

TOWN OF NEW CANAAN

SUBDIVISION REGULATIONS



Planning and Zoning Commission

Effective - December 2, 2008

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ARTICLE 1.00 INTRODUCTION

1.01 AUTHORITY

These Regulations are adopted by the Planning and Zoning Commission of the Town of New Canaan under the authority conferred by Chapter 126 of the Connecticut General Statutes (CGS 8-18 et seq.), as amended.

1.02 PURPOSES

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

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

1.03 APPLICABILITY

1. These Regulations shall apply to any subdivision or resubdivision of land within New Canaan, Connecticut.
2. Any subdivision of land shall be planned, designed, and constructed so that the subdivision as a whole, any lot or parcel therein, and any improvement required conforms to:
 - a. the applicable requirements of these Regulations,
 - b. the applicable requirements of the Zoning Regulations for the zoning district within which the lot or parcel is located; and
 - c. any other applicable ordinances, regulations, or standards.
3. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been:
 - a. approved by the Commission,
 - b. signed by the Chairman or other authorized agent to indicate approval by the Commission, and
 - c. filed or recorded in the office of the Town Clerk within the time period specified in Section 6.04.
4. Any recording of a subdivision plan not meeting the requirements of this Section 1.03 shall be null and void.
5. The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.

1.04 ENFORCEMENT

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

1.05 MODIFICATION OF STANDARDS

1. Overview

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

2. Modification of Design Standard

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

- a. conditions exist which adversely affect the subject property and are not generally applicable to other property in the area,
- b. strict compliance with the specific standard(s) will:
 - i. render the land under consideration, or portions thereof, virtually undevelopable,
 - ii. hinder the goal of protecting natural features, open space, trails, community resources, cultural resources, or other recommendation of the Plan of Conservation and Development, or
 - iii. not do justice to the land's particular physiography (including but not limited to topography, subsurface conditions, wetlands and water-courses) and thus outweigh the benefits to be derived from such strict compliance,
- c. the granting of the modification will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood or impair the value thereof, and
- d. the requested modification is the minimum deviation necessary from these Regulations to permit reasonable development of the subject property.

3. Modification of Submission Requirement

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

4. Requirements for Modification

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

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

1.06 PRIVATE RESTRICTIONS

1. If a subdivider places a covenant or restriction on any of the land being subdivided which is greater than that required by these Subdivision Regulations or the Zoning Regulations, such covenant or restriction shall be indicated on the subdivision map and referenced in the deed(s) of the affected property.
2. The Commission or any other appropriate agency of the Town of New Canaan shall have the right, but not the obligation, to enforce such covenants or restrictions.

1.07 ADMINISTRATIVE PROVISIONS

1. **Agent** - The Town Planner and authorized assistants shall be the administrative agent(s) of the Commission with regard to these regulations.
2. **Amendments** - The Planning and Zoning Commission may amend or repeal these Regulations after a public hearing in accordance with the requirements of CGS Chapter 126, as amended.
3. **Appeals** - Any person aggrieved by an action or decision of the Commission may appeal as provided by CGS Section 8-8, as amended.
4. **Validation** - Adoption of these regulations or any amendment hereto shall not invalidate any subdivision or street layout approved by the Commission, or its predecessor, prior to the effective date hereof.
5. **Separability** - Should any provision of these Regulations be declared unconstitutional, invalid, or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.
6. **When Effective** - These Regulations, and any amendments hereto, shall be effective from and after the date established by the Commission.

ARTICLE 2.00 INTERPRETATION

2.01 INTERPRETATION OF REGULATIONS

1. In their interpretation and application, the provisions of these Regulations shall be the *minimum* requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
2. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
3. In the case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table or illustrative table, the text shall govern.

2.02 USE OF TERMS

1. **Definitions To Be Applied** - In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.
2. **Specific Terms** - In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
 - a. The word "shall" is mandatory and not discretionary.
 - b. The word "may" is permissive.
 - c. When not inconsistent with the context:
 - i. Words in the present tense include the future and vice-versa.
 - ii. Words in the singular include the plural and vice-versa.
 - iii. Words in the masculine include the feminine and neuter and vice-versa.
 - d. The word "person" also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
3. **Terms Not Defined** - In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:
 - a. the Zoning Regulations, as amended;
 - b. the State Building Code, as amended;
 - c. the Connecticut General Statutes, as amended;
 - d. the "Illustrated Book of Development Definitions" (Rutgers University, Center for Urban Policy Research), as amended,
 - e. Black's Law Dictionary,
 - f. a comprehensive general dictionary.

2.03 DEFINED TERMS

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

AASHTO - American Association of State Highway and Transportation Officials.

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

Accessway - Land containing a driveway intended to provide access to a rear lot or to land(s) of others.

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

Applicant - see "Subdivider."

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

Article - A separate part of these Subdivision Regulations. See "Chapter" and "Section".

CGS - Connecticut General Statutes.

Chapter - The entire Subdivision Regulations. See "Article" and "Section".

Commission - The New Canaan Planning and Zoning Commission.

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

Conservation Restriction - An encumbrance on real property filed on the land records of the Town for the protection and permanent preservation of fragile, vulnerable or valuable areas such as natural features, open space, natural habitats, buffer zones, scenic areas, historic sites, riding and walking trails, and land devoted to other similar purposes.

CTDOT - Connecticut Department of Transportation.

Cul-de-sac - See "Street, Dead End".

Cultural Resources - Archeological sites, stone walls, historic buildings, historic sites, and similar resources. See "Community Resources" and "Natural Features".

Curb Cut - The opening along the curb line at which point vehicles may enter or leave the roadway.

Date of Approval - The date an application is considered approved based upon the latest of the following dates:

- by reason of failure of the Commission to act within the statutory time-frame,
- by affirmative action of the Commission under any provision of these Regulations, or
- if a decision of the Commission is appealed, by conclusion of any appeal which results in a judgment approving or affirming approval of the application.

Date of Receipt - Unless otherwise provided in CGS 8-7d, the application shall be considered received upon the date of the first regularly scheduled Commission meeting after submission of the application or thirty-five (35) days after submission of the application, whichever is sooner.

Developer - see "*Subdivider.*"

Development - Any construction or grading activity to improved or unimproved real estate.

Director of Health - The person or persons responsible for enforcement of the Public Health Code for the Town of New Canaan.

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

Drainage - The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Driveway - A paved or unpaved way providing access from a street or access-way to the premises.

Driveway, Shared - A privately owned and maintained driveway shared by adjacent property owners for access to more than one lot.

Earth Disturbing Activities - Any use of the land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation.

Easement - A right in favor of one other than the owner of land to use the land for a special purpose not inconsistent with the general property interest of the owner.

Elevation - The height of a point above mean sea level based on the U.S. Coastal & Geodetic survey datum.

Engineer - A professional engineer as defined in CGS 20-299, licensed in the State of Connecticut, qualified to design and construct roadways, utilities and structures.

Erosion - The process of wearing away and removal of the earth's surface by natural agents including weather, running water, waves, currents, ice, wind or gravity.

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

FEMA - Federal Emergency Management Agency.

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

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

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

Grading - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof which results in a change of contour or elevation, either permanent or temporary.

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

Inspection - The periodic on-site review of property for the purpose of determining compliance with these Regulations as authorized by these Regulations and the Connecticut General Statutes.

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

Natural Features - Land, water, and biological resources including, but not limited to, soil types, terrain, slopes, ridgetops, rock outcroppings, water-courses, ponds, rivers, flood plains, wetlands, streambelts, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique or fragile features. See *“Community Resources”* and *“Cultural Resources”*.

NFPA - National Fire Protection Association.

Open Space - Land preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

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

Parcel - The land contained within one continuous property line or a larger tract of land that is to be divided to create smaller lots.

Performance Guarantee - A financial guarantee acceptable in amount, form and substance to the Town for the purpose of ensuring that improvements or obligations required by these Regulations or pledged by the subdivider will be completed.

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

Premises - The real property, either land or buildings or both, which is being evaluated.

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

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

Resubdivision - A change in a map of an approved or recorded subdivision (See "Subdivision") if such change:

- affects any street layout shown on such map,
- affects any area reserved thereon for public use, or
- diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Road - See "Street".

Sale - A conveyance for a consideration or any transfer of title by gift, devise or mortgage.

Section - A separate part of an Article within these Subdivision Regulations. See "Chapter" and "Article".

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 - An area located within the street right-of-way improved for and dedicated to pedestrian traffic.

Slope - An inclined surface, typically expressed as a percent representing the number of feet rise in one-hundred feet of horizontal distance.

Soil - Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - A scheme that is proposed to be implemented in order to minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Soil Scientist - A person who is qualified as a soil scientist in accordance with the standards set by the United States Civil Service Commission.

Soils Map - Soils classification maps as shown in the *Soil Survey, Fairfield County Connecticut* prepared by the U.S. Department of Agriculture, Soil Conservation Service.

Solar Energy Techniques - Site design techniques which:

- maximize solar heat gain, minimize heat loss and/or provide thermal storage within a building during the heating season, and/or
- minimize heat gain and provide for natural ventilation during the cooling season.

Statute - Connecticut General Statutes.

Street - A way permanently dedicated to movement of vehicles and pedestrians and providing the principal means of access to abutting property, and which is shown on a subdivision plan approved by the Commission or shown on the Development Plan or on a map filed in the office of the Town Clerk prior to February 11, 1946, or is a state road or town street, and shall include highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys, driftways or other arteries of vehicular traffic, but not private driveways or accessways.

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

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

Arterial (Major Street) - A through street which generally carries traffic between communities or major activity centers and includes all State and Federal highways although some Town streets as identified in the Plan of Conservation and Development may be so classified.

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

Dead End - A street having only one intersection with another street.

Dead End, Permanent - A dead end street not designed to be extended into adjoining undeveloped land.

Dead End, Temporary - A dead end street designed to be extended into adjoining undeveloped land.

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

Street Line - The line separating the street right-of-way and adjoining lots or premises.

Subdivider - Any property owner, contract purchaser, person, firm, or other legal entity or their successor who shall create any subdivision or part thereof, or any resubdivision, for the purpose of sale or building development or who applies for a subdivision, either for themselves or as an agent for others.

Subdivision - The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (February 11, 1946), for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The word "subdivision" shall also include resubdivision. *See "Resubdivision".*

Town - The Town of New Canaan, Connecticut.

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

Turnaround - The area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction without having to back up.

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

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

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

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

ARTICLE 3.00 PARCEL AND LOT REQUIREMENTS

3.01 LAND CHARACTER

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

3.02 PROTECTION OF IMPORTANT FEATURES

1. Any subdivision shall be designed and arranged and provision shall be made to:
 - a. preserve natural features as defined in these Regulations,
 - b. preserve and enhance community resources and/or cultural resources as defined in these Regulations,
 - c. make best use of the natural terrain,
 - d. prevent the pollution of wetlands, watercourses, and water bodies,
 - e. protect the quality and quantity of water supplies, and
 - f. comply with any flood management ordinances and regulations adopted by the Town.
2. In areas subject to flooding, proper provision shall be made for protective flood control measures including, but not limited to, the following:
 - a. storm drainage shall be designed to reduce exposure to flood hazards,
 - b. streets shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions,
 - c. streets, drainage and other improvements shall be safe from flood damage,
 - d. public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages,
 - e. All utilities and services (including sewage, water, and electric systems) shall be located and constructed to minimize or eliminate flood damage.
3. During the review process, the Commission may require:
 - a. the preservation or enhancement of specific features,
 - b. the submission of additional information that demonstrates the subdivider's proposals (such as a conservation restriction and/or the dedication of open space) for protecting the types of resource(s) identified in Section 3.02.1 of these Regulations.

3.03 LOT LAYOUT

1. Any proposed lot shall comply in all respects with the Zoning Regulations for the zoning district in which the lot is located.
2. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
 - a. securing necessary permits to develop the lot in compliance with applicable regulations, codes, and ordinances,
 - b. occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public,
 - c. providing safe and convenient access to principal buildings on such lot, and
 - d. providing for grading and drainage without adversely affecting abutting or downstream properties.
3. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
 - a. does not conform to the requirements of these or other applicable codes and regulations,
 - b. is found unsuitable for occupancy and building by reason of lack of septic suitability, lack of adequate water supply, topography, water, flooding, or other conditions, or
 - c. does not meet the minimum zoning requirements.
4. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this provision would result in a better street or lot layout. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
5. Unless designated and preserved in perpetuity for open space, municipal, conservation, or agricultural purposes; no parcel, reserve strip, or any other remnant of land unsuitable for building shall be left in any subdivision.
6. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property or would land-lock an adjacent property unless the control of such land or building lot is placed definitely within the jurisdiction of the Town under conditions approved by the Commission.

3.04 OPEN SPACE

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

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

3. So that the Commission can fully evaluate the merits of the open space preservation method proposed, the subdivider shall submit a map showing where the open space land is located or would be located if a fee-in-lieu-of-open-space donation or other open space arrangement is not accepted.

4. The Commission may solicit comments from the Parks and Recreation Commission, the Environmental Commission, the Conservation Commission, the Board of Selectmen, the New Canaan Land Trust, or any other person or entity regarding the best method of preserving open space as part of the subdivision.

5. Dedication of Land

- a. Where the open space requirement shall be met through the dedication of land:
 - i. at least ten (10) percent of the total area of the subdivision shall be set aside for open space, and
 - ii. unless waived or modified by the Commission, the area reserved to meet the minimum open space requirement shall not consist of a greater percentage of area classified as wetland, watercourse, 100-year floodplain, or slopes in excess of twenty-five percent (25%) than the parcel as a whole.

- b. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in New Canaan.

- c. In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
 - i. recommendations in the Plan of Conservation and Development,
 - ii. the presence or absence of any existing open spaces in the area,
 - iii. the opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system,
 - iv. the opportunity to preserve or protect significant natural features, and
 - v. comments from other agencies regarding need, resources, connection to the open space system of the Town, and preferred ownership.
- d. When a subdivision abuts an existing open space, the Commission may require the lot lines of such land form a continuation of the existing open space to provide a single, unified area.
- e. The subdivider shall designate which entity is, or entities are, proposed to own the open space to ensure its permanent protection as provided in these Regulations. The following is the order of preference for ownership of open space:
 - i. The Town.
 - ii. A non-profit organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes.
 - iii. A neighborhood association reviewed and approved by the Commission.
- f. Such open spaces shall be deeded in perpetuity.
- g. Such open spaces deeded to a private organization or to a private association shall provide in such deed that ownership shall revert to the Town or other conservation organization for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership.
- h. The Commission may defer the requirements for the immediate provision of such land in a subdivision which is a part of a larger tract of land, provided that the subdivider dedicates an area of land in the undeveloped portion of the tract equal to the requirements of this section in the developed portion.
- i. If a subdivider transfers land to the Town for municipal purposes other than for required street widening, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
- j. The Commission may require that any open space land have direct access to a public street through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- k. Open space areas shall not be used as a depository for brush, stumps, earth, building materials, or debris.

6. Fees in Lieu of Open Space

- a. As provided by CGS Section 8-25, the Commission may authorize the subdivider to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide open spaces.
- b. The Commission may also request the subdivider pay a fee to the Town or pay a fee to the Town and transfer land in lieu of the requirement to provide open space where dedication of land as open space will not meet the purposes of this Section 3.04.
- c. If payment of such a fee is proposed by the subdivider, the Commission may refuse such fee if it determines, in its sole discretion, that there are acceptable areas on the subdivision which merit preservation by one of the methods set forth in these Regulations.
- d. The open space payment shall be placed in a fund established by the Town to be used for acquiring land for open space in accordance with the purposes of this Section 3.04.
- e. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be in accordance with Section 8-25 of the Connecticut General Statutes, as amended provided that any required appraisal shall be performed by a Connecticut-certified appraiser with an MAI designation.
- f. The fee in lieu of open space may be paid in one lump sum by the subdivider or may be made in partial payments at the time of the sale of each approved lot in the subdivision. If partial payments are to be made, each payment shall be prorated in value relative to the number of approved lots in the subdivision.
- g. When fractional payments are provided in lieu of open space land, the subdivider shall provide a performance guarantee under Section 6.03 or shall execute a mortgage securing the fee-in-lieu-of-open space and such mortgage shall be recorded on the Town of New Canaan Land Records with a first priority and a form and substance acceptable to the Town Attorney. Partial releases shall be provided upon the tender of each fractional payment.

7. Modification of Open Space Reservation

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

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

3.05 SOLAR ACCESS

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

3.06 DRIVEWAYS

1. Lots shall be laid out so that:
 - a. each lot is served by a driveway,
 - b. the driveway conforms to the requirements of the Zoning Regulations (ZR Section 6.9) and other municipal regulations, and
 - c. the driveway serving each lot has access to a local street or to an accessway, and not to a major street carrying general traffic except:
 - where the lot fronts only on the major street, or
 - such access is not, in the sole opinion of the Commission, feasible or appropriate.
2. Any driveway shall be constructed in accordance with Chapter 54 of the Town Code.

3.07 ACCESSWAYS

1. The Commission may authorize the use of an accessway to serve land that would otherwise be landlocked provided that the aims and purposes of these regulations are furthered by their use.
2. An accessway shall not serve more than two (2) residential lots unless the Commission has granted a modification in accordance with Section 1.05 of these Regulations.
3. Where so authorized, any accessway shall meet the following requirements unless modified by the Commission in order to protect natural features, community resources, or cultural resources:
 - a. the accessway shall be at least twenty-five (25) feet wide.
 - b. the traveled way shall be at least twelve (12) feet wide if serving one (1) lot, and at least sixteen (16) feet wide if serving two (2) lots.
 - c. the traveled way shall be constructed with a gravel base at least twelve (12) inches in thickness or eight (8) inches of approved processed stone after compaction and a common traveled way shall be hard-surfaced.
 - d. the maximum slope shall be not greater than fifteen percent (15%), and a vertical sight distance over a hill shall not be less than fifty (50) feet.
 - e. a minimum radius of fifty (50) feet will be required on all curves, as measured from the center of all accessways.
4. Where two (2) accessways abut one another, the Commission may require the installation of a common traveled way in lieu of two (2) separate traveled ways.
5. Each lot owner depending upon an accessway for access to a street must either own in fee simple a proportioned part of the accessway or have a permanent easement over it and the Commission may require verification of such ownership or easement.
6. Prior to the issuance of a certificate of occupancy for any building served by an accessway, construction of the accessway shall be substantially complete to the satisfaction of the Town Engineer with completion of the remaining improvements guaranteed by a performance guarantee.
7. An emergency pull-off area may be required by the Commission based on the length and width of the proposed accessway.

3.08 TREE PLANTING

1. Unless waived by the Commission due to the preservation of existing healthy trees or inappropriate topographic or geologic conditions, trees shall be planted on both sides of the street in each subdivision.
2. A planting plan showing the proposed location of tree planting shall be submitted for approval by the Commission.
3. Trees to be planted shall:
 - a. be located approximately fifty (50) feet apart, subject to variations made necessary by existing vegetation, driveways and street corners as well as by the species of trees planted.
 - b. be located within ten (10) feet of the edge of the pavement unless modified by the Commission due to possible interference with wetlands, watercourses, topography, soils, scenic views, intersection sight lines, winter conditions, or underground or overhead utilities.
 - c. be an indigenous tree species approved by the Commission.
 - d. be two (2) inch caliper or larger.
 - e. be planted and protected during street construction using good horticultural practices.

ARTICLE 4.00 INFRASTRUCTURE REQUIREMENTS

4.01 STREETS

1. Overall Layout

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

2. Street Design and Construction Standards

- a. Proposed streets shall be laid out, designed and constructed in accordance with the requirements of Chapter 54 of the Town Code and any other applicable regulations. In the event there is any conflict between regulations, the higher standard shall prevail.
- b. Where a subdivision has frontage on an existing Town street or State highway that does not meet the appropriate roadway requirements or design standards or has a dangerous condition, the Commission:
 - i. shall require that the subdivider dedicate the required right-of-way and any appurtenant slope or other easements to the Town or appropriate agency along the frontage of the subdivision owned or controlled by the subdivider to correct the deficiency, and
 - ii. may require that the subdivider evaluate and determine the improvements required to meet the appropriate roadway requirements or design standards or resolve a dangerous condition and propose a resolution wherein the roadway deficiency will be addressed.
- c. Curbs shall be required on all streets except where the Commission, upon recommendation of the Town Engineer, finds them to be unnecessary or undesirable.
- d. In the event that a proposed street crosses a gas transmission line, the Commission shall not approve the street layout until evidence satisfactory to the Commission is presented showing that the pipe line will be adequately reinforced in accordance with standards as may be established by the pipeline owner and federal and state regulations.

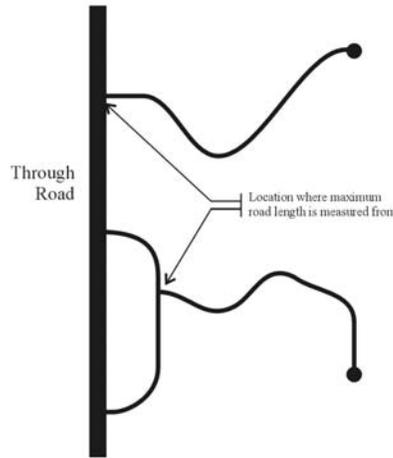
3. Intersection Design

- a. Intersections of streets shall be at angles as close to ninety degrees (90°) as possible. A street which approaches another street at an oblique angle should be curved so that the intersection may be at a right angle, as nearly as practicable, for a distance of fifty (50) feet. Wherever two (2) streets intersect at an angle smaller than seventy-five degrees (75°), the right-of-way returns and the relation of gutter slopes shall be given special treatment, as determined by the Commission.
- b. Multiple intersections at one location shall be avoided.
- c. Except when the Commission finds conditions are present which justify a variation from these requirements, the centerlines of intersecting streets shall be spaced a minimum of:
 - i. 800 feet apart on an arterial street,
 - ii. 400 feet apart on a collector street,
 - iii. 200 feet apart on local streets when on the same side of the street, and
 - iv. 150 feet apart on local streets when on the opposite side of the street.
- d. Proposed streets shall intersect other streets such that the pavement slope on the proposed street shall not exceed two (2) percent within fifty (50) feet of the intersection unless otherwise approved by the Commission on the recommendation of the Town Engineer.
- e. Proposed streets shall intersect other streets that the centerline of the proposed street shall be a straight line for a distance of at least 100 feet from the intersecting street lines unless otherwise approved by the Commission on the recommendation of the Town Engineer.
- f. Intersections shall have unobstructed view from a driver's eye (located at a height of 3.5 feet above the surface of the proposed street and a location twenty feet (20') back from the edge of the travel way of the intersected street) along both directions of the intersected street that is in conformance with current CTDOT and AASHTO standards for the 85th percentile speed. The "desirable" sight distance shall be provided whenever possible and no street shall be approved that does not provide for the "minimum" sight distance. Such sight distance shall not be impaired by curvature or slope, except in extreme conditions, in which case adequate alternative safety measures shall be designated.
- g. At a street intersection, no obstruction to sight over three (3) feet in height from street grade shall be allowed within 25 feet of the lot line intersection.

4. Dead-End Street Length Limitation

Measuring the Length of Dead End Streets

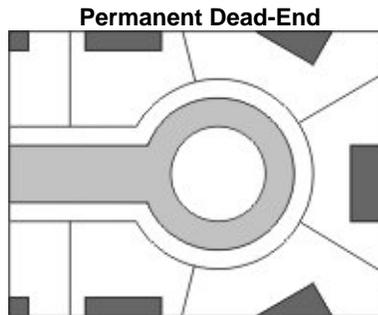
- a. Unless otherwise approved by the Commission, no permanent dead-end street shall be created that:
 - i. is less than 250 feet in length, or
 - ii. exceeds 1,800 feet in length measured from the nearest intersection, whether inside or outside the subdivision, that has two means of access and egress.



- b. A greater length may be permitted by the Commission, in its sole discretion, due to adverse topographic or soil conditions, difficult site configuration, future street extension, or similar circumstances.

5. Turnaround Design

- a. A permanent dead-end street shall terminate in a turnaround right-of-way that is at least 100 feet in width with the outer edges of the paved area at least 80 feet apart.
- b. The outer edge of such permanent turnaround shall be located at least one-hundred (100) feet from the property line of the overall parcel being subdivided or the minimum lot depth prescribed by the Zoning Regulations, whichever is greater.

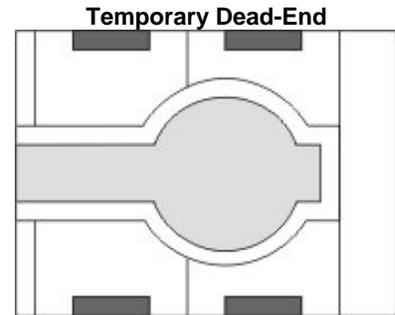


- c. The paved turnaround shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
- d. The Commission may require that pedestrian, drainage and/or utility easements of appropriate width be provided from the terminus to the abutting property line(s).
- e. The Commission may allow alternative turnaround configurations (such as landscaped center islands) in order to enhance the character of the community when adequate provision has been made for long-term maintenance by others than the Town of New Canaan.

6. Street Extensions and Temporary Dead-End Streets

- a. The arrangement of streets in a subdivision shall provide for the extension of existing streets and for the future extension of proposed streets into abutting property not yet subdivided, except where the Commission determines that topography, soils or other conditions make such continuation impractical or undesirable.
- b. The Commission may require the subdivider to demonstrate the feasibility and practicality of extending the proposed street onto or through adjacent property to another street.

- c. Unless otherwise approved by the Commission, any proposed subdivision street which extends towards any undeveloped land capable of being subdivided shall have:



- i. the full width of the right-of-way extended to the property line of the subdivision plus any grading rights required for the future street,
 - ii. the paved area of a temporary turnaround brought as close to the boundary as is practical,
 - iii. temporary easements provided to the Town, where such easements shall revert to the abutting property owners when the street is extended, outside the standard right-of-way for:
 - i) the temporary turnaround area, and
 - ii) grading associated with the future street extension.
 - iv. a 10 foot paved spur extending from the turnaround area toward the undeveloped land.
- d. Unless otherwise approved by the Commission, any proposed future access to abutting undeveloped property which is perpendicular to the proposed street shall have:
 - i. the right-of-way deeded to the Town,
 - ii. the future roadway area graded with all slopes made necessary by such street prepared and stabilized,
 - iii. no reserve strips left at the end or side of any access which adjoins abutting property.
- e. The subdivider of the adjoining land shall be responsible for:
 - i. preparing drawings showing and including all work required to connect and complete the improvements and utilities between the existing street and the proposed subdivision,
 - ii. removing all segments of any temporary turnaround or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the street is extended.

7. Street Names

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

8. Street Signs and Traffic Controls

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

4.02 SIDEWALKS

- 1. The Commission may require that sidewalks be provided within subdivisions.
- 2. When required by the Commission, sidewalks shall be at least five (5) feet wide and shall conform to Chapter 54 of the Town Code.
- 3. Sidewalks shall be built in compliance with the requirements of the Americans with Disabilities Act (ADA).

4.03 SEWERAGE

1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that each lot will either be served by the Town sewer system or that the lot will adequately satisfy the requirements of the State Health Code for a sewerage system and not endanger public health, safety or general welfare.
2. Where private sewage disposal is to be used, approval by the Director of Health, as provided in Chapter 29 of the Town Code, must be obtained.
3. The Commission shall not approve any lot where insufficient evidence has been provided with regard to sewerage disposal to satisfy the requirements of the State Health Code.
4. Where Town sewers will be provided, all sewer mains and laterals within the street right-of-way shall, where practicable, be installed prior to the final surfacing of the street.

4.04 WATER

1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that a potable water supply will be provided for each lot.
2. In the event the proposed subdivision should or shall be served by a public water supply system, provision shall be made for the installation of water mains and fire hydrants within the proposed development.
3. Water mains shall be installed parallel to and at a fixed distance from the center line of the street.
4. In accordance with CGS Section 8-25a, any subdivision using water supplied by a water company incorporated on or after October 1, 1984 shall not be approved unless such company has been issued a certificate pursuant to CGS Section 16-262m.
5. The Commission shall not approve any lot where insufficient evidence has been provided with regard to water supply to satisfy the requirements of the State Health Code.
6. Where public water will be provided, all water lines and supply connections within the street right-of-way shall, where practicable, be installed prior to the final surfacing of the street.

4.05 STORM DRAINAGE

1. General

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

2. Design of Drainage Facilities

- a. Storm drainage facilities shall be constructed in accordance with Town Construction Standards and Specifications, unless modified by the Commission with the approval of the Town Engineer.
- b. Drainage facilities shall be laid out so as to provide positive drainage away from all buildings and to prevent ponding of water after construction of streets, drainage and buildings are completed. All driveways shall be designed to have appropriate drainage in order to minimize discharge of water to the Town street, right-of-way, and adjacent property.
- c. Drainage shall be designed so as to comply with drainage policies of the Town of New Canaan (such as the Drainage Certification Policy dated July 22, 1999, as amended) and:
 - i. to avoid or prevent any increase in the rate of storm water runoff from the property,
 - ii. to the extent required by the Town Engineer, to minimize any increase in the amount of storm water runoff from the property, and
 - iii. to the extent required by the Town Engineer, to minimize any increase in the concentration of storm water runoff from the property.
- d. The design and construction of storm drainage facilities shall:
 - i. be adequate for present and potential future uses based upon the maximum ultimate development of the upstream watershed as permitted under existing Zoning Regulations,
 - ii. not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures,
 - iii. eliminate standing or stagnant water within the limits of the proposed subdivision unless such condition is specifically approved by the Commission as part of a stormwater management plan except that this requirement shall not authorize any activity in regulated wetland, watercourse, or vernal pool areas unless specifically approved by the Environmental Commission.
 - iv. make proper provision (including easements or manholes) for drainage from development of adjacent properties, and
 - v. not divert water from one watershed to another without a State permit.

- e. The design engineer shall prepare a pre-development analysis and a post-development analysis of storm water runoff from the site and shall:
 - i. submit such calculations for a 2-year, a 5-year, a 10-year, a 25-year, a 50-year, and a 100-year storm, and
 - ii. demonstrate, unless specifically approved by the Commission, that there will be no increase in the peak rate of storm water runoff from the development based on a 25-year storm frequency with a duration of 24 hours.
- f. Where detention/retention basins are provided or are required by the Town Engineer, hydrographs shall be generated to document overall flows through the basin.
- g. All drainage design formulas and analyses shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated as part of the application.
- h. The following information shall be submitted to the Commission:
 - i. plan showing watershed areas for each structure,
 - ii. calculations showing the design criteria used for each pipe length, and
 - iii. information showing that drainage pipes will provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.
- i. Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity - Duration Frequency Curves" for the nearest rain gauge.
- j. Drainage structures shall be designed to accommodate the following storm frequency:
 - i. a 25-year storm frequency for streets within the subdivision and detention/retention on individual lots (including catch basins, inlets, pipes, underdrains and gutters)
 - ii. a 100-year storm frequency for culverts, bridges through watercourses, and detention/retention basins.

3. Drainage Facilities

- a. Swales or ditches may be used for drainage if approved by the Town Engineer and designed and constructed to minimize soil erosion and danger to public health or safety. Proposed surface drainage and stream structures shall be designed in accordance with the Connecticut Erosion and Sedimentation Control Manual (2002), as amended.
- b. Drainage facilities located within the street right-of-way shall be enclosed in suitable conduits, where necessary or desirable. Long, diagonal drainage crossings under the pavement that can cause differential street settling shall be avoided. Where a development connects to existing streets, the subdivider shall provide appropriate drainage at the intersections.
- c. Drainage facilities outside of the street right-of-way shall be:
 - i. enclosed in suitable underground pipes wherever desirable, and
 - ii. located in perpetual, unobstructed drainage easements deeded to the Town of New Canaan and such easements shall be of adequate width centered on the pipe and, where possible, centered on property lines.
- d. Where it is necessary to discharge storm water across private property not included in the subdivision, the subdivider shall obtain, in writing, permanent drainage rights in favor of the Town for flows across adjacent properties. If the system is to be accepted by the Town, the rights for the Town to enter and maintain existing or proposed facilities shall be included. The subdivider shall submit copies of such agreement to the Commission prior to final approval of the subdivision. Such drainage easements shall be shown on the subdivision plan and filed on the Land Records.
- e. When provided, the first set of catch basins in a storm drain system shall be located a maximum of 350 feet from the roadway high point.
- f. Spacing between sets of catch basins shall be a maximum of 300 feet unless closer spacing is required by the Town Engineer based on a gutter flow analysis.
- g. A drainage structure shall also be placed along a storm drain at each vertical grade change, at each change in horizontal direction, and at each junction point of two or more storm drains.
- h. Unless modified by the Town Engineer, the minimum pipe size for all storm drain systems constructed under these Regulations shall be 12-inch inside diameter.
- i. The material for all storm drain systems constructed under these Regulations shall be reinforced concrete, except that the Town Engineer may allow the use of High Density Polyethylene (HDPE) in appropriate circumstances.
- j. Unless modified by the Town Engineer, a minimum cover of two (2) feet shall be provided for all storm drains.
- k. Proper bedding, grading, and cover shall be provided around and for all drainage structures.

4. Drainage Outlets and Channels

- a. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse. No storm drain system shall discharge into a natural watercourse, without the approval of the Environmental Commission. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
- b. A two-stage detention basin may be required by the Commission if recommended by the Town Engineer to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
- c. When drainage outlets or channels are required by the Commission for drainage purposes, the subdivider shall provide the Town a plan and any required rights-of-way for long-term maintenance.

5. Private Drains

- a. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Town Engineer prior to installation. Yard, cellar, or foundation drains that connect to the storm drainage system shall be shown on the final "as-built" plan of the drainage system.
- b. For any such private storm drain, the subdivider shall file an indemnity agreement with the Commission to be filed on the Land Records and run with the land, relieving the Town of responsibility and liability, and from repair or relocation costs, for:
 - i. any stoppage in the public storm water drain or any back-flow therefrom;
 - ii. any breakage or stoppage occurring in the connection line;
 - iii. any change in road grade or any relocation of the road which will cause the connection to become inoperative;
 - iv. any relocation or abandonment of the storm water drain; and
 - v. any damages caused by any failure of the private storm water drainage system.
- c. The property owner(s) shall be responsible for paying for any repair and relocation costs relating to the private storm drainage.
- d. All sanitary waste shall be prohibited from entering the storm drainage system.

4.06 WIRE UTILITIES

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

4.07 STREET LIGHTING

1. Where required by the Commission, street-lighting poles and fixtures shall be of a design approved by the Commission and shall be placed in a manner and location approved by the Commission.
2. All street lighting associated with the subdivision shall be installed at the subdivider's expense prior to acceptance of the street by the Town.

4.08 FIRE PROTECTION

1. Wherever public water service is available, each subdivider shall, unless such requirement is modified by the Commission under Section 1.05, provide fire hydrants to protect public safety as required by Section 4.04 of these Regulations.
2. Where public water service is not available or provided, each subdivider shall, unless such requirement is modified by the Commission under Section 1.05, provide supplemental water supply system(s) to protect public safety.
3. Such supplemental water supply system(s) may, with approval of the Commission, consist of:
 - a. hydrant(s) to existing or proposed fire ponds,
 - b. hydrant(s) to underground cistern(s),
 - c. residential sprinkler systems,
 - d. a fee-in-lieu of a supplemental water system in the amount of ten thousand dollars (\$10,000) per lot to be deposited in a municipal account dedicated to providing supplemental water supply systems in the community, and/or
 - e. other mechanisms acceptable to the Commission to provide for supplemental fire protection (such as an easement for future installation of an underground cistern).
4. Facilities for fire protection shall be sized and constructed in accordance with NFPA Standard 1141 - "Fire Protection in Planned Building Groups" and NFPA Standard 1231 - "Standard on Water Supplies for Suburban and Rural Firefighting", as amended.
5. The Town Engineer shall, in conjunction with the Fire Marshal, make recommendations to the Commission regarding the proposed location, size, design, construction specifications, and installation of such supplemental water supply system(s) and access thereto.
6. The land area containing any supplemental water supply system(s) shall be easily accessible by emergency personnel and shall, as necessary, be encumbered by easements approved by the Town Attorney to ensure the Town's perpetual right to access, maintain, and or improve any supplemental water supply system(s) and access thereto for firefighting purposes, and obligate the property owners not to inhibit the use of the fire protection facility for firefighting purposes without the approval of the Fire Marshal.
7. The Commission may require the use of landscaping or other materials to screen access routes, pipes, or other structures associated with the installation of supplemental water supply system(s). Such landscaping or other materials shall be approved by the Fire Marshal.
8. All fire protection measures required by the Commission and the Fire Department:
 - a. may be required to be installed prior to issuance of a building permit for any dwelling in the subdivision, and
 - b. shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision.

ARTICLE 5.00 APPLICATION PROCEDURES

5.01 GENERAL

1. Any subdivision or resubdivision application shall be accompanied by forms, fees, maps, plans, profiles and all additional documentation, information and reports as prescribed in these Regulations.
2. Plans submitted under these Regulations shall be prepared by the following person or persons:

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

3. Each application shall be signed by the owner of record or his/her duly authorized agent or representative. If the application is signed by an agent or representative, a written instrument evidencing the agent's authority to apply must accompany the application.
4. All applications shall be submitted to the Planning and Zoning Office during regular working hours. The application shall be dated as of the actual date submitted.
5. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other qualified agency or person as, in the opinion of the Commission, may be advisable for their information, review and recommendations. In accordance with CGS Section 8-1c and any Municipal Land Use Fee Ordinance, the subdivider may be required to compensate the Town for any review fees and related expenses.
6. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
 - a. reviewing the proposed subdivision,
 - b. inspecting the property and any proposed improvements,
 - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them until the Town has assumed responsibility for them.

5.02 PRELIMINARY PLAN PROCEDURE

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

5.03 FORMAL SUBDIVISION APPLICATION

1. A formal application for subdivision or resubdivision shall include the following:
 - a. one (1) copy of the prescribed application form, fully and properly completed and executed.
 - b. the required application processing fee.
 - c. plans and other documents as required by the Appendix of these Regulations or as required by the Commission.
2. The Commission may require the submission of:
 - a. funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance,
 - b. evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property,
 - c. a detailed statement of the estimated cost of constructing the proposed subdivision streets, accessways and other improvements,
 - d. any proposed grant or grants to the Town, in form satisfactory to Town Attorney, including any required easements for drainage access, utility, or other purposes,
 - e. any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations,
 - f. additional copies of application materials as necessary for review by the Commission or other Town agencies.

5.04 RECEIPT AND SCHEDULING

1. If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider is encouraged to acquire permits and approvals from the Environmental Commission prior to submission to the Commission. In any event, the subdivider shall submit an application to the Environmental Commission no later than the date the application is filed with the Commission.
2. The date of receipt of an application shall be the date of the next regularly scheduled meeting immediately following the day of submission of such application or 35 days after submission, whichever is sooner.
3. The Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.
4. Upon receipt of an application for subdivision or a resubdivision, the Commission shall schedule a public hearing.
5. The Commission may require field staking of proposed improvements, such as proposed streets and accessways, for visual inspection. Such stakes shall be installed at intervals of fifty (50) feet along the center lines. The Commission or its agent shall retain the right to field-check and inspect the layout prior to acting on the proposed subdivision.
6. At any time following the submission of an application and prior to final action by the Commission, an application may be withdrawn by filing with the Commission a written request to that effect.

5.05 NOTICE PROVISIONS

1. The subdivider shall send, by certified mail, written notice of the date and subject matter of the public hearing to the owners of all land within Connecticut located within one hundred (100) feet of the subject property at least ten (10) days prior to the date of the first public hearing. Prior to or at the public hearing, the subdivider shall deliver to the Commission proof of mailing of such written notice.
2. In accordance with CGS 8-26b, when any proposed subdivision or resubdivision will abut land in another Connecticut municipality or include land in two (2) or more Connecticut municipalities:
 - a. the Commission shall give written notice of such subdivision plan to the regional planning agency or agencies in which it or the other municipality is located by certified mail, return receipt requested not later than thirty days before the date of the first public hearing to be held in relation thereto,
 - b. a regional planning agency receiving such notice shall, at or before the hearing, report to the Commission and to the subdivider on its findings on the inter-municipal aspects of the proposed subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate.
 - c. if the report of a regional planning agency is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.

3. In accordance with CGS 8-7d(f), the Commission shall:
 - a. notify the clerk of any adjoining Connecticut municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt of an application concerning any project on any site in which:
 - i. any portion of the property affected by the decision of the Commission is within five-hundred (500) feet of the boundary of the adjoining municipality,
 - ii. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or to exit the site,
 - iii. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - iv. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - b. No hearing shall be conducted on any application unless the adjoining municipality has received the notice required hereunder.
 - c. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.
4. The Commission may require that the subdivider post a notice on the property, facing the principal street giving access thereto, stating that an application for subdivision of the property has been submitted to the Commission and that the application may be inspected in the office of the Town Planner.

5.06 PUBLIC HEARINGS

1. In accordance with CGS 8-7d, when a hearing is to be held on an application, such hearing shall:
 - a. commence within sixty-five (65) days after receipt of such petition, application, or request, and
 - b. be completed within thirty-five (35) days after such hearing commences, unless a shorter period of time is required.
2. In accordance with CGS 8-7d, notice of the hearing shall be published in a newspaper having a general circulation in New Canaan at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing.
3. All applications and maps and documents relating thereto shall be open for public inspection.
4. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.

5.07 APPLICATION PROCESSING AND ACTION

1. The Commission shall act upon an application by approving, modifying and approving, or disapproving the application.
2. Such action on an application shall be rendered within sixty-five (65) days after completion of the public hearing unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended.
3. The subdivider may consent to one or more extensions of any period specified, provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
4. In making its decision, the Commission shall give due consideration to the material contained in the record.
5. Any action by the Commission shall:
 - a. set forth the reasons for approval or disapproval,
 - b. set forth any conditions to which the approval is subject, and
 - c. be stated on the Commission's records.
6. As provided in CGS Section 8-26, as amended, a subdivision plan shall be taken as approved by reasons of the Commission's failure to act in accordance with the statutory timeframe and a certificate to that effect shall be issued by the Commission on demand.
7. Commission approval of the plans shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.
8. The Commission shall cause notice of its action to be:
 - a. delivered to the subdivider by certified mail,
 - b. posted in the Office of the Town Clerk, and
 - c. published in a newspaper having substantial circulation in New Canaan as provided in CGS Section 8-26.
9. If the Commission fails to cause notice of its action to be published as provided in CGS Section 8-26 (within fifteen days after a decision has been rendered), the subdivider may publish such notice within ten (10) days thereafter.

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ARTICLE 6.00 POST- APPROVAL PROCEDURES

6.01 FINALIZING APPROVED PLANS

1. Based upon the resolution of approval or the resolution of modification and approval, the subdivider shall have the subdivision plan and supporting plans revised to conform to any modifications called for in the Commission's action. No subdivision plan shall be signed by the Commission Chairman or Secretary until all applicable conditions of approval have been met.
2. After approval by the Commission, no other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without the express written consent of the Commission.
3. The subdivider shall then submit:
 - a. three (3) paper sets and one (1) mylar set of the approved plans, with any required modifications, to the Commission for signature,
 - b. a performance guarantee or other acceptable surety in a form acceptable to the Town Attorney and an amount approved by the Town Engineer,
 - c. filing fees as required to place the documents on the Land Records,
 - d. one (1) electronic copy of all drawings and data of the approved subdivision in a format acceptable to the Public Works Department (AutoCad), and
 - e. one (1) electronic copy of all drawings of the approved subdivision in a format acceptable to the Planning and Zoning Department (GIS).
4. The subdivider shall also submit, in a form satisfactory to the Town Attorney:
 - a. any required grant or grants to the Town in executed form,
 - b. any required easements for drainage, access, utility, or other purposes in executed form,
 - c. a certificate of title indicating that any proposed conveyance is free of encumbrances,
 - d. evidence of the signatory's authority to sign on behalf of the grantor.
5. Such grants or easements shall not be recorded on the Land Records until the Subdivision Plan shall have been filed on the Land Records, and until any necessary action shall have been taken by any other appropriate Town body or bodies.
6. Such final plans shall be submitted for Commission signature with adequate time to allow the maps to be filed within the filing period (see Section 6.04) or approval will be considered expired. The subdivider should allow at least ten (10) working days within the filing period for the Commission to sign the mylar plan(s) and for the mylar plan(s) to be filed with the Town Clerk.

6.02 CANCELLATION OF APPROVAL

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

6.03 GUARANTEE FOR COMPLETION OF IMPROVEMENTS

1. To ensure satisfactory completion of required subdivision improvements or other requirements of these Regulations, the Commission shall, prior to filing of the subdivision plans on the Land Records:
 - a. accept a performance guarantee securing to the Town the satisfactory construction and installation of such improvements and utilities,
 - b. authorize the filing of the plans with a conditional approval, or
 - c. acknowledge that no performance guarantee is required.
2. No construction activity of any kind, including the removal of trees, shall commence until the corresponding performance guarantees (if required) shall have been posted.

3. Performance Guarantee

- a. No final subdivision plan shall be filed and no building permits shall be issued until the Town Attorney, Chief Financial Officer, and Town Engineer have reviewed the proposed performance guarantee and approved it as to form, substance, and credit-worthiness, such as:
 - i. a passbook savings account from a financial institution approved by the Chief Financial Officer provided:
 - a) such account shall be federally insured, and
 - b) the account shall only be in the name of the Town of New Canaan.
 - ii. a certified check from a financial institution approved by the Chief Financial Officer made payable only to the Town of New Canaan,
 - iii. a certificate of deposit from a financial institution approved by the Chief Financial Officer provided:
 - a) such instrument shall be federally insured, and
 - b) the instrument shall only be in the name of the Town of New Canaan.
 - iv. a money market account from a financial institution approved by the Chief Financial Officer provided:
 - a) such account shall be federally insured, and
 - b) the account shall only be in the name of the Town of New Canaan.
 - v. an unconditional irrevocable letter of credit substantially in the form of Appendix E approved by the Chief Financial Officer and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.

- b. The amount of the performance guarantee shall be equal to 110 percent of the estimated cost of all public improvements. Public improvements include, but are not limited to, the following:
 - i. The building of any streets, in accordance with specifications of the Town,
 - ii. The installation of drainage, utilities, and other required or provided items,
 - iii. Payments by the subdivider in lieu of open space requirements,
 - iv. Monumentation of subdivision streets and marking of lot corners with pins,
 - v. All erosion control measures, including those measures specified in the Erosion and Sediment Control Manual,
 - vi. Fire protection costs, and
 - vii. Any other costs as determined by the Town Engineer.
- c. The Town Planner or Town Engineer may require that up to 20 percent of the performance guarantee be in the form of a passbook savings account or other cash equivalent in favor of the Town of New Canaan for erosion and sediment control and other purposes.
- d. An estimate of the cost of all public improvements shall be prepared by the subdivider's engineer and approved by the Town Engineer.
- e. Each performance guarantee which has an expiration date shall include:
 - i. a provision that the performance guarantee shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and
 - ii. a provision that, in case such notice is received, the Town may draw without further condition the balance of the performance guarantee, and
 - iii. a provision that, unless such notice is received, the performance guarantee shall automatically be extended for periods of not less than one year each year until all improvements or other requirements of these regulations are completed.
- f. Reduction in the amount of the performance guarantee may be considered by the Commission for the completed public improvements provided that the performance guarantee shall not be reduced below twenty-five percent (25%) of the original amount of the performance guarantee.
- g. Any interest or dividend accruing on any account or instrument shall accrue in the name of the subdivider and such funds:
 - i. shall be deemed to increase the principal amount of the performance guarantee, and
 - ii. may be used by the Town in the same manner as the principal.
- h. Except to the extent that the proceeds from a performance guarantee are actually used to satisfy obligations hereunder, the obligations under these regulations are not satisfied by an inability of the Town to collect a performance guarantee.

6.04 FILING OF APPROVED PLANS

1. Once signed and authorized by the Chairman, the signed mylar set of the approved plans shall be filed with the Town Clerk at the subdivider's expense.
2. Unless otherwise provided by CGS Section 8-25 as amended, such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the subdivider.
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk voiding the subdivision.
6. No building permits shall be issued for the approved subdivision until the approved plans signed by the Chairman have been filed with the Town Clerk.
7. The filing of an approved subdivision plan in the Office of the Town Clerk:
 - a. shall constitute an irrevocable offer of dedication to the Town for acceptance as a street of any land shown as a street on such plan,
 - b. shall constitute an irrevocable offer to the Town for the dedication of land for easements or other public use as shown on such plan,
 - c. shall be binding upon the owner of such land, his heirs, successors and assigns, and
 - d. shall not obligate the Town to accept or not to accept such dedication(s).
 - e. The procedure for acceptance of any street shall be as determined by the Town of New Canaan.
8. All expenses for the preparation of instruments, plans and profiles, and for the recording and filing of the approved plan and for the publication of the required legal notices shall be borne by the subdivider.

6.05 CONSTRUCTION - EROSION AND SEDIMENT CONTROL

1. In order to minimize erosion and sedimentation resulting from development, any subdivider shall adhere to the erosion and sedimentation control standards set forth in the:
 - a. New Canaan Zoning Regulations,
 - b. "Connecticut Guidelines for Soil Erosion and Sediment Control (2002)," as amended, and
 - c. "Connecticut Stormwater Quality Manual (2004)", as amended.
2. A soil erosion and sediment control plan and narrative shall:
 - a. be provided as part of any application,
 - b. contain provisions to control accelerated erosion and sedimentation, and
 - c. reduce the danger from storm water runoff on the proposed site based on the best available technology.
3. In the event that soil erosion and sediment control measures are not being satisfactorily implemented, the Town Planner or his authorized agent may:
 - a. issue a cease and desist order,
 - b. order in writing the remedying of any condition found to be contrary to these Regulations or the certified Control Plan,
 - c. redeem the performance guarantee in order to rectify erosion and sediment control issues at the site.
4. A soil erosion and sediment control performance guarantee may be required as per Section 6.03.3.c of these Regulations.

6.06 CONSTRUCTION - CLEARING AND GRADING

1. Clearing of vegetation shall be kept to a minimum and shall not occur until:
 - a. erosion and sediment control measures are in place, and
 - b. a soil erosion and sediment control performance guarantee has been provided (if required) as per Section 6.03.3.c of these Regulations.
2. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision.
3. When rocks or boulders are used for fill, they shall be:
 - a. located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities, water supply systems, fire protection systems, or underground utilities, and
 - b. so deposited that, in the opinion of the Town Engineer, voids likely to cause undue soil settling will not be created.
4. Where filling of lots for final grading is required, compactable fill, and topsoil as required for lawn or plant growth, shall be used.
5. The slope of final graded areas shall comply with the provisions in the Zoning Regulations.

6.07 CONSTRUCTION OF IMPROVEMENTS

1. The subdivider shall complete, at his own expense, all of the streets, street and area drainage, sanitary and other improvements in accordance with the Commission's decision and to the satisfaction of the Town Engineer.
2. All such improvements shall be constructed in accordance with
 - a. Town Standard Detail Drawings and Specifications existing as of the date of approval of the Subdivision Plan, and
 - b. the construction standards contained in the Appendix to these Regulations.

6.08 INSPECTION OF IMPROVEMENTS

1. The improvements to be completed as part of the subdivision approval shall be inspected by the Town Engineer or his authorized agent. In order to conduct inspections, the Town Engineer or his authorized agent shall have free access to the construction work at all times.
2. Prior to starting a project, the subdivider and all contractors and all subcontractors shall meet with the Town Engineer to:
 - a. review job conditions,
 - b. advise the Town of the construction schedule,
 - c. review the New Canaan Roadway Construction Standards and Specifications (if any),
 - d. obtain said Specifications for all contractors and subcontractors.
3. In the case of a new street or a change in an existing street, the work shall be inspected at the following stages of construction:
 - a. Rough grading completed.
 - b. Drainage and all other underground facilities installed, and prior to back-filling.
 - c. Graveling and rolling being done.
 - d. A screened gravel topping being applied.
 - e. Binder course pavement being done.
 - f. Finish course pavement being done.
4. Notice for inspection shall be made at least 48 hours in advance. The subdivider shall not proceed to work on any subsequent stage until such inspection has been made by the Town Engineer or his authorized agent on the preceding stage and approval in writing has been obtained on the preceding stage.
5. In no case shall any paving work be done without permission from the Town Engineer.
6. The Commission shall be authorized to take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Commission may require the subdivider to pay to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut.

7. Inspection by the Town Engineer or his authorized agent during development shall ensure compliance with the approved plans.
8. If the Town Engineer or his authorized agent finds, upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans, he shall notify the subdivider and the Commission, in writing, and the subdivider shall be responsible for completing or repairing said improvements according to specifications.
9. If unforeseen field conditions arise during construction (such as, but not limited to, springs, ancient drains, side hill drainage from cuts, ledge rock or other conditions not apparent at the time of the approval by the Commission) which in the opinion of the Town Engineer require modification to the intended construction procedure, the subdivider shall:
 - a. prepare and submit a proposed construction procedure in conformance with accepted engineering practices to address the field conditions,
 - b. submit such procedure to the Town Engineer for review,
 - c. if required, provide a supplemental performance guarantee for the additional work.
10. The Town Engineer shall maintain records of inspections in order to document that the work is in accordance with the approved plans and specifications.

6.09 PERIOD FOR COMPLETION OF IMPROVEMENTS

1. The subdivision improvements shall be completed in accordance with the statutory timeframe as provided in CGS Section 8-26c. The Commission's endorsement of approval on the plan shall state the date on which completion period expires.
2. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure the compliance with the certified plan.
3. The sub-grade, sub-base, pavement binder course, and all drainage required for any proposed street shall be completed prior to issuance of any Certificate of Occupancy for any structure served by such street.
4. Upon application by the subdivider, the Commission may make one or more extensions of the time period for completion provided that:
 - a. the time for all extensions shall not exceed ten years from the date the subdivision was approved,
 - b. the Commission may revise the amount of the performance guarantee securing the actual completion of the work.
5. Expiration of the time period for completion shall:
 - a. result in automatic expiration of the approval of such plan provided the Commission shall file notice on the Land Records of such expiration,
 - b. prevent the conveyance of any additional lots in the subdivision by the subdivider or his/her successor in interest,
 - c. require a new application for subdivision approval of the subject land including a new filing fee as well as a review of all previous findings.

6. Until the improvements are accepted by the Town of New Canaan, the subdivider shall maintain all improvements and provide for snow removal on streets.
7. If the improvements are not maintained or snow removal is not provided and the situation is not corrected within two (2) days following written notice from the Commission to the subdivider, the Town may proceed to put the street or other improvement into suitable condition and the cost of any such work shall be a charge against the performance guarantee.

6.10 MONUMENTS AND MARKERS

1. The street lines of all new subdivision street shall be marked with stone or concrete monuments set by a Connecticut-licensed surveyor.
2. Corners of all lots, open space, conservation easements, and other parcels or areas shall be marked with a one (1) inch steel pipe or a 3/4-inch reinforcing rod at least eighteen (18) inches long, or with stone or concrete monuments and such markings shall be set by a Connecticut-licensed surveyor.
3. All open space and conservation areas shall be suitably identified with a conservation marker.
4. Stone or concrete monuments along street lines shall be:
 - a. at least five (5) inches square by 30 inches in length with a suitable marked top.
 - b. set flush with proposed grades and with the marked point set on the point of reference.
 - c. installed at all points of curvature, all points of tangency, all angle points and no more than 400 feet apart on straight sections of streets.
 - d. indicated and located on the subdivision plan and as-built drawing.
5. All stone or concrete monuments shall be set in place at the subdivider's expense after all street construction is completed and prior to street acceptance by the Town. The cost of installing monuments shall be included in the performance guarantee as required by Section 6.03.

6.11 FINAL ACCEPTANCE AND MAINTENANCE

1. For final acceptance of subdivision improvements, the subdivider shall submit to the Commission:
 - a. a letter requesting a recommendation to the Board of Selectmen that the Town accept the street(s),
 - b. one mylar and three paper copies of plans showing the "as-built" location of all street and associated improvements approved by the Commission or their authorized agent and where the as-built plans differ from the approved construction plans due to field conditions or authorized changes,
 - c. a letter from a registered land surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,
 - d. a letter from the design engineer stating that all improvements, including all street signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made,
 - e. a letter from any companies providing utility services to the effect that such utilities have been satisfactorily installed,
 - f. a maintenance performance guarantee as per Section 6.03 of these Regulations to protect the Town against faulty construction and materials that will remain in effect for a fourteen (14) month period after the Town has accepted the public improvements,
 - g. a copy of all proposed deeds and easements to the Town and other information as required for review and approval by the Town Attorney, if not previously provided,
 - h. a copy of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development for possible review by the Town Attorney.
2. The Commission or its authorized agent shall conduct a final inspection of all improvements and utilities to evaluate the general condition of the site and determine whether the work is satisfactory and in substantial agreement with the approved final drawings and applicable regulations, ordinances, and standards.
3. Any improper installations shall be reported to the Commission and remedied by the subdivider. A report shall be submitted to the Commission.
4. If all items are satisfactory, the Commission shall recommend to the Board of Selectmen that the street(s) be accepted.
5. If the Board of Selectmen agrees to accept the street(s), all executed deeds and easements to the Town shall be submitted to the Planning and Zoning Commission office for filing by the Town after the street acceptance.
6. The maintenance performance guarantee of at least ten (10) percent of the original approved estimate of the cost of construction and installation of such public improvements shall be in effect for a period of fourteen (14) months from the date of acceptance of the subdivision improvements by the Town.
7. Once the public improvements are accepted by the Town and the maintenance performance guarantee is in place, the Town shall release the performance guarantee as set forth herein.

6.12 MODIFICATION OF APPROVAL

1. Any subdivider requesting to modify an approved plan, or any condition of approval, shall file a written request with the Commission, together with the required fee.
2. The subdivider shall state the reason why a modification is requested, and shall describe any change in facts or circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
3. The Commission may approve minor changes to an approved plan, or to conditions of approval, if the changes do not materially alter the original approval.
4. The Commission, in its sole discretion, may require a public hearing on any request, or may require the subdivider to submit a complete application under Article 5.00 of these Regulations.
5. The Commission shall require a complete application under Article 5.00 of these Regulations for any change meeting the definition of "resubdivision" under CGS Section 8-18, as amended.

APPENDIX A - APPLICATION CHECKLIST

Quantity	Submittal	Provided?
1	The prescribed application form fully and properly completed and executed	<input type="checkbox"/>
1	Required application processing fee in the form of a check or money order payable to the Town of New Canaan	<input type="checkbox"/>
1	Any additional fees to defray the application processing fee in the form of a check or money order payable to the Town of New Canaan	<input type="checkbox"/>
8	Sets of plans containing the maps or documents as required by these Regulations or as required by the Commission	<input type="checkbox"/>
2	Sanitary waste disposal report prepared by a professional engineer licensed to conduct business in the State	<input type="checkbox"/>
2	Water report prepared by a professional engineer licensed to conduct business in the State	<input type="checkbox"/>
2	Drainage report prepared by a professional engineer, licensed to conduct business in the State, documenting the storm drainage system design	<input type="checkbox"/>
1	Permission from the subdivider and owner authorizing applicable municipal agencies to enter upon the area included in the subdivision for the purposes of inspecting the site and assuring that improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission	<input type="checkbox"/>
1	A written instrument signed by the subdivider and owner stating that no construction of any kind, including any building, street or any drainage facility or any clearing of trees or disturbance of land involved in such application, not otherwise permitted as of right, shall be performed or commenced without the specific approval of the Commission subsequent to the submission of an application and prior to the approval of such application by the Commission	<input type="checkbox"/>
1	An application for resubdivision shall also include a copy of the plan(s) of the original subdivision and any subsequent resubdivision as approved by the Commission and filed with the Town Clerk showing all of the land area involved in the original subdivision.	<input type="checkbox"/>

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

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

If applicable, the Commission may require the submission of:

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

APPENDIX B - DRAWING CHECKLIST

1. Drawing Requirements	Preliminary (optional)	Formal Application	Provided?
a. A title block indicating: <ul style="list-style-type: none"> • names of owner, subdivider, engineer and/or surveyor, • name of subdivision, drawing date and revision dates 	Required	Required	<input type="checkbox"/>
b. A north arrow and a map scale	1"=40' to 1"=200'	1"=40' unless modified by PC	<input type="checkbox"/>
c. Size of Sheet	Optional	24' by 36"	<input type="checkbox"/>
d. Embossed or stamped seal of the appropriate professional and an original signature	Recommended	Required	<input type="checkbox"/>
e. A Key Map at a scale of 1"=1,000' or less locating: <ul style="list-style-type: none"> • the subdivision within the surrounding properties • the proposed street system in relation to existing streets 	Required	Required on at least one drawing	<input type="checkbox"/>
f. An Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, streets, street names, sheet delineation and match lines between sections	Recommended	Required with "match" lines on all sheets	<input type="checkbox"/>
g. Zoning data table showing zoning district, lot area requirements, setback requirements, and other relevant information	Recommended	Required on at least one drawing	<input type="checkbox"/>
h. Number of sets of prints	Three (3)	Eight (8)	<input type="checkbox"/>
i. Bound sets	Recommended	Required	<input type="checkbox"/>

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

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

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

5. Open Space Information	Preliminary (optional)	Formal Application	Provided?
a. Areas recommended in the Plan of Conservation and Development for open space preservation	Recommended	Required	<input type="checkbox"/>
b. Location and configuration of existing open spaces in the vicinity	Required	Required	<input type="checkbox"/>
c. Map showing location of open space to be dedicated if fee-in-lieu of open space or other arrangements are not accepted by the Commission	Recommended	Required	<input type="checkbox"/>
d. Open Space / Trail Plan	Recommended	Required	<input type="checkbox"/>

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

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

8. Miscellaneous Requirements

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

PLAN INFORMATION OVERVIEW

1. General Information	Subdivision Plan	Plan and Profile	Site Development Plan
Scale	1"=40' horizontal	1"=40' horizontal 1"=4' vertical	1"=40' horizontal

2. Property Information

a. Existing and proposed lot boundaries with monument locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Parcel areas (including area with wetlands and watercourses excluded)	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Owners name and lot line locations of abutting parcels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Existing and proposed easements and other rights-of-way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Site Conditions

a. Existing and proposed topography - 2' contours	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Existing drainage features	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Field located wetlands and watercourses on the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generally located wetlands and watercourses near the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Base flood elevation data and floodplain data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other site features and areas intended for preservation	n/a	<input type="checkbox"/>	<input type="checkbox"/>
g. Analysis of special site conditions and/or significant resources	n/a	n/a	<input type="checkbox"/>

4. Open Space Information

a. Location and configuration of existing open spaces in the vicinity	n/a	n/a	<input type="checkbox"/>
b. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Soils Information

a. Soil types information	n/a	n/a	<input type="checkbox"/>
b. Soils with severe limitations and low potential for sewage disposal facilities	n/a	n/a	<input type="checkbox"/>
c. Slopes exceeding 15% and areas with shallow depth to bedrock	n/a	n/a	<input type="checkbox"/>
d. Location and identification of percolation test holes and deep hole tests	n/a	n/a	<input type="checkbox"/>
e. Notation regarding the need for engineered septic designs	<input type="checkbox"/>	n/a	<input type="checkbox"/>

	Subdivision Plan	Plan and Profile	Site Development Plan
6. Design of Lot Improvements			
a. Building set-back lines with dimensions	<input type="checkbox"/>	n/a	<input type="checkbox"/>
b. Location of existing structures, driveways, and other improvements	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Location of proposed structures, driveways, and other improvements	n/a	n/a	<input type="checkbox"/>
d. Location of existing primary and reserve septic-leach fields	<input type="checkbox"/>	n/a	<input type="checkbox"/>
e. Location of proposed primary and reserve septic-leach fields	n/a	n/a	<input type="checkbox"/>
f. Location of existing wells and water sources within 200' of the parcel	<input type="checkbox"/>	n/a	<input type="checkbox"/>
g. Location of proposed wells and water sources for each lot	n/a	n/a	<input type="checkbox"/>

7. Design of Overall Improvements			
a. All proposed soil erosion and sediment control procedures	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Street design including street names	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Drainage design including the location of any drainage discharge	n/a	<input type="checkbox"/>	<input type="checkbox"/>
d. Utility design (including connections to existing lines)	n/a	<input type="checkbox"/>	<input type="checkbox"/>
e. Any existing or proposed retaining walls, culverts, or fences	n/a	<input type="checkbox"/>	<input type="checkbox"/>
f. Supplemental water supply systems, fire protection systems	n/a	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL FORMAL APPLICATION MATERIALS

1. Sanitary Waste Disposal Report

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

2. Water Report

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

3. Drainage Report

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

4. Erosion and Sediment Control Report

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

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APPENDIX C - APPROVAL BLOCKS

**TOWN OF NEW CANAAN
PLANNING AND ZONING COMMISSION
FINAL SUBDIVISION APPROVAL**

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

Chairman

Date Signed

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

Received for filing on _____ by _____
Town Clerk

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APPENDIX D - CONSTRUCTION PROCEDURES

1. All streets, drainage and appurtenances shall be staked out by a licensed land surveyor and shall be certified as to correctness of grade, of completed sub-grade and finished grade of pavement and shoulders. Line and grade stakes shall be spaced not more than fifty (50) feet apart and shall be set and maintained in good order during construction and until the street is approved by the Town Engineer. Cut and fill sheets must be supplied for all grade stakes and for laser beam control points.
2. If at the time of construction, certain changes appear desirable in the approved design as shown on the subdivision construction plans, such changes may be ordered by the Town Engineer, or may be made after obtaining approval by the Town Engineer of revised plans showing such changes.
3. After all underground piping and drainage and other underground structures and facilities have been installed, the sub-grade of a street shall be shaped to proper grade and cross section at the required depth below finished grade. Fill under streets shall be of material acceptable to the Town Engineer and be free from loam, tree cuttings, stumps or frozen dirt and shall be thoroughly compacted. Soft areas shall be excavated, drained and filled with gravel or selected fill.
4. After the sub-grade has been shaped and checked for proper elevation and cross section by the contractor's surveyor and inspected by the Town Engineer, a gravel base, twelve (12) inches deep after compaction, shall be constructed. Gravel shall be selected bank-run gravel, which shall be well graded from maximum four-inch coarse to sand consisting of sound durable aggregate, free from thin shale, clay, loam or vegetable matter. A sample of the gravel proposed to be used and the name of the gravel pit from which it came shall be furnished to the Town Engineer for approval before work is begun. The gravel shall meet the requirements of the CTDOT Standard Specifications.
5. The gravel shall be placed and graded to proper grade and cross section and, when thoroughly compacted, shall be the thickness called for on the town standard details. Rolling and compacting shall be done with a roller weighing not less than ten (10) tons and a minimum of 95% compaction shall be achieved.
6. The Town Engineer shall be given forty-eight (48) hours' notice before any gravel is placed.

7. In lieu of a gravel base, processed aggregate, sometimes known as "Item 4", may be used after the sub-grade has been shaped to the proper grade and cross section and inspected by the Town Engineer. The processed aggregate shall meet the requirements of the CTDOT Standard Specifications. The Contractor shall then spread uniformly upon the prepared sub-base one and three quarters (1 3/4) inch processed aggregate for a depth of not more than four (4) inches after final compaction, which shall be thoroughly compacted and during the compacting, water shall be applied from an approved watering device by a vertical spray delivering a flushing stream. Brooms shall be used during the wetting and compacting, to distribute any fines uniformly over the surface. The compacting and wetting shall continue until the voids in the aggregate have been reduced to a minimum. When the compacting of the bottom course has been completed, a second course shall be added until a final depth of eight (8) inches has been achieved. Rolling and compacting shall be done with a roller weighing not less than ten (10) tons and a minimum of 95% compaction shall be achieved.
8. All new streets shall be paved with a two course bituminous concrete pavement in accordance with construction procedures as specified in State of Connecticut Department of Transportation Form 811, Section 4.02 "Two Course Bituminous Concrete", Section 4.03 Bituminous Concrete, Class 1 and Section 4.04, Bituminous Concrete, Class. 2 unless modified by the Town Engineer.
9. After the sub-grade of the gravel or processed stone has been rolled to proper grade, a two (2) inch course of approved bituminous concrete, (Class 1) from an approved mixing plant, shall be spread over the gravel or processed stone base by using a self-powered paving machine with an adapter to provide guidance of the screeding action and also means shall be provided for heating and screeding members by some method that will prevent accumulations of, bituminous material. Hand spreading will be permitted in areas too small for the self-powered machine and care must be used in these areas so that a two (2) inch layer and a smooth surface is obtained.
10. When sufficient set has developed to permit proper compaction the surface shall be rolled with a ten (10) ton roller. Rolling shall continue until all roller marks are eliminated: The second course of two (2) inches of bituminous concrete, (Class 2), can then be applied in the same manner.
11. Where the new pavement abuts the existing pavement, the existing pavement shall be cut so that the new pavement has a vertical face to butt against.
12. The total bituminous concrete pavement shall be at least four (4) inches thick after rolling with a ten (10) ton roller and shall be true in section and profile with maximum depression of one-quarter (1/4) inch when tested with a ten (10) foot long straight edge.
13. The Town Engineer shall have forty-eight (48) hours notice before paving begins. The street shall not be open to traffic until the new pavement has cooled.

14. Where called for on plans, asphalt curbs and gutters shall be constructed of dense mix asphaltic concrete of fine aggregate for curbs, in accordance with standard sections as shown on Town Standard Drawings (see Section 55-5.12). Curbs and gutters shall be laid true to section and line and on true grades.
15. Where called for on plans, concrete curbs shall be constructed of three thousand (3,000) pounds per square inch, air-entrained concrete of section shown on Town Standard Drawings (see Section 55-5.12). When forms are removed, exposed faces shall be rubbed.
16. Forms for concrete curbs shall be set true to line and grade and properly and thoroughly braced. In hot drying weather, concrete shall be kept covered and moist for seven (7) days.
17. Through expansion joints shall be provided, on ten (10) foot centers, of one-quarter (1/4) inch premoulded bitumastic expansion joint material.
18. The contractor shall notify the Town Engineer forty-eight (48) hours in advance of placing concrete and no concrete shall be placed until the forms have been inspected and approved and unless the Town Engineer, or his representative, is present. The Town Engineer has the right to request test cylinders to be made and the concrete tested to insure compliance with concrete specifications.
19. No concrete shall be poured in freezing weather unless proper precautions are taken and then only with the approval of the Town Engineer.
20. All granite curbing shall be obtained from an approved quarry.
21. For granite curbing, the sawn tops shall all be six (6) inches wide, the depth shall be between sixteen (16) and eighteen (18) inches deep and the lengths shall be approximately six (6) feet with length not less than three (3) feet at closures. Lengths of greater than six (6) feet may be used on straight grades. Curbing shall be set on six (6) inches of compacted approved gravel or processed stone. All granite curbing, special cuttings and installation must be approved by the Town Engineer.
22. Street shoulders shall be constructed according to Town Standard Sections (see Section 55-5.12) to the full width of the right-of-way and, except where gravel is approved by the Town Engineer, shall be covered with a stand of grass. No stumps shall be buried in shoulders except that, if existing trees have to be cut down, their stumps may be left in place when cut off and removed to a level twelve (12) inches below finished grade.
23. Manholes, catch basins and headwalls shall be built in accordance with Town Standards and placed according to location and elevations on approved plans. Where structures of special design, such as retaining walls, bridges or box culverts, are required, they shall be designed by a licensed engineer and shall be submitted to the Town Engineer for approval. No structures shall be backfilled until inspected and approved by the Town Engineer.

24. Sewers and drains shall be laid true to line and grade and shall be certified by a licensed engineer or surveyor that they are in accordance with approved plans and drawings.
25. Pipe in streets shall be reinforced concrete pipe, State Highway Standard weight, unless heavier weight is required under major streets except that the Town Engineer may allow the use of High Density Polyethylene (HDPE) in appropriate circumstances. Pipe shall be laid on firm ground free of frost and shall be firmly bedded. No rock over twelve (12) inches in diameter shall be backfilled over pipe. Fill over pipe shall be thoroughly compacted to avoid future settlement.
26. Sub-grade drains, where required, shall be installed in accordance with Town Standards and shall be properly located and graded to accomplish their function.
27. No pipes shall be backfilled until inspected by the Town Engineer or his representative.

APPENDIX E – SAMPLE LETTER OF CREDIT

[Letterhead of issuing bank]

[issue date]

IRREVOCABLE LETTER OF CREDIT No. XXXX

Beneficiary:

Town of New Canaan
Town Hall
New Canaan CT 06840

Attn: Town Engineer

Re: Application for [Subdivision] at [address of jobsite]

Dear Sir:

At the request and on the instructions of our customer, [full legal name of owner], [home/office address of owner] (the "Applicant"), we (the "Bank") hereby establish in your favor this irrevocable letter of credit (the "Credit") in the amount of \$[amount in numbers] ([spell out amount in words and xx/100 dollars]), as reduced pursuant to the second paragraph hereof (the "Stated Amount"). This Credit is effective immediately and expires at the close of business on the Expiration Date.

Drawings hereunder shall not, in the aggregate, exceed the Stated Amount. Each drawing under this Credit shall reduce the Stated Amount by the amount drawn.

Funds under this Credit are available to you against your sight drafts drawn on the Bank, stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by your certificate reading as follows: "I certify that the amount of the accompanying draft is payable pursuant to the Subdivision Regulations of the Town of New Canaan."

This Credit shall terminate on the date (the "Expiration Date") which is the earlier of (i) the date on which the Stated Amount is reduced to zero pursuant to the second paragraph of this Credit, and (ii) [mmmm dd, 20yy]; provided, however, if the Stated Amount shall not have been reduced to zero pursuant to the second paragraph of this Credit, it is a condition of this Credit that the Expiration Date shall be automatically extended, without other amendment, for an additional period of one year from the Expiration Date hereof, or any future Expiration Date, unless at least 30 (thirty) days prior to any Expiration Date we notify you by certified mail (return receipt requested) that we elect not to consider the Expiration Date of this Credit extended for any such additional period. Upon receipt of such notice, funds under this Credit are available to you against your sight drafts drawn on the Bank and stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by your certificate reading as follows: "I certify that the amount of the accompanying draft is drawn and will be held by the Town of New Canaan

as a performance guaranty because we have received notice that the Letter of Credit will expire”.

Each draft and certificate shall be presented (1) at the branch of the Bank at [full branch address, which must be in Connecticut], Attention: Letter of Credit Department or (2) by telecopier addressed to and received by [telecopier number of Bank’s Letter of Credit Department]. If presentation is made by telecopier, you will provide telephone notification thereof to us at (telephone number) prior to or simultaneously with the sending of such presentation but receipt of such telephone notice shall not be a condition to payment hereunder. All documents presented to the Bank in connection with your demand for payment hereunder, as well as all notices and other communications to the Bank in respect of this Credit, shall specifically refer to Letter of Credit No. XXXX.

Payment of each sight draft shall be made by us promptly, but in no event later than the banking day following receipt, in immediately available funds by wire transfer by us to [name of bank and branch where Town of New Canaan has its demand deposit account], [ABA nnnnnnnn (bank routing number of bank where Town of New Canaan has its demand deposit account)], for credit to account #nnnnn (account number of Town of New Canaan), attention: (Chief Financial Officer).

We agree that all drafts drawn under and in compliance with the terms of this Credit will be duly honored upon delivery of the draft and certificate as specified if so presented on or before the Expiration Date. Our obligations hereunder are primary obligations and shall not be affected by the performance or nonperformance by you or by the Applicant of any obligations under any agreement between the Applicant and you or between the Applicant and us.

This Credit is subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 (“ISP98”). This Credit shall be deemed to be a contract made under the laws of the State of Connecticut and shall, as to matters not governed by ISP98, be governed by and construed in accordance with the laws of the State of Connecticut.

Sincerely yours,

[name of bank]

[name of signatory]
[title]

