

**LAND SUBDIVISION REGULATIONS OF THE
TOWN OF NORTH BRANFORD, CONNECTICUT**



NORTH BRANFORD PLANNING AND ZONING COMMISSION

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**LAND SUBDIVISION REGULATIONS
TOWN PLANNING AND ZONING COMMISSION
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ARTICLE 1 – AUTHORITY

101 The Town Planning and Zoning Commission of the Town of North Branford, CT, hereby adopts the following Regulations for the subdivision of land, acting under the Authority conferred by Title 8, Chapter 126 of the General Statutes of Connecticut, revision of 1958, as amended. Sections or parts of sections in these Regulations embodying, in whole or in part, the wording of the above Statute are indicated by references, in parentheses, to the above appropriate section of Title 8.

ARTICLE II – DEFINITIONS

201 “Commission” The Town Planning and Zoning Commission of the Town of North Branford, CT.

** 202 “Cul-de sac” A dead-end street having only one vehicular outlet. The length, subject to Section 316(c) of these regulations, shall be measured beginning from the edge of the existing pavement intersection of two (2) streets continuing along the entire center line of the cul-de-sac street to the furthest point of the turn-around or end of the cul-de-sac street. No more than (12) twelve lots (proposed and/or existing) having sole access to the residential cul-de-sac street is permitted. (See Sketch 1-Appendix)

203 “Developer or Subdivider” The person(s) or business firm, its successor or assigns, making application to the Commission for a subdivision, re-subdivision and or miscellaneous matters, under the jurisdiction of the Commission.

*** 204 Development rights” The right or combination of rights of fee simple owners of open, unimproved, forest and agricultural land to develop, construct on, sell, lease or otherwise develop or improve such land for uses that result in rendering such land no longer open, unimproved, forest or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate, provided that such development is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted pursuant to a written document approved by the Town Council, North Branford Land Conservation Trust, Inc., State or other agency whichever is applicable.

* 205 “Director of Health” That individual designated as Director of Health by the Regional District Board of Health.

- * Amended Effective 1/3/93
- ** Amended Effective 8/17/94
- *** Amended Effective 12/1/95

- ***206 “Greenway” Any corridor of open space that protects natural resources and/or provides recreation. Greenways can be located along a waterway or other defining feature, such as a ridgeline, or along a man-made corridor, such as an abandoned right-of-way, abandoned town road, a woods road, or a barge canal. It can be a green space along a highway or around a village. Greenways can provide the vital “missing links” to connect existing protected areas, and to give people convenient access to the outdoors. A greenway can be as wide as a river valley or as narrow as an abandoned rail bed.
- ***207 Improvement or Public Improvement” Any change or alternations to the existing conditions of the subdivision site: (1) for the purpose of complying with these Regulations, or any approval granted hereunder, or (2) depicted on any Final Subdivision Plan approved hereunder, or (3) 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.
- ***208 “Inland Wetlands and Watercourses” Those areas designated and defined as inland wetlands and watercourses by the North Branford Conservation and Inland Wetlands and Watercourses Agency, pursuant to its Regulations and State Statutes which may be amended from time to time.
- ***209 “Land” Retail 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 in perpetuity with the subject real property.
- * 210 “Official Street Base Map” The 800 scale street map on file in the Engineering Department established by the Commission showing the streets, public ways, and properties as they are laid out and adopted, accepted, or established and as they are laid out and adopted, accepted, or established and any amendments adopted by the Commission and any additions that result from the filing of approved plans of subdivision.
- ***211 “Open Space Land” Any area of land, including forest land, land designated as wetland under C.G.S. Section 22a-3 and farmland, the preservation or restriction of the use which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetland, beaches or tide marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites or (7) promote orderly urban or suburban development.

* Amended Effective 1/3/93

*** Amended Effective 12/1/95

- ***212 “Open Space Plan” A plan or plans prepared by the Conservation Commission pursuant to Section 7-131a of the General Statutes and/or prepared/assisted by the Planning and Zoning Commission, Recreation Commission or special advisory committee.
- ***213 “Payment of Fee In Lieu of Open Space” Funding option pursuant to Connecticut General Statutes 8-25, as amended by Public Act 90-239, Section 1. The Planning and Zoning Commission may authorize a Subdivider to pay a fee into an open space trust fund administered by the Town of North Branford in lieu of the disposition of land as set forth in the North Branford Subdivision Regulations.
- * 214 “Plan of Conservation and Development” A plan or plans prepared by the Commission pursuant to Section 8-23 of the General Statutes.
- 215 “Preliminary Plan” A map sufficiently accurate to boundaries, topography and layout to permit engineering calculations for the Final Plan.
- 216 “Private Common Driveway” A single paved road or driveway on private property which serves more than two interior lots. Such driveway shall only be permitted when approved by the Commission. The developer shall be responsible for providing and erecting the road sign in location(s) and design approved by the Commission.
- 217 “Record Owner” The owner of record at the time application for subdivision is made in accordance with requirements of Enabling Act, Chapter 126, as amended.
- 218 “Resubdivision” A change is a map of an approved or recorded subdivision or resubdivision if such a change:
- A. Affects any street layout shown on such map, or
 - B. Affects any area reserved thereon for public use, or
 - C. Diminishes the size of any lots 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 (C.G.S. Sect. 8-18).
- 219 “Revision of Subdivision” A minor change in size of lot or property lines inside a subdivision provided no street layout or future public property is changed and no affected part of the land has been sold.
- 220 “Street” Includes streets, avenues, boulevards, roads, drives, lanes, parkways, alleys and any other traveled ways exclusive or driveways which serve not more than two contiguous lots and afford means of access to abutting properties.
- 220.1* - Arterial Street – A street or considerable continuity, which is primarily a traffic artery for inter-communication between large areas of the Town and on which through traffic past abutting properties will be dominant.

* Amended Effective 1/3/93

*** Amended Effective 12/1/95

220.2* - Collector Street – A street which is being used or will be used to carry a substantial volume of traffic from a local street(s) to an arterial street, and normally including the principal entrance street to a large subdivision or group of subdivision, and the principle circulation street within such subdivision.

220.3* - Local Street – A street which provides access primarily to abutting residential properties.

220.4* - Commercial Street – A street which given direct access to or provides for circulation within business and industrial areas.

221 “Street Line” The boundary line of property along a street which defines the right-of-way; not necessarily the edge of pavement.

222 “Subdivision” The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of these three or more parts or lots made subsequent to the adoption of these Regulations (August 1, 1962) for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, but including Resubdivision (C.G.S. Sec. 8-18).

223 “Zoning Regulations” The Zoning Regulations, including the boundaries of zoning districts, in effect in the Town of North Branford on the date when the application for final approval of subdivision, in completed form, is presented to the Planning and Zoning Commission, except as provided in Sect. 8-26a, 8-28a and 8-28b of Chapter 126 of the General Statutes.

224 “Application for Final Approval” See Section 601 of these Regulations.

225 “Area of Special Flood Hazard” The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.

225.1 “Base Flood” The flood having a one percent change of being equaled or exceeded in any given year.

ARTICLE III – GENERAL

301 A proposed subdivision shall conform in general to the “Plan of Conservation and Development” of the Town of North Branford.

302 No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Violation of this provision is subject to PENALTY as stated in Section 701 of these Regulations.

a. All plans 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.

* Amended Effective 1/3/93

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 application for filing or recording promptly after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal by dismissal, withdrawal or judgment in favor of the application (C.G.S. Sec. 8-25).

- b. No such plan shall be recorded for filing by the Town Clerk or other officer duly authorized to record or file plans until the Commission's 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 (C.G.S. Sec. 8-25).
- c. In case only a portion of the proposed subdivision as shown on the plan has been approved by the Commission, the plan shall show clearly and conspicuously which portion or portions have been approved and which portion or portions have not been so approved before the filing of such plan.
- d. Only an approved final plan shall be filed in the office of the Town Clerk. In no case shall a preliminary plan be filed in the office of the Town Clerk.

303 The land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety. In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, property provisions shall be made for protective flood control measures (C.G.S. Sec. 8-25).

Subdivision proposed in areas of special flood hazard, including their utilities and drainage facilities, shall be located and designed to be consistent with the need to minimize flood damage. Proposed subdivision and resubdivision and all streets, drainage and other improvements required by those regulations shall be designed and constructed in accordance with the standards hereinafter specified and in accordance with Ordinance 126 – Flood Plain Management, Town of North Branford.

304 All subdivision plans shall make provisions satisfactory to the Commission for water supply, storm water drainage, and sanitary sewage disposal for every lot. In areas of special flood hazard, sanitary sewers shall be located and designed to avoid impairment and to minimize or eliminate infiltration of flood waters into the system and discharge from the system into the flood waters. If any lots in the proposed subdivision are found to require special drainage structures or facilities or other treatment before being made satisfactory for building purposes, such structures, facilities or treatment be completed by the subdivider before offering such lots for sale.

305 No grading of lots shall be done by the subdivider except as shown on the final plan as approved by the Commission. No loam shall be removed from the parcel being subdivided until all finished grading has been completed and all such graded areas other than driveways have been covered with loam so that a depth of not less than 4 inches exists, measured after compaction. In the case of land from which loam has been removed, or where an inadequate

amount exists, the Commission may require the addition of an amount of loam which it deems adequate for proper landscaping development, providing in no case less than a 4-inch layer, measured after compaction.

- * 306 All dead and diseased trees and trees subject to earthwork operations shall be removed from lots and land to be dedicated to public use and disposed of in a manner suitable with all local, State and Federal regulations. Existing trees on land required for public open space shall be preserved unless otherwise directed by the Commission. Other existing trees shall be preserved whenever feasible. In areas which are not wooded, or from which existing trees are to be removed, trees of not less than two-inch (2”) caliper and of a deciduous species approved by the Commission shall be planted not less than 50 feet apart along both sides of all streets, located in the front yards of all lots and on a line approximately five (5) feet from the street line, or as otherwise approved by the Commission. The developer shall post a maintenance bond and guarantee trees planted under this provision for one (1) year.

- 307 If, in the judgment of the Commission, adequate protective flood control measures, or provisions for water supply, storm water drainage, or sanitary sewage disposal cannot be provided for one or more of the proposed lots in the subdivision, or if any lot or lots shall be found unsuitable for building purposes for any other reason, each such lot shall be clearly marked on the subdivision plan to be filed with the Town Clerk and on all copies thereof “Not to be sold for building purposes”, and shall not be sold or offered for sale for building purposes by the subdivider or his agent.

- 308 Every subdivision shall conform to these Subdivision Regulations and every lot therein shall conform to the North Branford Zoning Regulations and shall be of such shape, size, location and character that buildings can be constructed in conformity with the requirements of such regulations. The Subdivision Regulations and the Zoning Regulations which shall govern shall be those in effect on the date when the application from and all other documents required by these Subdivision Regulations are complete and have been filed with the Commission. (See Section 601 of these regulations). Any modification of such plan subsequently approved in connection with the same application shall likewise conform to the Zoning and Subdivision Regulations in effect on the date when the original application and other required documents were filed. (C.G.S. Sec. 8-28a and 8-28b).
 - a. If such subdivision plan or modification thereof is given final approval, any change in the Zoning Regulations or boundaries of zoning districts or any change in the Subdivision Regulations, made between the time of filing, submitting, or making such application, petition or request (see Sec. 601 of these regulations) and the time of such final approval shall, as to such plan or modification thereof and the land shown thereon, be deemed to take effect following such final approval. (C.G.S. Sec. 8-28a and 8-28b).

 - *b. When a change in the Subdivision Regulations is adopted by the Commission, no subdivision plan which has been approved, prior to the effective date of such change, by the Commission, and filed or recorded with the Town Clerk, shall be required to conform to such change.

* Amended Effective 1/3/93

- *c. When a change is adopted in the Zoning Regulation or boundaries of zoning districts, no lots or lots shown on a subdivision plan for residential property which has been approved prior to the effective date of such change, by the Commission, and filed or recorded with the Town Clerk, shall be required to conform to such change.
- d. The Commission in its discretion may require lots of larger size or altered shape or dimensions than the minimums required by the Zoning Regulations, if the Commission deems such necessary for proper drainage or sewage disposal or for other reasons conforming to good planning practice.

309 An adequate system of storm water drainage and control shall be provided as herein specified and shall be subject to the approval of the Town Engineer. No natural watercourse shall be altered, obstructed or polluted, and no land subject to flooding nor any swamp or pond, any of which functions as part of the natural drainage system, shall be filled or modified in such a way as to affect its natural run-off or retention capacity, unless substitute means of run-off or retention are provided. Storm sewers, culverts, hard-surfaced gutters and other storm drainage installation shall be provided, and all such installations shall conform to the Road Ordinance of the Town of North Branford when applicable. The discharge of all storm water shall be into suitable streams or rivers or into Town or State drainage systems with adequate capacity to carry the additional water. Where the discharge shall be into private property, suitable discharge rights shall be secured for the Town by the subdivider. No storm water shall be diverted from one watershed to another. All necessary easements for drainage shall be provided to the Town, including the following:

- a. for storm drainage installations that are not located in the right-of-way of a street;
- b. for protection of natural watercourses, land subject to flooding, swamps and ponds from alteration, obstruction, filling or other modifications;
- c. for future storm drainage installations to serve undeveloped land within the watershed that normally drains across the area of the subdivision;
- d. for maintenance access to culverts and bridges; and
- e. for discharge of storm water onto private property.

310 In the case of subdivisions served by a public or community water supply, a public or community gas system, or a public or community sanitary sewer system, all mains, branch offsets, fire hydrants, and other necessary appurtenances shall conform to all applicable requirements of the Road Ordinance or other Ordinance of the Town of North Branford in effect on the date when the application for approval of the proposed subdivision is complete and filed, and shall be installed as approved by the municipal department having jurisdiction, the public utility corporate concerned, or both, as the case may require. In areas of special flood hazard, water supply system shall be located and designed to minimize or eliminate infiltration of flood waters into the system.

* 311 The subdivider may be required to provide paved bus waiting areas, school children waiting shelters, or the facilities for pedestrian use wherever, in the judgment of the Commission, prospective traffic conditions may require them. The design of the above mentioned shall meet the approval of the Commission.

* Amended Effective 1/3/93

312 No privately-owned reserved strip of land shall be permitted which controls access to any part of the subdivision from any street or other open space dedicated to public use, or which may be so dedicated.

*** 313 Sites of Archaeological Significance

For all proposed subdivisions located within a high sensitivity area as shown on the Town's Official archaeological base map, applicants shall make written inquiry by certified mail, return receipt requested, of the State Archaeologist to determine if there is evidence of sites of archaeological significance within the subdivision. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum Open Space requirements of Section 314 of these regulations. A copy of the transmittal letter shall be submitted to the Commission to verify this requirement. If no memorandum from the State Archaeologist is received within 30 days upon receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance.

*** 314 Open Space

A. Open Space Disposition Factors

For any subdivision of land under these Regulations, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized Open Space area. In determining the appropriateness of an Open Space area disposition, the Commission shall consider the Open Space Plan component of the Plan of Conservation and Development, other Open Space/Conservation reports and plans, and the subject site's characteristics with respect to the following objectives: (1) the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, stream belts, including wetlands aquifers, significant woodlands, stands of unique or scenic trees, particular trees of special size or unusual type, ridges, ravines, stone fences and walls, ledge outcroppings and other unusual physical features; the protection of historic or archaeological sites; (2) the expansion of existing Open Space area; and (3) the meeting of neighborhood and/or community-wide recreational needs. In determining the location of Open Space, the Commission may consider potential for combination with existing or proposed Open Space on adjoining properties owned by any public or private institution.

B. Size

Where Open Space disposition is deemed appropriate by the Commission, the dedicated land shall have an area equal to ten percent (10%) of the total area of the land to be subdivided. In the event that the parcel to be subdivided will be done in phases or sections, the area of open space to be dedicated shall be equal to ten percent (10%) of the entire deeded parcel or separately deeded parcels as shown on the overall plan of development by the developer. The Commission may waive or partially waive this ten percent (10%) requirement.

*** Amended Effective 12/1/95

C. Method and Procedure of Disposition

1. Method of Preservation, Entity Having Title. The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Section 314A of these regulations; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- a. Conveyance in fee simple to the Town of North Branford.
- b. Conveyance in fee simple to the State of Connecticut.
- c. Conveyance in fee simple to the North Branford Land Conservation Trust, Inc. or other recognized land trust (with the concurrence of the subdivider).
- d. Conveyance in fee simple to a homeowners' association (see Section 314G of these regulations).
- e. Conveyance of conservation easement(s), with or without public access, to the Town.

OR

Conveyance of conservation or preservation restriction, as defined in Connecticut General Statutes 47-42a, with or without public access, to the Town.

- f. Conveyance of a recreation easement to the Town, the State, or a private, nonprofit recreational entity.
- g. Conveyance of an agricultural easement to the Town, the State, or a private, nonprofit farm preservation entity.
- h. Private ownership with the appropriate severance and conveyance of development rights.
- i. Any combination of the above or any suitable alternative approved by the Commission.

The applicant shall designate in its application which of the foregoing entities is proposed to own the Open Space. The Commission may, however, modify any application so as to redesignate the type of ownership and 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 location difference from those proposed, the Commission shall consider the following factors: (1) The ownership of any existing Open Space on adjacent properties, or the proximity to non-adjacent Open Space which might reasonably interconnect with the proposed Open Space in the future; (2) the proposed use of the Open Space for active or passive uses, and the extend of maintenance, supervision, or management required; (3) the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them; (4) the size, shape, topography and character of the Open Space; (5) the recommendations of the North Branford Open Space Plan; and (6) the reports or recommendations of any State or Town agencies, including, but not limited to, the Town Council, Conservation and Inland Wetlands and Watercourses Agency, the

Recreation Commission, the South Central Regional Planning Agency, and the Connecticut Department of Environmental Protection.

D. Referrals

The Commission may refer for review and comment any subdivision plan and proposal for the provision of Open Space land to the Conservation and Inland Wetlands and Watercourses Agency, Recreation Commission, New Haven County Soil and Water Conservation District, North Branford Land Conservation Trust, Inc. or any other appropriate agency. The Commission shall refer to the Town Council for formal acceptance, any proposal under which the Town would acquire a property interest in the Open Space.

E. Condition of Open Spaces and/or Recreation Land

Open Space areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. All such areas shall include access roadways to be graded, improved, and mainlined in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base shall be adequately drained and shall typically be twenty-five (25) 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 preservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the subdivider. Except for improvement or maintenance as may be expressly permitted or required by the Commission, Open Space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris. The Commission may require that any land to be dedicated for 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 seed and be otherwise improved so that the land is left in a condition appropriate to the intended use.

F. Enforcement Bonding

To ensure proper construction of any required improvements within the open space area, the Commission shall require the subdivider to post a performance bond in accordance with Section 608 of these regulations and with terms acceptable to the Town Attorney. Unless modified by the Commission all required improvements of Open Space land shall be complete prior to the occupancy of fifty (50%) percent of the lots within the subdivision.

G. Property Owners' Association

The Commission may, upon the request of the subdivider, 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 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; Non-amendable bylaws 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 all necessary costs.
- 3) Provisions/restrictions which will be perpetual 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 access and collect from each lot owner 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 rights to obtain 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) Association documents 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.
- 7) A reversionary interest in favor of the Town or State in the event that the Open Space is not used as such, or in the event of a violation of any of the terms of the transfer, or in the event of the abandonment or non-use of the open space.

Any conservation easements or other Open Space covenants or restrictions shall be subject to the approval of the Commission in form and content. After approval by the Town Attorney, and the Commission, said document shall be filed by the subdivider in the Office of the Town Clerk.

H. Legal Transfer

Transfer shall be by warranty deed. 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 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 any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the 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 Town Council. In the event that acceptance is rejected by the Town Council, the deed shall be returned and the

subdivider 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 47-72(c).

I. Dedication for Other Municipal Purposes

In the event the subdivider desires to transfer to the Town land for other municipal purposes such as future schools, firehouse, 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.

J. Payment of Fee In Lieu of Open Space

A. General

In accordance with Connecticut General Statutes 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee to the Town or pay a fee to Town and transfer land to the Town of North Branford in lieu of the disposition of land by one of the methods set forth in Section 314C of these regulations. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas on the subdivision which merit preservation by one of the methods set forth in Section 314C of these regulations, or that there are other areas in the Town of North Branford where conservation/preservation would be more beneficial to the public health, safety and welfare. In the event that such authorization is granted by the Commission, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined jointly by the Commission and the subdivider. In the event that a value can not be agreed upon jointly, an appraiser shall be jointly selected by the Commission and developer. If the developer and the Commission can not jointly agree on the selection, the Commission shall select a qualified appraiser to determine the fair market value of the land. The cost of the appraisal shall be incurred by the subdivider. All payments received under this method shall be placed in a “Subdivision Open Space Trust Fund”. Such funds shall be used solely for the purpose of preserving open space and the capital improvements of existing open space lands and/or in the acquisition of open space.

B. 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 the criteria lots for which payment has been made; or

2. A fraction of such payment the numeration 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.

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 or the fraction method of payment if applicable and the amount for each.). When the fraction method payment is used, a lien in the amount of the required payment for all lots shall be recorded in the Office of the North Branford Town Clerk encumbering each lot, in form approved by the Town Attorney, identifying the payment required to the Town of North Branford. The said lien shall not be subordinate to any mortgage or encumbrance having priority over said lien, as evidenced by a certificate of title, in accordance with Section 604 of the regulations.

D. Payment, Trust Fund and Expenditures: Payments in lieu of open space are to be made by certified check or bank check, made payable to the Town of North Branford and delivered to the Treasurer/Finance Director of the Town of North Branford. 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 "subdivision open space trust fund." The Town Treasurer/Finance Director will issue a receipt identifying such payments by subdivision name and lot number.

E. Expenditures: Expenditures from the "subdivision open space trust fund" are to be made in accordance with standard appropriation procedures in accordance with the Open Space Trust Ordinance. 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 Section 8-24 of the Connecticut General Statutes.

K. Exemptions from Open Space Disposition Requirements

In accordance with Public Act 90-239, Section 1, the provisions of Section 314 of these regulations shall not apply if:

- a) The transfer of all land in a subdivision of less than five (5) lots 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 filed in the Land Records in accordance with the procedures and other requirements of Section 604 of these regulations. If the Commission determines, based on events subsequent to the

approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of Section 314 of these regulations, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the North Branford Land Records.

b) The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes. Such restriction 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. If, subsequent to approval of the subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission, may following a public hearing with notice by certified mail to the violation, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the North Branford Land Records.

315 As far as possible access to lots shall be from minor streets and not from principal thoroughfares.

316 Proposed Streets

Proposed streets shall be in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development of the Town of North Branford, especially in regard to safe intersections with such thoroughfares and so arranged and of such width to provide an adequate and convenient system for present and prospective traffic needs. (C.G.S. Sec. 8-25).

a. All streets in any subdivision shall have free access to, or shall be continuation of, one or more accepted town streets or state highways.

b. All proposed streets shall conform to the Road Ordinance of the Town of North Branford in all respects, the subdivision plan shall be accompanied with all drawings and data required by Section 7 of the said Road Ordinance, the streets shall be constructed as specified in Section 10 thereof, and the work shall be inspected as specified in Section 6 thereof.

*c. A turn-around with a minimum radius of 50 feet to the outside of the right-of-way shall be provided at the end of a cul-de-sac for a residential street and a minimum radius of 70 feet to the outside of the right-of-way shall be provided at the end of a cul-de-sac for a commercial or industrial street. Dead end streets which are intended to be extended into a thoroughfare shall be provided at the closed end with a minimum radius of 40 feet to the outside of the right-of-way. Land for a turn-around or a dead-end street which will at some future date be projected into adjoining property in excess of that between normal street lines will be provided in the form of an easement to the Town which shall contain a provision for automatic termination of the easement upon extension of the street. The Commission may also require the inclusion of an additional grading easement, 20 feet in width, along each side of the reserved right-of-way, when deemed appropriate.

*Amended Effective 8/17/94

<u>Cul-De-Sacs</u>	<u>Minimum Radius</u>	<u>Paved Width Radius</u>	<u>Minimum Grade</u>
Permanent Residential	50	40	1.5%
Permanent Commercial/Industrial	70	60	1.5%
Temporary	40	40	1.5%

Note: The Commission may vary these standards depending on the existing site circumstances and the recommendation of the Town Engineer.

Cul-de-sac streets shall not exceed 1,000 feet in overall length for residential developments. The Commission may, however, vary the length standard for commercial or industrial developments only.

<u>Maximum Length of Street</u>	<u>Maximum Number of Lots Having Sole Access To Cul-De-Sac Street</u>
Residential 1000 feet	12
Commercial 1000 feet*	N/A
Industrial 1000 feet *	N/A

*Longer length may be permitted subject to Commission approval.

- d. The Commission at its discretion, may permit the paved traveled portion of certain two-way local streets to be reduced to no less than 24 feet width an adequately designed flare at the entrance to the cul-de-sac and at any intersection. In allowing this reduction, the Commission shall consider the grade and topography of the proposed street; the length of the street; and number and size of lots to be served by the street; and such other factors as may affect health or the public safety.

Sidewalks may be required on roads of reduced pavement width in accordance with Section 324 of these regulations.

- e. As far as possible, streets shall follow natural contours.
- f. Proposed street names are subject to the approval of the Commission to prevent duplication or confusion because of similarity, and shall be indicated on the preliminary plan. This regulation also applies to names of subdivisions.

317 Monuments shall be provided and set by the record owner within 6 months of approval of the final plan at all points of curvature (P.C.'s) and points of tangency (P.T.'s) and not over 4000 feet apart on tangents of rods and at angle points in boundaries of development.

- a. All monuments shown on the final plans shall be located by a registered engineer and installed by the developer at his expense.
- b. Monuments shall be of stone or reinforced concrete, not less than 4 inches square and 30 inches long, with a brass or cooper plug or drill hole or cross, marking the center of the 4-inch square.

- 318 Iron pipe markers, 1 inch inside diameter, 3 feet long, and set flush with finished grades shall be set by the developer at all angle points on the boundaries of individual lots, except where stone or reinforced concrete monuments are required by Section 316. Such markers shall be set before title to any lot is conveyed to a purchaser or before completion of the development, whichever date is earlier in the case of any lot.
- 319 If a subdivision includes any new road construction, the developer shall file, as part of his application for approval for the final plan, a performance bond as specified in Section 14 of the Road Ordinance of the Town of North Branford.
- 320 Grading plans shall be required in the event that any developer shall intent to make changes in the contours of any land proposed to be subdivided, by grading, excavating or by the removal or destruction of the natural topsoil.
- 321 The fee for processing of subdivision applications and inspections of subdivision improvements shall be \$25.00 per lot; the minimum fee shall be \$50.00. The fee is not returnable. Checks shall be made payable to the Town of North Branford and shall accompany all application forms. (See fee schedule for additional fees.)
- * 322 Any person submitting a plan of subdivision shall demonstrate to the Commission, that in development of the plan, consideration has been given to using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. As used in this section, “passive solar energy techniques” shall mean site design techniques which: maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, not be limited to: house orientation, street and lot layout, vegetation, natural and man-made topographical features, and protections of solar access within the development. (C.G.S. Sec. 8-25(b)).
- ** 323 An applicant may submit to the Commission at the time of application a written request to waive one or more of the following provisions in these subdivision regulations: Section 311, 313, 315, 323, 324, 325, 501, 602 and 603. The applicant shall describe in this request the specific regulation(s) for which the waiver is requested and the existing conditions which affect the subject land and are not generally applicable to other land in the area. Provided that no waiver is granted that would have a significant adverse effect on adjacent property or on public health and safety, the Commission with a three-quarters vote of all members may waive these requirements.
- *** 324 Sidewalks – The Commission shall require concrete sidewalks on all streets in pedestrian easements and in other places deemed appropriate by the Commission. Sidewalks shall be shown on the subdivision grading plan and the 40 scale plan and profile. All sidewalks shall be constructed of concrete. At street intersections or where required by the Commission, they shall be designed and constructed to provide a handicap ramp and shall meet the

- * Amended Effective 3/1/82
 ** Amended Effective 7/1/88
 *** Amended Effective 1/3/93

following specifications:

- A. The surface shall be textured and have non-slip broom finished surface.
- B. The ramp shall be at least 36 inches wide.
- C. The ramp shall have a profile slope not greater than one inch per foot and shall be beveled at the edge of pavement.

All sidewalks shall be a minimum of 5 feet in width and shall be located within the street rights-of-way with one edge 1'-0" from the street rights-of-way line. The sidewalk shall be constructed on 6 inches of compacted and approved bank run gravel, rolled and tamped to the Town Engineer's specifications and shall be constructed of 5% (five percent) air entrained, 3000 psi concrete, 4 inches thick. Construction expansion joints shall be installed every 20 feet. Steel reinforcement shall be installed at all driveway crossings to the satisfaction of the Town Engineer. The Commission reserves the right to waive the minimum width requirements and the sidewalk requirement where deemed appropriate.

- * 325 Curbs – Curbing shall be designed in accordance with the following standards:

STREET CLASSIFICATION

Arterial
Collector
Commercial
Local

CURBING

Concrete
Concrete
Concrete
Concrete

CUL-DE-SACS

Permanent Residential
Permanent Commercial/Industrial
Temporary

CURBING

Concrete
Concrete
Bit Lip

The Commission, at its discretion, may allow a variance of the above standards where deemed appropriate.

- * 326 Utilities – (Cable Television, Electricity and Telephone) The Developer shall install these utility services underground, unless specifically waived by the Commission.

ARTICLE IV – PRELIMINARY PLAN PRESENTATION

401 The record owner, the proposed subdivider, or the authorized agent of either, before preparing and submitting a final plan of subdivision is invited to confer with the Commission in order to become familiar with the requirements for subdivision and proposals of the Commission affecting the area in which the proposed subdivision lies. For this purpose a preliminary plan drawn in accordance with the provisions of Article V should be presented.

- a. In order to avoid loss in case changes a proposed layout should be required, the prospective developer is strongly figured to confer with the Commission in this

* Amended Effective 1/3/93

manner before expending any substantial sums for such operations as grading land or cutting timber for projected roads. The Commission will not accept the fact of such an advance expenditure as justifying the approval of an unsatisfactory plan when it is formally presented.

- b. No approval of a subdivision valid for the sale or offer to sell any lot or lots shall be made except on a final plan.

ARTICLE V – PRELIMINARY PLAN REQUIREMENTS

501 The preliminary plan shall contain the following information:

- a. Name of subdivision, owner of record and proposed developer.
- b. Scale, north point, date. The scale shall not exceed 100 feet to one inch.
- c. Boundary lines of the proposed subdivision and names of adjoining owner, and Town boundary lines if affected; existing buildings, streets, culverts, easements and rights-of-ways on, within, and adjacent to the boundaries of the land proposed for subdivision.
- d. Tentative layout and names of new street; proposed pedestrian and vehicular easements and rights-of-way; and appropriate radii of curvature of streets.
- e. Tentative layouts of lots showing lot numbers, approximate length of lot lines, areas of individual lots, open spaces reserved for parks, playgrounds and other common or public uses.
- f. An indication as to the character of the ground with contours in sufficient detail to show general topography wetlands and watercourses, recognized landmarks, wooded area and other pertinent data, unless upon written request from the applicant, the Commission determined by resolution such information is not necessary.
- g. Zoning district or districts.
- h. A brief description of the methods proposed for water supply, storm water drainage and sanitary sewerage.
 - 1. Any proposed community water supply or sanitary sewage disposal system must be indicated.
- i. Relation of proposed subdivision to any adjoining subdivisions.
- * j. Certificate of registered professional engineer or land surveyor that all above data conforms to no less than Class D of the Code of Practice for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, as amended, by the Connecticut Association of Land Surveyors, Inc., unless upon written request from the applicant, the Commission determines by resolution such information is not necessary.

ARTICLE VI – FINAL PLAN

601 An applicant for final approval of a subdivision shall file his request on a form provided by the Commission. This form will include the name signature and address of each present owner of the property to be subdivided; and name and address of the individual, firm or corporation which proposes to undertake the subdivision, carry out the improvements thereon, and transfer title to future owners of individual lots; and the names and address of

* Amended Effective 8/31/85

each individual having a ten percent or larger interest in such firm or corporation. The fee specified in Section 320 of these regulations shall be presented with the application form. An application for final approval shall be considered complete only when all information and documents required in Section 602 and 603 of these regulations have been provided to the Commission and the fee stipulated in Section 320 (including additional fees) of these regulations has been paid.

602 The applicant shall submit eight blue-line or black-line prints of the proposed subdivision map drawn on sheets 24" x 36" in size. The map shall contain the following in addition to all data required for preliminary plans in Section 501:

- a. Name of subdivision, owner of record and developer.
- *b. Certificate of a registered professional engineer and his statement that it conforms to Class A-2 of the Code of Practice for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, as amended, by the Connecticut Association of Land Surveyors, Inc. only for portions proposed for development unless the Commission by resolution requires additional portions conform to Class A-2 Standards.
- c. True north point, scale of map at 1" = 40', and date.
- d. Boundary lines of subdivision with accurate distances and bearings, and Town boundary lines if affected.
- e. Names of abutting property owners.
- f. Accurate layout of existing and proposed streets, easements or rights-of-way including those for utilities, sewers, drainage either on or off site, in accordance with Section 7 of the Town Road Ordinance.
- g. Accurate layout and area of lots including any open spaces reserved for parks, playgrounds or other common or public use, with distance, angles or bearings, curve data, and lot numbers.
- h. Accurate location and description of monuments as specified in Section 361, with accurate reference to the Connecticut coordinate system or to an established marker, and accurate location of pipe markers as specified in Section 371.
- **i. Contours at no greater than 5-foot intervals for land with an average natural slope of 5% or greater, and for land lesser average slopes contours at not more than 2-foot interval, unless upon written request from the applicant, the Commission determines by resolution such information is not necessary. Contours shall be referenced to the U.S. Coast and Geodetic Mean Sea level. Watercourses and wetlands as defined in the Zoning Regulations, and recognized landmarks shall also be shown.
- j. Applications for subdivision to be located in areas of special flood hazard and involving more than 10 lots or 5 acres, which ever is less, shall include base flood elevation data.
- k. A location map at a scale of 1" = 800' showing the location of the proposed subdivision in relation to existing streets.
- **l. Building setback envelope as specified in Section 24.4 and Schedule B Standards of the Zoning Regulations.

* Amended Effective 8/31/85

** Amended Effective 7/1/88

- **m. To provide diversity in housing design, in subdivisions of five (5) or more lots, a note shall be placed on the final map filed with the Town Clerk that no more than forty (40) percent of the structures shall be of the same architectural style or any variant thereof.

Compliance of this Section shall be requisite for the securing of a Zoning Permit under Section 62.2 of the Zoning Regulations.

603 If a preliminary plan has been presented, the final plan shall conform substantially thereto. The final plan may constitute only that portion of the preliminary plan which is proposed for record and development at present, provided, however, that such portion conform to all requirements of these Regulations and is clearly delineated on the final map. In addition to provisions of Section 602 of these regulations, the following shall be included on the final subdivision map or on supplementary sheets filed as part of the plan:

- a. A statement from a qualified engineer of the condition of all the land in the subdivision as to suitability for the proposed development. This statement shall include an analysis of the physical characteristics of the site, both surface and subsurface, especially with regard to soil conditions seepage, run-off, existing forestation and extend of proposed retention thereof, and relation of traffic flow generated by the proposed subdivision to existing highways.
- ***b. Sanitation Certificate – If public water and/or public sewers are not available, the applicant shall submit a statement form the Director of Health, certifying that the land to be subdivided and the subdivision plans are satisfactory for private disposal systems and/or waste supply system.
- c. Description of proposed water supply and sanitary sewerage.
- d. The locations of all existing and proposed sanitary and storm water sewers, catch basins, manholes, bridges and culverts. Pipe sizes and invert elevations of all drainage structures shall be shown together with outfall into existing sewers or natural watercourses.
- e. Watershed data and drainage calculations, including small-scale map of watershed area.
- f. Plan-profile drawings of roads, showing accurate existing and finished grades, drainage structures and such other information as the Commission may require, all to be in conformity with the Town Road Ordinance.
- g. Methods of dedication of proposed or required easements, rights-of-way and open spaces.
- *h. “Buffer” planting where required by Zoning Regulations.
- *i. Boundaries of Inland Wetlands and Watercourses.
- *j. House numbers as assigned by the Planning and Zoning Commission.
- *k. Soil Erosion and Sediment Control Plan.

* Amended Effective 8/31/85

** Amended Effective 7/1/88

*** Amended Effective 1/3/93

1. Definitions
 - 1.1 “Certification” means a signed, written approval by the North Branford Planning and Zoning Commission (its designated agent or the New Haven County Soil and Water Conservation District) that a soil erosion and sediment control complies with the applicable requirement of these regulations.
 - 1.2 “Commission” means the Planning and Zoning Commission of the Town of North Branford.
 - 1.3 “County Soil and Water Conservation District” means the New Haven County Soil and Water Conservation District established under Subsection(s) of Section 22a-315 of the General Statutes.
 - 1.4 “Development” means any construction or grading activities to improved or unimproved real estates.
 - 1.5 “Disturbed area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
 - 1.6 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
 - 1.7 “Grading” means any excavating, grubbing, filling (including hydraulic fill) or stock-piling of earth materials or any combination thereof, including the land in it excavated or filled condition.
 - 1.8 “Inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.
 - 1.9 “Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site or origin by erosion.
 - 1.10 “Soil” means any unconsolidated mineral or organic material of any origin.
 - 1.11 “Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.
2. Activities Requiring a Certified Erosion and Sediment Control Plan.
3. Exemptions

A single family dwelling that is not part of a subdivision of land and agricultural uses and agricultural activities shall be exempt from these soil erosion and sediment control regulations.
4. Erosion and Sediment Control Plan
 - 4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain property provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run-off on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

- 4.2 Said plan shall contain, but not be limited to:
- A. A narrative describing:
 - 1. The development;
 - 2. The schedule for grading and construction activities including:
 - a. Start and completion dates;
 - b. Sequence of grading and construction activities;
 - c. Sequences for installation and/or application of soil erosion and sediment control measures;
 - d. Sequence for final stabilization of the project site.
 - 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - 4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - 6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

 - B. A site plan map at a scale of one inch equals 40 feet unless upon written request from the applicant, the Commission determines by resolution such information is not necessary.
 - 1. The location of the proposed development and adjacent properties;
 - 2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - 3. The existing structure on the project site, if any;
 - 4. The proposed area alternations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - 6. The sequence of grading and construction activities;
 - 7. The sequence for installation and/or application of soil erosion and sediment control measures;
 - 8. The sequence for final stabilization of the development site.

 - C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

5. Minimum Acceptable Standards

- 5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for

Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

- 5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission.

6. Issuance or Denial of Certifications

- 6.1 The North Branford Planning and Zoning Commission (its designated agent or the New Haven County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan as filed, complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations.
- 6.2 Noting in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- 6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the New Haven County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- 6.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

7. Conditions relating to Soil Erosion and Sediment Control

- 7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance

acceptable to the Commission in accordance with the provisions specified under Section 41.4 of the Zoning Regulations of the Town of North Branford.

- 7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

8. Inspection

- 8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operational and maintained.

***604 Traffic Impact Assessment

The Commission shall, if deemed necessary, require the developer to submit a traffic impact assessment prepared by a qualified traffic engineer evaluating the impact of the development on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from other approved developments in the area. All expenses for the report shall be incurred by the developer.

605 Approval and Filing

- a. The Commission shall approve, modify and approve or disapprove any subdivision or resubdivision application or maps and plans submitted therewith, including existing subdivision or resubdivision made in violation of this section, within the period of time specified in Section 801 of these Regulations. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to any person applying to the Commission under this section, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. Such notice shall be a simple statement that such application was

*** Amended Effective 12/1/95

approved, modified and approved or disapproved, together with the date of such action. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. The grounds for its action shall be stated in the records of the Commission. The Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission. (C.G.S. Sec. 8-26).

- b. Approval of the final plans by the Commission shall not constitute the acceptance by the Town of any street or public way or land proposed for public use, nor is it a guarantee of future acceptable.
- c. The date of signing the plans is the date on which the approval of the final plans becomes effective, except that where the Commission has failed to act, the date on which the plans were considered to have been approved because of failure of the Commission to act thereon is the effective date.
- d. A copy of such private restrictions as may be imposed on the property by the owner as a condition to the sale shall be filed in the office of the Town Clerk with the final plans.

606 Public Hearing

- a. The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. (C.G.S. Sec. 8-26).
- b. No plan for resubdivision shall be acted upon by the Commission without a public hearing. (C.G.S. Sec. 8-26).
- c. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the application. (C.G.S. Sec. 8-26). Concurrent with its first publication, a copy of the notice of public hearing shall be filed in the office of the Town Clerk.

607 Street Signs

Uniform signs of a style approved by the Town Council showing approved street names shall be provided and installed by the developer at his expense at all street intersections.

608 No approval of a plan of subdivision or resubdivision will be given by the Commission until the construction of all street improvements, drainage structures, water mains, sewers and other utilities as required by such plan has been completed, except that such completion will not be required prior to the approval by the Commission provided that a detailed estimate of the cost of such street, drainage structures or utilities installation is submitted with the final map and performance security has been filed in accordance with the requirements of Section 14 of the Town Road Ordinance.

***609 Zoning Permit

No zoning permit shall be issued by the Zoning Enforcement Officer for any residential dwelling unit, other than a foundation, until the roadway that it fronts is substantially complete, including as a minimum, completion of the sub-base, base and binder course of bituminous concrete pavement to a distance of twenty feet beyond the most distant front corner of the lot or up to the front portion of the lot for a cul de sac or other design. The Planning and Zoning Commission, at its discretion, may waive all or a portion of the above standards where deemed appropriate.

ARTICLE VII – PENALTY

701 Any person, firm or corporation making any subdivision of land without the approval from the Commission shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. (C.G.S. Sec. 8-25).

ARTICLE VIII – TIME LIMITS

- 801 a. In all matters wherein a formal application for subdivision approval is submitted to the Commission under these Regulations and a hearing is held on such application, such hearing shall commence within sixty-five days after receipt of such application and shall be completed within thirty days after such hearing commences. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing. The applicant may consent to one or more extensions of any period specified in this subsections, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection. (C.G.S. Sec. 8-26d).
- b. A decision on an application for subdivision approval, on which no hearing is held, shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days. (C.G.S. Sec.8-26d).
- c. For purposes of subsection (a) or (b) of this paragraph, the receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such application or thirty-five days after such submission; whichever is sooner. (C.G.S. Sec. 8-26d).

**ARTICLE IX – ADOPTION OF REGULATION AND AMENDMENTS;
ADMINISTRATION**

901 Prior to the adoption of these Regulations, or any amendments thereto, the Commission shall file with the office of the Town Clerk a copy of such Regulations or amendments thereto and shall hold a public hearing thereon, notice of the time and place and purpose of which shall be given by publication in a newspaper of general circulation in the Town at least twice, at intervals of not less than two days, the first no more than fifteen days nor less than ten days, and the last not less than two days prior to the date of such hearing. (C.G.S. Sec. 8-25). This notice shall make reference to the filing of such documents in the office of the Town Clerk.

**** Amended Effective 4/30/10

Any Regulations, or part thereof, or amendment thereto, shall, upon adoption by the Commission, be filed in the office of the Town Clerk and shall become effective at a time established by the Commission, provided notice thereof shall be published in accordance with Par. 1101 of these Regulations prior to such effective date.

- 902 The Commission may from time to time by resolution adopt forms, policies and procedures for the administration of these Regulations.

ARTICLE X – ALTERNATE STANDARDS

- 1001 The Commission may approve alternate map design and street, drainage and other improvement standards when a) such standards are prepared by a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, b) the Commission determines that such standards will be in accord with the purpose and intent of these Regulations and c) if constituting a modification of standards specified in the Road Ordinance of the Town of North Branford, such standards are approved by the Town Council.

ARTICLE XI – APPEALS

- 1101 Notice of all official actions or decision, not limited to those relating to the approval or denial of subdivision plans of the Commission shall be published in a newspaper having a substantial circulation in the municipality within fifteen days after such action or decision. Except as provided in Section 8-30 of the Connecticut General Statutes, any person aggrieved by an official action or decision, including a decision to take no action, of the Commission may appeal there from, within fifteen days from the date when notice of such action or decision was so published, to the Superior Court for the judicial district within which the Town lies. In those situations where the approval of the Commission must be inferred because of the failure of the Commission to act on an application, any person aggrieved by such approval may appeal there from within twenty days after the expiration of the period prescribed in Section 801 of these Regulations for action by the Commission to the Superior Court for the judicial district within which the Town lies. The Commission shall return either the original papers acted upon by it and constituting the record of the case appealed from or certified copies thereof. (C.G.S. Sec. 8-28).

ARTICLE XII – REPEAL

- 1201 These Subdivision Regulations, when adopted, shall supersede the Subdivision Regulations adopted on April 23, 1956 and effective May 1, 1956, but said previous Regulations shall govern for all subdivisions approved there under, except as provided in Section 8-26(s) and 8-29(b) of the General Statutes.

ARTICLE XIII – VALIDITY

- 1301 Should any clause or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any other part thereof.

ARTICLE XIV – EFFECTIVE DATE

- 1401 These Subdivision Regulations shall take effect at 12:01 a.m. on August 1, 1962.

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