



Approved  
April 20,  
2005

**SUBDIVISION REGULATIONS  
OF THE TOWN OF BEACON FALLS, CONNECTICUT  
BEACON FALLS PLANNING AND ZONING COMMISSION**

The following regulations are the Subdivision Regulations of the Town of Beacon Falls, Connecticut, adopted on 5/18/06 by the Planning and Zoning Commission pursuant to the General Statutes of the State of Connecticut. These regulations contain amendments through \_\_\_\_\_.

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## SECTION I POLICY AND GENERAL REQUIREMENTS

### 1.1 Declaration of Policy:

It is declared to be the policy of the Planning and Zoning Commission (the Commission) of the Town of Beacon Falls to consider land subdivision as a living part of the community and as part of a plan for the orderly, efficient and economical development and growth of the Town of Beacon Falls rather than as a mere aggregation of lots. These Regulations are adopted in order that land subdivisions may be made in the best interests of the Town and in accordance with this policy and in order that land subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, that proper provision will be made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision will be made for protective flood control measures, and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown on any Plan of Conservation and Development for the Town especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs, and that in places deemed proper by the Commission, open spaces and parks and playgrounds shall be shown on the site development plan, and the existing and proposed operations, uses, and public improvements shall conform to and be properly related to the proposals shown on the Plan of Conservation and Development, and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Regulations and Plan of Conservation and Development and the Inland Wetlands and Water Courses Regulations.

### 1.2 Applicability:

These Regulations shall apply to the subdivision and re-subdivision of land within the Town of Beacon Falls.

### 1.3 Definitions:

The definitions appended to these Regulations are hereby declared to be a part of these Regulations. Unless specifically defined herein as part of Section 1-3, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

### 1.4 Approval Required:

No subdivision or re-subdivision of land shall be made by any person, firm or corporation until a map for such subdivision or re-subdivision has been submitted to and approved by the Planning and Zoning Commission of the Town of Beacon Falls and has been endorsed by the Commission and recorded in the Office of the Beacon Falls Town Clerk.



**1.5 Endorsement:**

No map of a subdivision or re-subdivision shall be endorsed by the Commission to permit filing in the Office of the Beacon Falls Town Clerk until all conditions of approval have been met. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the Commission to act, be filed or recorded by the applicant in the office of the Town Clerk within ninety days of the expiration of the appeal period under Section 8-8 (fifteen days after publication of notice of the Commission's decision), or in the case of an appeal, within ninety days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant...and any plan not so filed or recorded within the prescribed time shall become null and void, except that the Commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of such extended time. All such plans shall be delivered to the applicant for filing or recording not more than thirty days after the time for taking an appeal from the decision of the Commission has elapsed (fifteen days after publication of notice of the Commission's decision) or not more than thirty days after the date that plans modified in accordance with the Commission's approval and that comply with §7-31 are delivered to the Commission, whichever is later, and in the event of an appeal, not more than thirty days after termination of such appeal by dismissal, withdrawal, or judgment in favor of the applicant or not more than thirty days after the date that plans modified in accordance with the Commission's approval and that comply with §7-31 are delivered to the Commission, whichever is later. No such plan shall be recorded or filed with the Town Clerk...until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

**1.6 Procedure:**

The Planning and Zoning Commission, in reviewing any proposed subdivision or re-subdivision, and the person, firm or corporation proposing a subdivision or re-subdivision shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or re-subdivision unless it conforms to the standards hereinafter specified.

**1.7 Authorization of Construction:**

No person, firm or corporation shall be deemed to be authorized to commence any of the construction proposed in any subdivision or resubdivision until the record subdivision map has been approved by the Planning and Zoning Commission and filed or recorded in the office of the Town Clerk.

**1.8 Penalties:**

Any person, firm or corporation making any subdivision or re-subdivision of land without the approval of the Planning and Zoning Commission shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.



## SECTION 2 PROCEDURE

### 21 Presentations:

All applications, maps, plans, documents and data required by these Regulations shall be presented to the Commission at a Regular Meeting of the Commission scheduled in accordance with the By-Laws of the Commission. Any such material, pursuant to General Statutes §8-7d(c), may be submitted to the Town Clerk's office or may be transmitted by mail or may be presented to the Chairman or Secretary of the commission or at a commission meeting but such materials shall not be considered officially received by the commission until its next regularly scheduled meeting.

### 22 Informal Consideration:

The Planning and Zoning Commission strongly recommends that the applicant discuss informally with the Commission, Town Engineer, Health Department, and other interested parties his plan of subdivision prior to submitting an application. When Inland Wetlands are involved, it is recommended that preliminary discussions also be held with the Beacon Falls Inland Wetlands and Watercourses Commission. If the applicant elects to proceed informally as provided herein, he should prepare and present a preliminary plan of the subdivision or re-subdivision for informal consideration by the Commission. However, neither the preliminary plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or re-subdivisions of land under the provisions of the General Statutes of the State of Connecticut. Neither the preliminary plan nor the informal consideration shall be deemed to constitute part of the official procedure described in Chapter 126, Sections 8-28a and 8-28b of the Connecticut General Statutes.

#### 22.1 Preliminary Plan:

The preliminary plan should show sufficient information to allow the Commission to make a general planning review under the standards of these Regulations. The Commission recommends that the preliminary plan meet the standards for a SITE DEVELOPMENT PLAN under Paragraph 3-4.

#### 22.2 Review:

The Commission may hold an informal discussion with the applicant and may recommend any changes or improvements in the plan in order to guide the applicant in preparing maps and plans for formal application.

### 23 Application Requirements:

Whenever any subdivision of land (as defined in these regulations and including "re-subdivision") is proposed to be made, and before the Commission shall consider any proposed subdivision, and before any lots are sold and before any zoning permit or building permit for the erection of a structure in such proposed subdivision shall be



granted, the following requirements shall be met and information submitted by the person, firm or corporation proposing a subdivision or re-subdivision:

**23.1 Application:**

- a) Each application for a subdivision or re-subdivision shall be accompanied by a list of the names and addresses of the owners of all properties or portions of properties situated within 100 feet of the site of the proposed application, as indicated on the most recent records on file in the Town of Beacon Falls Tax Assessor's Office. Within seven (7) days of the submission of the application, the applicant shall mail notification of said pending application to at least one owner of record of each of said properties, as indicated on the most recent Grand List on file in the Assessor's records. The text of said notice shall include a general description of the proposal, number of lots involved, utility services to be provided, tentative construction schedule and other pertinent information as well as the name, address and telephone number of the person to contact for more specific information. Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing accompanied by a copy of the materials mailed, shall be submitted to the Commission together with a duplicate list of the above noted property owners within seven (7) days of the mailing. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of the application, but shall not result in an automatic denial. In the case of properties held in joint or multiple ownership, notification to a condominium officer or director, a corporate officer, a partner or other persons having partial ownership fee interest in the property shall be considered adequate notification to all co-owners or parties in interest.
- b) These written notification and posting requirements are in addition to any Statutorily mandated public notice requirements. Therefore, the Commission shall be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency whether perceived or real, in the above noted notification procedure shall not be construed as an automatic invalidation of any decision of the Commission on that application and shall not be considered jurisdictional.

**23.2 Application Fee:**

An application fee of \$100.00 for each lot shown on the subdivision map shall accompany the application, but in any event the minimum fee for each application shall not be less than \$500.00, payable to the Town of Beacon Falls at the office of Planning and Zoning Department.

**23.3 Record Subdivision Map:**

A record subdivision map shall be submitted with the application and shall conform to all of the requirements of Paragraph 3-2 of these Regulations.



**23.4 Construction Plans:**

Plan and profile drawing of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, bridges, culverts and other structures and improvements required by these Regulations shall be submitted with the application and shall conform to all of the requirements of Paragraph 3-3 of these Regulations.

**23.5 Site Development Plan:**

A site development plan shall be submitted with the application and shall conform to all of the requirements of Paragraph 3-4 of these Regulations.

**23.6 Sanitation Certificate:**

When the subdivision is not to be served by sanitary sewers and/or public water supply, the applicant shall present a statement from the Health Department approving the subdivision for private sewage disposal and/or water supply systems. In areas deemed appropriate and economically feasible, the Commission may require written certification of the applicant's right to tie into public sewer lines, as provided in Section 4.11.

**23.7 Connecticut State Highway Department Permit:**

Where a proposed subdivision street or storm drain joins with a State Highway, the applicant shall obtain a permit for such connection from the Connecticut State Highway Department and shall present a copy of such permit to the Commission.

**23.8 Public Water Supply:**

When public water supply is to be provided in any subdivision, the applicant shall obtain a letter from the Aquarion Company stating that application has been made for water main extension and service to serve the proposed subdivision, that Aquarion Company regulations have been complied with and that satisfactory water supply, pressure and service are available to serve the proposed subdivision.

**23.9 Inland Wetlands and Watercourses:**

When any subdivision involves land regulated as an inland wetland or watercourse under the provisions of the Connecticut General Statutes, Chapter 440, and if the Beacon Falls Inland Wetlands and Watercourses Commission has not already reviewed the subdivision, the applicant shall submit an application to the Inland Wetlands and Watercourses Commission no later than the day the application is filed for the subdivision or resubdivision. The Commission shall not render a decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision to such Commission. In making its decision the Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission.



### 23.10 Flood Plain Areas:

Applications for subdivisions to be located in Areas of Special Flood Hazard should also include the following:

- a. Written assurance, prepared by and bearing the raised seal of a professional engineer licensed to practice in the State of Connecticut, that the flood carrying capacity of any altered or relocated watercourse will be maintained;
- b. If encroachment on a "Regulated Floodway" is proposed, written assurance, prepared by and bearing the raised seal of a professional engineer licensed to practice in the State of Connecticut, that the proposed encroachment will not result in any increase in the flood levels within the community during the occurrence of the base flood discharge.

### 23.11 Additional Evidence:

Additional evidence shall be submitted 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 water, drainage and sewerage; that proper provision will be made for water, drainage and sewerage; 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 if the Commission shall have adopted a Plan of Conservation and 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 in said plan, especially in regard to safe intersections with such thoroughfares.

## 24 Formal Consideration:

After the above application requirements have been met, the Commission shall follow the procedures hereafter specified:

### 24.1 Review:

The Commission shall give consideration to the proposed subdivision or re-subdivision and shall determine whether the maps and plans and accompanying certificates and documents conform to the requirements of these Regulations. The Commission may request the submission of such additional information from the applicant that it deems necessary to make a reasonable review of the proposed subdivisions in accordance with the policy and requirements of these Regulations.

### 24.2 Hearing:

The Commission may hold a public hearing regarding the subdivision application if, in its judgment, the specific circumstances require such action. The



Commission shall hold a public hearing on any application for a re-subdivision. The Commission shall afford the applicant the opportunity to appear before the Commission. Notification of any public hearing shall be in accordance with State statutory requirements.

**243 Approval:**

The Commission, after the public hearing if any or after the meeting with the applicant, shall give approval to the subdivision application if it shall find that the subdivision map and plans and accompanying certificates, documents, and data conform to the requirements of these regulations. Such approval shall be conditioned upon presentation of suitable easements and deeds as specified in paragraph 2-4-4 and shall be conditioned upon completion of all required subdivision improvements and the execution of an agreement and the posting of a bond to guarantee such completion as specified in paragraph 2-4-6. In granting approval the Commission may attach such conditions as it deems necessary to modify the subdivision map, plans and documents to bring them into conformity with the provisions of these regulations. The Commission shall approve, modify and approve or disapprove any subdivision or resubdivision application or map and plans submitted therewith, within sixty-five (65) days after the completion of the public hearing thereon, or, if no public hearing is held within sixty-five (65) days after the receipt of such application, unless the applicant consents in writing to an extension of this period. The Commission, in approving, modifying and approving or disapproving any subdivision application, shall state in its records any conditions of approval, any modifications required or the grounds for its approval. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to the applicant according to State statutory requirements.

**244 Easements and Deeds:**

Any open spaces for parks and playgrounds to be dedicated to the Town, appurtenant easements, any easements for sanitary sewers and public rights-of-way and any easements for storm drainage and water courses draining existing or proposed public streets or public streets that may be constructed in the future shall be confirmed by written easements and deeds describing the land involved and the privileges of the Town in a form satisfactory to the Town Counsel. Such easements and deeds shall be presented prior to endorsement of the record subdivision map.

**245 Map Endorsement and Bond:**

In addition to the requirements set forth in Section 1.5 of these regulations, the Commission shall not endorse the record subdivision map to permit filing with the Town Clerk until all conditions of approval have been met, and all required easements and deeds have been presented. Prior to endorsement of the record subdivision map, the applicant shall file a Letter of Credit with the Commission to guarantee that completion of all required subdivision improvements has been



completed in accordance with the plans as approved within five (5) years. The Letter of Credit shall be in form and amount with surety acceptable to the Town.

**24.6 Completion of Improvements:**

All improvements required by the approval of a subdivision application shall be completed within five years after such approval. The Commission's endorsement of the record subdivision map shall state the date on which such five-year period expires. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such subdivision plan provided the Commission shall file on the land records notice of such expiration and shall state such expiration on the record subdivision map, the Commission's action shall be consistent with Section 4, Section 8-26 c (b) of the Connecticut General Statutes as amended.

**24.7 Recording:**

The date of endorsement of the record subdivision map shall be noted on the map by the Chairman or Secretary of The Commission. Said record subdivision map, together with any related easements and deeds shall within 90 days after endorsement of the map be filed for record in the Office of the Beacon Falls Town Clerk. The fee for filing of said map, easements and deeds shall be paid by the applicant.

**24.8 Certificates of Compliance:**

Before release of any subdivision bond, or before the Commission endorses any subdivision map to permit filing with the Town Clerk when no subdivision bond has been posted, the following shall be completed by the applicant and submitted to the Commission:

- a. The applicant's land surveyor, licensed to practice in the State of Connecticut, shall certify the installation and precise location of monuments by noting such monuments and their location on the record mylar. The mylar shall have a note stating that it is produced as an original ink drawing and bear the live signature and raised seal of the licensed land surveyor;
- b. The applicant's land surveyor or engineer, licensed to practice in the State of Connecticut, shall update the mylar construction plans to show "as-built conditions", certifying that all of the required improvements have been completed in the location and at the elevation shown thereon. The mylar shall have a note stating that it is produced as an original ink drawing and bear the live signature and raised seal of the licensed land surveyor;
- c. The applicant shall submit a formal request for Town of Beacon Falls acceptance of all streets shown on the Record Subdivision Map; such requests shall be in a form and with accompanying documents as approved by the Commission and Town Counsel.

249 Release of Surety:

No surety shall be released until the improvements covered by such surety have been inspected by the Town Engineer and the certificates of compliance submitted as provided in Paragraph 2-4-8. In addition, the applicant shall execute an agreement and file maintenance surety in the amount of 10% of the construction surety to guarantee maintenance of and to cover unforeseen deficiencies in the required subdivision improvements. In the case of improvements, which are to be offered for acceptance by the Town, the maintenance surety shall terminate no earlier than one (1) year after the date of acceptance of the improvements by the Town. The maintenance surety shall be in form and with surety as required in Paragraph 2-4-5 and shall be in an amount determined by the Commission with the recommendation of the Town Engineer.



## SECTION 3 MAPS AND PLANS

### 3.1 General:

The maps and plans required by these Regulations shall show the information and be prepared in accordance with the standards hereinafter specified. In accordance with the provisions of the General Statutes of the State of Connecticut which define "Professional Engineer" and "Land Surveyor" and which limit practice to the field of registration, all required maps and plans that involve the design of roads (both horizontal and vertical alignment), drainage systems (including the design and location of structures and pipe), sanitary sewer systems, sewage disposal systems and water supply and distribution systems constitute professional engineering and as such must bear the name and raised seal of a Connecticut-licensed Professional Engineer; a Land Surveyor's seal or an Architect's seal is not acceptable for this phase of land subdivision design work. Conversely, the phase of land subdivision including all required maps and plans which relate to topography and the delineation of the boundary lines of the perimeter of the subdivision as well as the interior lots and streets constitutes land surveying within the meaning of the General Statutes and as such must bear the name and raised seal of a Connecticut-licensed Land Surveyor. A Professional Engineer's seal or an Architect's seal is not acceptable for this phase of land subdivision. Pertinent survey data and computations shall be presented to the Town Engineer for review if requested by him.

### 3.2 Record Subdivision Map:

The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" of the Connecticut Technical Council, Inc. The map shall be clearly and legibly drawn on sheets 24' x 36'. The Record Subdivision Map should be drawn to a scale of 1" = 40' but in no case smaller than 1" = 100'. The Record Subdivision Map shall show the following:

- 3.21 Title of the subdivision, which shall not duplicate or approximate the title of any previous subdivision in the Town of Beacon Falls.
- 3.22 Name and address of the legal owner of the land to be subdivided; name and address of the sub-divider, licensed Engineer and/or land surveyor
- 3.23 Date, scale, approximate true north point, Town and State
- 3.24 Existing and proposed water bodies, Inland Wetlands and Watercourses and setbacks; existing and proposed easements, rights-of-way, and Special Flood Hazard Areas.
- 3.25 Proposed lots and lot numbers; existing and proposed open spaces; the square footage or acreage of all lots and the total acreage of land included in the subdivision.
- 3.26 Existing permanent buildings and structures; all existing and proposed building setback lines and/or other building restriction lines.



- 327 Dimensions on all lines to the hundredth of a foot and all bearings or deflection angles to the nearest twenty seconds on all straight lines and the central angle, tangent distance and radius of all arcs.
- 328 Locations of all existing and proposed monuments and the Town Line where applicable; the survey relationship of proposed streets to nearby monumented Town Streets or State highways where appropriate or practical.
- 329 The zoning district in which the subdivision is situated and any zoning district boundary lines.
- 3210 An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet. Where the applicant wishes to develop the proposed subdivision in stages, the applicant shall indicate the stages on the subdivision plan.
- 3211 A location map matching the Assessor's base map and accurately showing the subdivision in relation to existing roads in the Town.
- 3212 The words "Approved by the Planning and Zoning Commission – Town of Beacon Falls" with a designated place for the signature of the Chairman or Secretary and date of signing.
- 3213 The words "Approved by the Inland Wetlands and Watercourses Commission – Town of Beacon Falls" with a designated space for the signature of the Chairman or Secretary and date of signing.
- 3214 Applicable notations, such as any recorded permit obtained from the Beacon Falls Inland Wetlands and Watercourses Commission.

### 3.3 Construction Plans:

Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures shall be submitted, approximately 24" x 36", and shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. Eight (8) blue line or black line prints shall be submitted. The original reproducible shall be retained by the applicant for purposes of preparing "as-built" drawings upon completion of improvements. Profile drawings and elevations shall be based on Town, State or U.S. benchmarks or other permanent benchmark approved by the Town Engineer; the benchmarks used shall be noted on the plan. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision.

- 3.3.1 Title of the subdivision, date, scale, Town and State.
- 3.3.2 For streets, the existing grades at the center line and both street lines and the proposed grade at the center line; street lines and edge and width of pavement; the area within 50' on both sides of the street right-of-way.



- 3.3.3 Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; sample ditch and watercourse cross sections.
- 3.3.4 Approximate location of lot lines intersecting the street lines; lot numbers and street names.
- 3.3.5 Sidewalks, curbs, gutters where required, and special structures.
- 3.3.6 Reference to "Standard Construction Details for Subdivision Improvements"; detail drawings of all facilities if not covered by the Standard Construction Details.
- 3.3.7 Street trees as provided in Paragraph 4-18.
- 3.3.8 A construction sequence that outlines which construction activities are to be completed first; whether materials are to be imported or exported and volumes of same; access locations, stockpile areas, land-clearing, roadway construction, utility installation and restoration. Time schedules and specific locations for each item shall be provided.

In addition to the above plan-profile drawings, other necessary construction drawings and details shall be submitted on eight blue line or black line prints.

#### 34 Site Development Plan:

The Site Development Plan shall be drawn on sheets 24" x 36" preferably to scale of 1" = 40' but in no case smaller than 1" = 100'. In general the plan shall show existing conditions, the proposed layout of the subdivision and a layout of all contiguous land of the applicant that may be subdivided in the future. Eight blue line or black line prints shall be submitted. The plan shall show at least the following information:

- 3.4.1 Title of the subdivision, which shall not duplicate or approximate the title of any previous subdivision in the Town of Beacon Falls.
- 3.4.2 Name and address of the legal owner of the land to be subdivided; name and address of the subdivider, licensed Engineer and/or land surveyor.
- 3.4.3 Date, scale, approximate true north point, Town and State.
- 3.4.4 Existing and proposed water bodies, swamps, inland wetlands and watercourses; existing and proposed easements and rights-of-way; special flood hazard areas; drainage rights granted to the Town of Beacon Falls on all lots containing water courses or receiving natural drainage or culvert discharge from surrounding properties.
- 3.4.5 Existing contours at an interval not exceeding two (2) feet based on field or aerial survey and using the same bench mark as provided in Paragraph 3-3 where proposed roads end at a boundary line of a subdivision and do not meet an existing road.



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- 3.4.6 Proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds.
  - 3.4.7 Existing permanent buildings and structures; all existing and proposed building setback lines and/or other building restriction lines.
  - 3.4.8 Approximate dimensions on all proposed property and street lines; approximate lot area and total acreage of land included in the subdivision.
  - 3.4.9 The names, locations, the widths of all existing and proposed street rights-of-way, easements, and pavement in the subdivision.
  - 3.4.10 Existing and proposed monuments.
  - 3.4.11 The zoning district or districts in which the subdivision is situated and any zoning district boundary lines.
  - 3.4.12 Existing and proposed storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures.
  - 3.4.13 Key elevations of existing adjoining roads and spot elevations showing tentative grading of proposed roads within the subdivision.
  - 3.4.14 Invert elevations at key points on proposed storm drains, sanitary sewers, ditches and watercourses.
  - 3.4.15 Approximate limits of clearing and grading, and approximate vegetative and mechanical measures to be used during construction for temporary erosion and sediment control and for permanent erosion and sediment control.
  - 3.4.16 Street trees as provided in Section 4-18; principal wooded areas, any ledge outcrops and existing stonewalls and fences within the subdivision.
  - 3.4.17 A note indicating the location and size of the nearest water main extension of the Aquarion Water Company.
  - 3.4.18 A location map (scale 1" = 1,000') showing the location of the subdivision and proposed streets in relation to existing roads in the Town, and the natural storm drainage areas relating to the proposed subdivision.

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### 3.5 Sedimentation and Erosion Control Plan:

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The sedimentation and erosion control plan shall show and adequately describe all measures and improvements which can reasonably be undertaken to reduce, control, or eliminate erosion during development along with appropriate schedules based on time and stage of construction which show that such measures and improvements will be undertaken at the earliest practicable time, and show existing and proposed topographic information. Plans shall be accompanied by an estimate of improvements costs and the cost of such improvements shall be included in the bond. Said plans may be referred to the Southwest Conservation District or any governmental agency or regulatory body for



review and recommendations, and shall be reviewed and evaluated by the Town Engineer.

### 3.5.1 Control Measures:

The following control measures shall be used for an effective erosion and sediment control plan:

- a. The smallest practical area of land shall be exposed at any time during development. At no time shall the amount of area exposed be greater than 5 acres.
- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c. Where necessary, temporary vegetative and/or mulching shall be used to protect areas exposed during development.
- d. Sediment basins (debris basins), desilting basins, or silt traps shall be installed and maintained to remove sediment from runoff waters and from land undergoing development.
- e. Increased runoff caused by changed soil surface conditions during and after development.
- f. Permanent vegetation and structures shall be installed as soon as practical in the development.
- g. Provisions shall be made to protect and maintain desirable landscape features by constructing barricades around selected trees and areas if they are within, or near to the construction area. This procedure should be completed before any grading or ditching operation commences.

### 3.5.2 Soil Preservation and Final Grading:

In areas of those subdivisions where the grade is to be changed or natural vegetation seriously damaged, except that portion of the subdivision to be covered by buildings, structures, or included in driveways, streets, watercourses, or rock formations, such areas shall be pre-covered with soil with an average depth of at least four (4") inches which depth shall contain no particles over two (2") inches in diameter. Topsoil shall not be removed from the subdivision until such areas are provided with at least four (4") inches of topsoil, which shall be stabilized by seeding or planting.

### 3.5.3 Lot Drainage:

In those subdivisions where lots are to be graded as part of the subdivision, lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Lot grading shall comply with the Town's Stormwater Management Ordinance. The area shall be evenly graded to slope not



exceeding one (1) foot of a rise for two (2) feet of horizontal distance or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area so as to avoid concentration of storm drainage water from each lot to adjacent lots and to avoid stagnant pools of water. This provision shall not apply to cuts of rock, to undisturbed areas generally, or to areas to be covered by buildings, structures, streets, or watercourses.

**3.5.4 Lawn Grass Seed and Sod:**

In the same applicable areas as in paragraph 3.5.2, such areas shall be subject to re-spreading of soil and appropriate seeding prior to release of the subdivision bond; except that the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Building Official, that re-spreading of soil and seeding of lawn will be done the immediate following planting season and leave a cash escrow for performance as shall be determined by the Town Engineer. Sod may be used to comply with any requirement of seeding set forth herein. In place of a permanent vegetative cover, additional temporary vegetative cover may be required by the Commission.

**3.5.5 Debris and Waste:**

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land nor be left or deposited on any lot or street prior to and/or after the release of the subdivision bond unless such materials and locations have been specifically authorized by the Commission for proper disposal.

**3.5.6 Additional Requirements:**

The Commission shall require the furnishing of all technical information required to determine the adequacy of each proposal. In certain cases, this may include the following types of information:

- a. A narrative outline of the sequence and staging of land disturbing activities.
- b. A statement about the off-site effects of land disturbing activities.
- c. A maintenance program for the sedimentation and erosion control facilities.
- d. Location of all test holes, test pits, or borings.

**3.5.7 Exemptions:**

No Sedimentation and Erosion Control Plan shall be required for agricultural and horticultural activities, the construction of a driveway which does not at any point vary from the surrounding grade by more than one (1) foot, and the normal



construction or maintenance of a septic tank or associated drain field, not involving changes in the grade of the surrounding land.

**3.6 Sedimentation and Erosion Control Plan Requirements:**

The Sedimentation and Erosion Control Plan shall be drawn on sheets 24" x 36" and to the same scale as the Site Development Plan. Contours and elevations shall be based on the same benchmarks as provided in Paragraph 3-3. Eight blue line or black line prints shall be submitted. The Sedimentation and Erosion Control Plan shall show at least the following information:

- 3.6.1** Title of the subdivision.
- 3.6.2** Name and address of the owner of the land to be subdivided; name and address of the subdivider if different from the owners; name and address of professional engineer or land surveyor.
- 3.6.3** Date, scale, north point, Town and State.
- 3.6.4** Layout of existing and proposed lot lines and street lines.
- 3.6.5** Existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey.
- 3.6.6** Location of critical environmental areas such as rock out-crops, Inland Wetlands, Watercourses, Special Flood Hazard Areas, and nature and extent of existing vegetation.
- 3.6.7** Soils information, as required by the Commission and the Inland Wetlands and Watercourses Commission.
- 3.6.8** Proposed alteration of the areas, such as limits of clearing and grading, areas of cuts and fills, buildings, roads, storm water management facilities (including proposed changes in water courses).
- 3.6.9** Vegetative and mechanical measures to be used during construction for temporary erosion and sediment control and for permanent erosion and sediment control to provide long term protection.
- 3.6.10** Proposed date project is to begin and expected date of final stabilization, accompanied by appropriate schedules for erosion and sediment control.
- 3.6.11** Existing permanent buildings and structures.
- 3.6.12** The developer should be guided by the technical standards and control measures of the Guidelines for Soil Erosion and Sediment Control, Connecticut - Revised 2002, and the Southwest Conservation District.

In addition to the above sedimentation and erosion control plan, the Town Engineer may request the submission of cross section drawings covering the proposed excavation area.



## SECTION 4 DESIGN STANDARDS

### 4.1 Conformance to Applicable Rules and Regulations:

In addition to the requirements established herein all subdivision plans shall comply with the following laws, standards and regulations:

- 4.1.1 All applicable statutory provisions
- 4.1.2 The Beacon Falls Zoning Regulations, building and housing codes and other applicable laws.
- 4.1.3 The Town's Plan of Conservation and Development: as best as practical, subdivisions shall be planned and designed in general conformity with any Plan of Conservation and Development, adopted by the Commission under Chapter 126 of the Connecticut General Statutes for the Town or the neighborhood encompassing the subdivision, particularly with regard to a) location and classification of streets, b) sanitary sewer, water supply and drainage systems and service areas and c) reservation of land for parks, recreation and open space.
- 4.1.4 The special requirements of these regulations and any rules of the Health Department and/or appropriate State Agencies.
- 4.1.5 The rules of the State Department of Transportation if the subdivision or any lot contained therein abuts a State highway.
- 4.1.6 The standards and regulations adopted by the Town Engineer and all Boards, Commissions, Agencies, and Officials of the Town of Beacon Falls.
- 4.1.7 All work shall conform to the Standard Specifications for Road, Bridge and Incidental Construction, Form 816 (CONNDOT-816).
- 4.1.8 Approval of a proposed subdivision may be withheld if the subdivision is not in conformity with the above guides on policy and purpose of these regulations established in Section 1.1 of these regulations.

### 4.2 Character of Land:

Land which the Commission finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes as defined by the Town's Zoning Regulations, rock formations, adverse earth formations or topography, utility easements, ridgelines, special rock formations, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Commission, upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions.



#### 43 Building Lots:

Proposed building lots shall be of such shape, size, location, topography, access and character as to be occupied and used for building purposes, whether single family houses, apartments, business or industrial as permitted by law, without danger to the health and safety of the occupants, the neighborhood or the public. Any proposed lot which is found unsuitable for occupancy or building by reason of water or flooding conditions, topography, unsuitable soils or other conditions shall be combined with another contiguous lot that is suitable for or shall be marked "This is not an approved lot" on the Record Subdivision Map, until necessary improvements to the lot have been made and approved by the Commission and a revised Record Subdivision Map has been submitted to and approved by the Commission. Proposed building lots shall also conform to the following additional standards as stated below. However, the Commission may approve lots which do not meet all of the requirements subject to identification of such lots and imposition of additional conditions, i.e. "Prior to the approval of any application for a certificate of Zoning Compliance and issuance of a building permit on Lots # \_\_\_\_\_, a detailed, engineered site plan complying with all requirements of Section 8.2 of the Zoning Regulations of the Town of Beacon Falls shall be prepared by a registered professional engineer for review and approval by the Planning and Zoning Commission. This site plan shall give specific attention to existing and proposed contours, grading, driveways, building locations, proposed retaining walls and embankments, on-site utility systems, storm drainage facilities, soil erosion control, significant landscaping features and other information deemed appropriate by the Commission."

##### 4.3.1 Terrain:

Proposed building lots shall be planned to make best use of the natural terrain, to preserve substantial trees, woods and water resources and to avoid extensive re-grading. Each lot shall be capable of accommodating automobile access to a parking space or spaces on the lot by means of a driveway. The maximum grade for any driveway is 12%. Any driveway or section thereof where the grade is equal to or greater than 10% shall be paved with bituminous concrete.

##### 4.3.2 Lot Size:

Each lot shall conform to the current "Zoning Regulations of the Town of Beacon Falls, Connecticut", unless required by these Regulations to be larger in order to accommodate onsite sewage disposal and/or water supply systems.

##### 4.3.3 Lot Numbers:

All lots shall be numbered beginning with the numeral "1" and shall continue consecutively throughout the entire subdivision with no omissions or duplications. No fractions and no prefixes or suffix such as "1A", "B2" or "CC" shall be used unless necessary for clarity in a subdivision. Adjoining subdivisions having the same title shall not duplicate the numbers used previously for the adjoining land. All lot numbers shall be conspicuous and centered in the approximate center of the lots.



#### 43.4 Lot Lines:

Insofar as practicable, the side lot lines of all lots shall be at right angles to the street on which the lot faces or shall be radial to the street line. 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.

#### 43.5 Lot Access:

Where driveway access from a thoroughfare may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on principle thoroughfares. Furthermore, driveways should be designed so that safe sight distances are provided.

#### 4.4 Streets:

Streets shall be planned and designed to provide a safe and convenient system for the present and prospective traffic and to conform to the following standards:

##### 4.4.1 Classification:

All streets shall be classified as follows:

##### a. Thoroughfare:

A street of considerable existing or potential continuity on which traffic past abutting lots will be dominant and serving as an artery for intercommunication among large areas of the Town or serving as a feeder to a neighborhood.

##### b. Local Street:

A street primarily providing access to abutting residential properties.

##### c. Commercial Street:

A Street giving direct access to or circulation within business or industrial areas.

##### 4.4.2 Right-of-way Width:

Streets shall have the following minimum width of right-of-way according to their classification:

##### a. Thoroughfare: 60 feet

##### b. Local Street: 50 feet



- c. Commercial Street: 60 feet
- e. Turnaround: 60 foot radius

**443 Width of Pavement:**

Streets shall be designed with the following width of pavement centered between the street lines:

- a. Thoroughfare: 40 feet
- b. Local Street: 30 feet
- c. Commercial Street: 36 feet
- e. Turnaround: 50 foot radius

**444 Horizontal Alignment:**

**A. Radius of Curvature**

The minimum radius of Curvature at the centerline of streets shall be as follows:

- 1. Thoroughfare: 500 feet
- 2. Local Street: 150 feet
- 3. Commercial Street: 300 feet

**B. Length of tangents between reverse curves.**

The Minimum tangents between reverse curves shall be provided as follows:

- 1. Thoroughfare: 300 feet
- 2. Local Street: 100 feet
- 3. Commercial Street: 200 feet

**445 Grade:**

Streets should in general follow the contours of the land. The minimum grade for any street shall be 1.0% and the maximum grade shall not exceed the following:

- a. Thoroughfare: 6%
- b. Local Street: 10%
- c. Commercial Street: 6%

- e. Turnaround: 3% permanent; 6% temporary

#### 4.4.6 Vertical Curves:

Appropriate vertical curves shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street and good engineering practice. Where any street approached an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersected. Stopping site distance and intersection site distance, shall meet minimum CONNDOT requirements.

#### 4.4.7 Intersections:

The following standards shall apply to the street intersections:

- a. No more than two streets shall intersect at one point. Intersections shall be spaced not less than 400 feet apart, except when in the opinion of the Commission conditions justify a variation from this requirement.
- b. Streets shall intersect one another at as near to a right angle as is practical. No intersection shall be at an angle of less than 60 degrees.
- c. At street intersections, property line corners shall be rounded by an arc having a minimum radius of 25 feet.

#### 4.4.8 Street Lines:

Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with these regulations. No street right-of-way shall be widened beyond minimum width specified in these Regulations for the purpose of securing additional street frontage for proposed lots.

#### 4.4.9 Relation to Adjoining Areas:

Proposed streets shall be planned in such a manner as to provide safe and convenient access to proposed lots and with due consideration for preserving desirable trees and natural features in the subdivision and for accomplishing an attractive layout and development of the land in the subdivision and in the neighborhood. Local streets and private streets in residential areas shall be planned to discourage through traffic but also to provide a safe and convenient system for present and prospective traffic in the subdivision and shall be planned where appropriate for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided. The distance between intersections and connecting streets shall not be less than 400 feet nor more than 1000 feet, except when in the opinion of the Commission conditions justify a variation from this requirement.



- a. When a subdivision proposes the continuation of an existing dead-end street, it shall be the full responsibility of the sub-divider to improve said street extension or connection; including, but not limited to, the removal of any temporary turnaround, the replacement of all curbs and driveway aprons, the replanting of all unpaved areas and the extension or connection of all other required improvements.
- b. When a right-of-way for a future street or extension of a street is proposed on a subdivision Plan, the Commission may require the sub-divider to improve all or any portion of said street right-of-way.

#### 44.10 Dead End Streets:

No permanent dead end street shall be planned except when topography, soils, or other physical conditions make it impractical or undesirable to extend it or connect it with another proposed or existing street, or when traffic flow patterns will result in undesirable impacts on existing neighborhoods or when the Town-wide street pattern does not require a connection and the peace and tranquility of existing or proposed development will be enhanced, as determined by the Commission. Notwithstanding the above, no permanent dead end street shall exceed 1000 feet in length. Temporary dead end streets may exceed such length but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission. A turnaround shall be provided at the closed end of any dead end street serving one or more building lots. Land for a turnaround on a temporary dead end street may be provided in the form of a temporary easement bearing a note on the map "Easement for the temporary turnaround that automatically terminates upon extension of street."

- a. Said right-of-way shall be dedicated to the Town or otherwise permanently secured for the Town by the sub-divider. Any necessary slope rights on abutting property shall be either temporarily or permanently secured for the Town by the sub-divider, as required by the Town Engineer.

#### 44.11 Existing Streets:

Where a tract of land to be subdivided has a frontage on an existing Town street, adequate provision shall be made for slope and drainage rights and for the proper widening of the right-of-way of the existing street to 50 feet or to a greater width depending upon the classification given the street by the Commission.

#### 44.12 Street Names:

All proposed streets serving one or more lots shall be named and shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in Beacon Falls or any adjoining municipality. All street names shall be subject to the approval of the Commission.



#### 4.4.13 Cross Section:

Streets shall be designed with a cross section in accordance with the classification of the street and the "Standard Construction Details for Subdivision Improvements".

#### 4.5 Monuments:

Monuments shall be located at all intersections and at all angles and points of curve of other critical points on street lines to enable a land surveyor to correctly stake out any lot or street in the subdivision.

#### 4.6 Storm Drainage:

The design of all storm drainage facilities shall conform to the Beacon Falls Stormwater Management Ordinance and be subject to the approval of the Commission and the Town Engineer. In general, storm water runoff shall be computed using the rational Formula with runoff factors approved by the Town Engineer and in accordance with good engineering practice. Street drainage systems shall be designed to handle a ten-year 24-hour storm, and cross culverts and similar systems not less than a fifty-year 24-hour storm. The following additions standards shall also apply:

##### 4.6.1 Manholes:

Manholes shall be provided at each change in direction or grade of the pipe and shall not be spaced more than three hundred (300) feet apart.

##### 4.6.2 Catch Basins:

Catch basins shall be provided in order that surface water will not travel without interception more than two hundred fifty feet. Gutter flow analysis shall dictate if basins are needed more frequently.

##### 4.6.3 Discharge:

The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town or State drains, ditches or other drainage facilities with adequate capacity to carry additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the Town before approval of the Record Subdivision Map and acceptance of the drainage plan. No storm water shall be diverted from one watershed to another.

##### 4.6.4 Headwalls and Culverts:

Suitable headwalls shall be provided at the open end of any pipe. Culverts under streets shall be extended to the edge of the right-of-way of the street and shall have a minimum diameter of 18 inches.



#### 4.6.5 Detention:

Unless otherwise approved by the Commission, all drainage systems shall include a storm water detention system, which shall provide a zero increase in peak runoff for storms up to 100-year frequency.

#### 4.7 Special Structures:

Bridges, box culverts, deep manholes and other special structures shall be designed in accordance with good engineering practice. Bridges and box culverts shall be designed to carry the full width of required street pavement and at least four-foot sidewalk on each side.

#### 4.8 Easements:

Easements, having a minimum width of twenty-five (25) feet or such greater width as may be required by the Town Engineer, shall be provided for all storm water and sanitary sewer pipes which will not be installed in streets to be dedicated to the Town. The easement shall be located so that the pipe is positioned ten (10) feet from the boundary of such easement. Easements at least twenty-five (25) feet in width shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street, or streets which may be constructed in the future on unsubdivided land within the watershed. Easements shall also be provided, in locations deemed proper by the Commission or the Town Engineer, for storm water and sanitary sewer pipes, water mains, or other utility lines that may need to be installed in the future.

#### 4.9 Channel Lines:

Channel lines shall be provided along any major stream or river for the purpose of preventing encroachment upon and constriction of the natural water channel by buildings, filling operations or other facilities and construction. The width of the channel shall be based on sound engineering calculations anticipating long range storms and flow potentials and recognizing proper alignment and gradients of the channel. A note shall be placed on the record subdivision map explaining the channel lines and stating the restrictions against encroachment upon the channel in a manner approved by the Town Counsel.

#### 4.10 Special Flood Hazard Areas:

When land to be subdivided includes land in a Special Flood Hazard Area, lots, streets, drainage and other improvements shall be designed in a manner to be capable of use without danger from flooding or flood related damages and be consistent with the need to minimize flood damage within the subdivision and the surrounding area. Such subdivisions shall also satisfy the following additional criteria:

##### 4.10.1 Ordinance:

All lots, streets, drainage and other improvements shall conform to the standards set forth in the Road Ordinance of the Town of Beacon Falls.



#### 4.10.2 Access:

Streets shall be of such elevation or shall be suitably protected as to allow access during flood; and

#### 4.10.3 Preservation:

The Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the area, and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property, which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, except at the discretion of the Commission.

#### 4.10.4 All applications for subdivisions shall include base flood (100 year flood) elevation data.

The provisions of Section 4.9 also apply to the items in this Section.

#### 4.11 Sewerage Facilities: The applicant shall install sanitary sewer facilities in a manner prescribed by the Town of Beacon Falls Water Pollution Control Authority (WPCA) standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Town Engineer, Health Dept and other appropriate Agencies, and subject to their approval.

##### 4.11.1 Sanitary sewerage systems shall be constructed where a public sanitary sewer system is reasonably accessible and the applicant shall connect to it and provide sewers accessible to each lot in the subdivision.

#### 4.12 Water Supply:

In the interests of promoting the public health, safety and welfare of the people of Beacon Falls, public water supply shall be provided to lots in any subdivision located within 200 feet of a public water supply. The applicant shall obtain from the Aquarion Water Company the location and size of the nearest water main and shall indicate or note this information on the Site Development Plan. The decision by the Commission to require extension of the public water supply to serve the subdivision shall be based upon the location of the nearest extension of a Aquarion Water Company main, the adequacy of pressure and service, the proposed layout of the subdivision, the nature of the terrain of the subdivision and such additional information as the Commission may deem pertinent.

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#### 4.13 Curbs:

Bituminous curbs shall be installed along the edge of street pavement. The applicant shall consider the requirements in the Town's Storm Water Management Ordinance in locating bituminous curbs



**4.14 Sidewalks:**

At the request of the Commission, sidewalks shall be installed on thoroughfares and commercial streets, in pedestrian easements, on streets in the vicinity of schools and playgrounds and in other places deemed necessary by the Commission for the public necessity and safety.

**4.15 Pedestrian Easements:**

In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semipublic places, the Commission may require the provision of ten-foot easements for the establishment of pedestrian ways.

**4.16 Sight Easements:**

Sight easements shall be provided across the corners of lots at intersections to assure safe line of sight. These easements shall be shown on the Record Subdivision map with appropriate notes specifying restriction.

**4.17 Reserved Strips:**

No reserved strips shall be provided in any subdivision.

**4.18 Street Trees:**

Where there are insufficient existing trees within the subdivision, the Commission shall require the planting of street trees. In general, street trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners, walks, as well as species of trees, and shall be located near the street or lot lines, as determined by the Commission. Trees to be planted shall be at least 2 ½ inch "diameter breast high", except in the case of ornamental trees such as dogwoods. The species of trees shall be subject to the approval of the Commission. Existing trees along the proposed street that conform to these requirements in general may be substituted for new trees at the discretion of the Commission.

**4.19 Open Spaces, Parks and Playgrounds:**

In all subdivisions of land under these regulations, the Commission shall require the applicant to provide and officially dedicate Open Space areas of appropriate size and location as deemed proper by the Commission, or, in lieu thereof, the Commission may authorize the applicant to pay a fee to the Town of Beacon Falls, or to pay a fee to the Town and appropriately designate a lesser area of land.

**4.19.1 Appropriateness:**

The Applicant shall submit all plans for subdivision and/or resubdivision to the Open Space Committee. The Open Space Committee shall review the plans and make recommendations to the Commission. In determining the appropriateness of an Open Space area designation, the Commission shall give due



consideration to the recommendations of the Open Space Committee, and Plan of Conservation and Development objectives and other Conservation and Open Space studies, reports and plans, the recommendations of the Conservation and Recreation Commissions, the density of population and the existing public open spaces in the vicinity of the subdivision, as well as the subject tract's characteristics with respect of the following objectives:

- a. The conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, stream belts, including wetlands, aquifers, significant trees, particular trees of special size or unusual type, ridges, ravines, stone fences and walls, ledge outcroppings and other unusual physical features, including the protection of historic or archaeological sites: and
- b. The expansion of existing open space areas: and
- c. The meeting of neighborhood and/or community-wide recreational needs.

In determining the location of proposed Open Space, the Commission may consider the potential for combination with other existing or proposed Open Space on adjoining properties owned by any public or private institution.

#### 4.19.2 Minimum Reservation:

Where Open Space reservation and disposition is deemed appropriate, such land shall consist of not less than 10% of the total area of the tract to be subdivided. The minimum area of any such Open Space shall be one acre unless the area is an addition to an existing or proposed park, playground, Open Space, greenway or other public land. When a subdivision is submitted in sections, an Open Space area need not be included in each section, provided a comprehensive Open Space plan is submitted and approved, and the integrity of such Open Space is guaranteed in accordance with the provisions of Section 4-19-4a below. This approval shall be a prerequisite for approval of the first section submitted and a proportionate part of the total Open Space area so approved shall be established with the first and each section submitted, including suitable permanent and/or interim access to such land.

#### 4.19.3 Referrals:

In addition to the recommendations of the Open Space Committee, the Commission may refer for review and comment any subdivision plan and proposal for the provision of Open Space land to the Beacon Falls Conservation Commission, the Recreation Commission, the Inland Wetlands Commission, and/or any other appropriate agency, as it deems necessary. The Commission shall refer any proposal under which the Town would acquire a property interest in the Open Space to the Board of Selectmen for their comments.

#### 4.19.4 Disposition Methods and Procedures:

The Commission shall determine the most appropriate method of disposition after due consideration of the relationship of the subject Open Space and its



specific characteristics to the Plan of Conservation and Development and the objectives cited above; the desirability and suitability of public access and use and the scope of the subdivision proposal.

a. Preservation Method/Entity Having Title:

The integrity of the Open Space land may be guaranteed by utilization of one or a combination of the following options or other suitable alternative, all subject to the approval of the Commission:

1. Conveyance in fee simple to the Town of Beacon Falls.
2. Conveyance in fee simple to the Beacon Falls Land Trust or other non-profit entity (with the approval of the applicant), subject to the approval of the Board of Selectmen.
3. Conveyance in fee simple to the State of Connecticut, subject to the approval of the Board of Selectmen.
4. Conveyance in fee simple to a homeowners' association (see Paragraph 4-19-7 below).
5. Establishment of restrictive covenants through the conveyance of conservation easements or other preservation restrictions, with or without public access, to the Town.
6. Conveyance of a recreation easement to the Town, the State, or a private, non-profit recreational entity, subject to the approval of the Board of Selectmen.
7. Conveyance of an agricultural easement to the Town, the State, or a private, non-profit, farm preservation entity.
8. Private ownership with the appropriate severance and conveyance of development rights.

The applicant shall designate in its application which of the foregoing entities is proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation to require ownership by one of the public entities set forth above. The Commission may not require conveyance to an entity described in subsection 2 above, or to a private entity, except when consented to by the applicant. Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors:

- 
- (a) The ownership of any existing Open Space on adjacent properties or the proximity to non-adjacent Open Space that might reasonably be interconnected in the future:

**4.19.5 Access and Condition of Open Space:**

Open Space areas intended to be accessible to the public shall typically abut or have direct public access to a public street and, as appropriate, any existing



adjacent park or public land. Where access intended, all such areas shall include access roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic. Such access roadways shall have an adequate base, shall be adequately drained and shall typically be twenty (20) feet wide and have a slope no greater than twelve percent (12%) except that the Commission may waive any of these requirements where access is less critical, such as in passive wildlife preserves or fragile ecosystems.

Land to be provided as Open Space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state, except for such improvement or maintenance as may be expressly permitted or required by the Commission. Open Space areas shall not be graded, cleared, or used by the applicant or others as a repository for brush, stumps, earth, building materials or debris. The Commission need not accept Open Space land composed entirely or substantially of inland wetlands, unless it considers such areas to have special habitat or other environmental value. Not more than 25% of the minimum required Open Space area shall consist of designated inland wetlands and/or steep slopes in excess of 30%, unless otherwise deemed appropriate by the Commission. Open Space area devoted to artificially created storm water retention and/or detention facilities shall not be used to comply with the minimum required Open Space area.

#### **4.19.6 Improvements and Bonding:**

The Commission may require that any land to be dedicated for active recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four (4") inches; be seeded with low maintenance grass seed; and be otherwise improved so that the land is left in a condition appropriate to the intended use. When other site improvements are required, they shall be clearly shown on the final subdivision improvement maps or alternatively on a separate site improvements plan and shall be approved by the Commission prior to the filing of the Record Subdivision Map.

To ensure proper construction of any required Improvements, the Commission shall require the applicant to post a performance bond, letter of credit, or other surety in an amount in form and with terms acceptable to the Commission and the Town Counsel. Unless otherwise modified by the Commission, all required Improvements of Open Space shall be completed prior to the conveyance of fifty (50%) percent of the lots within the subdivision.

##### **A. Evidence of Acceptance:**

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If the method of preservation is to be other than a conveyance to the Town of Beacon Falls, the application shall contain evidence that the entity proposed to own the Open Space is willing to accept ownership of it and responsibility for its preservation and maintenance.

##### **B. Required Provisions:**



Regardless of the preservation method or manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory to the Commission and be approved by the Town Counsel as to form and substance, to ensure that the Open Space is dedicated to its intended purpose and that provision is made for the proper maintenance of those portions requiring maintenance.

C. Demarcation:

The boundary lines of all Open Space areas shall be established in the field and marked by permanent, readily visible markers where such lines intersect any lot line, road or perimeter line within the proposed subdivision and at such other points required by the Commission to ensure identification in the field. The Commission may, at the request of the Conservation Commission, require the further delineation of the approximate limits of Open Space, utilizing markers provided by the Conservation Commission, to avoid inadvertent disturbance of the Open Space adjoining homeowners.

4.19.7 Property Owners' Associations:

The Commission may, upon the request of the applicant, permit the ownership and maintenance of the Open Space to be transferred to an association of property owners. Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to the following:

1. Creation of the association or corporation prior to the sale of any lot.
2. Mandatory membership in the association by all original lot owners and any subsequent owner, with non-amendable by-laws or other restrictions which require the association to maintain the land reserved for Open Space, park and playground purposes, with power to assess all members for necessary costs.
3. Provisions/restrictions that will be permanent and binding on all future property owners, and will not be affected by any change in land use.
4. The association or corporation shall have the power to assess and collect from each lot owner or a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the Open Space.
5. Any deed of conveyance shall contain language providing the association with the right to obtain reasonable reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce its rights against any lot owner, in which the association is the prevailing party.
6. The deed of conveyance shall provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document,



the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

Any conservation easements or other Open Space covenants or restrictions shall be subject to the approval of the Commission and be approved by the Town Counsel as to form and content. After approval, said documents shall be filed by the applicant in the Office of the Town Clerk.

#### **4.19.8 Legal Conveyance/Transfer:**

Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted in triplicate with the final subdivision map to be endorsed and filed. All deeds and conveyances necessary to establish the proposed Open Space shall be appropriately executed and in the possession of the Commission prior to the endorsement of the Record Subdivision Map. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the Bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission, the Board of Selectmen, and the Town Counsel, and shall refer to the Record Subdivision Maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen. During such escrow period, until such time as the deeds are recorded on the Town Land Records, the applicant shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town. All Open Space preserved by means of easements or restrictions shall comply with the requirements of Connecticut General Statutes 47-42(a) through 47-42(c).

#### **4.19.9 Dedication for Other Municipal Purposes:**

In the event the applicant desires to transfer to the Town land for other municipal purposes such as future schools, firehouses, etc., the dedication provisions of this Regulation shall be complied with. The Commission may consider such a municipal dedication as a credit toward any Open Space disposition requirements, but may not require such dedication.

#### **4.19.10 Alternative to Reservation:**

If the Commission determines that the reservation of land within the proposed subdivision for Open Space is not consistent with the adopted Plan of Conservation and Development or is otherwise not appropriate or practical, such as due to location in the Town, inadequate size or inconsistency with the Town's Open Space Plan or its recreation program, the applicant shall select one or a combination of the following alternatives to the otherwise required reservation for Open Space within the subdivision, which selection is subject to approval by the Commission under the provisions of Paragraph 4.19:



- A. Alternate #1: Payment to the Town of Beacon Falls of a fee, in lieu of any reservation of Open Space, in an amount equal to 10% of the fair market value of the land to be subdivided prior to approval of the subdivision, such value being as determined by an appraiser jointly selected by the Commission and the applicant; or
- B. Alternate #2: Conveyance to the Town of Beacon Falls of land suitable for Open Space purposes and located outside the land to be subdivided, which land shall either i) be equal area, or larger at the discretion of the applicant, to 15% of the area of the land to be subdivided, or ii) have a fair market value equal to, or greater at the discretion of the applicant, to 15% of the fair market value of the land to be subdivided as determined by an appraiser jointly selected by the Commission and the applicant; or
- C. Alternate #3: Reservation of land Open Space within the subdivision equal in area to less than 10% of the total area of the land to be subdivided plus either payment to the Town in lieu of reservation as provided in Alternate #1 or conveyance of land to the Town of Beacon Falls as provided in Alternate #2, or a combination thereof, in amounts and/or area equal to the percentage point difference between the required 10% and the lesser percentage of the land actually reserved.

**4.19.11 Payment of Fee In Lieu of Open Space:**

- A. Statutory Authorization:

In accordance with Connecticut General Statute 8-25, as amended by Public Act 90-239, Section 1. The Commission may authorize a subdivider to pay a fee to the Town of Beacon Falls or pay a fee to the Town and transfer land to the Town of Beacon Falls in lieu of the disposition of land by one of the methods set forth in Section 4.19.4 hereinabove. In the event that the Commission grants such authorization, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision. An appraiser jointly selected by the Commission and the sub-divider shall determine the fair market value.

- B. All payments received under this method shall be placed in an "Open Space Trust Account". Such fund shall be used solely for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

- C. Time of Payment:

The required payment in lieu of Open Space may be made as follows:

1. As a lump sum by the applicant, covering all or certain lots prior to endorsement of the Record Subdivision Map, in which case the



provisions of Paragraph C are not applicable for the subdivision or those certain lots for which payment has been made; or

2. 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 sale of each approved parcel of land in the subdivision, subject to the provisions set forth in Paragraph C following.

C. Identification, Guarantee and Release:

The Record Subdivision Map will bear a note specifying the payment-in-lieu of obligation of the subdivision, i.e., the lump sum amount and the fraction method payment if applicable and the amount for each. When the fraction method of payment is used, the said payment shall be secured by a lien against each lot in the amount of the required payment for any lot and shall be recorded in the Office of the Beacon Falls Town Clerk. The said lien shall be in a form approved by Town Counsel, identifying the payment required to the Town of Beacon Falls, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title, in a form approved by Town Counsel.

D. Payment and Trust Fund:

Payments in lieu of Open Space are to be made by certified check or bank check, made payable to the Town of Beacon Falls and delivered to the Finance Director of the Town of Beacon Falls. The check should bear an annotation or be accompanied by a memorandum identifying the subdivision (including Town Clerk's map file number) and lot number to be credited with the payment, and calling for deposit of the payment in the "Open Space Trust Account". The Finance Director will issue a receipt identifying such credit and the Finance Director will maintain a ledger or other record of such payments by subdivision name and lot number.

E. Expenditures:

Expenditures from the "Open Space Trust Account" are to be made in accordance with standard appropriation procedures and in accordance with the provisions of the Ordinance establishing the "Open Space Trust Account" for purposes permitted by Sec. 8-25b C.G.S. All Town proposals for acquisition of land or rights in land for Open Spaces will be referred to the Planning and Zoning Commission in accordance with Sec. 8-24 of the Connecticut General Statutes.

**4.19.12 Exemptions from Open Space Disposition Requirements:**

In accordance with §8-25 of the General Statutes, the provisions of this Section 4.19 shall not apply if:



- A. The transfer of all land in a subdivision of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be recorded in the Land Records of the Town.
- B. The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to 20% or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity.
- C. The subdivision is the result of an assembly of lots or parcels for which Open Space was previously set aside and which assembly is now subdivided into a new configuration of lots. Such assembly and prior dedication of Open Space shall be evidenced by such documents as the Commission may require assuring compliance with the intent of these Regulations.
- D. The subdivision involves parcels currently improved with buildings and which is being made solely for the purpose of mortgaging and financing. The applicant shall be required to submit such evidence and documents as the Commission may require assuring compliance with the intent of these Regulations.

4.20 Underground Utilities:

The Commission shall require the underground installation of any telephone, electrical, or power utility system, or portion thereof intended to serve any proposed subdivision, if the Commission deems it to be economically feasible, in the interest of public safety, and aesthetically desirable. To assist the Commission in reaching its decision, the subdivider or developer should meet with a representative of the power company and telephone company and present to the Commission a copy of the utility company's estimate of the additional cost per housing unit involved that the Utility Company would charge the sub-divider/developer for underground installation less the Initial Revenue credit as defined and estimated by the Power Company.

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**SECTION 5**  
**WAIVER OF SUBDIVISION PROVISIONS**

**5.1 Waiver of Provisions:**

Where unique or severe problems of topography, wetlands or other conditions exist which affect the subject land and are not generally applicable to other land in the area the commission may by an affirmative vote of three-fourths (3/4) of all its members, waive certain requirements of these regulations and may approve alternate standards when:

- a) Such standards are prepared by a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Local Surveyors of the State of Connecticut and,
- b) The Commission determines that such waiver and alternate standards will not have a significant adverse effect on adjacent property or on public health and safety or in any way impair the purpose and intent of these Regulations.
- c) The Commission shall state upon its records the reasons for which a waiver is granted in each case.



## SECTION 6 VALIDITY

### 6.1 Validity:

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

**SECTION 7  
EFFECTIVE DATE**

**7.1 Effective Date:**

These regulations and any amendments thereto shall be in full force and effect from the date of adoption by the Commission.



## APPENDIX

For the purpose of these Regulations, certain words and terms herein are defined as follows:

Commission - means the Planning and Zoning Commission of the Town of Beacon Falls.

Erosion - means the process by which the ground surface is worn away by the action of wind or water and material there from is carried, or is likely to be carried, across any property line in significant quantities.

Grading - means any act by which soil, rock or mineral matter is cut into, dug, quarried, uncovered, removed, displaced or relocated and including the removing of vegetative cover, excavation and land balancing.

Inland Wetlands and Water Courses - means land regulated as an inland wetland or watercourse under the provisions of Chapter 40, Connecticut General Statutes.

Plan of Conservation and Development - means the Plan for Development of the Town as provided in Chapter 126, Section 8-23 of the Connecticut General Statutes.

Special Flood Hazard Area - means the land in the flood plain within the Community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Town's Flood Hazard Boundary Map. After detailed ratemaking has been completed in preparation of publication of the Town's Flood Insurance Rate Map, Zone A is refined into Zones A, A1 - A5, and A 12, A 15, and A 19

Subdivision and Re-subdivision: Requirements applicable to subdivisions shall also apply to re-subdivisions. The terms "subdivision" and "re-subdivision" as used in these Regulations are defined in Chapter 126 of the Connecticut General Statutes as follows:

- a. Subdivision - means the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivision.
- b. Re-subdivision - means a change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

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### 1. Open Space

Includes, but shall not be limited to: Land left in its natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise permanently alienated; land areas and facilities for non-commercial, non-profit recreation; and similar land use areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.

2. Land

Means all real property, including improvements thereof and thereon, and all estates, interests, and rights therein of any kind or description, including, but not limited to, easements, rights-of-way and water and riparian rights, provided that these interests run with the subject real property.

3. Improvements or Public Improvement

Means any change or alteration to the existing conditions of the subdivision site: a) for the purpose of complying with these Regulations, or any approval granted hereunder, or b) depicted on any Final Subdivision Plan approved hereunder, or c) rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees and drainage facilities; erosion and sedimentation control measures; buildings; earth filling or removal; seeding and grading; the establishment or construction of parks, playgrounds, recreational buildings, equipment, structures, fields, and similar facilities; and facilities designed to detain, redirect, store, or treat storm water discharge.



BEACON FALLS PLANNING AND ZONING COMMISSION  
SUBDIVISION REGULATIONS AMENDMENTS

Re: Postings and Notifications As revised to \_\_\_\_\_

Adopted on \_\_\_\_\_; Effective on \_\_\_\_\_

Sub-Paragraph 2-3-1 Application of SECTION 2 PROCEDURE is amended by adding the following:

- c) Within seven (7) days of the submission of the application, the applicant shall post a sign on the property that is the subject of the application, which sign shall be visible and legible to passersby on the principal street at the subject property. Such sign, to be provided to the applicant by the Commission, shall state the date of submission of the application and shall be in evidence for the continuous period of 10 days following the day of posting.
- d) These written notification and posting requirements are in addition to any Statutorily mandated public notice requirements. Therefore, the Commission shall be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency whether perceived or real, in the above noted notification procedure shall not be construed as an automatic invalidation of any decision of the Commission on that application and shall not be considered jurisdictional.

APR 25 2006