

historically located at the proposed locations, within the town's right-of-way, but were stolen over time.

9. Administrative Actions or other matters (Town Planner).
10. Approve minutes of May 23, 2006.
11. Other matters as may properly come before the Commission.
 - a. 12 Burtis Avenue – Robert Cuda, proposed brick facade approval.
 - b. 183 Elm Street - Arnold M. Karp, removal of pine tree.
 - c. Lots 84 & 85, Soundview Lane - William Earls. Site Plan Review. Applicant is proposing to grade and fill two areas to comply with the requirements of the Health Department in order to demonstrate approved septic locations.
 - d. 545 Ponus Ridge Road - Site Plan Review. New Canaan Country Club
 - e. 35 Elm Street - Elm Street Books, proposed facade approval.
 - f. Discussion of proposed façade change to New Canaan Post Office.
 - g. Discussion of proposed single-family dwelling at 401 South Avenue.
 - h. Discussion of façade at 36 Pine Street.
12. Adjournment.

PROPOSED AMENDMENT TO SUBDIVISION REGULATION
ON OPEN SPACE (Draft 1-25-06)

Section 55-4.23 of the Subdivision and Street Regulations of the Town of New Canaan is hereby amended as follows:

§ 55-4.23 Reservations for public use.

- A. [No change].
- B. Open space. The Commission may require the provision of open spaces, parks and playgrounds (hereinafter collectively called “open space”) when, and in places, deemed proper by the Commission, which open space shall be shown on the subdivision plan. The total amount of area to be reserved for open space shall be ten percent (10%) of the gross area of the subdivision, unless the Commission determines that a lesser area is sufficient to satisfy the need determined by the Commission or that a reservation is not necessary or otherwise not feasible because of adequate existing parks, playgrounds, recreation areas, and open space areas available in the neighborhood, or because of the unsuitability of the area for the intended purposes. Each reservation shall be of proper size, dimensions, topography and general character to serve the purposes deemed proper by the Commission and shall have adequate access to public streets when required by the Commission. The Commission may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. Nothing herein contained shall be construed as prohibiting a subdivider from reserving other land for open space purposes in addition to the requirements of this section.
- C. [No change].
- D. Responsibility for ownership of reservations. The Commission may require that any areas reserved for open space be owned and managed in one or more of the following ways:
 - (i) Deeded to the Town of New Canaan, State of Connecticut or other government unit or entity established by Federal, State or local government;
 - (ii) Deeded to a nonprofit land conservation trust as found acceptable to the Commission and where required subject to a conservation easement in favor of the Town of New Canaan;
 - (iii) Deeded to the lot owners of the subdivision such that each lot owner possesses an undivided interest in the designated open space area and is jointly and severally responsible for the payment of taxes on and maintenance of the designated open space area and subject to a conservation easement in favor of the Town of New Canaan or an acceptable nonprofit land conservation trust as required;
 - (iv) Held in ownership by individual lot owners as part of their lot and subject to a conservation easement in favor of the Town of New Canaan or an acceptable nonprofit land conservation trust as required.

- E. Fees in Lieu of Open Space. With the approval of the Commission, the subdivider may pay a fee to the Town, or pay a fee to the Town and transfer land (which may include land outside the boundaries of the subdivision) to the Town, in lieu of any requirement to provide open space. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of Connecticut General Statutes § 8-25b. Security for payment of the fees shall be provided by a lien on the Land Records, or a surety bond, the form of which has been approved by the Town Attorney. The appraisal cost shall be the responsibility of the subdivider.
- F. Exclusions. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Connecticut General Statutes § 8-39a, equal to twenty percent or more of the total housing to be constructed in such subdivision.