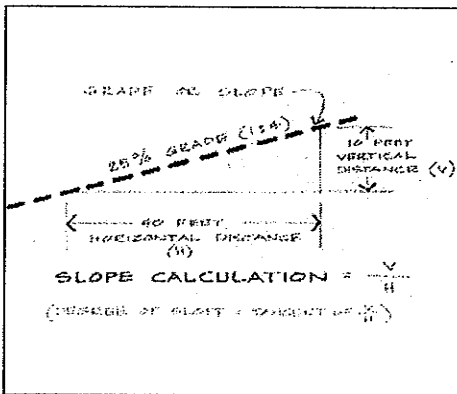
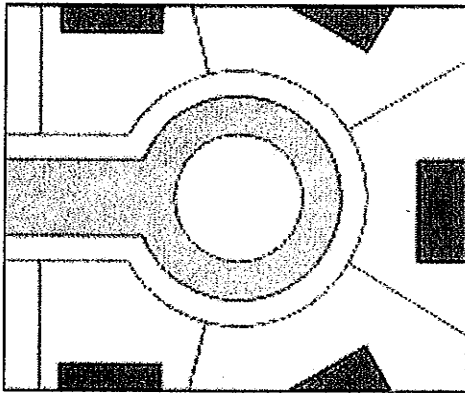


TOWN OF NEW FAIRFIELD

SUBDIVISION

REGULATIONS



Planning Commission
New Fairfield, Connecticut

Effective - June 1, 2004

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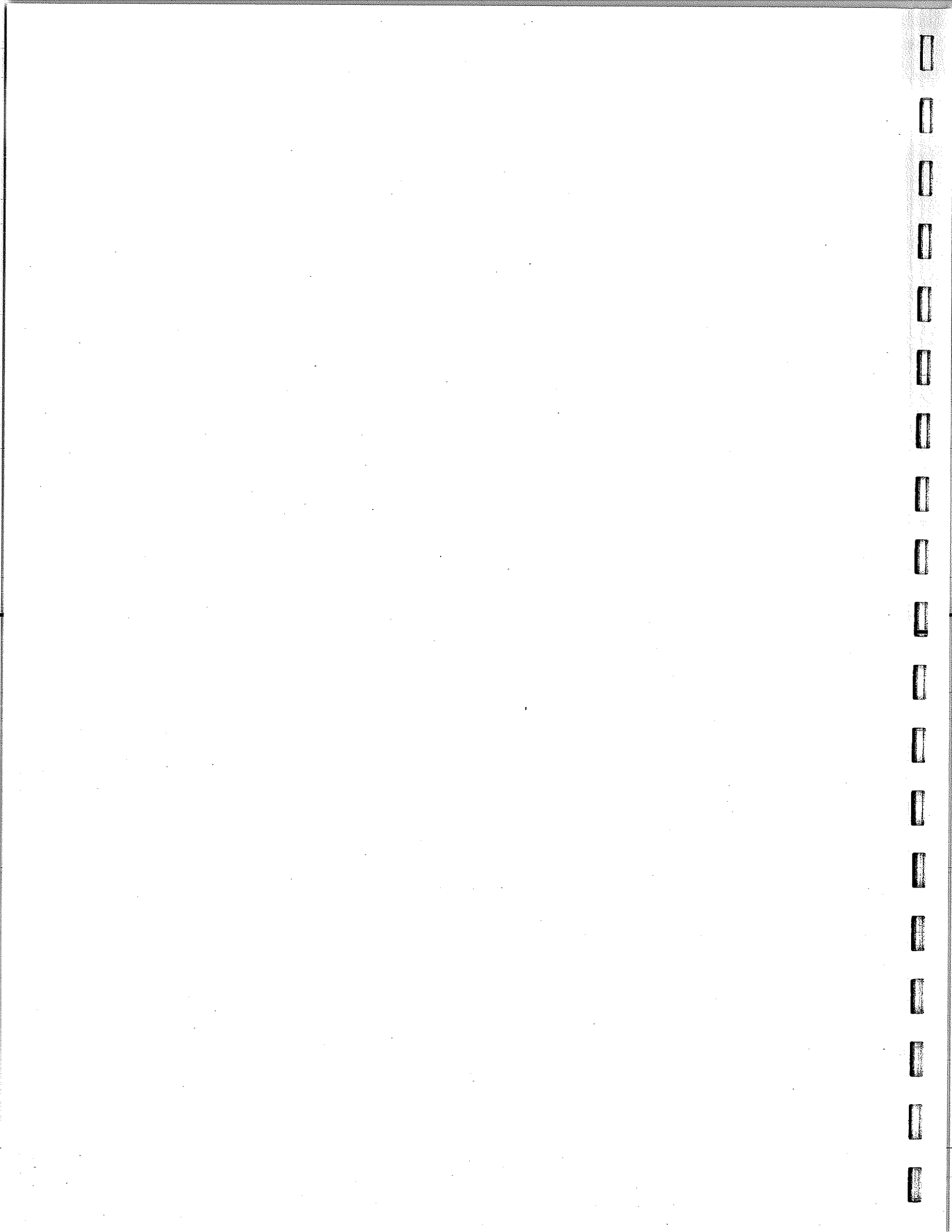
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1.00 INTRODUCTION

1.01 AUTHORITY

These Regulations are adopted by the Town of New Fairfield Planning Commission under the authority conferred by Chapter 126 of the Connecticut General Statutes, as amended, and by the Ordinance adopted by the Town of New Fairfield effective June 16, 1972.

1.02 PURPOSES

As provided in Section 8-25 of the Connecticut General Statutes, these Regulations are adopted for the following purposes:

1. Protecting and providing for the public health, safety and welfare in the community and promoting the general welfare and prosperity of its people.
2. Promoting the coordinated development of the community and guiding future growth and development in New Fairfield in accordance with the Plan of Conservation and Development.
3. Ensuring that land to be subdivided is of such character that it can be used for building purposes without danger to health or public safety.
4. Guiding public and private policy and action in order to provide safe, adequate, and efficient transportation, drainage, water, sewer, parks, schools and other public facilities.
5. Providing for the circulation of traffic throughout the community so that proposed roads shall be in harmony with existing and proposed roads, especially as regards safe intersections, and shall be so arranged and of such width as to provide an adequate and convenient system for present and future traffic needs.
6. Establishing reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land.
7. Ensuring that public facilities are available and have adequate capacities to serve the proposed subdivision.
8. Preventing the pollution of air, streams, rivers and water bodies, assuring the adequacy of drainage facilities, providing for protective flood control measures, and encouraging the wise use and management of natural features throughout the community in order to preserve the integrity, stability and beauty of New Fairfield and the value of the land.
9. Preserving the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features.
10. Encouraging energy efficient patterns of development and land use, use of solar and other renewable forms of energy, and energy conservation.

Section 1.00 - INTRODUCTION

1.03 APPLICABILITY

1. These Regulations shall apply to any subdivision or resubdivision of land within New Fairfield, Connecticut.
2. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission and has been filed in the office of the Town Clerk.
3. All proposed subdivisions of land shall be laid out and designed so that every lot shown therein conforms with all area and dimensional requirements specified in the Zoning Regulations for the zoning district within which the lot is located.
4. No subdivision plan shall be filed or recorded by the Town Clerk until its approval by the Commission is indicated upon the plan as prescribed in these Regulations, and any recording of a subdivision plan without such approval shall be void.
5. The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.

1.04 COMPLIANCE REQUIRED

Unless modified by the Commission, all subdivisions and all improvements shall be planned, designed, and constructed in accordance with the requirements of these Regulations, the Zoning Regulations, and other applicable ordinances, regulations, and standards.

2.00 INTERPRETATION

2.01 GENERAL INTERPRETATION

1. In their interpretation and application, the provisions of these Regulations shall be held to be:
 - a. adopted for the purposes stated herein, and
 - b. the *minimum* requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
2. In the interpretation and application of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.
3. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
4. In the case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table or illustrative table, the text shall govern.
5. For the purpose of interpretation and enforcement of these Regulations, words not defined in this Section shall be defined by the Commission after consulting and considering:
 - a. The Zoning Regulations,
 - b. the Building Code,
 - c. the "*Illustrated Book of Development Definitions*,"
 - d. the Connecticut General Statutes,
 - e. Black's Law Dictionary,
 - f. a comprehensive general dictionary (such as Webster's Third New International Dictionary).

2.02 INTERPRETATION OF TERMS

When not inconsistent with the context where used:

1. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
2. The phrase "these Regulations" shall refer to the entire Subdivision Regulations.
3. The word "Section" shall refer to a section of these Regulations, unless otherwise specified.
4. Words used in the singular shall include the plural, and the plural the singular.
5. Words used in the present tense shall include the future.
6. Words which are specifically masculine or feminine shall be interpreted as interchangeable.
7. The words "used for" include "arranged for", "designed for", "maintained for", or "occupied for".

2.03 DEFINITIONS

A-2 Survey - Survey information meeting the standards for an "A-2" survey as specified in "Code of Recommended Practice for Standards of Accuracy of Survey and Maps" by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

AASHTO - American Association of State Highway and Transportation Officials.

Accelerated Erosion - Any increase over the rate of natural erosion as a result of earth-disturbing activities.

Accessway - A private way for vehicular traffic, providing access to a street for one or more interior lots.

Acre - A land area equivalent to forty-three thousand five-hundred and sixty (43,560) square feet.

Applicant - Any person who shall propose or lay out for the purpose of sale or building development any subdivision or part thereof, or any resubdivision, as herein defined.

Application - The application form, maps, texts, reports, and supporting data required by these Regulations for approval of a subdivision or resubdivision.

Bond - A bond shall mean a surety bond, a bond secured by a passbook savings account, or a bond secured by an irrevocable letter of credit.

CGS - Connecticut General Statutes.

Commission - The Planning Commission of the Town of New Fairfield.

Community Resources - Scenic views, scenic areas, open space, recreation areas, greenways, trails, agricultural lands, prominent hillsides, ridgelines, ridgetops, hill crests, significant trees, and similar resources.

Conditional Approval - Approval of a subdivision where, in lieu of completion of required improvements or furnishing of a bond, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon provided that no lot shall be offered for sale or sold until a final approval has been granted by the Commission and such final plan has been filed with the Town Clerk.

CTDOT - Connecticut Department of Transportation.

Section 2.00 - INTERPRETATION

- Cul-de-sac** - A dead-end road terminating in a vehicular turnaround area.
- Cultural Resources** - Archeological sites, stone walls, historic buildings, historic sites, and similar resources.
- Date of Receipt** - The application shall be considered received upon the date of the first regularly scheduled Commission meeting after submission of the application or thirty-five (35) days after submission of the application, whichever time period is shorter.
- Developer**- See "*applicant*".
- Development**- Any construction or grading activity to improved or unimproved real estate.
- Director of Health**- The person or persons responsible for enforcement of the Public Health Code for the Town of New Fairfield.
- Disturbed Area** - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- Driveway** - A paved or unpaved way providing access from a street or access-way to the premises.
- Shared** - A privately owned and maintained driveway shared by adjacent property owners for access to more than one lot or facility.
- Earth Disturbing Activities** - Any use of the land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation.
- Easement** - A right in favor of one other than the owner of land to use the land for a special purpose not inconsistent with the general property interest of the owner.
- Elevation** - The height of a point above mean sea level based on the U.S. Coastal & Geodetic survey datum.
- Engineer** - A professional engineer, registered in the State of Connecticut, who utilizes the knowledge of the physical sciences, the understanding and interpretation of geological and topographical data, the results of soils and flow tests in order to design and construct roadways, utilities and structures upon the land in such a way that the community is best served.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice or gravity, or any combination thereof.

Erosion and Sediment Control Manual - The "Erosion and Sediment Control Manual" applicable to Fairfield County, Connecticut that is available from the Soil and Water Conservation District or the U.S. Department of Agriculture, Natural Resource Conservation Service.

Erosion and Sediment Control Plan Certification - A formal recognition by the Commission or its designated agent that a soil erosion and sediment control plan complies with the requirements of the Erosion & Sediment Control Regulations of the Town of New Fairfield.

FEMA - Federal Emergency Management Agency.

Final Approval - Approval of a subdivision where lots may be offered for sale or sold upon:

- compliance with any conditions of approval,
- completion of subdivision agreement or other necessary documentation such as easements,
- completion of any required improvements or furnishing of a bond, and
- filing of the plan with the Town Clerk.

Flood Plain - That area designated as subject to periodic flooding by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (a "one-hundred-year-flood"), consisting of the floodway and the floodway fringe of the one-hundred-year flood as shown on the Flood Boundary and Floodway Maps in the Flood Insurance Study, as amended.

Four-Forty Line - An elevation contour line on Lake Candlewood which, for purposes of these regulations, shall be considered a lot line.

Grade - The number of feet rise in one-hundred feet of horizontal distance expressed as percent.

Grading - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Improvement - Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

Inspection - The periodic review by the Town, the Commission, or the Commission's representative of the construction or development of a subdivision.

Section 2.00 - INTERPRETATION

IWCC - The Town of New Fairfield Inland Wetlands / Conservation Commission.

Lot - A unit of land created from a larger tract of land for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes.

Lot Area - The total horizontal area of the area lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area.

Lot, Corner - A lot having two (2) adjacent front sides facing a street or streets so that the interior angle of intersection is not more than one hundred and twenty (120) degrees.

Lot, Interior - Any lot which does not have the frontage required by the Zoning Regulations for the zoning district in which it is located.

Lot Line - The outside dimension of a lot as defined in these regulations, except that in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line and shall not be the center line of the street or any other line within the street line, even though such may be the property boundary line.

Lot Line, Front - The line or lines dividing the lot from the street or streets.

Lot Line, Rear - A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length or if the lot conforms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the same maximum distance from the front lot line.

Lot Line, Side - Any lot line which is not a front or rear lot line.

Lot Frontage - The distance between the side lot lines measured in a straight line at right angles to the mean direction of such lot lines, which line of measurement shall be coincident with the street line.

Lot Of Record - A lot which existed and met the requirements of the Zoning Regulations on October 1, 1964.

Lot, Through - A lot having both front and rear yards abutting a street.

Lot Width - The distance between the side lot lines measured in straight line at right angles to the mean direction of such side lot lines, measured at the building line.

Natural Features - Land, water, and biological resources including, but not limited to, soil types, terrain, slopes, ridgetops, rock outcroppings, water-

courses, ponds, rivers, flood plains, wetlands, streambelts, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique and fragile features.

Open Space - Land dedicated for preservation of natural features, forests, wildlife habitat, wetlands, floodplain, community resource, or land preserve.

Owner - The person shown by the Land Records of the Town of New Fairfield to be the holder of the fee title.

Parcel - The larger tract of land that is divided to create smaller tracts or lots.

Person - Any individual, firm, partnership, corporation, incorporated association, organization or other legal entity. See "*applicant*" and "*developer*" and "*subdivider*".

Plan of Conservation and Development - A comprehensive plan for the future growth, protection and development of New Fairfield adopted by the Planning Commission under CGS Section 8-23.

Premises - A parcel or plot of land whether occupied or unoccupied by buildings.

Recreation Area - Land dedicated for recreation area, park, or playground purposes.

Reserve Strip - A privately-owned strip of land which controls access to land dedicated, or to be dedicated, to use as a public road.

Resubdivision - A change in a map of an approved or recorded subdivision if such change:

- affects any road layout shown on such map,
- affects any area reserved thereon for public use, or
- 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.

Section 2.00 - INTERPRETATION

Road - Public or private roads, streets, lanes, or any right-of-way which shall have at least one intersection with another road and be dedicated to or used for public travel or any proposed way shown on a recorded subdivision approved by the Commission.

Accepted - Any road which has become a public highway by virtue of official acceptance by the Town of New Fairfield.

Approved - Any street whose location has been approved by official action of the Commission.

Arterial (Major Street) - A through street which generally carries traffic between communities or major activity centers and includes all State and Federal highways although some Town roads may be so classified.

Collector - A through street that provides intra-community traffic service and neighborhood access to arterial streets.

Dead End, Permanent - A road with a turn-around and only one intersection with another road that is not designed to be extended into adjoining undeveloped land.

Dead End, Temporary - A road with a temporary turn-around having one intersection with another road and designed to be extended into adjoining undeveloped land.

Limited Local - A dead-end street serving whose only function is to provide linkage between properties and other streets.

Local - A through street whose primary function is to provide access to abutting property and linkage between properties and collector or arterial streets.

Right-Of-Way - The area between property lines reserved for use, present or future, as a street.

Sale - A voluntary transfer of title, including gifts, devises and transfers for security purposes only.

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

Sidewalk - A paved way located within the street right-of-way dedicated to pedestrian traffic only.

Slope - See "Grade".

- Soil** - Any unconsolidated mineral or organic material of any origin.
- Soil Erosion and Sediment Control Plan** - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.
- Soil Scientist** - A person who is qualified as a soil scientist in accordance with the standards set by the United States Civil Service Commission.
- Soils Map** - Soils classification maps as shown in the *Soil Survey, Fairfield County Connecticut* prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- Solar Energy Techniques** - 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.
- Statute** - Connecticut General Statutes.
- Street** - See "Road."
- Street Line** - The line separating the street right-of-way and adjoining lots or premises.
- Structure** - Anything constructed, erected, or assembled that requires a location on or within the ground or attachment to something having a location on the ground.
- Subdivider** - Any person, firm, partnership, association, or corporation proposing a subdivision, either for themselves or as an agent for others. See "*Applicant*" and "*Developer*".
- Subdivision** - The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The word "subdivision" shall also include resubdivision.
- Town** - The Town of New Fairfield, Connecticut.
- Town Engineer** - Such engineer(s) acting as the consulting engineer for the Town of New Fairfield's as may be appointed from time to time by the Board of Selectmen.
- Town Plan** - see "Plan of Conservation and Development."

Section 2.00 - INTERPRETATION

Traveled Way - That portion of the surface of the street intended to be used by vehicular traffic.

Turnaround - The area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction. The word "turnaround" includes the words "cul-de-sac".

Walkway - A sidewalk, path, trail, way, or any easement which provides for the movement of pedestrian or other non-motorized traffic.

Watercourses - The term "watercourses" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of New Fairfield, Connecticut.

Wetlands - The term "wetlands" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of New Fairfield, Connecticut.

Zoning Commission - The Zoning Commission of the Town of New Fairfield.

Zoning Regulations - The Zoning Regulations of the Town of New Fairfield in effect at the time of application for subdivision or resubdivision.

3.00 OVERALL REQUIREMENTS

3.01 PROTECTION OF IMPORTANT FEATURES

1. Any subdivision shall be designed and arranged and provision shall be made to:
 - a. preserve natural features as defined in these Regulations,
 - b. preserve and enhance community resources and/or cultural resources as defined in these Regulations,
 - c. make best use of the natural terrain,
 - d. prevent the pollution of wetlands, watercourses, and water bodies,
 - e. protect the quality and quantity of water supplies,
 - f. minimize flood damage.

2. During the review process, the Commission may require:
 - a. the preservation or enhancement of specific features,
 - b. the submission of additional information that demonstrates the applicant's proposals (such as a conservation restriction and/or the dedication of open space) for protecting such resource(s) as set forth in Section 3.01.1 of these Regulations.

3.02 OPEN SPACE RESERVATION

1. As provided for in CGS Section 8-25, every subdivision shall provide for the reservation of open space land in order to:
 - a. protect and conserve natural features,
 - b. protect and conserve community resources and/or cultural resources,
 - c. establish greenbelts and other linkages that connect open spaces,
 - d. provide for parks, playgrounds, and other active and passive recreation areas,
 - e. supplement existing open space areas,
 - f. provide, protect, or enhance local trails, and
 - g. implement the open space and other recommendations in the Plan of Conservation and Development.

2. This open space requirement may, with approval of the Commission, be met through:
 - a. dedication of land within the subdivision,
 - b. dedication of land acceptable to the Commission elsewhere in New Fairfield,
 - c. a fee-in-lieu-of-open-space donation,
 - d. dedication of land and a fee-in-lieu-of-open-space-donation, or
 - e. some other arrangement that shall be found by the Commission to be acceptable (such as a streetscape protection easement, a trail easement, a conservation easement, or similar proposal).

3. Notice of a pending subdivision application shall be given to the Parks and Recreation Commission, the Board of Selectmen, the Conservation Commission, the Inland Wetlands Agency and the New Fairfield Land Trust with a request for advice and consultation on the need for an open space reservation in the subdivision, the land resources available, the implications of a reservation in relation to open space system in the Town, and preferred ownership. The Commission may also solicit comment from a qualified consultant.

4. Dedication of Land

- a. Where the open space requirement shall be met through the dedication of land:
 - i. at least twenty (20) percent of the total area of the subdivision shall be set aside for open space, and
 - ii. unless waived or modified by the Commission, the area reserved to meet the minimum open space requirement shall not consist of a greater percentage of area classified as wetland, watercourse, 100-year floodplain, or slopes in excess of twenty-five percent (25%) than the parcel as a whole.
 - iii. Land required to be reserved in a subdivision for open space, parks, and playgrounds should have conditions which effectively carry out the purpose of the Regulations. It is recognized however, that conditions will vary significantly from subdivision to subdivision. The subdivision plan must take into account slope, soil conditions, water and drainage, wetlands, vegetation, which are all factors needed to evaluate the proposed functions and suitability of any such open space, park or reservation in the subdivision.
- b. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in New Fairfield.
- c. In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
 - i. recommendations in the Plan of Conservation and Development,
 - ii. the presence or absence of any existing open spaces in the area,
 - iii. the opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system,
 - iv. the size of the subdivision, and
 - v. the responses to the referrals regarding need, resources, connection to the open space system of the Town and preferred ownership.
- d. When a subdivision abuts an existing open space, the Commission may require the lot lines of such land form a continuation of the existing open space to provide a single, unified area.

Section 3.00 - OVERALL REQUIREMENTS

- e. The applicant shall designate which entity is, or entities are, proposed to own the open space to ensure its permanent protection as provided in these Regulations. The following is the order of preference for ownership of open space, playgrounds and parks:
 - i. That any reservation for community park, playfield, athletic field or playground for active recreation be conveyed to the Town if requested and accepted by the Town. Acceptance by the Town may require a vote of the Town Meeting.
 - ii. That all other reservations of open space for conservation purposes be offered to the Town;
 - iii. If not accepted by the Town, any park or open space may be conveyed to a local land trust or similar open space agency legally constituted to accept and maintain open space for conservation purposes and playgrounds may be owned by an association of lot holders in the subdivision.
 - iv. If land is not conveyed to the Town or a local land trust, the application will need to establish in advance of lot sales, a neighborhood association under at least the following conditions as reviewed and approved by the Commission:
 - 1) Establish association and file papers and covenants by the time of filing of the record subdivision map with the Town Clerk.
 - 2) Covenants for mandatory membership in the association setting forth the lot owner's right and privileges in the association and the land should be included in the deed for each lot.
 - 3) The association should have responsibility for maintenance of the open space and operation and maintenance of facilities in the open space, including insurance and taxes.
 - 4) The association should be empowered to levy annual charges against all lot holders to defray expenses; charges should become a lien against any lot in the event of default;
 - 5) The subdivider should maintain control over the open space and be responsible for maintenance until development sufficient to support the association has taken place.
- f. Open spaces shall be deeded in perpetuity.
- g. Open spaces deeded to a private organization or to a private association shall provide in such deed that ownership shall revert to the Town for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership.
- h. The Commission may defer the requirements for the immediate provision of such land in a subdivision which is a part of a larger tract of land, provided that the subdivider dedicates an area of land in the undeveloped portion of the tract equal to the requirements of this section in the developed portion.

- i. If a subdivider transfers land to the Town for municipal purposes other than for required road widening, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
- j. The Commission may require that any open space land have direct access to a public road through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- k. Land provided as open space may be used for active recreation, playground, passive recreation, conservation, or preservation as determined by the Commission.
- l. Open space areas shall not be used as a depository for brush, stumps, earth, building materials, or debris except as expressly permitted by the Commission.
- m. Proper provision for the permanent protection and management of such land shall be made by the subdivider and such provision shall be subject to approval by the Commission.
- n. The Commission recognizes that there are other possible means for reservation, ownership, operation and maintenance of open spaces. Proposals for other means will be considered by the Commission.

5. Fees in Lieu of Open Space

- a. As provided by CGS Section 8-25, the Commission may authorize the applicant/developer to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide open spaces.
- b. The Commission may also request the subdivider pay a fee to the Town or pay a fee to the Town and transfer land in lieu of the requirement to provide open space where dedication of land as open space will not meet the purposes of this section.
- c. If payment of such a fee is proposed by the subdivider, the Commission may refuse such fee if it determines, in its sole discretion, that there are acceptable areas on the subdivision which merit preservation by one of the methods set forth in these Regulations.
- d. The open space payment shall be placed in a fund established by the Town to be used for the purpose of preserving land for open space, recreational, or agricultural purposes, including easements or purchases of development rights.

Section 3.00 - OVERALL REQUIREMENTS

- e. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be in accordance with Section 8-25 of the Connecticut General Statutes, as amended provided that any required appraisal shall be performed by a Senior Resident Appraiser (SRA) or a Master Appraisal Institute (MAI).
- f. The fee in lieu of open space may be paid in one lump sum by the subdivider or may be made in partial payments at the time of the sale of each approved lot in the subdivision. If partial payments are to be made, each payment shall be prorated in value relative to the number of approved lots in the subdivision.
- g. When fractional payments are provided in lieu of open space land, the developer shall execute a mortgage securing the fee-in-lieu-of-open space and such mortgage shall be recorded on the Town of New Fairfield Land Records with a priority, form, and substance acceptable to the Town Land Use Attorney. Partial releases shall be provided upon the tender of each fractional payment.

6. Waiver of Open Space Reservation

In accordance with CGS Section 8-25, as amended, the open space reservation requirement shall not apply if:

- a. the transfer of all land in a subdivision of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin for no consideration, or
- b. the subdivision contains affordable housing as defined in CGS Section 8-39a equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

3.03 SPECIAL FLOOD HAZARD AREAS

1. Any proposed subdivision of land shall comply with any flood management ordinance adopted by the Town.
2. In areas subject to flooding, proper provision shall be made for protective flood control measures including, but not limited to, the following:
 - a. storm drainage shall be designed to reduce exposure to flood hazards,
 - b. roads shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions,
 - c. roads, drainage and other improvements shall be safe from flood damage,
 - d. public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages,
 - e. All utilities and services (including sewage, water, and electric systems) shall be located and constructed to minimize or eliminate flood damage.

3.04 WATER QUALITY PROTECTION

1. Development shall occur in a manner and density to prevent degradation of the ground water quality below drinking water standards based upon the normally expected waste water dilution potential of the proposed individual subdivision lots.
2. Whenever possible, subdivision development shall be planned to enhance or maintain levels of ground water recharge to the aquifer.

3.05 TREE PLANTING

1. Unless waived by the Commission due to the preservation of existing healthy trees or inappropriate topographic or geologic conditions, trees shall be planted in each subdivision in the amount of four (4) trees per 100 feet of road length.
2. A planting plan showing the proposed location of tree planting shall be submitted for approval by the Commission.
3. Trees to be planted shall:
 - a. be located within ten (10) feet of the edge of the pavement unless modified by the Commission due to possible interference with wetlands, watercourses, topography, soils, scenic views, intersection sight lines, winter conditions, or underground or overhead utilities,
 - b. be an indigenous tree species approved by the Commission,
 - c. be two (2) inch caliper or larger, and
 - d. be planted, protected and maintained using good horticultural practices.

3.06 CLEARING AND GRADING

1. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision.
2. When rocks or boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities, supplemental water supply systems, fire protection systems, or underground utilities and shall be so deposited that, in the opinion of the Town Engineer or his designated representative, voids likely to cause undue soil settling will not be created.
3. Where filling of lots for final grading is required, compactable fill, and topsoil as required for lawn or plant growth, shall be used.
4. Final graded areas shall result in grades which are less than one (1) foot vertical in two (2) feet horizontal, unless otherwise approved by the Commission due to ledge rock or other condition.

3.07 EROSION AND SEDIMENT CONTROL

1. The subdivider shall adhere to those standards set forth in the document "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended, in order to:
 - a. minimize erosion and sedimentation during construction,
 - b. stabilize and protect land from erosion when completed,
 - c. not cause off-site erosion and/or sedimentation.
2. A soil erosion and sediment control plan and narrative shall:
 - a. be provided as part of any application,
 - b. meet applicable requirements of the New Fairfield Soil Erosion and Sediment Control Ordinance,
 - c. contain provisions to control accelerated erosion and sedimentation, and
 - d. reduce the danger from storm water runoff on the proposed site based on the best available technology.

4.00 PARCEL AND LOT REQUIREMENTS

4.01 LAND CHARACTER

Land which the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soils, utility easements or similar features which might pose a threat to the public health, safety or welfare shall not be approved for subdivision unless adequate provisions are made by the subdivider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

4.02 LOT LAYOUT

1. Minimum lot size and frontage on a public road shall be as required by the Town of New Fairfield Zoning Regulations for the zoning district in which the lot is located.
2. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
 - a. securing necessary permits to develop all lots in compliance with the applicable regulations, codes, and ordinances,
 - b. occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public,
 - c. providing safe and convenient access to principal buildings on such lot, and
 - d. providing for grading and drainage without adversely affecting abutting or downstream properties.
3. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this provision would result in a better road or lot layout. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
4. Interior lots shall not exceed 25 percent of the number of new lots in a proposed subdivision or resubdivision except that a subdivision or resubdivision of three or fewer lots shall not contain any interior lots.

Section 4.00 - PARCEL AND LOT REQUIREMENTS

5. No parcel, reserve strip, or any other remnant of land unsuitable for building shall be left in any subdivision.
6. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
 - a. does not conform to the requirements of these or other applicable codes and regulations,
 - b. is found unsuitable for occupancy and building by reason of lack of septic suitability, lack of adequate water supply, topography, water, flooding, or other conditions, or
 - c. does not meet the minimum zoning requirements.
7. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property or would land lock an adjacent property unless the control of such land or building lot is placed definitely within the jurisdiction of the Town under conditions approved by the Commission.

4.03 CORNER PINS

Corners of all lots, open space, conservation easements, and other parcels or areas shall be marked with one (1) inch steel pipe or 3/4-inch reinforcing rod at least eighteen (18) inches long, or with stone or concrete monuments and such markings shall be set by a Connecticut-licensed surveyor.

4.04 SOLAR ACCESS

1. Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation are encouraged.
2. The subdivider shall consider using solar energy techniques and site design techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, and that have the potential to:
 - a. maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and
 - b. minimize heat gain and provide for natural cooling during the cooling season.
3. The site design techniques shall include, but not be limited to:
 - a. house orientation,
 - b. road and lot layout,
 - c. vegetation,
 - d. natural and man-made topographic features,
 - e. protection of solar access within the subdivision.

4.06 DRIVEWAYS

1. Lots shall be laid out so that:
 - a. each lot is served by a driveway,
 - b. the driveway conforms to the requirements of the Zoning Regulations or other municipal regulations, and
 - c. the driveway serving each lot has access to a local street or to an accessway, and not to a major road carrying general traffic except where the lot fronts only on the major road.
2. Any driveway shall have a driveway apron between the edge of the road and the right-of-way line and such apron shall:
 - a. be constructed on an approved sub-base consisting of a 12-inch thick gravel layer or an eight (8) inch thick crushed stone layer,
 - b. be paved with two (2) inches of compacted bituminous concrete, and
 - c. have a lip to prevent road drainage from entering the driveway.
3. Each proposed lot shall be served by a driveway with a maximum grade of:
 - a. two percent (2%) within the road right-of-way,
 - b. eight percent (8%) for the next thirty (30) feet adjacent to the street right-of-way, and
 - c. twelve (12) percent elsewhere.
4. Where deemed necessary to reduce road cuts, the Commission may require that driveways serving adjacent lots be combined on a single road cut. Where prescribed, common driveways shall:
 - a. be eighteen (18) feet in width,
 - b. be constructed on an approved sub-base consisting of a 12-inch thick gravel layer or an eight (8) inch thick crushed stone layer,
 - c. be paved with two (2) inches of compacted bituminous concrete, and
 - d. have mutual and reciprocal vehicular and pedestrian easements over that portion of the common driveway serving the lots.
5. The Commission may, when necessary, require a specific driveway location, grade, width, surface, or other design requirement in order to provide for reasonable access for emergency and other services.
6. When the grade of a proposed driveway exceeds eight percent (8%), the Commission may require that a performance bond be posted to ensure construction of a driveway in compliance with this section.
7. All driveways shall have appropriate drainage in order to minimize discharge of water to the Town road, right-of-way, and adjacent property.

Section 4.00 - PARCEL AND LOT REQUIREMENTS

4.07 ACCESSWAYS

1. The Commission may authorize the use of an accessway to serve land that would otherwise be landlocked or to avoid undue hardship that cannot be alleviated by an alternative street layout and provided that the aims and purposes of these regulations are furthered by their use.
2. An accessway serving more than one (1) interior lot must be specifically authorized by the Commission. An accessway shall not serve more than three (3) interior lots unless the Commission has granted a waiver in accordance with Section 7.03 of these Regulations.
3. Where so authorized, any accessway shall meet the following requirements:
 - a. the accessway shall be at least twenty-five (25) feet wide.
 - b. the travel way shall be at least twelve (12) feet wide if serving one (1) lot, at least eighteen (18) feet wide if serving two (2) lots, and at least twenty-five (25) feet wide if serving more than two (2) lots.
 - c. the travel way shall be constructed on an approved sub-base consisting of a twelve (12) inch thick gravel layer or an eight (8) inch thick crushed stone layer and any drainage piping shall support a minimum of forty thousand (40,000) pounds.
 - d. the travel way shall be paved with two (2) inches of compacted bituminous concrete.
 - e. the grade of the travel way shall not exceed twelve (12) percent except that said grade shall not exceed eight (8) percent for the first thirty (30) feet measured from its intersection with the street right-of-way.
 - f. each lot owner depending on an accessway for access to a street or a highway must either own in fee simple a proportionate part of the accessway or a permanent easement over it and the Commission may require verification of such ownership or easement.
4. Accessways shall not be contiguous.
5. Each lot owner depending upon an accessway for access to a street must either own in fee simple a proportioned part of the accessway or have a permanent easement over it and the Commission may require verification of such ownership or easement.
6. Accessways shall be permanently maintained by the owner or owners of the lot or lots served by them as they will not be accepted as a Town street or highway.
7. The area of an accessway shall be in addition to the minimum required area of the lot or lots which it serves.
8. An emergency pull-off area may be required based on the length of the proposed accessway.

5.00 INFRASTRUCTURE REQUIREMENTS

5.01 SEWERAGE

1. It is the responsibility of the applicant to supply sufficient satisfactory evidence to the Commission and the Director of Health that each lot will adequately satisfy the requirements of the State Health Code for a sewerage system and not endanger public health, safety or general welfare.
2. The Commission shall not approve any lot where insufficient evidence has been provided with regard to sewerage disposal to satisfy the requirements of the State Health Code.

5.02 WATER

1. It is the responsibility of the applicant to supply satisfactory evidence to the Commission and the Director of Health that topographic, geologic, and other site conditions are satisfactory for providing a potable water supply.
2. In accordance with CGS Section 8-25a, any subdivision using water supplied by a water company incorporated on or after October 1, 1984 shall not be approved unless such company has been issued a certificate pursuant to CGS Section 16-262m.
3. The Commission shall not approve any lot where insufficient evidence has been provided with regard to water supply to satisfy the requirements of the State Health Code.

5.03 ROADS

1. Overall Layout

- a. Proposed roads shall have at least one intersection with a State Highway, an existing Town Road, or a proposed Town Road which has been approved by the Planning Commission as part of a subdivision, has been constructed to a binder course of pavement, and has a performance bond on file with the Town in accordance with these Regulations.
- b. Proposed roads shall be planned and designed in harmony with existing and proposed roads as shown in the Plan of Conservation and Development or by the Commission through its own deliberations particularly with regard to location and classification of roads.
- c. Unless otherwise provided in these Regulations, proposed roads shall be designed and constructed to provide a safe and convenient system for prospective traffic and for continuation onto adjoining properties when subdivided.
- d. In general, proposed roads shall be designed to follow the contour of the land with consideration given to preserving natural features, community resources, and cultural resources.

2. Road Classifications

Unless specifically designated in the Plan of Conservation and Development, the Planning Commission shall designate streets in accordance with the following classifications as defined in these Regulations.

3. Road Design and Construction Standards

- a. Unless otherwise determined by the Commission, all proposed streets shall be laid out, designed and constructed pursuant to the above classifications, the geometric standards contained in these Regulations, and all applicable requirements of Town of New Fairfield Ordinance 15 "Streets and Sidewalks."
- b. Where there is a conflict between the standards in this Section and the standards or provisions of other applicable and duly enacted Town Ordinance or Regulation, the one that imposes greater restrictions shall govern.

Section 5.00 - INFRASTRUCTURE REQUIREMENTS

Road Standards

	Arterial / Major Street	Collector Street	Local Street	Limited Local Road
Design Speed	50 MPH	40 MPH	30 MPH	30 MPH
Posted Speed	35 MPH	25 MPH	20 MPH	20 MPH
Minimum Right Of Way Width	60 feet	60 feet	50 feet	50 feet
Minimum Paved Width	40 feet	28 feet	24 feet	24 feet
Maximum Grade	8 percent	8 percent	10 percent	10 percent
Minimum Grade	1 percent	1 percent	1 percent	1 percent
Minimum Horizontal Curve Radius		250 feet	200 feet	200 feet
Minimum Length of Vertical Curve	As required by AASHTO Manual	25 feet / percent grade change, 100 feet min.	20 feet / percent grade change, 100 feet min.	20 feet / percent grade change, 100 feet min.
Minimum Tangent Distance Between Reverse Horizontal Curves		100 feet	100 feet	100 feet
Minimum Curb Radius at Intersections	40 feet	35 feet	25 feet	25 feet
Minimum Sight Distance at Intersections	300 feet	300 feet	200 feet	200 feet
Cross Slope of Pavement	3/8 " / foot	3/8 " / foot	3/8 " / foot	3/8 " / foot
Curbing	Required	Required	Required	Required

Section 5.00 - INFRASTRUCTURE REQUIREMENTS

- c. Where a subdivision has frontage on an existing Town road or State highway that does not meet the appropriate roadway requirements or design standards or has a dangerous curve, the Commission shall require:
 - i. that the subdivider dedicate the required right-of-way and any appurtenant slope or other easements to the Town or appropriate agency along the frontage of the subdivision owned or controlled by the subdivider to correct the deficiency, and
 - ii. that the subdivider shall evaluate and determine the improvements required for Town roads by reason of the proposed subdivision, including widening, installation of drainage, curbing, grading, tree removal and other improvements in conformity with the "Public Improvement Specifications of the Town of New Fairfield" and provide plans to accomplish such improvements. The subdivider shall also provide the Commission with the Town's estimated priority schedule for any such road improvements. If such improvements cannot be accomplished within the time frame for completion of all work in a subdivision, subdivider may stipulate to the Commission that the subdivider shall complete such improvements at its cost. At Commission's option, the subdivider shall improve streets and related intersections to the extent necessary to provide safe intersections of proposed streets with existing or proposed streets.

- d. The Commission may approve subdivisions to be served by proposed streets not intended for acceptance by the Town as public highways provided such private street shall be designed and built in accordance with all applicable standards of these regulations and the requirements of Town of New Fairfield Ordinance 15 "Streets and Sidewalks."

4. Intersection Design

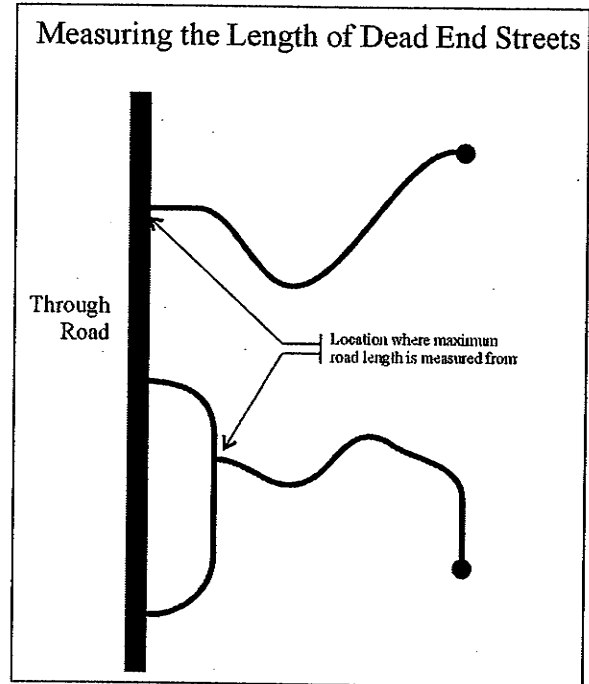
- a. Street intersections shall be laid out at right angles (90 degree) or radially except where impractical by virtue of topography or other conditions and, in no case, shall the angle of intersection between adjoining street lines be less than 60 degrees
- b. Multiple intersections at one location shall:
 - i. not be permitted in new subdivisions in residential districts, and
 - ii. when permitted in non-residential districts, shall have:
 - the centerlines of all roads entering the intersection pass through a single point, and
 - no more than two intersecting roads meeting the main road at any one point.
- c. Except when the Commission finds conditions are present which justify a variation from these requirements, the centerlines of intersecting streets shall be spaced a minimum of:
 - i. 800 feet apart on an arterial road,
 - ii. 400 feet apart on a collector road,
 - iii. 200 feet apart on local roads when on the same side of the street, and
 - iv. 150 feet apart on local roads when on the opposite side of the street.
- d. Proposed roads shall intersect other roads such that the pavement slope on the proposed road averages no more than three (3) percent within 100 feet of the intersection. The Commission can increase the average slope to 4 percent on the recommendation of the Town Engineer.
- e. Proposed roads shall intersect other roads such that the horizontal centerline of the proposed road shall be a straight line for a distance of at least 100 feet from the intersecting street lines unless otherwise approved by the Commission on the recommendation of the Town Engineer.
- f. Intersections shall have unobstructed vision from a driver's eye (located at a height of 3.5 feet above the surface of the proposed road and a location 20 feet back from the edge of the travel way of the intersected road) along both directions of the intersected road that is in conformance with current CTDOT and AASHTO standards for the 85th percentile speed. The "desirable" sight distance shall be provided whenever possible and no road shall be approved that does not provide for the "minimum" sight distance.
- g. Such sight distance shall not be impaired by curvature or grade, except in extreme conditions, in which case adequate alternative safety measures shall be designated.
- h. At a road intersection, no obstruction to sight over three (3) feet in height from road grade shall be allowed within 25 feet of the lot line intersection.

5. Road Extensions and Temporary Dead-End Roads

- a. The arrangement of roads in a subdivision shall provide for the extension of existing roads and for the future extension of proposed roads into abutting property not yet subdivided, except where the Commission determines that topography, soils or other conditions make such continuation impractical or undesirable.
- b. The Commission may require the applicant to demonstrate the feasibility and practicality of extending the proposed road onto or through adjacent property to another road.
- c. Unless otherwise approved by the Commission, any proposed subdivision road which extends towards any undeveloped land capable of being subdivided shall have:
 - i. the full width of the right-of-way extended to the property line of the subdivision,
 - ii. the paved area of a temporary cul-de-sac brought as close to the boundary as is practical,
 - iii. temporary easements provided to the Town for the temporary cul-de-sac areas outside of the standard right-of-way providing that such segments outside the standard right-of-way shall revert to the abutting property owners when the road is extended,
 - iv. a 10 foot paved spur extending from the turnaround area toward the undeveloped land.
- d. Unless otherwise approved by the Commission, any proposed future access to abutting undeveloped property which is perpendicular to the proposed road shall have:
 - i. the right-of-way deeded to the Town,
 - ii. the future roadway area graded with all slopes made necessary by such road prepared and stabilized,
 - iii. no reserve strips left at the end or side of any access which adjoins abutting property.
- e. The subdivider of the adjoining land shall be responsible for:
 - i. preparing drawings showing and including all work required to connect and complete the improvements and utilities between the existing road and the proposed subdivision,
 - ii. removing all segments of any temporary cul-de-sac or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the road is extended.

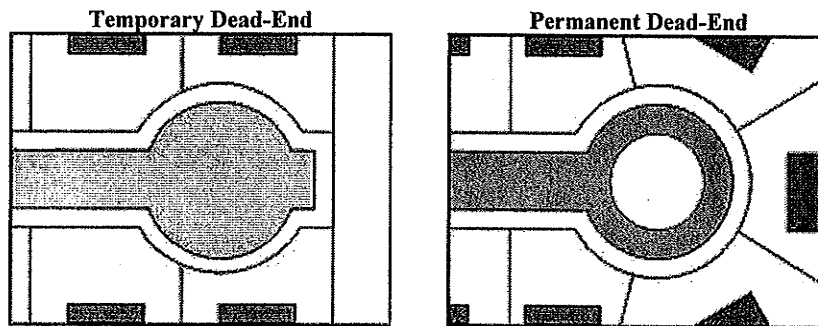
6. Dead-End Road Length Limitation

- a. Unless otherwise approved by the Commission, no permanent dead-end road shall be created that:
 - i. is less than 250 feet in length, or
 - ii. exceeds 1,800 feet in length measured from the nearest intersection, whether inside or outside the subdivision, that has two means of access and egress.
- b. A greater length may be permitted by the Commission, in its sole discretion, due to adverse topographic or soil conditions, difficult site configuration, future road extension, or similar circumstances.



7. Turnaround Design

- a. A permanent dead-end road shall terminate in a turnaround right-of-way that is at least 100 feet in width with the outer edges of the paved area at least 78 feet apart.
- b. The outer edge of such permanent turnaround shall be located at least one-hundred (100) feet from the abutting property line.
- c. The paved turnaround shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
- d. The Commission may require that pedestrian, drainage and/or utility easements of appropriate width be provided from the terminus to the abutting property line.
- e. The Commission may allow alternative turnaround configurations (such as landscaped center islands) in order to retain the rural character of the community when adequate provision has been made for long-term maintenance by others than the Town of New Fairfield.



8. Road Names

- a. Proposed road names:
 - i. shall be indicated on the subdivision plan and shall be approved by the Commission,
 - ii. shall be selected so as to avoid similarity in spelling or sound with existing private or public road names, and
 - iii. may be drawn to reflect on national, state or Town historical events and personalities, and natural, aesthetic and historic features of the subdivision area or its immediate environs.
- b. The following road nomenclature is recommended:
 - i. Court or Place - a permanent dead-end street,
 - ii. Circle - a street that returns to its starting point of a street, both ends of which intersect the same street at different locations,
 - iii. Drive or Lane - a local minor street,
 - iv. Road or Street - a major arterial or collector street or a street in a non-residential zone
- c. Proposed road names shall bear the same name:
 - i. as the subdivision if for the principal road in the subdivision,
 - ii. as the existing road if an extension of, or in alignment with existing roads.

9. Traffic Controls

- a. Prior to Town acceptance of subdivision roads, the developer shall provide and install at the subdivider's sole cost and expense:
 - i. suitable traffic control devices and signs in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, and
 - ii. suitable permanent road name signs at all road intersections in accordance with Town standards.
- b. Temporary road name signs and suitable traffic control devices of a durable, weatherproof material shall be located at road intersections and installed by the subdivider during road construction and prior to the issuance of any building permit.

Section 5.00 - INFRASTRUCTURE REQUIREMENTS

10. Monuments

1. The street lines of all new subdivision roads at all points of curvature, all points of tangency, all angle points and other intermediate points as may be required by the Commission shall be marked with stone or concrete monuments.
2. Stone or concrete monuments shall be:
 - a. indicated and located on the subdivision plan and as-built drawing.
 - b. at least five (5) inches square by 30 inches in length with a suitable marked top.
 - c. set flush with proposed grades and with the marked point set on the point of reference.
 - d. installed such that at least two such monuments shall be provided for each 800 feet of straight road.
3. All monuments shall be set in place at the subdivider's expense after all road construction is completed and prior to road acceptance by the Town. The cost of installing monuments shall be included in the performance bond.

5.04 SIDEWALKS

1. Within subdivisions, the Commission may require that sidewalks be provided.
2. When prescribed by the Commission, sidewalks shall:
 - a. be at least five (5) feet wide.
 - b. be constructed within the proposed street right-of-way at the front property line,
 - c. conform to specifications of the appropriate Town or State agency, and
 - d. have a seeded grass strip separating the sidewalk from the roadway and such grass strip shall slope to the curb of the traveled portion of the street with an appropriate pitch to prevent erosion.
3. Where required, sidewalks shall be built in compliance with the requirements of the Americans with Disabilities Act (ADA).

5.05 STORM DRAINAGE

1. General

- a. The subdivider shall be fully responsible for constructing adequate facilities for the control, collection, treatment, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area.
- b. All drainage facilities shall be designed by a professional civil engineer registered and licensed to conduct business in the State of Connecticut and shall be subject to the approval of the Commission.

2. Design of Drainage Facilities

- a. Storm drainage facilities shall be constructed in accordance with appropriate construction specifications and design standards, unless modified by the Commission with the approval of the Town Engineer.
- b. Drainage facilities shall be laid out so as to provide positive drainage away from all buildings and to prevent ponding of water after construction of roads, drainage and buildings are completed.
- c. Drainage shall be designed so as to avoid any increase in discharge or concentration of storm water onto adjacent property.
- d. The design and construction of storm drainage facilities shall:
 - i. be adequate for present and potential future uses based upon the maximum ultimate development of the watershed as permitted under existing Zoning Regulations,
 - ii. not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures,
 - iii. eliminate standing or stagnant water within the limits of the proposed subdivision unless such condition is specifically approved by the Planning and Zoning Commission as part of a stormwater management plan except that this requirement shall not authorize any activity in regulated wetland, watercourse, or vernal pool areas unless specifically approved by the Inland Wetlands / Conservation Commission.
 - iv. make proper provision (including easements or manholes) for drainage from development of adjacent properties,
 - v. not divert water from one watershed to another without a State permit, and
 - vi. be designed, when piped, to flow full and provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.

Section 5.00 - INFRASTRUCTURE REQUIREMENTS

- e. The design engineer shall prepare a pre-development analysis and a post-development analysis of storm water runoff from the site.
- f. Such analysis shall demonstrate that there will be no increase in the peak rate of storm water runoff from the development based on a 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storm frequency with a duration of 24 hours unless specifically approved by the Commission.
- g. Where detention/retention basins are provided or are required by the Town Engineer, hydrographs shall be generated to document overall flows through the basin.
- h. All drainage design formulas and analyses shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated as part of the application.
- i. Drainage computations showing the following shall be submitted to the Commission:
 - i. plan showing watershed areas for each structure, and
 - ii. calculations showing the area, time of concentration, intensity, coefficient, flow, velocity, pipe size and slope of each pipe length.
- e. All storm drainage facilities shall be designed based on the following storm return criteria:

Drainage Facility	Storm Frequency
Roads within the subdivision and detention/retention on individual lots (including catch basins, inlets, pipes, underdrains and gutters)	25-year storm
Culverts, bridges through watercourses, and detention/retention basins	100-year storm

- f. Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity - Duration Frequency Curves" for the nearest rain gauge.

3. Drainage Facilities

- a. Swales or ditches may be used for drainage if approved by the Town Engineer and designed and constructed to minimize soil erosion and danger to public health or safety. Proposed surface drainage and stream structures shall be designed in accordance with the Erosion and Sedimentation Control Manual.
- b. Drainage facilities located within the road right-of-way shall be enclosed in suitable conduits, where necessary or desirable. Long, diagonal drainage crossings under the pavement that can cause differential road settling shall be avoided. Where a development connects to existing roads, the subdivider shall provide appropriate drainage at the intersections.
- c. Drainage facilities outside of the road right-of-way shall be:
 - i. enclosed in suitable underground pipes wherever desirable, and
 - ii. located in perpetual, unobstructed drainage easements deeded to the Town of New Fairfield and such easements shall be a minimum of thirty (30) feet wide centered on the pipe and, where possible, centered on property lines.
- d. Where it is necessary to discharge storm water across private property not included in the subdivision, the subdivider shall obtain, in writing, permanent drainage rights in favor of the Town for flows across adjacent properties. If the system is to be accepted by the Town, the rights for the Town to enter and maintain existing or proposed facilities shall be included. The subdivider shall submit copies of such agreement to the Commission prior to final approval of the subdivision. Such drainage easements shall be shown on the subdivision plan and filed on the Land Records.
- e. When provided, the first set of catch basins in a storm drain system shall be located a maximum of 350 feet from the roadway high point.
- f. Spacing between sets of catch basins shall be a maximum of 300 feet unless closer spacing is required by the Town Engineer based on a gutter flow analysis.
- g. A drainage structure shall also be placed along a storm drain at each vertical grade change, at each change in horizontal direction, and at each junction point of two or more storm drains.
- h. The minimum pipe size for all storm drain systems constructed under these Regulations shall be 15-inch inside diameter.
- i. The material for all storm drain systems constructed under these Regulations shall be reinforced concrete, except where modified by the Commission upon recommendation of the Town Engineer.
- j. A minimum cover of three (3) feet shall be provided for all storm drains.
- k. Proper bedding, grading, and cover shall be provided around and for all drainage structures.

4. Drainage Outlets and Channels

- a. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
- b. A two-stage detention basin may be required by the Commission if recommended by the Town Engineer to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
- c. When drainage outlets or channels are required by the Commission for drainage purposes, the subdivider shall provide the Town a right-of-way for long-term maintenance.
- d. The subdivider shall provide for treatment of stormwater prior to discharge.

5. Private Drains

- a. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Town Engineer prior to installation. Yard, cellar, or foundation drains that connect to the storm drainage system shall be shown on the final "as-built" plan of the drainage system.
- b. For any private storm drain, the subdivider shall file a release with the Commission relieving the Town of any responsibility in the event of any failure of the private storm drainage system. This release shall be provided for in all deeds to the property involved, shall run with the land, and shall be binding on successors in title.
- c. All sanitary waste shall be prohibited from entering the storm drainage system.

5.06 WIRE UTILITIES

1. New electric, telephone, television cable and other utility wires shall be installed underground in conduit unless the Commission determines, based on a written report submitted by the applicant, that such underground installation is inappropriate or infeasible for all or a part of the subdivision or resubdivision after considering:
 - a. the type of service existing in the area adjacent to the subdivision,
 - b. topographic and construction conditions,
 - c. the size of the subdivision or resubdivision.
2. All utility pipes and conduits shall be installed in the side strips of the Town right-of-way wherever possible.
3. Any utility located outside of the Town right-of-way shall be located in an easement at least 20 feet in width to allow for present or future connections or extensions of such utilities and for the maintenance thereof.
4. Prior to paving the road, the subdivider shall install laterals from all utilities in proposed and existing roads to the street line.
5. All utilities associated with the subdivision shall be installed at the subdivider's expense. Electric, telephone, cable television, and any other utilities shall be installed in proposed and existing roads as specified by the appropriate utility company and shall be subject to the inspection and acceptance of such company and the Town Public Works Department.
6. All utilities must be located and mapped on an as-built drawing prior to acceptance of the road by the Town.

5.07 FIRE PROTECTION

1. Each subdivision shall, at the subdivider's expense, provide supplemental water supply system(s) to protect public safety in accordance with the Town of New Fairfield Water Supply Ordinance adopted June 20, 1990, as amended (Code of Ordinances, Chapter 4, Article 3).
2. The Fire Department shall review and approve the proposed location, size, design, construction specifications, and installation of such supplemental water supply system(s) and access thereto.
3. An as-built drawing shall be provided to the Fire Department prior to any request for acceptance of such supplemental water supply system(s).
4. The Fire Department will notify the Town upon acceptance of such supplemental water supply system(s).
5. The land area containing any supplemental water supply system(s) and access thereto shall, as necessary, be encumbered by easements approved by the Town Land Use Attorney to ensure the Town's perpetual right to access and maintain any supplemental water supply system(s) and access thereto for firefighting purposes, and obligate the property owners to not inhibit the use of the fire protection facility for firefighting purposes without the approval of the Fire Department.
6. The Commission may require the use of landscaping or other materials to screen pipes, access drives, or other structures associated with the installation of supplemental water supply system(s). Such landscaping or other materials shall be approved by the Fire Department.
7. All fire protection measures required by the Commission and the Fire Department shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision.

6.00 PROCEDURAL REQUIREMENTS

6.01 GENERAL

1. Plans submitted under these Regulations shall be prepared by the following person or persons:

Stage	Type of Design	Type of Person
Preliminary Plan	Schematic / conceptual design.	A registered professional engineer, licensed land surveyor, architect, land planner, landscape architect, or other qualified individual.
Formal Application	Delineation of the boundary lines of the outside perimeter of a parcel as well as the interior lots and roads.	Sealed by a land surveyor licensed by the State of Connecticut
Formal Application	Design of roads, drainage systems, sanitary sewer systems, sewage disposal systems, and water supply and distribution.	Sealed by a registered professional civil engineer licensed by the State of Connecticut

2. All subdivision and resubdivision applications shall be accompanied by forms, fees, maps, plans, profiles and all additional documentation, information and reports as prescribed in these Regulations.
3. Each application shall be signed by the owner of record or his/her duly authorized agent or representative. If the application is signed by an agent or representative, a written instrument evidencing the agent's authority to apply must accompany the application.
4. All applications shall be submitted to the Selectman's Office at New Fairfield Town Hall during regular working hours at least seven (7) working days prior to the next regular scheduled meeting of the Commission. The application shall be dated as of the actual date submitted.
5. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other qualified agency or person as, in the opinion of the Commission, may be advisable for their information, review and recommendations. In accordance with CGS Section 8-1c and any Municipal Land Use Fee Ordinance, the applicant may be required to compensate the Town for any review fees.
6. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
 - a. reviewing the proposed subdivision,
 - b. inspecting the property and any proposed improvements,
 - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them until the Town has assumed responsibility for them.

Section 6.00 - PROCEDURAL REQUIREMENTS

6.02 PRELIMINARY PLAN PROCEDURE

1. The Commission encourages informal discussion of the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these Regulations in order to prevent undue delay or extensive modification to a Final Plan.
2. The Preliminary Subdivision Plan procedure is suggested to prospective subdividers, their agents or engineers, so that they may discuss the design of the subdivision in the formative stages with the Commission and other Town officials.
3. Since the procedure is a conceptual design review and pre-application process:
 - a. receipt of materials shall not constitute a "formal application,"
 - b. delivery of the required material is at the option of the subdivider,
 - c. any discussion or opinions rendered are advisory only and are not binding on the Commission or the potential subdivider and shall not be the basis for a claim of predetermination by the Commission.
4. Three copies of materials as described in the Appendix of these Regulations shall be submitted to the Commission, and the potential subdivider shall be advised of the date to appear at a regular meeting of the Commission for informal review and comment.

6.03 FORMAL SUBDIVISION APPLICATION

1. A formal application for subdivision or resubdivision shall include the following:
 - a. one (1) copy of the prescribed application form, fully and properly completed and executed,
 - b. the required application processing fee in the form of a check or money order payable to the Town of New Fairfield plus any additional fees to defray the cost of legal notice publications,
 - c. eight (8) sets of plans containing the maps or documents as required by the Appendix of these Regulations or as required by the Commission,
 - d. a sanitary waste disposal report (see Appendix) prepared by a professional engineer registered and licensed to conduct business in the State,
 - e. a water report (see Appendix) prepared by a professional engineer registered and licensed to conduct business in the State,
 - f. a drainage report (see Appendix) prepared by a professional engineer, registered and licensed to conduct business in the State,
 - g. a copy of the deed, contract, option to buy, or other acceptable proof of the applicant's ownership or interest in the parcel and/or the applicant's or agent's authority to act on behalf of the owner.
 - h. a title certificate or policy showing that the title to the property being subdivided, together with all easements or other land outside the property but which serves the property, is free of encumbrances or claims which would render the title unmarketable or would prevent the use of the property for the purposes for which it is proposed to be granted to the Town.
 - i. a written instrument signed by the applicant and owner authorizing applicable municipal agencies to enter upon the area included in the subdivision to such extent and such times as may be necessary between acceptance of the subdivision application and the completion of all the subdivision improvements authorized or required by the Commission for the purposes of assuring that such improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission as provided for in these regulations and other applicable ordinances, rules and regulations Of the Town of New Fairfield.
 - j. A written instrument signed by the applicant and owner stating that no construction of any kind, including any building, street or any drainage facility or any clearing of trees or disturbance of land involved in such application, not otherwise permitted as of right, shall be performed or commenced without the specific approval of the Commission subsequent to the submission of an application and prior to the approval of such application by the Commission.
 - k. A formal application for subdivision where the improvements will be approved in phases or built in phases shall include a plan for the possible future subdivision of the entire property with phases clearly delineated.

Section 6.00 - PROCEDURAL REQUIREMENTS

2. An application for resubdivision shall also include the following:
 - a. a copy of the plan(s) of the original subdivision as approved by the Commission and filed with the Town Clerk showing all of the land area involved in the original subdivision,
 - b. a copy of the plan(s) of any resubdivision(s) located in the original subdivision which have been subsequently approved by the Commission and filed with the Town Clerk.
3. If applicable, a formal application shall also include the following:
 - a. a certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section,
 - b. copies of any other application filed with, and decisions rendered by, local, state or federal commissions or agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning Commission and prior to its decision on the application.
4. The Commission may require the submission of:
 - a. funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance,
 - b. evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property,
 - c. copies of letters to the State Archeologist, the State Historic Preservation Office, and the Natural Resources Center requesting information on significant resources at the proposed subdivision, written responses from those agencies, and a management plan, approved by the appropriate State agency, that addresses the protection of any identified resources,
 - d. a "stage one" archeological assessment prepared by a professional archeologist where the Commission has reason to believe, after considering an archeological sensitivity map or other information, that archeological resources may exist on the property.
 - e. a detailed statement of the estimated cost of constructing the proposed subdivision streets, accessways and other improvements.
 - f. any proposed grant or grants to the Town, in form satisfactory to Town Land Use Attorney, including any required easements for drainage access, utility, or other purposes,
 - g. any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations,
 - h. additional copies of application materials as necessary for review by the Commission or other Town agencies.

5. If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider is encouraged to acquire permits and approvals from the IWCC prior to submission to the Commission. In any event, the subdivider shall submit an application to the IWCC no later than the date the application is filed with the Commission.

6.04 APPLICATION RECEIPT AND SCHEDULING

1. The day of receipt of an application shall be the date of the next regularly scheduled meeting immediately following the day of submission of such application or 35 days after submission, whichever is sooner.
2. The Planning Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.
3. The Commission shall make a determination as to whether the application is complete. If the application is incomplete, the Commission shall deny the application.
4. Upon receipt of an application, the Commission shall call a public hearing for:
 - a. any application for a resubdivision, or
 - b. any subdivision application where the Commission, in its judgment, so requires.
5. The Commission may require field staking of proposed improvements, such as proposed streets and accessways, for visual inspection. Such stakes shall be installed at intervals of fifty (50) feet along the center lines. The Commission or its agent shall retain the right to field-check and inspect the layout prior to acting on the proposed subdivision.

6.05 APPLICATION WITHDRAWAL

At any time following the formal acceptance of an application and prior to final action by the Commission, an application may be withdrawn by filing with the Commission a written request to that effect.

6.06 NOTICES

1. The applicant shall send written notice of the date and subject matter of the public hearing to abutting property owners at least ten (10) days prior to the public hearing. Prior to or at the public hearing, the applicant shall deliver to the Commission proof of mailing of such written notice.
2. When any proposed subdivision or resubdivision will abut land in another municipality or include land in two (2) or more municipalities:
 - a. the Commission shall give written notice of such subdivision plan to the regional planning agency or agencies in which it or the other municipality is located by certified mail, return receipt requested not later than thirty days before the public hearing to be held in relation thereto,
 - b. a regional planning agency receiving such notice shall, at or before the hearing report to the Commission and to the proponent of such subdivision on its findings on the intermunicipal aspects of the proposed subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate.
 - c. if the report of a regional planning agency is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.
3. In accordance with the provisions of CGS Chapter 126, the Commission shall:
 - a. notify the clerk of any adjoining municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt of an application concerning any project on any site in which:
 - i. any portion of the property affected by the decision of the Commission is within five-hundred (500) feet of the boundary of the adjoining municipality,
 - ii. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or to exit the site,
 - iii. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - iv. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - b. No hearing shall be conducted on any application unless the adjoining municipality has received the notice required hereunder.
 - c. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

6.07 HEARINGS

1. In all matters wherein a formal petition, application, or request must be submitted to the planning commission under CGS Chapter 126 or the requirements of these Regulations and a hearing is required or otherwise held on such petition, application, or request, such hearing shall:
 - a. commence within sixty-five days after receipt of such petition, application, or request, and
 - b. be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under chapter 126.
2. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing.
3. In addition to such notice, the Commission has in Section 6.06.1 of these Regulations provided for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing.
4. All applications and maps and documents relating thereto shall be open for public inspection.
5. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.
6. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing unless a shorter period of time is required pursuant to CGS Chapter 126.
7. The petitioner or applicant may consent to one or more extensions of any period specified in this section, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

6.08 APPLICATION PROCESSING AND ACTION

1. The Commission shall approve, modify and approve, or disapprove the application in accordance with the statutory timeframe as provided in CGS Chapter 126. On applications involving activities regulated by the IWCC, the time period for action by the Commission may be extended in accordance said Chapter 126.
2. In making its decision, the Planning Commission shall give due consideration to the material contained in the record and, if provided, the report of the IWCC.
3. Any action by the Commission shall:
 - a. set forth the reasons for approval or disapproval,
 - b. set forth any conditions to which the approval is subject, and
 - c. be stated on the Commission's records.
4. As provided in CGS Chapter 126, a subdivision plan shall be taken as approved by reasons of the Commission's failure to act in accordance with the statutory timeframe and a certificate to that effect shall be issued by the Commission on demand.
5. Commission approval of the plans shall not be deemed an acceptance by the Town of any road or other land shown as offered for dedication to public use.
6. The Commission shall cause notice of its action to be:
 - d. delivered to the applicant by certified mail,
 - e. posted in the Office of the Town Clerk, and
 - f. published in a newspaper having substantial circulation in the community as provided in CGS Chapter 126. If the Commission fails to cause such notice to be published, the applicant may publish such notice within 10 days thereafter.

6.09 CANCELLATION OF APPROVAL

1. If approval of an application has been granted, a written request for cancellation of such approval may be filed with the Commission by the owner of record or his/her duly authorized agent.
2. A notice of cancellation shall be noted on the approved unrecorded map.

6.10 PRIOR TO FILING OF APPROVED PLANS

1. Based upon the resolution of approval or the resolution of modification and approval, the applicant shall have the subdivision plan and supporting plans revised to conform to any modifications called for in the Commission's action. No record subdivision plan shall be signed by the Commission Chairman or Secretary until all applicable conditions of approval have been met.
2. After approval by the Commission, no other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without the express written consent of the Commission.
3. The applicant shall then submit:
 - a. three (3) paper sets and one (1) mylar set of the approved plans, with any required modifications, to the Commission for signature,
 - b. a copy of a permit from the Connecticut Department of Transportation for any proposed driveway, road, or storm drainage system which joins with a State Highway,
 - c. a copy of a Certificate of Compliance from the New Fairfield Building Official authorizing any proposed activity in a Special Flood Hazard Area,
 - d. a performance bond or other acceptable surety in a form acceptable to the Town Land Use Attorney and an amount approved by the Town Engineer,
 - e. filing fees as required to place the documents on the Land Records, and
 - f. a signed subdivision agreement between the Town and the developer.
4. The applicant shall also submit, in a form satisfactory to the Town Land Use Attorney:
 - a. any required grant or grants to the Town in executed form,
 - b. any required easements for drainage, access, utility, or other purposes in executed form,
 - c. a certificate of title indicating that any proposed conveyance is free of encumbrances,
 - d. evidence of the signatory's authority to sign on behalf of the grantor.
5. Such grants or easements shall not be recorded on the Land Records until the Subdivision Plan shall have been filed on the Land Records, and until any necessary action shall have been taken by any other appropriate Town body or bodies.
6. Such final plans shall be submitted for Commission signature with adequate time to allow the maps to be filed within the filing period (see Section 6.12) or approval will be considered expired. It is necessary to allow at least ten (10) working days within the filing period for the Commission to sign the mylars and for the mylars to be filed with the Town Clerk.

6.11 GUARANTEE FOR COMPLETION OF IMPROVEMENTS

1. To ensure satisfactory completion of required subdivision improvements, the Commission shall, prior to filing of the subdivision plans on the Land Records:
 - a. accept a bond securing to the Town the actual construction and installation of such improvements and utilities,
 - b. authorize the filing of the plans with a conditional approval, or
 - c. acknowledge that no bond is required.
2. No construction activity of any kind, including the removal of trees, shall commence until the corresponding bonds have been posted.
3. **Performance Bond**
 - a. Final subdivision approval may be granted by the Commission provided that a performance bond has been posted to ensure the satisfactory completion of required improvements.
 - b. No final subdivision plan shall be filed and no building permits shall be issued until the Town Land Use Attorney and Town Engineer have reviewed the proposed bond and approved it as to form and content, such as:
 - i. a passbook savings account from a financial institution approved by the Town Land Use Attorney provided:
 - a) such account shall be federally insured,
 - b) the account shall be in the name of the project owner and the Town of New Fairfield, and
 - c) a signed withdrawal slip is provided to the Town.
 - ii. a certified check made payable only to the Town of New Fairfield from a financial institution approved by the Town Land Use Attorney,
 - iii. a certificate of deposit from a financial institution approved by the Town Land Use Attorney provided:
 - a) such account shall be federally insured,
 - b) the account shall be in the name of the project owner and the Town of New Fairfield, and
 - c) a signed withdrawal slip is provided to the Town.
 - iv. a money market account from a financial institution approved by the Town Land Use Attorney provided:
 - a) such account shall be federally insured,
 - b) the account shall be in the name of the project owner and the Town of New Fairfield, and
 - c) a signed withdrawal slip is provided to the Town.
 - v. an unconditional irrevocable letter of credit approved by the Town Land Use Attorney and issued by a financial institution authorized to do business in Connecticut with an excellent safe and soundness rating from its regulators.

- c. The amount of the bond shall be equal to 110 percent of the estimated cost of all public improvements. Public improvements include, but are not limited to, the following:
 - i. The building of any roads, in accordance with specifications of the Town,
 - ii. The installation of drainage, utilities, and other required or provided items,
 - iii. Projects by the developer in lieu of open space requirements,
 - iv. Monumentation of subdivision roads and marking of lot corners with pins,
 - v. All erosion control measures, including those measures specified in the Erosion and Sediment Control Manual,
 - vi. Fire protection costs, and
 - vii. Any other costs as determined by the Town Engineer.

- d. The Commission may require that at least 20 percent of the bond be in the form of a passbook savings account in favor of the Town of New Fairfield for erosion and sediment control.

- e. An estimate of the time requirements and cost of all public improvements shall be prepared by the developer's engineer and approved by the Town Engineer.

- f. Any bond shall include:
 - i. a provision that the bond shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur,
 - ii. a provision that the bond shall automatically be extended until all public improvements are completed and/or the proceeds from the bond are collected by the Town if the Commission, or its designated agent, did not receive the required notice.

- g. Reduction in the amount of the bond may be considered by the Commission for the completed public improvements. The reduction in the amount shall not exceed seventy-five (75) percent of the original amount of the bond. Once the improvements are accepted by the Town, this maintenance bond may be replaced with a ten (10) percent maintenance bond.

4. Conditional Approval

- a. In lieu of the developer furnishing a performance bond for the cost of all improvements, the Commission may grant conditional approval to the subdivision provided that the subdivider shall provide a bond in the form of a passbook savings account in an amount sufficient to:
 - i. provide for erosion and sediment control,
 - ii. correct problems with the public improvements, or the installation thereof, which might adversely affect neighboring properties.
- b. No lot shall be sold or offered for sale within a subdivision granted conditional approval until final approval has been granted. Final approval shall be conditioned on:
 - i. the actual construction, maintenance and installation of any public improvements prescribed by the Commission,
 - ii. the provision of a performance bond acceptable to the Commission for the cost of the remaining improvements.
- c. Upon furnishing a satisfactory performance bond, the Commission may authorize the filing of a plan with final approval endorsed thereon.
- d. Until the requirements for final approval have been met, any subdivider of a subdivision with a conditional approval shall provide and maintain:
 - i. a copy of reports by the subdivider's engineer along with a schedule of inspections,
 - ii. a schedule of inspections by appropriate Town officials upon reasonable notification,
 - iii. a bond in the form of a passbook savings account in an amount sufficient to provide for erosion and sediment control and correct problems with the public improvements or the installation thereof, which might adversely affect neighboring properties.
- e. In the event that the required public improvements are completed under conditional approval, final approval shall be granted only after the developer provides a maintenance bond in an amount equal to twenty-five (25) percent of the value of the public improvements for a term of fourteen (14) months.
- f. After final approval is granted by the Commission, the developer may petition the Town of New Fairfield to accept the public improvements.
- g. Once the improvements are accepted by the Town, the maintenance bond may be replaced with a ten (10) percent maintenance bond.

6.12 FILING OF APPROVED PLANS

1. Once signed and authorized by the Chairman, the signed mylar set of the approved plans shall be filed with the Town Clerk at the applicant's expense.
2. Such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk voiding the subdivision.
6. Concurrent with the filing of the approved plan as prescribed above, the applicant shall submit to the Commission:
 - a. three (3) copies of 100-scale versions of the final subdivision plan,
 - b. three (3) copies of 1000-scale versions of the final subdivision plan,
 - c. six (6) paper copies of the approved subdivision plan and other design drawings for use by Town Agencies, and
 - d. one (1) copy of all electronic drawings and data of the approved subdivision for the Public Works Department.
7. No building permits shall be issued for the approved subdivision until the approved plans signed by the Chairman have been filed with the Town Clerk.
8. The filing of an approved subdivision plan in the Office of the Town Clerk:
 - a. shall constitute an irrevocable offer of dedication to the Town for acceptance as a street of any land shown as a street on such plan,
 - b. shall constitute an irrevocable offer to the Town for the dedication of land for easements or other public use as shown on such plan,
 - c. shall be binding upon the owner of such land, his heirs, successors or assigns, and
 - d. shall not obligate the Town to accept or not to accept such dedication(s).
 - e. The procedure for acceptance of any street shall be as prescribed in the "Public Improvement Specifications" for the Town of New Fairfield.
9. All expenses for the preparation of instruments, plans and profiles, and for the recording and filing of the approved plan and for the publication of the required legal notices shall be borne by the applicant.

6.13 INSPECTION OF IMPROVEMENTS

1. Prior to starting a project, the developer and all contractors and all subcontractors shall meet with the Commission's authorized representative(s) to:
 - a. review job conditions,
 - b. advise the Town of the construction schedule,
 - c. review the New Fairfield Roadway Construction Standards and Specifications (if any),
 - d. obtain said Specifications for all contractors and subcontractors.
2. The work will be inspected in stages by the Town, and the Commission or appointed representative shall have free access to the construction work at all times. Notice for inspection shall be made at least 48 hours in advance. In no case shall any paving work be done without permission from the Town Engineer or Public Works Director.
3. The Commission shall be authorized to take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Commission may require the applicant to pay to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut.
4. Inspection by the Commission or its authorized agent during development shall ensure compliance with the certified erosion and sediment control plan and ensure that control measures and facilities are properly performed, installed and maintained. The Commission or its agent may require progress reports and verification that control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.
5. In the event that soil erosion and sediment control measures are not being satisfactorily implemented, the Commission or its agent may:
 - a. issue a Stop Work order,
 - b. order in writing the remedying of any condition found to be contrary to these Regulations or the certified Control Plan,
 - c. redeem the performance bond in order to rectify erosion and sediment control issues at the site.
6. All inspections by the Town Engineer may be at the cost of the applicant.

6.14 TIME PERIOD FOR COMPLETION OF IMPROVEMENTS

1. The subdivision improvements shall be completed in accordance with the statutory timeframe as provided in Chapter 126 of the Connecticut General Statutes. The Commission's endorsement of approval on the plan shall state the date on which completion period expires.
2. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure the compliance of the certified plan.
3. The sub-grade, sub-base, pavement binder course, and all drainage required for any proposed road shall be completed prior to issuance of any Certificate of Occupancy for any structure served by such road.
4. Upon application by the subdivider, the Commission may make one or more extensions of the time period for completion provided that:
 - a. the time for all extensions shall not exceed ten years from the date the subdivision was approved,
 - b. the Commission may revise the amount of the bond securing the actual completion of the work.
5. Expiration of the time period for completion shall:
 - a. result in automatic expiration of the approval of such plan provided the Commission shall file notice on the Land Records of such expiration,
 - b. prevent the conveyance of any additional lots in the subdivision by the subdivider or his/her successor in interest,
 - c. require a new application for subdivision approval of the subject land including a new filing fee as well as a review of all previous findings.
6. Until the improvements are accepted by the Town of New Fairfield, the subdivider shall maintain all improvements and provide for snow removal on roads.

6.15 FINAL ACCEPTANCE AND MAINTENANCE BOND

1. For final acceptance of subdivision improvements, the subdivider shall submit to the Commission:
 - a. a letter requesting a recommendation to the Board of Selectmen that the Town accept the road(s),
 - b. one mylar and three paper copies of plans showing the "as-built" location of all road and associated improvements approved by the Commission or their authorized agent and where the as-built plans differ from the approved construction plans,
 - c. a letter from a registered land surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,

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- d. a letter from the design engineer stating that all improvements, including all road signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made,
 - e. a maintenance bond to protect the Town against faulty construction and materials that will remain in effect for a fourteen (14) month period after the Town has accepted the public improvements,
 - f. a letter holding the Town harmless for any damage which might result from the Town performing any maintenance to the public improvements,
 - g. a copy of all proposed deeds and easements to the Town and other information as required for review and approval by the Town Land Use Attorney, if not previously provided,
 - h. a copy of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development for possible review by the Town Land Use Attorney.
2. The Commission or its authorized agent shall conduct a final inspection of all improvements and utilities to evaluate the general condition of the site and determine whether the work is satisfactory and in substantial agreement with the approved final drawings and applicable regulations, ordinances, and standards.
 3. Any improper installations shall be reported to the Commission and remedied by the subdivider. A report shall be submitted to the Commission.
 4. If all items are satisfactory, the Commission will recommend to the Board of Selectmen that the road(s) be accepted.
 5. Once the Board of Selectmen agrees to accept the road(s), the Board will schedule a Town Meeting. Prior to the Town Meeting, all executed deeds and easements to the Town shall be submitted to the Planning Commission office for filing by the Town after the Town Meeting.
 6. The maintenance bond of at least ten (10) percent of the original approved estimate of the cost of construction and installation of such public improvements shall be in effect for a period of fourteen (14) months from the date of acceptance of the subdivision improvements by the Town.
 7. Once the public improvements are accepted by the Town and the maintenance bond is in place, the Town shall release the performance bond as set forth herein.

7.00 ADMINISTRATION

7.01 ENFORCEMENT

These Regulations shall be enforced by the Planning Commission and/or its designated representative(s).

7.02 AMENDMENT

The Planning Commission may amend, change, or repeal these Regulations after a public hearing in accordance with the statutory requirements of CGS Chapter 126, as amended.

7.03 WAIVER OF STANDARDS

1. Overview

In accordance with the provisions of CGS Section 8-26, the Planning Commission may waive a regulation or standard contained in these regulations by a three-quarters (3/4) vote of all members of the Commission.

2. Waiver of Design Standard

The Commission may waive any design standard of these Regulations when it finds that all of the following conditions have been satisfied:

- a. conditions exist which adversely affect the subject property and are not generally applicable to other property in the area,
- b. strict compliance with the specific standard(s) will:
 - i. render the land under consideration, or portions thereof, virtually undevelopable,
 - ii. hinder the goal of protecting natural features, open space, trails, community resources, cultural resources, or other recommendation of the Plan of Conservation and Development, or
 - iii. not do justice to the land's particular physiography (including but not limited to topography, subsurface conditions, wetlands and water-courses) and thus outweigh the benefits to be derived from such strict compliance,
- c. the granting of the waiver will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood nor impair the value thereof,
- d. in the absence of a waiver, one or more requirements of these Regulations cannot be satisfied, and
- e. the requested waiver is the minimum deviation necessary from these Regulations to permit reasonable development of the subject property.

3. Waiver of Submission Requirement

The Commission may waive the required submission of all or part of a subdivision application requirement when it finds that the proposed subdivision involves establishment of lots fronting on an existing road or is a resubdivision.

4. Requirements for Waiver

As part of granting any waiver authorized above, the Commission shall:

- a. have received a specific written request from the applicant for the waiver,
- b. find that the granting of the waiver shall not have a significant adverse effect on adjacent property or on public health, safety, or welfare,
- c. find that such waiver will not hinder implementation of the Plan of Conservation and Development, and
- d. state upon the record its reasons for which such a waiver was granted.

7.04 CONFLICT

These Regulations are not intended to interfere with or abrogate any other regulation, ordinance, rule, statute or provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provisions of these or other regulations, ordinances, rules, or statutes or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

7.05 SELF-IMPOSED RESTRICTIONS

If a subdivider places a restriction on any of the land being subdivided which is greater than that required by the Zoning Regulations or these Subdivision Regulations, such restriction shall be indicated on the subdivision map and referenced in the deed. In no event shall the Commission or any other agency of the Town of New Fairfield be responsible for the administration or enforcement of such covenants and restrictions.

7.06 APPEALS

Any person aggrieved by an official action or decision of the Commission, including decisions to take no action, may appeal as provided by CGS Section 8-8, as amended.

7.07 SEPARABILITY

If any section, sub-section, paragraph, sentence, clause, phrase, or portion of these Regulations shall, for any reason, be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.

7.08 PENALTIES

1. Any person making any subdivision of land without the approval of the Commission shall be fined as provided by CGS Section 8-25 for each lot subdivided, offered for sale, or sold.
2. In the case of any violation of the provisions of these Regulations, the Commission shall retain the right of pursuing any legal action and impose any and all penalties provided by the Connecticut General Statutes.

7.09 EFFECTIVE DATE

1. These Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission.

APPENDIX A - APPLICATION CHECKLIST

A formal application for subdivision shall include all of the following:

Quantity	Submittal	Provided?
1	The prescribed application form fully and properly completed and executed	<input type="checkbox"/>
1	Required application processing fee in the form of a check or money order payable to the Town of New Fairfield	<input type="checkbox"/>
1	Any additional fees to defray the application processing fee in the form of a check or money order payable to the Town of New Fairfield	<input type="checkbox"/>
8	Sets of plans containing the maps or documents as required by these Regulations or as required by the Commission	<input type="checkbox"/>
2	Sanitary waste disposal report prepared by a professional engineer registered and licensed to conduct business in the State	<input type="checkbox"/>
2	Water report prepared by a professional engineer registered and licensed to conduct business in the State	<input type="checkbox"/>
2	Drainage report prepared by a professional engineer, registered and licensed to conduct business in the State, documenting the design of the storm drainage system	<input type="checkbox"/>
1	A copy of the deed, contract, option to buy, or other acceptable proof of the applicant's ownership of or interest in the parcel and/or the applicant's or agent's authority to act on behalf of the	<input type="checkbox"/>
1	A title certificate or policy showing that the title to the property being subdivided, together with all easements or other land outside the property but which serves the property, is free of encumbrances or claims	<input type="checkbox"/>
1	A written instrument signed by the applicant and owner authorizing applicable municipal agencies to enter upon the area included in the subdivision for the purposes of assuring that improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission	<input type="checkbox"/>
1	A written instrument signed by the applicant and owner stating that no construction of any kind, including any building, street or any drainage facility or any clearing of trees or disturbance of land involved in such application, not otherwise permitted as of right, shall be performed or commenced without the specific approval of the Commission subsequent to the submission of an application and prior to the approval of such application by the Commission	<input type="checkbox"/>

If applicable, a formal application for subdivision shall also include the following:

Quantity	Submittal	Provided?
2	A certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section	<input type="checkbox"/>
2	Copies of any other application filed with, and decisions rendered by, local, state or federal agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning Commission and prior to its decision on the application	<input type="checkbox"/>

If applicable, the Commission may require the submission of:

Quantity	Submittal	Provided?
	Funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance	<input type="checkbox"/>
	Evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property	<input type="checkbox"/>
	Copies of letters to the State Archeologist and the Natural Resources Center requesting information on significant resources at the proposed subdivision, written responses from those agencies, and a management plan, approved by the appropriate State agency, that addresses the protection of any identified resources	<input type="checkbox"/>
	A detailed statement of the estimated cost of constructing the proposed subdivision streets, accessways and other improvements.	<input type="checkbox"/>
	Any proposed grant or grants to the Town, in form satisfactory to Town Land Use Attorney, including any required easements for drainage access, utility, or other purposes	<input type="checkbox"/>
	Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations	<input type="checkbox"/>
	Additional copies of application materials as necessary for review by the Commission or other Town agencies	<input type="checkbox"/>

APPENDIX B - DRAWING CHECKLIST

1. Drawing Requirements	Preliminary (optional)	Formal Application	Provided?
a. A title block indicating: <ul style="list-style-type: none"> • names of owner, applicant, engineer and/or surveyor, • name of subdivision, drawing date and revision dates 	Required	Required	<input type="checkbox"/>
b. A north arrow and a map scale	1"=40' to 1"=100'	1"=40' unless modified by PC	<input type="checkbox"/>
c. Size of Sheet	Optional	24' by 36"	<input type="checkbox"/>
d. Embossed or stamped seal of the appropriate professional and an original signature	Recommended	Required	<input type="checkbox"/>
e. A Key Map at a scale of 1"=1,000' or less locating: <ul style="list-style-type: none"> • the subdivision within the surrounding properties • the proposed road system in relation to existing roads 	Required	Required on at least one drawing	<input type="checkbox"/>
f. An Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, roads, road names, sheet delineation and match lines between sections	Recommended	Required with "match" lines on all sheets	<input type="checkbox"/>
g. Zoning data table showing zoning district, lot area requirements, setback requirements, and other relevant information	Recommended	Required on at least one drawing	<input type="checkbox"/>
h. Number of sets of prints	Three (3)	Eight (8)	<input type="checkbox"/>
i. Bound sets	Recommended	Required	<input type="checkbox"/>

2. Property Information	Preliminary (optional)	Formal Application	Provided?
a. Existing and proposed property boundaries with pin and monument locations	Approximate	A-2 accuracy	<input type="checkbox"/>
b. Parcel areas (including area of each proposed lot excluding areas designated as inland wetlands and watercourses)	Approximate (acres)	A-2 accuracy	<input type="checkbox"/>
c. Data on abutting parcels including owner's name and lot line locations	Required	Required	<input type="checkbox"/>
d. Existing and proposed easements and other rights-of-way for utilities drainage, access, walks, etc.	Suggested	Required	<input type="checkbox"/>

3. Site Conditions	Preliminary (optional)	Formal Application	Provided?
a. Existing and proposed topography for the subject property and within 100 feet of the perimeter with: <ul style="list-style-type: none"> • 10' contours for preliminary plan • 2' contours for formal application 	USGS acceptable	Field or aerial topography	<input type="checkbox"/>
b. Wetlands, watercourses, and other water bodies on and near the property (flagged by a soil scientist and surveyed)	Recommended	Required	<input type="checkbox"/>
c. Existing drainage features on and near the property	Recommended	Required	<input type="checkbox"/>
d. Base flood elevation data and floodplain data	Recommended	Required	<input type="checkbox"/>
e. Historic buildings and sites, including archeological sites	Recommended	Required	<input type="checkbox"/>
f. Stonewalls and monuments, and other structures having historical or cultural significance	Recommended	Required	<input type="checkbox"/>
g. Identification of trees greater than 18 inches in diameter in areas of proposed improvements or clearing	Suggested	Required	<input type="checkbox"/>
h. Other significant site features	Suggested	Required	<input type="checkbox"/>

4. Soils Information	Preliminary (optional)	Formal Application	Provided?
a. Soil types consistent with the National Cooperative Soil Survey of the USDA Soil Conservation Service	Recommended	Required	<input type="checkbox"/>
b. All areas with slopes exceeding 15% or twenty inches (20") or less of consolidated till above bedrock	Recommended	Required	<input type="checkbox"/>
c. Locations and identification numbers of percolation test holes and deep hole tests for each lot	Recommended	Required	<input type="checkbox"/>
d. Results of percolation tests and deep pits	Recommended	Required	<input type="checkbox"/>
e. Notes setting forth any limitations or requirements of the Director of Health	Recommended	Required	<input type="checkbox"/>

5. Open Space Information	Preliminary (optional)	Formal Application	Provided?
a. Areas recommended in the Plan of Conservation and Development for open space preservation	Recommended	Required	<input type="checkbox"/>
b. Location and configuration of existing open spaces in the vicinity	Required	Required	<input type="checkbox"/>
c. Open Space / Trail Plan	Recommended	Required	<input type="checkbox"/>

APPENDIX

6. Design of Lot Improvements	Preliminary (optional)	Formal Application	Provided?
a. Building set-back lines with dimensions	Recommended	Required	<input type="checkbox"/>
b. Location of existing and proposed structures and other improvements (retaining walls, culverts, or fences)	Recommended	Required	<input type="checkbox"/>
c. Location of proposed septic- fields with distances to property lines and any well within 200' (on or off site)	Recommended	Required	<input type="checkbox"/>
d. Location of proposed wells and water sources for each lot, keyed to the Sanitary Report	Recommended	Required	<input type="checkbox"/>
e. Driveway design with proposed grading and slopes	Suggested	Required	<input type="checkbox"/>

7. Design of Overall Improvements	Preliminary (optional)	Formal Application	Provided?
a. All proposed soil erosion and sediment control procedures	Optional	Required	<input type="checkbox"/>
b. Road design including overall layout and grading, plan and profile, construction details and, where applicable: <ul style="list-style-type: none"> • centerline profiles for 300' on existing and future roads to which a subdivision road connects • cross sections with field topography at 50' intervals • sight line plan and profile 	Recommended	Required	<input type="checkbox"/>
c. Drainage design plan and profile and construction details and, where applicable: <ul style="list-style-type: none"> • points of discharge to or from any road or property • location of storm water detention 	Recommended	Required	<input type="checkbox"/>
d. Utility design (including connections to existing lines)	Schematic	Final	<input type="checkbox"/>
e. Detailed drawings of any bridges, box culverts, deep manholes, and other special structures	Suggested	Required	<input type="checkbox"/>
f. The location and design of supplemental water supply systems or fire protection systems to be installed in the development	Recommended	Required	<input type="checkbox"/>

8. Miscellaneous Requirements

- a. Lots intended for separate ownership or building shall be numbered consecutively throughout the entire subdivision beginning with the number "1." Resubdivisions of lots may be lettered consecutively beginning with the letter "A." Adjoining sections of the same subdivision having the same title shall not duplicate numbers.
- b. When a plan covers only a portion of the subdivider's entire holdings, a sketch of the prospective future road and lot layout in the entire holding shall be furnished at a suitable scale
- c. Design of roads and utilities shall be based on official Town, State or USGS topographic benchmarks or other permanent benchmarks approved by the Town Engineer and the benchmarks used shall be noted on the plan
- d. All appropriate details and dimensions necessary to clearly explain the proposed road, drainage, and utility construction, including type of construction, material, top of frame, size, pitch, invert elevations and stream cross sections and profiles, etc. shall be shown, and shall be in conformity with applicable standards

PLAN INFORMATION OVERVIEW

	Subdivision Plan	Plan and Profile	Site Development Plan
1. General Information			
Scale	1"=40' horizontal	1"=40' horizontal 1"=4' vertical	1"=40' horizontal
2. Property Information			
a. Existing and proposed lot boundaries with monument locations			
b. Parcel areas (including area with wetlands and watercourses excluded)			
c. Owners name and lot line locations of abutting parcels			
d. Existing and proposed easements and other rights-of-way			
3. Site Conditions			
a. Existing and proposed topography - 2' contours			
b. Existing drainage features			
c. Field located wetlands and watercourses on the property			
d. Generally located wetlands and watercourses near the property			
e. Base flood elevation data and floodplain data			
f. Other site features and areas intended for preservation			
g. Analysis of special site conditions and/or significant resources			
4. Open Space Information			
a. Location and configuration of existing open spaces in the vicinity			
b. Open Space Plan			
5. Soils Information			
a. Soil types information			
b. Soils with severe limitations and low potential for sewage disposal facilities			
c. Slopes exceeding 15% and areas with shallow depth to bedrock			
d. Location and identification of percolation test holes and deep hole tests			
e. Notation regarding the need for engineered septic designs			
6. Design of Lot Improvements			
a. Building set-back lines with dimensions			
b. Location of existing structures, driveways, and other improvements			
c. Location of proposed structures, driveways, and other improvements			
d. Location of existing primary and reserve septic-leach fields			
e. Location of proposed primary and reserve septic-leach fields			
f. Location of existing wells and water sources within 200' of the parcel			
g. Location of proposed wells and water sources for each lot			
7. Design of Overall Improvements			
a. All proposed soil erosion and sediment control procedures			
b. Road design including road names			
c. Drainage design including the location of any drainage discharge			
d. Utility design (including connections to existing lines)			
e. Any existing or proposed retaining walls, culverts, or fences			
f. Supplemental water supply systems, fire protection systems			

ADDITIONAL FORMAL APPLICATION MATERIALS

1. Sanitary Waste Disposal Report

- a. Every application for approval of a subdivision must include a report prepared by a professional civil engineer licensed by the State of Connecticut addressing the manner in which the properties are to be provided with sanitary waste disposal.
- b. The report shall provide:
 - i. a detailed description of proposed sewage disposal facilities in compliance with the requirements of the State Health Code,
 - ii. a statement by the engineer that, in his/her professional opinion, each lot for proposed development is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report, and
 - iii. a statement of any reservations, special conditions, or special precautions that the engineer may consider necessary to provide proper functioning of the proposed disposal system.
- c. If, in the opinion of the Director of Health or the Planning Commission, the sanitary report is incomplete as to the required information, additional information sufficient to correct the deficiencies of the report may be required.
- d. A report from the Director of Health shall be obtained and submitted to the Commission by the applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private septic systems.

2. Water Report

- a. Every application for approval of a subdivision shall address the manner in which the properties are to be provided with domestic water supply.
- b. A report from the Director of Health shall be obtained and submitted to the Commission by the applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private wells.

3. Drainage Report

- a. A report shall be submitted by a registered professional engineer including:
 - i. a base map used to determine existing watershed and drainage patterns, including downstream runoff areas affected by the storm water runoff from the subdivision,
 - ii. the proposed drainage plan for the property,
 - iii. the drainage treatment for different areas,
 - iv. the methodology used to compute drainage volumes (runoff) and pipe sizes,
 - v. documentation of the design of special structures (if any), and
 - vi. a pre-development and post-development drainage study.
- b. In addition, calculations and the basis used to evaluate potential impact on aquifer recharge and ground water quality shall be provided.

4. Erosion and Sediment Control Report

- a. Every application for approval of a subdivision must include a narrative report identifying the manner in which erosion and sediment control will be addressed.
- b. The narrative report may be placed on the site development plan, a separate soil erosion and sediment control drawing, or may be a separate document.
- c. The narrative report shall include:
 - i. a description of the development of the project,
 - ii. overall design criteria relative to erosion and sediment control,
 - iii. recommended construction details and detailed installation procedures and maintenance programs,
 - iv. a summary of the sequencing of erosion and sediment control measures with construction phasing, and
 - v. a time schedule for:
 - i) all major construction activities indicating their anticipated start and completion,
 - ii) creating and stabilizing disturbed areas,
 - iii) grading operations,
 - iv) applying erosion and sediment control measures and facilities on the land.

APPENDIX C - APPROVAL BLOCKS

Plans submitted to the Planning Commission for signature shall contain the following approval block, as appropriate, near the title block:

**TOWN OF NEW FAIRFIELD
PLANNING COMMISSION
FINAL SUBDIVISION APPROVAL**

I hereby certify that at a meeting on _____, the Town of New Fairfield Planning Commission gave final approval to this plan in accordance with the Town of New Fairfield Subdivision Regulations.

Chairman Date Signed

In accordance with CGS 8-26c, all work in connection with this subdivision shall be completed within five years of the date of approval. The completion date shall be _____.

Received for filing on _____ by _____
Town Clerk

**TOWN OF NEW FAIRFIELD
PLANNING COMMISSION
CONDITIONAL SUBDIVISION APPROVAL**

I hereby certify that at a meeting on _____, the Town of New Fairfield Planning Commission gave CONDITIONAL approval to this plan in accordance with the Town of New Fairfield Subdivision Regulations.

NO LOTS SHALL BE OFFERED FOR SALE OR SOLD UNTIL FINAL SUBDIVISION APPROVAL IS GRANTED BY THE NEW FAIRFIELD PLANNING COMMISSION AND SUCH PLAN HAS BEEN FILED WITH THE TOWN CLERK.

Chairman Date Signed

In accordance with CGS 8-26c, all work in connection with this subdivision shall be completed within five years of the date of approval. The completion date shall be _____.

Received for filing on _____ by _____
Town Clerk

**TOWN OF NEW FAIRFIELD
PLANNING COMMISSION
APPROVAL OF LOT LINE REVISION**

I hereby certify that at a meeting on _____, the Town of New Fairfield Planning Commission approved this lot line revision.

Chairman

Date Signed

Plans requiring approval by the Town of New Fairfield Inland Wetlands / Conservation Commission shall contain the following approval block near the title block:

**TOWN OF NEW FAIRFIELD
INLAND WETLANDS / CONSERVATION COMMISSION**

I hereby certify that at a meeting on _____, the Town of New Fairfield Inland Wetlands / Conservation Commission gave approval to this plan in accordance with the Town of New Fairfield Inland Wetland and Watercourse Regulations.

Chairman

Date Signed

APPENDIX D - SAMPLE CONSERVATION RESTRICTION

NOTE: *This is a sample conservation restriction.*

This sample may be modified for each situation so as to properly reflect the requirements of particular grantees, the means of enforcement, and the purpose for which it is proposed.

GRANT OF CONSERVATION RESTRICTION

Grantor / Grantee

This is a grant of a conservation restriction by _____, of _____, Connecticut ("Grantor"), to the TOWN OF NEW FAIRFIELD, a municipal corporation located in New Fairfield, Connecticut ("Grantee").

Reference To Map

The property which is the subject of this grant is located in the Town of New Fairfield, County of Fairfield, and State of Connecticut as more particularly bounded and described in Schedule A, attached hereto and made a part hereof (the "Protected Property"). The Protected Property is shown as _____ on a map entitled "_____" dated _____, 20__ , which map is or will be filed on the Land Records.

Basic Intent

The Grantor is the owner of certain land located on _____ in New Fairfield, Connecticut. The Protected Property is a portion of this land and is particularly valuable, in the belief of the parties, as open, natural and wild land undisturbed by development. The Grantor wishes through this grant to ensure that the Protected Property will be preserved, and the Grantee is willing to undertake the enforcement of such preservation.

Establishment of Restriction

In consideration of the facts herein recited and as an absolute and unconditional gift, the Grantor does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, a "Conservation Restriction" as set forth in the Connecticut General Statutes, Section 47-42a through 47-42c, over the Protected Property, the purpose of which is to preserve land or water areas in their natural, scenic and open condition in order to conserve and protect the animal, plant and bird populations thereon and to prevent the use or development of the Protected Property for any purpose or in any manner which would conflict with the maintenance of the Protected Property in its natural, scenic and open condition.

Nature of Restriction

The Grantor on behalf of ___self, ___ heirs and assigns, makes the following covenants to the Grantee, its successors and assigns, which shall run with and bind the Protected Property in perpetuity:

1. There shall not be constructed or placed on the Protected Property any buildings, vehicles, camping accommodations, signs, billboards or other advertising material other than property or boundary markers and "No Trespassing" signs;
2. There shall not be on or in the Protected Property any filling, excavating, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials nor any building of roads or change in the topography of land in any manner;
3. There shall not be constructed or placed on the Protected Property lawns, gardens or similar plantings of any nature that would require the use of fertilizers, insecticides or herbicides;
4. There shall be no cutting of trees or plants, spraying with pesticides, fertilizers or insecticides with the exception of licensed pesticides or disturbance or change in the natural habitat in any manner, with the exception of the removal of dead trees, without the express written consent of the Grantee;
5. There shall be no dumping of ashes, trash, garbage, sawdust or other unsightly or offensive material on the Protected Property, and no changing of the topography through the placing of soil or other substances or material, such as land fill or dredging spoils;
6. There shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles, or other loud destructive or offensive recreational vehicles;
7. There shall be no manipulation or alteration of natural watercourses, lake shores, marshes or other water bodies or activities or uses detrimental to water purity, drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife or habitat preservation; and
8. There shall be no hunting or trapping except to the extent specifically approved by the Grantee as necessary to keep the animal population within the numbers consistent with the ecological balance of the area.

Rights Reserved

The Grantor reserves to ___self, ___ heirs and assigns, the following rights in the Protected Property:

1. To continue the use of the Protected Property for all purposes not inconsistent with this Conservation Restriction;
2. To cut dead trees, brush and underbrush, to clear or restore forest cover damaged or disturbed by fire, wind or other natural forces, to gather and use dead wood and, with the express written consent of the Grantee, to prune and selectively thin trees, and
3. To provide screening by the planting of trees, provided such trees shall be limited to varieties consistent with the habitat.

Other Provisions

The Grantor agrees that the terms, conditions, restrictions, and purposes of this Conservation Restriction will be inserted by the Grantor in any subsequent deed, or other legal instrument, by which the Grantor divests ____ self of either the fee simple title to or ____ possessory interest in the Protected Property.

The grant of this Conservation Restriction shall not change the character of private ownership of the Protected Property and the public shall have no right to use the same, unless otherwise permitted by law.

The foregoing reserved rights shall be exercisable not only by the Grantor but, where appropriate, by all of those persons owning property interests derived by grant from the Grantor.

The grant of this Conservation Restriction shall in no way grant anyone other than the parties and their heirs, successors and assigns, the right to enter the Protected Property for any purpose.

In the event any party shall violate or attempt to violate this Conservation Restriction, it shall be lawful for the Grantee or any party owning any portion of the Protected Property to prosecute any proceedings at law or in equity against the party violating or attempting to violate this Conservation Restriction. Furthermore, the party who shall succeed on the merits in an action to enforce this Conservation Restriction at law shall also be entitled to recover all costs and expenses incurred in said enforcement action, including reasonable attorney's fees.

If the Protected Property or any part thereof shall be taken by condemnation, this Conservation Restriction shall terminate automatically as to that property taken, so that the Grantor, successors and assigns, may be as fully compensated as though this Conservation Restriction had never been granted.

The Grantee may enter the Protected Property at all reasonable times for the purpose of inspecting the Protected Property to determine compliance with the terms thereof.

The Grantor, for ____ self and ____ heirs and assigns, agrees to pay any real estate taxes for assessments levied by competent authorities on the Protected Property and to maintain the Protected Property.

TO HAVE AND TO HOLD the granted and bargained Conservation Restriction, and its appurtenances, to the Grantee and to its successors and assigns forever, to its and their own use and benefit.

IN WITNESS THEREOF, Grantor has executed this instrument on _____, 20__

Signature(s) and Notarization(s) placed here

Schedule A

(insert or attach legal description of the subject property)