

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.