

TOWN OF BEACON FALLS

PROPOSED

SUBDIVISION REGULATIONS

NOVEMBER 23, 1998

SUBDIVISION REGULATIONS
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ARTICLE I PURPOSE

1.1 **Purpose**

The purpose of these regulations is to invoke and implement, for the Town of Beacon Falls, the General Statutes of the State of Connecticut with respect to the subdivision of land, protective flood control measures, the layout and improvement of streets, provisions for open spaces for parks and playgrounds and provisions for public utilities and services.

1.2 **Legal Requirements**

Chapter 126 of the General Statutes of the State of Connecticut, as amended, authorizes the Planning Commission to adopt regulations covering the subdivision of land. In accordance with the provisions of Section 8-25 of the General Statutes, no subdivision or resubdivision of land shall be made until a plan for such subdivision or resubdivision has been approved by the Commission and reviewed by the Town Engineer. Any person, firm or corporation making any subdivision of land without approval of the Commission and reviewed by the Town Engineer shall be fined not more than One Hundred and Fifty Dollars (\$150.00) for each lot sold or offered for sale or so subdivided. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing of recording of a subdivision plan without such approval shall be void.

1.3 **Basic Requirements**

Pursuant to provisions of the General Statutes, no plan for the subdivision of land shall be approved unless (a) the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, (b) proper provision shall be made for water, drainage, and sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures, (c) the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of Development for the Town of Beacon Falls, as now or hereafter amended, especially with regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide the adequate and convenient system for present and prospective traffic needs and (d) open spaces for parks and playgrounds are provided when, and in places, deemed proper by the Commission, which open spaces for parks and playgrounds shall be shown on the subdivision plan.

1.4 **Short Title**

These regulations may also be known as "Subdivision Regulations".

1.5 **Effective Date**

These regulations shall become effective on November 23, 1998.

ARTICLE II - DEFINITIONS

- 2.1 When used in these regulations, the following terms shall have the meanings indicated in the following definitions; words in the present tense include the future; the singular includes the plural and plural includes the singular; and the word "shall" is mandatory.

APPLICANT - Shall mean any person, firm or corporation who shall lay out for the purpose of sale or building development any subdivision or part thereof, or any resubdivision, as herein defined.

APPLICATION - Shall mean an application for approval of a proposed subdivision or resubdivision as provided for in Article III of these regulations.

BUILDING ORIENTATION - Refers to the relationship of a building's longest axis to the true south compass point. Optimal building orientation for detached housing usually occurs when the building's longest axis is east to west (90° from true south) with acceptable variations of 10° to the northwest and 20° to the southwest.

CERTIFIED - Shall mean that all maps, plans and certain reports required by these regulations shall be prepared by and shall bear the name and seal of a land surveyor and/or engineer, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, and in accordance with the "Rules and Regulations" of the State Board of Registration for Professional Engineers and Land Surveyors, dated January 1, 1966 as amended.

COMMISSION - Shall mean the Beacon Falls Planning and Zoning Commission.

DEVELOPER - See definition of "Applicant".

DEVELOPMENT FOR AGRICULTURAL PURPOSES - Shall include forestry, but shall not include residential use.

DEVELOPMENT PLAN - Shall mean the Plan of Development of the Town of Beacon Falls as adopted by the Commission, as now or hereafter amended.

OWNER - Shall mean the owner of record in the Land Records of the Town of Beacon Falls in the office of the Town Clerk.

PASSIVE SOLAR ENERGY TECHNIQUES - Shall mean the utilization of (1) house orientation, (2) street and lot layout, (3) vegetation, (4) natural and man-made topographical features and (5) the protection of solar access within the subdivision as tools for maximizing solar heat gain, minimizing heat loss and providing thermal storage within a building during the heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.

PRELIMINARY SKETCH - Shall mean the sketch for a proposed subdivision or resubdivision, as provided for in Article III of these regulations.

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

SOLAR ACCESS - Shall mean the access to unobstructed direct *sunlight required* by a solar collector for its efficient operation. Solar access will be considered adequately available if the south wall of a proposed building has unobstructed access to sunlight for 75% of the time between 8:34 A.M. and 3:08 P.M. local time on December 21st.

STREET - Shall mean 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 is a state or town road, and shall include highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys or other arteries of vehicular traffic, but not private driveways or accessways or rights-of-way serving interior or rear lots.

SUBDIVIDER - See definition of "Applicant".

SUBDIVISION - Shall mean the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision

regulations by the Commission, for the purpose whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

TOWN - Shall mean the Town of Beacon Falls.

WATERCOURSE - Watercourse means rivers, streams, brooks, waterways, lakes, ponds, marshes swamps, bogs, and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border on the Town of Beacon Falls or any portion thereof, not regulated as tidal wetlands pursuant to Section 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes, as amended.

BOG - Bog means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species, including, but not limited to, those in the booklet entitled Inland Wetland Plants of Connecticut (1994 - DEP Publication #21).

MARSH - Marsh means an area normally covered with shallow water subject to seasonal variations which contains an association of herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species include, but are not limited to, those listed in the booklet entitled Inland Wetland Plants of Connecticut (1994 - DEP Publication #21).

SWAMP - Swamp means an area with a water table at or near the surface of the ground throughout most of the year, which contains vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species include, but are not limited to those listed in the booklet entitled Inland Wetland Plants of Connecticut (1994 - DEP Publication #21).

WETLANDS - Wetlands means land, including submerged land as defined in Section 4.15 of P.A. 73-571, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey as it may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture.

ARTICLE III – PROCEDURAL REQUIREMENTS

3.1 **Preliminary Procedure Recommended**

The Commission recommends that prior to the submission of an application, the applicant present a preliminary sketch of the proposed subdivision or resubdivision for informal consideration by the Commission. Neither the preliminary sketch nor the informal consideration by the Commission shall be deemed to constitute any portion of the formal procedure of applying for and approving subdivision or resubdivision of land under the provisions of the General Statutes of the State of Connecticut.

A. **Discussion with Town Officials**

Before preparing the preliminary sketch it is recommended that the applicant discuss with the Town officials the requirements as to general layout of streets, and for reservations of land, street improvements, drainage, development of inland wetlands and watercourse, sewerage, water, fire protection and similar matters, as well as the availability of existing services.

B. **Content of Preliminary Sketch**

The preliminary sketch should be a paper print of a pencil drawing, drawn to a designated scale of not more than one hundred (100) feet to the inch and not exceeding twenty-four (24) inches by thirty-six (36) inches in size provided that, if the areas to be shown produce a drawing larger than this size, two (2) or more drawings of plans should be submitted, with suitable match lines, showing the following information:

- 1) The approximate dimensions and area of the tract proposed to be subdivided, the approximate area and dimensions of all other land of the owner and applicant contiguous to the tract proposed to be subdivided and ground contours at intervals not exceeding five (5) feet based on suitable sources.
- 2) Its location with respect to streets and bounding owners,

- 3) Existing zoning district boundary lines within which the tract is located and zone boundary lines, if any, which cross or lie within one hundred (100) feet of the tract proposed to be subdivided.
- 4) Any municipal boundary line.
- 5) The north point which shall be oriented either toward the top or left-hand side of the plan.
- 6) Existing land conditions which affect the nature of the development including but not limited to, watercourses, wetlands, untrained low spots, wells drainage, channels, streets or easements of any nature on or abutting the tract to be subdivided or within one hundred (100) feet of any boundary line thereof.
- 7) All structures existing on the tract proposed to be subdivided.
- 8) Location, dimensions and approximate area of all proposed lots.
- 9) Proposed provisions for water supply, drainage, sewage disposal and fire protection.
- 10) The location, width and approximate grade of all proposed major and local streets and changes in existing streets together with all strips being reserved for future street extensions, the approximate grades of streets to be shown along the center line at the beginning and end thereof at the intersections with other streets public or private and at all points where there are to be significant changes in the slope or direction of such street.
- 11) The name and address of the owner, the name and address of the developer and the name of the development, if any.

- 12) A sketch of the vicinity adjacent to the tract proposed to be subdivided, showing streets therein and the manner in which they may connect with or relate to streets in the proposed subdivision, so as to produce the most advantageous development of the area, at a scale of two thousand (2000) feet to the inch.

C. **Advice to Applicant**

Within sixty-five (65) days after the presentation of the preliminary sketch, the Commission will inform the applicant of the changes, if any, it suggests in the layout and in the character and extent of improvements and reservations, as a basis for preparing the application.

3.2 **Subdivision Application Procedure**

A. **Application Form**

The Commission shall, by resolution, authorize one of its members to receive applications for the Commission. The date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of application, at which such application is officially received by the Commission, or thirty-five (35) days from the date of application, whichever is sooner.

B. **Acceptance of Application**

No application shall be accepted or considered officially filed unless it complies in all respects with the provisions of this Article. The date of receipt of an application shall be the date specified in Paragraph A above.

C. **Signature on Application**

The application prescribed by the Commission shall bear the legal signature of the owner of record of the land to be subdivided and the legal signature of the Subdivider, if the Subdivider is other than the owner of record.

D. Fee to Accompany Application

All application fees, and any and all applicable Federal and State fees that may be required shall be made payable to the Town of Beacon Falls.

See SECTION 77 of the Beacon Falls Planning and Zoning Regulations for all fees.

E. Withdrawal of Application

At any time prior to action by the Commission on any application, the owner, or successor in interest, may withdraw such application by filing with the Commission, in writing, a formal request to that effect. If approval of an application has been granted by the Commission, the owner or successor in interest, may at any time prior to filing the approved plan on the land records return such approved plan to the Commission with a written request for cancellation of such approval and such cancellation of the plan shall be noted thereon.

F. Form and Content of Application

The application shall consist of:

- 1) The form referred to above in Section 3.2A, fully and properly completed and executed.
- 2) The original of a subdivision plan shall consist of six (6) prints thereof, which plan shall not be more than thirty-six (36) inches long nor twenty-four (24) inches wide, provided that, if the areas to be shown produce a larger drawing than this size, two (2) or more drawings shall be submitted, with suitable match lines. Such survey shall be on a scale of not more than one hundred (100) feet to the inch and there shall be included thereon at least the following:
 - (a) Location, dimensions and area of all proposed lots; easements and streets; with distances, bearings, angles, radii, etc., shown.
 - (b) Any existing structures, wetlands , watercourse, streets or easements of any nature, any established building lines on or adjacent to the land being subdivided, or within one hundred (100) feet of any boundary line thereof.
 - (c) Location of all existing monuments and all proposed monuments, may be required to be placed prior to subdivision approval.
 - (d) Name of the proposed development and proposed names of streets, if any.
 - (e) Name of the owner of record and of the developer, if other than the owner.
 - (f) Date, scale, compass direction with north arrow indication. (North to be toward the upper or the left-hand part of the plan.)

- (g) Names and locations of existing and proposed major and local streets.
 - (h) Location and description of any proposed relocation or improvement of watercourse and wetlands within the proposed subdivision.
 - (i) Names and addresses of abutting property owners and locations of stone walls on boundary lines.
 - (j) The zone or zones in which the proposed subdivision is located and any zone boundary line crossing or within one hundred (100) feet of the property.
 - (k) Certification that the accuracy of the information of the Plan meets the standards for Class A-2 Transit Survey established by the Connecticut Technical Council. Such certificate shall bear the personally endorsed signature of the land surveyor and seal.
- 3) Six (6) prints of the construction plan and profile drawings prepared in accordance with the Beacon Falls Road Ordinance. All such plan and profile drawings shall be prepared by and shall bear the seal and the personally endorsed signature of the professional engineer, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut and in accordance with the "Rules and Regulations of the State Board of Registration for Professional Engineers and Land Surveyors" and shall include at least the following information:
- (a) Profiles along the center lines and property lines of streets showing existing and proposed grade elevations, all of which elevations must be referable to U.S., State or Town bench marks which shall be noted on the plan.
 - (b) Existing elevations of all new streets, shown at five (5) points on a line at right angles to the center line of the street and radial when taken on curves, every one hundred

(100) feet along the entire length of the street said elevation points being the center line of the street, each property line and a point twenty-five (25) feet within the property on each side of the street. In addition, existing elevations shall be shown at fifty (50) foot intervals between the above one hundred (100) foot stations at three (3) points; the center line and each property line where there is a possibility that the street may be continued on through the adjoining property, elevations must be shown past the turnaround and at least one hundred and fifty (150) feet into the adjoining property.

(c) Proposed provisions for water supply, with location and size of existing and proposed water mains, sewage and storm water disposal, with size and invert elevations of existing and proposed storm and sanitary sewer installations, and the location of fire hydrants, if any.

(d) Such other information as may be consistent with good engineering practice.

4) The original of a grading shall consist of six (6) prints thereof, which plan shall not be more than thirty-six (36) inches long nor twenty-four (24) inches wide, provided that, if the areas to be shown produce a larger drawing than this size, two (2) or more drawings shall be submitted, with suitable match lines. Such survey shall be on a scale of not more than one hundred (100) feet to the inch and there shall be included thereon at least the following:

(a) Location of all proposed lots, easements and streets.

(b) Any existing or proposed structures or buildings, waterways, wetlands, watercourses, streets or easements of any nature, proposed drainage and water courses, flood plains or flood boundaries and base flood datum.

(c) Name of the proposed development and proposed names of streets, if any.

- (d) Name of the owner of record and of the developer, if other than the owner.
 - (e) Date, scale, and compass direction with north arrow indication. (North to be toward the upper or the left-hand part of the plan).
 - (f) Cross section drawings covering areas affected by the proposed regarding cuts, fills or soil or rock removal.
 - (g) All elevations must be referable to U.S., State or Town benchmarks, which shall be noted on the plan.
- 5) Six (6) prints of the subdivision plan, which shall show the location of, proposed buildings and other structures and proposed solar access areas, and all restrictions pertaining thereto.
- 6) Six (6) prints of an erosion and sediment control plan. The erosion and sediment control plan shall be based on the standards and specifications set forth in the "Erosion and Sediment Control Handbook" prepared the Soil Conservation Service, U.S. Department of Agriculture, a copy of which is on file with the Planning and Zoning Commission.
- (a) The map shall contain the words "..... is assigned the responsibility for implementing this erosion and sediment control plan. This responsibility includes the installation and maintenance of control measures, informing all parties engaged on the construction site of the requirements and objectives of the plan, notifying the Zoning Enforcement Officer and Wetland Enforcement Officer of any transfer of this responsibility, and for conveying a copy of the Erosion and Sediment Control Plan if the title to the land is transferred."
- 7) Such additional evidence as may be required by the Commission to establish to the satisfaction of the Commission that the land to be subdivided is of such character that it can be used for building

purposes without danger to health or the public safety; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water subject to flooding; that open spaces for parks and playgrounds will be established in places deemed proper by the Commission; and the Commission's adopted Plan of Development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed thoroughfares shown on said plan, especially in regard to safe intersections with such thoroughfares.

3.3 **Accompanying Documents**

The applicant shall submit the following documents either with the application or within thirty-five (35) days thereafter, unless otherwise noted.

- A. A grant or grants to the Town, in form satisfactory to Town Counsel, of lands for all required easements.
- B. A title certificate, signed by a Connecticut attorney, showing that the title to the property covered by the grants mentioned in A above is free of encumbrances which would render the title unmarketable or would prevent the use of the property for the purpose for which it is granted to the Town.
- C. A written agreement, in form satisfactory to Town Counsel, permitting entrance by the town onto the land covered by the grants mentioned in A above, as well as the area of the streets shown on the subdivision plan, for the purposes of inspection and of installing the required improvements in the event of the failure of the applicant to make such improvements or to properly maintain them until the town has assumed responsibility for them; and such written agreements shall provide that the developer, on demand, shall execute and deliver to the town a deed to the area of the street or streets shown on the subdivision plan as approved, including any strips reserved for future street purposes.
- D. A health report prepared by a professional engineer acceptable to the director, Valley Health Department, or his duly authorized agent, shall be submitted indicating the acceptability of each lot for a private

septic system and/or water supply when a sanitary sewer and/or public water supply are not available.

- E. Advisory reports from the Inland Wetlands Commission and Sewer Commission, **Fire Department, Fire Marshall, Police Department and Road Foreman.**
- F. Drainage computations, based on a storm frequency of 50 years, prepared by a professional engineer licensed by the State Board of Registration for Professional Engineers and Surveyors of the State of Connecticut, to permit the Commission and Town Engineer to check drainage design.
- G. A letter of credit for a bond as required by the Beacon Falls Road Ordinance upon action by the Commission on the application as specified in Section 3.4C below.
- H. A copy of a permit obtained from the Connecticut Department of Transportation in accordance with the General Statutes, where a proposed road or storm drain joins with a State highway, prior to action by the Commission on the application as specified in Section 3.4C below.

3.4 Procedure by Commission

A. Regional Planning Agency Referral

Whenever a subdivision of land is planned, any portion of which will abut or include land in another municipality, the Commission shall, at least thirty (30) days before approving the plan, submit it to the appropriate Regional Planning Agency for an advisory report.

B. Public Hearings

The Commission may hold a public hearing on any application if, in its judgment, the specific circumstances require such action and the Commission shall hold a public hearing on any application covering three (3) or more lots and upon any application covering a resubdivision. The Commission shall cause a notice of each such hearing to be given, in a newspaper of general circulation in Beacon Falls at least twice at intervals of not less than two (2) days, the first not more than fifteen days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing; and shall send a copy of such notice

by registered or certified mail to the applicant; such notice shall set forth the name of the owner, the name of the applicant and the location of the property and the time and place of the public hearing. Such hearing shall commence within sixty-five (65) days after receipt of such application.

C. Action on Application

The Commission shall render its decision on the application for a subdivision or resubdivision within sixty-five (65) days after the public hearing thereon or within sixty-five (65) days from the official receipt of such application when a public hearing is not held. The failure of the Commission to render a decision on the application within the sixty-five (65) day period shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. In approving, modifying and approving, or disapproving an application, the Commission shall state in its record reasons for such action.

D. Extension of Time

The applicant may consent in writing to an extension of time not to exceed a further period of sixty-five (65) days.

E. Notice of Decision

The Commission shall give notice of its decision in a newspaper having substantial circulation in Beacon Falls and by certified mail to the applicant within fifteen (15) days after the decision has been rendered. Such notice shall be a simple statement that such application was approved, or modified and approved, together with the date of such action.

3.5 Procedure by Applicant After Approval

A. Mylar and Prints

The original of a subdivision plan drawn on tracing Mylar with black waterproof ink, suitable for filing on the Land Records, together with eight (8) prints thereof, which shall not be more than thirty six (36) inches long nor twenty four (24) inches wide, provided that, if the areas to be shown produce a larger drawing than this six, two (2) or more drawings shall be submitted, with suitable match lines. Such survey shall be on a scale of not more than one hundred (100) feet to the inch. The Mylar and the identical eight-(8) prints are to be distributed as

follows; the Planning and Zoning commission, Zoning Enforcement Officer/Building Inspector, Inland Wetlands Commission, Wetlands Enforcement Officer, Town Engineer, Road Foreman, Fire Department and the Assessor.

The applicant will certify that all copies are identical and shall contain raised seal and original signature for final review by the town Engineer prior to the Commission's endorsement.

B. Filing of Approved Plan

Within ninety (90) days of the date an approved plan is delivered to the applicant, it shall be filed in the office of the Town Clerk, and any plan not so filed or recorded within the prescribed time shall become null and void. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days upon the written request by the Applicant and the plan shall remain valid until the expiration of such extended time.

C. Changes in Plan

No changes, erasures, modification or revisions shall be made in any subdivision plan after the Commission's approval has been indicated thereon, unless specifically approved by the Commission.

D. Expenses of Filing

All expenses for the preparation of instruments, plans and other documents and for the recording and filing of the same shall be borne by the applicant.

E. Obligation to Complete All Improvements

Following the Commission's approval of a subdivision plan and its filing on the land records of the town, the subdivider shall be required to complete, at this own expense, in accordance with the Commission's decision and to the satisfaction of the town Engineer, all of the streets, street and area drainage, sanitary and other improvements specified in the Commission's action approving the subdivision plan.

F. **Applicable Standards**

All such improvements shall be constructed in accordance with the Beacon Falls Road Ordinance existing as of the date of approval of the Subdivision Plan.

G. **Deeds to be Furnished**

Prior to acceptance by the Town of the street, the developer shall, at his own cost and expense, furnish the Town with an acceptable Quit Claim Deed for the right-of-way, which shall include any strips or gores of land reserved for future street purposes, together with an acceptable Title Certificate as required by the Beacon Falls Road Ordinance.

ARTICLE IV – GENERAL DESIGN STANDARDS

4.1 **General**

No subdivision plan shall be approved unless the land proposed to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety and unless proper provision has been made for water supply, drainage, sewerage and flood control.

4.2 **Streets**

A. **Plan of Development**

No subdivision plan shall be approved unless the proposed streets are in harmony with existing and proposed principal thoroughfares shown in the Plan of Development and with the other provisions of these Regulations.

B. **Continuation into Adjacent Property**

The arrangements of streets shall provide for the continuation and construction of such streets to the property line between adjacent properties except where the Commission shall find that such extensions unnecessary or impractical for topographic or other reasons. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the street shall be constructed to the property line. A temporary turnaround shall be provided at the end of any such temporary dead-end street, with a notation on the map to be filed on the Land Records that the area within the temporary turnaround but outside the normal street right-of-way shall automatically revert to the abutting property owners whenever the street is extended. At the time of extension, the developer proposing the extension shall be fully responsible for the removal of the excess paving; topsoiling, grading, seeding and planting in the areas outside the new gutter lines; the replacement or extension of driveways to the new pavement line; and any modifications of paving and drainage made necessary by the extension of the street.

C. **Relation to Topography**

Streets shall be related appropriately to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography so as to

minimize cuts and fills. The Commission shall not approve a combination of steep grades and curves.

D. Permanent Dead-End

Where a street does not extend to the boundary of the subdivision and its continuation will not be required for future access to adjoining property, its terminus shall not be nearer to such boundary than one hundred (100) feet or the minimum lot depth prescribed by the Zoning Regulations, whichever is greater. Reserve strips of land shall not be left between the end of a permanent dead-end street and an adjacent piece of property. However, the Commission may require the provision of a twenty-(20) foot wide passageway or easement to accommodate pedestrian traffic or utilities. A turnaround shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length to 1000 feet.

E. Names

All streets shall be named and such names shall be subject to the approval of the Commission. Names shall be sufficiently different in sound and in spelling from other street names in the Town so as not to cause confusion. A street, which is a continuation of an existing street, shall, except for good cause shown, bear the same name.

F. Local Street

Local streets shall be arranged so as to discourage through traffic.

G. Reserve Strips

Reserve strips controlling access to streets shall be prohibited.

H. Intersections

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. Where three (3) or more streets intersect, special treatment will be required by the Commission. Wherever two (2) streets intersect at an angle smaller than seventy-five degrees (75°), the right-of-way returns

and the relation of gutter grades shall be given special treatment, as determined by the Commission.

4.3 **Lots**

A. **Arrangement**

The lot arrangement and size shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Regulations and Ordinances of the Town of Beacon Falls and in providing driveway access to buildings on such lots from an existing street or a street approved by the Commission.

B. **Size**

Each lot shall conform to the Zoning Regulations of the Town of Beacon Falls and each lot shall have sufficient area and suitable dimensions to provide ample space to accommodate a private water supply system (where adequate public water supply is not available) and/or to accommodate the proper layout, installation and future extension of a private sewage disposal system (where sanitary sewers are not available), both as needed by the intended use of the lot and both in accordance with good engineering practice and the applicable requirements of the Connecticut State Department of Health or Department of Environmental Protection and the Valley Health Department. Where lots are more than double the minimum required area for the zone in which such lots are located, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning and Subdivision Regulations.

C. **Side Lot Lines**

Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this rule will give a better street or lot plan. The Commission shall have the final decision regarding such variations.

D. **Access from Major Roads**

Wherever practical, a lot shall not derive access exclusively from a major road. Where driveway access from a major road may be

necessary for several adjoining lots, the commission may require that such lots be serviced by a combined access drive in order to limit possible traffic hazard on such road. Driveways must be designed and arranged so as to avoid requiring vehicles to back into traffic on major roads.

E. Access Across a Watercourse or Drainage Course

Where a watercourse or drainage course separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure of design approved by the Town Engineer and the Inland Wetland Commission where applicable.

F. Municipal Boundaries

It shall be the discretion of the commission to refuse to permit municipal boundary lines to cross any lot, and in the event of such refusal, such boundary line shall be made to constitute one of the lot lines.

4.4 Body of Water

If a tract being subdivided contains a body of water, or portion thereof, lot lines shall be so drawn as to place the entire ownership and burden of maintenance of the body of water in the fee of an adjacent lot or in the fees of adjacent lots.

4.5 Water Supply

In the event the proposed subdivision is capable of being served by a public water supply system, provision shall be made for the installation of water mains and fire hydrants within the proposed development, including the installation of laterals to the street line of each lot in the proposed subdivision prior to the final surfacing of the street.

4.6 Sewage

In the event that the proposed subdivision is capable of being connected with a public sewerage system, such connection shall be required, including the laying of sewer mains in the streets and, where practicable, the installation of laterals to the street line of each lot in the proposed subdivision prior to the final surfacing of the street. Where private sewage disposal is to be used, approval by the Director of Health must be obtained.

4.7 **Drainage**

The developer must carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in easements satisfactory to the Town Engineer and shall be constructed in accordance with the Beacon Falls Road Ordinance. Culverts or other drainage facilities shall, in all cases, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision, under conditions of maximum development permitted by the Zoning Regulations. No watercourse shall be altered so as to divert surface drainage from one watershed to another.

4.8 **Utilities**

Electric, telephone and cable television lines and facilities in any street shall be installed underground unless the commission has determined that such underground installation is in whole or in part inappropriate or unfeasible. Wherever possible, such lines and facilities shall be located under street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement. All utilities shall be installed in accordance with the standards of the applicable public utility Company; and the Town Engineer shall approve the location and general installation of all underground utilities within the street right-of-way.

4.9 **Traffic Signs and Control**

Traffic signs and/or controls shall be provided by the developer and installed at all intersections in location within the right-of-way approved by the Board of Selectmen.

4.10 **Street Signs**

Street signs, as required by the Beacon Falls Road Ordinance, shall be provided by the developer and placed at all intersections in locations within the right-of-way approved by the Board of Selectmen.

4.11 **Street Trees**

Trees shall be planted on both sides of a street, except where unnecessary because of existing tree growth, and in locations approved by the Commission. Trees shall generally be located near the property line and be spaced approximately fifty (50) feet apart, subject to variations made necessary by

driveways and street corners as well as by the species of trees planted, and have a caliper of two (2) inches or larger measured at a height of at least six (6) inches above ground level. The Commission shall approve the species of trees.

4.12 **Reservation for Public Use**

A. Widening or Realignment of Existing Streets

Where the subdivision borders an existing street of less width than specified in the Beacon Falls road Ordinance, or when the Development Plan indicates plans for realignment or widening of a street that will require reservation of land in a subdivision, the Commission may require the subdivider to show such areas on the plan, marked "Reserved for Street Realignment (or Widening) Purposes". Land reserved for street widening or realignment may not be counted in satisfying the minimum requirements of the Zoning Regulations. The subdivision plan shall also show all slope easements required for the widening or realignment of the street.

B. Preservation of Existing Features

Existing features which would add value to residential development or to the Town as a whole, such as trees, watercourses and falls, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision. The commission may require reservation of such features, subject to acceptance by the Town within three (3) years of the approval of the application.

C. Recreation Areas

The Commission shall require that land be reserved for parks and playgrounds and open space where it deems such reservations appropriate. Each reservation shall be of proper size, topography and general character to serve the purposes deemed proper by the Commission and shall have adequate access to public streets. The area shall be shown and marked on the plan "Reserved for Recreation and Open Space Purposes", and shall be first offered to the Town of Beacon Falls. Should thirty five (35) days elapse after such offer, without the town electing to accept transfer of title to the land, the land shall be offered in a manner satisfactory to the Commission to provide adequate assurances to the commission that the purposes and intent of the open space or recreational areas is maintained to the following entities, to

the extent that they evidence acceptance of the title to the land, in the following order:

- a. The Connecticut affiliate of the Nature Conservancy or such organization or association legally constituted for conservation purposes.
- b. A private association consisting of owners of the lots within the planned subdivision.

The recreation or open space area shall be subject to the perpetual conditions (which shall also be deemed to be restrictions and covenants running with the land) that, (1) the recreation or open space area shall be held and used solely as a natural area preserved for conservation, scientific, educational, recreational, natural and/or aesthetic purposes, (2) the recreational or open space areas shall not be further subdivided, and (3) the recreation or open space area shall not be conveyed except, it shall be first offered to the Town of Beacon Falls and thereafter, if the Town does not accept the offer, to a similar conservation organization or homeowners association and subject to the same conditions, restrictions and agreements contained in the deed. Nothing herein contained shall be construed as prohibiting a developer from reserving other land for recreation and open space use in addition to the requirements of this section.

D. Ownership of Reservations

Where the title to a reservation is not offered for dedication to the Town, the ownership shall be clearly established in a manner satisfactory to the Commission to insure continued responsibility for such reservation.

4.13 Flood Hazard Areas

Where Special Flood Hazard Areas have been established by the Federal Flood Insurance Administration on or adjacent to the land proposed to be subdivided, Base Flood Elevations shall be shown on the map and elevations; and the same datum shall be established on the subject property to determine the extent of possible flooding.

4.14 Suitability of Land

Land subject to flooding, improper drainage and erosion, or any land deemed to be topographically unsuitable for use, shall not be subdivided for residential occupancy, nor shall such land be subdivided for any other uses as may continue such conditions, or increase danger to health, safety, life, or property, unless steps are taken to diminish the above-mentioned hazards.

4.15 **Passive Solar Energy Techniques**

All subdivisions shall utilize passive solar energy techniques for protecting solar access and achieving solar conscious building orientations whenever practicable. This will be achieved by:

- A. Having the building oriented so the longest axis is east west with a variation of 10° to the northwest and 20° to the southwest.
- B. Orienting streets in an east-west direction whenever possible to aid in solar access. (An east-west street means any street deviating no more than 10° to the northwest and 20° to the southwest of true east).
- C. In so far as practical orienting lot lines to be at right angles to the street on which the lot has frontage unless the purpose of the lot line orientation is to encourage greater solar access.
- D. All site plans show tree removal or pruning necessary to provide effective use of passive solar energy systems. Trees that enhance energy conservation will remain.
- E. Energy conservation in all subdivision can be achieved by taking advantage of southerly exposures to the maximum extent practical and by orienting the longest side of proposed buildings along the east-west axis.
- F. Taking into account solar access and building orientation requirements for proposed building lots in the planning stage, passive solar energy will be encouraged on as many lots as possible without interfering with solar access on adjoining lots. The choice of building design and the application of passive solar energy concepts within the building is left up to the owner of each lot.

- G. The Commission may require additional information to establish that passive solar energy techniques required by these regulations have been taken into account in the planning and design of the subdivision so as to enable the use of passive solar design to the maximum extent practicable.
- H. Providing solar access to the south wall of proposed buildings for 75% of the time between 8:34 A.M. and 3:08 P.M. local time on December 21st using “the procedure for evaluating solar access” available from the Planning and Zoning Commission.

4.16 Off Site Improvements

The commission may consider off-site improvements in cases where the reasonable and necessary need for such improvements is created by the proposed subdivision plan, and such off-site improvements would not be necessary except for the proposed subdivision plan. The commission may require such off-site improvements and require the applicant, at the applicant’s sole expense, to provide for and construct such off-site improvements as if they were on-site improvements, including development of public roads contiguous to the land being developed, subject further to board of Selectmen review and approval as, and when, otherwise required by ordinance.

ARTICLE V – IMPROVEMENTS

5.1 **Applicable Standards**

All improvements shall be constructed in accordance with the Beacon Falls Road Ordinance existing as of the date of approval of the subdivision plan.

5.2 **Inspection**

The Chairman of the Planning and Zoning Commission, or his authorized agent, the Building Inspector or the Town Engineer shall inspect required improvements during construction to assure their satisfactory completion and maintenance in accordance with the Beacon Falls Road Ordinance.

5.3 **Improvements Required by Unforeseen Conditions**

If it shall appear, during the course of the construction of any new street, or any other improvements required by the Commission in connection with the approval of the plans, profiles and specifications therefor, that additional or extra work or requirements are necessary owing to unforeseen conditions such as, but not limited to, springs, ancient drains, swampy conditions, side hill drainage from cuts, ledge rock or other conditions which were not apparent at the time of the approval by the Commission, the Commission, based upon a written report from the Town Engineer, may modify the terms and conditions of the approval so as to require such additional work to be done as may be necessary to conform to accepted engineering practices and, if it shall appear necessary, the Commission may require additional bond.

5.4 **Extension of Bond Period**

No bond shall be extended by the Commission unless the developer shall notify the Commission of his inability to complete the work within the time specified in the bond and, in such notification, which shall be made immediately upon the necessity for an extension becoming apparent, shall set forth:

- A. The detailed reasons for his inability to complete the work within the time specified in the bond.
- B. The amount of work which has been completed.
- C. The estimated time required to complete all the work.
- D. The period for which extension of the bond is required.

5.5. Release of Bond

No bond shall be released until the work covered by the bond has been inspected and certified as satisfactorily completed, as provided in the Beacon Falls road Ordinance.

5.6 Requirements Upon Completion

A. As Built Drawings

After completion of the construction of streets and other required improvements, the developer shall furnish to the Town Engineer a plan and profile prepared by a Civil Engineer in accordance with the Beacon Falls Road Ordinance.

B. Monuments

Permanent monuments shall be set at those points specified in the Beacon Falls Road Ordinance and at such other points as may be required; and their locations shall be shown on the As Build Plan.

C. Maintenance

Each and every improvement shall be fully and adequately maintained by the developer for a period of one (1) year after final acceptance by the Town in accordance with the Beacon Falls Road Ordinance.

ARTICLE VI – MISCELLANEOUS

6.1 Variation from Regulations

Where the Commission finds that, because of special circumstances in any particular case, extraordinary hardships may result from strict compliance with these regulations, it may permit a variation from the regulations for such particular case by a $\frac{3}{4}$ vote of all Commission members, so that substantial justice may be done and the public interest be secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations or of the Development Plan. In granting any such variation, the Commission shall attach such conditions as are, in its judgment, necessary to fulfill substantially the purposes of the standards or requirements and shall state on its records the reasons for the granting of any such deviation.

6.2 Waiver of Required Improvements

The Commission, upon the written request by the applicant, may waive the provision of any requirement, or part thereof, by a $\frac{3}{4}$ vote of all Commission members, with respect to a subdivision where physical site conditions exist which affect such subdivision, and are not generally applicable to other lands in the area. No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health or safety, conflict with the zoning Regulations or any other Town, State or Federal Regulations, or have the effect of nullifying the intent or purpose of these regulations or the Plan of Development. In granting any waiver, the Commission shall attach such conditions or require such guarantees as may be necessary to protect the public interest, and shall enter upon its record the reasons for which the waiver is granted.

6.3 Self-Imposed Restrictions

If the land contained in the subdivision has, or is to have, deed restrictions greater than those required by the Zoning Regulations, that fact shall be indicated in the application provided for in Section 3.2 of these regulations.

6.4 Validation

The adoption of these regulations shall not invalidate any subdivision or street layout approved by the Commission, or its predecessor, prior to the effective date hereof.

6.5 Unconstitutionality

Should any provision of these regulations be declared unconstitutional or ultra vires, such action shall not affect the validity of any other provision or part thereof.

6.6 Enforcement

These regulations shall be administered by the Commission or its appointed agent, who need not be a member of the Commission. The Commission or said agent shall examine any alleged violation of these Regulations and may employ qualified experts for such examination. The services of any such qualified experts employed by the Town or advise in establishing a violation shall be paid by the violator, if a violation is proved, and otherwise by the Town.