

# Town of Ashford

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## Subdivision Regulations

**EFFECTIVE DATE: MAY 3, 2010**

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## Chapter I

# Purpose

### Section A Statutory Authority

These regulations have been prepared and adopted pursuant to the authority granted in Chapter 126 of the Connecticut General Statutes of the State of Connecticut, hereinafter referred to as CGS.

### Section B Policy

It is the policy of the Ashford Planning and Zoning Commission to consider land subdivision as part of a plan for the orderly, efficient and coordinated growth so as to further the general welfare and well being of its people. The planning and Zoning Commission through the application of standards and conditions set forth in these Regulations, the Ashford Zoning Regulations, the Ashford Public Improvement Specifications and the Plan of Conservation and Development shall determine whether to approve, modify and approve, or deny any subdivision or re-subdivision application after applying such standards and conditions to reasonably protect the rights of individuals, property values, public health, public safety and public welfare.

### Section C Purpose

The Town of Ashford, through its Planning and Zoning Commission, shall enforce these subdivision regulations to maintain the rural character of the town in keeping with the public expression as determined through the Plan of Conservation and Development process; and will establish appropriate standards for the design and implementation of subdivisions, the construction of streets and other improvements, and has adopted these Regulations to accomplish the following:

1. Provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to public health or safety and not result in soil, water or air pollution, excessive noise, or other menace.
2. Provide that proper provisions are made for water supply, sewage disposal, fire protection and other appropriate utility services and drainage; including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for down drainage flooding.

3. Provide that proper provisions are made for the prevention of flooding through flood control protective measures in areas contiguous to brooks, rivers or other bodies of water. Land subject to flooding shall not be put to any use that will aggravate flood hazard conditions.
4. Ensure that proposed streets are built to the Ashford Public Improvement Specifications and are in harmony with existing or proposed principal thoroughfares shown on the Plan of Conservation and Development, as per CGS Section 8-23. This is especially important to maintain safe intersections with such thoroughfares, and provide that such streets be arranged and of such width to provide an adequate and convenient system for present and prospective traffic needs.
5. Provide for the creation of open spaces and parks when, and in places, deemed appropriate and proper by the commission.
6. Provide that proper provisions are made for soil erosion and sediment control in accordance with CGS Section 22a-329.
7. Provide that solar access and passive solar energy techniques are considered and included in the design of any new subdivision. Require applicants for subdivision or resubdivision approval to demonstrate to the Commission they have incorporated solar access and passive solar energy techniques in the design of the subdivision. See Chapter IV, Section I.
8. Encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
9. Provide for the protection of State and Federally Listed Species and Significant Natural Communities; Prime Farmland and Farmland of Additional Statewide Importance; and high yielding and potentially high yielding aquifers.
10. Encourage protection of the rural character of Ashford by maintaining existing stone walls, historical features, scenic views, walking paths, tree lined streets, open fields, and active agriculture.

#### Section D **Jurisdiction**

These Regulations shall apply to the subdivision and resubdivision of land, as herein defined, located within the corporate limits of the Town of Ashford, Connecticut. No subdivision or resubdivision of land shall be made by any person, firm, or corporation until an application for such subdivision or resubdivision has been submitted to and approved by the Town Planning and Zoning Commission, and a map thereof has been endorsed by the Commission and filed by the applicant in the Office of the Ashford Town Clerk.

#### Section E **Interpretation**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section F **Procedure**

The Commission, in reviewing any proposed subdivision or resubdivision, and the person proposing a subdivision or resubdivision, shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or resubdivision unless it conforms to the standards hereinafter specified or to such other standards approved by the Commission pursuant to these Regulations.

Section G **Conflict**

These Regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, statute or provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provisions of these Regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

## Chapter II

# Definitions

### Section A Definitions

For purposes of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these Regulations”; the word “Regulations” means “these Regulations.” A “person” includes a corporation, a partnership and an incorporated association of person such as a club; “shall” is always mandatory; “may” is permissive; a “building” includes a “structure”, a “building or structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.” Accepted highway usage definitions may be found in the publication of the American Association of State Highway and Transportation Officials entitled: AASHTO Highway Definitions (1968), as amended. Definitions of terms pertaining to planning may be found in Title 8, Chapter 126 of the Connecticut General Statutes. In the event a term’s definition is in question, accepted nomenclature and applicable state statutes will be consulted.

For purposes of these regulations, certain terms and words used in these Regulations shall be interpreted and defined as set forth in this Section:

1. **“Abutter”** -- Adjacent landowners. Property sharing a common boundary line with the property proposed to be subdivided or re-subdivided and for these regulations all property in any direction within two hundred (200’) feet of any boundary line of the proposed subdivision. Includes all adjacent landowners within the Town of Ashford or any other town.
2. **“Applicant”** -- Any person, firm, corporation, partnership, or other legally recognized entity who shall apply to the Commission for approval of a subdivision, either on the applicant’s own behalf or as an agent for one or more or successor in interest.
3. **“Application”** -- A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these Regulations.
4. **“Aquifer”** -- Any geological formation, such as bedrock, sand and gravel, or glacial till, capable of yielding usable amounts of ground water.
5. **“Back Lot”** -- “See Interior Lot”
6. **“Board of Selectmen”** -- The Board of Selectmen of the Town of Ashford.
7. **“Buildable Land/ Lot/Area”** -- That area of land within a lot or parcel meeting the



requirements of the Ashford Zoning Regulations.

8. **“Center Island”** -- Strip or corridor of land at least eight feet (8') wide running from beginning of cul-de-sac to the turnaround between two one-way streets.
9. **“Checklist”** -- Lists found in Appendix “A” that will assist in keeping track of various drawing requirements, submissions and procedures for a complete Formal Subdivision Plan Proposal Application.
10. **“Commission”** -- The Planning and Zoning Commission Town of Ashford Connecticut.
11. **“Conservation Commission”** -- The Conservation Commission of the Town of Ashford, Connecticut.
12. **“Conservation Easement”** -- “See Easement”
13. **“Conventional Subdivision”** -- A subdivision design that is consistent with the provisions of the Ashford Zoning Regulations and Ashford Subdivision Regulations. Specifically a Conventional Subdivision is a subdivision or re-subdivision of land into lots for single family detached dwelling units that meets the frontage and minimum two (2) acre buildable land requirements of the Ashford Zoning Regulations. Not an Open Space Subdivision.
14. **“Cul-de-sac”** -- A street having only one outlet to a through road. A street with a temporary or permanent turnaround at the end.
15. **“Date of Receipt”** -- The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or thirty five (35) days after such submission, whichever is sooner.
16. **“Design Advisory Board”** -- An ad-hoc committee whose members are appointed by the Commission to provide guidance with site plan and architectural design of non-residential, multifamily and Open Space Subdivision buildings and structures.
17. **“Disturbed Area”** -- An area where the natural vegetative ground cover is destroyed, moved or removed.
18. **“Developer”** -- Same as “subdivider”.
19. **“Development for Agricultural Purposes”** -- Development exclusively for use as agricultural land, as that term is defined in CGS Section 22-26bb.
20. **“Easement”** -- A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.
21. **“Erosion”** -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity. Human activities can aggravate and accelerate erosion.
22. **“Flag Lot”** – See “Interior Lot”.

23. **"Flood or Flooding"** -- A general and temporary condition of partial or complete inundation of normally dry land areas from: a.) the overflow of inland or tidal water; b.) the unusual and rapid accumulation or runoff of surface waters from any source.
24. **"Formal Subdivision Plan"** -- The map, drawings, and all supporting data required by these Regulations upon which a formal (i.e., non-preliminary) plan of subdivision is presented to the Commission for action.
25. **"Final Subdivision Plan"** -- The mylar maps, drawings, and all supporting data as approved by the Commission, containing all modifications and revisions required by such approval, and ready for endorsement by the Commission and for filing with the Town Clerk pursuant to CGS Section 8-25.
26. **"Half Street"** -- A proposed street, or any extension of an existing street, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property. (Prohibited)
27. **"Improvement"** -- Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or 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, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, driveways, septic systems, water supplies, earth filling or removal, seeding, plantings and grading.
28. **"Inland Wetlands and Watercourses Agency"** -- Inland Wetlands and Watercourses Commission of the Town of Ashford.
29. **"Interior Lot"** -- A lot that does not meet the minimum lot frontage requirements, Special Permit required. Not allowed in Open Space Subdivisions. See Zoning Regulations.
30. **"Keystone"** -- A linkage property between two or more properties and/or a property of large acreage that abuts other unfragmented properties.
31. **"Loop Street"** -- A street intersecting with the same street twice.
32. **"Lot"** -- A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards, open spaces, and buffer areas, and which meets the frontage requirements of these regulations and the Ashford Zoning Regulations.
33. **"Lot, Corner"** -- A lot located at the intersection of two roads, or a lot bound on two sides by a curving road, any two chords of which form an angle of 120 degrees or less.
34. **"Open Space"** -- Land defined to include, but not be limited to, land left in its natural, undisturbed, or undeveloped state; land used for managed forest land or agriculture, land containing important farmland soils as defined in the report "Important Farmlands – Windham

County Connecticut, U. S. Department of Agriculture, Soil Conservation Service.” Open Space land may include areas and facilities for passive or active recreation; land areas for wildlife habitat, groundwater recharge, watershed protection, scenic view or vista preservation, lands having the presence of an endangered or threatened species or other natural resources, and/or archeological or historically significant features and the like; forests; parks, reservoirs, and wetlands. Open space does not necessarily mean open and accessible to the public. Open space may include private property with permanent conservation easements and other protections (e.g. Connecticut Farmland Preservation Program where development rights are acquired by the State).

35. **“Open Space Subdivision”** -- A cluster development, as defined by Section CGS 8-18, in which the dimensions that would otherwise be required for lots and buildable land under the Ashford Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space. Specifically, an Open Space Subdivision is a subdivision or re-subdivision of land into lots for single family detached dwelling units that meets the frontage and minimum one (1) acre contiguous buildable land requirements of the Ashford Zoning Regulations. Interior lots are prohibited.
36. **“Passive Solar Energy Techniques”** -- The utilization of: (1) building features, materials and systems; (2) building orientation; (3) street and/or lot layout; (4) vegetation; (5) natural or man-made topographical features and (6) the protection of solar access within a subdivision as tools for maximizing solar heat gain, minimizing heat loss, and providing thermal storage within a building during the heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.
37. **“Plan and Profile”** -- The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by Chapter IV, Section C of these Regulations.
38. **“Plan of Conservation and Development”** -- The Plan of Conservation and Development of the Town of Ashford, as it may be adopted and amended from time to time, in accordance with CGS Section 8-23, as amended.
39. **“Pre-Application Conference”** -- A meeting between the Commission, or its designee, and a potential subdivider, re-subdivider applicant, or property owner for the purpose of discussing conceptually a possible subdivision or re-subdivision of land.
40. **“Preliminary Layout”** -- The preliminary map(s), drawing(s) and all required supporting data indicating the proposed manner and layout of a subdivision or resubdivision likely to be submitted to the Commission for consideration as a Formal Subdivision Plan.
41. **“Print”** -- A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing(s) from which it is made.
42. **“Public Improvement Specifications”** -- Those requirements covered in the Ashford Public Improvement Specifications document relating to roads, streets, driveways, storm drainage, etc.

43. **“Regulations, these”** -- Town of Ashford Subdivision Regulations, including amendments thereto.
44. **“Required Submittals”** -- The complete list of documents, certifications, reports, statements, study results, letters of recommendation etc. that must be submitted for a complete subdivision application.
45. **“Reserve Strip”** -- Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be set aside for streets, street connections, pedestrian ways, parks, or other land dedicated to public use.
46. **“Re-subdivision”** -- 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 of recording of such map.
47. **“Right-of-Way”** -- The distance between property lines measured across and perpendicular to a street, or where no Right-of-Way has been established, twenty-five feet on either side of the center line of the Street Pavement as defined below.
48. **“Road Regulations”** -- The standards, specifications and details for construction of streets, driveways, drainage, etc. as specified in “Ashford Public Improvement Specifications”. The word road is interchangeable with the word street. Both road and street mean the same thing in these regulations.
49. **“Sediment”** -- Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin. (See Erosion)
50. **“Solar Access”** -- Where feasible the access to unobstructed sunlight required by solar collectors for efficient operation. Solar access shall be considered adequately available for 75% of the time between 7:34 a.m. and 3:08 p.m. local time on December 21<sup>st</sup>.
51. **“Slope rights”** -- The two fifteen linear foot (15') rights-of-ways, adjacent to both sides of the street right-of-way, reserved for remedying drainage problems.
52. **“Street”** -- A street, avenue, lane, road or other right-of-way dedicated and legally accepted by the Town, the State of Connecticut or a private Association for the purpose of public travel. All new streets and streets serving new streets must meet the minimum standards of the Ashford Public Improvement Standards. Road means the same thing as street in these regulations.
53. **“Street Pavement”** -- The wearing or exposed surface of the roadway used by vehicular traffic.
54. **“Street Trees”** -- Those trees, six inch (6”) diameter at breast height or greater along existing and proposed streets that maintain and enhance the rural character of the road way and are within thirty feet (30') of the centerline of the street.

55. **“Street Width”** -- The width of the Street Pavement.
56. **“Subdivider”** -- The person or other legally recognized entity primarily responsible for implementing an approved Final Subdivision Plan. The applicant may or may not be the subdivider.
57. **“Subdivision”** -- The division of a tract or parcel of land into three (3) 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 resubdivision. Building development includes development for residential, commercial, or industrial purposes. See Zoning Regulations for divisions of less than three (3) lots.
58. **“Subdivision Application”** -- The body of forms, drawings, studies, engineering, and other Required Submittals that must be submitted to request the subdivision of land.
59. **“Town”** -- The Town of Ashford, County of Windham, Connecticut.
60. **“Town Clerk or Office of Town Clerk”** --: The office or officer of the Ashford Town Clerk.
61. **“Traveled Width”** -- The distance between curb faces, or the width of the Street Pavement, measured in a direction perpendicular to the street.
62. **“Wetlands”** -- Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resource Conservation Service of the United States Department of Agriculture.
63. **“Zoning Regulations”** -- The Town of Ashford, Connecticut Zoning Regulations.

## Chapter III

# Preliminary Subdivision Proposal - Procedures, Conditions, and Specifications

### Section A General

1. It is highly recommended and encouraged that anyone wishing to subdivide or resubdivide land begin by following the Preliminary Subdivision Proposals.
2. Whenever any subdivision or resubdivision is proposed to be made and before any streets are constructed or contract for sale or an offer to sell any lot in such subdivision or resubdivision shall have been negotiated, and before any permit for the erection of a structure shall be granted, the subdividing owner or agent, shall apply, in writing, on the form prescribed, to the Planning and Zoning Commission for approval of such subdivision or resubdivision. After said subdivision or resubdivision has been approved and/or recorded, the subject tract shall not be further divided into one or more building lots without the prior resubdivision approval of this Commission.
3. Before a subdivision or resubdivision is made the applicant should become familiar with these regulations and those related to such as contained in the Town Zoning and Inland Wetlands and Watercourses Regulations.
4. Subdivisions may be developed, upon approval, in a conventional form or open space form form of subdivision.

### Section B Preliminary Plan and Review

1. Pre-Application Conference: An applicant should review with the Town Land Use Staff (Building Department) in a preliminary and informal manner any proposal for subdivision or resubdivision prior to submission of a preliminary and/or formal application.
  - a. The purpose for using the preliminary procedure is to look in more detail at the proposal and provide guidance to the subdivider to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision.

- b. During informal discussions, the applicant may submit or the Town Staff may request such information, plans, and maps as may lead to non-binding recommendations.
2. Recommended Preliminary Layout Procedure: The Commission strongly recommends any proposed subdivision or re-subdivision of three (3) or more lots to follow the Preliminary Procedure.
3. Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision" within the meaning of said Title and Chapter.
4. The Preliminary Layout design shall include a rendition of a Conventional Subdivision Design, for all proposed subdivisions, as well as an Open Space Subdivision design, if six (6) lots or more are proposed. The submission of both designs will allow the Commission to recommend which design best suits the property and recommend which design should be presented in the Formal Subdivision Application. Required open space dedication shall ordinarily be a minimum of twenty (20%) percent of the property under consideration for a Conventional Subdivision Plan and fifty (50%) percent for an Open Space Subdivision Plan.

**Section C Preliminary Layout Specifications for Application Drawings**

1. The applicant shall provide a preliminary plan conforming to the Ashford Zoning and Subdivision Regulations and the Ashford Road Ordinance.
2. The preliminary plan shall show existing conditions, the proposed road, and lot layout of the subdivision. The preliminary plan shall show at least the following information, with the understanding that more detailed preliminary plan discussions could result in minor to substantial changes in the plan. The preliminary plan should encompass the overall tract, even if only part is being proposed for subdivision. The submission of a preliminary plan does not alter the requirements and procedures of a final plan. The Preliminary Plan of a proposed subdivision or resubdivision should be presented in a legible format, and show:
  - a. The subdivision or resubdivision name, boundaries, north point, date (word and graphic), assessor's map, block and lot number of the original parcel, scale, legend and title "Preliminary plan;"
  - b. The names and contact information of the record owner and the applicant and the name and contact information of the designer, engineer, or surveyor;
  - c. Acreage and zoning district;
  - d. The existing and proposed lines of streets, ways, easements and any public areas within the development in a general manner;

- e. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- f. The approximate boundary lines of proposed lots, with approximate location and dimensions;
- g. The names, approximate locations, and widths of existing adjacent streets;
- h. The topography of the land in a general manner:
- i. Principal wooded areas, any ledge outcrops and existing stone walls and fences within the subdivision, existing trails.
- j. Location and limits of areas subject to potential flooding; boundaries of any Flood Hazard Areas and floodways and the base flood elevation date thereof; and the lowest floor elevations that would be applicable for a building on any lot in the Flood Hazard Area;
- k. Conceptual building area envelopes (potential areas for house, driveway, septic system, well, etc.) and potential areas to be retained as public or private open space;
- l. Soil delineations and symbols as per the current U.S.D.A. Natural Resources Conservation Service Soil Survey for Windham County, CT;
- m. Abutting dedicated open space and conservation or scenic easement areas, if any;
- n. The location and approximate dimensions and area of all property proposed to be set aside for open space; and,
- o. The location, approximate dimensions, and approach for meeting the Fire Fighting Water Supply requirement of the Ashford Zoning Regulations, as may be amended.



## Chapter IV

# Formal Subdivision Plan Proposal: Conditions, Required Submittals, Procedures, Specifications, Plan Profiles and Other Requirements

### Section A Formal Subdivision Plan – Conditions

The following are conditions for designing, submitting and implementing all subdivision or resubdivisions proposals.

1. Responsibility: If an applicant wishes to subdivide or re-subdivide land in the Town of Ashford it is the applicant's responsibility to submit a complete application with both a Conventional Subdivision Plan design and an Open Space Plan design, if six (6) or more lots are proposed. Such plan(s) shall demonstrate compliance with all criteria and requirements of these Regulations and the Ashford Zoning Regulations and, accordingly, the applicant shall submit such additional reports or information as may be required to satisfy that responsibility. It is highly recommended a Pre-Application Conference with the Commission be undertaken and then the Preliminary Layout procedure be followed. (See Chapter III). This approach may be favorable because the Commission shall, in that process, make a recommendation as to which design, Conventional Subdivision Plan design or an Open Space Subdivision Plan design, the applicant should submit.

Required open space shall ordinarily be a minimum of twenty (20%) percent of the property under consideration for a Conventional Subdivision Plan and fifty (50%) percent for an Open Space Subdivision Plan.

Any application found to be incomplete in any submittal requirement shall be denied by the Commission without prejudice to a future complete application.

2. The Subdivision Plan Approval and Sale of Lots: All plans for the subdivision or re-subdivision of land must be submitted to the Commission for approval. No Certificate of Zoning Compliance (Zoning Permit) shall be issued for any use, nor any building permit for the erection or enlargement of any building shall be granted without the prior approval of the subdivision or re-subdivision plan; or any amendment thereof, by the Commission, and the filing of the endorsed Final Subdivision Plan in the Office of the Town Clerk. No lot proposed in a subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for any building development without the Commission's approval of the Final Subdivision Plan.
3. Penalties: Any person, firm, corporation, partnership or association making the subdivision

or re-subdivision of land without approval of the Commission shall be liable to a fine of Five Hundred Dollars (\$500.00) for each lot sold or offered for sale. In the event that any subdivider, contractor or person in the employ or acting on the behalf of the subdivider violates these regulations, or the conditions or requirements of any subdivision approved hereunder, 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 Ashford Land Records. Any person, firm, corporation, partnership or association not paying such penalty within thirty (30) days of notification of the assessment of such penalty shall not retain the privilege of representing any future land development project before the Commission until such penalty, plus current monthly interest charges, are paid to the Town Clerk. Any subdivider or re-subdivider with any existing Planning and/or Zoning violation(s) on any parcel of property in the Town of Ashford; where that person, firm, corporation, partnership or association owns an interest; may not apply for any new applications until all violations are corrected.

4. Streets: In the case of subdivisions requiring new streets, the applicant shall construct all new streets to meet the established Town of Ashford standards defined in Public Improvement Specifications and all design requirements of Chapter VIII of these Regulations. Any new street that provides access to new lots shall be required to meet the Public Improvement Specification.
5. Home Owners' Association: All Loop Streets and Cul-de-sac Streets shall be owned and maintained by an approved Home Owners' Association meeting the criteria of Chapter V, Section I.
6. Wetlands: All applicants requesting to subdivide or re-subdivide shall apply to the Ashford Inland Wetlands and Watercourses Commission for review of wetland regulated area(s) that may occur within the parcel proposed to be subdivided. If an application involves land regulated as an inland wetland or watercourse, the applicant shall submit an application to the Ashford Inland Wetlands and Watercourses Commission no later than the day the application is filed with the Planning and Zoning Commission for the subdivision or resubdivision. The Commission shall not act on any subdivision or resubdivision application until it has received a Report from the Ashford Inland Wetlands and Watercourses Commission.
7. Notice to Abutters/Landowners: At no more than seven (7) days after the Commission has received the application, the applicant shall send written notice to all land-owners whose property is within two-hundred (200') feet of any boundary of the property that is proposed for subdivision or re-subdivision. The applicant shall acquire a "Certificate of Mailing" from the Post office, which shall be delivered to the Commission prior to the public hearing, to document such notices have been sent to all land owners meeting the abutting two (200') hundred foot criteria. Landowners shall be identified through the use of the property records of the Ashford Assessor, or in the case of landowners in another town, the appropriate office of that town. This notice shall include a brief description of the proposed subdivision or re-subdivision; the date, time and place of commencement of the public hearing at which the subdivision is to be considered by the Commission. The notice also shall reference the fact that the complete application is available for public review at the Town Land Use Office. The applicant or an authorized representative shall attend any and all public hearing(s). In the

event the Commission does not schedule a public hearing the applicant shall still notify all landowners in accordance with this regulation.

8. Notice of Public Hearing Signs: Sign(s) meeting zoning requirements shall be installed and placed, one each, on all streets fronting the proposed subdivision. Such sign(s) shall indicate the intent to subdivide or re-subdivide and include the hearing date, place, and time. All such signs shall be placed within seven (7) days after the Commission receipt of the application for subdivision or re-subdivision. Signs shall be located prominently and remain in place throughout the Formal Subdivision Plan Application process. Contact the Zoning Enforcement Officer for details.
9. Notification to Adjoining Towns pursuant to CGS 8-7d(f), as may be amended. In situations where a request, plan and/or application has been received by the Commission and involves any of the following criteria noted below, the Commission shall notify, by Certified Mail, Return Receipt Requested, within seven (7) days of the receipt of the request, plan and/or application, the clerk of any adjoining municipality of the pendency of the request, plan and/or application that involves any of the following criteria:
  - a. Any portion of the property affected by a decision of the Commission is within five hundred feet (500') of the boundary of an adjoining municipality;
  - b. A significant portion of the traffic to a completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. A significant portion of the sewer or water drainage from the project site will flow through and impact the drainage or sewer system within the adjoining municipality; or
  - d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
10. Notification to Regional Planning pursuant to CGS 8-26b, as may be amended. Whenever a subdivision of land is planned, the area of which will abut or include land in two or more municipalities one or both of which are within a region(s) having a regional planning agency or agencies, the planning commission shall before approving the plan, give written notice of such subdivision plan to the regional planning agency or agencies of the region in which it or the other municipality is located. Such notice shall be made by Certified Mail, Return Receipt Requested not later than thirty days before the public hearing to be held in relation thereto. A regional planning agency receiving such notice shall, at or before the hearing report to each such planning commission and to the proponent of such subdivision on its findings on the intermunicipal service and such other matters as it considers appropriate. If such report of regional planning agency is not submitted, at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision. The Report of such regional planning agency shall be purely advisory.
11. Construction Plans: All construction plans for proposed roads, lots, drainage and other improvements shall be submitted to and approved by the Commission prior to the start of any on-site work in any proposed subdivision. Plan and Profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, swales, watercourses,

headwalls, sidewalks, curbs, gutters, and other structures shall be submitted with the subdivision application. All plans shall be prepared in accordance with the Ashford Public Improvement Specifications, the Ashford Zoning regulations and these Subdivision Regulations. All improvements shall bear the seal of a qualified Professional Engineer registered in the State of Connecticut.

12. Plans for Grading, Fill and Removal Activities: All Subdivision Applications shall include specific plans and information regarding all grading, fill and removal activity associated with a proposed subdivision, including, but not limited to road construction, drainage, open space, driveways and septic system construction. The plans shall address all applicable requirements and approval criteria of these and the Ashford Public Improvement Specifications. The Grading, Fill and Removal Plan shall be prepared by a qualified Professional Engineer or Professional Surveyor registered in the State of Connecticut.
13. Phased Subdivision Implementation: If a subdivision is proposed to be completed in phases, general design information shall be provided to the Commission indicating the time frame for each phase and a draft outline as to what each phase shall look like, including street layout, number of lots and their location etc.
14. Sidewalks: All subdivisions shall be required to install street-side sidewalks at the discretion of the Commission. Sidewalks shall meet the requirements of the Ashford Public Improvement Specifications.
15. Driveways: Where the choice exists, lots shall be laid out so that driveways have access to local streets and not arterial or collector streets, "arterial" and/or "collector" streets as defined by the Connecticut Department of Transportation. The Commission reserves the right to require the applicant/subdivider/developer to install any or all driveways, including drainage control structures or systems, prior to the sale of the lot(s).
16. Affordable Housing: All subdivision proposals may contain affordable housing as defined in CGS Section 8-39a.
17. Vegetation: For the purposes of enhancing property values and to minimize the potential for erosion the disturbance of existing vegetation shall be kept to a minimum and allowed only to accommodate construction of improvements, utilities, roads and driveways. The preservation and protection of street and shade trees throughout the subdivision shall be encouraged. Woodlands and vegetated buffers should be used along roadways, property lines and watercourses to contribute to the aesthetic and natural character of the site, and to protect water quality.
18. Design and Visual Impact: Developers shall consider visual impact and aesthetic quality of the completed subdivision to the surrounding neighborhood and must present to the Commission the basis for the design. The design and layout of the subdivision shall follow the vision of the Plan of Conservation and Development for that area. This includes a balance of visual relationships to existing buildings, encouraging pedestrian traffic, designing streets that reduce traffic speed and encourage parking in the rear, and incorporate natural, scenic and historic features.

19. Building Sites: The orientation of individual building sites should be such as to maintain maximum natural topography and cover. Structures should be oriented to allow for the use of passive and active solar energy techniques.
20. Topsoil: The removal or disturbance of topsoil or other excavated material from the premises, other than that necessary to construct the improvements, and then only to the depths shown on the approved plan is prohibited. Topsoil removed or disturbed at the site shall be the minimum amount required for construction purposes; topsoil removed from the parcel shall not be removed from Town or sold and may only be used to provide topsoil to another development site in Ashford where needed. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be reseeded and stabilized. At least six inches (6") depth of topsoil shall be provided to cleared areas around each building site.
21. Stone Walls: Subdivisions shall be designed to preserve all existing stone walls. Portions removed shall be used to enhance other existing walls on the property. Stone walls fronting any existing public or private street shall be maintained intact except for driveway cuts. Stone walls and other natural and manmade features should be used to delineate lot boundary lines and proposed street right-of-way, where possible.
22. Native Plantings: Native plantings shall be used where plantings are to be utilized and clearing of any existing vegetation should be kept to a minimum to accommodate only improvements. For the purposes of fire protection dense underbrush, not trees, should be cleared to a distance of one hundred feet (100') from any building(s).
23. Street Trees: Trees found along existing streets adjacent to any subdivision shall be accorded the protection as per the Ashford Tree Warden Manual. No roadside trees over six inches (6") diameter at breast height and within thirty feet (30') of the existing road centerline shall be removed unless the removal is necessary to provide suitable sightlines; to establish driveway cut or roadside drainage; or to provide suitable underground utility service. New streets shall have street trees planted, when trees are absent, in the density size category, species and locations determined by and at the discretion of the Commission. Generally street trees shall be planted forty to fifty feet (40' –50') apart on both sides of the street, subject to variations made necessary by the location of driveways, street corners and sidewalks. Trees to be planted shall be three inch (3") caliper or larger, have a minimum height of ten feet (10'); and shall be planted, protected and maintained using good horticultural practices. The species of trees shall be native types and subject to the approval of the Commission. Where the existing street trees are in a state of deterioration, new street trees shall be planted in between the existing trees and it may be required to trim the existing trees to permit the growth of the new trees.
24. Site Contours: Finished site contours shall depart only minimally from the character of the natural site and surrounding properties. All buildings and structures shall be sited to minimize disruption of the topography. The grading or removing of earth materials to alter the land slope of a parcel for the purpose of meeting the buildable land requirement is not permitted.
25. Final Grading Condition: The land located within a subdivision shall be properly graded and

left in a condition that will be free of rubble and debris, and properly stabilized to eliminate erosion. Stumps, logs, construction materials, and other debris are NOT to be buried on-site. Such materials shall be collected and stored at an approved temporary location on-site and, properly removed and disposed of in a lawful manner.

## Section B Formal Subdivision Plan - Procedures

Applications for Formal Subdivision must be submitted to the Zoning Enforcement Officer no later than ten (10) days prior to the next scheduled Planning and Zoning Commission meeting in order to be received at that meeting. All items on the Required Submittals List (Chapter IV, Section C) and Specifications For Applications (Chapter IV, Section D) and Appendix "A" must be completed and initialed by the Zoning Enforcement Officer before the proposed plan shall be received.

1. Action by The Inland Wetlands and Watercourses Commission: In the case of any application involving an area regulated under the Ashford Inland Wetlands and Watercourses Regulations, the Commission shall not act on the subdivision application until it has received a Report from the Inland Wetlands and Watercourses Commission pursuant to CGS Section 8-26.
2. The Public Hearing Schedule: Except as otherwise provided herein, the Commission shall take action on the Formal Subdivision Plan Application in accordance with CGS Section 8-7d, as may be amended. Upon written consent of the applicant, the time period outlined in CGS 8-7d may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed 65 days, all in accordance with CGS 8-7d, as may be amended. Such action shall consist of approval, modification and approval, or disapproval of the application. "Modification", as used in this Section, may include conditions that must be satisfied prior to endorsement and filing of the Final Subdivision Plan, prior to the issuance of Certificates of Zoning Compliance, prior to the release of bonds, or at other appropriate points in time.
3. Consideration of Formal Subdivision Application: The Commission will review the Formal Subdivision Plan Application and all accompanying reports, and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commission's decision thereon. However, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, or disinterested Town, State, or Federal agencies, advisors, or officials.
4. Notification of Action: Within fifteen (15) days after action by the Commission, the Commission shall notify the applicant by registered or certified mail of the action taken by the Commission, and shall also cause a notice to be published in a newspaper of general circulation in the Town of Ashford. Such notice shall be a simple statement giving the date of action by the Commission and whether such application was approved, modified and approved, or disapproved, together with the date of such action.
5. Endorsement of Final Subdivision Plan: Following Commission approval of a Formal Subdivision Plan Application the applicant shall promptly provide a Final Subdivision Plan on mylar or other material suitable for filing in the Office of the Town Clerk. Such Plan shall incorporate any modification attached to such approval, and shall be accompanied by any

documents or other requirements of these Regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance to the Town of Ashford shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance. The Plan on mylar shall include, reproduced on the face thereof, a copy of the Commission's decision to approve including any conditions or modifications made a part thereof. Upon determining that the Final Subdivision Plan properly incorporates all matters required by the Commission's decision and by these Regulations the Commission Chairman and Secretary or other authorized official shall endorse the Commission's approval on the Plan.

6. Filing of Plan: Following the endorsement of the Final Subdivision Plan in accordance with the preceding paragraph, the applicant shall file the endorsed mylar of the Plan with the Town Clerk and pay any necessary filing fees. In addition, all final approved plans shall be submitted in digital form ArcView Shapefile, DXF (digital exchange format), CT State Plane NAD 83 feet, or compatible form acceptable to the Town of Ashford. Such filing must be made within ninety (90) days after the expiration of the fifteen (15) day appeal period as set forth in CGS Section 8-8 or, if an appeal is taken under that statute, within ninety (90) days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the applicant. The Commission may, upon request of the applicant, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Final Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Final Subdivision Plans rendered void by operation of this provision.
7. Modification of Approved Subdivision Plans: The Commission may approve a modification of an approved Final Subdivision Plan that does not constitute a re-subdivision upon written application. If the proposed modification involves or includes any change in a property line, improvement or other physical feature shown on the approved Final Subdivision Plan, the applicant must submit up to four (4) copies of a proposed amended Final Subdivision Plan at the discretion of the Commission. For each application, the applicant shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification. All provisions of the original approved subdivision or re-subdivision shall be complied with, except as specifically approved by the Commission. No modified subdivision shall be deemed final until an Endorsed Modified Final Subdivision Plan showing all approved changes from the originally approved Final Subdivision Plan has been filed in the Office of the Town Clerk.
8. Alteration of Endorsed Final Subdivision Plan Prior to its Filing with Town Clerk: If the Final Subdivision Plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the Plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the Plan.
9. Alteration of Endorsed Final Subdivision Plan After Filing with Town Clerk: If the Final Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new mylar Plan showing such changes has been endorsed and filed with the Town Clerk. If the Commission finds that any such changes were

made by the applicant or the applicant's successor in interest, the Commission may, after a hearing at which the applicant or applicant's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the Final Subdivision Plan.

10. Order of Bonding and Work: The following sequence shall be followed for the implementation of any approved subdivision. No site or road work shall commence without required bonding in place and only then shall the subdivision build out begin.
  - a. Bonding
  - b. Sediment and Erosion Control Measures
  - c. Roads/drainage/sidewalks and associated landscaping
  - d. Utilities/services/lighting
  - e. Houses/water supply/septic/driveways
  - f. Landscaping of house lots and along streets

### Section C **Formal Subdivision Plan- Required Submittals for Application**

The Filing of a Formal Subdivision Plan Application to subdivide or re-subdivide property in the Town of Ashford shall be submitted to the office of the Commission and include the following items in the quantities indicated:

1. A completed and signed checklist(s), found in Appendix "A", of Drawing Requirements for Preliminary Layout Subdivision Plan Proposals (if used), Formal Subdivision Plan Proposals; a Required Submittals checklist and the Procedures checklist. Blank copies of Appendix "A" checklists are available from the Zoning Enforcement Office. The purpose of these lists is to assist the applicant in meeting the requirements and for the Commission to track and to insure completeness of the application. Please note these checklists are general summaries. (One Original).
2. An application on forms provided by the Commission, signed by both the applicant and the owner(s) of the land to be subdivided or their respective authorized agents. (One Original).
3. A non-refundable application fee, in the form of a check made payable to the Town of Ashford. (One Time).
4. A Letter of Recommendation from the Board of Selectmen stating Town funding is assured for street improvements, when necessary. (One Original).
5. If an application involves land regulated as an inland wetland or watercourse, a Report, including reports or conditions, if any, from the Ashford Inlands Wetlands and Watercourses Commission pursuant to CGS Section 8-26 must be submitted prior to the Planning and Zoning Commission's action on the application. (One Original).
6. A Formal Subdivision Plan Application design consisting of:
  - a. Drawing(s), renderings, and maps conforming to the specifications in accordance with Chapter IV, Section D of these Regulations. (Four Copies).



- b. A Plan and Profile for roads and/or streets conforming to Chapter IV, Section E of these Regulations. (Four Copies).
  - c. A Grading, Fill and Removal Plan. (Four Copies).
  - d. An Erosion and Sediment Control Plan, in accordance with Chapter IV, Section G of these Regulations. (Four Copies).
  - e. A Hydrological and Hydraulic Study conforming with Chapter IV, Section H of these Regulations and the Ashford Public Improvement Specifications. (Four Copies).
  - f. A Passive Solar Energy Statement demonstrating how, what and where solar access and energy efficient home design techniques are to be employed to meet the recommendations of CGS Section 8-25 and conforming to Chapter IV, Section I. (One Copy).
  - g. A Flood Hazard Measure Report as per the requirements the Ashford Zoning Regulations, and Chapter IV, Section J of these Regulations.(One Copy).
  - h. A statement describing if the site has historical or archaeological significance as per the Ashford Zoning Regulations. (One Copy).
  - i. Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the applicant's property, a preliminary plan of any future street(s) and lot pattern for the remainder of the tract or property. (Four Copies).
7. All applicants shall make written inquiry of the office of State Archaeologist to determine if there is existing evidence, or a reason to believe evidence exists, of sites of archaeological significance within the proposed subdivision or resubdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall be left undisturbed and may be considered in meeting the minimum open space requirements. If no reply from the State Archaeologist is received within 30 days after 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. All requirements of the applicable provisions of the Ashford Zoning Regulations shall apply. (One Copy)
  8. Copy of the agreement made with the Connecticut Department of Transportation when a proposed street or storm drain joins with a State Highway. (One Original).
  9. A statement from the Town Engineer and Public Utility Companies, as appropriate, approving public improvements and utilities. (One Original).
  10. A report from the Director of Health or his respective designees indicating each and every lot depicted upon the Formal Subdivision Plan meets water supply and sanitation requirements of the Public Health Code. (One Original).

11. A certified copy of a Certificate of Public Convenience and Necessity in accordance with CGS Section 8-25a if water is to be supplied by means of a "water company", as that term is defined in CGS Section 16-262m(a) and issued for the subdivision by the Connecticut Department of Public Utility Control. (One Original).
12. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Ashford Land Records where the same are recorded, and the date upon which they will expire, if any. (One Original).
13. Technical Approval or Report. In addition, the applicant shall provide from a licensed sanitary or civil engineer a written report stating the adequacy of the water supply and sewerage arrangements; and from a licensed engineer the proposed grades, drainage arrangements and drainage easements as shown on the Plan Profiles and the Formal Subdivision Plan(s). The applicant shall also obtain from the appropriate Town officers such other reports as the Commission may require in order for the Commission to evaluate compliance with these Regulations. Where significant environmental impact may be involved, as determined by the Commission, the Commission may request a review of the application by other public or private consultants at the applicant's expense. (Four Copies).
14. Except as otherwise provided in this Chapter, all subdivision plans and applications submitted must meet the procedural and substantive requirements of these Regulations and the Ashford Zoning Regulations, as well as, any other certifications as required by any law or regulation, including approvals or waivers from federal, state, regional, county, or local agency having jurisdiction over any matters related to the legal subdivision or land development.

#### Section D **Formal Subdivision Plan – Specifications for Application Drawings**

The Formal Subdivision Plan submitted to the Commission for approval shall be a clear and legible print which may be composed of multiple sheets or sets of sheets showing the following data and information items in map, drawing, text and tabular form:

1. **Title Block**: Each sheet shall contain a Title Block with name(s) and address(s) of applicant, legal owner(s), the equitable owner(s) and subdivider(s); proposed subdivision name or identifying title; date of the drawing and the name, license number and seal of the land surveyor and professional civil engineer responsible for this proposal on all drawings. In addition there shall be a north arrow and scale for each map, and a signature box for each sheet. See signature box example this Section D, paragraph 12.
2. **Title Search**: A brief history of the parcel(s) including any ownership changes and date of that change that have occurred since July 1, 1959 to the present.
3. **Drawings**: Graphical renderings, drawings and maps on sheets twenty-four inches by thirty-six inches (24" x 36") to be submitted shall contain the following:
  - a. A locus reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection(s), and the

position of the proposed subdivision within the town wide boundaries.

- b. A map of the subdivision, which may appear on the same sheet, at the scale of one inch equals two hundred feet (1" = 200') showing the outline of all of the applicant's, owner's, subdivider's adjacent and nearby land holdings, including any optioned lands, and total acreages of each and all parcels. In addition, all abutting subdivisions and their names and approval dates; all nearby parcels of existing dedicated open space, State and Town owned land and property under conservation or agricultural easement; designated historic districts, historic buildings, and scenic roads; and other streets abutting and/or within five hundred feet (500') of the parcel shall be shown.
  - c. The details of the Formal Subdivision Plan proposal shall be displayed at a scale of one inch equals forty feet (1" = 40') on sheets twenty-four inches by thirty-six inches (24" x 36") and shall include all items outlined in this Section D. If the subdivision is to be undertaken in phases, these phases shall also be delineated with their proposed road system and lot layout at a scale of one-inch equals forty feet (1" = 40'), on this same rendering. In reviewing the proposed subdivision, the Commission shall consider the proposed subdivision, all phases and any remainder tract(s) and their relationship.
4. Property and Adjacent Parcels: The map(s) submitted must have the surveyed location and dimensions of all existing property lines of the proposed subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi permanent nature. The map(s) must also show the Assessor's map, block and parcel numbers for each parcel; utility poles within fifty (50') feet of any property line and their numbers; surveyed easements of record and surveyed proposed easements; all existing structures, water wells and septic systems; the names and addresses of present record owners of abutting properties, all owners of property within two hundred (200') feet, including those property record owners on any streets opposite the proposed subdivision, as indicated in the current records of the Town Assessor; water wells and septic systems of abutting property owners, if available and if they may be impacted by the proposed subdivision; on-site historical foundations, dumps and archeological sites; stonewalls and fences; cemeteries, burial plots and graves; and any community water supplies and septic systems of abutting subdivisions shall be shown.
  5. Natural Features: Drawings must clearly show the following: detailed soil series, types and phases, including any data published for each soil relating to its suitability for septic system leaching trenches; water bodies, water courses, intermittent streams and their watershed boundaries; delineation of Prime Farmland and Farmland of Additional Statewide Importance soils; inland wetlands and watercourses including the buffer zones as defined in the Ashford Inland Wetlands and Watercourses Regulations; any Flood Zones in accordance with the most current Federal Flood Insurance Rate Map; and all areas containing bedrock (ledge or outcropping) exposed at the land surface and bedrock that is four (4') feet or less below the natural land surface.

In addition, the general vegetative cover conditions for the property including cultivated land, meadows, pasture, old field, hedgerow, and woodland canopy; areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Significant Natural Communities Maps on file with the

Connecticut Department of Environmental Protection shall be shown.

Also ridgelines and scenic views; existing and proposed contours at intervals of two feet (2') or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented; and all land surface slopes of fifteen percent (15%) or greater shall be displayed. This information shall be prepared by a professional land surveyor or professional engineer and confirmed by an actual field survey of the site. (Must meet T-2 accuracy standard).

In addition, all trees over ten inches (10") or more in diameter at breast height (d.b.h.) located within any proposed driveways and within any area to be disturbed; and all street trees, ten inches (10") in diameter or more at breast height (d.b.h.) within thirty feet (30') of the centerline of existing and proposed street(s) shall be plotted.

6. Proposed Subdivision – Streets: Lines of proposed and existing streets; their names, location and any lines of highway rights-of-way on file with the Office of the Town Clerk; lengths and bearings of all straight lines and adequate data for all curves to meet the Ashford Public Improvement Specifications shall be shown; as well as existing and proposed road drainage, slope easements, and sidewalks. Proposed street names, shall NOT duplicate or be readily confused with already existing names being used in Ashford unless it is extension of an existing road.
7. Proposed Subdivision – Lots: The delineation of all proposed lots, including the location of the buildable land, shall be depicted in map and chart form in square feet and acres. Each lot shall be numbered sequentially and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions. The proposed location for all structural foundations, garages, out buildings and driveways; and if building sizes are not known a representative dwelling of thirty by sixty feet (30' x 60') must be shown, with all setback distances. The proposed location for all septic systems including tank, primary, and reserve leaching fields; the location of all deep observation hole and percolation tests conducted; the results of all such tests in tabular form including all approved and failed test sites and pits; and the designation, on the Final Subdivision Plan, of any lot for which an engineered system is required pursuant to these Regulations shall be shown.

In addition, all land to be set aside for community wells, if any; the proposed location of all dwelling water supply wells and a circle with a seventy five foot (75') radius using the well location as the center; the location and point of outfall of all footing and curtain drains, drainage swales, culverts, storm-water and runoff management structures to be used when necessary; and the location and description of any temporary sediment and erosion control measures to be used shall be shown.

Also a statement describing the application of passive solar energy techniques to be utilized, as set forth in Chapter IV, Section I hereafter shall be provided; and any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and boundary line, and to reproduce such lines upon the ground to the A-2 Standard.

8. Proposed Subdivision – Open Space: The location, dimensions and acreage of all proposed open space; any proposed recreation or park areas or other public or community use areas shall be displayed. The minimum area of open space to be dedicated within a Conventional Subdivision shall be twenty percent (20%) of the total area of the parcel being subdivided. In addition, the area of open space to be dedicated must contain at least twenty percent (20%) of the total area of the parcel that does not comprise wetlands, watercourses or floodplain areas. As an example, if a parcel containing 100 acres is subdivided, and 30 acres of the parcel consists of wetlands, watercourses, or flood plain areas, the minimum open- space dedication shall be 20 acres (100 acres x .20), and at least 14 acres (70 acres x .20) of the dedicated area must not be wetlands, watercourses or flood plain areas. Nothing in this section shall prohibit a subdivider from dedicating additional land consisting of wetlands, watercourses or flood plain areas, so long as the minimum amount of other types of land is also provided. For instance, in the example given above, the subdivider could dedicate 30 acres (not just 6 acres) of wetlands, so long as the dedication also included the minimum 14 acres of land that did not consist of wetlands, watercourses or floodplain areas. The Commission encourages subdividers to dedicate or otherwise preserve as much of the wetlands, watercourses and floodplain areas as possible.
9. Proposed Subdivision – Other: All areas where blasting is anticipated; where the existing topography is proposed to be altered showing original and proposed final grading as well as the volume of material to be removed and/or brought on site (Plan for Grading, Fill and Removal Activities) shall be shown. The location of any temporary storage site for rubble, stumps, logs, construction materials, other debris that is to be removed, and the time frame for proper disposal shall be given. The location of existing and proposed fire hydrants, fire ponds and/or water storage tanks as required under “Fire Fighting Water Supply” of the Ashford Zoning Regulations; and all structures and temporary methods to be used as part of the “Sediment and Erosion Control Plan” are required.
10. There shall be Certification by seal of (i) a Connecticut licensed professional engineer as to the adequacy of proposed public improvements, and (ii) a Connecticut licensed land surveyor that the final Subdivision Map has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the “Minimum Standards for Surveys and Maps in the State of Connecticut” as adopted by the Connecticut Association of Land Surveyors, Inc.
11. Final plans shall be on a material that shall conform to all requirements for filing with the Town Clerk as part of the Land Records of the Town.
12. A printed signature box as follows shall be displayed on each drawing or sheet:

\*\*\*\*\*

APPROVED

ASHFORD PLANNING & ZONING COMMISSION

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

THE APPROVAL PERIOD EXPIRES ON

\_\_\_\_\_

SEE COMMISSION MINUTES OF  
CONDITIONS OF APPROVAL.

\_\_\_\_\_

FOR SPECIFIC

Section E **Formal Subdivision Plan - Plan-Profile**

When new roads or improvements of existing roads are involved in a subdivision, the Formal Subdivision Plan(s) shall be accompanied by complete Plan-Profiles of each such road drawn on a sheet which shall be twenty-four inches by thirty-six inches (24" x 36") at a scale of one inch equals forty feet (1" = 40') and a vertical scale of one inch equals four feet (1" = 4'). The following Plan-Profile drawings and data shall include and display the following and all standards of the Public Improvement Specifications.

1. An accurate layout of existing and proposed streets, easements or rights-of-way, including those for utilities, sewers, drainage either on or off site, with accurate bearings and distances, including arc length, radii and central angle of all curves.
2. An accurate location of all monuments, with accurate references to an established governmental marker or to the Connecticut Coordinate System.
3. The location of all existing and proposed storm 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.
4. Road profiles, showing accurate existing and finished grades, cross sections and other detailed road construction plans, including drainage structures.
5. Watershed data and calculations for the design of drainage structures.

6. Existing ground surface on the center line, the proposed line grade, and existing elevations at both road lines.
7. Elevations at each high and low point.
8. By proper notation, location and elevations of bench marks, based on U.S.C&G.S. datum.
9. All grades shall be expressed as percentages.
10. There shall be stations at high and low points, at centerline intersections, and at suitable intervals.
11. Data showing disposition of surface water, water and sanitary sewer pipes (if any), including sufficient data to permit checking of drainage designs.
12. Typical cross section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.
13. The Location of street name, speed limit; stop, dead end, and other street signs, as recommended by the Town Engineer and/or the Road Foreman shall be shown.
14. A Certificate under seal of a Connecticut licensed professional engineer as to the adequacy of proposed public improvements shall be provided.

Section F **Formal Subdivision Plan - Grading, Fill and Removal Plan**

The applicant shall provide a Grading, Fill and Removal Plan in accordance with Chapter IV, Section A of these Regulations.

Section G **Formal Subdivision Plan - Erosion and Sedimentation Control Plan**

The applicant shall provide a Soil Erosion and Sediment Control Plan consistent with the Public Improvement Specifications and the Ashford Zoning Regulations, as may be amended.

Section H **Formal Subdivision Plan - Hydrological and Hydraulic Plan**

The applicant shall provide a hydraulic study sufficient to demonstrate compliance with the Public Improvement Specifications.

Section I **Formal Subdivision Plan - Passive Solar Energy Techniques Considered and Employed Statement**

The applicant/subdivider shall demonstrate to the Commission that he or she has considered and employed, in developing the subdivision plan, the use of passive solar energy techniques as recommended by CGS Section 8-25(b). The applicant/subdivider shall develop a statement, to be made a part of the application proposal, describing whether solar access techniques are possible on this site and which techniques are best suited for each lot proposed. Passive solar energy

techniques 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 techniques shall include, but shall not be limited to: (1) house orientation; (2) street and lot layout; (3) house location with existing vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development. These techniques are to be used where feasible, but not where they would cause unreasonably adverse impacts to the natural environment.

Section J **Formal Subdivision Plan - Flood Hazard Requirements Plan**

On land that is contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the developer for protective flood control measures in connection with the applicable provisions of the Ashford Zoning Regulations and the Ashford Public Improvement Specifications.



## Chapter V

# Open Space

### Section A Disposition

For any subdivision or re-subdivision of land under these Regulations, the Commission shall require of the applicant/subdivider the conveyance and official dedication of appropriately located and sized “open space”. Open Space should compliment good subdivision design and not be used to designate land that does not have the capability of being developed in a sound and sustainable manner due to proposed design or limiting natural features.

1. The identification and selection of open space area(s) within the proposed subdivision shall be discussed at the Pre-Application Conference (Preliminary Layout which is recommended) or determined at the Formal Subdivision Plan Application phase. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space and it may reject or modify any area that may be proposed by the applicant and require an alternative, as provided under these regulations.
2. In determining the appropriateness of an open space disposition, the Commission shall consider the objectives and goals of the most recent Plan of Conservation and Development, the most recent Open Space Plan and any other Town, State or regional plan(s).
3. The Commission shall assess and select open space land when one or more of the following criteria are met:
  - a. The land under consideration shall be worthy of conservation and capable of long-term protection by the parties in receipt of the dedication.
  - b. Protects and/or provides a buffer or linkage to already protected lands.
  - c. Extends existing protected land.
  - d. Adds to an existing trail corridor, completes a trail link, or initiates or adds to a walking trail.
  - e. Protects or adds to a large un-fragmented parcel of farm, forest, or wildlife habitat.
  - f. Represents a “keystone property” that abuts or links land that has the potential for conservation.
  - g. Protects waterways, lake-frontage, public water supply watershed and/or a wildlife habitat corridor.

- h. Provides opportunities for active and passive public recreation such as fishing, hunting, walking, cross-country skiing, bird watching, photography, nature observation, hiking etc.
  - i. Protects habitat areas of threatened or endangered species and /or areas of known productive wildlife habitats and/or corridors.
  - j. Protects locally important or unique geographical features; trees and other flora, ridges, ridge lines, ravines, scenic views, historic or archeological sites, unpaved roads, stone walls, and other natural and manmade features that maintain and exemplify the rural character of Ashford.
4. The applicant/subdivider shall provide a Documentation Report of Base Line Data which shall include reports, maps, photographs, drawings and other documentation depicting the boundaries and existing condition of the Open Space Land to be dedicated. Such Documentation Report shall be completed and made part of the Final and Formal Subdivision Plan prior to any Commission action on the proposed subdivision application. This Report is particularly important in the case of any dedicated easement(s) the Town or other party(s) may receive for monitoring and enforcing against future encroachment or disturbance to the Open Space.
  5. The Commission reserves the right to enter the proposed Open Space Land to verify the contents of the Documentation Report of Base Line Data as submitted prior to any action by the Commission on the Final Subdivision Plan Application.

#### Section B **Size**

Open space dedication shall be deemed appropriate for all subdivisions or re-subdivisions of land when three (3) or more lots are proposed for subdivision. The required open space areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Chapter V, Section A and the scope of the subdivision proposal. Required open space land shall ordinarily be a minimum of twenty percent (20%) of the area of the property under consideration for a Conventional Subdivision Plan and be fifty percent (50%) of the total parcel(s) area proposed in an Open Space Subdivision Plan. In determining total land to be reserved as open space, the Commission may consider the tract or tracts of land to be immediately subdivided. Areas to be reserved as open space shall be shown on the Final Subdivision Plan.

#### Section C **Sites of Archaeological Significance**

1. All applicants shall make written inquiry of the office of State Archaeologist to determine if there is existing evidence, or a reason to believe evidence exists, of sites of archaeological significance within the proposed subdivision or resubdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall be left undisturbed and may be considered in meeting the minimum open space requirements of this Chapter. If no reply from the State Archaeologist is received within 30 days after receipt of the written inquiry, it shall be

presumed that the State Archaeologist has determined that the proposed subdivision or resubdivision is not located within an area of archaeological significance. All requirements of the applicable provisions of the Ashford Zoning Regulations shall apply.

2. The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the National Resources Inventory, Conservation Commission, Open Space Report, Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

#### Section D **Method of Dedication**

The Commission shall review 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 Chapter V, Section A; the desirability and suitability of public access and use and the scope of the subdivision proposal. Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content. The following disposition options may be utilized by the Commission:

1. Conveyed in fee simple to the Town.
2. Conveyed in fee simple to the State of Connecticut for open space, provided the State of Connecticut has agreed to accept the dedication.
3. Conveyed in fee simple to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
4. Dedication in fee simple to a homeowners' association for open space purposes (see Chapter V, Section I).
5. Utilization of conservation easement(s), with or without public access, using the form set forth in Appendix G.
6. Utilization of an agricultural use restriction easement, to the Town, State, or a private non-profit entity.
7. Private ownership for open space purposes with the appropriate conveyance of development rights.
8. Any combination of the above or any suitable alternative approved by the Commission.

#### Section E **Fee In Lieu of Open Space**

As set forth in CGS Section 8-25, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population

densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

1. Amount: Such fee or combination of fee and the fair market 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 of such land shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
2. Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:
  - a. The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
  - b. The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.
  - c. If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

*Steps a) through c) may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Formal Subdivision application.*

- d. The applicant shall submit the appraisal prior to the completion of the Commission's review of the Formal Subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.
  - e. The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.
3. Payment: The method of payment of any fees under this Section shall be one of the following two options:
  - a. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved Final Subdivision mylars with the Town Clerk; or,
  - b. The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Final Subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be

paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.

4. Building Permits: No building permits shall be issued until such fractional part payments are paid as to any lot sold in the subdivision.
5. Dedicated Fund: Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space.

#### Section F **Referrals**

The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces to the Conservation Commission, Soil and Water Conservation District, or any other appropriate agency.

#### Section G **Condition of Open Spaces**

1. Land to be provided as open space shall be left in a natural state by the applicant/subdivider/developer unless otherwise specified by the Commission. Except for such improvements as may be required by the Commission, open space areas shall not be graded, cleared or used as a parking or temporary storage area during any construction process; used as a repository for brush, stumps, earth, building materials or debris nor shall earth materials be mined or removed.
2. Open space areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall conform to Town specifications for a two (2) house driveway, See also Ashford Zoning Regulations.
3. When site improvements are required, they shall be clearly shown on the Subdivision Plan Maps and they shall be approved by the Commission prior to the filing of the Final Subdivision Plan.
4. The boundary lines of all areas to be dedicated shall be set in the field and marked by monuments and Commission-approved plaques where such lines intersect any lot line, road, or perimeter line within the proposed subdivision, and at such other points as may be required by the Commission to ensure identification in the field. All monuments shall be topped with a capital "A", (designation for Ashford), and meet the requirements of the Ashford Public Improvement Specifications.

Section H **Enforcement Bonding**

To ensure proper construction of any required improvements in areas to be dedicated pursuant to this Chapter V, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All required improvements of open space land shall be completed prior to the issuance of any building permits.

Section I **Homeowners' 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. The document providing for such transfer must:

1. Establish a mandatory participation in an association of property owners to maintain the land reservation for open space with power to assess all members for all necessary costs.
2. Be binding on all future property owners.
3. Be perpetual.
4. Not be affected by any change in zoning or land use.
5. Assure adequate maintenance.
6. Provide for enforcement by the Town by appropriate legal action.
7. Provide that if maintenance or preservation of the dedication no longer comply 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.
8. Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.

After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the Office of the Town Clerk simultaneously with the endorsed Final Subdivision Plan.

Section J **Legal Transfer**

Properly executed legal documents, including warranty deeds for any title transfer to the Town of Ashford, shall be prepared in accordance with the provisions of this Chapter V and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Zoning Enforcement Officer 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 Meeting. In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to a Town Meeting approval be deemed as acceptance of the open space by the Town.

**Section K Dedication for Other Municipal Purposes**

In the event the subdivider proposes to transfer to the Town land for municipal purposes other than open space, the Commission may, in its discretion, approve such dedication as a credit toward any open space disposition requirements under this Chapter.

**Section L Open Space Exemptions**

In accordance with CGS Section 8-25, the following instances shall be exempt from the provisions of this Chapter V:

1. Where 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 will be filed in the Land Records along with the Final Subdivision Plan. If the Commission determines 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 this Section, 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 Land Records; and
2. Where the subdivision is to contain affordable housing, as defined in CGS Section 8-39a, as amended and as covered in these Regulations. 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. 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 violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

## Chapter VI

# Open Space Subdivision - Plan Proposal

### Section A Purpose

The purpose of this Chapter VI is to provide design standards to: (1) maintain and enhance the conservation of natural and scenic resources; (2) protect natural streams and water supplies; (3) promote conservation of soils, wetlands, and other significant natural features and landmarks; (4) provide the opportunity to create large blocks of open spaces; (5) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces; (6) preserve historic sites; and (7) promote orderly development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land to facilitate the preservation of open space, natural resources, and community character.

### Section B General

The number of lots allowed under an Open Space Subdivision design proposing less than ten (10) lots, shall be the same number that would be allowed by the Commission in the development of the Conventional Subdivision design. For Open Space Subdivision plans proposing ten (10) or more lots, the lot yield may be increased by ten (10%) percent, provided all other requirements under this Chapter and these Subdivision Regulations are met.

An "Open Space Subdivision" is a cluster development, as defined by CGS Section 8-18, in which the dimensions that would otherwise be required for lots under the Ashford Zoning Regulations and Ashford Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space. Specifically, an Open Space Subdivision is a subdivision or re-subdivision of land into lots for single family detached dwelling units that meets the frontage and minimum one (1) acre contiguous buildable land requirements of the Ashford Zoning Regulations. Interior lots are prohibited.

The minimum area of open space to be dedicated within an Open Space Subdivision shall be fifty percent (50%) of the total area of the parcel being subdivided. In addition, the area of open space to be dedicated must contain at least fifty percent (50%) of the total area of the parcel that does not comprise wetlands, watercourses or floodplain areas. As an example, if a parcel containing 100 acres is subdivided, and 30 acres of the parcel consists of wetlands, watercourses, or flood plain areas, the minimum open space dedication will be 50 acres (100 acres x .50), and at least 35 acres (70 acres x .50) of the dedicated area must not be wetlands, watercourses or flood plain areas. Nothing in this section shall prohibit a subdivider from dedicating additional land consisting of wetlands, watercourses or flood plain areas, so long as the minimum amount of other types of land is also provided. For instance, in the example given above, the subdivider could dedicate 30 acres (not just 15 acres) of wetlands, so long as the dedication also included the minimum 35 acres of land that did not consist of wetlands, watercourses or floodplain areas. The Commission encourages subdividers to dedicate or otherwise preserve as much of the wetlands, watercourses and floodplain areas as possible.



Section C **Requirements for Submitting a Formal Open Space Subdivision Plan**

1. An applicant shall submit a Conventional Subdivision Plan that conforms to all requirements of the Conventional Subdivision Regulations and the Ashford Zoning Regulations. In addition, except as otherwise provided in Chapter VI, Section H, Exceptions, every applicant proposing to subdivide or re-subdivide a parcel of land containing six (6) or more lots in any zoning district allowing residential development shall submit an Open Space Subdivision Plan that meets the requirements of this Chapter and the other relevant provisions of these Regulations and the Ashford Zoning Regulations. All Preliminary Layout and Formal Subdivision specifications for submittal of a Conventional Subdivision Plan, as defined in Chapters III and IV apply to Open Space Subdivision Plans, as appropriate. In the case of a re-subdivision the Commission may give consideration for any previous open space conveyances. For purposes of determining the size of the parcel proposed for subdivision all land within the parcel, including any land not immediately proposed for use as building lots, shall be included.
2. The Commission recommends that prior to the submission of an official application for Formal Open Space Subdivision approval, the applicant initiate a Pre-Application Conference with the Commission and subsequently prepare and present Preliminary Layout Plans for a Conventional Subdivision Plan and an Open Space Subdivision Plan, for informal consideration by the Commission. The preparation of the Preliminary Layout Plans are recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of preliminary layout plans will more readily facilitate alterations and changes recommended by the Commission. Neither the Pre-Application Conference nor the formal consideration of Preliminary Layout Plans shall be deemed to constitute any portion of the official and formal procedure of applying for approval of any Final Subdivision Plan. If the Preliminary Layout Plan Process is followed the Commission will recommend if a Conventional Subdivision Plan or an Open Space Subdivision Plan is the appropriate design for submission under the formal submission procedure
3. Open Space Subdivisions will utilize a Homeowners Association for the management, maintenance and upkeep of all retained common area(s), sediment and erosion control structures, and street network within the subdivision. All streets shall be constructed to the Ashford Public Improvement Specifications. The Homeowners Association will conform to the requirements of Chapter V, Section I of these regulations. Open Space associated with the subdivision may be retained, managed and maintained by a Homeowner's Association or any of the other open space disposition options outlined in Chapter V, Section D.

Section D **General Density Limitations**

For plans proposing less than ten (10) lots, the maximum number of lots for an Open Space Subdivision shall be determined by taking the number of buildable lots that would result for the

same parcel in a Conventional Subdivision design Plan and applying this resulting number to a cluster of lots to be located on land with a minimum of one (1) acre of buildable land per lot. For Open Space Subdivision plans proposing ten (10) or more lots, the lot yield may be increased by ten (10%) percent, each lot to be a minimum of one (1) acre of buildable land per lot.

#### Section E **Open Space Use Limitations**

1. **Minimum Percentage of Open Space.** The minimum percentage of land that shall be designated as permanent open space shall be fifty percent (50%). The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space and it may reject or modify any area(s) proposed by the applicant. In determining total land to be reserved as open space, the Commission may consider the tract or tracts of land to be immediately subdivided. Areas to be reserved as open space shall be shown on the final subdivision map. All designated open space shall be located through the placement of permanent monuments at the location of every direction change as per Chapter VIII Section F and meet the requirements of the Ashford Public Improvement Specifications.
2. **Use of Open Space Areas.** The purposes for which open space areas are proposed shall be documented by the applicant. Storm-water management ponds or basins may be included as part of open space, provided that such ponds shall: i) contain water for less than forty-eight (48) hours or (ii) is a fire protection pond approved by the fire chief or his or her designee or (iii) is a permanent body of water which is designed and landscaped to simulate a natural pond. Land within the rights-of-way for underground utility lines may also be included as part of open space. However, land within the rights-of way of overhead power lines, streets, driveways or other surface utilities shall not be included in open space.

#### Section F **Design Standards for Open Space Subdivision**

The dimensional requirements for lots in an Open Space Subdivision shall be as specified in the Ashford Zoning Regulations. In designing an Open Space Subdivision, the applicant should consider the purposes set forth in Chapter V, Section A of these Regulations, the provisions and standards set forth in this Chapter VI, the provisions in the Ashford Zoning Regulations and the following factors:

1. Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.
2. Proposed open space areas should include natural features located in the tract.
3. Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, to minimize the area devoted to motor vehicle access and travel, and to take advantage of passive and active solar heating opportunities.
4. The development should have design features that reflect the rural character of the immediate area, whether it is historic, agricultural or residential.

5. A conceptual rendering of the proposed clustered dwellings shall be provided for review and by the Design Advisory Board appointed by the Commission.

The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Ashford Zoning Regulations.

#### Section G **Dedication of Open Space**

Open space areas within an Open Space Subdivision shall be dedicated, using one of the methods outlined in Chapter V, Section D. The application shall suggest which of the foregoing entities is proposed to own the open space, but the Commission, as part of any approval of such application, may modify such designation to require ownership by an entity set forth above. The provisions of the Ashford Zoning Regulations set forth applicable criteria and limitations for such matters as development restrictions and covenants, instruments of open space conveyance, boundary designations, recording, rights to enforce, and association requirements, but, the Commission shall review the proposed method for final disposition of all open space.

#### Section H **Exceptions**

An applicant may apply to the Commission for an exception to the open space subdivision plan requirements. The purpose of the exception is to provide flexibility with regard to parcels of land for which an Open Space Subdivision Plan would be impractical due to existing physical conditions or limitations, would create an undue hardship, or would be substantially detrimental to the character of, or property values in, surrounding areas. In evaluating, approving or disapproving an application for such an exception, the Commission may consider the following criteria:

1. The nature of the proposed development.
2. The nature of the resources present on the land.
3. The size of the subdivision.
4. Road access.
5. The shape of the parcel;
6. Any undue hardships that the creation of an open space subdivision would cause; and,
7. Any other factors the Commission deems appropriate.

An applicant who is granted an exception under this Section H may submit a Formal Application for a Conventional Subdivision Plan.

#### Section I **Procedures**

Except as otherwise provided in these Regulations all Open Space Subdivision Plans and applications, as well as Conventional Subdivision Plans and applications submitted must meet the procedural and substantive requirements of these Regulations and the Ashford Zoning Regulations, as may be amended.

## Chapter VII

# Water Supply and Sanitary Waste Disposal

### Section A Water Supply

1. Every proposed lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or community water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the Town Director of Health or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any Final Subdivision Plan.
2. If the use of a community water supply system is proposed, the subdivider shall submit a plan in compliance with evidence of an approval by the Town Director of Health.

### Section B Sanitary Waste Disposal

1. No lot requiring an individual septic system for sewage disposal shall be considered for approval by the Commission until the lot has been approved by the Town Director of Health, Town Sanitarian, or other appropriate Town official as suitable for the system. Percolation tests, soil reports, and the relevant Town official's report must be submitted with the Subdivision Application. Where evidence indicates special cause for concern, the Commission may require additional information in applications, including, but not limited to, a permeability analysis and/or renovation analysis of bacteria, phosphates, or other pollutants.
2. It is the responsibility of the subdivider to contact the Town Director of Health or Town Sanitarian to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.
3. A minimum of one (1) deep observation hole and percolation test shall be performed in each proposed primary, and in each proposed reserve septic system leaching area indicated on the subdivision plans.

## Chapter VIII

# Required Design Criteria in Addition to the Town Of Ashford Public Improvement Specifications

The Commission hereby adopts and incorporates herein, as though fully set forth, all of the provisions of the Town of Ashford Public Improvement Specifications and the additional requirements as set forth in the following Sections of this Chapter.

### Section A Description

The improvements set forth in this Chapter VIII shall be required in all subdivisions and/or resubdivisions except where waived by the Commission pursuant to Chapter XI of these Regulations.

All construction will be done in accordance with the Ashford Public Improvement Specifications and shall be performed under the supervision and direction of the Board of Selectmen or its designee. In addition the following Sections shall apply:

### Section B Streets

1. Layout: The street and highway layout shall conform to the Plan of Conservation and Development for streets and highways. All streets shall be designed to accommodate prospective traffic and to afford satisfactory access for police, fire fighting, snow removal, sanitation, and street maintenance equipment, as well as school buses. Streets shall be coordinated to compose a convenient system and to minimize adverse impacts on adjoining properties.
2. New Streets: Where the subdivision adjoins land susceptible to being subdivided, the Commission may require new streets to be carried to the boundaries of any proposed subdivision. All new streets shall employ traffic calming measures. It is preferred streets be designed to be curvilinear rather than linear. Street crossings over wetlands, swamps, brooks and watercourses shall be designed to have the least impact and cross at the narrowest width possible consistent with good design. The street(s) shall be appropriately related to the topography and terrain, both within the subdivision and the surrounding lands. Street and lots shall be arranged so as to obtain as many as possible of the building lots at or above the grades of the street. Grades of streets shall conform as closely as possible to the original topography. Streets having steep grades, high fills or deep cuts shall be avoided. Street and lots shall be carefully designed to minimize the need for regarding and defoliation of the site.
3. Reserved Rights-of-Way. When required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property

susceptible to being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Ashford and the owner, and shall include slope rights of fifteen linear feet (15') outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be laid out so that access to the house or garage shall not be over the reserved right-of-way.

4. Slope Rights: Where new Town owned streets abut private property, slope rights of fifteen feet (15') on each side of the street right-of-way shall be obtained by the applicant, and these slope rights shall be shown on the Final Subdivision Plan submission to the Commission. Such slope rights shall be transferred in the form of an easement to the Town of Ashford. The applicant shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The applicant shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.
5. Street Designation: The designation for each new or existing street as arterial, collector or local will be determined by the Commission after evaluating the following factors:
  - a. The type of land use permitted in the subject zone, and/or proposed for the subdivision, such as, residential, commercial, industrial, or institutional;
  - b. The residential density and/or development intensity of any permitted and/or proposed land uses;
  - c. The number of acres or residential units or non-residential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets;
  - d. The physical characteristics of the property through which the street is proposed, such as topography, geology, water table, and the like;
  - e. The recommendations of the Plan of Conservation and Development, including traffic calming measures.
6. Street Widening: Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town or Association, as the case may be, for street widening and the applicant shall show such widening on the Formal Subdivision Plan
7. Street Signs: One street sign and supporting post shall be installed at all new street intersections at the expense of the subdivider and shall conform to the requirements of the Town of Ashford.
8. Cul-de-sac Streets: A cul-de-sac street shall not originate at a loop street or another cul-de-sac street. Cul-de-sacs shall not exceed eight hundred feet (800') in length which shall be measured from the center line of the through street it intersects at its origin. There shall be no more than two cul-de-sacs to any subdivision. There shall not be any

lots that do not meet the minimum frontage requirements of the Ashford Zoning Requirements.

Cul-de-sac streets serving more than eight lots shall have two (2) segments of street pavement twenty feet (20') wide load bearing, sixteen feet (16') of which is paved, on each side of a dividing island at least eight foot (8') in width. A native shrub planting plan for the center island shall be presented to the Commission. The developer/subdivider shall be required to set up a properly funded homeowners association or other legally effective mechanism for continuous future maintenance of the center island at no expense to the Town. This mechanism and the person(s) or titles of person(s) responsible shall be described on the Subdivision Plan. An appropriate document, legally sufficient to establish and continue the maintenance mechanism, shall be presented to the Commission in draft form at the time the Subdivision Application is filed. The document shall provide for adequate funding and shall give the Town of Ashford the right to perform such necessary maintenance and secure reimbursement of the appropriate funds in the event the responsible person(s) do not fulfill their obligations. The final document shall be properly executed and filed in the Ashford Land Records as a condition of Final Subdivision approval. There is a bond requirement for implementation and completion of the island and no home construction may begin until the Town has approved the completed street and island.

When a cul-de-sac street is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract.

Where a cul-de-sac street does not extend to the boundaries of a parcel, it shall be generally separated from such boundaries by a distance not less than the minimum lot depth required by the Zoning Regulations.

A cul-de-sac street shall be provided with a turnaround designed and constructed to the Ashford Public Improvement Specifications.

9. Street Turnaround: Any street requiring a temporary turnaround where it can reasonably be expected the street will continue into adjoining land in the future or where a permanent cul-de-sac street is shorter than allowed and said street is likely to be extended to provide access to additional allowable lots. Cul-de-sacs having an island in the center of the vehicular turnaround may be permitted on a case by case basis. Temporary turnarounds shall be constructed to meet the requirements of the Ashford Public Improvement Specifications.

Land for a temporary turnaround shall be provided to the legal entity responsible for the street in the form of an easement which shall contain a condition for automatic termination of the easement upon extension of the street.

Pavement of the temporary turnaround shall be removed upon termination of the easement and as a condition of the projection of the street into the adjoining property. The pavement for the temporary turnaround shall be removed by the subdivider who provides the extension of the street, and the same subdivider shall also improve the

street in the area of the temporary turnaround to meet the requirements of the Ashford Public Improvement Specifications.

When there is a possibility of extension of a street, all portions of the street, including pavement, slope rights, grass strip, and sidewalk that fall outside of the limits of the normal right-of-way width shall occupy the space by virtue of an easement delivered to the Town before acceptance of the street.

The applicant (subdivider) extending any street shall be required to: remove the existing pavement outside of the standard traveled way; loam and seed the area in which pavement has been removed; extend any curbs and sidewalks; extend existing driveways; and relocate mail and paper boxes in the original street area in accordance with Town requirements and all at the subdivider's expense.

10. Loop Streets: Loop streets shall not originate at another loop street or a cul-de-sac street. Loop streets shall not provide access to more than twenty (20) lots. No lots within the loop shall have its rear line fronting on the loop street.
11. Existing Street Improvements/Access: Whenever a subdivision is proposed for land accessible only by an unpaved street which does not conform with minimum requirements of grade, alignment, width or construction set forth in these Regulations, and/or the Public Improvement Specifications, the Commission may determine that approval of the subdivision plan would be contrary to the public safety unless such street is altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision.
12. Scenic Roads, Stone Walls, Stone Foundations, and Street Trees: Frontage improvements, as described in the preceding section, may be modified by the Commission in order to achieve the objectives of the Scenic Road Ordinance. In addition, the Commission shall consider the existence and preservation of stone walls, stone foundations, and street trees which are part of Ashford's historic character.
13. Specification and Details: All street improvements shall be constructed in accordance with the Town of Ashford Public Improvement Specifications.
14. Home Owners' Association: All Loop Streets and Cul-de-sac Streets shall be owned and maintained by an approved Home Owners' Association meeting the criteria of Chapter V, Section I.
15. Utilities: All utilities for new streets, and for new dwellings on existing streets with above ground utilities, shall be installed underground. Such utilities include, but are not limited to, those required for electrical, communication, lighting and cable television sources and related facilities; except surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, which may be placed above ground. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these



Regulations. The Commission shall have final review of all utility screening and landscaping.

In making the determination set forth in the preceding paragraphs, the Commission shall take into account the street's ability to handle the increased volume of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and the ability of any vehicle to use the street safely.

## Section C **Lots**

1. **Adjacent Land:** If the owner of a proposed subdivision also owns adjacent land that does not meet the minimum requirements for a lot in the respective zone, such adjacent land must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels expressly intended to be dedicated to a public use acceptable to the Commission.
2. **Useless Land:** No lot, regardless of size, which is rendered useless for building due to utility easements, right-of-way, watercourses, wetlands, topography, geologic condition or lack of compliance with the Public Health Code, shall be shown as a building lot on any subdivision. Except as provided in Chapter X and Chapter XI such property shall be included in adjoining lots.
3. **Lot Lines.** Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines. Variations from this rule will be made only where it is impractical to do otherwise, and shall require approval in accordance with the Ashford Zoning Regulations.
4. **Off-Street Parking.** Space shall be provided on all lots for off-street parking.
5. **Lot Boundary Markers.** A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change of a lot line occurs. Such marker may be a steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the Final Subdivision Plan Map and must be placed on the site prior to the issuance of a final Certificate of Use and Compliance on the subject lot. Upon the specific request of the applicant in the subdivision application form, the commission may waive this requirement on extraordinarily large lots or remaining tracts of property in accordance with Chapter XI of these Regulations.
6. **Lot Size.** To ensure that all proposed subdivision lots have an adequate area for on-site water and sewerage systems, house and accessory building locations, driveways and parking area and usable recreation space; to minimize drainage problems and facilitate ground water discharge; and to minimize potentially detrimental encroachments upon watercourses, waterbodies, wetland soils and flood plain areas; all proposed subdivision lots, except as otherwise permitted under the Ashford Zoning Regulations, as may be amended, shall comply with the requirements of the Ashford Zoning Regulations.

7. Lot Frontage: No lot shall be approved which does not have the required frontage as per the Ashford Zoning Regulations. All approved lots shall only have access on a street which is constructed or bonded for construction in conformance with the Ashford Public Improvement Specifications. Interior lots, back lots and so called flag lots are prohibited in Open Space Subdivisions.
  
8. Driveways
  - a. An application for the approval of a subdivision or re-subdivision plan that involves the construction or installation of driveways, including associated drainage improvements, shall constitute an agreement by the applicant/subdivider to be responsible for the construction and completion of any or all driveways, including common driveways, the Commission may deem necessary to serve any lot(s) to be conveyed following approval of the plan.
  
  - b. In addition the Commission may require a one (1) or more year maintenance bond, as set forth in Chapter IX, upon completion of any driveway(s) to insure such driveway(s), including drainage improvements, function properly. The amount of the bond shall be in an amount determined by the Commission. The Commission's ability to call a subdivision bond or other surety pursuant to CGS Section 8-26c(c) shall not prevent the Commission from seeking to enforce the responsibility of the applicant/subdivider to complete driveway improvements.
  
9. Common Driveways
  - a. Common Driveways shall be allowed in accordance with the Ashford Zoning Regulations.
  
  - b. A driveway easement shall be filed on the deeds of the affected lots to clearly establish liability and maintenance agreements in the form set forth in Appendix F. Said deed restriction shall be approved by the Town of Ashford Planning and Zoning Commission and filed on the land records prior to the issuance of a Certificate of Use and Compliance on any of the subject lots.

Section D **Storm Drainage** (*Please see Ashford Public Improvement Specification*)

Storm drainage systems constructed under these Regulations shall provide for the proper drainage of the tributary area so as to prevent flooding, scouring, siltation or insufficient flows to brooks, lakes, ponds, and other watercourses, intermittent streams and waterbodies, and other adverse impacts. The subdivider shall make provisions for preventing the creation of stagnant water within the limits of the proposed subdivision.

All land development, redevelopment and land conversion activities shall maintain the after development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, non-point source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.

Section E **Inspection** (*Please see Ashford Public Improvement Specification*)

1. All subdivision Improvements to be dedicated to the Town shall be inspected by the Commission or such agent as may be designated by the Commission, in consultation with the Board of Selectmen.
2. Inspections shall be made at the following stages of construction:
  - a. When rough grading is complete.
  - b. When drainage and all other underground facilities are installed, but prior to any backfilling.
  - c. During construction of street base courses.
  - d. During construction of bituminous concrete surface and binder courses.
  - e. During the placing of concrete for sidewalks.
  - f. When curbing is complete.
  - g. A final inspection shall be made when all Improvements are complete, and before acceptance by the Town.

Section F **Street Monument** (*Please see Ashford Public Improvement Specifications*)

Street monuments shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary to identify the street line in the field. The location of all street monuments shall be indicated on the final subdivision plan. They shall be installed and their accuracy certified by a Licensed Land Surveyor. The monuments shall be made of concrete, and shall meet all requirements of the Public Improvement Specifications.

Chapter IX

# Insurance, Bond Requirements, Certificate of Use, Bond Release, and Agreement for Installation of Improvements

ANY PERSON WHO SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A SUBDIVISION BASED UPON THE PROVISION OF A BOND IN LIEU OF THE COMPLETION OF ALL REQUIRED IMPROVEMENTS AND UTILITIES SHALL BE DEEMED TO HAVE READ, UNDERSTOOD AND ACCEPTED ALL OF THE TERMS IN THIS CHAPTER. THE COMMISSION SHALL NOT ISSUE ANY FINAL APPROVAL OF A SUBDIVISION APPLICATION BASED UPON THE PROVISION OF A BOND UNLESS THE APPLICANT AGREES TO ABIDE BY THESE PROVISIONS AND EXECUTE THE RESTRICTIVE AGREEMENT DESCRIBED IN APPENDIX "B".

Section A **Insurance**

1. The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.
2. The policy shall insure the Town of Ashford and the subdivider against all claims for damage or injury to persons or property that may arise from any and all aspects of the construction, installation, or maintenance, or lack thereof, of any subdivision improvements, or from any operations in the development or completion of the subdivision; including but not limited to, clearing, removal of vegetation, grading, excavating, filling, inspection, testing, water well installation, sediment and erosion control measures, and road construction and improvements. The policy shall have the following limits:

Property Damage (including automobile) Each Accident: *Not less than \$1 million.*

Bodily Injury (including automobile) Each Person: *Not less than \$1 million.*

Each Accident: *Not less than \$1 million.*

Section B **Performance Bond**

1. A Performance Bond in such form and amount as the Commission shall require in accordance with these Regulations shall be posted by the subdivider prior to the commencement of construction of any improvement or work on any lot to insure the completion of required improvements and utilities in the event the subdivider shall fail timely to install the same. The term of any Performance Bond proposed by the developer should be the same as the normal duration of the subdivision approval pursuant to state law. Any developer who proposes to submit a Performance Bond having a shorter term shall be deemed to have accepted the risk that the Bond will not be renewed and that the

approval of the subdivision shall lapse and become null and void if it is not renewed. The developer shall be entitled to complete all required subdivision improvements within the time allowed by state law, provided the developer continuously maintains the Performance Bond, or a substitute Performance Bond acceptable to and approved by the Commission in accordance with these Regulations, for the full duration of such time. If, at any time, the Performance Bond lapses, is terminated or withdrawn, or ceases to be effective or in force, regardless of whether the developer is responsible for such circumstances, the subdivision approval shall, after notice to the subdivider and the opportunity to be heard, lapse and become null and void except as provided hereafter. Within 30 days after the date of any such lapse, termination, withdrawal, or cessation of the effectiveness of any such Performance Bond, the developer may submit to the Commission a written request for approval of a substitute Performance Bond. No such request shall be granted unless the developer or a designated agent or representative of the developer attends the meeting of the Commission at which the matter is to be considered. It shall be the developer's responsibility to be aware of the date, place and time of such meeting. The Commission may deny such request if it determines that such proposed substitute Performance Bond does not provide adequate security for the timely completion of all required subdivision improvements and utilities or if it determines that the developer has failed to comply with any terms or conditions of the subdivision approval or any of these Regulations that are applicable to the subdivision approval. The Commission may also approve the provision of a substitute Performance Bond different in form and amount than that requested by the developer. In the event the Commission approves the provision of a substitute Performance Bond, the developer shall be allowed 30 days following the date of such approval to submit the substitute Performance Bond. The Commission may, upon the developer's written request, extend the time within such substitute Performance Bond may be provided by no more than an additional 30 days. If the developer fails to provide the substitute Performance Bond within such period of 30-60 days, or if the developer fails to submit a written request for approval of a substitute Performance Bond within the time set for above, the subdivision approval shall become immediately null and void. Nothing in this section will prevent or prohibit subsequent subdivision of the property.

2. Separate Sedimentation and Erosion Control Bond: Measures and facilities specified on the approved Soil Erosion and Sediment Control Plan shall be guaranteed by a separate cash or savings account bond assigned to the Town. No Development shall commence until said bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Planning and Zoning Commission or its designated agent.
3. Restoration: In the event the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the Performance Bond to restore all or any portion of the site to a natural condition. The Commission shall not use the Performance Bond to restore the site if the cost to complete all required improvements and utilities would be less than the cost of performing such restoration. The Commission shall not make any decision to use a

Performance Bond for restoration without obtaining an estimate for the costs of oversight of the project and any additional engineering costs to complete all required improvements and utilities from the Town Engineer or a similarly qualified consultant.

4. In computing the amount of a Performance Bond, the Commission shall consider the following items:
  - a. The construction cost of all required improvements, including storm drainage system, roads and pavements, sidewalks and curbs, roadside landscaping and trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final Subdivision Plan, Plan Profile, and Erosion and Sedimentation Control Plan.
  - b. Costs for the Town to advertise and award a contract for construction of the improvements or site restoration; and the costs for the Town to oversee and manage such contract(s).
  - c. Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.
  - d. The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.
  - e. Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (d) 1 through 4 above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this paragraph, no improvement, as that term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted, and no lots shall be sold in such phase
5. As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:
  - a. Cash in the form of a certified check; a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel or a letter of credit in favor of the Town in the form included as Appendix D of these regulations. The bank ("Surety") or lending institution issuing the passbook or letter of credit shall be one maintaining offices in Hartford, Windham or Tolland Counties in the State of Connecticut.
  - b. A surety company bond in sum and form satisfactory to the Commission. Such company ("Surety") shall be one maintaining offices in the State of Connecticut.

6. The bond forms set forth in the preceding paragraph shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the Bond shall be the sum the Commission shall require. The completion date of all required Improvements shall be the end of the term of the Bond or any extension thereof, but, in no event, longer than the period set forth in CGS Section 8-26c.
7. For all Performance bond documents: If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.
8. If at any time, the bond required by this Section shall not be in effect because of incomplete or unaccepted public improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact.

#### Section C **Certificate of Zoning Compliance**

Before any Certificate of Zoning Compliance may be issued for any building in such subdivision on a lot that fronts on a subdivision road that has not been accepted by the Town as a public road, the subdivider must complete such road, in accordance with all applicable specifications, up to a cul-de-sac or intersection with an existing road, to a stage in construction at which only the final asphalt surface course of the road remains to be done before completion of the road. The foregoing condition shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, must also be bonded in accordance with the provisions of this Chapter IX. In addition, water supplies and effluent disposal systems shall be operational and accepted by the appropriate Town or State agencies prior to the issuance of a Certificate of Zoning Compliance allowing the occupancy of a dwelling on any lot.

#### Section D **Application of Bonds**

The Commission may call any surety bond and apply the proceeds of such bond to the construction and installation of required subdivision improvements and utilities in any of the following circumstances:

1. The Commission may call the bond at any time within sixty (60) days before the expiration or termination date of the bond, as that date may have been extended, if any portion of the required subdivision improvements or utilities has not been completed. If the Commission has called the bond under this subsection, and the expiration or termination date of the bond

is subsequently extended for a period of no less than one (1) additional year, or a replacement bond of equivalent or greater amount is subsequently provided in a form satisfactory to the Commission, the Commission shall have the option of proceeding to complete any portion of the required subdivision improvements and utilities under the original bond or accepting the extended or replacement bond in lieu of completing such improvements.

2. The Commission may call the bond at any time within sixty (60) days before the date, as it may have been extended, on which the approval of the subdivision is scheduled to expire under any applicable provision of state or local law if any portion of the required subdivision improvements or utilities has not been completed.

#### Section E **Bond Release**

1. Prior to the release of the Performance Bond the subdivider shall present a Cash Maintenance Bond equal to ten (10%) percent of the full amount (i.e., the highest amount set by the Commission before any subsequent reductions) of the Performance Bond. The Maintenance Bond shall be for a period of three (3) years after all construction activity has been completed and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The three-year period shall commence upon the effective date of the acceptance of any road or other public improvements by the Town of Ashford, as recommended by the Planning and Zoning Commission and Department of Public Works.
2. Application for the release of any Bond upon completion of all required improvements shall include the submission of properly scaled as-built drawings, which shall include all changes in the plans as authorized by the Commission or its Engineer during the course of construction. The as-built drawings shall be signed and sealed by a Connecticut Registered Land Surveyor licensed in the State of Connecticut.
3. Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the developer may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission may refuse such reductions if it finds the construction of any improvements in violation of any provision of these Regulations or the plans, terms, or conditions for any subdivision approved hereunder.

#### Section F **Agreement For Installation Of Public Improvements**

An application for approval of a subdivision plan that involves the construction or installation of public improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to CGS Section 8-26c(c) shall not prevent the Commission from seeking to enforce the personal responsibility of the applicant to complete the necessary improvements.



The Commission shall not approve any subdivision plan that involves the construction or installation of public improvements unless the applicant signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as set forth in Appendix E.

## Chapter X

# Lot Line Revisions

### Section A Lot Line Revision in Approved Subdivision Plans

The revision of any lot line or lot-lines shown in a subdivision plan that has been previously approved by the Commission shall be deemed to constitute a modification of the approved subdivision plan. Any and all such modifications must be reviewed and approved by the Commission. The Commission shall not hold a public hearing on any such proposed lot line revision unless the proposed revision would result in a re-subdivision, as defined in Section 8-18 of the Connecticut General Statutes, as amended. The Commission shall approve a proposed lot line revision unless it determines either (i) that one or more of the proposed reconfigured lots would not meet any applicable requirements of the Zoning Regulations, or (ii) that the proposed modification would result in a lot or lots that would be significantly more difficult to develop or use because of the location of such physical features as wetlands, watercourses, or steep or rocky areas within the reconfigured lot or lots.

### Section B Lot Line Revision in Other Lots

The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Ashford or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

## Chapter XI

# Waiver of Regulations

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with CGS Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. In considering a modification or waiver under this Chapter, the Commission shall, by a three quarters (3/4) of all the members of the Commission, approve such modification or waiver upon a finding that all of the following conditions are met:

1. Conditions exist on the subject property that are not generally applicable to other land in the Town;
2. Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these Regulations were strictly applied;
3. The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations; and
4. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.

Any request for modification or waiver under this Chapter shall be set forth on the Subdivision Application form, and, if granted, shall be noted on the Final Subdivision Plan with a reference to the lot(s) affected, and the Section of these Regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this Chapter, the Commission shall state upon the record the reasons for such action.

## Chapter XII

# Subdivision Design Standards

### Section A Purpose

The subdivision design standards set forth in these Regulations are intended to fulfill the requirements of CGS Sections 8-25 and 22a-19, and specifically to assure that 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 is made for water, drainage, and sewerage; and in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation, maintenance, and preservation of open spaces; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the public air, water, or other natural or historic resources of the state.

### Section B Public Health Standard

The standards for the protection of public health shall be as set forth in Chapter VII of these Regulations, entitled "Water Supply and Sanitary Waste Disposal."

### Section C Standards for Open Space

The standards for the provision of open spaces shall be set forth in Chapter V of these Regulations, entitled "Open Space."

### Section D Standards for Street Design

The standards for the provision of adequate access and street systems include those set forth in the Ashford Public Improvement Specifications, as made part of these Regulations. In addition, the Commission shall apply the following standards:

1. All streets in a proposed subdivision plan shall be designed to allow their incorporation into a safe, practical and effective Town street and highway system
2. Street layouts shall be designed with reasonable consideration for future access to adjoining parcels of land. Cul-de-sacs shall be disfavored if adjoining undeveloped parcels should be more easily and practically developed by a through-road connection and if the use of cul-de-sacs would be likely to require emergency vehicles to traverse a substantially longer route to reach adjoining properties.

3. In approving a subdivision application, the Commission may require the dedication of land along existing Town streets if necessary to provide the street right-of-way with an adequate width, meet drainage needs and slope rights requirements.

**Section E Standards for Protection of Natural Resources**

The Commission may modify a proposed subdivision or re-subdivision plan prior to approval if it deems such modifications(s) necessary to protect specifically identified natural resources; or the Commission may deny a proposed subdivision or re-subdivision if it deems such denial is necessary to protect specifically identified natural resources such as, but not limited to:

1. Inland wetlands, watercourses and their riparian zones, in accordance with the Ashford Inland Wetlands and Watercourses Commission's Report and/or permit,;
2. Habitat of rare or endangered plant or animal species;
3. Significant stands of mature trees or particularly large or unusual trees;
4. Significant geological features, such as rock outcrops, fault lines and glacial forms;
5. Vista points and ridgelines;
6. Floodplains, flood-zones;
7. High-yielding or potentially high-yielding aquifers.
8. Prime Farmland, Farmland of Additional Statewide Importance.
9. Abutting open space, park land and/or protected land.

The Commission may modify or deny any proposed subdivision or re-subdivision based on the Ashford Inland Wetlands and Watercourses Agency Report as submitted in accordance with C.G.S. 8-26.

**Section F Standards for Protection of Historic Resources**

The standards for the protection of historic resources shall include those standards set forth in Chapter V, Section C of these Regulations, entitled "Sites of Archaeological Significance." In addition, the Commission may modify a proposed subdivision or re-subdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources; or the Commission may deny a proposed subdivision or re-subdivision if it deems such denial is necessary to protect specifically identified historic resource such as, but not limited to:

1. Stone walls or fences;
2. Foundations or other evidence of historic settlements within the Town;
3. Native American or other burial grounds; and
4. Historic structures or landmarks, as defined by CGS Section 22a-19a.

## Chapter XIII

# Miscellaneous Provisions

### Section A Penalty for Failure to Comply

1. Failure to Obtain Subdivision Approval: In accordance with CGS 8-25, any person, firm, corporation, partnership or association making the subdivision or re-subdivision of land without approval of the Commission shall be liable to a fine of Five Hundred Dollars (\$500.00) for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, 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 Ashford Land Records.
2. Violation of Subdivision Approval: Any person, firm, corporation, partnership or association that violates any provision of these Regulations or any condition of modification of any Subdivision approval; or fails to comply with the plans and other documentation submitted in accordance with these Regulations shall be provided notice of such violation by registered mail, return receipt requested. Said notice shall indicate the date of a regular or special meeting at which the Commission shall consider such violation, and the subdivider shall have the opportunity to be heard and present evidence at such meeting. If, following such meeting, the Commission determines that a violation as described in this paragraph has occurred, the Commission may take any or all of the following actions: allow a fifteen (15) day period for the initiation of correction of the violation(s), after which a fine of one hundred (\$100.00) per day will be assessed for each violation; void the subdivision for any lots which have not been conveyed to purchasers not affiliated with the subdivider; call any bonds or letters of credit which have been placed to secure compliance with these Regulations and any approval granted hereunder; direct the Zoning Enforcement Officer to withhold any Certificate of Zoning Compliance for any such lot(s) in the subdivision; refuse to accept any public improvement in connection with such subdivision; refuse to grant any extension of time for the completion of improvements in such subdivision; require additional bonding; require additional engineering or other studies to evaluate the scope and nature of the violation; bring legal action seeking injunctive relief or such other relief as may at law or equity pertain.

*When fines are assessed there shall be a monthly interest rate penalty after the first 30 days and after each successive 30 day period, at the established Town rate for non-payment. After three (3) months, if fines and penalties are not paid, a lien shall be placed on all lots covered under Sections 1) and 2) of this Chapter. In addition, any outstanding violation(s) of the Ashford Subdivision or Zoning regulations will preclude the Commission from accepting any new applications from such entity until violations are corrected and until all fines and penalties have been paid in full.*

Section B **Amendments**

These Regulations may be amended by the Commission in accordance with the procedures set forth in CGS Section 8-25.

Section C **Validity**

Should any section or provision of the Regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be invalid.

Section D **Enacting Clause, Short Title and Repeal**

The Ashford Planning and Zoning Commission acting under authority of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Subdivision Regulations of the Town of Ashford". The provisions of the Subdivision Regulations heretofore in force and any amendments thereof, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of the Regulations as originally enacted which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted.