



# **ROXBURY**

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## **SUBDIVISION REGULATIONS**

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Roxbury Planning Commission

**2001 COMPREHENSIVE REVISIONS  
ACKNOWLEDGMENTS**

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**Planning Commission**

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Arlene Kershner	Member
Ralph Wescott	Member
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**1.00 INTRODUCTION**

**1.01 AUTHORITY**

These Regulations are adopted by the Roxbury Planning Commission under the authority of Chapter 126 of the Connecticut General Statutes, as amended.

**1.02 PURPOSES**

As provided in Section 8-25 of the Connecticut General Statutes, these Regulations are adopted for the following purposes:

1. Protecting and providing for the public health, safety and welfare of Roxbury and promoting the general welfare and prosperity of its people.
2. Promoting the coordinated development of the Town and guiding future growth and development of Roxbury in accordance with the Plan of Conservation and Development.
3. Ensuring that land to be subdivided is of such character that it can be used for building purposes without danger to health or public safety.
4. Guiding public and private policy and action in order to provide safe, adequate, and efficient transportation, drainage, water, sewer, parks, schools and other public facilities.
5. Providing for the circulation of traffic throughout the Town so that proposed roads shall be in harmony with existing and proposed roads, especially as regards safe intersections, and shall be so arranged and of such width as to provide an adequate and convenient system for present and future traffic needs.
6. Establishing reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land.
7. Ensuring that public facilities are available and have adequate capacities to serve the proposed subdivision.
8. Preventing the pollution of air, streams, rivers and water bodies; assuring the adequacy of drainage facilities; providing for protective flood control measures; and encouraging the wise use and management of natural features throughout the Town in order to preserve the integrity, stability and beauty of the Town and the value of the land.
9. Preserving the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.
10. Encouraging energy efficient patterns of development and land use, use of solar and other renewable forms of energy, and energy conservation.

## **2.00 INTERPRETATION**

### **2.01 GENERAL INTERPRETATION**

1. In their interpretation and application, the provisions of these Regulations shall be held to be adopted for the purposes stated herein.
2. In their interpretation and application, the provisions of these Regulations shall be held to be the *minimum* requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
3. In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

### **2.02 INTERPRETATION OF TERMS**

1. Words used in the singular shall include the plural, and the plural the singular.
2. Words used in the present tense shall include the future.
3. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
4. Words which are specifically masculine or feminine shall be interpreted as interchangeable.
5. The phrase “these Regulations” shall refer to the entire Subdivision Regulations.
6. The word “Section” shall refer to a section of these Regulations, unless otherwise specified.
7. The word “person” shall include any individual, firm, partnership, corporation, association, organization or other legal entity and the word “subdivider” shall include applicant and developer.

### **2.03 DEFINITIONS**

**A-2 Survey** - survey information meeting the standards for an "A-2" survey as specified in "Code of Recommended Practice for Standards of Accuracy of Survey and Maps" by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

**AASHTO** - American Association of State Highway and Transportation Officials.

**Applicant** - the person proposing a subdivision or resubdivision.

**Application** - the application form, maps, texts, reports, and supporting data proposing a subdivision or resubdivision and required by these Regulations.

**Bond** - A bond shall mean a surety bond, a bond secured by a passbook savings account, or a bond secured by an irrevocable letter of credit.

**Certification** - Approval by the Roxbury Planning Commission that a soil erosion and sediment plan complies with the applicable requirements of erosion and sediment control plan regulations.

**CGS** – Connecticut General Statutes.

**Commission** - The Planning Commission of the Town of Roxbury.

**Community Resources** - Scenic views, scenic areas, open space, greenways, trails, archeological sites, stone walls, historic buildings, historic sites, agricultural lands, recreation areas, ridgelines, significant trees, and similar resources.

**CTDOT** - Connecticut Department of Transportation.

**Cul-de-sac** - A dead-end road terminating in a vehicular turnaround area.

**Date of Receipt** - The application shall be considered received upon the date of the first regularly scheduled Commission meeting after submission of the application or thirty-five (35) days after submission of the application, whichever time period is shorter.

**Disturbed Area** - An area where the ground cover or topsoil is destroyed or removed.

**Driveway** - A minor private way used for access to a single lot or facility.

**Shared** - A privately owned and maintained driveway shared by adjacent property owners for access to more than one lot or facility.

**Ordinance** – The Driveways, Utility Crossings, And Gated Property Emergency Access Ordinance of the Town of Roxbury.

**Easement** - A right in favor of one other than the owner of land to use the land for a special purpose not inconsistent with the general property interest of the owner.

**Engineer** - a registered professional engineer in the State of Connecticut who utilizes the knowledge of the physical sciences, the understanding and interpretation of geological and topographical data, the results of soils and flow tests in order to design and construct roadways, utilities and structures upon the land in such a way that the community is best served.

**Environmental Health Officer** – the person or persons responsible for enforcement of the Public Health Code for Roxbury.

**Erosion**: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**Erosion and Sediment Control Manual** - the “Erosion and Sediment Control Manual” applicable to Litchfield County Connecticut that is available from the Litchfield County Soil and Water Conservation District or the U.S. Department of Agriculture, Soil Conservation Service.

**FEMA** - Federal Emergency Management Agency

**Flood Plain** - The terms "base flood", "base flood elevations", "floodway" and "Special Flood Hazard Area" as used in these Regulations are defined in the Town Flood Plain Management Ordinance:

**Improvement** - Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

**Inspection** - The periodic review by the Town, the Commission, or the Commission's representative of the construction or development of a subdivision.

**IWWC** - Roxbury Inland Wetlands and Watercourses Commission.

**Lot** - A unit of land created from a larger tract of land for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes.

**Natural Features** – Land, water, and biological resources including, but not limited to, soil types, terrain, slopes, ridgetops, rock outcroppings, watercourses, ponds, rivers, flood plains, wetlands, streambelts, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique and fragile features.

**Open Space** - Any land dedicated for preservation of natural features, forests, wildlife habitat, wetlands, floodplain, community resource, land preserve, recreation area, park, or playground purposes in a location approved by the Planning Commission.

**Passive Solar Energy Techniques** - 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.

**Plan of Conservation and Development** - A comprehensive plan for the future growth, protection and development of the Town of Roxbury adopted by the Planning Commission.

**Reserve Strip** - A privately-owned strip of land which controls access to land dedicated, or to be dedicated, to use as a public road.

**Resubdivision** - A change in a map of an approved or recorded subdivision if such change:

- affects any road layout shown on such map,
- affects any area reserved thereon for public use, or
- diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**Ridgetop** - the area within 200' on each side of the boundary of any sub-regional watershed.

**Right-Of-Way Width** - The distance between property lines reserved for public traffic.

**Road** - public or private roads, streets, lanes, or any right-of-way which shall have at least one intersection with another road and be dedicated to or used for public travel or any proposed way shown on a recorded subdivision approved by the Commission.

**Arterial** - A road used primarily for heavy volumes of traffic or high vehicle speeds and designed to move traffic to and from major activity areas and other communities.

**Collector** - A road that collects traffic from local roads and connects with arterial roads or highways.

**Dead End, Permanent** - A road with a turn-around and only one intersection with another road that is not designed to be extended into adjoining undeveloped land.

**Dead End, Temporary** - A road with a temporary turn-around having one intersection with another road and designed to be extended into adjoining undeveloped land.

**Limited** - A permanent dead-end street.

**Local** - A road or street used primarily for access to abutting property and designated to carry new or future traffic of local or neighborhood nature.

**Ordinance** –Highway Construction Specifications and Recommended Design Standards as adopted by the Town of Roxbury.

**Sediment** - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Soil** - Any unconsolidated mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan** - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Soil Scientist** - a person who is qualified as a soil scientist in accordance with the standards set by the United States Civil Service Commission..

**Soils Map** - The officially adopted soils classification map of the Town of Roxbury, prepared by the Litchfield County Soil and Water Conservation District and the U.S. Department of Agriculture, Soil Conservation Service.

**Statute** – Connecticut General Statutes.

**Street** – shall have the same definition as “Road”.

**Structure** - A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground including walks.

**Subdivider** - The person, persons, corporation, partnership or firm proposing a subdivision, either for themselves or as an agent for others.

**Subdivision** - The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The word "subdivision" shall also include resubdivision.

**Sub-regional Watershed** - Boundaries of certain major watersheds as shown on maps available from the Natural Resources Division of the Department of Environmental Protection.

**Town** - The Town of Roxbury, Connecticut.

**Town Engineer** – such engineer or engineers acting as Roxbury’s consulting engineer as may be appointed from time to time by the Board of Selectmen.

**Town Plan** - see "Plan of Conservation and Development."

**Walkway** - A sidewalk, path, trail, way, or any easement which provides for the movement of pedestrian or other non-motorized traffic.

**Watercourses** - The term "watercourses" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of Roxbury, Connecticut.

**Wetlands** - The term "wetlands" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of Roxbury, Connecticut.

### **3.00 GENERAL REGULATIONS**

#### **3.01 APPLICABILITY**

1. These Regulations shall apply to any subdivision or resubdivision of land within the Town of Roxbury, Connecticut.
2. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission and has been filed in the office of the Town Clerk.
3. No subdivision plan shall be filed or recorded by the Town Clerk until its approval by the Commission is indicated upon the plan as prescribed in these Regulations and any recording of a subdivision plan without such approval shall be void.
4. The Commission shall have the authority to determine whether the existing division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.

#### **3.02 SELF-IMPOSED RESTRICTIONS**

If a subdivider places a restriction on any of the land being subdivided which is greater than that required by the Zoning Regulations or these Subdivision Regulations, such restriction shall be indicated on the subdivision map and referenced in the deed.

#### **3.03 INTER-MUNICIPAL PARCELS**

When access to a subdivision or a lot can only be achieved across land which is located in another municipality, the applicant shall demonstrate that the access road has been legally established and is adequately improved, or that a performance bond has been posted to assure adequate improvements, and that the road will be adequately maintained.

#### **3.04 LAND CHARACTER**

Land which the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soils, utility easements or similar features which might pose a threat to the public health, safety or welfare shall not be approved for subdivision unless adequate provisions are made by the subdivider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

### **3.05 WAIVER OF STANDARDS**

#### **1. Design Standard**

The Commission may waive any design standard of these regulations by a three-quarters (3/4) vote of all the members of the Commission when it finds that:

- a. the waiver has been specifically requested by the applicant in writing,
- b. the granting of the waiver shall not have a significant adverse effect on adjacent property or on public health, safety, or welfare, and
- c. the granting of the waiver will promote the Town's goal of protecting natural features, open space, trails, community resources, or other recommendation of the Plan of Conservation and Development, or
- d. all of the following conditions have been satisfied:
  - i. conditions exist which adversely affect the subject property and are not generally applicable to other property in the area,
  - ii. the granting of the waiver will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood,
  - iii. in the absence of a waiver, one or more requirements of these Regulations cannot be satisfied, and
  - iv. the requested waiver is the minimum deviation necessary from these Regulations to permit reasonable development of the subject property.
- e. In granting a waiver, the Commission shall state upon the record its reasons for which such a waiver was granted.

#### **2. Submission Requirement**

The Commission may waive the required submission of all or part of the Subdivision Plan by a three-quarters (3/4) vote of all the members of the Commission when it finds that:

- a. the waiver has been specifically requested by the applicant in writing,
- b. the proposed subdivision involves establishment of lots fronting on an existing road or is a resubdivision, and
- c. the granting of the waiver shall not have a significant adverse effect on adjacent property or on public health, safety, or welfare.
- d. In granting a waiver, the Commission shall state upon the record its reasons for which such a waiver was granted.

## **4.00 DESIGN STANDARDS**

### **4.01 COMPLIANCE REQUIRED**

1. Unless modified by the Commission, all subdivisions and all improvements shall be planned, designed, and constructed in accordance with the requirements of these Regulations, the current Zoning Regulations, the current Road Ordinance, and other applicable ordinances and regulations.
2. Bridges, box culverts, deep manholes, dikes and other special structures shall be designed in accordance with good engineering practices acceptable to the Commission or Town Engineer.

### **4.02 NAMES OF ROADS OR SUBDIVISIONS**

The proposed name of any road or any subdivision shall not duplicate, or too closely approximate phonetically the name of any other road or subdivision in Roxbury.

### **4.03 PROTECTION OF NATURAL FEATURES**

1. The subdivision shall be designed and arranged and provision shall be made to:
  - a. preserve natural features,
  - b. make best use of the natural terrain,
  - c. prevent the pollution of wetlands, watercourses, and water bodies,
  - d. protect the quality and quantity of water supplies, and
  - e. minimize flood damage.
2. The Commission may require:
  - a. the preservation or enhancement of specific natural features,
  - b. the submission of additional information that demonstrates the applicant's proposals (such as a conservation restriction and/or the dedication of open space) for protecting such resources.

### **4.04 PROTECTION OF COMMUNITY RESOURCES**

1. Provision shall be made for the preservation and enhancement of community resources.
2. The Commission may require:
  - a. the preservation or enhancement of specific community resources, and
  - b. the submission of additional information that demonstrates the applicant's proposals (such as a conservation restriction and/or the dedication of open space) for protecting such resources.

#### **4.05 CLUSTER SUBDIVISION**

1. In order to encourage the protection of natural features, the preservation of community resources, and the reservation of open space, the Planning Commission may approve a Special Permit to allow Cluster Subdivision on parcels of thirty (30) acres or more in accordance with the provisions contained in the Zoning Regulations.
2. Unless otherwise provided in the Zoning Regulations, the Planning Commission may, by such Special Permit:
  - a. allow one dwelling for every three acres of land,
  - b. allow lot sizes as small as 2.25 acres, and
  - c. require the reservation of at least 25 percent of the parcel as open space.

#### **4.06 LOT LAYOUT**

1. Unless otherwise authorized as a Cluster Subdivision, minimum lot size and frontage on a public road shall be as required by the Roxbury Zoning Regulations for the zoning district in which the lot is located.
2. All interior lots must meet the requirements of the Roxbury Zoning Regulations and shall have received approval by the Zoning Commission prior to approval of the subdivision by the Planning Commission.
3. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
  - a. securing building permits to build on the lot in compliance with the Zoning Regulations and the Public Health Code,
  - b. occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public, and
  - c. providing driveway access to buildings on such lot.
4. The Commission may determine that any parcel of land, regardless of size, may be unsuitable for building if it:
  - a. does not conform to the requirements of these or other applicable codes and regulations or sound engineering practice, or
  - b. is found unsuitable for occupancy and building by reason of unsuitable soil, topography, water, flooding, or other conditions.
5. No parcel, reserve strip, or any other remnant of land unsuitable for a building lot shall be left in any subdivision and any such land area shall be:
  - a. included in one or more adjoining conforming lots,
  - b. deeded to the Town for open space or other public use, if approved by the Town, or
  - c. conveyed to a non-profit conservation organization, such as the Roxbury Land Trust.
6. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property unless the control of such land or building lot is placed definitely within the jurisdiction of the Town under conditions approved by the Commission.

7. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this provision would result in a better road or lot layout. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
8. Corners of all lots, open space, conservation easements, and other parcels or areas shall be marked with one (1) inch steel pipe or 3/4-inch reinforcing rod at least eighteen (18) inches long, or with concrete monuments.
9. Lots intended for separate ownership or building shall be numbered consecutively throughout the entire subdivision beginning with the number "1". Resubdivisions of lots may be lettered consecutively beginning with the letter "A". Adjoining sections of the same subdivision having the same title shall not duplicate numbers.

#### **4.07 OPEN SPACE**

1. For any subdivision, the Commission shall require the reservation of land for open space in order to:
  - a. protect and conserve natural features,
  - b. protect and conserve community resources,
  - c. establish greenbelts and other linkages that connect open spaces,
  - d. provide for parks, playgrounds, and other active and passive recreation areas,
  - e. supplement existing open space areas,
  - f. provide, protect, or enhance local trails, and
  - g. implement the open space recommendations in the Plan of Conservation and Development.
2. This open space requirement may be met through:
  - a. dedication of land within the subdivision,
  - b. dedication of land elsewhere in Roxbury if it is accepted by the Town,
  - c. a fee-in-lieu-of-open-space donation, or
  - d. dedication of land and a fee-in-lieu-of-open-space-donation.
3. The subdivision shall be planned and designed in general conformity with the Plan of Conservation and Development adopted by the Commission with regard to reservation of land for parks, recreation and open space.

#### 4. Dedication of Land

- a. Where the open space requirement shall be met through the dedication of land, at least fifteen (15) percent of the total area of the subdivision shall be set aside for open space. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in Roxbury.
- b. Unless otherwise approved by the Commission, the percentage of wetlands on the land to be set aside for open spaces shall be no greater than the percentage of wetlands on the entire tract.
- c. In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
  - i. the presence or absence of any existing open spaces in the area, and
  - ii. the size of the subdivision.
- d. The Commission may accept comment regarding the proposed open space from any Town board or commission, Town official, land trust, or a qualified consultant.
- e. When a subdivision abuts an existing open space, the Commission may require the lot lines of such land form a continuation of the existing open space to provide a single, unified area.
- f. The Commission may defer the requirements for the immediate provision of such land in a subdivision which is a part of a larger tract of land, provided that the subdivider dedicates an area of land in the undeveloped portion of the tract equal to the requirements of this section in the developed portion.
- g. If a subdivider transfers land to the Town for other municipal purposes, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
- h. The Commission may require that any open space land have direct access to a public road through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- i. Land provided as open space shall be left in a natural state by the subdivider except for improvement or maintenance as may be expressly permitted or required by the Commission. Open space areas shall not be graded, cleared, or used as a depository for brush, stumps, earth, building materials, or debris except as expressly permitted by the Commission.
- j. Proper provision for the permanent protection, disposition, and management of such land shall be made by the subdivider and approved by the Commission. Suitable options, in order of priority, may include:
  - i. conveyance to the Town of Roxbury,
  - ii. conveyance to a non-profit conservation organization, such as the Roxbury Land Trust, with provision for public access, or
  - iii. establishment of appropriate restrictive covenants or conservation easements in favor of the Town of Roxbury, a land trust or conservation organization, or an association of all the home owners in the proposed development provided that no such area shall be used to meet the minimum lot area requirement for any lot.

## 5. Fees in Lieu of Open Space

- a. Where dedication of open space will not meet the purposes of this section, the Commission may request the subdivider pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of the requirement to provide open space. If payment of such a fee is proposed by the subdivider, the Commission may refuse such fee if it determines, in its sole discretion, that there are acceptable areas on the subdivision which merit preservation by one of the methods set forth in these Regulations.
- b. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be as follows:
  - i. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten (10) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.
  - ii. The fair market value shall be determined by a licensed appraiser retained by the subdivider and the appraisal shall be acceptable to the Commission.
  - iii. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved lots in the subdivision shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund established by the Town to be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.
- c. When fractional payments are provided in lieu of open space land, the developer shall execute a mortgage securing the fee-in-lieu-of-open space and such mortgage shall be recorded on the Roxbury Land Records with a priority, form, and substance acceptable to the Town Attorney. Partial releases shall be provided upon the tender of each fractional payment.

## 4.08 ROAD LAYOUT

### 1. General

- a. Proposed roads shall be designed, in general, to follow the contour of the land with serious consideration given to preserving natural features and community resources.
- b. Private roads may be allowed by the Commission for a limited road provided, in the opinion of the Commission, such private roads are adequately constructed for the intended usage and adequate provisions for long-term maintenance have been recorded in the property deed.

### 2. Overall Layout

- a. Proposed roads shall have at least one intersection with a State Highway or an existing or approved Town road.
- b. Proposed roads shall be planned and designed in harmony with existing and proposed roads as shown in the Plan of Conservation and Development or by the Commission through its own deliberations particularly with regard to location and classification of roads.
- c. Unless otherwise provided in these Regulations, proposed roads shall be designed and constructed to provide a safe and convenient system for prospective traffic and for continuation onto adjoining properties when subdivided.

### 3. Road Design and Construction Standards

Roads shall be constructed in accordance with the Town of Roxbury Highway Construction Specifications and Recommended Design Standards and, if applicable, the Scenic Road Ordinance, unless modified as follows by the Commission with the approval of the Board of Selectmen.

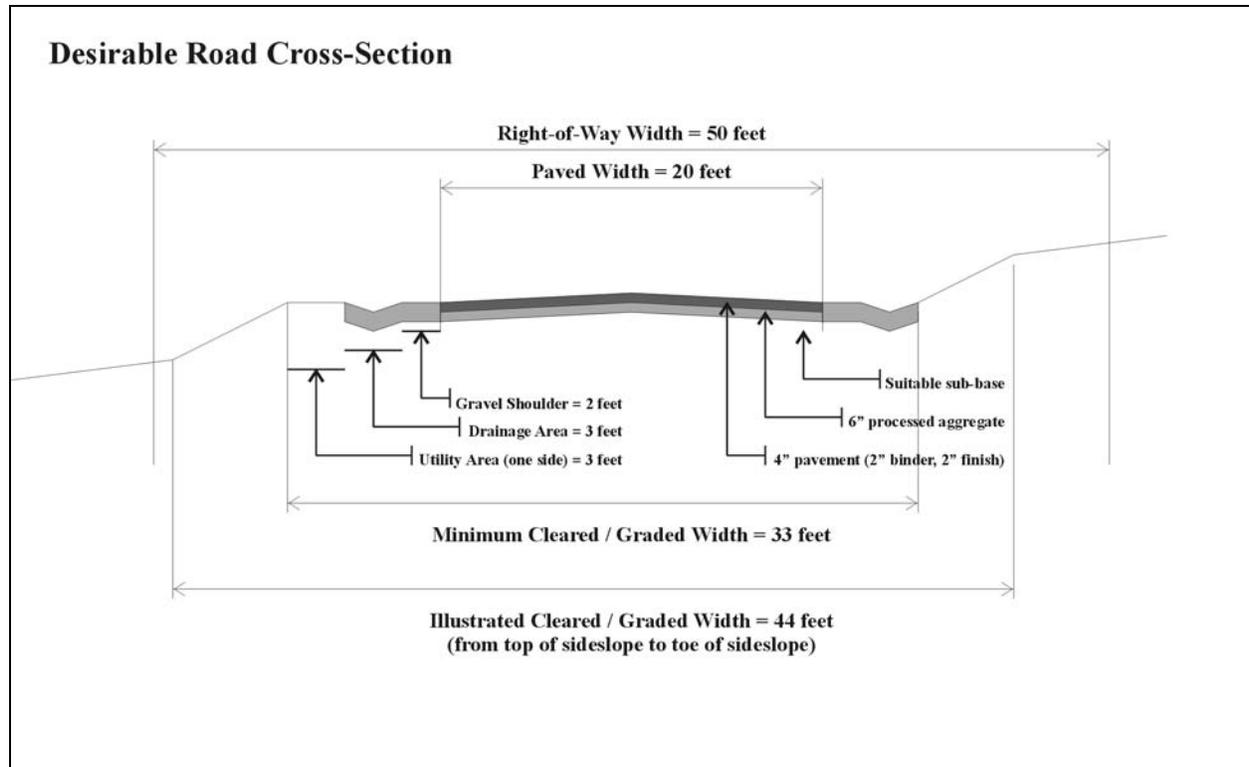
- a. Curbing shall be avoided except where required in order to control drainage.
- b. Ditches with filter fabric and/or rip rap may be allowed for drainage.
- c. A 6 inch layer of processed aggregate shall be required for road base.
- d. Pavement layers shall be increased to two inches per course (four inches total).
- e. Road width requirements may be modified as follows:

	<b>Collector Road</b>	<b>Local Road</b>	<b>Limited Road</b>
Minimum Right Of Way Width	50 feet	50 feet	50 feet
Paved Width - straight sections	20 feet	19 feet	18 feet
Paved Width - curved sections	22 feet	21 feet	20 feet
Gravel Shoulders	2 feet	-	-
Drainage Areas	3 feet	3 feet	3 feet
Utility Area	3 feet	3 feet	3 feet

f. Road design standards may be modified as follows:

	<b>Collector Road</b>	<b>Local Road</b>	<b>Limited Road</b>
Road Design Speed	30 MPH	30 MPH	30 MPH
Road Posted Speed	25 MPH	20 MPH	20 MPH
Minimum Horizontal Curve Radius	250 feet	200 feet	150 feet
Minimum Vertical Curve Length	25 feet / percent grade change	20 feet / percent grade change	15 feet / percent grade change
Minimum Non-Passing / Stopping Sight Distance	200 feet at 25 mph	150 feet at 20 mph	100 feet at 20 mph
Minimum Tangent Distance Between Reverse Horizontal Curves	100 feet	100 feet	100 feet
Maximum Road Grade	10 percent	12 percent	15 percent

- g. Where a subdivision has frontage on an existing Town road or State highway that does not meet the width requirements of the Town of Roxbury Highway Construction Specifications and Recommended Design Standards or, if applicable, the Scenic Road Ordinance, the Commission shall require:
- i. that the subdivider dedicate the required right-of-way to the Town along the frontage of the subdivision owned or controlled by the subdivider,
  - ii. at the Commission's option, that the subdivider improve that side of the road abutting land owned or controlled by the subdivider on which the lots have frontage, including, but not limited to, widening, installation of drainage, curbing, grading, tree removal, and other improvements as required by the Road Ordinance.

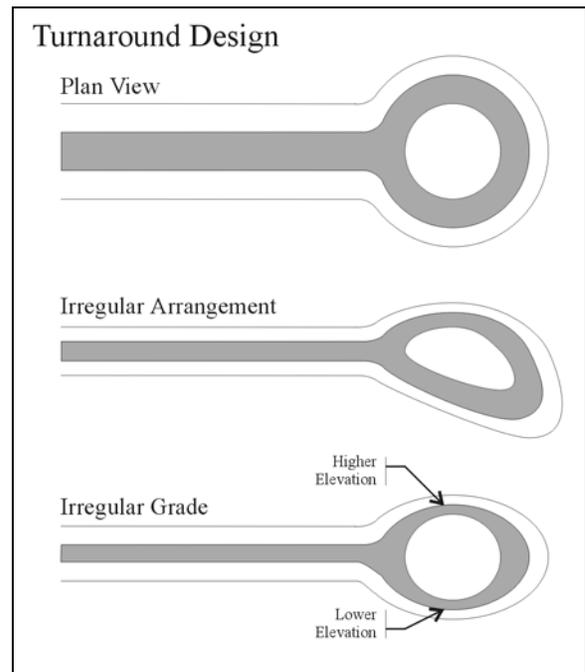
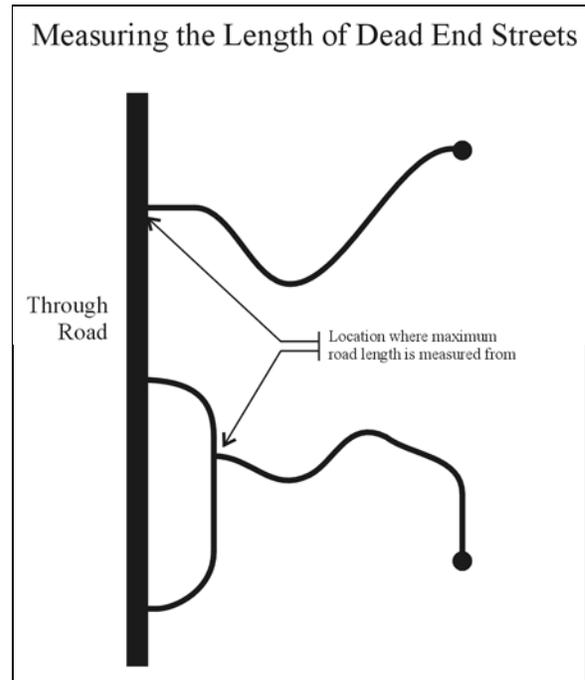


#### 4. Intersection Design

- a. The centerline of all roads entering an intersection shall:
  - i. pass through a single point with no more than two intersecting roads meeting the main road at any one point, or
  - ii. shall be spaced a minimum of 800 feet apart on an arterial road, 400 feet apart on a collector road, and 200 feet apart on local roads as measured from the intersection of the centerlines, except when in the opinion of the Commission, conditions are present which justify a variation from these requirements.
- b. Proposed roads shall generally intersect other roads at right angles or radially. In no case, shall the angle of intersection between adjoining street lines be less than 60 degrees
- c. Proposed roads shall intersect other roads such that the pavement slope on the proposed road averages no more than 3 percent within 200 feet of the intersection. The Commission can increase the average slope to 4 percent on the recommendation of the Town Engineer.
- d. Proposed roads shall intersect other roads such that the horizontal centerline of the proposed road shall be a straight line for a distance of at least 100 feet from the intersecting street lines unless otherwise approved by the Commission on the recommendation of the Town Engineer.
- e. Street lines at intersections shall be connected by a curve having a minimum radius of 30 feet.
- f. Intersections shall have unobstructed vision from a driver's eye (located at a height of 3.5 feet above the surface of the proposed road and a location 20 feet back from the edge of the travel way of the intersected road) along both directions of the intersected road that is in conformance with current CTDOT and AASHTO standards for the 85th percentile speed. The "desirable" sight distance shall be provided whenever possible and no road shall be approved that does not provide for the "minimum" sight distance.
- g. Such sight distance shall not be impaired by curvature or grade, except in extreme conditions, in which case adequate alternative safety measures shall be designated. At a road intersection, no obstruction to sight over three (3) feet in height from road grade shall be allowed within 25 feet of the lot line intersection.

**5. Permanent Dead-End Roads**

- a. Unless otherwise approved by the Commission, no permanent dead-end road shall be created that exceeds 1,500 feet in length or serves more than ten (10) lots, whichever is the more restrictive requirement. Such measurement shall be taken from the nearest intersection, whether inside or outside the subdivision, that has two means of access and egress.
- b. A greater length may be permitted by the Commission, in its sole discretion, due to adverse topographic or soil conditions, difficult site configuration, future road extension or similar circumstances. It is recommended that when a subdivider wishes to request approval of cul-de-sac roads in such areas that the Preliminary Plan procedures established in these Regulations be followed.
- c. Permanent dead-end roads shall terminate in a turnaround right-of-way that is at least 100 feet in width with the outer edges of the paved area at least 80 feet apart and the outer edges of the landscaped center island in the turnaround at least 50 feet apart. Turnaround configurations with irregular arrangements and grades are encouraged.



## 6. Road Extensions and Temporary Dead-End Roads

- a. The arrangement of roads in a subdivision shall provide for the extension of existing roads and for the future extension of proposed roads into abutting property not yet subdivided, except where the Commission determines that topography, soils or other conditions make such continuation impractical or undesirable.
- b. The Commission may require the applicant to demonstrate the feasibility of extending the proposed road onto or through adjacent property to another road. Where the feasibility or likelihood of extending the temporary dead-end road has not been demonstrated by the applicant, the Commission may, in its sole discretion, restrict the temporary dead-end road to 1,500 feet in length or serving less than ten (10) lots, whichever is the more restrictive requirement. Such measurement shall be taken from the nearest intersection, whether inside or outside the subdivision, that has two means of access and egress.
- c. Unless otherwise approved by the Commission, such authorized future extensions shall be laid out as follows:
  - i. any proposed subdivision road which extends towards any undeveloped land capable of being subdivided shall have:
    - i) the full width of the right-of-way extended to the property line of the subdivision,
    - ii) the paved area of a temporary a cul-de-sac brought to within 10 feet of the boundary of the subdivided parcel, or as close to the boundary as is practical,
    - iii) temporary easements provided for the temporary cul-de-sac areas outside of the standard right-of-way providing that such segments outside the standard right-of-way shall revert to the abutting property owners when the road is extended, and
    - iv) a 10 foot paved spur extend from the turnaround area toward the undeveloped land.
  - ii. any proposed future access to abutting undeveloped property which is perpendicular to the proposed road shall have:
    - i) the future access deeded to the Town,
    - ii) the future access area rough graded with all slopes made necessary by such road prepared and stabilized, and
    - iii) temporary sloping rights provided for the slope areas outside of the standard right-of-way for the future access.
    - iv) No reserve strips shall be left at the end or side of any future access which adjoins abutting property.
- d. The subdivider of the adjoining land shall be responsible for:
  - i. preparing plan and profile drawings showing and including all work required to connect and complete the improvements and utilities between the existing road and the proposed subdivision,
  - ii. removing all segments of any temporary cul-de-sac or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the road is extended.

## **7. Road Names and Traffic Controls**

- a. Proposed road names shall be approved by the Commission and shall be so selected as to avoid duplication or similarity in spelling or sound with existing road names. The name of the principal road in the subdivision should bear the same name as the subdivision. Proposed road names shall be indicated on the subdivision plan. When proposed roads extend or are in alignment with existing roads, they shall bear the same name as the existing road.
- b. Prior to Town acceptance of subdivision roads, the developer shall provide and install suitable permanent road name signs at all road intersections in accordance with Town standards and in locations approved by the Board of Selectmen.
- c. The developer shall provide and install suitable traffic control devices and signs as specified by the Board of Selectmen. Standards for traffic control devices shall be as set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways. The subdivider shall be responsible for the cost and installation of any traffic control devices deemed necessary by the Board of Selectmen.
- d. Temporary road name signs and suitable traffic control devices shall be installed by the subdivider during road construction and prior to the issuance of any building permit. Such signs shall be of a durable, weatherproof material and shall be located at road intersections.

## **8. Monumentation**

- a. Stone or concrete monuments shall be set on the street lines of all new subdivision roads at all points of curvature, all points of tangency, all angle points and other intermediate points as may be required by the Commission. At least two monuments shall be provided for each 800 feet of road. The proposed location of monuments shall be indicated on the subdivision plan.
- b. Monuments shall not be less than five (5) inches square by 30 inches length with a suitable marked top.
- c. The cost of installing monuments shall be included in the performance bond. All monuments shall be set in place at the subdivider's expense after all road construction is completed and prior to road acceptance by the Town. Monuments shall be set flush with proposed grades and with the marked point set on the point of reference.

## **4.09 DRIVEWAYS**

Each subdivision lot shall have a driveway complying with the Town of Roxbury Driveway Ordinance and the Town of Roxbury Zoning Regulations.

#### **4.10 SEWERAGE**

It is the responsibility of the applicant to supply sufficient satisfactory evidence to the Commission and the Environmental Health Inspector that the site will adequately satisfy the requirements of the State Health Code and not endanger public health, safety or general welfare.

#### **4.11 WATER**

1. It is the responsibility of the applicant to supply satisfactory evidence to the Commission and the Environmental Health Inspector that topographic and geological conditions are satisfactory for providing a potable water supply and such evidence may include a hydrology report as described in Appendix D.
2. Prior to issuance of a Certificate of Occupancy, a potable, adequate and dependable water supply shall be provided for every lot within the subdivision to satisfy the requirements of the State Health Code.

#### **4.12 STORM DRAINAGE**

##### **1. General**

- a. The subdivider shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area.
- b. All drainage facilities shall be designed by a professional civil engineer registered and licensed to conduct business in the State and shall be subject to the approval of the Commission.

##### **2. Design of Drainage Facilities**

- a. Storm drainage facilities shall be constructed in accordance with the Town of Roxbury Highway Construction Specifications and Recommended Design Standards, unless modified by the Commission with the approval of the Board of Selectmen and the Town Engineer.
- b. Improvements shall be laid out so as to provide positive drainage away from all buildings and to prevent ponding of water after construction of roads, drainage and buildings are completed. Drainage shall be designed so as to avoid discharge or concentration of storm water onto adjacent property where such discharge did not previously exist.

- c. The design and construction of storm drainage facilities shall:
  - i. be adequate for present and potential future uses based upon the maximum ultimate development of the watershed as permitted under existing zoning regulations,
  - ii. provide for a zero percent increase in the peak rate of runoff at the discharge point(s) from the development unless specifically approved by the Commission,
  - iii. not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures,
  - iv. make provision for the elimination of all stagnant water within the limits of the proposed subdivision,
  - v. make proper provision (including easements or manholes) for drainage from development of adjacent properties,
  - vi. not divert water from one watershed to another without a State permit, and
  - vii. be designed, when piped, to flow full and provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.
  
- d. All drainage design formulas shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated on the plans. Drainage computations showing the following shall be submitted to the Commission with the final submission:
  - i. Plan showing watershed areas for each structure, and
  - ii. Calculations showing the area, time of concentration, intensity, coefficient, flow, velocity, pipe size and slope of each pipe length.
  
- e. All storm drainage facilities shall be designed based on the following storm return criteria:

<b>Drainage Facility</b>	<b>Storm Frequency Criteria</b>
<b>Roads within or abutting the subdivision</b> (including catch basins, inlets, pipes, underdrains and gutters)	25-year storm
<b>Culverts, bridges and through watercourses</b> Watersheds less than one square mile	50-year storm
Watersheds one square mile and larger	100-year storm

- f. Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau “Rainfall Intensity - Duration Frequency Curves” for the Litchfield rain gauge.

### 3. Drainage Facilities

- a. Drainage facilities located within the road right-of-way shall be enclosed in suitable conduits, where necessary or desirable. Long, diagonal drainage crossings under the pavement shall be avoided. Where a development connects to existing roads, the subdivider shall provide appropriate drainage at the intersections.
- b. Drainage facilities outside of the road right-of-way shall be:
  - i. enclosed in suitable underground pipes wherever desirable, and
  - ii. located in perpetual, unobstructed drainage easements deeded to the Town of Roxbury and such easements shall be a minimum of twenty (20) feet wide centered on the pipe and, where possible, centered on property lines.
- c. Swales or ditches may be used if approved by the Town Engineer and designed and constructed to minimize soil erosion and danger to public health or safety. Proposed surface drainage and stream structures shall be designed in accordance with the Erosion and Sedimentation Control Manual.
- d. Where it is necessary to discharge storm water across private property not included in the subdivision, the subdivider shall obtain, in writing, permanent drainage rights in favor of the Town for flows across adjacent properties. If the system is to be accepted by the Town, the rights for the Town to enter and maintain existing or proposed facilities shall be included. The subdivider shall submit copies of such agreement to the Commission prior to final approval of the subdivision. Such drainage easements shall be shown on the subdivision plan and filed on the Land Records.
- e. When provided, the first set of catch basins in a storm drain system shall be located a maximum of 350 feet from the roadway high point. Spacing between sets of catch basins shall be a maximum of 300 feet. A drainage structure shall also be placed on each vertical grade change along a storm drain, at each change in horizontal direction, and at each junction point of two or more storm drains.
- f. The minimum pipe size for all storm drain systems constructed under these Regulations shall be 15-inch inside diameter. The material shall be reinforced concrete, except where modified by the Commission. A minimum cover of three (3) feet shall be provided for all storm drains.

### 4. Drainage Outlets and Channels

- a. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
- b. A retention basin may be required by the Commission if recommended by the Town Engineer to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
- c. When required by the Commission for drainage purposes, the subdivider shall offer the Town a right-of-way for long-term maintenance of drainage outlets or channels.

## **5. Private Drains**

- a. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Commission prior to installation. Yard, cellar, or foundation drains that connect to the storm drainage system shall be shown on the final “as-built” plan of the drainage system.
- b. For any private storm drain, the subdivider shall file a release with the Commission relieving the Town of any responsibility in the event of any failure of the private storm drainage system. This release shall be provided for in all deeds to the property involved, shall run with the land, and shall be binding on successors in title.
- c. Sanitary waste shall be prohibited from entering the storm drainage system.

## **4.13 UNDERGROUND WIRE UTILITIES**

1. New electric, telephone, television cable and other utility wires shall be installed underground in conduit unless the Commission determines, based on a written report submitted by the applicant, that such underground installation is inappropriate or infeasible for all or a part of the subdivision or resubdivision after considering:
  - a. the type of service existing in the area adjacent to the subdivision,
  - b. topographic and construction conditions, and
  - c. the size of the subdivision or resubdivision.
2. All utility pipes and conduits shall be installed in the side strips of the Town right-of-way wherever possible.
3. Any utility located outside of the Town right-of-way shall be located in an easement at least 20 feet in width to allow for present or future connections or extensions of such utilities and for the maintenance thereof.
4. Prior to paving the road, the subdivider shall install laterals from all utilities in proposed and existing roads to the street line.
5. All utilities associated with the subdivision shall be installed at the subdivider’s expense. Electric, telephone, cable television, and any other utilities shall be installed in proposed and existing roads as specified by the appropriate utility company and shall be subject to the inspection and acceptance of such company.

#### 4.14 FIRE PROTECTION

1. Each subdivision plan shall provide for fire protection facilities, such as underground tanks, installed at the subdivider's expense to protect health, safety and general welfare.
2. Fire protection facilities shall be sized and constructed in accordance with National Fire Protection Association (NFPA) Standard 1142, 1999 Edition -Standard on Water Supplies for Suburban and Rural Firefighting , as amended. In general, such facilities shall contain at least 1,000 gallons of water supply per lot in the subdivision and no less than 5,000 gallons of capacity. All such facilities shall include the installation of a dry hydrant. The Town Engineer shall review and approve the proposed size, design, construction specifications, and installation of such facilities. To the extent feasible, the design of any underground tank shall include means to maintain the water level in the tank.
3. Fire protection facilities shall be located in areas approved by the Fire Chief and which can be easily accessed by emergency personnel. Where possible, they shall be located adjacent to the road right-of-way. Design standards for access areas shall be approved by the Town Engineer.
4. The Commission may waive the requirement of providing fire protection facilities where the ultimate number of lots within the parcel of land being subdivided is nine lots or less provided that the subdivider deposits funds in a dedicated Town account for fire protection facilities. The amount to be deposited shall be equivalent to the fraction of the cost that would have been required to install an underground tank where the numerator shall be the number of lots approved and the denominator shall be ten lots. The funds shall only be used to install fire ponds and/or underground tanks in the community. No waiver shall be granted for subdivisions of ten or more lots.
5. Underground tanks, dry hydrants, and other fire protection facilities shall be offered to the Town for acceptance.
6. The land area containing any fire protection facility and access area shall, as necessary, be encumbered by easements approved by the Town Attorney to ensure the Town's perpetual right to access and maintain any fire protection facility for firefighting purposes, and obligate the property owners to not inhibit the use of the fire protection facility for firefighting purposes without the approval of the Fire Chief.
7. The Commission may require the use of landscaping or other materials to screen pipes, access drives, or other structures associated with the installation of fire ponds or tanks.
8. All fire protection measures required by the Commission shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision.

#### **4.15 CLEARING, GRADING AND EROSION AND SEDIMENT CONTROL**

1. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision, unless approved by the Commission.
2. When rocks or boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities or underground utilities and shall be so deposited that, in the opinion of the Town Engineer or his designated representative, voids likely to cause undue soil settling will not be created.
3. Where filling of lots for final grading is required, compactible fill, and topsoil as required for lawn or plant growth, shall be used.
4. The subdivider shall adhere to those standards set forth in the document "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended, in order to:
  - a. minimize erosion and sedimentation during construction;
  - b. stabilize and protect land from erosion when completed; and
  - c. not cause off-site erosion and/or sedimentation.
5. A soil erosion and sediment control plan shall contain provisions to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology.

#### **4.16 SPECIAL FLOOD HAZARD AREAS**

1. In areas subject to flooding, proper provision shall be made for protective flood control measures including:
  - a. storm drainage shall be designed to reduce exposure to flood hazards
  - b. roads shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions
  - c. roads, drainage and other improvements shall be safe from flood damage,
  - d. public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages,
  - e. All utilities and services (including sewage, water, and electric systems) shall be located and constructed to minimize or eliminate flood damage.

#### **4.17 STREET TREES**

1. Street trees shall be planted fifty (50) feet apart on both sides of any road, subject to variations made necessary by driveways, road corners and walks unless modified by the Commission due to:
  - a. the preservation of existing healthy trees meeting the following requirements, or
  - b. protection of a scenic road, view, or area.
2. Street trees to be planted shall:
  3. be located within ten (10) feet of the edge of the pavement unless modified by the Commission due to possible interference with wetlands, watercourses, topography, soils, underground or overhead utilities,
  4. be a deciduous tree species approved by the Commission,
  5. be three (3) inch caliper or larger,
  6. have a minimum height of ten (10) feet, and
  7. be planted, protected and maintained using good horticultural practices.

#### **4.18 SOLAR ACCESS**

1. Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation shall be encouraged in all subdivisions.
2. The subdivider shall demonstrate to the Commission that, in developing the subdivision plan, consideration has been given to using passive solar energy techniques and site design techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, and have the potential to:
  - a. maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and
  - b. minimize heat gain and provide for natural cooling during the cooling season.
3. The site design techniques shall include, but not be limited to:
  - a. house orientation;
  - b. road and lot layout;
  - c. vegetation;
  - d. natural and man-made topographic features; and
  - e. protection of solar access within the subdivision.

#### **4.19 WATER QUALITY PROTECTION**

1. Development shall occur in a manner and density to prevent degradation of the ground water quality below drinking water standards based upon the normally expected waste water dilution potential of the proposed individual subdivision lots.
2. Whenever possible, subdivision development shall be planned to enhance or maintain levels of ground water recharge to the aquifer.

**5.00 PLAN REQUIREMENTS**

**5.01 PROFESSIONAL CERTIFICATION REQUIRED**

Plans submitted under these Regulations shall be prepared by the following person or persons:

1. The design of roads (both horizontal and vertical alignment), drainage systems (including the design and location of structures and pipe), sanitary sewer systems, sewage disposal systems, and water supply and distribution constitute professional engineering and, as such, shall be sealed by a registered professional civil engineer licensed by the State of Connecticut.
2. The delineation of the boundary lines of the outside perimeter as well as the interior lots and roads constitutes land surveying and, as such, shall be sealed by a land surveyor licensed by the State of Connecticut.
3. Preliminary plans may be prepared by a registered professional engineer, licensed land surveyor, architect, land planner, landscape architect, or other qualified individual.

**5.02 PLAN INFORMATION SUMMARY**

<b>Drawing Requirements</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>
1. A title block indicating: <ul style="list-style-type: none"> <li>• names of current owner, subdivider, engineer and/or surveyor,</li> <li>• name of subdivision, drawing date and revision dates.</li> </ul>	Suggested	Required
2. A north arrow and a map scale	Required	Required
3. Scale	1"=40' to 1"=100'	1"=40' unless modified by PC
4. Size of Sheet	Optional	24' by 36"
5. Embossed or stamped seal of the appropriate professional and an original signature.	Suggested	Required
6. A Key Map at a scale of 1"=1,000' or less locating: <ul style="list-style-type: none"> <li>• the subdivision within the surrounding properties, and</li> <li>• the proposed road system in relation to existing roads.</li> </ul>	Suggested	Required on at least one drawing
7. An Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, roads, road names, sheet delineation and match lines between sections.	Suggested	Required with "match" lines on all sheets
8. Zoning data table showing zoning district, lot area requirements, setback requirements, and other relevant information.	Suggested	Required on at least one drawing
9. Number of sets of prints	Three (3)	Five (5)
10. Bound sets	Suggested	Required

<b>Property Information</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>
1. Existing and proposed property boundaries with monument locations	Approximate	A-2 accuracy
2. Parcel areas (including area of each proposed lot excluding areas designated as inland wetlands and watercourses)	Approximate (acres)	A-2 accuracy
3. Data on abutting parcels including owner's name and lot line locations	Required	Required
4. Existing and proposed easements and other rights-of-way for utilities drainage, access, walks, etc.	Suggested	Required

**Site Conditions**

1. Existing and proposed topography with: <ul style="list-style-type: none"> <li>• 10' contours for preliminary plans,</li> <li>• 5' contours (2' contours in road areas) for formal application)</li> </ul>	USGS acceptable	Field or aerial topography
2. Existing drainage features	Required	Required
3. Wetlands / streams, watercourses, marshes, and other water bodies on and near the property (flagged by a soil scientist and surveyed)	Suggested	Required
4. Base flood elevation data and floodplain data for all subdivision proposals that are located in A, AE, AH, or A1 to A30 zones	Suggested	Required
5. Ridgetops that cross or lie within 200' of the land that is the subject of the application	Suggested	Required
6. Historic buildings and sites in the Roxbury Historic District or on the National Register of Historic Places.	Suggested	Required
7. Archaeological sites as known to and listed by the American Indian Archaeological Institute or the State Historical Commission.	Suggested	Required
8. Stonewalls and monuments, and other structures having historical or cultural significance.	Suggested	Required
9. Identification of trees greater than 18 inches in diameter in areas of proposed improvements or clearing.	Suggested	Required
10. Other significant site features	Suggested	Required

**Soils Information**

1. Soil types consistent with the National Cooperative Soil Survey of the USDA Soil Conservation Service	Required	Required
2. Soils with severe limitations and low or very low potential for soil absorption sewage disposal facilities as defined in Soil Interpretations for Waste Disposal by David E. Hill, The Connecticut Agricultural Experiment Station, June 1979.	Required	Required
3. Prime and important farmland soils as defined by the Soil Conservation Service	Required	Required
4. All areas from the Soil Survey with: <ul style="list-style-type: none"> <li>• slopes exceeding 15%</li> <li>• twenty inches (20") or less of consolidated till above bedrock.</li> </ul>	Required	Required
5. Location and identification number of percolation test holes and deep hole tests for each lot (minimum 2 of each per lot).	Suggested	Required
6. Results of percolation tests and deep pits (minimum 2 of each per lot)	Suggested	Required
7. Notes setting forth any limitations or requirements of the	Suggested	Required

Section 5.00 - PLAN REQUIREMENTS

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Environmental Health Inspector.		
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<b>Open Space Information</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>
1. Areas recommended in the Roxbury Plan of Conservation and Development for open space preservation.	Suggested	Required
2. Location and configuration of existing open spaces in the vicinity	Suggested	Required
3. Open Space / Trail Plan	Required	Required

**Design of Lot Improvements**

1. Building set-back lines with dimensions	Suggested	Required
2. Location of existing and proposed structures and other improvements (retaining walls, culverts, or property line fences).	Suggested	Required
3. Location of primary/reserve septic-leach fields with distances to property lines and any well within 200' (on or off the tract)	Suggested	Required
4. Location of proposed wells and water sources for each lot, keyed to the Sanitary Report.	Suggested	Required
5. Driveway design	Suggested	Required

**Design of Overall Improvements**

1. All proposed soil erosion and sediment control procedures.	Optional	Required
2. Road design <ul style="list-style-type: none"> <li>• overall layout and grading</li> <li>• plan and profile with field topography for centerlines</li> <li>• centerline profiles for 300' on any existing road to which a subdivision road connects and any future connection</li> <li>• actual cross sections with field topography at 50' intervals</li> <li>• construction details</li> </ul>	Suggested	Required
3. Drainage design <ul style="list-style-type: none"> <li>• location of temporary or permanent storm water detention</li> <li>• points of discharge to or from any road or other property</li> <li>• plan and profile</li> <li>• construction details</li> </ul>	Suggested	Required
4. Utility design (including connections to existing lines)	Schematic	Final
5. Detailed drawings of any bridges, box culverts, deep manholes, and other special structures;	Suggested	Required
6. The location and design of underground tanks or fire ponds to be installed in the development.	Suggested	Required

1. When a Preliminary Plan covers only a portion of the subdivider's entire holdings, a sketch of the prospective future road and lot layout in the entire holding shall be furnished at a suitable scale.
2. Design of roads and utilities shall be based on official Town, State or USGS topographic benchmarks or other permanent benchmarks approved by the Town Engineer and the benchmarks used shall be noted on the plan.
3. All appropriate details and dimensions necessary to clearly explain the proposed road, drainage, and utility construction, including type of construction, material, top of frame, size, pitch, invert elevations and stream cross sections and profiles, etc. shall be shown, and shall be in conformity with the Roxbury Road Ordinance.

**5.03 FORMAL APPLICATION - PLAN INFORMATION OVERVIEW**

<b>General Information</b>	<b>Subdivision Plan</b>	<b>Plan and Profile</b>	<b>Site Development Plan</b>
1. Scale	1"=40'	1"=40' H 1"=4' V	1"=40'

**Property Information**

1. Existing and proposed lot boundaries with monument locations			
2. Parcel areas (including area with wetlands and watercourses excluded)			
3. Owners name and lot line locations of abutting parcels			
4. Existing and proposed easements and other rights-of-way			

**Site Conditions**

1. Existing and proposed topography - field topography - 2' contours)			
2. Existing and proposed topography - field topography - 5' contours)			
3. Existing drainage features			
4. Field located wetlands and watercourses on the property			
5. Generally located wetlands and watercourses near the property			
6. Base flood elevation data and floodplain data			
7. Other site features and areas intended for preservation			
8. Analysis of special site conditions and/or significant resources			

**Open Space Information**

1. Location and configuration of existing open spaces in the vicinity			
2. Open Space Plan			

**Soils Information**

1. Soil types information			
2. Soils with severe limitations and low potential for sewage disposal facilities			
3. Slopes exceeding 15% and areas with shallow depth to bedrock			
4. Location and identification of percolation test holes and deep hole tests			
5. Notation regarding the need for engineered septic designs			

**Design of Lot Improvements**

1. Building set-back lines with dimensions			
2. Location of existing structures, driveways, and other improvements.			
3. Location of proposed structures, driveways, and other improvements.			
4. Location of existing primary and reserve septic-leach fields			
5. Location of proposed primary and reserve septic-leach fields			
6. Location of existing wells and water sources within 200' of the parcel			
7. Location of proposed wells and water sources for each lot			

**Design of Overall Improvements**

1. All proposed soil erosion and sediment control procedures.			
2. Road design including road names			
3. Drainage design including the location of any drainage discharge			
4. Utility design (including connections to existing lines)			
5. Any existing or proposed retaining walls, culverts, or fences			

## **5.04 ADDITIONAL FORMAL APPLICATION MATERIALS**

### **1. Sanitary Waste Disposal Report**

- a. Every application for approval of a subdivision must include a report prepared by a professional civil engineer licensed by the State of Connecticut addressing the manner in which the properties are to be provided with sanitary waste disposal.
- b. The report shall provide:
  - i. a detailed description of proposed sewage disposal facilities in compliance with the requirements of the State Health Code.
  - ii. a statement by the engineer that, in his/her professional opinion, each lot for proposed development is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report, and
  - iii. a statement of any reservations, special conditions, or special precautions that the engineer may consider necessary to provide proper functioning of the proposed disposal system.
- c. If, in the opinion of the Environmental Health Inspector or the Planning Commission, the sanitary report is incomplete as to the required information, additional information sufficient to correct the deficiencies of the report may be required.
- d. A report from the Roxbury Environmental Health Inspector shall be obtained and submitted to the Commission by the applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private septic systems.

### **2. Water Report**

- a. Every application for approval of a subdivision shall include a Hydrology Report, as outlined in Appendix D, addressing the manner in which the properties are to be provided with domestic water supply.
- b. A report from the Roxbury Environmental Health Inspector shall be obtained and submitted to the Commission by the applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private wells.

### **3. Drainage Report**

- a. A report shall be submitted by a registered professional engineer identifying the proposed drainage plan for the property, existing drainage areas, and the drainage treatment for different areas, including the methodology used to compute pipe sizes and drainage volumes.
- b. In addition, calculations and the basis used to evaluate potential impact on aquifer recharge and ground water quality shall be provided.

#### **4. Erosion and Sediment Control Report**

- a. Every application for approval of a subdivision must include a narrative report identifying the manner in which erosion and sediment control will be addressed.
- b. The narrative report may be placed on the site development plan, a separate soil erosion and sediment control drawing, or may be a separate document.
- c. The narrative report shall include:
  - i. a description of the development of the project,
  - ii. overall design criteria relative to erosion and sediment control,
  - iii. recommended construction details and detailed installation procedures and maintenance programs,
  - iv. a summary of the sequencing of erosion and sediment control measures with construction phasing, and
  - v. a time schedule for:
    - i) all major construction activities indicating their anticipated start and completion;
    - ii) creating and stabilizing disturbed areas;
    - iii) grading operations;
    - iv) applying erosion and sediment control measures and facilities on the land.

## **6.00 PROCEDURAL REQUIREMENTS**

### **6.01 GENERAL**

1. All applications, maps, plans, documents and data required by these Regulations shall be submitted to the office of the Roxbury Planning Commission. The date of receipt of such applications shall be determined in accordance with CGS 8-26d.
2. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other qualified agency or person as, in the opinion of the Commission, may be advisable, for their information, review and recommendations. In accordance with CGS Section 8-1c and the Roxbury Municipal Land Use Fee Ordinance, the applicant may be required to compensate the Town for any review fees.
3. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
  - a. Reviewing the proposed subdivision,
  - b. inspecting the property and any proposed improvements, and
  - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them until the Town has assumed responsibility for them.

### **6.02 PRELIMINARY PLAN PROCEDURE**

1. The Preliminary Subdivision Plan procedure is suggested to prospective subdividers, their agents or engineers, so that they may discuss the design of the subdivision in the formative stages with the Commission and other Town officials. The process is intended to permit informal discussion of the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these Regulations in order to prevent undue delay or extensive modification to a Final Plan.
2. Since the procedure is a conceptual design review and pre-application process:
  - a. receipt of materials shall not constitute a “formal application”,
  - b. delivery of the required material is at the option of the subdivider, and
  - c. any discussion or opinions rendered are advisory only and are not binding on the Commission or the potential subdivider and shall not be the basis for a claim of predetermination by the subdivider.
3. Three copies of materials as described in Section 5 of these Regulations shall be submitted to the Planning office at the Town Hall and the potential subdivider shall be advised of the date to appear at a regular meeting of the Commission for informal review and comment.

### **6.03 APPLICATIONS INVOLVING INLAND WETLANDS**

1. If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider is encouraged to acquire permits and approvals from the IWWC prior to submission to the Commission. In any event, the subdivider shall submit an application to the IWWC no later than the date the application is filed with the Commission.
2. The Commission shall not render a decision on the subdivision until the IWWC has submitted a report with its final decision to the Commission. In making its decision, the Planning Commission shall give due consideration to the report of the IWWC.

### **6.04 FORMAL SUBDIVISION APPLICATION**

1. The final layout and supporting drawings and documents for a proposed subdivision constitute the only formal and complete submission of the subdivision proposal and it is recommended that they include suggestions made in the optional Preliminary Plan stage.
2. A formal application for subdivision shall include all of the following:
  - a. One (1) copy of the prescribed application form.
  - b. The required application fee payable to the Town of Roxbury.
  - c. Five (5) sets of plans containing the maps or documents as required by Section 5 of these Regulations or as required by the Commission.
  - d. A sanitary waste disposal report as required by these Regulations prepared by a professional engineer registered and licensed to conduct business in the State.
  - e. A water report as required by these Regulations prepared by a professional engineer registered and licensed to conduct business in the State.
  - f. A drainage report prepared by a professional engineer, registered and licensed to conduct business in the State, documenting the design of the storm drainage system including:
    - i. a base map used to determine watershed and drainage patterns, including downstream runoff areas affected by the storm water runoff from the subdivision,
    - ii. the methodology used to compute runoff and pipe sizes, and
    - iii. documentation of the design of special structures (if any).
  - g. A certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section.

- h. Copies of any other application filed with, and decisions rendered by, local, state or federal Commissions or agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning Commission and prior to its decision on the application.
  - i. A copy of the deed, contract, option to buy, or other acceptable proof of the applicant's ownership of or interest in the parcel and/or the applicant or agents authority to act on behalf of the owner.
4. The Commission may require the submission of:
- a. Funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and Roxbury Municipal Land Use Fee Ordinance.
  - b. Evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property.
  - c. Copies of letters to the State Archeologist and the Natural Resources Center requesting information on significant resources at the proposed subdivision, written responses from those agencies, and a management plan, approved by the appropriate State agency, that addresses the protection of any identified resources.
  - d. Any proposed grant or grants to the Town, in form satisfactory to Town Attorney, including any required easements for drainage access, utility, or other purposes.
  - e. Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations.
  - f. Additional copies of application materials as necessary for review by the Commission or other Town agencies.
5. The Commission may obtain a report from the Litchfield County Soil and Water Conservation District containing their review and recommendations regarding the subdivision plan.:

### **6.05 APPLICATION RECEIPT AND SCHEDULING**

1. The Commission shall make a determination as to whether the application is complete. If the application is incomplete, the Commission may deny the application. The date of receipt of a complete application shall be as provided in CGS 8-26d.
2. Upon receipt of a complete application, the Commission shall call a public hearing if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on any application for a resubdivision.
3. The Commission may require field staking of proposed improvements for visual inspection.
4. If a public hearing is to be held, the Commission shall:
  - a. schedule the public hearing to commence within 65 days of the statutory date of receipt of the application or, with the approval of the applicant, within an additional period of time provided that such extension(s) shall not exceed a total of 65 days.
  - b. submit legal notices for publication as per CGS Section 8-26,
  - c. notify the applicant of the hearing date,
  - d. require the applicant to mail notice to land owners within a 200 feet radius of the proposed subdivision by certified mail - return receipt requested within 15 days of the date of the hearing,
  - e. allow the applicant the opportunity to present the plans at the public hearing,
  - f. require the submission of the certified mail receipts and the return receipts from the certified mailing to abutting property owners prior to the initiation of the public hearing, and
  - g. give an opportunity to interested persons to examine and comment upon the plans at the public hearing.
5. If a public hearing is held, the hearing must be closed within 35 days of its commencement or, with the approval of the applicant, be closed within an additional period of time provided that such extension(s) shall not exceed a total of 35 days.

### **6.06 APPLICATION PROCESSING**

1. In accordance with CGS Section 8-26d, the Commission shall approve, modify and approve, or disapprove the application within 65 days of the close of the Public Hearing (or within 65 days of the statutory date of receipt if no Public Hearing is held). The 65-day time period for action may be extended by an additional 65 days with the written permission of the applicant.
2. In accordance with CGS Section 8-26d, the time period for action by the Commission on applications regulated by the IWWC may be extended to 35 days after the decision of the IWWC.
3. Any action by the Commission shall set forth, in detail, any conditions to which the approval is subject, or the reasons for disapproval. Commission approval of the plans shall not be deemed an acceptance by the Town of any road or other land shown as offered for dedication to public use.
4. As per CGS Section 8-26, the Commission shall cause notice of its action to be published in a newspaper having substantial circulation in the community within 15 days after such decision has been rendered. The Commission shall notify the applicant by certified mail. As per CGS Section 8-26, the applicant may publish such notice within 25 days after such decision has been rendered if the Commission fails to cause notice to be published.

### **6.07 PRIOR TO FILING OF APPROVED PLANS**

1. Based upon the resolution of approval or the resolution of modification and approval, the applicant shall have the Subdivision Plan and supporting plans revised to conform to any modifications called for in the Commission's action.
2. The applicant shall submit:
  - a. three (3) paper sets and one (1) mylar set of the approved plans, with any required modifications, to the Commission for signature,
  - b. a copy of a permit from the Connecticut Department of Transportation for any proposed driveway, road, or storm drainage system which joins with a State Highway,
  - c. a copy of a Certificate of Compliance from the Roxbury Building Official authorizing any proposed activity in a Special Flood Hazard Area, and
  - d. information as to the intended method of guaranteeing the completion of subdivision improvements.
3. The applicant shall also submit, in form satisfactory to Town Attorney:
  - a. any required grant or grants to the Town in executed form,
  - b. any required easements for drainage, access, utility, or other purposes in executed form,
  - c. a certificate of title indicating that any proposed conveyance is free of encumbrances, and
  - d. evidence of the signatory's authority to sign on behalf of the grantor.
4. Such grants or easements shall not be recorded on the Land Records until the Subdivision Plan shall have been filed on the Land Records, and until any necessary action shall have been taken by any other appropriate Town body or bodies.
5. No changes, erasures, modifications or revisions shall be made in any Subdivision Plan or supporting plans after approval without the consent of the Commission.
6. Such modifications shall be completed and the plans submitted for signature within ninety (90) days of the Commission's action or approval will be considered expired. The Commission may extend the time for submission for two (2) additional periods of ninety (90) days and the approval shall remain valid until the expiration of such extended time.
7. No plan may be signed without authorization, by majority vote of the Planning Commission, for the Commission Chairman or Secretary to endorse the record subdivision map when all conditions of approval have been met.

## **6.08 GUARANTEE FOR COMPLETION OF IMPROVEMENTS**

To ensure satisfactory completion of required subdivision improvements, the Commission shall have authorized the filing of the plans with a conditional approval, or may accept a bond securing to the Town the actual construction and installation of such improvements and utilities.

### **1. Performance Bond**

- a. Final subdivision approval may be granted by the Commission provided that a performance bond has been posted to ensure the completion of required improvements.
- b. No final subdivision plan shall be filed and no building permits shall be issued until the Town Attorney has reviewed the proposed bond and approved it as to form and content, such as:
  - i. a passbook savings account from a financial institution approved by the Board of Selectmen,
  - ii. an irrevocable letter of credit issued by a financial institution approved by the Board of Selectmen, or
  - iii. a surety bond from a financial institution approved by the Board of Selectmen.
- c. The amount of the bond shall be equal to 110 percent of the estimated cost of all public improvements. Public improvements include, but are not limited to, the following:
  - i. The building of any roads, in accordance with specifications of the Town;
  - ii. The installation of drainage, utilities, and other required or provided items;
  - iii. Projects by the developer in lieu of open space requirements;
  - iv. Monumentation of subdivision roads and marking of lot corners with pins; and
  - v. All erosion control measures, including those measures specified in the Erosion and Sediment Control Manual.
- d. The Commission may require that at least 20 percent of the bond be in the form of a passbook savings account in favor of the Town of Roxbury for erosion and sediment control.
- e. An estimate of the time requirements and cost of all public improvements shall be prepared by the developer's engineer and approved by the Town Engineer.
- f. Any bond shall include:
  - i. a provision that the bond shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and
  - ii. a provision that the bond shall automatically be extended until all public improvements are completed and/or the proceeds from the bond are collected by the Town if the Commission, or its designated agent, did not receive the required notice.
- g. Reduction in the amount of the bond may be considered by the Commission for the completed public improvements. The reduction in the amount shall not exceed seventy-five (75) percent of the original amount of the bond. Once the improvements are accepted by the Town, this maintenance bond may be replaced with a ten (10) percent maintenance bond.

## 2. Conditional Approval

- a. In lieu of the developer furnishing a performance bond for the cost of all improvements, the Commission may grant conditional approval to the subdivision provided that the subdivider shall provide a bond in the form of a passbook savings account in an amount sufficient to:
  - i. provide for erosion and sediment control, and
  - ii. correct problems with the public improvements, or the installation thereof, which might adversely affect neighboring properties.
- b. No lot shall be sold or offered for sale within a subdivision granted conditional approval until final approval has been granted. Final approval shall be conditioned on:
  - i. the actual construction, maintenance and installation of any public improvements prescribed by the Commission; and/or
  - ii. the provision of a performance bond acceptable to the Commission for the cost of the remaining improvements.
- c. Upon furnishing a satisfactory performance bond, the Commission may authorize the filing of a plan with final approval endorsed thereon.
- d. Until the requirements for final approval have been met, any subdivider of a subdivision with a conditional approval shall provide and maintain:
  - i. a copy of reports by the subdivider's engineer along with a schedule of inspections,
  - ii. a schedule of inspections by appropriate Town officials upon reasonable notification, and
  - iii. a bond in the form of a passbook savings account in an amount sufficient to provide for erosion and sediment control and correct problems with the public improvements or the installation thereof, which might adversely affect neighboring properties.
- e. In the event that the required public improvements are completed under conditional approval, final approval shall be granted only after the developer provides a maintenance bond in an amount equal to twenty-five (25) percent of the value of the public improvements for a term of fourteen (14) months. After final approval is granted by the Commission, the developer may petition the Town of Roxbury to accept the public improvements. Once the improvements are accepted by the Town, this maintenance bond may be replaced with a ten (10) percent maintenance bond.

### **6.09 FILING OF APPROVED PLANS**

1. Once signed and authorized by the Chairman, the signed mylar set of the approved plans shall be filed with the Town Clerk at the applicants expense.
2. Such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. It is necessary to allow at least ten (10) working days within the ninety (90) day period for the Commission to sign and file the mylars with the Town Clerk.
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the approval shall remain valid until the expiration of such extended time.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered erroneous, and the Commission may then file a correct Plan as approved, noting the reason for such filing.
6. No building permits shall be issued for the approved subdivision until the approved plans signed by the Chairman have been filed with the Town Clerk. Once the approved plans have been filed, building permits may be issued.

### **6.10 INSPECTION OF IMPROVEMENTS**

1. Prior to starting a project, the developer and all contractors and all subcontractors shall meet with the Commission's authorized representatives to:
  - a. review job conditions,
  - b. advise the Town of the construction schedule,
  - c. review the Town of Roxbury Roadway Construction Standards and Specifications,
  - d. obtain said Specifications for all contractors and subcontractors.
2. The work will be inspected in stages by the Town and the Commission or appointed representative shall have free access to the construction work at all times. Notice for inspection shall be made at least 48 hours in advance. In no case shall any paving work be done without permission from the Town Engineer or Highway Foreman.
3. The Commission shall be authorized to take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations and the Commission may require the applicant, at their expense, to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut.
4. Inspection by the Commission or its authorized agent during development shall ensure compliance with the certified erosion and sediment control plan and that control measures and facilities are properly performed, installed and maintained. The Commission or its agent may require progress reports and verification that control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.

5. In the event that soil erosion and sediment control measures are not being satisfactorily implemented, the Commission or its agent may:
  - a. issue a Stop Work order,
  - b. order in writing the remedying of any condition found to be contrary to these Regulations or the certified Control Plan, and/or
  - c. redeem the performance bond in order to rectify erosion and sediment control issues at the site.

#### **6.11 TIME PERIOD FOR COMPLETION OF IMPROVEMENTS**

1. The subdivision shall be completed within the time provided by CGS Section 8-26c. The Commission's endorsement of approval on the plan shall state the date on which completion period expires.
2. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure the compliance of the certified plan.
3. The subgrade, sub-base, and all drainage required for any proposed road shall be completed in accordance with the Road Ordinance prior to issuance of a Certificate of Occupancy for any structure served by such road.
4. Prior to issuance of any Certificate of Occupancy in the subdivision, the pavement binder course for any proposed road shall be installed in accordance with the Road Ordinance.
5. Upon application by the subdivider, the Commission may make one or more extensions of the time period for completion provided that:
  - a. the time for all extensions shall not exceed ten years from the date the subdivision was approved, and
  - b. the Commission may revise the amount of the bond securing the actual completion of the work.
6. Expiration of the time period for completion shall:
  - a. result in automatic expiration of the approval of such plan provided the Commission shall file notice on the land records of such expiration, and
  - b. prevent the conveyance of any additional lots in the subdivision by the subdivider or his/her successor in interest, and
  - c. require a new application for subdivision approval of the subject land including a new filing fee as well as a review of all previous findings.
7. Until the improvements are accepted by the Town of Roxbury, the subdivider shall maintain all improvements and provide for snow removal on roads.

## 6.12 FINAL ACCEPTANCE AND MAINTENANCE BOND

1. For final acceptance of subdivision improvements, the subdivider shall submit to the Commission:
  - a. a letter requesting a recommendation to the Board of Selectmen that the Town accept the road(s),
  - b. one mylar and three paper copies of plans showing the "as-built" location of all road and associated improvements approved by the Commission or their authorized agent and where the as-built plans differ from the approved construction plans.
  - c. a letter from a registered land surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,
  - d. a letter from a professional engineer stating that all improvements, including all road signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made,
  - e. a maintenance bond to protect the Town against faulty construction and materials that will remain in effect for a fourteen (14) month period after the Town has accepted the public improvements
  - f. a letter holding the Town harmless for any damage which might result from the Town performing any maintenance to the public improvements,
  - g. a copy of all proposed deeds and easements to the Town and other information as required for review and approval by the Town Attorney, if not previously provided, and
  - h. a copy of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development for possible review by the Town Attorney.
2. The Commission or its authorized agent shall conduct a final inspection of all improvements and utilities to evaluate the general condition of the site and determine whether the work is satisfactory and in substantial agreement with the approved final drawings and the Roadway Construction Standards and Specifications.
3. Any improper installations shall be reported to the Commission and remedied by the subdivider. A report shall be submitted to the Commission.
4. If all items are satisfactory, the Commission will recommend to the Board of Selectmen that the road(s) be accepted.
5. Once the Board of Selectmen agrees to accept the road(s), they will schedule a Town Meeting. Prior to the Town Meeting, all executed deeds and easements to the Town shall be submitted to the Planning Commission office for filing by the Town after the Town Meeting.
6. The maintenance bond of at least ten (10) percent of the original approved estimate of the cost of construction and installation of such public improvements shall be in effect for a period of fourteen (14) months from the date of acceptance of the subdivision improvements by the Town.
7. Once the public improvements are accepted by the Town and the maintenance bond is in place, the Town shall release the performance bond as set forth herein.

**7.00 ADMINISTRATION**

**7.01 ENFORCEMENT**

These Regulations shall be enforced by the Planning Commission and/or its designated representative(s).

**7.02 AMENDMENT**

The Planning Commission may amend, change, or repeal these Regulations after a public hearing in accordance with CGS Section 8-25, as amended.

**7.03 CONFLICT**

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

**7.04 APPEALS**

Any person aggrieved by an official action of the Commission may appeal as provided by CGS Section 8-8, as amended.

**7.05 SEPARABILITY**

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

**7.06 PENALTIES**

Any person making any subdivision of land without the approval of the Commission shall be fined as provided by CGS Section 8-25 for each lot sold, offered for sale, or so subdivided.

**7.07 EFFECTIVE DATE**

1. These Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission.
2. Subdivision Regulations were originally adopted in Roxbury with an effective date of February 5, 1962.
3. The Regulations were comprehensively reorganized and modified with an effective date of June 1, 2001.

**APPENDIX A - APPROVAL BLOCKS**

Plans submitted to the Planning Commission for signature shall contain the following approval block, as appropriate, near the title block:

**ROXBURY PLANNING COMMISSION  
FINAL SUBDIVISION APPROVAL**

I hereby certify that at a meeting on \_\_\_\_\_, the Roxbury Planning Commission gave final approval to this plan in accordance with the Roxbury Subdivision Regulations.

\_\_\_\_\_  
Chairman Date Signed

In accordance with CGS 8-26c, all work in connection with this subdivision shall be completed within five years of the date of approval. The completion date shall be \_\_\_\_\_.

Received for filing on \_\_\_\_\_ by \_\_\_\_\_  
Town Clerk

**ROXBURY PLANNING COMMISSION  
RESUBDIVISION APPROVAL**

I hereby certify that at a meeting on \_\_\_\_\_, the Roxbury Planning Commission gave final approval to this plan in accordance with the Roxbury Subdivision Regulations.

\_\_\_\_\_  
Chairman Date Signed

In accordance with CGS 8-26c, all work in connection with this resubdivision shall be completed within five years of the date of approval. The completion date shall be \_\_\_\_\_.

Received for filing on \_\_\_\_\_ by \_\_\_\_\_  
Town Clerk

**ROXBURY PLANNING COMMISSION  
APPROVAL OF LOT LINE REVISION**

I hereby certify that at a meeting on \_\_\_\_\_, the Roxbury Planning Commission approved this lot line revision.

\_\_\_\_\_  
Chairman Date Signed

Plans requiring approval by the Roxbury Inland Wetlands Commission shall contain the following approval block near the title block:

<b>ROXBURY INLAND WETLANDS COMMISSION</b>	
I hereby certify that at a meeting on _____, the Roxbury Inland Wetlands Commission gave approval to this plan in accordance with the Roxbury Inland Wetland and Watercourse Regulations.	
_____ Chairman	_____ Date Signed

Plans requiring approval by the Roxbury Zoning Commission shall contain the following approval block(s), as appropriate, near the title block:

<b>ROXBURY ZONING COMMISSION APPROVAL OF SPECIAL PERMIT</b>	
I hereby certify that at a meeting on _____, the Roxbury Zoning Commission gave approval to a Special Permit in accordance with Section _____ of the Roxbury Zoning Regulations.	
_____ Chairman	_____ Date Signed

<b>ROXBURY ZONING COMMISSION APPROVAL OF INTERIOR LOT(S)</b>	
I hereby certify that at a meeting on _____, the Roxbury Zoning Commission gave approval of lot(s) _____ as interior lots in accordance with the Roxbury Zoning Regulations.	
_____ Chairman	_____ Date Signed

<b>ROXBURY ZONING COMMISSION</b>	
I hereby certify that at a meeting on _____, the Roxbury Zoning Commission gave approval to this plan in accordance with Section _____ of the Roxbury Zoning Regulations.	
_____ Chairman	_____ Date Signed

## **APPENDIX B. - DRAINAGE CRITERIA**

An adequate system of storm water drainage shall be provided. This system shall be designed in accordance with good engineering practice. It is recommended that the Connecticut Department of Transportation Drainage Manual be used as a guide in preparing the design of storm sewer systems, culverts, and bridges. The 1983 Drainage Manual, with addenda, can be obtained from the Connecticut Department of Transportation, Bureau of Highways, Division of Design.

Normally, the rational formula  $A = AIR$  will be used to obtain the design flow and charts based on the Manning formula will be used to select the pipe sizes for storm water systems. The use of the rational formula should be limited to areas less than 250 acres. Storm water and culvert designs will be shown on forms similar to those contained in the Drainage Manual. Catch basins will be spaced about every 350 feet. It will not generally be necessary to perform a gutter flow analysis. Storm sewers shall be designed to provide capacity for a 25 year frequency storm.

Culverts will be designed using nomographs contained in Bureau of Public Roads hydraulic Engineering Circulars. Culverts designed to conduct natural watercourses shall have sufficient capacity to provide for a 50 year storm frequency. Culverts and bridges designed for watercourses draining areas in excess of 1000 acres shall have a capacity to provide for a 100 year storm frequency of 5 times the mean annual storm.

For all designs involving watercourses draining areas in excess of 1000 acres, water surface profiles will be developed using the "Step Method". A water surface profile will be developed based on existing channel conditions and then a second water surface profile developed for the design conditions, to demonstrate that the proposed channels and culverts do not cause an appreciable rise in the water surface for the design "Q"

The formulas which may be used to determine the design "Q" as applicable are:

- Rational Formula
- Soil Conservation Service Method

Normally, reinforced concrete pipe will be used for storm sewer systems. Asphalt coated corrugated metal pipe (perforated) or slotted reinforced concrete pipe maybe used as a combination system to collect surface runoff and to intercept subsurface drainage subject to approval of the Town Engineer.

The back-fill material for a combination system will consist of 3/8" trap rock and filter fabric.

Drainage structures will be included as part of the subdivision construction plans. These drawings will be in accordance with Connecticut Department of Transportation Standards.

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**APPENDIX C. - SITE TESTING****1. Deep Test Pits:**

- a. Minimum of three per lot, two in the proposed primary leaching area and one in the proposed reserve leaching area, additional pits as required.
- b. Deep test pits shall be:
  - i. located by field survey, and
  - ii. identified on the Record Subdivision Map.
- c. Deep test pits shall be dug to approximately eight (8) feet deep, or four (4) feet below the bottom of the proposed leaching system, whichever is greater.
- d. The following information shall be submitted as part of the Sanitation Report:
  - i. Soil types encountered including notations regarding:
    - i) the depth of each soil horizon, and
    - ii) the presence of hardpan, compacted or impermeable layers.
  - ii. Date of testing.
  - iii. Depth to seasonal maximum ground water and permanent ground water.
  - iv. Depth to ledge rock.
  - v. Percentage of slope in septic leaching areas.
  - vi. Information on any other condition that may constitute an “area of special concern” per the Connecticut Public Health Code.

**2. Percolation Tests:**

- a. Minimum of two percolation tests per lot, one each in proposed primary and reserve leaching areas, additional tests as required. Percolation tests shall be conducted according to the State of Connecticut Public Health Code, section 19-13-b103d(b).
- b. Multiple percolation tests may be required if the proposed septic system spans different soil textures or horizons that may adversely affect the design seepage rate. The seepage rate of the slower soil layer shall be utilized as the basis of design for the septic system.
- e. Percolation tests shall be:
  - i. located by field survey, and
  - ii. identified on the Record Subdivision Map.
- c. The following information shall be submitted as part of the Sanitation Report:
  - i. Date of testing
  - ii. Stabilized percolation rate per the Connecticut Public Health Code.

**3. Other Tests:**

- a. Such other test as may be required by the Commission or its designated agent including, but not limited to, permeability tests, sieve analysis, and hydraulic analysis, in order to determine the suitability for on-site sewage disposal.

## **APPENDIX D. - HYDROLOGY REPORT**

### **Purpose:**

The purpose of requiring a Hydrology Report includes, but is not limited to, protecting the public health from the contamination of existing and potential public and private water supplies; and to protect the general welfare by preserving limited water supplies for present and future use.

### **Definitions:**

"Aquifer" means a geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable groundwater to public or private wells.

"Aquifer, Bedrock" means a geologic formation, group of formations or part of a formation which contains sufficient fractures to yield significant quantities of potable groundwater to public or private wells.

"Groundwater" means all the water beneath the surface of the ground.

"Impervious" means impenetrable by water.

"Leachable wastes" means waste materials, including solid wastes, sewage, sludge and agricultural wastes, that are capable of releasing water-borne contaminants to the surrounding environment.

"Recharge area" means any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland, watercourse, or body of surface water adjacent to such area.

### **Hydrology Report:**

The Hydrology Report (including all maps) shall:

1. be signed and certified by a Geologist or Civil Engineer with a significant practice or more than 5 years experience in investigating and reporting on ground water hydrology,
2. be prepared using the best available geological and engineering practices, and
3. include, but not be limited to, the following areas of investigation:
  - a. Site Location
  - b. Geological Conditions
  - c. Depth of Water Table
  - d. Groundwater Gradation and Flow Duration
  - e. Rate of Flow
  - f. Pump Test (including location of screen and test point, type of screen, pump rate, vertical extent of influence, field porosity, recharge rate, and zone of contribution)
  - g. Conclusion
  - h. Certification

**APPENDIX E. - SAMPLE CONSERVATION RESTRICTION**

***NOTE: This is a sample conservation restriction. This sample must be modified for each situation so as to properly reflect the requirements of particular grantees, the means of enforcement, and the purpose for which it is proposed.***

**GRANT OF CONSERVATION EASEMENT [OR RESTRICTION]**

THIS GRANT OF CONSERVATION EASEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_, by and between \_\_\_\_\_, [*name and address of individual or corporation or limited liability company organized under the laws of the State of Connecticut*] (hereinafter collectively called "Grantors"), and the [*Land Trust, Town Of Roxbury, or other appropriate entity*], its successors and assigns, a \_\_\_\_\_ located in the County of Litchfield and the State of Connecticut, (hereinafter called "Grantee"),

**WITNESSETH:**

**Whereas**, the Grantors are the owners in fee simple of certain real property (the "Property") located in the Town of Roxbury, County of Litchfield and State of Connecticut, situated at \_\_\_\_\_ and as shown on a map or plan (to be filed in the Roxbury Town Clerk's Office contemporaneously with this Easement) entitled "\_\_\_\_\_"Scale: 1" = 100', Date: \_\_\_\_\_, prepared by \_\_\_\_\_, which map was revised \_\_\_\_\_ (the "Plan");

**Whereas**, the Grantor has applied for subdivision or resubdivision approval from the Roxbury Planning Commission ("Commission");

**Whereas**, the Commission may designate opens space areas on Subdivision and Resubdivision Plans ("Plan") including open space areas for preservation in their natural state;

**Whereas**, as part of Grantors subdivision application, Grantors have offered to protect, retain and maintain in its present state those portions of the Property designated as the " \_\_\_\_\_ [*label on plan for conservation area*]" on the Plan by securing a conservation easement in favor of Grantee over, across and upon the portions of the Property designated as such " \_\_\_\_\_ [*label on plan for conservation area*]," hereinafter collectively "Conservation Area".

**Whereas**, The Commission has determined that it would be in the public interest to protect, retain and maintain the "Conservation Area" in its present state and as open space; and

**Whereas**, it is the judgment of the Commission that the Conservation Area possesses ecological, scientific, educational, aesthetic, agricultural, historic and/or passive recreational values of importance as a natural area to the Grantee, the people of Roxbury and the people of the State of Connecticut; and

[*Only if Easement is to the Town of Roxbury*] **Whereas**, the Grantee, pursuant to General Statutes Section 47-42(c) and Section 7-148, is authorized to acquire easements such as the Conservation Easement described herein; and

**Whereas**, said Conservation Area is unencumbered; and

**Whereas**, the Grantors are willing, for NO MONETARY CONSIDERATION, to grant to said Grantee the easement and covenants as hereinafter expressed concerning the Conservation Area, to conserve and protect the fauna, flora and hydrologic/geological features and the natural beauty of the property for posterity in perpetuity thereby providing for its maintenance and conservation.

**Now Therefore**, the Grantors, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions herein contained, do hereby give, grant, bargain, sell and convey with quit claim covenants unto the Grantee, its successors and assigns forever, a Conservation Easement in perpetuity, over the defined Conservation Area of the nature and character and to the extent hereinafter set forth. All terms, covenants and conditions contained herein are deemed to run with the land.

**I. Rights of Grantee**

To accomplish the purpose of this Easement the following rights are conveyed to the Grantee by this Easement:

- A. The right to preserve and protect the Conservation Area;
- B. The right, from time to time, following reasonable notice to the then current owners or occupant of the portion of the Property to be entered, to enter the Conservation Area at all reasonable times and, if necessary, across other portions of the Property, for the purposes of:
  - 1) inspecting the Conservation Area to determine if the then owners and occupants of the Property on which the Conservation Area is located are in compliance with the covenants and purposes of this Easement as it relates to the land of such Grantor(s);
  - 2) enforcing the terms of this Conservation Easement Agreement;
  - 3) maintaining and/or replacing boundary markers of the Conservation Area or performing such work therein, consistent with law or regulations as the Grantee deems appropriate.
- C. The right, but not the obligation, to monitor the condition of any rare or endangered plant and animal populations and plant communities in the Conservation Area, and to manage them, if necessary, for their continued survival and quality in the Conservation Area.
- D. The right to enforce the covenants contained herein pursuant to General Statute Section 47-41(c) and other provisions of the General Statutes, as amended; provided, however, that nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against Grantors for any changes to the Conservation Area due to causes beyond Grantors' control, such as changes caused by fire, floods, storms or other natural causes.

- E. If after inspection, the Grantee determines there is a failure to comply with terms herein, then written order of the failure may be given to the Grantor or then owner(s) of the failure and they shall have thirty (30) days to object to or cure said failure. If not cured or any objections made in response by Grantor to prevailing party within such period (or in case of failures that cannot practically be cured within such period, if the owner(s) does not object or commence to cure said failures within such period and thereafter diligently pursue such cure), then the Grantee may proceed to cure the same and charge the actual costs thereof to the owner(s) which costs shall be paid within thirty (30) days after notice of same from Grantee. In the event of an objection by the Grantor or then owner(s) to such order, the validity and enforceability will be determined at law. Prevailing parties shall reimburse the non-prevailing parties for reasonable legal fees and court costs in such proceeding.
- F. Grantor shall perform any work necessary to carry out the purposes of this Easement. The Grantee shall notify the Grantor of the nature of the scope of the work and provide time to comply. If the Grantee deems it appropriate to perform any work in furtherance of this easement not so mandated, the Grantee it may do so at no cost to the Grantor after thirty (30) days notice.

## **II. Compliance with Applicable Laws**

No use, activity or operation that is defined as a "regulated activity" under the Inland Wetland and Watercourse Regulations of the Town of Roxbury or otherwise regulated under any other law, statute, ordinance or regulation of similar import shall be conducted in the Conservation Area or elsewhere on the Property except after obtaining any necessary license, permit or approval from each governmental authority having jurisdiction and then only in conformity with such license, permit or approval.

## **III. Covenants**

The Grantors for themselves and their successors and assigns hereby covenant that without the prior written consent of the Grantee acting through its applicable commissions and agencies, and except to the extent allowed pursuant to Section IV below, within, under, over or upon the Conservation Area:

- A. There shall be no construction or placing of buildings, sewage disposal systems, wells, drainage systems, underground tanks, roads, driveways, mobile homes, fences, signs, billboards or other advertising, decks, gazebos, swimming pools, hot tubs, sheds or structures of any kind.
- B. There shall be no dumping, storing or placing of soil, plant, shrub or tree clippings or other substances or materials and no storage or disposal of vehicles, vehicle parts or wastes of any kind including but not limited to hazardous waste or material (as defined under the Connecticut General Statutes and federal environmental laws), bulky waste, ashes, trash, saw dust or unsightly or offensive material.
- C. There shall be no topographic changes, no ditching, draining, diking, dredging, tilling, excavating, re-grading, or drilling, and no removal or filling of topsoil, loam, peat, sand, gravel, rock, minerals or other substances, building of roads or use of the area that will materially alter the wetlands or other natural resources, landscape or other attractive scenic features.

- D. There shall be no removal or destruction of trees, shrubs, or other vegetation; no use of fertilizers, poisons, pesticides, herbicides or biocides, no hunting or trapping; no grazing of domestic animals; no introduction of non-native plants and animals; no introduction of non-native plants and animals; and no disturbance or change in the natural habitat in any manner. There shall be no removal of dead trees and no pruning and thinning of live trees and brush except in accordance with sound forest management practices, or unless the removal of dead trees is necessary to eliminate imminent danger to persons and then only to the minimum extent necessary to eliminate such danger.
- E. There shall be no alteration of natural or existing water courses, bodies of water or wetland areas, or drainageways nor shall there be activities or uses conducted on the Conservation Area which are or have the potential for being detrimental to drainage, flood control, surface or ground water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition.
- F. There shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.
- G. There shall be no removal or disturbance of the iron pins, boundary markers or any other field identifications of the Conservation Area boundaries.

Grantee, its successors and assigns, in its discretion, shall have the right to allow any otherwise prohibited use or activity on such reasonable terms and conditions as it may prescribe where it determines that the proposed activity does not interfere with or have a material adverse impact on the natural scenic, ecological and open space values being protected within the Conservation Area or that such interference or adverse impact is outweighed by the crucial need for the proposed activity.

#### **IV. Reserved Rights**

The Grantors for themselves and their successors and assigns, reserve the following rights, which, to the extent requiring entry upon the Conservation Area, Grantors will exercise in a manner reasonably consistent with the natural, scenic, ecological and open space values being protected hereunder:

- A. The right to make use of the Conservation Area for any and all purposes that are in keeping with the stated intent of this Conservation Easement.
- B. With the approval of the Roxbury Inland Wetlands Commission if required by its regulations, the right to drain surface water from the Property and utilize the Conservation Area for storm water retention and detention;
- C. The right to utilize the Conservation Area for purposes of satisfying side yard, setback, rear yard, density, floor area, lot coverage and similar zoning requirements with respect to the construction of improvements on all other portions of the Property not comprising the Conservation Area;
- D. The right to maintain sight lines to the extent required by governmental authorities by the selective cutting, pruning or trimming of vegetation, provided that such actions shall not have a significant adverse impact upon the protected Conservation Area.
- E. The right to sell, give or otherwise convey all or any portions of the Property affected by this Easement, provided that such conveyance is made subject to the terms of this

Easement and all applicable requirements of the Town of Roxbury and State of Connecticut.

- F. The right to remove poisonous or invasive plants or dead or dying trees and shrubs creating hazardous conditions after application to and approval of the Roxbury Inland Wetlands Commission, if required by the Roxbury Inland Wetlands and Watercourses Regulations.

#### **V. Public Access**

Nothing contained in this Conservation Easement shall change the character of private ownership of the Conservation Area, and shall not be deemed or construed as giving or granting to the public any right to enter upon or use the Conservation Area where no such right existed in the public immediately prior to the execution of this Easement. Further, except for the rights of access granted to the Grantee herein under Section I hereof, the Grantors shall have the right to limit access to such Property including the Conservation Area to the same extent as any other owner of private property.

#### **VI. Subsequent Transfers**

The Grantors further covenant and agree that any transfer or conveyance (including, without limitation, a leasehold interest) shall be subject to the terms of this Easement in perpetuity.

#### **VII. Other Provisions**

- A. The Conservation Area is subject to real estate taxes as required by law.
- B. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of the Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.
- C. The covenants agreed to and the terms, conditions, restrictions and purposes imposed with this grant shall not only be permanent and binding upon the Grantors, but also their lessees, agents, personal representatives, successors and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the Conservation Area.
- D. If any part of the Conservation Area shall be taken by condemnation or similar proceeding, this Conservation Easement shall automatically terminate as to that portion so taken so that the Grantors, their successors and assigns may be as fully compensated as if this Conservation Easement had never been granted.
- E. This Conservation Easement shall be deemed and construed to be a "Conservation Restriction" as such term is defined in Section 47-42a(a) of the Connecticut General Statutes.

- F. As used herein, the term "Roxbury Inland Wetlands Commission" and "Roxbury Planning Commission" means not only the those commissions as presently constituted and empowered but also includes any successor governmental agency having similar jurisdiction and authority.
- G. The Grantor/Owner does not contest the validity of this instrument and waives right to do so.
- H. Nothing shall be construed to be a limitation on the right of the Grantee to assert and enforce any rights it may have under federal, state or town law or regulations.
- I. Upon thirty-five (35) days written request from the Grantor or a lender or proposed lender to the Grantor, the Grantee, following consultation with Grantee, if deemed necessary, will provide a certificate in recordable form, executed by its agent duly authorized, that these covenants are not in violation, or if a violation exists, the nature and extent of violation and actions necessary to cure any violations. The certificate will be returned to the Grantor or party requesting the certificate within thirty-five (35) days of the request. If no response is received in such period, the requestor may file an affidavit to that effect, which will be deemed to be notice of no violation. The affidavit or certificate will be binding on the Grantee as of its date, but will not release the Grantor of any obligation of compliance as to any occurrence after such date.

**TO HAVE AND TO HOLD** the said Conservation Easement herein granted unto the said Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF** the Grantors have executed and sealed this document the day, month and year first above written.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
\_\_\_\_\_

**By** \_\_\_\_\_  
**Its**

\_\_\_\_\_  
\_\_\_\_\_

**By** \_\_\_\_\_  
**Its**

*[Notary statements shall be inserted here.]*

**Note:** *If a conservation restriction is placed on a subdivision lot and not deeded to a third party for enforcement, a provision must be added to permit any other lot owner in the subdivision to enforce said easement to the same extent as grantee in this easement sample.*





**Planimetrics**

136 Simsbury Road, Avon, CT 06001 860-677-5267