New Milford Plan of Conservation and Development. The map should include notes or narrative illustrating the conservation or explaining the elimination of key natural or historic site features.

#### 4.5 RECORD SUBDIVISION MAP -

The record subdivision or re-subdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2 Survey" of the Connecticut Association of Land Surveyors, Inc. The map shall show the following:

4.5.1 Existing and proposed property lines including street lines on both sides of an existing street, with the opposite street line tied into the proposed subdivision or re-subdivision; adjoining street and property lines for a distance of 200 feet and names of adjacent subdivisions or owners.

4.5.2 Existing and proposed watercourses, wetlands, ponds, easements and rights-of-way; channel and building lines; encroachment lines to protect natural features.

4.5.3 Proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds; the square footage of all lots and open spaces, the buildable area of all lots, and the total acreage of land included in the subdivision.

4.5.4 Existing permanent buildings and structures.

4.5.5 Dimensions in all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines; and the central angle, tangent distance and radius of all arcs.

4.5.6 The width of all existing and proposed streets, rights-of-way and easements, street names.

4.5.7 Existing and proposed monuments.

4.5.8 The zoning district or districts in which the subdivision is situated and any zoning district boundary lines.

4.5.9 An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet.

4.5.10 The survey relationship of proposed streets to nearby monumented Town streets or State Highways where practical.

4.5.11 The words "Approved by the New Milford Planning Commission" with a designated place for the signature of the Chairman or Secretary and date of approval.

4.5.12 A designated area with the words "As Specified in Section 8-26c of the General Statutes, expiration date is \_\_\_\_\_".

#### 4.6 INFRASTRUCTURE CONSTRUCTION PLANS -

Plan and profile drawings, including typical cross-section, of all proposed streets, storm drains, sanitary sewers, public water supply lines, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs, fire suppression equipment, and other structures shall be submitted.

Profile drawings shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1"= 4'. Plan drawings shall be drawn to a scale of not smaller than 1" = 40'. All contours shall be at 2-foot intervals based on field or aerial surveys except as otherwise provided herein. Profile drawings and elevations shall be based on Town, State or U.S. benchmarks or other permanent benchmarks approved by the Commission; the benchmarks used shall be noted on the plan. As-built mylars shall be prepared by a professional engineer or licensed land surveyor and submitted to the Commission. Plan-profile drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

4.6.1 Layout of proposed streets in plan and profile indicating right of way dimensions, width of right-of-way and of paving, existing and proposed centerline grade lines with stations every 50 feet, vertical curve data and percentage of grade, with a typical cross-section detail. In non-development areas existing and proposed contours may be at an interval not exceeding ten feet based at a scale of 1"=40' based on a field or aerial survey or based on an available U.S.G.S. contours, including proposed regrading cuts, fills and soil/rock removal. In non-development areas, 10 feet is acceptable.

4.6.1a **Design Report:** All design criteria and data used to develop the plan and profile drawings will be attached.

4.6.2 Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and watercourses, a sample ditch and watercourse cross sections.

4.6.2a Drainage Report: A drainage analysis map shall show the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area: criteria and computations used in determining pipe sizes shall be submitted on

4.6.3 Approximate location of lot lines intersecting the street lines, lot numbers and street names and any proposed drives and house numbers.

4.6.4 A traffic study, if required by the Commission.

4.6.5 Location of all existing and proposed utilities such as gas, electric, telephone, underground and overhead utility poles, water and sewer and fire suppression equipment.

4.6.5a Sanitation and Water Supply Study Report: This report will present the estimates of public water supply and public sewage disposal requirements if needed, or the results of soils investigations, including borings, seepage tests and test pits for areas proposed for on -site sewage disposal, a description and schematic layout of proposed sewage disposal system and description of proposed water supply system.

4.6.6 Location of siltation basins, detention basins, retention basins, soil erosion and sediment control measures, limits of on-site soil disturbance, water courses, inland wetlands, construction narrative sequence.

4.6.7 The limits of any areas of tree removal necessary to provide effective use of a passive solar energy system, based on an assumed mature tree height of 50 feet.

4.6.8 Cost Estimates: Engineer's quantity estimates, unit prices and cost estimates for infrastructure construction in a format and level of detail acceptable to the Commission.

In addition to the plan and profile drawings, other necessary construction drawings and details shall be submitted as required by New Milford Road Ordinance.

#### 4.7 FEASIBILITY MAP –

The feasibility map shall show existing conditions, the proposed road and lot layout of the subdivision. If only part of the preliminary plan is being developed, a preliminary plan of contiguous land of the applicant that may be subdivided in the future shall be submitted. In the preparation of a feasibility plan layout, the applicant or his engineer should reference the developed strategies for rural conservation set forth in the current New Milford Plan of Conservation and Development. The map should include notes or narrative illustrating the conservation or explaining the elimination of key natural or historic site features. The feasibility map shall show at least the following information, with the understanding that more detailed preliminary plan studies and/or discussions with the Commission could result in minor to substantial changes in the plan. The feasibility plan should encompass the overall tract, even if only part is being proposed for subdivision:

- 4.7.1 Existing and proposed road, utility and drainage systems, location of existing and proposed roads, utility systems including potential extension to provide access to adjacent properties, preliminary grade estimates and sight distance at intersections and curves.
- 4.7.2 Location of all borings, deep hole tests, percolation test holes with a table displaying test results.
- 4.7.3 Layout of dwellings and recreational facilities, if any, sewage disposal systems and reserve areas including MLSS spread, and also showing 75-foot well radii and regulated wetlands or watercourses set-back lines. Also show lot area, required yard set-backs.
- 4.7.4 Principal wooded areas, any ledge outcrops and existing stone walls and fences within the subdivision, existing and proposed trails.
- 4.7.5 Location of all siltation basins, erosion and sediment control measures for each lot, and limits of soil disturbance.
- 4.7.6 Location and limits of areas subject to potential flooding; boundaries of any Flood Prone Areas and floodways and the base flood elevation date thereof; and the lowest floor elevations that would be applicable for a building on any lot in the Flood Prone Area.
- 4.7.7 Schematic site development proposal for each lot showing proposed building location, parking area and driveway, well location and 75' well radius, septic system location and any regulated set-backs from watercourses or wetlands. All proposed driveways shall be shown with profile grades and sight distances noted. Proposed contours shall be shown for driveways with grades between 10% to 15 % in residential subdivisions and between 6% to 10% in commercial or industrial subdivisions. Proposed contours shall be shown to reflect the earthwork required to achieve the sight distances noted.
- 4.7.8 Layout of proposed areas to be seeded and landscaped with proposed type of planting by common name and general location including type and locations of trees to be planted.
- 4.7.9 Layout of existing and proposed lot lines and street lines.
- 4.7.10 Proposed dedicated open space and conservation or scenic easement areas.
- 4.7.11 Include assessor's map and lot number of original parcel.
- 4.7.12 Sidewalks, gutters and special structures.

#### **4.8 EROSION AND SEDIMENTATION CONTROL PLAN –**

The following shall apply to the submission and approval of an Erosion and Sedimentation Control Plan. All provisions of this Section are in addition to other requirements of these Regulations. No land development which is cumulatively more than one-half acre in area shall be undertaken in any district unless certification of a Control Plan in compliance with the provisions of this Section has first been obtained from the Commission or its designated agent. No permit shall be issued until a Control Plan has been approved by the Commission or its designated agent, or it has been determined that a Control Plan is not required.

##### **4.8.1 Required Submission-**

The submission of material required to obtain approval of a Control Plan shall include, but not be limited to the name, address and phone number of the contact person responsible for the plan and the following plan components:

##### **A narrative describing:**

- a. The development;
- b. The schedule for grading and construction activities including;
  1. Start and completion dates;
  2. Sequence of grading and construction activities;
  3. Sequence for installation and/or application of soil erosion and sediment control measures;
  4. Sequence for final stabilization of the project site.
- c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- g. The engineer's cost estimate for the proposed control plan measures and facilities.

**A site plan map drawn to a scale of not less than one inch to 100 feet to show:**

- a. The location of the proposed development and adjacent properties;
- b. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
- c. The existing structures on the project site, if any;
- d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
- e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- f. The sequence of grading and construction activities;
- g. The sequence for installation and/or application of soil erosion and sediment control measures;
- h. The sequence for final stabilization of the development site.

Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

**4.8.2 Minimum Acceptable Standards -**

- a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Control Plans shall result in a development that; minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- b. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended shall be used in determining peak flow rates and volume of runoff unless an alternative method is approved by the Commission.

#### **4.8.3 Issuance or Denial of Certification -**

- a. The Commission shall either certify that the Control Plan, as filed, complies with the requirements and objectives of this section or deny certification when the development proposal does not comply with this Section.
- b. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124 A or 126 of the General Statutes.
- c. Before certification, any plan submitted to the Town may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt.
- d. The Commission may send a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

#### **4.8.4 Bond or Other Assurance -**

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Control Plan, may be required to be covered in a bond or other assurance acceptable to the Commission.
- b. Site development shall not begin unless the Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Control Plan. Additional soil erosion and sediment control measures and facilities may be required as field conditions warrant.
- d. All control measures and facilities shall be maintained in effective condition to ensure compliance with the Control Plan.

#### **4.8.5 Inspection -**

Inspections shall be made by the Commission's designated agent during development to ensure compliance with the Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission shall require the permittee to verify through bi-weekly progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the Control Plan and are being operated and maintained. Additional control measures may be required by the inspector as field conditions warrant.

#### **4.9 SCHEMATIC ARCHITECTURAL DRAWINGS -**

These drawings should illustrate the type of dwelling units proposed in an affordable housing development. The drawings should present sufficient detail to provide a sense of the intended architectural style of the complex and the layout of typical units.

## SECTION 5

### DEFINITIONS OF TERMS

#### **5.1 USAGE**

- 5.1.1 The numbers, abbreviations, terms, and words used in these Regulations shall be used, interpreted, and defined as this Section provides.
- 5.1.2 Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations"; the word "Regulations" means "these Regulations;" the words "these Regulations" mean the Subdivision Regulations of the Town of New Milford; words of the masculine gender include correlative words of the feminine and neuter genders.
- 5.1.3 A "person" or "applicant includes an individual, a firm, an organization, a corporation, a partnership, or an incorporated association of persons such as a club; "shall" is always mandatory; "may" is always permissive; "should" implies expectation not obligation; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- 5.1.4 If a question arises as to the expressed intent and/or purpose of a definition or work usage in these Regulations, the Commission, by resolution, shall determine its meaning.
- 5.1.5 The terms "Architect," "Landscape Architect," "Surveyor," "Land Surveyor," "Engineer," "Professional Engineer," "Civil Engineer," "Sanitary Engineer," "Soil Scientist," "Appraiser" refers to that specific professional, registered, certified or licensed or as required to practice in the State of Connecticut.

#### **5.2 WORDS AND TERMS DEFINED**

- 5.2.1 **Affordable Housing**: Housing for which persons and families pay a specified amount as defined by State Statute, or as amended.
- 5.2.2 **Affordable Housing Development**: As defined by State Statute.
- 5.2.3 **Agricultural Land**: Any land suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and/or valuable plant products and for the production of animals, livestock and poultry useful to man and/or the environment, and land capable of providing economically profitable farm units, and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas.

- 5.2.4 Reserved for future use.
- 5.2.5 **Applicant**: The subdivider or his agent or successor in interest who has signed the subdivision application.
- 5.2.6 **Application**: An application for consideration of a proposed subdivision or re-subdivision as provided in Section 3.2.
- 5.2.7 **Base Flood**: Flood having a one percent chance of being equaled or exceeded in any given year.
- 5.2.8 **Base Flood Elevation**: Elevation of the base flood as recorded on the Flood Hazard Boundary Map and accompanying stream profile data.
- 5.2.9 **Bond**: A bond in an amount and form acceptable to the Commission, which is intended to provide a financial guarantee of the completion of the planned improvements. (See performance guarantee)
- 5.2.10 **Buffer**: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation and/or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of the site from adjacent sites or properties.
- 5.2.11 Reserved for future use.
- 5.2.12 **Building Line**: A line on a lot or parcel of land establishing the minimum setback for structures from a street line.
- 5.2.13 **Building Orientation**: The relationship of a building's longest axis to the true south compass point. Optimal building orientation for detached housing usually occurs when the building's longest axis is east to west (90 degrees from true south) with acceptable variations of 10 degrees to the northwest and 25 degrees to the southwest.
- 5.2.14 **Commission**: The Planning Commission of the Town of New Milford.
- 5.2.15 **Common Driveway**: A privately owned and maintained driveway, serving at least two lots but not more than six lots, located on a strip of land which is everywhere not less than 20 feet in width connecting to a "street" as that term is defined herein.
- 5.2.16 **Common Open Space**: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.
- 5.2.17 Reserved for future use.

- 5.2.18 **Conditional Approval:** An approval of a proposed subdivision by the Commission which authorizes filing of a plan and which permits construction of site improvements, but not the sale or offering for sale of lots. Conditional approval is specifically conditioned on the actual completion of the required infrastructure or the provision of a performance guarantee.
- 5.2.19 **ConnDOT:** The Department of Transportation of the State of Connecticut.
- 5.2.20 **Conservation Commission:** The New Milford Conservation Commission.
- 5.2.21 **Construction:** Includes site clearing, grubbing, excavation and grading, installation of utilities, drainage and roadways and individual site improvements such as driveways, wells, septic systems and structures.
- 5.2.22 **Cul-de-sac:** A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof, having only one outlet to a through State or Town road, and ending in a circle as defined by the Road Ordinance of the Town of New Milford.
- 5.2.23 **Date of Receipt:** The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or 35 days after such submission, whichever is sooner.
- 5.2.24 **Dead-End Street:** A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof, having only one outlet to a through State or Town road.
- 5.2.25 **Detention Basin:** An impoundment made by constructing a dam or embankment or by excavating a pit or dugout designed to hold water for a limited time.
- 5.2.26 **Development:** Any construction or grading activities pertaining to a subdivision or re-subdivision.
- 5.2.27 **Development for Agricultural Purposes:** Development exclusively for use as agricultural land.
- 5.2.28 **Disturbed Area:** An area where the natural vegetative ground cover is destroyed, moved or removed, leaving the land subject to accelerated erosion.
- 5.2.29 **Drainage Easement:** The right, at any time, to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch or trench, or direction by enclosed conduits. Said right also includes the right to enter upon the property and to maintain said direction of the flow of water.

- 5.2.30 **Easement**: A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.
- 5.2.31 **Erosion**: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 5.2.32 **Final or Record Subdivision Plan**: The final map, which would be submitted to the Town Clerk for recording; also put under Record Map.
- 5.2.33 **FIRM**: A Federal Flood Insurance Rate Map.
- 5.2.34 **Flood Plain, 100 Year**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, as depicted on the official Flood Hazard Boundary Map issued by the Federal Emergency Management Agency.
- 5.2.35 **Flood Prone Area**: The land in the flood plain subject to a one percent or greater chance of flooding in any given year. The area is designated as either zone A or AE on the Flood Insurance Rate Map (FIRM).
- 5.2.36 **Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 5.2.37 **Free Split**: First division of property into two building lots on or after September 30, 1958.
- 5.2.38 **General Statutes**: The Connecticut General Statutes, as amended.
- 5.2.39 **Grading**: Any excavating, grubbing, filling or any combination thereof, including the land in its excavated or filled condition.
- 5.2.40 **Health Officer**: The Health Officer of the Town of New Milford or his designated agent.
- 5.2.41 **Homeowner's Association**: See "Owners Association."
- 5.2.42 **Improvement**: Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these regulations, improvements include but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading.
- 5.2.43 **Inland Wetlands Commission**: The New Milford Inland Wetlands and Watercourses Commission, being the agency designated pursuant to the Connecticut General Statutes.

- 5.2.44 **Inspection**: The review of construction activities, location, procedures and measures as shown on maps and plans approved under these regulations.
- 5.2.45 **Loop Street**: A proposed cul-de-sac, or any extension of an existing cul-de-sac, that curves back to intersect with itself.
- 5.2.46 **Lot**: A parcel of land which is either owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of New Milford, or is a building lot shown on a subdivision map approved by the Planning Commission and filed in the office of the New Milford Town Clerk. A lot may not necessarily be suitable for construction.
- 5.2.47 **Lot and Area**: The total horizontal area within the lot lines. In determining compliance with the minimum lot area requirements of these regulations, areas consisting of wetlands, watercourses, natural slopes in excess of 25%, portions of the lot less than 25 feet wide, or the private right-of-way leading to the rear lot shall not be included.
- 5.2.48 **Lot, Interior**: See Lot, rear.
- 5.2.49 **Lot Line**: The property lines bounding a lot as defined herein.
- A. **Lot Line, Front**: In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; the case of a corner lot, the Zoning Commission shall, for the purpose of these regulations, have the privilege of electing any street lot line as the "front lot line".
- B. **Lot Line, Rear**: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.
- C. **Lot Line, Side**: Any lot line which is not a front lot line or a rear lot line, as defined herein.
- 5.2.50 **Lot, Rear**: A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a permanent access way no less than twenty (20) feet wide and owned in fee by the same ownership as the interior portion.
- 5.2.51 **Maintenance Agreement**: An agreement between property owners sharing a common driveway which stipulates the respective rights and responsibilities of each owner for maintenance and repair of the common driveway and the remedies available to the parties when one or another fails to meet his responsibility

- 5.2.52 **MLSS**: Minimum Leaching System Spread, as defined by Connecticut Public Health Code.
- 5.2.53 **Open Space**: Land or water that is set aside relatively free of buildings or other physical structures, except for outdoor recreation facilities and which is set aside, dedicated, designated, or reserved for the public, or common use of the subdivision residents. In practice this means that open space does not have streets, drives, parking lots, pipelines or power easements on it. Private spaces such as rear yards and patios, not available for general use are not included.
- 5.2.54 **Owner's Association**: A community association that is organized in which individual owners share common interests and responsibilities for costs and upkeep of open space or other facilities such as but not limited to common driveways, parking areas, or drainage.
- 5.2.55 **Passive Solar Energy Techniques**: Passive solar energy techniques shall mean the use of (1) house orientation, (2) street and lot layout, (3) vegetation, (4) natural and man-made topographical features and (5) the protection of solar access within the subdivision as tools for maximizing solar heat gain, minimizing heat loss and providing thermal storage within a building during the heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.
- 5.2.56 **Performance Guarantee**: Any security that may be accepted by the Commission as a guarantee that the improvements required as part of an application for development will be completed satisfactorily. A performance guarantee must be in a form acceptable to the Commission. A letter of credit is not an acceptable form. See "Bond".
- 5.2.57 **Plan and Profile**: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by both these Regulations and the town road ordinance.
- 5.2.58 Reserved for future use.
- 5.2.59 **Premises**: Includes land and buildings on a parcel.
- 5.2.60 **Print**: A blueprint, photostat, lithoprint; or other copy which reproduces exactly the data on the original drawing(s) from which it is made.
- 5.2.61 **Public Water System**: Includes a corporation, company, association, joint stock association, partnership or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any pond, lake reservoir, or distributing plant employed for the purpose of supplying water for general domestic use in any town, city or borough, or portion thereof, within this State.
- 5.2.62 **Public Open Space**: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

- 5.2.63 Public Sewerage System:** A sewerage system owned by the Town of New Milford and operated by the New Milford Water Pollution Control Authority.
- 5.2.64** Reserved for future use.
- 5.2.65 Re-subdivision:** A change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any street layout shown on such map, or (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot; if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- 5.2.66 Retention Basin:** A detention basin which prevents the continued flow of water.
- 5.2.67 Revision of Subdivision:** A minor change inside the subdivided area insofar as no street entrance or future public property is changed and no affected part of the land is already sold.
- 5.2.68** Reserved for future use.
- 5.2.69** Reserved for future use.
- 5.2.70 Rural Country Road:** A road identified as such in the New Milford Plan of Conservation and Development, as amended.
- 5.2.71 Sale:** A transfer of the absolute title of land for a price.
- 5.2.72 Scenic Road:** A road designated as such by the Town Council of the Town of New Milford.
- 5.2.73 Section:** Reference to a Section means a Section of these Regulations, unless otherwise specified.
- 5.2.74 Sediment:** Solid material, either mineral or organic, that was in suspension and has been moved, from its site of origin by erosion.
- 5.2.75 Should:** Should implies expectation but not obligation.
- 5.2.76 Septic Tank:** A substantially watertight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system.
- 5.2.77 Siltation Basin:** An excavation or structure to collect mud, silt, and debris with a controlled outlet; size, shape and location of basin to be determined by the Commission.
- 5.2.78 Soil:** Any unconsolidated mineral or organic material of any origin.

- 5.2.79 **Soil Erosion and Sediment Control Plan**: A method that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative, also called a Control Plan.
- 5.2.80 **Special Erosion Control Area**: That portion of a lot as defined by the Inland Wetlands Regulations of the Town or, as more specifically determined to exist by in-field inspection by a soil scientist, including but not limited to: rivers, streams, brooks, lakes, ponds, freshwater marshes, swamps and bogs.
- 5.2.81 **Specimen Tree**: A particularly impressive or unusual example of a species due to its size, shape, or any other trait that epitomizes the character of the species.
- 5.2.82 **Standard Specifications and Details**: The Standard Specifications and Details for construction and materials as set forth in the Town of New Milford Road Ordinance, as amended.
- 5.2.83 **State**: The State of Connecticut.
- 5.2.84 **Steep Slopes**: Slopes in excess of 25%.
- 5.2.85 **Street**: Any private road, existing town or state highway, or any proposed town or state highway shown on a recorded subdivision map duly approved by the Town Planning Commission.
- 5.2.86 **Street Frontage**: The linear distance between the side lot lines of a lot measured at the street line.
- 5.2.87 **Street Line**: That line separating the public right-of-way of a street from adjoining properties.
- 5.2.88 **Street Pavement**: The wearing or exposed surface of the roadway used by vehicular traffic.
- 5.2.89 **Street Right-of-Way**: The distance between street lines.
- 5.2.90 **Subdivider**: The owner of record at the time of filing a subdivision application with the Commission.
- 5.2.91 **Subdivision**: The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding the development for municipal, conservation, or agricultural purposes, and includes re-subdivisions, pursuant to Chapter 126, Section 8-18 of the General Statutes.
- 5.2.92 **Swale**: An open ditch, depression or low area of land, either natural or man-made, normally used for drainage purposes.

- 5.2.93 Reserved for future use.
- 5.2.94 **Town**: The Town of New Milford, County of Litchfield, Connecticut.
- 5.2.95 **Plan of Conservation and Development**: A plan for guiding the development of the Town and which has been adopted by the Planning Commission, in accordance with the General Statutes.
- 5.2.96 **Traveled Width**: The width of the street pavement or graveled surface.
- 5.2.97 **U.S.G.S.**: The United States Geological Survey.
- 5.2.98 **Watercourses**: As defined by State Statutes and/or Inland Wetlands and Watercourses Commission.
- 5.2.99 **Wetlands**: As defined by State Statutes and/or Inland Wetlands and Watercourses Commission.
- 5.2.100 **Wetlands Commission**: The New Milford Inland Wetlands Commission.
- 5.2.101 **Work**: Physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to the construction of streets, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.
- 5.2.102 **Yard**: An open space on the same lot with a structure which lies between said structure and the nearest lot line, and which is unoccupied except as may be specifically authorized. In measuring a "yard", as hereinafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurements shall be taken at a right angle from the line of the structure, as defined herein, to the nearest lot line.
- 5.2.103 **Yard, Front**: The open unoccupied space required across the full width of a lot from the front line to the nearest edge of the principal building or any covered porch, garage or addition which extends from the principal building.
- 5.2.104 **Yard, Rear**: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the buildings.
- 5.2.105 Reserved for future use.
- 5.2.106 **Zoning Commission**: The Zoning Commission of the Town of New Milford.

**5.3 POLICY - SUBDIVISION AND RESUBDIVISION:**

The following policies are established with respect to the applicability of the term "subdivision" and "re-subdivision" in the Town under Chapter 126 and these Regulations.

**5.3.1** For the purpose of the definition of "subdivision" any lot, parcel, tract, or acreage owned separately from any adjoining lot, parcel, tract, or acreage on September 30, 1958, as evidenced by deed or deeds recorded in the Office of the New Milford Town Clerk, is considered to be a "tract". Further definition is governed as well by the Connecticut General Statutes.

**5.3.2** The Record Subdivision Map need only show the part which is the third or any subsequent division of the tract. It is recommended, however, that all divisions, to the degree practical, be shown on the Record Subdivision Map in order to clarify land records and property assessment records and to build up the available survey data in the Town.