



# The Litchfield Subdivision Regulations

Town of Litchfield, Connecticut

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## A. SUBDIVIDING LAND

### Section 1 - Objectives

The purpose of these subdivision regulations is to assure that land which is to be subdivided in the Town of Litchfield shall be:

1. Of such character that it can be used for building purposes without danger to health or public safety.
2. Designed and carried out to satisfy all of the general requirements for subdivision regulations as set forth in Section 8-25, Chapter 126 of the Connecticut General Statutes. This includes, but is not limited to, proper provisions for and/or protection of water supply (surface and ground water), drainage, sewage disposal, flood control, fire protection, street alignment, design and construction, erosion and sedimentation control, open spaces and recreation areas.
3. Designed and carried out so that proposed streets are in harmony with existing or proposed streets as shown in the Town Plan of Development.
4. Documented with respect to proper legal descriptions, recording and monumenting of subdivided land.

### Section 2 - General Provisions

Under the authority granted by the Connecticut General Statutes (Chapter 126) the Planning and Zoning Commission hereby requires that any application for subdivision or resubdivision shall meet the following regulations:

#### 1. Compliance

No person proposing the development of a subdivision on property within the Town limits shall undertake any construction or earthwork of any kind on the proposed subdivision which may affect the arrangement of streets, including clearing, grubbing, grading or other works, until they have obtained approval of the plan of the proposed subdivision from the Planning and Zoning Commission.

#### 2. Application of Regulations:

- a. These regulations shall apply to the subdivision and resubdivision of land within the Town of Litchfield (as defined in the Connecticut State Statutes and as set forth below).
- b. No subdivision or resubdivision of land shall be made nor any subdivision lot sold or offered for sale by any person until a complete application for subdivision or resubdivision has been submitted to and approved by the Planning and Zoning Commission and a Record Subdivision Map has been endorsed thereby and recorded by the applicant in the Office of the Litchfield Town Clerk.

#### 3. Subdivision and Resubdivision Defined: The definition of a subdivision shall be as set forth in the Connecticut State Statutes, Chapter 126 as amended. The Planning and Zoning Commission has the authority to determine if existing divisions of any land constitutes a subdivision.

#### 4. Penalties for Violation: Anyone making a subdivision of land without the approval of the Planning and Zoning Commission shall be subject to monetary fines as provided for in the Connecticut General Statutes.

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5. **RHOW Subdivisions:** Any subdivision proposal submitted pursuant to, and in compliance with, the RHOW Zone District provisions of the Zoning Regulations, shall not be required to comply with the general, street or drainage standards, for planning, design and construction, as provided in Article A, Subdividing Land, Sections 7, 8 and 9, of these Subdivision Regulations, which conflict with or are in addition to the requirements and standards provided in the RHOW Zone District provisions of the Zoning Regulations, so long as the proposal otherwise complies with section 8-30g of the Connecticut General Statutes.

### Section 3 - Administration, Enforcement and Variances

1. Administration and Enforcement: The Land Use Office, as may be assisted by other departments, is responsible for the administration and enforcement of this Section. Any person aggrieved by action taken under these subdivision regulations may appeal to the Connecticut Superior Court.
2. Waiver: In case of hardship or exceptional practical difficulties resulting from the strict compliance with the requirements of these regulations, or to better serve the purpose of these regulations, the Planning and Zoning Commission may grant waivers from these requirements. However, no waiver shall be granted which would have a significant adverse effect on adjacent property or on the public health and safety or which would violate the zoning regulations.
  - a. Any applicant who needs to deviate from these regulations can request a waiver through the process and procedures established below:
    - i. Waivers of all or part of the subdivision plan requirements may be granted by the Planning and Zoning Commission, upon written request of the applicant, to be heard at the next regularly scheduled meeting of the Planning and Zoning Commission.
    - ii. The applicant shall state with particularity the standard or provision from which relief is sought and the reasons why the Planning and Zoning Commission should grant relief through a waiver.
    - iii. Any application for a waiver of these regulations shall be made at the same time as any application for subdivision or resubdivision is made.
    - iv. The Planning and Zoning Commission may grant such a waiver only in cases where:
      - (a) Exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same district or vicinity; and
      - (b) Such waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity; and
      - (c) The waiver will not be detrimental to the public welfare or injurious to the interests of other owners of property in the vicinity.
      - (d) The granting of the waiver would not be in conflict with the plan of conservation and development
      - (e) Where it is proposed to vary any engineering standard contained in these regulations, a favorable report from the Town's Engineer has been received.
    - v. In granting any waiver of these regulations, the Planning and Zoning Commission shall attach such conditions and safeguards necessary to protect health, safety and welfare.

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- vi. The applicant shall send notice of the application for a waiver to all owners of record of land abutting the proposed subdivision.
- vii. A vote of three quarters of all members of the Planning and Zoning Commission is required for approval.
- viii. The Planning and Zoning Commission shall state the reasons for granting such waiver and such reasons shall be clearly stated in the minutes.

### 3. Health and Safety

In order to ensure the health, safety and welfare of the public in the review and enforcement of these Subdivision Regulations, the following agencies and departments will be provided a copy of the application for review and comment with respect to their individual regulations and standards:

- a. Fire Marshal
- b. Litchfield Water Pollution Control Authority
- c. Litchfield Department of Public Works
- d. Torrington Area Health District

## Section 4 - Applying for Subdivision

1. Subdivision Application: It is the lot owner's or his/her designee's responsibility to prepare and present a complete formal application to the Land Use Office and to the Planning and Zoning Commission. Applicants are advised to review and be familiar with these regulations. Applications must be submitted at least ten days in advance of a regularly scheduled Planning and Zoning Commission Meeting to be considered at the meeting.
2. Conformance to the Town Plan of Conservation and Development: Proposed subdivision streets, their external connections and overall design shall conform substantially to the policies, goals and objectives of the Town Plan of Conservation and Development adopted by the Planning and Zoning Commission including any revisions, amendments or restatements thereto/thereof.
3. Subdivision Application Requirements: The following is a list of the documentation, maps and plans required as part of the subdivision application:
  - a. Applications: Applications shall be made in writing on the form provided by the Planning and Zoning Commission, which are available at the Land Use Office. The application form shall be signed by the applicant or their lawful agent. If the subdivision or resubdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided or resubdivided, the application shall also be signed by the owner of the land or their lawful agent.
  - b. Fees: The fees for a subdivision application shall be in an amount as stated on the application form and as provided by Town Ordinance.
  - c. Record Subdivision Map: A record subdivision or resubdivision map shall be prepared and submitted in conformance with the requirements of these regulations.

- d. Proof of Sanitary Suitability: Every application for approval of a subdivision must include satisfactory evidence that the site has suitable physical characteristics to satisfy all the requirements of the Town, the Torrington Area Health District (T.A.H.D.), and the Connecticut State Department of Health Services for a subsurface sewage disposal (septic system), or that the proposed lots can be connected to an operational public sanitary sewer. The sewage disposal report for on-site septic systems shall be prepared by a professional engineer licensed in the State of Connecticut and certified as accepted by the T.A.H.D. Where it is proposed to connect to public sanitary sewers, a sewer feasibility study, prepared in accordance with the requirements of the Town Sewer Commission and certified by the Director of Public Works, shall accompany the subdivision application.
- e. Water Supply Report: In areas of the Town, as identified by the Town Engineer, where the suitability of groundwater quality is questionable, and when on site water supply wells are proposed, the Planning and Zoning Commission may require that the applicant provide information to document the potential quality and quantity of the water supply, including the potential, long-term effect of new subdivision wells on the existing wells of surrounding properties. Possible alternative water supply sources should be described if the new subdivision wells are not capable of supplying the required amounts of water or have an unacceptable, detrimental effect on existing wells on surrounding properties. Where the application involves the creation or expansion of a community water system with a distribution system that supplies water for human consumption to not less than 15 service connections or 25 persons, nor more than 250 service connections or 1,000 persons for a least 60 days in a year, then the following is required.
- i. The applicant shall provide evidence of submittal of three copies of an application for approval of a Certificate of Public Convenience and Necessity to the State Department of Public Utility Control (DPUC).
  - ii. The Planning and Zoning Commission shall not approve a subdivision involving a water system subject to the approval of the DPUC unless and until a Certificate of Public Convenience and Necessity has been issued to the water company and a copy of same has been provided to the Planning and Zoning Commission.
- f. Evidence of Submission to the Litchfield Inland Wetlands Commission: Whenever an application involves land regulated as an inland wetland or watercourse by the Litchfield Inland Wetlands Commission, the applicant shall file a copy of the subdivision application with the Inland Wetlands Commission no later than the filing with the Planning and Zoning Commission. Any application not so filed shall be considered incomplete. The Planning and Zoning Commission shall give due consideration to any report filed by the Inland Wetlands Commission prior to rendering a decision on the subdivision application.
- g. Site Development Plan: A site development plan shall be prepared and submitted for any application proposed for building development, whether immediate or in the future. The Site development plan shall conform to the requirements of Section 6, Specifications for Maps and Plans, of the zoning regulations.
- h. Erosion and Sediment Control and Grading Plan: An erosion and sediment control and grading plan shall be prepared and submitted for certification by the Planning and Zoning Commission with any application where the cumulative disturbed area is more than one-half acre. The erosion and sediment control plan shall conform to the requirements of these Regulations. Where it is feasible, the mapped information required for the erosion and sedimentation control plan may be shown on the site development plan and construction plan.
- i. Construction Plan and Profiles: Plans, profile drawings and typical cross sections shall be submitted where a subdivision application involves site improvements including streets, sanitary sewers, catch basins, manholes, ditches, watercourses and modifications, headwalls, sidewalks, curbs, bridges, culverts and other structures and improvements required by these regulations.

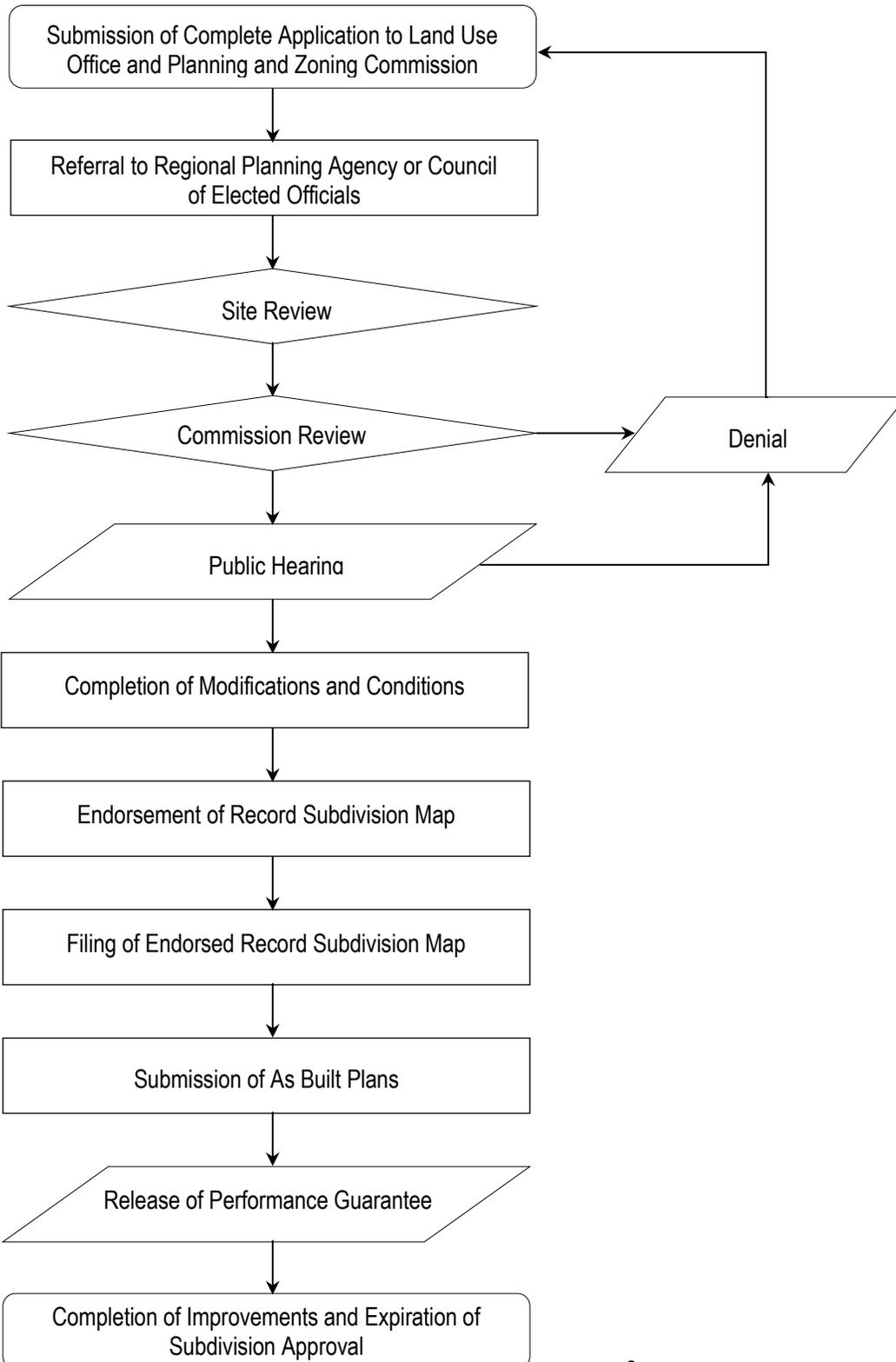
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- j. Hydrological Reports and Flood Elevation Data: Where an application involves storm drainage improvements or construction within or near the 100 year flood hazard area, a hydrological report shall be required. This report shall be prepared by a civil engineer licensed in the State of Connecticut. It shall meet the requirements herein and shall include at a minimum, a base map showing the drainage watershed, flood plain elevations and drainage patterns. It shall also show the methodology and computations used to calculate storm water runoff and the recommended pipe sizes.
- k. Cost Estimate: An engineer's estimate of the cost of construction of site improvements shall be submitted on forms provided by the Town Engineer's office.
- l. Easements and Deeds: Copies of all easements and deeds necessary to carry the subdivision plan into effect shall be submitted including instrument(s) proposed to be executed or delivered after approval of the application.
- m. Other Applications and Permits: Copies of other local State and Federal applications and permits, and copies of proposed agreements with utility companies shall be submitted, as appropriate.
- n. Adjoining Lot Owners: The applicant shall provide a list of the names of current adjoining lot owners to the Planning and Zoning Commission, whether inside or outside Town limits.
- o. Supplemental Data: Other data and information may be required from the applicant in order to establish that the proposed subdivision complies with the requirements with these regulations.
- p. Application Withdrawal: At any time prior to final action by the Planning and Zoning Commission on any application, the applicant, or their successor in interest, may withdraw such application by filing with the Commission a formal written request to that effect.

If approval of an application has been granted by the Planning and Zoning Commission, the applicant, or his/her successor in interest, may, at any time prior to filing the approved plan on the Land Records, return such approved plan to the Commission with a written request for cancellation of the plan shall be noted thereon. No fees shall be refunded on such withdrawal.

**Section 5 - Procedures for Submission Review and Decision on Subdivision Application**

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



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- Step 1 Submission of the Subdivision Application: The complete application shall be submitted to the Land Use Office and to the Planning and Zoning Commission. At its regularly scheduled meeting following submission of the application, the Planning and Zoning Commission shall determine whether the application has been submitted in the required form. If it is complete, the application shall be accepted for consideration. If the application is incomplete, the applicant will be so advised. An incomplete application is sufficient grounds for denial of the application. Upon acceptance of an application, the Commission shall set a date for a public hearing, if required (resubdivision) or if deemed necessary (subdivision).
- Step 2 Referrals: As required by Connecticut State Statute where a proposed subdivision abuts or includes land in another municipality, the Planning and Zoning Commission, before approving such plan, shall submit it for an advisory report to the Regional Planning Agency or Council of Elected Officials which serves the other municipality. A copy of the application may be referred to any other town boards and commissions, other towns, affected thereby, or other governmental agencies for review and comment. Reports and recommendations received from these referrals shall become part of the record of the application.
- Step 3 Site Review: The Planning and Zoning Commission may set a date for a site visit review meeting at which it and/or its staff will view the subdivision site. Commissioners should not meet in numbers to constitute a quorum. No discussion regarding the case shall be held during the visit.
- Step 4 Commission Review: In its review of any application, the Planning and Zoning Commission may request the review, comment and assistance of the Director of Public Works, Zoning Enforcement Officer, Fire Marshal, other Town Boards, Commissions, Town Officials or outside technical or legal advisors.
- Step 5 Public Hearing: Public hearings can occur in one of two ways:
1. Resubdivision: If the Planning and Zoning Commission determines that an application constitutes a resubdivision, then a public hearing shall be held on the application as required by Connecticut State Statute.
  2. Subdivision: If the Planning and Zoning Commission determines that an application constitutes a subdivision, then if it is in the public interest, it may hold a public hearing.
  3. Public Notice: Public Notice of any public hearing shall be given by the Planning and Zoning Commission as required by Connecticut State Statute. In such instance, the applicant shall:
    - i. Provide a list of names of all current adjoining lot owners of record.
    - ii. Post the lot within 7 days of an accepted application, a minimum of 30 days prior to the scheduled public hearing, with a sign, obtained from the Land Use Department, located in view from a public street which states that the lot is subject to pending subdivision application with the Planning and Zoning Commission.
    - iii. Notify all current adjoining lot owners of record of the pending application and of the date of the public hearing.
    - iv. The Planning and Zoning Commission shall notify regional councils and neighboring communities by certified mail, return receipt requested, if affected, at least 30 days in advance of the scheduled public hearing.
- Step 6 Decision: The Planning and Zoning Commission shall approve, modify and approve or disapprove the application, entering into the records its reasons for such action and shall publish and communicate its decision as required by Connecticut State Statute. No approval shall become effective until completion of any required modifications or conditions as stated in Step 7.

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Step 7 Completion of Required Modifications and Conditions: Where the Planning and Zoning Commission modifies and approves an application, it shall promptly advise the applicant of modifications to the maps, plans or other application documents. No application shall be endorsed for filing until the required modifications have been completed and submitted in the final required form. Approvals may be conditioned upon applicant's presentation and recording of any deeds or easements required by the Planning and Zoning Commission and upon the applicant's execution and filing of any required performance guarantee in the form prescribed herein, guaranteeing completion of the required improvements.

ALL OF THE ABOVE REQUIRED MODIFICATIONS AND CONDITIONS, INCLUDING ALL INFORMATION, DOCUMENTS OR PERFORMANCE GUARANTEE, SHALL BE SUBMITTED WITHIN FORTY-FIVE (45) DAYS OF THE DATE OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OR WITHIN AN EXTENDED PERIOD AS MAY BE APPROVED BY THE PLANNING AND ZONING COMMISSION. IF THE REQUIRED MODIFICATIONS AND CONDITIONS ARE NOT FILED WITHIN THE REQUIRED FORTY-FIVE (45) DAYS, OR WITHIN AN EXTENDED PERIOD AS MAY BE APPROVED BY THE PLANNING AND ZONING COMMISSION, THE SUBDIVISION APPROVAL SHALL BE DEEMED AUTOMATICALLY VOID. THE SUBDIVISION PLAN SHALL NOT BE ENDORSED BY THE CHAIRMAN, SECRETARY NOR DELIVERED TO THE APPLICANT FOR FILING UNTIL THE PERFORMANCE GUARANTEE HAS BEEN RECEIVED, AND UNTIL THE DEEDS OR EASEMENTS HAVE BEEN RECEIVED AND REVIEWED BY THE PLANNING AND ZONING COMMISSION'S ATTORNEY AND UNTIL ALL REQUIRED MODIFICATIONS TO THE SUBDIVISION MAP OR OTHER DOCUMENTS HAVE BEEN COMPLETED AND RECEIVED.

Step 8 Endorsement and Filing of Approved Record Subdivision Map: Upon the submission of any and all required easements, deeds, performance guarantee and/or revised map, the Chairman or Secretary of the Planning and Zoning Commission shall endorse the approved record subdivision map which may then be filed or recorded by the applicant in the office of the Town Clerk. The date of endorsement shall be noted on the Map by the Chairman or Secretary of the Planning and Zoning Commission. Filing and recording fees shall be paid by the applicant.

Step 9 Filing of Endorsed Record Subdivision Map: A subdivision map filed or recorded without such endorsed approval shall be void. Any endorsed Record Subdivision Map not so filed or recorded within 90 days after the expiration of the statutory appeal period or 90 days after the termination of any appeal taken of the decision to approve the subdivision shall become null and void, except that the Planning and Zoning Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.

The endorsed record subdivision map, and any other maps and plans showing modifications upon which final approval of the application for subdivision or resubdivision was conditioned, shall constitute the approved subdivision or resubdivision. No work included in the subdivision application including construction, grading, paving, and so forth, shall be commenced nor shall permits be issued including zoning, building, driveway and/or sanitation until the record subdivision map has been endorsed and filed or recorded.

Step 10 Submission of As-Built Plans: Upon the completion of any improvements included in an approved application for subdivision or resubdivision, the applicant shall file with the Planning and Zoning Commission construction plans, meeting the standards herein, showing the streets, drainage and other subdivision improvements as built and also showing the location of any water mains, underground electric and telephone utilities. In lieu of such submission, the applicant's land surveyor and/or engineer may update and certify the mylar construction plans submitted under Section 4.4, Subdivision Regulation Requirements, and approved by the Planning and Zoning Commission. Such filing shall also include a certification, signed and sealed by a professional engineer licensed to practice in the State

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of Connecticut that such surveyor and/or engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Planning and Zoning Commission.

**Step 11** Release of Performance Guarantee: If the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than sixty-five days after receiving such request:

1. Release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or
2. Provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

**Step 12** Completion of Improvements and Expiration of Subdivision Approval: The Planning and Zoning Commission shall require compliance with Section 8-26c of the Connecticut General Statutes as follows:

1. Anyone making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision; the Planning and Zoning Commission's endorsement of approval on the plan shall state the date on which such five year period expires.
2. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such plan provided the Planning and Zoning Commission shall file on the land records of the Town of Litchfield notice of such expiration and shall state such expiration on the record subdivision map on file in the Office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the sub divider or his successor in interest as such sub divider except with the approval by the Planning and Zoning Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five year period, the Town shall call the performance guarantee or other surety on said subdivision to the extent necessary to complete the required improvements and utilities.
3. "Work" for purposes of this step shall mean all physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

## **Section 6 - Specifications for Maps and Plans**

1. General: Detailed specifications and information must be provided on documents, maps and plans required as part of a complete subdivision application.
  - a. The record subdivision map must be suitable for permanent filing in the Town Land Records.
  - b. The site development plan must show existing conditions and proposed development so that the Planning and Zoning Commission can properly evaluate the proposed design and layout of the subdivision.
  - c. The Erosion and Sediment Control Map must specify the location, design and construction specifications or proposed site improvements (street, drainage systems, etc.).

2. Maps and Plans to be Prepared by Professional: The maps and plans required by these regulations shall show all necessary information and shall be prepared in accordance with the requirements and standards hereinafter specified. All such maps and plans shall be prepared by and bear the name and seal of a professional engineer and/or land surveyor, licensed by the Connecticut State Board of Registration for Professional Engineers and Land Surveyors. Pertinent survey data and computations shall be presented to the Planning and Zoning Commission for review upon request.
3. Record Subdivision Map: The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2" type of survey as specified in the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps", approved by the State Board of Registration for Professional Engineers and Land Surveyors. The map shall be clearly and legibly drawn on polyester film (mylar) .003 thick or better, on sheets 24" x 36". The map should be drawn to scale of 1" = 40' but in no case at a scale of less than 1" = 100'. One digital copy in PDF format and 12 paper copies of the application and maps shall also be submitted. The map shall show the following:
  - a. Title of the subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town.
  - b. Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
  - c. Name and address of the engineer responsible for plan development and engineering details.
  - d. Date of plan creation, scale, true and magnetic north points,
  - e. Existing zoning district and proposed zoning district, if applicable.
  - f. Boundary of the proposed subdivision accurately identified including the total acreage of land included in the subdivision and the square footage or acreage of all lots and open spaces.
  - g. Existing and proposed lot and street lines; indication of adjoining lot lines and street lines for a distance of 200 feet and the names of all adjacent subdivisions or lot owners.
  - h. All inland wetlands and watercourses as defined by Section 22a-38 of the Connecticut General Statutes and as regulated by the Inland Wetlands Commission.
  - i. Land within the FP-O district. When a subdivision does not include land within the FP-O district, the following notation shall be included on the Map, "This Subdivision does not include land areas within the FP-O district."
  - j. Existing and proposed water courses, including ponds and swamps; existing and proposed easements, rights-of-way, encroachment lines and areas reserved for storm water drainage; water courses, wetlands, conservation areas, Wellfield Protection Zone; and the limits of any areas to be reserved or protected from excavation or filling.
  - k. Proposed lots and lot numbers
  - l. Existing and proposed open spaces for parks, stream protection and other open spaces.
  - m. Existing permanent buildings and structures that are expected to remain.
  - n. Dimensions on all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.

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- o. The width of all street, rights-of-way and easements; street names.
  - p. Existing and proposed monuments; any Town or Borough boundary line.
  - q. A location map showing the location of the subdivision in relation to existing streets in the Town at a scale of not less than 1" = 1000'.
  - r. An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, street, street names and delineation of areas covered by the section or sheet.
  - s. The survey relationship of proposed streets to nearby monumented Town streets or State Highways where practical.
  - t. Approval and endorsement block as specified in the appendix to these regulations.
  - u. After a subdivision is approved, submittal of additional maps scaled in accordance with the Town Assessor's aerial mylar maps will be required as follows:
    - ix. Maps 2 through 163 shall be 1" = 200'.
    - x. Maps 167 through 266 shall be 1" = 100'.
4. Site Development Plan: The site development plan shall be drawn to a scale of not less than 1" = 100'. The plan shall show existing conditions and the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future. This will allow the Planning and Zoning Commission to complete a planning review of the proposed subdivision of contiguous land of the applicant. The plan shall show at least the following information:
- a. Title of the subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town.
  - b. Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
  - c. Name and address of the engineer responsible for plan development and engineering details.
  - d. Date of plan creation, scale, true and magnetic north points, Town and State.
  - e. Boundary of the proposed subdivision accurately identified including the total acreage of land included in the subdivision and the square footage or acreage of all lots and open spaces.
  - f. Existing and proposed lot and street lines; indication of adjoining lot lines and street lines for a distance of 200 feet and the names of all adjacent subdivisions and/or lot owners.
  - g. Existing and proposed easements, rights-of-way, encroachment lines and reservation areas for storm water drainage, water courses, wetlands, stream protection conservation areas, and flood plains and other land subject to potential flooding.
  - h. Identification of any regulated inland wetlands and identification of the boundary of any streambelt as defined by the U.S. Natural Resources Conservation Service and as shown on the Town Plan of Development, Natural Resources Map. This shall be confirmed by certified soil scientist survey, if requested by the Planning and Zoning Commission.

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- i. Existing and proposed water courses, including ponds and swamps and within the FP-O district.
- j. The Boundaries and classification codes of soil types under the national Cooperative Soils Survey of the Natural Resources Conservation Service, U.S. Department of Agriculture.
- k. Proposed lots and lot numbers; existing and proposed open spaces for parks, playgrounds, stream protection and other open spaces.
- l. Approximate dimensions on all proposed lot and street lines; approximate lot area and the total acreage of land included in the subdivision.
- m. Existing permanent buildings and structures; a location for a proposed dwelling or other principal building on each lot and the proposed driveway access thereto.
- n. Existing topographic contours at ten feet contour intervals based upon U.S. Geographical Survey (U.S.G.S) maps accurately imposed upon the entire subdivision and keyed to spot elevations on an existing road or other established points as shown on the A - 2 property boundary survey which shall be noted on the plan.
- o. The Planning and Zoning Commission may require more detailed contour intervals where in its judgment it is needed to properly evaluate drainage patterns or site development potential. Where grading is proposed as part of the subdivision development and the cumulative disturbed area is more than one-half acre and the Planning and Zoning Commission determines it is necessary, proposed contour intervals shall be shown at not less than two (2) foot intervals based upon field or aerial survey and keyed to Town, State or U.S. benchmark where such are within 1/2 mile of the subdivision boundary. (See requirements for Erosion, Sediment Control and Grading Plan - Section 6).
- p. Location of historic or archaeological sites and principal wooded areas including the identification of wooded areas with trees that have a caliper of 30 inches or more at the base.
- q. Any ledge outcrops and existing stone walls and fences within the subdivision.
- r. Proposed width of all streets, rights-of-way and easements; the proposed width of all pavement and proposed street names.
- s. Existing and proposed monuments; and municipal boundary line; and district boundary line.
- t. Existing and proposed storm drains, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures; and existing and proposed water mains, sanitary sewers and related facilities.
- u. Spot elevations on both existing and proposed roads to indicate tentative grading of roads.
- v. The approximate location of any percolation seepage test holes, deep test pits and borings; locations proposed for water supply well sites; and the location and dimensions of the area suitable for leaching fields for on-site sewage disposal systems and the reserve area for future fields.
- w. The limits of any areas proposed for re-grading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.
- x. The limits of any areas of tree removal that would be necessary to provide effective use of a passive solar energy system on each lot, based on an assumed mature tree height of 50 feet.

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- y. Location of subdivision within local drainage basin system (as defined by CT Department of Energy and Environmental Protection (DEEP)) with respect to potential impact on public water supplies down gradient; and stratified drift aquifer recharge areas (as defined in the Litchfield Zoning Regulations) and zone of influence of public water supply wells (as defined by water utility).
  - z. To assure that new lots have a reasonable shape generally free from severe limitations to building development in the R-80 and R-160 District, each lot shall be of such shape so that a square having 200 feet on each side shall fit on the lot. The area within such square shall not contain land subject to easements for streets, drainage, utilities, private rights-of-way or other encumbrances restricting development. Areas consisting of wetlands, watercourses or slopes in excess of 25% shall not comprise any of the area of the minimum square.
5. Construction Plans: Construction plans for all proposed streets, drainage and other improvements shall be drawn on polyester film (mylar) .003 thick or better. Plan and profile drawings shall be prepared for all proposed street, storm drains, gutters, catch basins, manholes, ditches, water courses, headwalls, sidewalks, curbs, water mains, sanitary sewers and other structures and underground utilities and shall be drawn on such polyester film (mylar) having a sheet size of 24" x 36", and shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1"=.4'. Profile drawings and elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be noted on the plan. One digital copy in PDF format and 12 paper copies of the application and maps shall also be submitted. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:
- a. Title of the subdivision, date, scale, north point, Town and State.
  - b. For streets, the existing grades at the center line and at both street lines, and the proposed grade at the center line; street lines and edge and width of pavement; street cross sections at all cross culverts, and a typical street cross section.
  - c. Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; ditch and water course cross sections.
  - d. Approximate location of lot lines intersection with the street line; lot numbers and street names.
  - e. Sidewalks, curbs, gutters, water mains, sanitary sewers and other structures and underground utilities.
  - f. Detail drawings of any bridges, box culverts, deep manholes, and other special structures.
  - g. The words "For location of underground electric, telephone and other facilities of public utilities, inquire of appropriate utility company."
  - h. The words "Approved by the Litchfield Planning and Zoning Commission" with a designated place for the signature of the Chairman and date of signing.
6. Erosion, Sediment Control and Grading Plan: An Erosion and Sediment Control and Grading Plan shall be submitted for certification by the Planning and Zoning Commission with any application for a subdivision or resubdivision when the cumulative disturbed area is more than one-half acre. Said plan shall comply with the requirements of this section of these regulations.

This requirement may be satisfied as part of the zoning permit process where the subdivision applicant proposes to sell lots for future building development and the Planning and Zoning Commission determines that such erosion and sediment

control plans for individual lots will permit compliance with the requirements for proper erosion and sedimentation control. Where the Planning and Zoning Commission makes this determination, the following notation shall appear on the record subdivision map.

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

- a. Information and requirements - General: A Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Information as required below shall be shown separately or as a part of the site development plan and construction plan.
- b. Project Narrative and Time Schedule: The plan shall include a narrative describing:
  - i. The development project; and
  - ii. The time schedule for the following:
    - (a) All major construction activities, indicating the anticipated start and completion of development;
    - (b) Creating and stabilizing disturbed areas;
    - (c) Grading operations;
    - (d) Applying erosion and sediment control measures and facilities onto the land;
    - (e) Design criteria, construction, details, detail installation/application procedures and maintenance program; and
    - (f) Soil erosion and sediment control measures.
- c. Erosion and Sediment Control Plan: The following information shall be shown at a scale of 1"=40' on the site development plan or on a separate plan.
  - i. Existing and proposed topography including soil types, wetlands, watercourses and water bodies.
  - ii. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
  - iii. Within the disturbed areas, topography contours shall be at a detail adequate to evaluate the proposal based upon the standards defined below. When it is determined necessary, the Planning and Zoning Commission may require two foot contour intervals based upon field survey.
  - iv. Location of and design details for all proposed erosion and sediment control measures and facilities.
  - v. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

d. Minimum Acceptable Standards:

- i. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principals as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- ii. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. The Planning and Zoning Commission may grant alternate standards when requested by the applicant, if technically sound reasons are presented.
- iii. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil and Erosion and Sediment Control (1985) as amended, shall be used in determining peak flow rates and volumes of runoff unless alternative method is approved by the Planning and Zoning Commission

e. Issuance or Denial of Certification:

- i. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- ii. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.
- iii. Prior to certification, any plan submitted to the Planning and Zoning Commission may be reviewed by the Litchfield County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

f. Conditions Relating to Soil Erosion and Sediment Control: Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Planning and Zoning Commission may require a performance guarantee.

## Section 7 - General - Standards For Planning Design And Construction

1. General: All subdivisions shall be designed according to the design and construction standards of these regulations and to meet the objectives for conservation and development as stated in the Town Plan of Development. The purpose of these standards are to assure that the subdivision and development of land will be designed and constructed:
  - a. To protect and promote the public health, safety and welfare; and to preserve the Town's open space and rural character;
  - b. To avoid development of land which is not suitable for development; and
  - c. To encourage subdivision design that protects and conserves unique and fragile natural resource lands.
2. General Standards for Subdivision Design: In order to serve the purposes of subdivision regulations as set forth in Chapter 126 of the General Statutes, especially to insure proper provision for protection of irreplaceable resources and fragile

features of value to the Town and the State of Connecticut, applicants are encouraged to design subdivisions to avoid development of and to protect the lands defined below from harmful effects.

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

- a. Land within the FP-O district or other land subject to flooding as defined by the State of Connecticut (flood encroachment areas) or the FEMA (Flood Insurance Rate Map).
- b. Inland wetlands and watercourses as defined and regulated by the Litchfield Inland Wetlands Commission and stream belt land areas as shown on the Town Plan of Development Stream belt Map, also defined by the U.S. Natural Resources Conservation Service, and especially the Bantam and Shepaug River and other major and minor stream belts identified in the Town Plan of Development.
- c. Aquifer recharge areas as recommended for protection and as shown on maps prepared as part of the Town Plan of Development or such other maps of aquifer recharge areas or wellfield zones of influence as have been adopted by the Planning and Zoning Commission in order to carry out its obligation to protect the public health, safety and welfare with regard to the adequacy of the quality and quantity of water supplies for the community.
- d. Land with a slope of 20% or greater.
- e. Ridge tops, defined as lands identified in the Town Plan of Conservation and Development (Environment and Historic Plan) as 'Ridge top Protection' lands, and in addition lands lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the Natural Resources Center of the Department of Energy and Environmental Protection (DEEP) and on file at the Town Hall.
- f. Existing and potential archeological sites on the lot and on all abutting lots within 500 feet, as identified by the Connecticut Office of State Archaeology (CAC), including lots within the boundaries of established Historic Districts and historic sites and structures on the lot and or all abutting lots within 500 feet, as identified on the Town's historic site surveys and studies.

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

In a subdivision, where the proposed buildable area affects less than a total of 20,000 square feet of area as defined in this Section, the Planning and Zoning Commission may determine that the above cited requirements for impact analysis need not be submitted, subject to the waiver provisions of these subdivision regulations found in Section 3.2, Waiver.

### 3. Lots and Lot Layout and Building Setback:

- a. Minimum lot area and dimensions shall be as required by the applicable Litchfield existing zoning district or proposed zoning district, if requesting a change in zoning. The Planning and Zoning Commission shall not approve a lot which does not conform to the zoning district in which the subdivision is proposed.

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- b. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this standard will accomplish a better subdivision, street or lot plan.
  - c. Every lot shall be of sufficient area with a shape and terrain which will permit a suitable location for all of the following: Building site, septic systems with leaching fields and reserve fields including required setbacks, well water supply source with required separating distances, storm water retention areas and drainage areas, and driveway corridor.
  - d. The buildable area on each lot shall be the area of the lots proposed as suitable for location of the building site, septic leaching fields (including reserve fields), well site and driveway corridor, and shall be clearly defined.
4. Solar Access: Applicants are encouraged to utilize energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation. Applicants shall demonstrate to the Planning and Zoning Commission that in developing the Subdivision Plan, consideration has been given to passive solar energy techniques which would not significantly increase the cost of housing to the buyer. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.
- a. Site design considerations shall include but not be limited to house orientation, street and lot layout, vegetation, natural and man-made topographic features and protection of solar access within the development.
  - b. Site design standards for design and review of subdivisions are as follows:
    - i. Site Selection: In order to maximize solar access, development should be placed on south-facing slopes. Development of north slopes should be minimized.
    - ii. Street Layout: Streets should be oriented on an east/west axis to the greatest possible extent. Orientation can vary up to 30 degrees from this axis. Topography shall be considered a primary factor in variation from this guideline.
    - iii. Lot Layout: Lots should be oriented with their longest dimension north and south to the greatest extent possible. Orientation can vary up to 20 degrees from the north/south axis.
    - iv. Building Siting: The long axis of building sites should be orientated east and west to the greatest possible extent. Building orientation can vary up to 20 degrees from due south. Buildings should be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
    - v. Landscaping: New trees shall be named and shown at their mature size. They shall be located with respect to buildings or possible solar collectors and other environmental factors in order to provide solar heat gain or shade as appropriate. In selecting trees for landscaping, the mature design height and canopy size shall be considered.
5. Driveways and Access Ways: All lots shall have a corridor of land for location of a driveway which is suitable for safe access. The applicant shall show the location of the driveway on the lot which meets the following standards:
- a. Maximum driveway travel way gradient shall be 12%, a travel gradient of up to 15% may be permitted for not more than 100 feet in length.
  - b. Driveway intersections with the street shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Town Driveway Ordinance as amended.

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- c. Two adjacent lots in a residential subdivision may share an access way and a driveway where the Planning and Zoning Commission determines a single driveway entrance from the public street will improve vehicular and pedestrian safety, preserve street traffic carrying capacity and the subdivision plan meets the following requirements:
  - i. Each lot has a feasible driveway corridor meeting the requirements of these regulations and the Town Driveway Ordinance.
  - ii. There shall be an access way containing the shared driveway which shall have a minimum 50 foot width at all points.
  - iii. The area of the access way shall not be counted in the calculation of the requirement for minimum lot.
  - iv. The access way and driveway shall be under the joint ownership of the owners of the lots its serves.
  - v. The joint ownership deed provision shall be subject to the approval of the Planning and Zoning Commission and the Planning and Zoning Commission's attorney. The deed shall be filed on the Litchfield land records and a note referencing the deed provision shall be placed on the record subdivision map.
  - vi. For driveways in excess of 200' in length the Planning and Zoning Commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways the Planning and Zoning Commission may also require a pull off or parking area located at or near the intersection of the driveway with the public road.
  - vii. The driveway shall meet the requirements of the town driveway ordinance and such additional requirements recommended by the town engineer and approved by the Planning and Zoning Commission.
6. Sidewalks and Pathways: The Planning and Zoning Commission may require the subdivider to install sidewalks and pathways on property of the subdivider for pedestrians and bicycles on existing or proposed streets or elsewhere in a subdivision after considering:
  - a. The proximity of the subdivision to schools, parks, playgrounds or other community facilities;
  - b. The proximity of the subdivision to shopping facilities;
  - c. The presence of other sidewalks or pedestrian trails in the area;
  - d. The Litchfield Plan of Conservation and Development;
  - e. The need for sidewalks or pedestrian trails in the area; and
  - f. The topography of the area.

When required by the Planning and Zoning Commission, sidewalks and pathways provided by the subdivider shall:

- a. Be constructed in accordance with Town specification; and
- g. Be graded and surfaced as directed by the Planning and Zoning Commission after consultation with the Town Engineer and the Director of Public Works.

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7. Fire Protection: The Planning and Zoning Commission, after consulting the Litchfield Fire Marshal, may, in its sole discretion, require provisions for fire protection in subdivision or resubdivision of land. The cost of maintaining Fire Ponds, Fire Tanks and Dry Hydrants shall be shared equally by the property owners in the subdivision. Options for fire protection include:
- a. Hydrants: Municipal fire hydrants shall be installed every 500' off the public water system. The hydrants will be installed off of a water main that is at least 8" in diameter and according to National Fire Protection Association (NFPA) standards and equal to the standard hydrant currently on the water system.
  - b. Fire Ponds: Fire ponds shall be constructed, including dry hydrants, in accordance with the standards and practices of the United States Department of Agriculture Soil Conservation Service and shall have a minimum capacity as determined by the Planning and Zoning Commission. The fire ponds shall be accessible from the street via a right-of-way in favor of the Town and said right-of-way shall have a width of 30 feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects.
  - c. Underground Water Tanks: Underground water tanks for fire protection shall contain a minimum of 20,000 gallons and shall be installed with plumbing to allow the fire department to draft the water in event of a fire. The fire tanks shall be accessible from the street via a right-of-way in favor of the Town and said right-of-way shall have a width of 30 feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects.
  - d. If no water is provided for fire protection, all homes in the subdivision shall have a residential sprinkler system installed. The sprinkler system shall comply with current codes and standards.

8. Flood Hazard Area Regulations: Standards for subdivision proposals in the FP-O district are as follows:

The following shall apply in all FP-O districts:

- a. All subdivision proposals shall be consistent with the needs to minimize flood damage.
- b. All subdivision proposals shall base public utilities and facilities such as sewage, gas, electrical and water systems in such a manner to minimize or prevent flood damage.
- c. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or 50 lots, whichever occurs first, and are located in Zone A.

9. Open Space and Recreation Areas:

The Planning and Zoning Commission may require the provision of open spaces, parks and playgrounds, and in places, deemed proper by the Commission. When required, such open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the Commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the Town of Litchfield in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the

subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of Connecticut State Statutes Section 8-25b.

The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Connecticut State Statutes Section 8-39a, equal to twenty percent or more of the total housing to be constructed in such subdivision.

- a. Basis for Requirement for Open Space. The Planning and Zoning Commission may require the dedication of appropriately located and sized open space in any proposed subdivision in places deemed proper by the Planning and Zoning Commission. In making such determination, in addition to the specific features of the land to be reserved, the Planning and Zoning Commission may consider:
- i. Areas recommended for Conservation in the 2007 Town Plan of Conservation and Development adopted by the Planning and Zoning Commission pursuant to Chapter 126, Section 8-23 of the Connecticut General Statutes;
  - ii. Areas recommended for conservation by the Litchfield Hills Greenprint, a project of the Housatonic Valley Assoc. and the Trust for Public Land, 2006 and as amended;
  - iii. Areas recommended for open space in other studies or reports on open space in Litchfield as may be accepted by vote of the Planning and Zoning Commission;
  - iv. Areas recommended for open space to the Planning and Zoning Commission by the Inland Wetlands Commission, Conservation Commission of the Town of Litchfield;
  - v. Areas providing for the expansion, enhancement and/or protection of existing open space, trails and recreation areas;
  - vi. Areas providing for the creation of new trails or passive recreation areas;
  - vii. Prime agricultural land;
  - viii. Areas of significant tree cover;
  - ix. Areas useful as wildlife habitat, habitat for threatened and endangered species;
  - x. Areas providing or protecting water-related resources, including aquifers streambelts and riparian areas;
  - xi. Areas adjacent to Town streets with features such as large trees and stone walls and which retain the rural character of the Town;
  - xii. Ridge tops and other areas of scenic vistas, which add to the open space quality of the Town;
  - xiii. Historic sites, or archeological sites;
  - xiv. Other environmentally important lands, soils, or geological phenomena; and
  - xv. Land which serves as buffer between existing residential development and proposed development areas.

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

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

- c. Ownership, Use and Method of Protection of Open Space.

- i. The ownership, use and method of protection of open space shall be determined after considering, among other things, the specific characteristics and functions of the open space, the need for public access and use and the scope of the subdivision proposal.
- ii. Open space land shall be permanently protected by a conservation easement preventing further development and/or by the transfer of fee interest and recorded on the land records. Where open space is proposed to be left in its natural state the Planning and Zoning Commission generally prefers the land be protected by a qualified private, non-profit land trust. The open space dedication shall not be affected by any change in zoning or land use of the subdivision.
- iii. The beneficiary of an easement, or the recipient of a fee interest, may be, as determined by the Planning and Zoning Commission in its sole discretion, a suitable non-profit organization such as the Litchfield Land Trust, the Town, an association of all the lot owners within the land subject to the application, or another organization approved by the Planning and Zoning Commission.
- iv. In determining the appropriate ownership, use and method of protection of open space and/or whether to require open space in locations different from those proposed by a subdivision applicant, the Planning and Zoning Commission shall consider the following factors:
  - a. Open space on adjacent properties and the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future;
  - b. The proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required;
  - c. The potential benefits which the open space might provide to residents of the Town;
  - d. The size, shape, topography and character of the open space;
  - e. The specific features of the land to be reserved and the recommendation of the documents or Commission cited in the above subsection.

- v. The reports or recommendations which are requested by the Planning and Zoning Commission and received in a timely manner for consideration in the decision on the proposed subdivision plan from Town boards or commissions and other agencies, are including but not limited to: the Board of Selectmen, the Inland Wetland Commission, the Conservation Commission, the Parks and Recreation Commission, the Northwest Hills Council of Governments (NHCOG) and the Northwest Conservation District (NCD).
- d. Alteration of Open Space. Any excavation, filling, re-grading or other alteration of open space; any construction or expansion of any building, structure or other improvements thereon; or any paving or surfacing of open space subsequent to the date of approval of the subdivision, other than work required by the subdivision plans as approved, shall require an amendment to the subdivision approval granted in accordance with the applicable section of these regulations. Alterations to the open space which are permitted but not required by the terms of the open space deed or easement shall be permitted without amendment to the subdivision approval.
- e. Evidence of Acceptance. Either during the application process or prior to endorsement of the subdivision plan, the applicant shall provide written evidence from the entity proposed to protect the open space stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space.
- f. Required Provisions. Regardless of the method of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Planning and Zoning Commission to ensure the open space is dedicated to its intended purpose in perpetuity.
- g. Recording. Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Planning and Zoning Commission in form and content. After approval by the Planning and Zoning Commission's attorney and the Planning and Zoning Commission, said document shall be filed by the sub divider in the Office of the Town Clerk. At the time the approved subdivision plan is filed, the applicant shall record on the Litchfield Land Records all legal documents required relating to protection of the open space.
- h. Boundary Lines. The boundary lines of all open space areas shall be set in the field and marked by permanent, surveyor's pins. Such pins shall be set where open space boundary lines intersect any lot line, road or perimeter line within the proposed subdivision and at such other points as may be required by the Planning and Zoning Commission to ensure identification in the field.
- i. Referrals. The Planning and Zoning Commission may refer for review any subdivision plan and proposal for open space to the Inland Wetlands Commission, Conservation Commission, Parks and Recreation Commission, Litchfield County Soil and Water Conservation District, or any other appropriate agency. The Planning and Zoning Commission shall refer to the Board of Selectmen any proposal under which the Town would acquire a property interest in the open space.
- j. Condition of Open Space Land.
  - i. Where public access is required by the Planning and Zoning Commission, open space areas shall be suitable for construction of an access way or roadway suitable for the safe pedestrian and/or vehicular traffic.
  - ii. Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in its natural state.

- iii. Except for improvement or maintenance as may be expressly permitted by the Planning and Zoning Commission, open space areas shall not be graded, cleared or used as a repository for brush, stumps, earth, building materials or debris.
- k. Bonding. To ensure proper construction of a required improvement, the Planning and Zoning Commission shall require the sub divider to post a surety bond, bond or other financial guarantees including an irrevocable letter of credit or other form of security satisfactory to the Planning and Zoning Commission.
- l. Property Owners' Association. The Planning and Zoning Commission may approve the ownership and maintenance of open space by an association of property owners. Such ownership shall be in accordance with the standards and requirements established by the Planning and Zoning Commission to include, but not be limited to, the following:
  - i. Creation of the association prior to the sale of any lot.
  - ii. Mandatory membership in the association by all original lot owners and any subsequent owner; Non-amendable bylaw provisions or other restrictions which require the association to maintain land reserved for open space and recreation purposes, with power to assess all members for all necessary costs.
  - iii. Provisions, which will be perpetual and binding on all future property owners, and will not be affected by any change in land use.
  - iv. The association shall have the power to assess and collect from each lot owner a specified share of, and where necessary, specified share to provide reserves for, the costs associated with maintenance, repair, upkeep and insurance of the open space.
  - v. Any deed of conveyance shall contain language providing the association with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees and costs in any action to enforce its rights against any lot owner, in which the association is the prevailing party.
  - vi. Association documents shall provide that if maintenance or preservation of the open space no longer complies with the provisions of the document creating the open space, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purpose, including but not limited to attorney's fees and costs.
- m. Payment of Fee in Lieu of Open Space.
  - i. In accordance with Connecticut General Statutes 8-25, as amended by Public Act 90-239, Section 1, the Planning and Zoning Commission may authorize the applicant to pay a fee to the Town in lieu of the provision of open space otherwise required by these regulations.
  - ii. The Planning and Zoning Commission may authorize a payment in lieu of open space where the Planning and Zoning Commission determines that the proposed open space will not provide significant open space or recreational benefits to the town as defined by Subection 8, Open Space,
  - iii. In the event that a fee in lieu of open space is authorized by the Planning and Zoning Commission, such fee shall be equal to not more than ten (10%) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.

- iv. The fair market value shall be determined by an appraiser selected by the Planning and Zoning Commission and the sub divider. The appraisal shall be completed prior to the filing of the approved subdivision map in the office of the Town Clerk. The cost of such appraisal shall be the responsibility of the applicant.
  - v. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision (1/x), shall be made at the time of the sale of each approved lot in the subdivision. The fee in lieu of open space payment obligation shall be clearly noted on the approved record subdivision map for the approved subdivision. The form and content of said statement shall be as provided by the Planning and Zoning Commission.
  - vi. Where the fee is to be collected at the time of the sale of lots, the payment obligation shall be secured by a lien against each lot in the subdivision which shall be filed in the land records at the time that the final subdivision plans are filed in the Office of the Town Clerk. The requirement for such lien shall be a condition of approval which condition shall be noted on the approved record subdivision map. The lien shall be in a form approved by the Planning and Zoning Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certification of Title.
  - vii. The fee may be paid in a lump sum by the applicant prior to the sale of any lots in the subdivision or the sale of the subdivision as a whole. Where a lump sum payment is made the Planning and Zoning Commission may reduce the fee to not less than eight percent (8%) of the fair market value.
  - viii. Fees collected in lieu of open space shall be placed in the Town's open space and Land Acquisition fund, Special Revenue open space Fund #27 Dept. 1404 Conservation Commission department Account.
  - ix. The open space requirement of this fee in lieu of open space section shall not apply if the transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.
10. Interior Lots: Interior lots in a subdivision may be permitted subject to a Special Exception.
11. Groundwater Protection: The Planning and Zoning Commission may require appropriate measures to protect groundwater supplies. Items which the Planning and Zoning Commission may consider include but are not limited to:
- i. Use of fertilizers and pesticides on lawns and gardens; roadside pesticide spraying; roadway salting practices; and use of other hazardous materials;
  - ii. On-site recharge of surface water run-off;
  - iii. Use and maintenance of oil and grease traps for heavily used parking areas and roadways; and
  - iv. Creation of extensive impermeable surfaces and effect on groundwater recharge.
12. Stone Walls. In recognizing the historic and natural value of field constructed stone walls, common in and around the Town of Litchfield, all stone walls on a subdivision site shall be mapped per the requirements of Section 6, Specifications for Maps and Plans, of the Subdivision Regulations. Wherever feasible, stone walls shall be preserved as found on site or shall be relocated on site. Wherever practical, existing or new lot lines shall be made to follow stone walls.

Proposed streets, utilities and future buildings shall be designed to preserve stone walls to the maximum extent possible. The Planning and Zoning Commission may consider asking for conservation easements along stone walls to ensure their future protection. The Planning and Zoning Commission may require the reconstruction of significant stone walls by the subdivider where their preservation is not possible.

### Section 8 - Streets – Standards For Planning, Design and Construction

1. General: Proposed streets shall be appropriate to the topography and location. Street patterns shall give consideration to contours and natural features and designed in a manner capable of public use and maintenance by the Town.
2. Specification Requirement: The construction plans for streets and common driveways and street drainage required by these Regulations shall be in accordance with the Ordinance Pertaining to the Construction and Acceptance of Streets (hereinafter Road Ordinance) and approved in writing by the Board of Selectmen. All construction of such improvements shall be carried out subject to supervision and inspection by the Board of Selectmen or their authorized agent and shall be built in accordance with the Road Ordinance. Except for a common driveway, where there is a conflict between the Road Ordinance and these regulations, the more restrictive requirements shall apply.
3. Street Classification: All streets in a subdivision will be classified in accordance with the standards contained in Litchfield's Plan of Development adopted by the Planning and Zoning Commission. Where the Plan of Development proposes future streets which cross or abut the subdivision, the sub divider may be required to construct these streets to the standard proposed.
4. Street Planning: Proposed streets and rights-of way shall be planned in accordance with the following criteria:
  - a. Streets shall provide safe and convenient circulation for both present and prospective traffic within the subdivision and within the neighborhood where the subdivision is located.
  - b. Streets should in general follow the contour of the land and should, as far as practical, consider street alignments along an east-west axis (within 30 feet of either side of true east to encourage the development of buildings facing true south), and should have a location and grade which accomplishes an attractive layout and development of the land, which preserves natural terrain, large isolated trees and desirable woods and other vegetation which will enhance the property values in the subdivision.
  - c. Permanent dead end streets should be avoided. Proposed streets which may be projected into adjoining lot shall be carried to the boundary line. No reserve strips to block access to a street shall be provided unless specifically approved by the Planning and Zoning Commission as necessary for safety on the street.
  - d. Unless otherwise approved by the Planning and Zoning Commission, proposed streets shall provide for continuation of existing streets terminating at the boundary of the subdivision.
5. Relationship to Existing Streets: Proposed subdivisions and any proposed streets therein shall be planned to coordinate with existing streets as follows:
  - a. Any proposed street in a subdivision shall connect to an existing Town street or State highway or to another street in the proposed subdivision or to a street in another subdivision approved by the Planning and Zoning Commission and where the applicant has access rights with the following exception: A Special Exception shall be required for a proposed subdivision street intersection with one of the street segments shown on the map titled "Streets Located on

Town Boundary Lines subject to Article V, Section 29 of the Zoning Regulations” dated March, 1999 or as subsequently amended from time to time.

- b. The existing street to which the proposed subdivision street connects shall be of sufficient width and have a suitable travel way (width, base, drainage and pavement) grade and alignment as determined by the Planning and Zoning Commission to provide adequate access for fire protection, other emergency, utility and highway maintenance services to the subdivision and sufficient to accept the traffic to be generated by the proposed subdivision street without undue hazards to vehicles and pedestrians.
6. Dead End Streets: Unless otherwise approved by the Planning and Zoning Commission, cul-de-sacs, streets permanently closed at one end by building lots and which will not be extended in the future, shall provide sole access to not less than two nor more than 20 building lots. Temporary dead end streets, which may be projected into adjoining lot at some future date, may provide access to a lesser or greater number of lots but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Planning and Zoning Commission. Alternative designs for drainage and the geometric standards for construction if a common driveway may be proposed only if prepared and presented by a professional engineer qualified in road and drainage design and licensed to practice in the State of Connecticut who shall provide the Planning and Zoning Commission with computations to substantiate the adequacy of the proposed alternative designs. Alternative designs may include provision for drainage swales adjacent and parallel to the driveway travel way and provision for reduction of the standard for horizontal alignment for a Local Street as stated in the subdivision regulations and the Town Road Ordinance.
7. Common Driveway: For the purpose of these Regulations the term 'Common Driveway' shall be defined as a privately owned and maintained driveway with a gravel surface serving more than two lots but not more than six (6) lots which are subject to a Special Exception as set forth in the Zoning Regulations. The design and construction requirements for a Common Driveway shall be the same as for a Local Street, except as provided for herein.
  - a. Alternative Design Standards and Specifications: Alternative designs for drainage and the geometric standards for construction if a Common Driveway may be proposed only if prepared and presented by a professional engineer qualified in road and drainage design and licensed to practice in the State of Connecticut who shall provide the Commission with computations to substantiate the adequacy of the proposed alternative designs. Alternative designs may include provision for drainage swales adjacent and parallel to the driveway travel way and provision for reduction of the standard for horizontal alignment for a Local Street as stated in the Subdivision Regulations and the Town Road Ordinance.
8. Turnarounds: Permanent cul-de-sac streets shall be equipped with a turnaround with a minimum right-of-way radius of 60 feet and a minimum pavement radius of 50 feet except for a Common Driveway which shall have a minimum right of way radius of 50 feet and a minimum travel way radius of 40 feet. Alternative designs, compatible with site conditions, which will minimize environmental impact while providing a functional and maintainable permanent turnaround may be proposed; subject to review and approval by the Board of Selectmen and the Planning and Zoning Commission. When a cul-de-sac is proposed as a temporary measure, pending future development of adjoining properties, it shall be so designed as to be feasible for continuation in the adjacent tract. When there is a possibility of an extension of a street, all the portions of the cul-de-sac, including pavement, grass strip and sidewalk that fall outside the limits of the normal right-of-way width, shall occupy the space by virtue of an easement delivered to the Town before acceptance of the subdivision. The developer extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which pavement has been removed and install curbs and sidewalks in the original cul-de-sac area in accordance with Town requirements.

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9. Street Width: All streets shall be constructed to the following standard widths unless specifically varied by the Planning and Zoning Commission:

Street Classification	R.O.W.	Pavement Width
a. Local Street	66'	22'
b. Collector Street	66"	26'
c. Common Driveway	50'	18' (with 2' shoulders)

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

Grade:

- a. The minimum grade for all streets shall be 1.0%, except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following:
    - i. All streets, 7%.
    - ii. Turnarounds, 3%.
  - b. The Planning and Zoning Commission may permit a common driveway with a grade greater than 7%, but not more than 12%, subject to the following requirements:
    - i. Any segment of the common driveway with a grade exceeding 7% shall not exceed 300 feet in length;
    - ii. Segments of the common driveway with a grade exceeding 7% shall be separated by a transition segment with a grade of 7% or less which is a minimum of 300 feet in length;
    - iii. The entire length of the common driveway travel way with a grade of 10% or greater shall have a paved travel surface constructed to the pavement specifications for a street; and
    - iv. The grade of the common driveway travel way at the intersection with a street shall be a maximum of 5% for a distance of not less than 20 feet as measured from the edge of the street pavement.
10. Vertical Curves: Appropriate vertical curves for transition, including super elevated curves meeting acceptable engineering standards, shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of pavement. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2% shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersection.

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11. Intersections:

- a. New road intersections shall be a least 200 feet from any existing intersection, or other proposed intersection, or shall be part of an existing or proposed intersection. Minimum stopping sight distance shall be 200 feet in each direction from the proposed intersection. Minimum intersection sight distance shall be 350 feet and be established by current accepted engineering standards. Greater distance may be required if the Board of Selectmen, in its sole discretion, shall so determine. The Board of Selectmen may request input from the Department of Public Works.
- b. Roads shall intersect at 90 degree angles where feasible. Where unusual topographic conditions warrant, the Board of Selectmen may, through written approval, allow modification of this standard.
- c. Intersections of right-of-way lines shall be connected with a curve having a radius of 35 feet. Edges of pavement at intersections shall be connected with a radius of 25 feet.

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

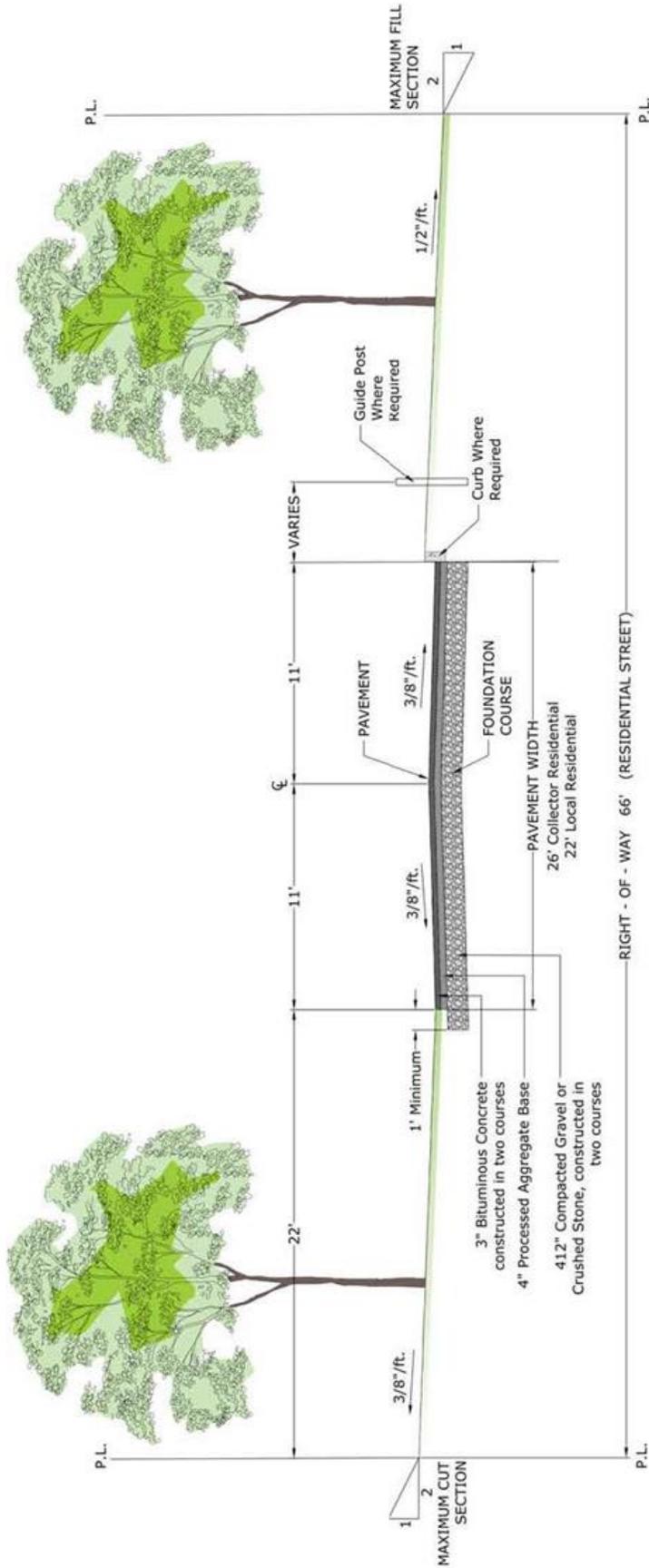
- a. Vertical gradient less than 5% - 150 feet.
- b. Vertical gradient greater than 5% - 200 feet. Tangents between curves shall not be less than 100 feet in length.

13. Cross Section: Local Streets and Collector Streets shall be designed with a cross section in accordance with drawings entitled "Typical Street Cross Section Town of Litchfield", a sample of which is identified on Exhibit A on the following page.14. Street Names and Numbers: Streets shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Litchfield or any adjoining town. All street names and street numbers shall be subject to the approval of the Planning and Zoning Commission. A Street Number Map shall be provided for new streets conforming to the standards of the Town's Street Numbering System.15. Street Signs: Street name signs shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen.16. Monuments and Pins: Monuments shall be provided on both street right-of-way lines at the beginning and termination of each street and at each deflection or tangent point in between. Monuments shall be made of pre-stressed concrete or granite and shall be not less than five (5) inches square by 30 inches in length with a suitably marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. In addition to required monuments, iron pins, not less than 3/4 inch in diameter and 36 inches in length consisting of a suitable rod or pipe, shall be placed (a) at each point of intersection of a lot line and the right-of-way line of a street and (b) at all other lot corners and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. Monuments may be substituted for iron pins. Pins, however, are not required at each change in direction of an irregular lot line such as along a stream or stone wall.

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17. Street Trees: Where the Planning and Zoning Commission determines there are insufficient existing trees within the proposed subdivision or resubdivision, it may require the planting of additional street trees. In general, street trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, in locations approved by the Planning and Zoning Commission. Trees to be planted along streets shall be deciduous and shall be at least 1 3/4 inch diameter breast high and shall have a minimum height of ten feet at planting. The species of trees shall be subject to the approval of the Planning and Zoning Commission and shall be planted according to normal nursery planting procedures. Where the trees may interfere with utility poles and wires, the Planning and Zoning Commission may permit the location of required trees within the front ten feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Planning and Zoning Commission
  
18. Underground Utilities: Electric and telephone lines and facilities in new streets shall be installed underground unless the Planning and Zoning Commission has determined that such underground installation is in whole or in part inappropriate or unfeasible. Wherever possible, such lines and facilities shall not be located under the street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement.

EXHIBIT A



# TYPICAL STREET CROSS SECTION

Town of Litchfield, Connecticut

**Section 9 - Drainage - Standards For Planning, Design And Construction**

1. **General:** The storm drainage system shall provide for drainage from the entire area of the subdivision and shall take into account land outside the subdivision which normally drains across the area of the subdivision as well as the effects of the subdivision upon down-stream drainage systems. The drainage system for the subdivision shall make use of and protect, and improve as needed, the natural drainage system; construction of artificial ditches should be avoided, and no stream or water course shall be diverted, filled or enclosed in pipe without specific authorization of the Planning and Zoning Commission. The drainage system shall provide for the following:
  - a. Adequate drainage of proposed streets, including future extensions thereof into adjoining lot;
  - b. Interception of existing channeled drainage coming from any adjoining lot or street;
  - c. Protection of locations necessary for on-site sewage disposal and water supply facilities;
  - d. Prevention of flooding and soil erosion; and protection of wetlands and water courses; and
  - e. On-site detention where feasible, in order that runoff from the developed subdivision not exceed the rate of runoff before subdivision (zero incremental increase in runoff).
2. **Storm Drainage Requirements:**
  - a. **Runoff Determination:** The method to be used in determining runoff for drainage areas of less than 200 acres is the Rational Method.  
$$Q = AIR$$

*Q = Rate of Runoff in Cubic Feet per Second*

*A = Area to be Drained in Acres*

*I = Percentage of Imperviousness of the Area*

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

For drainage areas greater than 200 acres, the U.S. Natural Resources Conservation Service TR #55 and/or TR #20 are to be used.
  - b. **Design Storm Criteria:** All storm drainage facilities share frequency of 50 years.
    - i. Drainage System: All drainage systems shall be designed for a storm return frequency for 10 years.
    - ii. Discharge Pipe at Outlet: All outlets shall be designed for a storm return frequency of 10 years.
    - iii. Cross Culverts: All culverts crossing any street shall be designed for a storm return frequency of 25 years.
    - iv. Minor Streams (200 to 1,000 acres): All minor streams shall be designed for a storm return frequency of 50 years.

- v. **Major Streams (more than 1,000 acres):** All major streams shall be designed for a storm return frequency of 100 years.
  - c. **Storm Water System Analysis:** The applicants Consultant shall provide the Planning and Zoning Commission with drainage computations to determine the adequacy of storm water systems.
  - d. **Detention Basins:** The Planning and Zoning Commission may require the construction of detention basins for the purpose of controlling peak discharge from a developed area, upon recommendations by the Director of Public Works. The storm drainage and stream flow computations shall be of sufficient adequacy that an assessment of the need for detention can be made. Detention basins shall be designed for a storm return frequency and shall be capable of reducing peak flows for storms with return frequencies ranging from 2 through 25 years at a minimum or as determined by the Planning and Zoning Commission. The methods developed by the Natural Resources Conservation Service, United States Department of Agriculture for computing the outflow from detention areas will be used. The construction requirements and details for the design of detention basins shall be approved by the Public Works Department.
  - e. **Oil and Grease Traps:** In order to protect groundwater quality, the Planning and Zoning Commission may require the use of oil and grease traps that will be maintained on a regular basis for parking areas, roadways, etc. there large amounts of oil, grease or salt may be carried off the pavement surface in storm run-off.
3. **Discharge:** The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge. There shall be no discharge onto or over private property within or adjoining the subdivision unless a) proper easements and discharge rights have been secured by the applicant, b) such easements and rights are transferable to the Town where the discharge includes storm water from any street and c) there will be adequate safeguards against soil erosion and flood danger. Easements shall be at least 30 feet in width, offset 10 feet and 20 feet respectively on the storm drain and extended to a suitable existing storm drain or an adequate natural water-course. Greater easement width may be required for ditches/channels or unusual site conditions. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds and swamps from pollution.
  4. **Erosion and Sediment Control and Grading Plan:** Erosion and Sediment Control and Grading Plan shall be submitted for certification by the Planning and Zoning Commission with any application for a subdivision or resubdivision when the cumulative disturbed area is more than one-half acre.

### Section 10 - Improvements and Guarantee of Completion and Maintenance

1. **Improvements:** The sub divider may either construct all improvements required in connection with the subdivision, or in lieu of the completion of such work and installation previous to the endorsement of a plan, the Planning and Zoning Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it securing to the Town the actual construction and installation of such improvements. No building permit shall be issued by the Town Building Official for the construction of any building in the Subdivision, unless all improvements have been completed and accepted by the Town or until the aforementioned performance guarantee has been accepted.
2. **Performance Guarantee:** In lieu of requiring the completion of required improvements including erosion and sediment control measures, previous to endorsements of a subdivision plan, the Planning and Zoning Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it.

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- a. Definition: For the purpose of this section, a performance guarantee shall mean one of the following; subject to the approval of the Planning and Zoning Commission.
    - i. A passbook savings account. An irrevocable letter of credit.
    - ii. Any other form of security satisfactory to the Planning and Zoning Commission.
    - iii. All such performance guarantees shall be subject to the approval of the Planning and Zoning Commission and/or the Town Attorney.
  - b. Submission: The performance guarantee shall be submitted to the Planning and Zoning Commission within 45 days of the Planning and Zoning Commission approval of a subdivision plan. If a performance guarantee is not so filed with the Planning and Zoning Commission, subdivision approval shall be deemed automatically void. The Planning and Zoning Commission may extend the period for submission of the required performance guarantee and other required modifications or conditions by not more than 90 days provided:
    - i. The applicant submits a letter to the Planning and Zoning Commission requesting such extension, and
    - ii. Such letter is received in a timely manner for consideration and action by the Planning and Zoning Commission at a meeting scheduled prior to the initial 45 day period specified above.
  - c. Amounts and Coverage: The performance guarantee shall be for an amount sufficient to secure to the Town the actual construction and installation of such improvements and utilities. The amount of performance guarantee shall be set by the Planning and Zoning Commission upon the recommendation of the Director of Public Works. The period of coverage of the guarantee shall be determined by the Planning and Zoning Commission, but shall be not less than one year from the day of approval of the Subdivision Plan. The Planning and Zoning Commission may extend the completion date for public improvements for additional periods. As a condition for such extension, the Planning and Zoning Commission may require an increase in the amount of the performance guarantee.
  - d. Form: Performance guarantee shall be duly executed on forms provided or approved by the Town, with proper reference to all maps and plans showing the streets, drainage and other improvements covered by the performance guarantee and shall have attached thereto a copy of a detailed cost estimate. Forms and other data shall be provided as follows:
    - i. Surety Bonds
    - ii. Bonds Secured by Irrevocable Letters of Credit - shall be provided by a bank or other similar reputable institution subject to the approval of the Planning and Zoning Commission and the Town Attorney. The Letter of Credit shall be in such form and accompanied by such documents as may be prescribed by the Planning and Zoning Commission.
3. Inspection of Improvements: The Department of Public Works or other person designated by the Planning and Zoning Commission shall be informed by the Developer in advance of all relevant construction by the developer and may inspect required improvements during construction to assure satisfactory completion. In the case of a new street(s) or change(s) in existing street(s), the work shall be inspected in accordance with the Town ordinance governing road construction. If the Department of Public Works or the person designated by the Planning and Zoning Commission finds upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans,

they shall notify the applicant and the Planning and Zoning Commission in writing and the applicant shall be responsible for completing or repairing said improvements according to specifications.

4. Improvements Required by Unforeseen Conditions: If during the course of construction of any new street, or any other improvements required by the Planning and Zoning Commission as part of an approved subdivision, additional work is required to complete all improvements in order to remedy conditions, the Department of Public Works shall require such additional work to be done by the developer at no cost to the Town. Such unforeseen conditions may include, but shall not be limited to, springs, existing drains, swampy conditions, side hill drainage from cuts, bedrock, etc.
5. Modification of Design of Improvements: If at any time before or during the construction of required improvements, it is demonstrated to the satisfaction of the Department of Public Works, that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Department of Public Works may, upon approval of the Chairman of the Planning and Zoning Commission, authorize minor modifications, provided these modifications are within the spirit and intent of the Planning and Zoning Commission's approval and do not constitute a waiver or substantial alteration of the improvements as required by the Planning and Zoning Commission. The Department of Public Works shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning and Zoning Commission at its next regular meeting.
6. Failure to Complete Improvements: Where a performance guarantee has been posted and required improvements have not been installed within the terms of such guarantee, the Town may thereupon declare the performance guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development.
7. Partial Release: When and if the Department of Public Works determines that a substantial portion of the improvements called for in the Subdivision Plan approved by the Planning and Zoning Commission has been completed, the Department may recommend one or more partial releases of a portion of the guarantee, the balance to be sufficient to guarantee completion of the public improvements. Such partial release shall be authorized by the Planning and Zoning Commission only upon recommendation of the Department of Public Works. Releases shall be granted in amounts in excess of \$1,000. In no event shall a guarantee be released below 25% of the actual cost of improvements.
8. Final Release: A performance guarantee will not be finally released until requested, in writing, by the developer and the following conditions have been met:
  - a. Certification and Acceptance: The Department of Public Works has submitted a letter stating that all required improvements have been satisfactorily completed.
  - b. As Built: The applicant's engineer or surveyor has certified to the Planning and Zoning Commission, through submission of detailed "as built" plans, that all improvements are in accordance with submitted construction plans for the subdivision. "As built" plans shall include plan and profile maps, and may at the discretion of the Planning and Zoning Commission, include grading plans, and erosion and sedimentation control plans. Such plans shall show any modifications or changes made during construction, and one copy of each provided on polyester film (mylar) along with one digital copy in PDF format.
  - c. Maintenance Performance Guarantee: A maintenance performance guarantee, as described below, where deemed necessary, shall be filed with the Town.
  - d. Documents and Conditions: Confirmation that all required documents have been furnished the Planning and Zoning Commission and all conditions and requirements of the Planning and Zoning Commission's approval of the Subdivision application, including the placement of lot markers, have been satisfied.

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

**Section 11 - Required Map Notations**

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

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

<b>TITLE BLOCK</b>	
Title of the Subdivision	
Name of Land Owner:	
Name of Applicant:	
Zoning District:	
Date:	Drawn by:
Dates of Revisions:	Professional Seal:

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

**APPROVAL and endorsement block**

**Approved By** the Litchfield Planning and Zoning Commission on  
(Date of meeting)

**Endorsed By**

Chairman \_\_\_\_\_ on Date

Secretary \_\_\_\_\_ on Date

And delivered to the applicant on  
(Date of Delivery)

IN ACCORDANCE WITH CONNECTICUT STATE STATUTE 8 26c, ALL WORK IN CONNECTION WITH THIS SUBDIVISION SHALL BE COMPLETED BY

Fill in date of five (5) years from the date of endorsement (see above).

3. The following note shall appear on the record subdivision map:

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

4. Where on-site water supply wells are proposed but not established at the time of subdivision approval, the following notation shall be shown on the Record Subdivision Map:

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

5. When a subdivision does not include land in the Litchfield Flood Plain District, the following notation shall be shown on the record subdivision map:

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

6. Where the Planning and Zoning Commission determines that an erosion and sediment control plan shall be required as a part of a zoning permit application, the following notation shall be shown on the record subdivision map:

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

## B. GLOSSARY OF TERMS

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations"; the word "regulations" means "these Regulations". A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a building or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### A

#### **Applicant**

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

#### **Application**

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

### B

#### **Buildable Land**

That area of a parcel of land exclusive of land designated as floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

#### **Buildable Lot**

A parcel of land which has been approved for issuance of a building permit based upon the fact that it has met all regulations and required standards for a building lot including but not limited to; approval by the Sanitarian and conformance with these Regulations, or the proven status as a legally pre-existing lot or a legally nonconforming lot.

### C

#### **Certification**

Approval by the Litchfield Planning and Zoning Commission that a Soil Erosion and Sediment Plan comply with the applicable requirements of these Regulations.

#### **Commission**

The Planning and Zoning Commission of the Town of Litchfield, Connecticut.

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### **Common Driveway**

A privately owned and maintained driveway with a gravel surface serving more than two lots but not more than six (6) lots which are subject to a Special Exception as set forth in the Zoning Regulations. The design and construction requirements for a Common Driveway shall be the same as for a Local Street, except as provided for herein.

## **D**

### **Disturbed Area**

An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

## **E**

### **Easement**

The formal authorization by a property owner for the use of another for a specified purpose, of any designated part of his/her property.

### **Erosion**

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

## **I**

### **Inspection**

The periodic review of sediment and erosion control measures shown on the Certified Plan.

## **O**

### **Open Space**

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

## **R**

### **Record Subdivision Map**

A graphic document showing the division of any tract of land into two or more parcels and prepared for recording.

### **Recreation**

Includes areas and facilities for non-commercial, non-profit recreation both passive and active recreation. Passive Recreation includes areas for hiking, horseback and bicycle trails, swimming and boating but does not include the use of motorized vehicles. Passive recreation does not include facilities that require land clearing, earth moving or buildings other

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than that which is necessary for the above stated permitted trails and other passive recreational uses. Active Recreation includes parks, playgrounds, playing fields, golf courses and their associated access roads, parking lots and buildings.

### **Resubdivision**

A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map."

## **S**

### **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**

The improved portion of a right-of-way or easement that is intended for use by pedestrians.

### **Soil**

Any unconsolidated material 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.

### **Street**

Any public or private right-of-way permanently dedicated to the movement of vehicles and pedestrians and providing the principal means of access to abutting property. The term street does not include private driveways or rights-of-way.

### **Subdivider**

The owner of record of the land to be subdivided at the time of the filing of an application for a plan of subdivision or resubdivision.

### **Subdivision**

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

Effective 7/20/18

## **T**

### **Town**

The Town of Litchfield, Connecticut.

### **Town Line Road**

A Town Line Road is a street that whose right-of-way is shared by two adjacent municipalities.

## **W**

### **Wellfield Protection Zone**

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

## **Z**

### **Zoning Regulations**

The legal document used by the Town to regulate the height, area and use of buildings and land, by district, commonly known as the Litchfield Zoning Regulations.