

Town of Litchfield



Subdivision Regulations

*The Litchfield Planning and Zoning Commission
Litchfield, CT*

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TABLE OF CONTENTS

Statement of Purpose	1
Definitions and Common Terms	1
Article I - General Provisions	2
Section 1.0 Authority	2
Section 1.1 Application of Regulations	2
Section 1.2 Subdivision and Resubdivision Defined	2
Section 1.3 Penalties for Violations	2
Article II - Subdivision Application Requirements	3
Section 2.0 Preparation of a Subdivision Application	3
Section 2.1 Informal Preliminary Plan Review	3
Section 2.2 Submission of a Formal Subdivision Application	3
Section 2.3 Formal Subdivision Application Requirements	4
Article III - Procedure for Submission, Review and Decision of Subdivision Applications	6
Step 1 Informal Preliminary Subdivision Plan Review	6
Step 2 Submission of Formal Subdivision Application	6
Step 3 Acceptance of Formal Subdivision Application	6
Step 4 Referrals	7
Step 5 Field Review	7
Step 6 Commission Review	7
Step 7 Public Hearing	7
Step 8 Decision	7
Step 9 Completion of Required Modifications and Conditions	8
Step 10 Endorsement and Filing of Approved Record Subdivision Map	8
Step 11 Filing of Endorsed Record Subdivision Map	8
Step 12 Submission of As-Built Plans	9
Step 13 Release of Performance Guarantee	9
Step 14 Completion of Improvements and Expiration of Subdivision Approval	9
Article IV - Specifications for Maps and Plans	10
Section 4.0 General	10
Section 4.1 Maps and Plans to be Prepared by Professional	10
Section 4.2 Record Subdivision Map	10
Section 4.3 Site Development Plan	11
Section 4.4 Construction Plans	14
Section 4.5 Erosion and Sediment Control and Grading Plan	14
Article V - General Standards for Planning Design and Construction	17
Section 5.0 General	17
Section 5.1 General Standards for Subdivision Design	17
Section 5.2 Lots and Lot Layout and Building Setback	18

Section 5.3 Solar Access	18
Section 5.4 Driveway and Access ways	18
Section 5.5 Fire Ponds	20
Section 5.6 Flood Hazard Area Regulations	20
Section 5.7 Open Space and Recreation	21
Section 5.8 Interior Lots	26
Section 5.9 Groundwater Protection	26
Article VI - Streets - Standards for Planning Design and Construction	26
Section 6.0 General	26
Section 6.1 Specification Requirements	26
Section 6.2 Street Classification	27
Section 6.3 Street Planning	27
Section 6.4 Relationship to Existing Streets	27
Section 6.5 Dead-end Streets	27
Section 6.6 Turnarounds	28
Section 6.7 Street Widths	28
Section 6.8 Grades	29
Section 6.9 Vertical Curves	29
Section 6.10 Intersections	29
Section 6.11 Alignments	30
Section 6.12 Cross Section	30
Section 6.13 Street Names	30
Section 6.14 Street Signs	30
Section 6.15 Monuments and Pins	30
Section 6.16 Street Trees	31
Section 6.17 Underground Utilities	31
Article VII - Drainage - Standards for Planning, Design and Construction	31
Section 7.0 General	31
Section 7.1 Storm Drainage Requirements	32
Section 7.2 Discharge	33
Section 7.3 Erosion and Sediment Control	33
Article VIII - Improvements and Guarantee of Completion and Maintenance	33
Section 8.0 Improvements	33
Section 8.1 Performance Guarantee	33
Section 8.2 Inspection of Improvements	35
Section 8.3 Improvements Required by Unforeseen Conditions	35
Section 8.4 Modifications of Design of Improvements	35
Section 8.5 Failure to Complete Improvements	35
Section 8.6 Partial Release	36
Section 8.7 Final Release	36
Section 8.8 Maintenance of Improvements	36
Appendix A - Required Map Notations	38
Appendix B - Diagram - Typical Street Cross Section	40

STATEMENT OF PURPOSE

The purpose of the Litchfield Subdivision Regulations (hereinafter "these Regulations") are to assure that land which is to be subdivided for sale or building purposes in the Town of Litchfield shall be:

Of such character that it can be used for building purposes without danger to health or public safety. Designed and carried out to satisfy all of the general requirements for subdivision regulations as set forth in Section 8-25, Chapter 126 of the Connecticut General Statutes. This includes, but is not limited to, proper provisions for and/or protection of water supply (surface and ground water), drainage, sewage disposal, flood control, fire protection, street alignment, design and construction, erosion and sedimentation control, open spaces and recreation areas.

Designed and carried out so that proposed streets are in harmony with existing or proposed streets as shown in the Town Plan of Development.

DEFINITIONS AND COMMON TERMS

For the purpose of these Regulations, certain common terms and words used herein shall be interpreted and defined as follows:

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". A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; 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."

The following are the definitions of common terms found in these Regulations:

Applicant: The land owner of record or the authorized agent of such owner proposing a subdivision or resubdivision.

Application: As used in these Regulations, the term "Application" shall mean the formal subdivision application submitted for approval of a subdivision or resubdivision in accordance with these Regulations, including all required information, data, maps and plans as specified herein.

Commission: The Planning and Zoning Commission of the Town of Litchfield.

Town: The Town of Litchfield, Connecticut.

Wellfield Protection Zone: The Wellfield Protection Zone is as described in Article III, Section 5, Zone Boundaries, of the Litchfield Zoning Regulations.

ARTICLE I

GENERAL PROVISIONS

1.0 Authority: Under the authority granted by the General Statutes of the State of Connecticut (Chapter 126) the Planning and Zoning Commission of the Town of Litchfield does hereby require that any application for subdivision or resubdivision shall meet the following regulations.

1.1 Application of Regulations: In accordance with Section 8-25, Chapter 126 of the Connecticut General Statutes,

These Regulations shall apply to the subdivision and resubdivision of land within the Town of Litchfield (as defined in the State Statutes and as stated below).

No subdivision or resubdivision of land shall be made nor any subdivision lot sold or offered for sale by any person until an application for subdivision or resubdivision has been submitted to and approved by the Litchfield Planning and Zoning Commission, and a Record Subdivision Map (as defined herein) has been endorsed by the commission and recorded by the applicant in the Office of the Litchfield Town Clerk.

1.2 Subdivision and Resubdivision Defined: The definition of a subdivision shall be as set forth in the State Statutes, Chapter 126 as amended.

Subdivision: According to State Statute, a subdivision is defined as, "The division of a tract or parcel of land into three or more parts or lots made subsequent to the effective date of subdivision regulations (September 9, 1965 in the Town of Litchfield) for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes, and including resubdivision."

Resubdivision: According to State Statute, a resubdivision is defined as, "a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (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."

The Commission has the authority to determine if existing divisions of any land constitutes a subdivision.

1.3 Penalties for Violation: Any person firm or corporation making a subdivision of land without the approval of the Commission shall be subject to monetary fines as provided for in the Connecticut General Statutes.

ARTICLE II

SUBDIVISION APPLICATION REQUIREMENTS

2.0 Preparation of the Subdivision Application: It is the subdivision applicant's responsibility to prepare and present a complete formal application to the Commission. Applicants are advised to review and be familiar with these Regulations.

This Article lists the documents, forms, maps, plans and reports which are required as part of a complete formal application.

Article III sets forth the procedure for submission, review and decision on a subdivision or resubdivision application.

Article IV specifies the required form and content of maps and plans.

Article V and VI and VII establishes the design and construction standards that shall apply to the design and/or construction of subdivision lot layout and site improvements (eg. streets, drainage systems, etc.)

2.1 Informal Preliminary Plan Review: Subdivision applicants are encouraged to submit an informal preliminary plan for review by the Commission and its staff before preparation of the complete, more detailed required formal application.

A preliminary plan is not a substitute for the formal application requirement. An applicant is not required to submit a preliminary plan nor is the applicant or the Commission bound to the review comments and suggestions made by the Commission.

This informal procedure offers both the applicant and the Commission the opportunity to save time and expense in the review of the formal application. Changes or modifications to a subdivision plan usually can be made more readily and economically to an informal preliminary plan than to a formal subdivision application.

Informal Preliminary Plan: The informal preliminary plan should not include a completed application form but it should show sufficient information on a plan map to allow the Commission to make a general planning review under the standards of these Regulations. It is recommended that the informal plan meet the standards for a Site Development Plan. (See Section 4.3).

Review: After an informal preliminary plan is submitted, the Commission's staff may hold discussions with the applicant and may recommend changes or improvements that will assist the applicant in preparing maps and plans for the formal application.

2.2 Submission of a Formal Subdivision Application: A complete Formal Subdivision application as required by these Regulations (see 2.3 below) must be submitted to the Planning and Zoning Office at least 10 days in advance of a regularly scheduled meeting in order to be considered at said meeting. (Complete subdivision application procedures are detailed in Article III).

2.3 Formal Subdivision Application Requirements: The following is a list of the documentation, maps and plans required as part of the Formal Subdivision Application.

The following shall be required for all Formal Subdivision Applications.

Application Form: Applications shall be made in writing on the form provided by the Commission which are available at the Planning and Zoning Office. The application form shall be signed by the applicant or his lawful agent. If the subdivision or resubdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided or resubdivided, the application shall also be signed by the owner of the land or his lawful agent.

Fee: The fees for a subdivision application shall be in an amount as stated on the application form and as provided for by Town Ordinance.

Record Subdivision Map: A record subdivision or resubdivision map shall be prepared and submitted in conformance with the requirements of Section 4.2 of these Regulations.

Sewage Disposal: Every application for approval of a subdivision must include satisfactory evidence that the site has suitable physical characteristics to satisfy all the requirements of the Town, the Torrington Area Health District (T.A.H.D.), and the Connecticut State Department of Health Services for a subsurface sewage disposal (septic system), or that the proposed lots can be connected to an operational public sanitary sewer. The sewage disposal report for on site septic systems shall be prepared by a professional engineer licensed in the State of Connecticut and certified as accepted by the T.A.H.D. Where it is proposed to connect to public sanitary sewers, a sewer feasibility study, prepared in accordance with the requirements of the Town Sewer Commission and certified by the Director of Public Works, shall accompany the subdivision application.

The following shall be required for all Formal Subdivision Applications, where applicable:

Water Supply Report: In areas of the Town, as identified by the Town Engineer where the suitability of groundwater quality is questionable, and when on site water supply wells are proposed, the Commission may require that the applicant provide information to document the potential quality and quantity of the water supply, including the potential, long-term effect of new subdivision wells on the existing wells of surrounding properties. Possible alternative water supply sources should be described if the new subdivision wells are not capable of supplying the required amounts of water or have an unacceptable, detrimental effect on existing wells on surrounding properties.

Where the application involves the creation or expansion of a community water system with a distribution system that supplies water for human consumption to not less than 15 service connections or 25 persons, nor more than 250 service connections or 1,000 persons for a least 60 days in a year, then the following is required.

- a. The applicant shall provide evidence of submittal of 3 copies of an application for approval of a Certificate of Public Convenience and Necessity to the State Department of Public Utility Control (DPUC).
- b. The Commission shall not approve a subdivision involving a water system subject to the approval of the DPUC unless and until a Certificate of Public Convenience and Necessity has been issued to the water company and a copy of same has been provided to the Commission.

Evidence of Submission to the Litchfield Conservation (and Inland Wetlands) Commission: Whenever an application involves land regulated as an inland wetland or watercourse by the Litchfield Conservation (and Inland Wetlands) Commission, the applicant shall file a copy of the subdivision application with the Conservation Commission within 10 days after filing with the Planning and Zoning Commission. Any application not so filed shall be considered incomplete. The Planning and Zoning Commission shall give due consideration to any report filed by the Conservation Commission prior to rendering a decision on the subdivision application.

Site Development Plan: A site development plan shall be prepared and submitted for any application proposed for building development, whether immediate or in the future. The Site development plan shall conform to the requirements of Section 4.3 of these Regulations.

Erosion and Sediment Control and Grading Plan: An erosion and sediment control and grading plan shall be prepared and submitted for certification by the Commission with any application *where the cumulative disturbed area is more than one-half acre*. The erosion and sediment control plan shall conform to the requirements of Section 4.5 of these Regulations. Where it is feasible, the mapped information required for the Erosion and Sedimentation control plan may be shown on the site development plan and construction plan.

Construction Plan and Profiles: Plans, profile drawings and typical cross sections shall be submitted where a subdivision application involves site improvements including streets, sanitary sewers, catch basins, manholes, ditches, watercourses and modifications, headwalls, sidewalks, curbs, bridges, culverts and other structures and improvements required by these Regulations. The construction plans and profiles shall conform to the requirements of section 4.4 of these Regulations.

Hydrological Reports and Flood Elevation Data: Where an application involves storm drainage improvements or construction within or near the 100 year flood hazard area, a hydrological report shall be required. This report shall be prepared by a civil engineer licensed in the State of Connecticut. It shall meet the requirements of Article VII and shall include at a minimum, a base map showing the drainage watershed, flood plain elevations and drainage patterns. It shall also show the methodology and computations used to calculate storm water runoff and the recommended pipe sizes.

Cost Estimate: An engineer's estimate of the cost of construction of site improvements shall be submitted on forms provided by the Town Engineer's office.

Easements and Deeds: Copies of all easements and deeds necessary to carry the subdivision plan into effect, shall be submitted including instrument(s) proposed to be executed or delivered after approval of the application.

Other Applications and Permits: Copies of other local State and Federal applications and permits, and copies of proposed agreements with utility companies shall be submitted.

Adjoining Property Owners: The applicant shall provide a list of the names of current adjoining property owners to the Commission.

Supplemental Data: Other data and information may be required from the applicant in order to establish that the proposed subdivision complies with the requirements with these Regulations.

ARTICLE III PROCEDURES FOR SUBMISSION REVIEW AND DECISION ON SUBDIVISION APPLICATION

The following are the procedural steps and requirements for submission review and decision on a subdivision application. These steps are listed in a sequential order but some may be carried out concurrently.

Step 1 Informal preliminary subdivision plan review is strongly recommended but not required (See Article II Section 2.1).

Step 2 *Submission of the Formal Subdivision Application:* A complete Formal Subdivision Application meeting all the requirements of Article II must be submitted to the Planning and Zoning Office at least ten (10) days in advance of a regularly scheduled meeting in order to be considered at said meeting. The applicant shall submit an original and four copies of all required maps, plans and reports. Additional copies shall be provided by the applicant where necessary as requested by the Commission

Step 3 *Acceptance of the Formal Subdivision Application:* At its regularly scheduled meeting following submission of the application, the Commission shall determine whether the application has been submitted in the required form, (as specified in Article II). If it is complete, the application shall be accepted for consideration. If the application is incomplete, the applicant will be so advised. An incomplete application is sufficient grounds for denial of the application.

Upon acceptance of an application, the Commission shall set a date for a public hearing, if required (resubdivision) or if deemed necessary (subdivision).

Step 4 *Referrals –*
Regional Referral: As required by State Statute where a proposed subdivision abuts or includes land in another municipality, the Commission, before approving such plan, shall

submit it for an advisory report to the Regional Planning Agency or Council of Elected Officials which serves the other municipality.

Other referrals: A copy of the application may be referred to Town Boards and Commissions, other Towns or other governmental agencies for review and comment.

Reports and recommendations received from these referrals shall become part of the record of the application.

Step 5 Field Review: The Commission may set a date for a field trip review meeting at which the Commission and/or its staff will inspect the subdivision site.

Step 6 Commission Review: In its review of any application, the Commission may request the review, comment and assistance of the Director of Public Works, Zoning Enforcement Officer, Fire Marshall, other Town Boards, Commissions, Town Officials or outside technical or legal advisors.

Step 7 Public Hearing:

Hearing on Resubdivision Required: If the Commission determines that an application constitutes a resubdivision then a public hearing shall be held on the application as required by State Statute.

Hearing on Subdivision - Optional: If the Commission determines that it is in the public interest, it may hold a public hearing on a subdivision application.

Public Notice: Public Notice of any public hearing shall be given by the Commission as required by State Statute. The applicant shall provide a list of names of all current adjoining property owners of record. The applicant shall post the property with a sign provided by the Commission and located in view from a public street which states that the property is subject to pending subdivision application with the Litchfield Planning and Zoning Commission. The sign shall be posted within seven (7) days of acceptance of the application. The sign shall remain posted until completion of any public hearing or until a decision is made where no hearing is held.

In the interest of public notification, the Commission requests that when a public hearing is to be held, the applicant notify all current adjoining property owners of record of the pending application and of the date of the Public Hearing. Such requested notification should be by Certified Return Receipt Mail dated no later than seven (7) days prior to the hearing with return receipts presented to the Commission at the hearing.

Step 8 Decision: The Commission shall approve, modify, and approve or disapprove the application, entering into the records its reasons for such action and shall publish and communicate its decision as required by State Statute. No approval shall become effective until completion of any required modifications or conditions as stated in Step 9.

Step 9 Completion of Required Modifications and Conditions: Where the Commission modifies and approves an application, it shall promptly advise the applicant of modifications to the maps, plans or other application documents. No application shall be endorsed for filing until the required modifications have been completed and submitted in the final required form.

Approvals may be conditioned upon applicant's presentation and recording of any deeds or easements required by the Commission and upon the applicant's execution and filing of any required performance guarantee in the form prescribed under Article VIII, guaranteeing completion of the required improvements.

ALL OF THE ABOVE REQUIRED MODIFICATIONS AND CONDITIONS, INCLUDING ALL INFORMATION, DOCUMENTS OR PERFORMANCE GUARANTEE, SHALL BE SUBMITTED WITHIN FORTY-FIVE (45) DAYS OF THE DATE OF THE COMMISSION'S APPROVAL OR WITHIN AN EXTENDED PERIOD AS MAY BE APPROVED BY THE COMMISSION PURSUANT TO SECTION 8.1 (b).

IF THE REQUIRED MODIFICATIONS AND CONDITIONS ARE NOT FILED WITHIN THE REQUIRED FORTY-FIVE (45) DAYS, OR WITHIN AN EXTENDED PERIOD AS MAY BE APPROVED BY THE COMMISSION PURSUANT TO SECTION 8.1 (B), THE SUBDIVISION APPROVAL SHALL BE DEEMED AUTOMATICALLY VOID.

THE SUBDIVISION PLAN SHALL NOT BE ENDORSED BY THE CHAIRMAN, SECRETARY NOR DELIVERED TO THE APPLICANT FOR FILING UNTIL THE PERFORMANCE GUARANTEE HAS BEEN RECEIVED, AND UNTIL THE DEEDS OR EASEMENTS HAVE BEEN RECEIVED AND REVIEWED BY THE COMMISSION'S ATTORNEY AND UNTIL ALL REQUIRED MODIFICATIONS TO THE SUBDIVISION MAP OR OTHER DOCUMENTS HAVE BEEN COMPLETED AND RECEIVED.

Step 10 Endorsement and Filing of Approved Record Subdivision Map: Upon the submission of any and all required easements, deeds, performance guarantee and/or revised map, the Chairman or Secretary of the Commission shall endorse the approved Record Subdivision Map which may then be filed or recorded by the applicant in the office of the Town Clerk. The date of endorsement shall be noted on the Map by the Chairman or Secretary of the Commission. Filing and recording fees shall be paid by the applicant.

Step 11 Filing of Endorsed Record Subdivision Map: A subdivision map filed or recorded without such endorsed approval shall be void. Any endorsed Record Subdivision Map not so filed or recorded within 90 days following its delivery to the applicant shall become null and void, except that the Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.

The endorsed Record Subdivision Map, and any other maps and plans showing modifications upon which final approval of the application for subdivision or resubdivision was conditioned, shall constitute the approved subdivision or resubdivision. No work included in the subdivision application including construction, grading, paving, and so forth,

shall be commenced nor shall permits be issued including zoning, building, driveway and/or sanitation until the Record Subdivision Map has been endorsed and filed or recorded.

Step 12 Submission of As-Built Plans: Upon the completion of any improvements included in an approved application for subdivision or resubdivision, the applicant shall file with the Commission construction plans, meeting the standards of Article II, showing the streets, drainage and other subdivision improvements as built and also showing the location of any water mains, underground electric and telephone utilities. In lieu of such submission, the applicant's land surveyor and/or engineer may update and certify the mylar construction plans submitted under Section 4.4 and approved by the Commission. Such filing shall also include a certification, signed and sealed by a professional engineer licensed to practice in the State of Connecticut that such surveyor and/or engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Commission.

Step 13 Release of Performance Guarantee: See Article VIII.

Step 14 Completion of Improvements and Expiration of Subdivision Approval: The Commission shall require compliance with Section 8-26c of the Connecticut General Statutes as follows:

Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision; the Commission's endorsement of approval on the plan shall state the date on which such five year period expires.

Failure to complete all work within such five year period shall result in automatic expiration of the approval of such plan provided the Commission shall file on the land records of the Town of Litchfield notice of such expiration and shall state such expiration on the Record Subdivision Map on file in the Office of the Town Clerk. No additional lots in the Subdivision shall be conveyed by the subdivider or his successor in interest as such subdivider except with the approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five year period, the Town shall call the performance guarantee or other surety on said subdivision to the extent necessary to complete the required improvements and utilities.

"Work" for purposes of this Step 14 shall mean all physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to the construction of roads, 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.

ARTICLE IV

SPECIFICATIONS FOR MAPS AND PLANS

4.0 General. This article provides the detailed specifications and information which must be shown on the various maps and plans required as part of a Formal Subdivision Application (See Article II). Each map or plan serves a different purpose and must provide certain information related to that purpose. The Record Subdivision Map is intended to be suitable for permanent filing in the Town Land Records. The Site Development Plan must show existing conditions and proposed development so that the Commission can properly evaluate the proposed design and layout of the subdivision. The Erosion and Sediment Control Map must specify the location, design and construction specifications or proposed site improvements (street, drainage systems, etc.)

4.1 Maps and Plans to be Prepared by Professional: The maps and plans required by these Regulations shall show the information and shall be prepared in accordance with the requirements and standards hereinafter specified. All such maps and plans shall be prepared by and bear the name and seal of a Professional Engineer and/or Land Surveyor, licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Pertinent survey data and computations shall be presented to the Commission for review upon request.

4.2 Record Subdivision Map. The Record Subdivision Map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2" type of survey as specified in the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps", approved by the State Board of Registration for Professional Engineers and Land Surveyors. The Map shall be clearly and legibly drawn on polyester film (mylar) .003 thick or better, on sheets 24" x 36". The Map should be drawn to scale of 1" = 40' but in no case at a scale of less than 1" = 100'. The Map shall show the following:

1. Title of the subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town of Litchfield.
2. Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
3. Date, scale, true and magnetic north points, zoning district.
4. Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.
5. All inland wetlands and watercourses as defined by PA 155 and as regulated by the Litchfield Conservation (and Inland Wetlands) Commission.
6. Land within the Litchfield Flood Plain District as defined in the Litchfield Zoning Regulations. When a subdivision does not include land within the Flood Plain District, the following notation shall be included on the Map, "This Subdivision does not include land areas within the Flood Plain District as defined under the Litchfield Zoning Regulations.

7. Existing and proposed water courses, including ponds and swamps; existing and proposed easements, rights-of-way, encroachment lines and areas reserved for storm water drainage; water courses, wetlands, conservation areas, Wellfield Protection Zone; and the limits of any areas to be reserved or protected from excavation or filling.
8. Proposed lots and lot numbers; existing and proposed open spaces for parks, stream protection and other open spaces; the square footage or acreage of all lots and open spaces, and the total acreage of land included in the subdivision.
9. Existing permanent buildings and structures.
10. Dimensions on 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.
11. The width of all street, rights-of-way and easements; street names.
12. Existing and proposed monuments; any Town or Borough boundary line.
13. A location map showing the location of the subdivision in relation to existing streets in the Town at a scale of not less than 1"=1000'.
14. 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, street, street names and delineation of areas covered by the section or sheet.
15. The survey relationship of proposed streets to nearby monumented Town streets or State Highways where practical.
16. Approval and endorsement block as specified in the appendix to these Regulations.
17. After a subdivision is approved, submittal of additional maps scaled in accordance with the Assessor's aerial mylar maps will be required as follows:

Maps 2 through 163 shall be 1" = 200'.

Maps 167 through 266 shall be 1" = 100'.

4.3 Site Development Plan. The Site Development Plan shall be drawn to a scale of not less than 1" = 100'. The plan shall show existing conditions and the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future. This will allow the Commission to complete a planning review of the proposed subdivision of contiguous land of the applicant. The plan shall show at least the following information:

1. Title of the Subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town of Litchfield.

2. Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
3. Date, scale, true and magnetic north points, Town and State.
4. Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions and/or property owners.
5. Existing and proposed easements, rights-of-way, encroachment lines and reservation areas for storm water drainage, water courses, wetlands, stream protection conservation areas, and flood plains and other land subject to potential flooding.
6. Identification of any regulated inland wetlands, and identification of the boundary of any streambelt as defined by the U.S., S.C.S. and as shown on the Town Plan of Development, Natural Resources Map. This shall be confirmed by certified soil scientist survey, if requested by the Commission.
7. Existing and proposed water courses, including ponds and swamps and within the Litchfield Flood Plain District (as defined in the Litchfield Zoning Regulations).
8. The Boundaries and classification codes of soil types under the national Cooperative Soils Survey of the Soil Conservation Service, U.S. Department of Agriculture.
9. Proposed lots and lot numbers; existing and proposed open spaces for parks, playgrounds, stream protection and other open spaces.
10. Approximate dimensions on all proposed property and street lines; approximate lot area and the total acreage of land included in the subdivision.
11. Existing permanent buildings and structures; a location for a proposed dwelling or other principal building on each lot and the proposed driveway access thereto.
12. Existing topographic contours at ten (10) feet contour intervals based upon U.S.G.S. maps accurately imposed upon the entire subdivision and keyed to spot elevations on an existing road or other established points as shown on the A - 2 property boundary survey which shall be noted on the plan.
13. The Commission may require more detailed contour intervals where in its judgment it is needed to properly evaluate drainage patterns or site development potential. Where grading is proposed as part of the subdivision development and the cumulative disturbed area is more than one-half acre and the Commission determines it is necessary, proposed contour intervals shall be shown at not less than two (2) foot intervals based upon field or aerial survey and keyed to Town, State or U.S. bench mark where such are within 1/2 mile

of the subdivision boundary. (See requirements for Erosion and Sediment Control and Grading Plan - Section 4.5)

14. Location of historic or archaeological sites and principal wooded areas including the identification of wooded areas with trees that have a caliber of 30 inches or more at the base.
15. Any ledge outcrops and existing stone walls and fences within the subdivision.
16. Proposed width of all streets, rights-of-way and easements; the proposed width of all pavement; and proposed street names.
17. Existing and proposed monuments; and municipal boundary line; and zoning district boundary line.
18. Existing and proposed storm drains, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures; and existing and proposed water mains, sanitary sewers and related facilities.
19. Spot elevations on both existing and proposed roads to indicate tentative grading of roads.
20. The approximate location of any percolation seepage test holes, deep test pits and borings; locations proposed for water supply well sites; and the location and dimensions of the area suitable for leaching fields for on-site sewage disposal systems and the reserve area for future fields.
21. The limits of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.
22. The limits of any areas of tree removal that would be necessary to provide effective use of a passive solar energy system on each lot, based on an assumed mature tree height of 50 feet.
23. Location of subdivision within local drainage basin system (as defined by CT DEP) with respect to potential impact on public water supplies down gradient; and stratified drift aquifer recharge areas (as defined in the Litchfield Zoning Regulations) and zone of influence of public water supply wells (as defined by water utility).
24. In the R-80 and R-160 District, each lot shall be of such shape so that a square having 200 feet on each side shall fit on the lot. The area within such square shall not contain land subject to easements for streets, drainage, utilities, private rights-of-way or other encumbrances restricting development. Areas consisting of wetlands, watercourses or slopes in excess of 25% shall not comprise any of the area of the minimum square.

Purpose: To assure that new lots have a reasonable shape generally free from severe limitations to building development.

4.4 Construction Plans: Construction plans for all proposed streets, drainage and other improvements shall be drawn on polyester film (mylar) .003 thick or better. Plan and profile drawings shall be prepared for all proposed street, storm drains, gutters, catch basins, manholes, ditches, water courses, headwalls, sidewalks, curbs, water mains, sanitary sewers and other structures and underground utilities and shall be drawn on such polyester film (mylar) having a sheet size of 24" x 36", and shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1"=4'. Profile drawings and elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be noted on the plan. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

1. Title of the subdivision, date, scale, north point, Town and State.
2. For streets, the existing grades at the center line and at both street lines, and the proposed grade at the center line; street lines and edge and width of pavement; street cross sections at all cross culverts, and a typical street cross section.
3. Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; ditch and water course cross sections.
4. Approximate location of lot lines intersection with the street line; lot numbers and street names.
5. Sidewalks, curbs, gutters, water mains, sanitary sewers and other structures and underground utilities.
6. Detail drawings of any bridges, box culverts, deep manholes, and other special structures.
7. The words "For location of underground electric, telephone and other facilities of public utilities, inquire of appropriate utility company".
8. The words "Approved by the Litchfield Planning and Zoning Commission" with a designated place for the signature of the Chairman and date of signing.

4.5 Erosion and Sediment Control and Grading Plan: An Erosion and Sediment Control and Grading Plan shall be submitted for certification by the Commission with any application for a subdivision or resubdivision when the cumulative disturbed area **is more than one-half acre**. Said plan shall comply with the requirements of this Section of these Regulations.

This requirement may be satisfied as part of the Zoning Permit process where the subdivision applicant proposes to sell lots for future building development and the Commission determines that such erosion and sediment control plans for individual lots will permit compliance with the requirements for proper erosion and sedimentation control. Where the Commission makes this determination, the following notation shall appear on the Record Subdivision Map. "A detailed erosion and sediment control plan associated with the development of the following subdivision

lots (specifying the lot numbers) shall be required as part of the application for the zoning permits and shall be certified by the Commission or its authorized agent prior to issuance of the zoning permit."

4.5.1 *Erosion and Sediment Control Plan Definitions:*

"Certification" - approval by the Litchfield Planning and Zoning Commission that a Soil Erosion and Sediment Plan complies with the applicable requirements of these Regulations.

"Disturbed Area" - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

"Erosion" - the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Inspection" - the periodic review of sediment and erosion control measures shown on the certified Plan.

"Sediment" - solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

"Soil" - any unconsolidated material or organic material of any origin.

"Soil Erosion and Sediment Control Plan" - means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

4.5.2. *Information and requirements - General:* A Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Information as required below shall be shown separately or as a part of the site development plan and construction plan.

4.5.3 *Project Narrative and Time Schedule:* The plan shall include a narrative describing:

- a. The development project and
- b. The time schedule for the following: All major construction activities, indicating the anticipated start and completion of development; creating and stabilizing disturbed areas; grading operations; applying erosion and sediment control measures and facilities onto the land; design criteria, construction, details, detail installation/application procedures and maintenance program; soil erosion and sediment control measures.

4.5.4 *Erosion and Sediment Control Plan:* The following information shall be shown at a scale of 1"=40' on the site development plan or on a separate plan.

- a. Existing and proposed topography including soil types, wetlands, watercourses and water bodies.
- b. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
- c. Within the disturbed areas, topography contours shall be at a detail adequate to evaluate the proposal based upon the standards defined below. When it is determined necessary, the Commission may require 2' contour intervals based upon field survey.
- d. Location of an design details for all proposed erosion and sediment control measures and facilities.
- e. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

4.5.5 *Minimum Acceptable Standards:*

- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principals as outlined in Chapter 3 and 4 of the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985), as amended. Soil erosion and sediment 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 minimum standards for individual measures are those in the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985) as amended. The Commission may grant alternate standards when requested by the applicant, if technically sound reasons are presented.
- c. The appropriate method from Chapter 9 of the **Connecticut Guidelines for Soil and Erosion and Sediment Control** (1985) as amended, shall be used in determining peak flow rates and volumes of runoff unless alternative method is approved by the Commission

4.5.6 *Issuance or Denial of Certification:*

- a. The Commission shall either certify that the soil erosion and sediment control pan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- b. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.
- c. Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District which may make recommendations

concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

4.5.7 *Conditions Relating to Soil Erosion and Sediment Control:*

a. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance guarantee (See Article)

ARTICLE V

GENERAL - STANDARDS FOR PLANNING DESIGN AND CONSTRUCTION

5.0 General: All subdivisions shall be designed according to the design and construction standards of these Regulations and to meet the objectives for conservation and development as stated in the Town Plan of Development. The purpose of these standards are to assure that the subdivision and development of land will be designed and constructed:

- a. To protect and promote the public health, safety and welfare; and to preserve Litchfield's open space and rural character
- b. To avoid development of land which is not suitable for development and
- c. To encourage subdivision design that protects and conserves unique and fragile natural resource lands.

5.1 General Standards for Subdivision Design: In order to serve the purposes of subdivision regulations as set forth in Chapter 126 of the General Statutes, especially to insure proper provision for protection of irreplaceable resources and fragile features of value to the Town of Litchfield and the State of Connecticut, applicants are encouraged to design subdivisions to avoid development of and to protect the lands defined below from harmful effects.

Where the applicant proposes a house site, septic field, driveway, streets or other development improvements on the land defined below, the applicant shall submit a thorough report prepared by an expert qualified on the type of land or resource issue involved. The report shall evaluate the impact of the proposed development on the areas defined below and shall show how the proposed development avoids harmful effects to these areas. (5.1.1 - 5.1.6)

- 5.1.1 Land within the Flood Plain District as defined in the Litchfield Zoning Regulations, or other land subject to flooding as defined by the State of Connecticut (flood encroachment areas) or the Federal Emergency Management Agency (Flood Insurance Rate Map).
- 5.1.2 Inland wetlands and watercourses as defined and regulated by the Litchfield Conservation and Inland Wetlands Commission and stream belt land areas as shown on the Town Plan of Development Stream belt Map, also defined by the U.S.D.A. Soil Conservation Service, and especially the Bantam and Shepaug River and other major and minor stream belts identified in the Town Plan of Development.

- 5.1.3 Aquifer recharge areas as recommended for protection and as shown on maps prepared as part of the Town Plan of Development or such other maps of aquifer recharge areas or wellfield zones of influence as have been adopted by the Commission in order to carry out its obligation to protect the public health, safety and welfare with regard to the adequacy of the quality and quantity of water supplies for the community.
- 5.1.4 Land with a slope of twenty percent or greater
- 5.1.5 Ridge tops, defined as lands identified in the Town Plan of Development (Environment and Historic Plan) as 'Ridge top Protection' lands, and in addition lands lying within 300 feet of a sub regional watershed line as shown on maps prepared by the Natural Resources Center of the Department of Environmental Protection and on file at the Town Hall.
- 5.1.6 Existing and potential archeological sites on the property and on all abutting land within 500 feet, as identified by the American Indian Archeological Institute, including land within the boundaries of the established Historic Districts. Also historic sites and structures on the property and on all abutting land within 500 feet, as identified on Historic Site Surveys or Studies accepted by the Commission."

In order to reduce the adverse impact of a development affecting the above defined lands, the Commission may require the redesign of the subdivision including road alignments, lot lines, lot area, location and scale of structures and location of reserved open space. The Commission may also require correction of any pre-existing unstable conditions on the site where the Commission determines such is needed to protect public health, safety and welfare.

In a subdivision, where the proposed buildable area (see 5.2.3) affects less than a total of 20,000 square feet of land areas defined above, the Commission may determine that the above cited requirements for impact analysis need not be submitted.

5.2 Lots and Lot Layout and Building Setback:

Minimum lot area shall be as required by the Litchfield Zoning Regulations.

Every lot shall be of sufficient area with a shape and terrain which will permit a suitable location for all of the following: Building site, septic systems with leaching fields and reserve fields including required setbacks, well water supply source with required separating distances, storm water retention areas and drainage areas, and driveway corridor.

The buildable area on each lot shall be the area of the lots proposed as suitable for location of the building site, septic leaching fields (including reserve fields), well site and driveway corridor. The buildable area, showing each of these locations, shall be clearly defined.

5.3 Solar Access: Applicants are encouraged to utilize energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation. Applicants shall demonstrate to the Commission that in developing the Subdivision plan, consideration has been given to passive solar energy techniques which would not significantly

increase the cost of housing to the buyer. Passive solar energy techniques mean site design techniques which 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.

- 5.3.1 Site design considerations shall include but not be limited to house orientation, street and lot layout, vegetation, natural and man-made topographic features and protection of solar access within the development.

Site design standards for design and review of subdivisions are as follows:

- a. Site Selection: In order to maximize solar access, development should be placed on south-facing slopes. Development of north slopes should be minimized.
- b. Street Layout: Streets should be oriented on an east/west axis to the greatest possible extent. Orientation can vary up to 30 degrees from this axis. Topography shall be considered a primary factor in variation from this guideline.
- c. Lot Layout: Lots should be oriented with their longest dimension north and south to the greatest extent possible. Orientation can vary up to 20 degrees from the north/south axis.
- d. Building Siting: The long axis of building sites should be orientated east and west to the greatest possible extent. Building orientation can vary up to 20 degrees from due south. Buildings should be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
- e. Landscaping: New trees shall be named and shown at their mature size. They shall be located with respect to buildings or possible solar collectors and other environmental factors in order to provide solar heat gain or shade as appropriate. In selecting trees for landscaping, the mature design height and canopy size shall be considered.

- 5.4 Driveways and Access ways:** All lots shall have a corridor of land for location of a driveway which is suitable for safe access. The applicant shall show the location of the driveway on the lot which meets the following standards:

Maximum driveway travel way gradient shall be 12%, a travel gradient of up to 15% may be permitted for not more than 100 feet in length.

Driveway intersections with the street shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Town Driveway Ordinance as amended.

Two adjacent lots in a residential subdivision may share an access way and a driveway where the Commission determines a single driveway entrance from the public street will improve vehicular and pedestrian safety, preserve street traffic carrying capacity and the subdivision plan meets the following requirements:

- a. Each lot has a feasible driveway corridor meeting the requirements of these regulations and the town driveway ordinance.
- b. There shall be an access way containing the shared driveway which shall have a minimum 50 foot width at all points.
- c. The area of the access way shall not be counted in the calculation of the requirement for minimum lot.
- d. The access way and driveway shall be under the joint ownership of the owners of the lots its serves.
- e. The joint ownership deed provision shall be subject to the approval of the Commission and the Commission's attorney. The deed shall be filed on the Litchfield land records and a note referencing the deed provision shall be placed on the record subdivision map.
- f. For driveways in excess of 200' in length the commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways the commission may also require a pull off or parking area located at or near the intersection of the driveway with the public road.
- g. The driveway shall meet the requirements of the town driveway ordinance and such additional requirements recommended by the town engineer and approved by the commission.

5.5 Fire Ponds: The Commission may, in its sole discretion, require for fire protection, the construction of ponds, including dry hydrants, in any subdivision or resubdivision. The ponds shall be constructed in accordance with the standards and practices of the U.S.D.A. Soil Conservation Service and shall have a minimum capacity as determined by the Commission after consulting with the Litchfield Board of Fire Commissioners. The fire pond shall be accessible from a street via a right-of-way in favor of the Town and said right-of-way shall have a width of 30 feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects.

5.6 Flood Hazard Area Regulations: The Flood Plain Overlay Zone (FPOZ) includes all special flood hazard areas designated as Zone A, A1-30, AE & AH on the Litchfield Flood Insurance Rate Maps, (FIRM) and the Flood Boundary and Floodway Maps, dated to January 2, 1992 and subsequent revisions.

Standards for Subdivision Proposals

In all special flood hazard areas the following shall apply:

- a. All subdivision proposals shall be consistent with the needs to minimize flood damage.

- b. All subdivision proposals shall base public utilities and facilities such as sewage, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first, and are located in Zone A.

5.7 Open Space and Recreation Areas:

Definitions For the purpose of this Section the term "Open Space" and "Recreation" shall be defined as follows:

Open Space: "Open Space" includes, but shall not be limited to: land left in its natural, undisturbed state; protected agricultural land; and similar land areas for wildlife habitat protection, groundwater recharge, scenic or historic preservation, and the like.

Recreation: "Recreation" includes areas and facilities for non-commercial, non-profit recreation both passive and active recreation. Passive Recreation includes areas for hiking, horseback and bicycle trails, swimming and boating but does not include the use of motorized vehicles. Passive recreation does not include facilities that require land clearing, earth moving or buildings other than that which is necessary for the above stated permitted uses and other passive recreational uses. Active Recreation includes parks, playgrounds, playing fields, golf courses and their associated access roads, parking lots and buildings.

5.7.1 Basis for Requirement for Open Space. The Commission may require the dedication of appropriately located and sized Open Space in any proposed subdivision in places deemed proper by the Commission. In making such determination, in addition to the specific features of the land to be reserved, the Commission may consider:

- areas recommended for Conservation in the 2007 Litchfield Plan of Conservation and Development adopted by the Commission pursuant to Chapter 126, Section 8-23 of the Connecticut General Statutes, or
- areas recommended for conservation by the Litchfield Hills Greenprint, a project of the Housatonic Valley Assoc. and the Trust for Public Land, 2006 and as amended.
- areas recommended for Open Space in other studies or reports on Open Space in Litchfield as may be accepted by vote of the Planning and Zoning Commission
- areas recommended for Open Space to the Planning and Zoning Commission by the Conservation Commission of the Town of Litchfield
- areas providing for the expansion, enhancement and/or protection of existing Open Space, trails and Recreational areas,
- areas providing for the creation of new trails or Passive Recreation areas,
- prime agricultural land,
- areas of significant tree cover
- areas useful as wildlife habitat, habitat for threatened and endangered species,

- areas providing or protecting water-related resources, including aquifers streambelts and Riparian Areas,
- areas adjacent to town streets with features such as large trees and stone walls and which retain the rural character of the Town,
- ridge tops and other areas of scenic vistas, which add to the open space quality of the Town,
- historic sites, or archeological sites,
- other environmentally important lands, soils, or geological phenomena, and
- land which serves as buffer between existing residential development and proposed development areas.

5.7.2 Size and Quality of Open Space Area. Where the Commission determines that Open Space is appropriate, the size of the required area shall be determined by the Commission (in consideration of the factors) cited in the above section as well as the area and number of lots in the subdivision. The area of the required Open Space shall not exceed 15% of the total land area of the subdivision. The Commission need not accept land composed entirely or substantially of inland wetlands in satisfaction of the requirements of this Section. The Open Space area shall include at least ten percent (10%) of the Buildable Land within the subdivision. The Commission may also accept the dedication of areas of non Buildable Land as open space, as long as it also includes at least ten percent of the Buildable Land.

In determining the total land to be reserved as Open Space the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or option to buy by the sub divider. Areas to be reserved as Open Space land shall be shown on the subdivision map.

5.7.3 Ownership, Use and Method of Protection of Open Space. The ownership, use and method of protection of Open Space shall be determined after considering, among other things, the specific characteristics and functions of the Open Space, the need for public access and use and the scope of the subdivision proposal.

Open Space land shall be permanently protected by a conservation easement preventing further development and/or by the transfer of fee interest and recorded on the land records. Where Open Space is proposed to be left in its natural state the Commission generally prefers the land be protected by a qualified private, non-profit land trust.

The beneficiary of an easement, or the recipient of a fee interest, may be, as determined by the Commission in its sole discretion, a suitable non-profit organization such as the Litchfield Land Trust, the Town of Litchfield, an association of all the property owners within the land subject to the application, or another organization approved by the Commission.

In determining the appropriate ownership, use and method of protection of Open Space and/or whether to require Open Space in locations different from those proposed by a subdivision applicant, the Commission shall consider the following factors:

- Open Space on adjacent properties and the proximity to non-adjacent Open Space which might reasonably interconnect with the proposed Open Space in the future;

- the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required;
- the potential benefits which the Open Space might provide to residents of the Town;
- the size, shape, topography and character of the Open Space;
- the specific features of the land to be reserved and the recommendation of the documents or Commissions cited in the above section.
- the reports or recommendations which are requested by the Commission and received in a timely manner for consideration in the decision on the proposed subdivision plan from Town boards or commissions and other agencies, including but not limited to, the Board of Selectmen, the Inland Wetland Commission, the Conservation Commission, the Recreation Commission, the Litchfield Hills Council of Elected Officials and the Northwest Conservation District.

5.7.4 Alteration of Open Space. Any excavation, filling, re-grading or other alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon; or any paving or surfacing of Open Space subsequent to the date of approval of the Subdivision, other than work required by the subdivision plans as approved, shall require an amendment to the Subdivision approval granted in accordance with the applicable Section of these Regulations. Alterations to the Open Space which are permitted but not required by the terms of the Open Space deed or easement shall be permitted without amendment to the Subdivision approval.

5.7.5 Evidence of Acceptance. Either during the application process or prior to endorsement of the subdivision plan, the applicant shall provide written evidence from the entity proposed to protect the Open Space stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.

5.7.6 Required Provisions. Regardless of the method of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure the Open Space is dedicated to its intended purpose in perpetuity.

5.7.7 Recording. Any conservation easements or other Open Space covenants or restrictions shall be subject to the approval of the Commission in form and content. After approval by the Commission's attorney and the Commission, said document shall be filed by the sub-divider in the Office of the Town Clerk. At the time the approved Subdivision Plan is filed, the applicant shall record on the Litchfield Land Records all legal documents required relating to protection of the Open Space.

5.7.8 Boundary Lines. The boundary lines of all Open Space areas shall be set in the field and marked by permanent, surveyor's pins. Such pins shall be set where Open Space boundary lines intersect any lot line, road or perimeter line within the proposed Subdivision and at such other points as may be required by the Commission to ensure identification in the field.

5.7.9 Referrals. The Commission may refer for review any subdivision plan and proposal for Open Space to the Conservation Commission, Recreation Commission, Litchfield County Soil and Water Conservation District, or any other appropriate agency. The Commission shall refer to

the Board of Selectmen any proposal under which the Town would acquire a property interest in the Open Space.

5.7.10 Condition of Open Space Land. Where public access is required by the Commission, Open Space areas shall be suitable for construction of an access way or roadway suitable for the safe pedestrian and/or vehicular traffic.

Land to be provided as Open Space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in its natural state.

Except for improvement or maintenance as may be expressly permitted by the Commission, Open Space areas shall not be graded, cleared or used as a repository for brush, stumps, earth, building materials or debris.

5.7.11 Bonding. To ensure proper construction of a required improvement, the Commission shall require the sub divider to post a passbook savings account, an irrevocable letter of credit or other form of security satisfactory to the Commission.

5.7.12 Property Owners' Association. The Commission may approve the ownership and maintenance of Open Space by an association of property owners. Such ownership shall be in accordance with the standards and requirements established by the Commission to include but not be limited to the following:

- a. Creation of the association prior to the sale of any lot.
- b. Mandatory membership in the association by all original lot owners and any subsequent owner; Non-amendable bylaw provisions or other restrictions which require the association to maintain land reserved for Open Space and recreation purposes, with power to assess all members for all necessary costs.
- c. Provisions, which will be perpetual and binding on all future property owners, and will not be affected by any change in land use.
- d. The association shall have the power to assess and collect from each lot owner a specified share of, and where necessary, specified share to provide reserves for, the costs associated with maintenance, repair, upkeep and insurance of the Open Space.
- e. Any deed of conveyance shall contain language providing the association with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees and costs in any action to enforce its rights against any lot owner, in which the association is the prevailing party.
- f. Association documents shall provide that if maintenance or preservation of the Open Space no longer complies with the provisions of the document creating the Open Space, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purpose, including but not limited to attorneys fees and costs.

5.7.13 Payment of Fee in Lieu of Open Space. In accordance with Connecticut General Statutes 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize the

applicant to pay a fee to the Town in lieu of the provision of Open Space other wise required by these regulations.

The Commission may authorize a payment in lieu of Open Space where the Commission determines that the proposed Open Space will not provide significant open space or recreational benefits to the town as defined by section 5.7above

In the event that a fee in lieu of Open Space is authorized by the Commission, such fee shall be equal to not more than ten (10%) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.

The fair market value shall be determined by an appraiser selected by the Commission and the sub divider. The appraisal shall be completed prior to the filing of the approved subdivision map in the office of the Town Clerk. The cost of such appraisal shall be the responsibility of the applicant.

Payment at Time of Sale - A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision , shall be made at the time of the sale of each approved lot in the subdivision. The fee in lieu of Open Space payment obligation shall be clearly noted on the approved record subdivision map for the approved subdivision. The form and content of said statement shall be as provided by the Commission.

Where the fee is to be collected at the time of the sale of lots, the payment obligation shall be secured by a lien against each lot in the subdivision which shall be filed in the land records at the time that the final subdivision plans are filed in the Office of the Town Clerk. The requirement for such lien shall be a condition of approval which condition shall be noted on the approved record subdivision map. The lien shall be in a form approved by the Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certification of Title.

Payment of Fee in advance – The fee may be paid in a lump sum by the applicant prior to the sale of any lots in the subdivision or the sale of the subdivision as a whole. Where a lump sum payment is made the Commission may reduce the fee to not less than eight percent (8%) of the fair market value.

Disposition of Fee – Fees collected in lieu of Open Space shall be placed in the Town’s Open Space and Land Acquisition fund, Special Revenue Open Space Fund #27 Dept. 1404 Conservation Commission department Account.

Exceptions - The open space requirement of this fee in lieu of open space section 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, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the

Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

5.8 Interior Lots: Interior lots in a subdivision as defined in the Litchfield Zoning Regulations may be permitted subject to a special exception permit, as provided for in the Litchfield Zoning Regulations.

5.9 Groundwater Protection: The Commission may require appropriate measures to protect groundwater supplies. Items which the Commission may consider include but are not limited to:

- a. Use of fertilizers and pesticides on lawns and gardens; roadside pesticide spraying; roadway salting practices; and use of other hazardous materials.
- b. On-site recharge of surface water run-off
- c. Use and maintenance of oil and grease traps for heavily used parking areas and roadways.
- d. Creation of extensive impermeable surfaces and effect on groundwater recharge.

ARTICLE VI - STREETS

STANDARDS FOR PLANNING, DESIGN AND CONSTRUCTION

6.0 General: Proposed streets shall be appropriate to the topography and location. Street patterns shall give consideration to contours and natural features and designed in a manner capable of public use and maintenance by the Town of Litchfield.

6.1 Specification Requirement: The construction plans for streets and common driveways and street drainage required by these Regulations shall be in accordance with the Ordinance Pertaining to the Construction and Acceptance of Streets (hereinafter Road Ordinance) and approved in writing by the Board of Selectmen. All construction of such improvements shall be carried out subject to supervision and inspection by the Board of Selectmen or their authorized agent and shall be built in accordance with the Road Ordinance. Except for a Common Driveway as defined herein, where there is a conflict between the Road Ordinance and these Regulations, the more restrictive requirements shall apply.

6.2 Street Classification: All streets in a subdivision will be classified in accordance with the standards contained in Litchfield's Plan of Development adopted by the Commission. Where the Plan of Development proposes future streets which cross or abut the subdivision, the subdivider may be required to construct these streets to the standard proposed.

6.3 Street Planning: Proposed streets and rights-of way shall be planned in accordance with the following criteria:

Streets shall provide safe and convenient circulation for both present and prospective traffic within the subdivision and within the neighborhood where the subdivision is located.

Streets should in general follow the contour of the land and should, as far as practical, consider street alignments along an east-west axis (within 30 of either side of true east to encourage the development of buildings facing true south), and should have a location and grade which accomplishes an attractive layout and development of the land, which preserves natural terrain, large isolated trees and desirable woods and other vegetation which will enhance the property values in the subdivision.

Permanent dead end streets should be avoided. Proposed streets which may be projected into adjoining property shall be carried to the boundary line. No reserve strips to block access to a street shall be provided unless specifically approved by the Commission as necessary for safety on the street.

Unless otherwise approved by the Commission, proposed streets shall provide for continuation of existing streets terminating at the boundary of the subdivision.

6.4 Relationship to Existing Streets: Proposed subdivisions and any proposed streets therein shall be planned to coordinate with existing streets as follows:

Access: Any proposed street in a subdivision shall connect to an existing Town street or State highway or to another street in the proposed subdivision or to a street in another subdivision approved by the Commission and where the applicant has access rights with the following exception: A special exception in accordance with Article V, Section 29 of the Zoning Regulations shall be required for a proposed subdivision street intersection with one of the street segments shown on the map titled "Streets Located on Town Boundary Lines subject to Article V, Section 29 of the Zoning Regulations" dated March, 1999.

Suitability of Access: The existing street to which the proposed subdivision street connects shall be of sufficient width and have a suitable travel way (width, base, drainage and pavement) grade and alignment as determined by the Commission to provide adequate access for fire protection, other emergency, utility and highway maintenance services to the subdivision and sufficient to accept the traffic to be generated by the proposed subdivision street without undue hazards to vehicles and pedestrians.

6.5 Dead end Streets: Unless otherwise approved by the Commission, cul-de-sacs, streets permanently closed at one end by building lots and which will not be extended in the future, shall provide sole access to not less than two (2) nor more than 20 building lots. Temporary dead end streets, which may be projected into adjoining property at some future date, may provide access to a lesser or greater number of lots but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission.

6.5.1 *Common Driveway:* For the purpose of these Regulations the term 'Common Driveway' shall be defined as a privately owned and maintained driveway with a gravel surface serving more than two lots but not more than six (6) lots which are subject to a Special Exception as

set forth in the Zoning Regulations. The design and construction requirements for a Common Driveway shall be the same as for a Local Street, except as provided for herein.

6.5.2 Alternative Design Standards and Specifications: Alternative designs for drainage and the geometric standards for construction if a Common Driveway may be proposed only if prepared and presented by a professional engineer qualified in road and drainage design and licensed to practice in the State of Connecticut who shall provide the Commission with computations to substantiate the adequacy of the proposed alternative designs. Alternative designs may include provision for drainage swales adjacent and parallel to the driveway travel way and provision for reduction of the standard for horizontal alignment for a Local Street as stated in the Subdivision Regulations and the Town Road Ordinance.

6.6 Turnarounds: Permanent cul-de-sac streets shall be equipped with a turnaround with a minimum right-of-way radius of sixty (60) feet and a minimum pavement radius of fifty (50) feet except for a Common Driveway which shall have a minimum right of way radius of 50' and a minimum travel way radius of 40'. Alternative designs, compatible with site conditions, which will minimize environmental impact while providing a functional and maintainable permanent turnaround may be proposed; subject to review and approval by the Board of Selectmen and the Planning & Zoning Commission.

When a cul-de-sac is proposed as a temporary measure, pending future development of adjoining properties, it shall be so designed as to be feasible for continuation in the adjacent tract. When there is a possibility of an extension of a street, all the portions of the cul-de-sac, including pavement, grass strip and sidewalk that fall outside the limits of the normal right-of-way width, shall occupy the space by virtue of an easement delivered to the Town before acceptance of the subdivision.

The developer extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which pavement has been removed and install curbs and sidewalks in the original cul-de-sac area in accordance with Town requirements.

6.7 Street Width: All streets shall be constructed to the following standard widths unless specifically varied by the Commission:

<u>Street Classification</u>	<u>R.O.W.</u>	<u>Pavement Width</u>
a. Local Street	66'	22'
b. Collector Street	66"	26'
c. Common Driveway	50'	18' (with 2' shoulders, see 6.12)

Classification of streets shall conform to the Plan of Development. The Commission may require greater widths of pavement as deemed necessary to accommodate the amount and type of traffic and turning movements to be generated by the intended use of the lots.

6.8 Grade: The minimum grade for all streets shall be 1.0%, except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following:

- a. All streets 7%
- b. Turnarounds 3%

The Commission may permit a common driveway with a grade greater than 7%, but not more than 12%, subject to the following requirements:

- any segment of the common driveway with a grade exceeding 7% shall not exceed 300 feet in length, and
- segments of the common driveway with a grade exceeding 7% shall be separated by a transition segment with a grade of 7% or less which is a minimum of 300 feet in length, and
- the entire length of the common driveway travel way with a grade of 10% or greater shall have a paved travel surface constructed to the pavement specifications for a street, and
- the grade of the common driveway travel way at the intersection with a STREET shall be a maximum of 5% for a distance of not less than 20 feet as measured from the edge of the street pavement.

6.9 Vertical Curves: Appropriate vertical curves for transition, including super elevated curves meeting acceptable engineering standards, shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of pavement. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2% shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersection.

6.10 Intersections: New road intersections shall be a least 200 feet from any existing intersection, or other proposed intersection, or shall be part of an existing or proposed intersection. Minimum stopping sight distance shall be 200 feet in each direction from the proposed intersection. Minimum intersection sight distance shall be 350 feet and be established by current accepted engineering standards. Greater distance may be required if the Board of Selectmen, in its sole discretion, shall so determine.

Roads shall intersect at 90 degree angles where feasible. Where unusual topographic conditions warrant, the Board of Selectmen may, through written approval, allow modification of this standard.

Intersections of right-of-way lines shall be connected with a curve having a radius of 35 feet. Edges of pavement at intersections shall be connected with a radius of 25 feet.

6.11 Alignment: Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves and the minimum radius of curvature at the centerline of streets shall be as follows:

- a. Vertical gradient less than 5% - 150 feet.
- b. Vertical gradient greater than 5% - 200 feet. Tangents between curves shall be not be less than 100 feet in length.

6.12 Cross Section: Local Streets, and Collector Streets shall be designed with a cross section in accordance with drawings entitled "Typical Street Cross Section Town of Litchfield", which drawings are hereby made a part of this document as Appendix B.

6.13 Street Names and Numbers: Streets shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Litchfield or any adjoining town. All street names and street numbers shall be subject to the approval of the Commission. A Street Number Map shall be provided for new streets conforming to the standards of the Town's Street Numbering System.

6.14 Street Signs: Street name signs shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen.

6.15 Monuments and Pins: Monuments shall be provided on both street right-of-way lines at the beginning and termination of each street and at each deflection or tangent point in between. Monuments shall be made of pre-stressed concrete or granite and shall be not less than five (5) inches square by 30 inches in length with a suitably marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors.

In addition to required monuments, iron pins, not less than 3/4 inch in diameter and 36 inches in length consisting of a suitable rod or pipe, shall be placed (a) at each point of intersection of a lot line and the right-of-way line of a street and (b) at all other lot corners and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. Monuments may be substituted for iron pins. Pins, however, are not required at each change in direction of an irregular lot line such as along a stream or stone wall.

6.16 Street Trees: Where the Commission determines there are insufficient existing trees within the proposed subdivision or resubdivision, it may require the planting of additional street trees. In general, street trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, in locations approved by the Commission. Trees to be planted shall be at least 1 3/4 inch diameter breast high and shall have a minimum height of 10 feet. The species of trees shall be subject to the approval of the Commission. Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front 10 feet of the proposed

lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Commission

6.17 Underground Utilities: Electric and telephone lines and facilities in new streets shall be installed underground unless the Commission has determined that such underground installation is in whole or in part inappropriate or unfeasible. Wherever possible, such lines and facilities shall not be located under the Street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement.

ARTICLE VII

DRAINAGE - STANDARDS FOR PLANNING, DESIGN AND CONSTRUCTION

7.0 General: The storm drainage system shall provide for drainage from the entire area of the subdivision and shall take into account land outside the subdivision which normally drains across the area of the subdivision as well as the effects of the subdivision upon down-stream drainage systems. The drainage system for the subdivision shall make use of and protect, and improve as needed, the natural drainage system; construction of artificial ditches should be avoided, and no stream or water course shall be diverted, filled or enclosed in pipe without specific authorization of the Commission. The drainage system shall provide for the following:

- a. Adequate drainage of proposed streets, including future extensions thereof into adjoining property;
- b. Interception of existing channeled drainage coming from any adjoining property or street;
- c. Protection of locations necessary for on-site sewage disposal and water supply facilities;
- d. Prevention of flooding and soil erosion; and protection of wetlands and water courses; and
- e. On-site detention where feasible, in order that runoff from the developed subdivision not exceed the rate of runoff before subdivision (zero incremental increase in runoff).

7.1 Storm Drainage Requirements:

7.1.1 *Runoff Determination:* The method to be used in determining runoff for drainage areas of less than 200 acres is the Rational Method.

Q = AIR

Q = Rate of Runoff in Cubic Feet per Second

A = Area to be Drained in Acres

I = Percentage of Imperviousness of the Area

R = Maximum Average Rate of Rainfall over the Entire Drainage Area in Inches per Hour, Which may Occur During the Time of Concentration.

For drainage areas greater than 200 acres, the S.C.S. (Soils Conservation Service) TR #55 and/or TR #20 is to be used.

- 7.1.2 *Design Storm Criteria:* All storm drainage facilities share frequency of 50 years.
- a. Drainage System: All drainage systems shall be designed for a storm return frequency for 10 years.
 - b. Discharge Pipe at Outlet: All outlets shall be designed for a storm return frequency of 10 years.
 - c. Cross Culverts : All culverts crossing any street shall be designed for a storm return frequency of 25 years.
 - d. Minor Streams (200 to 1,000 acres): All minor streams shall be designed for a storm return frequency of 50 years.
 - e. Major Streams (more than 1,000 acres): All major streams shall be designed for a storm return frequency of 100 years.

7.1.3 *Storm Water System Analysis:* The applicants Consultant shall provide the Commission with drainage computations to determine the adequacy of storm water systems.

7.1.4 *Detention Basins:* The Commission may require the construction of detention basins for the purpose of controlling peak discharge from a developed area, upon recommendations by the Director of Public Works. The storm drainage and stream flow computations shall be of sufficient adequacy that an assessment of the need for detention can be made.

Detention basins shall be designed for a storm return frequency consistent with Article 7.1.2 and shall be capable of reducing peak flows for storms with return frequencies ranging from 2 through 25 years at a minimum or as determined by the Commission.

The methods developed by the Soil Conservation Service, United States Department of Agriculture for computing the outflow from detention areas will be used. The construction requirements and details for the design of detention basins shall be approved by the Public Works Department.

7.1.5 *Oil and Grease Traps:* In order to protect groundwater quality, the Commission may require the use of oil and grease traps that will be maintained on a regular basis for parking areas, roadways, etc. there large amounts of oil, grease or salt may be carried off the pavement surface in storm run-off.

7.2 Discharge: The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge. There shall be no discharge onto or over private property within or adjoining the subdivision unless a) proper easements and discharge rights

have been secured by the applicant, b) such easements and rights are transferable to the Town where the discharge includes storm water from any street and c) there will be adequate safeguards against soil erosion and flood danger. Easements shall be at least thirty (30) feet in width, offset 10 feet and 20 feet respectively on the storm drain and extended to a suitable existing storm drain or an adequate natural water-course. Greater easement width may be required for ditches/channels or unusual site conditions. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds and swamps from pollution.

7.3 Erosion and Sediment Control and Grading Plan:

- 7.3.1 *General:* Erosion and Sediment Control and Grading Plan shall be submitted for certification by the Commission with any application for a subdivision or resubdivision when the cumulative disturbed area is more than one-half acre. Said plan shall comply with the requirements of Section 4.5 of these Regulations.

ARTICLE VIII

IMPROVEMENTS AND GUARANTEE OF COMPLETION AND MAINTENANCE

8.0 Improvements: The subdivider may either construct all improvements required in connection with the Subdivision, or in lieu of the completion of such work and installation previous to the endorsement of a plan, the Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it securing to the Town the actual construction and installation of such improvements. No building permit shall be issued by the Building Official of the Town of Litchfield for the construction of any building in the Subdivision, unless all improvements have been completed and accepted by the Town or until the aforementioned performance guarantee has been accepted.

8.1 Performance Guarantee: In lieu of requiring the completion of required improvements including erosion and sediment control measures, previous to endorsements of a Subdivision Plan, the Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it.

- a. *Definition:* For the purpose of this section, a performance guarantee shall mean one of the following; subject to the approval of the Commission.

A passbook savings account.

An irrevocable letter of credit.

Any other form of security satisfactory to the Commission.

All such performance guarantees shall be subject to the approval of the Commission and/or the Town Attorney.

- b. Submission: The performance guarantee shall be submitted to the Commission within 45 days of the Commission approval of a subdivision plan. If a performance guarantee is not so filed with the Commission, subdivision approval shall be deemed automatically void. The Commission may extend the period for submission of the required performance guarantee and other required modifications or conditions by not more than 90 days provided:
- The applicant submits a letter to the Commission requesting such extension, and
 - such letter is received in a timely manner for consideration and action by the Commission at a meeting scheduled prior to the initial 45 day period specified above.
- c. Amounts and Coverage: The performance guarantee shall be for an amount sufficient to secure to the Town the actual construction and installation of such improvements and utilities. The amount of performance guarantee shall be set by the Commission upon the recommendation of the Director of Public Works.

The period of coverage of the guarantee shall be determined by the Commission, but shall be not less than one year from the day of approval of the Subdivision Plan. The Commission may extend the completion date for public improvements for additional periods. As a condition for such extension, the Commission may require an increase in the amount of the performance guarantee.

- d. Form: Performance guarantee shall be duly executed on forms provided or approved by the Town, with proper reference to all maps and plans showing the streets, drainage and other improvements covered by the performance guarantee and shall have attached thereto a copy of a detailed cost estimate. Forms and other data shall be provided as follows:

Bonds Secured by a Passbook Savings Account - shall be accompanied by:

The Savings Account Passbook;

A withdrawal slip in the amount of the Bond, properly endorsed and made payable to the Town; and

A letter from the Bank acknowledging that the account has been assigned to the Town for the period established for the construction or installation of the Required Improvements, plus six months.

Bonds Secured by Irrevocable Letters of Credit - shall be provided by a bank or other similar reputable institution subject to the approval of the Commission and the Town Attorney. The Letter of Credit shall be in such form and accompanied by such documents as may be prescribed by the Commission.

- 8.2 Inspection of Improvements:** The Department of Public Works or other person designated by the Commission shall be informed by the Developer in advance of all relevant construction by the developer and may inspect required improvements during construction to assure satisfactory completion. In the case of a new street(s) or change(s) in existing street(s), the work shall be inspected in accordance with the Town ordinance governing road construction. If the Department of Public Works or the person designated by the Commission finds upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans, he shall notify the applicant and the Commission in writing and the applicant shall be responsible for completing or repairing said improvements according to specifications.
- 8.3 Improvements Required by Unforeseen Conditions:** If during the course of construction of any new street, or any other improvements required by the Commission as part of an approved subdivision, additional work is required to complete all improvements in order to remedy conditions, the Department of Public Works shall require such additional work to be done by the developer at no cost to the Town. Such unforeseen conditions may include, but shall not be limited to, springs, existing drains, swampy conditions, side hill drainage from cuts, bedrock.
- 8.4 Modification of Design of Improvements:** If at any time before or during the construction of required improvements, it is demonstrated to the satisfaction of the Department of Public Works, that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Department of Public Works may, upon approval of the Chairman of the Commission, authorize minor modifications, provided these modifications are within the spirit and intent of the Commission's approval and do not constitute a waiver or substantial alteration of the improvements as required by the Commission. The Department of Public Works shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Commission at its next regular meeting.
- 8.5 Failure to Complete Improvements:** Where a performance guarantee has been posted and required improvements have not been installed within the terms of such guarantee, the Town may thereupon declare the performance guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development.
- 8.6 Partial Release:** When and if the Department of Public Works determines that a substantial portion of the improvements called for in the Subdivision Plan approved by the Commission has been completed, the Department may recommend one or more partial releases of a portion of the guarantee, the balance to be sufficient to guarantee completion of the public improvements. Such partial release shall be authorized by the Commission only upon recommendation of the Department of Public Works. Releases shall be granted in amounts in excess of \$1,000. In no event shall a guarantee be released below 25% of the actual cost of improvements.
- 8.7 Final Release:** A performance guarantee will not be finally released until requested, in writing, by the developer and the following conditions have been met:
- a. Certification and Acceptance: The Department of Public Works has submitted a letter stating that all required improvements have been satisfactorily completed.

- b. **As Built:** The applicant's engineer or surveyor has certified to the Commission, through submission of detailed "as built" plans, that all improvements are in accordance with submitted construction plans for the subdivision. "As built" plans shall include plan and profile maps, and may at the discretion of the Commission, include grading plans, and erosion and sedimentation control plans. Such plans shall show any modifications or changes made during construction, and one copy of each provided on polyester film (mylar).
- c. **Maintenance Performance Guarantee:** A maintenance performance guarantee, as described below, where deemed necessary, shall be filed with the Town.
- d. **Documents and Conditions:** Confirmation that all required documents have been furnished the Commission and all conditions and requirements of the Commission's approval of the Subdivision application, including the placement of lot markers, have been satisfied.

8.8 Maintenance of Improvements: The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Town.

- a. **Maintenance Performance Guarantee:** The applicant shall be required to file a maintenance performance guarantee with the Town in order to assure the satisfactory condition of the required improvements. In the case of improvements which are not to be offered for acceptance by the Town, the maintenance guarantee must be in effect for a period of one (1) year from the release of the performance guarantee. In the case of improvements which are to be offered for acceptance by the Town, the maintenance guarantee shall be in effect for a period of fifteen (15) months from the release of the performance guarantee or until acceptance of the improvement by the Town, whichever period is lesser. The maintenance guarantee shall be in an amount set by the Commission upon recommendation of the Director of Public Works but in no case shall be less than 10% or more that 50% of the amount of the performance guarantee.
- b. Maintenance guarantee will not be released by the Commission until requested in writing by the developer. Such request shall be accompanied by a letter from the Department of Public Works recommending said release and stating that all required improvements have remained in good condition during the maintenance period.

**APPENDIX A
REQUIRED MAP NOTATIONS**

The following is a list of the general notations required to be shown on the various maps and plans to be submitted as part of a Subdivision Application. Other more detailed notations, which are not listed here, may be required to meet the specifications of the Subdivision Regulations.

1. The following information shall be included in the Title Block to be shown on all maps and plans.

TITLE BLOCK	
Title of the Subdivision	
Name of Land Owner:	
Name of Applicant:	
Zoning District:	Drawn By:
Date:	Professional Seal:
Dates of Revisions:	

2. The following Approval and Endorsement Block shall appear on the Record Subdivision Map and Construction Plan.

APPROVAL AND ENDORSEMENT BLOCK	
Approved By the Litchfield Planning and Zoning Commission on (Date of meeting)	
Endorsed By	
Chairman _____	on Date
Secretary _____	on Date
And delivered to the applicant on (Date of Delivery)	
IN ACCORDANCE WITH STATE STATUTE 8 26c, ALL WORK IN CONNECTION WITH THIS SUBDIVISION SHALL BE COMPLETED BY	
Fill in date of five (5) years from the date of endorsement (see above).	

The following note shall appear on the Record Subdivision Map:

"when any modifications or conditions including a Performance Guarantee are required as a part of the Subdivision approval by the Commission, the Chairman or Secretary shall not endorse said record subdivision map until said modifications and/or conditions are filed. If the required modifications and/or conditions are not filed within forty-five (45) days of the date of subdivision approval by the Commission, or within an extended period as may be approved by the Commission pursuant to Section 8.1 (b) of the Subdivision Regulations, the subdivision approval shall be deemed automatically void.

3. Pursuant to Section 2.3.5 where on-site water supply wells are proposed but not established at the time of subdivision approval, the following notation shall be shown on the Record Subdivision Map:

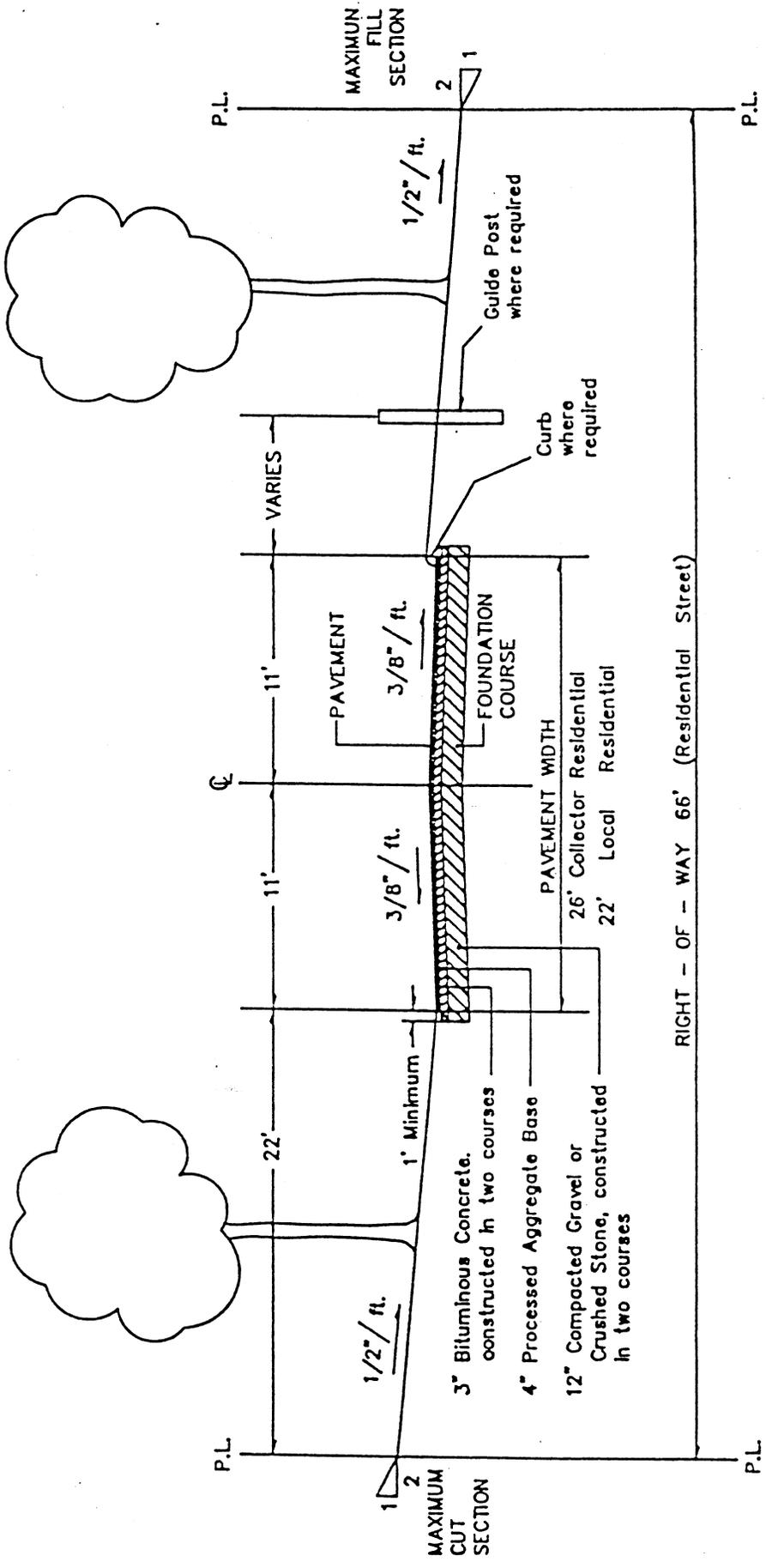
"Approval of this subdivision (or resubdivision) by the Litchfield Planning and Zoning Commission cannot and does not guarantee the quantity and quality of water supply."

4. Pursuant to Section 4.2.6, when a subdivision does not include land in the Litchfield Flood Plain District, the following notation shall be shown on the Record Subdivision Map:

"This subdivision does not include land areas within the Flood Plain District as defined under the Litchfield Zoning Regulations."

5. Pursuant to Section 4.5, where the Commission determines that an erosion and sediment control plan shall be required as a part of a zoning permit application, the following notation shall be shown on the Record Subdivision Map:

A detailed erosion and sediment control plan associated with the development of the following subdivision lots (specifying the lot numbers) shall be required as part of the application for the zoning permit and shall be certified by the Commission or its authorized agent prior to issuance of the zoning permit."



TYPICAL STREET CROSS SECTION

Town of Litchfield, Connecticut

RIGHT - OF - WAY - WAY 66' (Residential Street)