

TOWN OF EASTON  
SUBDIVISION REGULATIONS

Effective Date: February 24, 1989

REGULATIONS COVERING THE SUBDIVISION  
OF LAND WITHIN THE TOWN OF EASTON

TABLE OF CONTENTS

Section		Page
I	GENERAL PURPOSE	1-2
II	DEFINITIONS	3-6
III	GENERAL REQUIREMENTS	7-17
IV	STREET AND HIGHWAY REQUIREMENTS	18-27
V	SUBDIVISION PLAN (Description of Plan and Plan-Profile Drawings)	28-35
VI	PROCEDURE	36-42
VII	ADMINISTRATION	43-47
VIII	SAMPLE FORMS	48-58

FOREWORD

The Town of Easton at a duly warned Town Meeting held October 6, 1947, did, pursuant to Section 4 of Public Act No. 18 as enacted by the 1947 General Assembly, by ordinance designate its Zoning Commission as the Planning and Zoning Commission for the Town of Easton.

Pursuant to Public Act No. 516, as enacted by the 1947 General Assembly, the Planning and Zoning Commission adopted regulations covering the subdivision of land within the Town of Easton, effective March 6, 1948.

The 1953 General Assembly by special act validated the subdivision regulations as amended. There have been subsequent amendments to the regulations from time to time.

## SECTION I

### GENERAL PURPOSE

The purpose of these regulations is to coordinate the growth of the Town of Easton by guiding the development of land within the town in such a manner as to:

- a. Insure that population expansion does not outstrip the growth of Town services;
- b. Insure that land not suitable for development remains undeveloped;
- c. Promote the public health, safety and welfare of the Town and the Region;
- d. Protect the water supply for the Greater Bridgeport region;
- e. Conserve the natural beauty of the Town in keeping with its rural agricultural nature, for the benefit of the citizens of both the Town and the Region;
- f. Protect the rights of current and future landowners, including owners of the proposed subdivisions and neighboring landowners;
- g. Insure that proper provision is made for water, drainage and sewerage, and that proper provision is made for protective flood control measures;
- h. Insure that proper provision is made for sedimentation and erosion control;
- i. Insure that proposed streets conform to generally accepted safety and engineering guidelines, are in harmony with existing or proposed principal thoroughfares shown in the plan of development, and provide an adequate and convenient system for present and future traffic needs;
- j. Provide for open spaces, parks and playgrounds located so as to adequately and properly serve the needs of the Town's residents.
- k. Insure that all subdivision improvements shown in any approved subdivision plan are completed at the expense of the subdivider and within a reasonable time.

SECTION I

GENERAL PURPOSE (cont'd)

- l. Insure clear access by emergency vehicles to all residences, and to other structures designated by the Commission.
- m. Encourage energy-efficient development.

## SECTION II

### DEFINITIONS

All terms used in the Subdivision Regulations, unless otherwise specifically defined therein, shall have the same meaning as such terms have in the Zoning Regulations.

- a. "Approach" shall mean that segment of a street representing the approach to an intersection, beginning at a point seventy-five (75) feet from the centerline of the intersecting street as measured along the centerline of said segment.
- b. "Average Daily Traffic" on any street shall mean the traffic expressed as vehicles per day (vpd). Projections of Average Daily Traffic shall take into account the existing traffic load, the additional load generated by the new residences within the proposed development, and the load projected assuming development of undeveloped acreage in the vicinity and/or construction of a street shown on an adopted plan of development.
- c. "Board of Selectmen" shall mean the Board of Selectmen of the Town of Easton, Connecticut, or its duly authorized representative.
- d. "Commission" shall mean the Planning and Zoning Commission of the Town of Easton, Connecticut, or its duly authorized representative.
- e. "Health Officer" shall mean the health officer of the Town of Easton, Connecticut, or his duly authorized representative.

## SECTION II

- f. "Historic Trail" shall mean a parcel of land situated on one or more lots of an approved or proposed subdivision plan which can be shown to have been used customarily as a travelway by persons on foot or on horseback prior to the adoption of zoning regulations in the Town of Easton (6/25/41).
- g. "Minimum Approach Tangent" shall mean the safe minimum uncurved segment of a street extending from its point of intersection with another street to the point where curvature having a radius of less than 500 feet begins.
- h. "Minimum Curve Radius" shall mean the radius of curvature of a street assuming a normal crown with adverse slope of 0.015 ft/ft and a design speed of 30-mph, measured from the inside curbline or streetline.
- i. "Minimum Intersection Sight Distance" shall mean the sight distance necessary to provide a stopped driver at an intersection safe entrance into the intersection.
- j. "Minimum Tangent" shall mean the safe minimum uncurved segment of a street situated between two oppositely curved segments wherein the radius of curvature is less than 500 feet.
- k. "Neighborhood Association" shall mean an association comprised of all the lot owners within a subdivision, each owning an undivided percentage interest in an open space area including a neighborhood playground, park, recreation area or facility, as defined in an approved subdivision plan. The owner of each lot in the subdivision shall automatically become a member of such association. Neighborhood associations shall be entirely responsible for the cost of maintaining such open space areas and facilities.
- l. "Open Space" shall mean a parcel of land reserved from intensive development and dedicated to a public or private organization for appropriate care and maintenance consistent with either (1) its use for recreation, scenic appreciation, or trail purposes, or (2) its preservation in a natural state.
- m. "Professional Engineer or Land Surveyor" shall mean any party licensed by the State of Connecticut Board of Registration for Professional Engineers and Land Surveyors.

## SECTION II

1. "Resubdivision" shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map as defined in Section 8-18 of the Connecticut General Statutes, as they may be amended from time to time.

- o. "Right-of-Way" shall mean, in the case of a proposed subdivision, all of that land included between street lines as shown on the subdivision plan to be dedicated by deed to the Town of Easton for use of the general public as a street or highway, and, in the case of a previously existing street or highway, all of that land between the recognized street lines, or all that land included as part of one or more lots, as shown on an approved or proposed subdivision plan, and identified as an historic trail to be used by persons on foot or horseback.
- p. "Roadway" shall mean that portion of a street or highway developed and paved for the accommodation of vehicular and pedestrian traffic.
- q. "Simple Division" shall mean the first division of a parcel or tract of land into not more than two parts or lots subsequent to March 6, 1948.
- r. "Street" or "Highway" shall mean the entire right-of-way, either existing or proposed by the subdivider, to be dedicated or used or presently in use for the purpose of public travel.
- s. "Subdivider" shall mean the individual, partnership, or corporation which will be responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units.
- t. "Subdivision" shall mean the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to March 6, 1948 for the purpose, whether immediate or future, of sale or building development,

expressly excluding development for municipal, conservation or agricultural purposes and including resubdivision, as defined in the Connecticut General Statutes, Section 8-18, as amended from time to time.

- u. "Subdivision Bond" shall mean funds deposited with or committed to the Town to guarantee completion of subdivision improvements, including any that may be required for roads, drainage control, setting of monuments and iron pins, specified improvements in open space, control of soil erosion and sedimentation during development activities, and completion of satisfactory as-built drawings where specified.
- v. "Subdivision Map" shall mean that part of a subdivision (or resubdivision) plan which is recorded or filed in the office of the Town Clerk as the record map. It shall show the title and boundaries of the subdivision, the layout of lots and streets, easements, right-of-ways, open space areas, wetlands, required notations, and other details specified by the Commission.
- w. "Subdivision Plan" shall mean that final drawing or set of drawings and documents on which the subdivider's complete plan is shown in accordance with the requirements of these Subdivision Regulations. These items shall always include a Subdivision Map.
- x. "Subdivision Regulations" shall mean that set of requirements lawfully adopted by the Commission governing subdivision of land within the Town, as may be amended from time to time.
- y. "Town" shall mean the Town of Easton, Connecticut, acting at a town meeting or through the Board of Selectmen or other duly authorized representative.
- z. "Town Line" shall mean the line on a map which correctly shows and locates at all points on the boundary or any part thereof where the Town of Easton abuts any of the adjacent towns.
- aa. "Vertical Alignment" shall mean the grade expressed as percentage along the centerline of a roadway either at the point where one street intersects with another or in the approach to an intersection (see "Approach").
- bb. "Watercourse" shall mean any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and any other body of water, natural or artificial, vernal or intermittent, public or private, which is contained within, flows through, or borders upon the Town or any portion thereof.
- cc. "Watershed" shall mean that portion of land surrounding a water course or paved road from which ground and surface water drains into or onto such water course or paved road.

## SECTION III

### GENERAL REQUIREMENTS

- a. Unless otherwise indicated herein, the term subdivision shall include any resubdivision.

b. Approved Plan Required  
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No subdivision of land shall be made until a plan for such subdivision has been approved by the Planning and Zoning Commission and the Subdivision Map duly filed and recorded in the office of the Town Clerk.

c. Conditions for Sale of Lots  
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No building lots delineated on a Subdivision Plan shall be sold until: (1) The Subdivision Map approved by the Commission has been filed or recorded by the Town Clerk, and (2) All of the subdivision improvements specified in the Subdivision Plan approved by the Commission have been completed in a manner satisfactory to the Commission, or a bond in form and content satisfactory to the Commission and in accordance with Section VI-k and VII-d of these regulations has been posted with the Commission.

d. Compliance with Regulations and Codes  
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Plans for the subdivision of land shall conform to these Regulations, the Easton Zoning Regulations, all applicable State Statutes and Codes, and all other applicable regulations and ordinances of the Town of Easton, including adopted elements of the plan of development. Sewage disposal and water supply installations shall be made in accordance with the standards and requirements of the Connecticut Public Health Code.

e. Suitability of Land  
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The land to be subdivided shall be of such character that it can be used for building purposes without damage to health or the public safety, and without adverse effects on the environment and the quality of both surface waters and groundwater present in any underlying aquifers. Land subject to periodic flooding or land having poor drainage, steep slopes or other unsuitable conditions shall not be subdivided.

f. Lot Size and Arrangement

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Lot sizes and shapes shall be as required in the Zoning Regulations of the Town of Easton. The Commission may require lots larger than prescribed by the Zoning Regulations in the event that it determines the existence of difficult site conditions such as steep slopes, poor drainage, wetlands, or periodic flooding which would adversely affect the supply of water, disposal of sewage, or health and safety of residents. Layout of lots shall conform to engineering practice and shall be appropriate for the character and topography of the land. Lines of lots shall be at right angles to the street or highway wherever practical.

Lots within the proposed subdivision bounded by more than one street are not permitted except for corner lots and situations of unusual topography or property lines. No parcels, strips or other remnants of land or blocking strips of a size unsuited for a minimum building lot in the zoning district in which such parcel, strip or other remnant is located shall be left in any subdivision except where such parcels are deemed desirable for purposes of open space, conservation or the future construction of, extension, or widening of streets.

g. Public and Private Open Space

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Where reasonably necessary for the advancement of the public health, safety, and welfare or where conditions particularly applicable to the proposed subdivision require, the subdivision plan shall provide for area(s) dedicated to open space use in the form of brook and stream protection, parks, playgrounds, or an area dedicated to the conservation of a scenic feature, historic landmark, trail, or other natural resource. The Commission may require up to 15% of the total area of the subdivision to be dedicated for this purpose. In addition, the Commission may upon receipt of a recommendation from the Conservation Commission, require one or more easements restricting the use, alteration or disturbance of one or more natural areas for the purpose of establishing or preserving a corridor connecting two open space areas, preserving a buffer strip adjacent to a farm, preserving scenic viewing points or views, and preserving an historic trail system. Said easements shall provide for access by Town Officials or Commissioners for the purposes of inspection and marking boundaries; and by citizens for appropriate use of the historic trail system or corridor.

1. The Commission may require that the dedicated area be located at a suitable place on the boundary of the subdivision so that a contiguous area of open space may be added at such time as the adjoining land is subdivided.

### SECTION III

2. The Commission may specify the location of any proposed or required open space area.
3. Any subdivision application which provides for public or private open space under the terms of this article shall contain an open space site improvement and maintenance plan if required by the Commission. This open space plan shall be prepared by a licensed landscape architect or a registered professional engineer, and is subject to the approval of the Commission.
4. The applicant may determine the future ownership of the open space area, and shall prepare the necessary documents providing for conveyance of title and future access and maintenance obligations for review and approval by the Commission. Ownership alternatives which may be considered by the applicant are as follows:
  - A. Convey to the Town of Easton;
  - B. Convey to a Non-Profit Land Conservation Trust or Corporation;
  - C. Convey to a Neighborhood Association.
  - D. Grant easement to the Town for open space purposes.
5. Where land is to be conveyed to a neighborhood association, the applicant shall submit to the Commission for prior approval a form of deed to each lot conveying an undivided percentage interest in such open space together with proposed declaration of restrictions applicable to all lots in the Subdivision which specifically provides for an obligation in the association to maintain such open space area.
6. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping, or storage of waste or other natural or man-made materials, supplies, or equipment on any subdivision land designated as open space. No work, nor soil removal, nor filling shall be done, nor shall the existing natural characteristics of open space land be altered except in accordance with a site improvement plan approved by the Commission.

## SECTION III

7. A copy of each application for subdivision shall be furnished by applicant to the Conservation Commission no later than the same day it is submitted to the Commission.

### h. Monuments and Lot Pins

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Street lines shall be marked with concrete monuments as specified in Section IV of these Regulations. Lot corners and intermediate angle points marking major changes in direction (as specified by the Town Engineer) shall be marked with iron pins at least three-quarters inch (3/4") in diameter by thirty-six "36" inches long where not otherwise marked by monuments. Similar iron pins shall be used to mark the boundaries of easements and open space areas. The subdivider shall keep these markers in full view during development of the subdivision.

### i. Test Pits

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The subdivider shall dig one test pit in both the primary and reserve areas on each proposed lot, to a depth of seven feet or refusal. The required tests shall be performed in the presence of a representative of the Town Health Officer, and the test report certified by a professional engineer licensed in Connecticut. One or more additional test pits shall be dug on any lot(s) designated by the Commission in order to more fully determine the suitability of soil conditions in both the primary and reserve areas. Locations of test pits shall be staked and numbered at the site, and identified by number on Drawing No. 3 of the Subdivision Plan.

If a proposed subdivision includes a lot having an existing residence or habitable structure, applicant must submit evidence that the existing disposal system is adequate for the use and occupancy, and that there is a reserve area having sufficient area and suitable soil conditions.

### j. Unauthorized Site Work

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Except as required for test pits and survey work, no land clearing, regrading, excavation, or construction activity that may affect the arrangement of streets or lots on a proposed subdivision site shall take place after submission of a subdivision application until the final Subdivision Plan has been approved by the Commission.

- (1) Any unauthorized site work commenced after submission of a subdivision application may be considered cause for immediate denial of the subdivision application and forfeiture of the application fee.

## SECTION III

### k. Drainage and Sewage Disposal

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Subdivision Plans shall make provision for water supply, storm water drainage and sanitary sewage disposal for all lots in accordance with the Connecticut Public Health Code. In areas contiguous to brooks, rivers, swamps or other bodies of water, adequate flood control measures must be incorporated in the plan, in accordance with Article X of the Zoning Regulations.

- (1) The subdivision storm drainage system shall be designed to accommodate a 50-year-frequency, 24-hour-duration storm, assuming full development of the site. Under these conditions there shall be zero (0) increase in the rate of runoff from the site unless the Commission shall allow a specific maximum percentage increase after consideration of the number of lots involved and the characteristics of both upstream and downstream drainage systems. Pertinent design calculations shall be submitted for review by the Commission.
- (2) Discharge of storm water from driveways, basements and/or roof drains onto Town streets is prohibited. Discharge of such water to road drainage systems is allowed only with approval of the Commission, under the conditions that:
  - a. The owner assumes responsibility and agrees to hold the Town harmless for failure of performance of any portion of said private systems that may affect the rate at which such water is accepted by the Town's road drainage systems, and for the maintenance or repair of any private drain lines or appurtenances which conduct such water to the Town's systems.

A note to this effect shall be placed on the Subdivision Map, and the proposed method of disposing of this water for each lot shall be shown on Drawing No. 3 of the Subdivision Plan.

## SECTION III

### 1. Percolation Tests

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Where onsite sewage disposal systems are to be installed, the applicant shall present evidence of satisfactory percolation tests in both the primary and reserve areas for each proposed lot in accordance with the pertinent requirements of the Public Health Code of the State of Connecticut effective August 16, 1982, as the same has been, or may be, amended from time to time. The adequacy of each lot to accommodate the necessary primary and reserve systems must be demonstrated to the satisfaction of the Commission. Each such percolation test shall be made in the presence of the Town Health Officer or his representative. Alternatively, the results thereof shall be certified by a professional engineer licensed in the State of Connecticut. A percolation test may not be accepted if it has been performed on a day immediately following a period of thirty days in which there has been less than two inches of precipitation as recorded at the Bridgeport Station of the U.S. Weather Service.

### m. Gravity Systems Required

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Building lots shall be of such size, shape, and arrangement, and proposed houses shall be so located in both plan and elevation, so that sanitary sewage will flow by gravity to both the primary and reserve sewage disposal systems. A notation to this effect shall be made on the Subdivision Map and Drawing No. 3, Proposed Grading, Drainage, and Disposal Map. Under unusual site circumstances, a pumped sewage disposal system may be permitted if all of the following conditions can be satisfied:

- (1) Any line conducting sewage from a pump to leaching field shall comply as to location and construction with the Public Health Code of the State of Connecticut.
- (2) To assure maximum dependability of operation, duplicating alternating pumps are required along with a 1,000 gallon pump chamber to provide emergency storage capacity.
- (3) Systems shall be designed and installation inspected by a licensed professional engineer. Upon completion of the installation, a certified engineering drawing showing all locations, distances, elevations and equipment specifications of the installed system shall be submitted to the Commission.

## SECTION III

- (4) In the event the Commission approves a pumped system on request of applicant the approved plan shall so indicate.

### n. Public Water Supply

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In subdivisions where public water is to be furnished, all necessary mains, laterals to the street line of each lot, and fire hydrants shall be installed at the expense of the subdivider to the satisfaction of the Commission.

- (1) If the proposed subdivision lies partly or entirely within District A, the distribution line(s) of a supplier of public water, if capable of supplying the necessary water, shall be extended to the subdivision, and a water distribution system shall be installed to provide a sufficient quantity and quality of water to the residents of said subdivision, and to assure the availability of water from fire hydrants at appropriate locations.
- (2) If a proposed subdivision lies entirely within District B, the Commission may require extension of the line(s) of a supplier of public water to the subdivision, and/or installation of a water distribution system within the said subdivision, in the event that the public water supplier's line(s) are within a reasonable distance and capable of supplying the necessary water.
- (3) A public water line would not be considered capable of supplying the necessary water if there is written evidence presented by applicant showing insufficient capacity or pressure.
- (4) The water distribution system within the proposed subdivision shall include mains on all streets, said mains to be capped at the terminal points and available for future connections. Any necessary easements from the terminal points to the property lines shall be granted to the appropriate utility company.
- (5) In cases where undeveloped acreage abuts the subdivision and a subdivision street terminates at the boundary thereof, the water main in that street shall be extended to the farthest edge of the proposed pavement.

## SECTION III

### o. Utility Lines

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Electric power and communications utility lines shall be installed underground. However, the Commission may allow above-ground installations in the event that it determines that the Subdivision Plan does not propose a new street, or that site conditions including wetlands and ledge rock impose a substantial cost and maintenance burden. If the installation is underground it shall satisfy the following requirements:

- (1) Except for power lines located within the boundaries of individual lots and serving residences or other structures located on said lots, all power distribution lines shall be located within easements abutting the street right-of-way.
- (2) All underground power, telephone and cable TV utility lines shall be installed in separate conduits.
- (3) The horizontal and vertical locations of utility lines installed as part of the subdivision improvements shall be shown on one or more as-built drawing(s). (See Section V c of these Regulations)

### p. Water for Fire Protection

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The Subdivision Plan shall include provision for water for fire protection purposes. In those cases where public water is piped into the subdivision, fire hydrants shall be located at intervals approved by the Commission. In cases where public water is not available, the installation of a fire pond determined by the Commission to be capable of providing fire-fighting protection, along with any necessary dry hydrants and access easements, shall be required, except where adverse soil conditions and a low water table preclude a fire pond and/or a supply of off-site surface water in close proximity to the subdivision is available and sufficient to provide fire protection.

## SECTION III

### q. Erosion and Sedimentation Control

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The subdivider shall ensure that construction work will not create silting or otherwise affect downstream watercourses within or beyond the subdivision. The Commission may require the construction of temporary silting basins and restoration of original conditions upon completion of the development. The Commission shall require a bond to cover the cost of any necessary installations. These regulations incorporate by reference the Soil Erosion and Sedimentation Control (SESC) Regulations of the Town of Easton. In the event of any inconsistency between the SESC Regulations and the Subdivision Regulations, the SESC Regulations shall prevail.

### r. Preservation of Natural Features

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Due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, scenic points, historic trails, and other assets of a community nature. The Commission may require tree planting along streets and tree and shrub planting where needed for screening purposes, such plantings to be detailed on Drawing No. 5 of the Subdivision Plan (see Section V). Removal of stripped topsoil or surplus earth materials from the subdivision area shall not be permitted other than in accord with the Easton Zoning Regulations.

- (1) Any of the new trees and shrubs planted for screening purposes and shown on Drawing No. 5, and any of the new trees shown along the streets on Drawing No. 5 shall all be replaced with new trees and/or shrubs equivalent to those listed on the drawing if they die within one (1) year following completion of all subdivision improvements or acceptance of roads, whichever comes later. The subdivider shall bear all replacement costs, including removal of dead trees, and an allowance for such costs shall be included in the maintenance bond posted for the subdivision.
- (2) The Commission may require the planting of new trees within a twenty-foot strip abutting the street(s) in order to achieve an attractive combination of single trees and clusters of trees along both sides of new streets and the subdivision side of abutting existing

streets. Existing trees within these strips having diameters of six (6) inches or more may be included along with a number of new nursery trees not to exceed one tree for every 25 feet of new streets plus one tree for every 50 feet of abutting existing streets. In no case shall trees be planted or preserved in locations that would impair sight line requirements.

- (3) Special consideration shall be given by applicant to the preservation of trees having diameters of 24 inches or larger located within twenty (20) feet of any street right-of-way. Proposed driveways shall be located with the objective of preserving said large trees, and a note to this effect shall be placed on Drawing No. 5.
- (4) Where tree and shrub planting to provide screening is proposed by the applicant or required by the Commission, the applicant shall include the number, layout, species and size of plantings on Drawing No. 5.

e. Interior and Flag Lots  
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- (1) No interior or flag lot shall be permitted if the Commission determines that physical conditions of terrain and topography allow a layout permitting a frontage of two hundred (200) feet on a public street or highway for all lots in said proposed subdivision without violating other provisions of these Regulations.
- (2) If physical conditions of terrain and topography are such that the Commission cannot make the determination stated in subparagraph (1) above, the maximum number of interior or flag lots shall be limited as follows:

Number of Lots in Subdivision -----	Max number of Interior or Flag Lots -----
fewer than 15	1
15 or more	2

### SECTION III

This table of limitations shall apply to the entire tract being subdivided regardless of whether or not the subdivision is accomplished under one application, or in sections under more than one application.

- (3) The location, dimensions, and construction of any driveway serving any permitted interior or flag lot shall conform with the requirements of Section IV g of these Regulations.

A note to this effect shall be placed on the Subdivision Map if the plan calls for one or more interior or flag lots.

t. Utilization of Solar Energy  
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Applicant shall demonstrate to the satisfaction of the Commission that due consideration has been given in designing the subdivision to maximizing the utilization of solar energy, as evidenced by the layout of the subdivision and by a written Statement on Utilization of Solar Energy on a form provided by the Commission (see sample, Section VIII).

u. Access to Site  
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Following its acceptance of an application, the Commission and its representative(s) shall have the right to access the site, and to conduct inspections and measurements as required for consideration of the application. Following its approval of a subdivision, the Commission and its representative(s) shall have access rights in order to observe and inspect the progress of work as may be required to insure compliance with the plan as approved. (See Section VII f).

SECTION IV  
STREET AND HIGHWAY REQUIREMENTS

a. Access to Existing Streets  
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No Plan for Subdivision shall be approved unless the proposed streets and highways are in harmony with existing public streets or highways within the Town of Easton especially in regard to safe intersections with such streets or highways and are properly designed to provide an adequate and convenient system for present and prospective traffic needs. At least one of the proposed streets or highways within the plan of subdivision shall have direct access to and from an existing public street or highway located within the Town of Easton.

b. Existing Streets  
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- (1) All streets and highways shall be continuous or in alignment with existing streets or highways of adjoining plots or subdivisions and of the same or different width as the Commission may require. Where such street or highway continuations are not practical, such continuation may be adjusted, upon approval of the Commission. In no case will intersecting streets be approved if the angle included between the adjoining street lines is less than 60 degrees. Street lines at intersections shall be connected by a minimum radius of 25 feet.
- (2) Any existing street to which a proposed subdivision street connects, or which provides frontage to proposed lots, shall be of sufficient width and have a suitable roadway, grade and alignment to provide adequate access for fire protection, other emergency, and utility and highway maintenance services to the subdivision, and shall be sufficient to accept and carry the traffic generated by the proposed subdivision street without undue hazards to vehicles and pedestrians.

## SECTION IV

- (3) When a proposed subdivision abuts an existing street, the Plan shall show a street right-of-way extending at least 25 feet from the centerline of the street measured at right angles to said centerline at all points along the abutment. Unless there is physical evidence of a limit to the right-of-way, such as a well-defined stone wall, the centerline of the existing traveled portion of the street shall be presumed to be the centerline of the street right-of-way. However, in all cases where land on the opposite side of the existing street from the proposed subdivision has been subdivided, the 25 foot measurement shall be taken from the same centerline as used by the prior subdivider so that the resulting width of the existing street right-of-way will be at least 50 feet.

### c. New Streets

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- (1) Any and all new streets and roadways required to provide access and frontage for new lots within a proposed subdivision must be laid out, and the roadways designed and constructed so as to conform with all applicable provisions of these regulations, the Street Design Guidelines shown in Table IV-1 and with Easton's Road Regulations.
- (2) Each proposed street right-of-way must have at least one intersection with another existing or proposed Town street or State highway.
- (3) The layout of streets shall be designed whenever possible to discourage permanent dead-end streets in favor of closed loops which are more compatible with the Town's rural atmosphere, enhance the circulation of traffic, and facilitate road maintenance. Taking into account the total acreage of the tract and its topography, the Commission may disapprove a layout calling for permanent dead-end streets.

#### SECTION IV

- (4) Layout of streets shall be designed to avoid long straight segments which encourage speeding or detract from the general appearance of the subdivision. After consideration of the projected traffic load, the topography and other site conditions, the Commission may disapprove a street layout showing straight segments exceeding 800 feet in length.
- (5) If a permanent dead-end street is allowed, it shall provide exclusive street frontage to a minimum of two and a maximum of ten existing and/or proposed building lots, and shall terminate in a turn-around 120 feet in a diameter having a paved area 100 feet in diameter.
- (6) Orientation of streets affects the degree to which solar energy can be utilized by the residences in any subdivision. Applicant must present evidence that solar energy utilization has been considered in preparing the street layout. (See Sections III t and VIII.)
- (7) If two streets intersect a third street from the same side, there must be an interval of no less than 450 feet between their centerlines at the points of intersection. If two streets intersect a third street from opposite sides, and at different points, there must be an interval of no less than 200 feet between their centerlines when projected to the centerline of the third street. No more than two streets shall intersect at a given point.
- (8) Street layouts shall be made to avoid or minimize the following:
  - a) cuts and fills which will cause soil erosion and tree removal;
  - b) encroachment upon or relocation of natural water-courses;
  - c) removal of large isolated trees.

SECTION IV

- (9) Whenever a roadway is constructed on a filled embankment or where there is a vertical drop-off adjacent to the street right-of-way, the need for guide rails must be addressed in the design and construction of the roadway in accordance with the State of Connecticut Department of Transportation publication, "Manual for Selecting, Locating and Designing Guiderailing and Traffic Barriers."

d. Street Connections and Extensions

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- (1) In the event that a proposed subdivision adjoins undeveloped acreage deemed suitable by the Commission for future subdivision development, the Commission may require that one or more street rights-of-way within the proposed subdivision be extended or connected to a boundary line of the tract and dedicated in and by the plan for street and/or highway purposes only. No privately owned reserve strips shall be left at the end or side of such a street where it abuts the adjoining property.
- (2) Regardless of whether or not roadways are constructed on the street extensions or connections described in paragraph 1 above, the streets involved shall be classed as temporary dead-end streets. Each shall provide exclusive street frontage for not more than a total of ten (10) existing and/or proposed lots. Roadways shall be constructed wherever the streets provide frontage for building lots shown in the subdivision plan, and shall terminate in turn-arounds having a diameter of 120 feet and a pavement diameter of 100 feet.
- (3) In all instances where such turn-arounds are shown, easements in favor of the Town are required for segments of the turn-arounds lying outside the normal right-of-way. Easements to such segments shall provide for termination when the roadway is extended. At the time of roadway extension past a turn-around, the subdivider extending the roadway must remove the pavement and curbing in the turn-around which extends outside of the normal curb line, install fill as needed, apply topsoil, seed these segments, and install new pavement and curbs connecting those in the old and new roadways, as applicable.

## SECTION IV

- (4) If subdivider does not construct a roadway on a required street extension or connection to the boundary of the tract, that portion of the street lying between the boundary and the finished roadway shall be rough graded for the future roadway, and the slopes prepared and stabilized by application of topsoil and seed. Said portion shall be deeded to the Town as undeveloped acreage.
- (5) No street extension shall contribute to the frontage of any abutting lot until such time as a Subdivision Plan providing for construction of a roadway has been approved by the Commission for filing in the office of the Town Clerk.

### e. Width of Roadway and Parking

-----

- (1) The paved width, or width of roadway, on each street within a subdivision shall be that which is necessary to safely carry the projected traffic load expressed as average daily traffic, as defined in Section II.
- (2) Safe roadway widths in relation to street classification and traffic load are given in Table IV-1.
- (3) Off-street parking for at least two cars shall be required on each residential lot, and so noted on the Subdivision Plan.

## SECTION IV

(4) When an existing roadway is extended, and its pavement width does not comply with Table IV-1, the existing width shall be continued on the extension except when the Commission determines otherwise. In making its determination, the Commission shall consider:

- a) the risk of vehicular accidents associated with changes in roadway width;
- b) the length of the proposed extension;
- c) the projected future classification of the street; and
- d) layout and topography.

### f. Work on Adjoining Unimproved Streets

---

- (1) Wherever a proposed subdivision street connects to an existing street of an adjoining subdivision, the plan of the proposed subdivision must show and include all work necessary to construct a finished roadway meeting the requirements of Section IV-c not only within the proposed subdivision but also extending beyond the boundary to the point where the new roadway connects smoothly and harmoniously with the intersecting existing roadway. The extension shall provide for the installation of utility lines and provision of storm drainage structures and appurtenances in harmony with similar provision in the proposed and adjoining subdivisions and in accordance with good engineering practices.
- (2) Any turn-arounds made unnecessary by such a roadway connection shall be modified as described in paragraph IV-d(3) above, and the easements granted to the Town outside the normal right-of-way width shall revert to the adjacent property owners.

SECTION IV

g. Driveways  
-----

All provisions of Article V of the Zoning Regulations which apply to driveways are incorporated herein by reference. In addition:

- (1) Driveways must be designed and constructed in a manner that will not discharge storm water onto a Town street (see Section III-k and Town Ordinances).
- (2) Driveways shall be located with the objective of preserving and protecting existing trees (See Section III-r).
- (3) Driveways serving two or more lots shall not be permitted except in cases of unusual topography or site conditions; provided, however, that in no event shall a common driveway serve more than two lots.

h. Monuments  
-----

- (1) All proposed streets are to be shown with monuments at angle points, points of curvature, points of compound curve, and points of tangency as required by the Commission. Monuments are to comply with Town standards.
- (2) All monuments are to be set in proper position by the subdivider immediately after finished road construction and grading.

i. Street Names  
-----

Proposed highway and street names are subject to the approval of the Commission. Street and traffic signs, complying with Town standards, shall be purchased and installed at the expense of the subdivider. First names, proper names (both first and last), names that duplicate names of existing streets, and names that have a phonetic resemblance to existing street names are not permissible.

## SECTION IV

### j. Storm Drainage

-----

- (1) Storm drainage structures and appurtenances on both existing and new streets within or bordering the subdivision shall be detailed on the subdivision plan, and shall be demonstrated to be adequate for the disposal of storm water originating from the entire watershed or tributary watershed in which the proposed subdivision is located, assuming full development of the lands within the watershed area excluding those expressly designated as open space. Supporting calculations are subject to review and approval by the Commission.
- (2) The adequacy of existing storm drainage structures and appurtenances in existing streets adjacent to the subdivision shall be evaluated by the subdivider for review by the Commission. The Subdivision Plan shall include modifications and/or additions to said structures and appurtenances necessary to handle satisfactorily the increase in flow resulting from the completed subdivision.
- (3) All storm drainage systems shall be designed and constructed so as to conduct the storm water to an existing watercourse. If such drainage crosses land not owned by applicant, proposed easements permitting such drainage and access for maintenance purposes shall be provided to the Commission with the application.
- (4) Where proposed streets and storm drainage systems are to be connected in any manner with a State highway or highway drainage system, approval of the subdivision is contingent upon the issuance of all permits required by the State. In no case will the record map be approved for filing and recording in the absence of said written permits.

## SECTION IV

- (5) Drainage should be designed in accordance with the Connecticut DOT's Drainage Manual. Generally, drainage should be designed so that no flooding or damage will occur from a storm having a ten-year frequency. Special attention should be given to low points along the streets. Watercourse crossings require a minimum 25-year design; however, where necessary to maintain traffic or prevent isolation, a 50-year design is recommended.

### k. Maintenance Responsibility

---

Until such time as any street in a new subdivision has been formally accepted by the Town, it shall be retained in ownership by the subdivider, and all required maintenance of the right-of-way, roadway, and storm drainage structures shall be performed by the subdivider at subdivider's expense.

TABLE IV-1  
STREET DESIGN GUIDELINES

DESIGN ELEMENT	LIGHT RESIDENTIAL	RESIDENTIAL	RESIDENTIAL COLLECTOR
Average daily traffic (Vpd)	<500	500-1500	1500-3000
Right-of-way width (ft)	50	50	50
(1)			
Pavement width(ft)	24	28	30
Design speed (mph)	30	30	35
Stopping sight distance (ft)	200	250	300
Grade (%)			
Desirable	4	4	4
Maximum	10	10	10
Drainage	-- See Article IVj(5)-----		
Minimum curve radius(2) (ft)	275	300	450
Min. intersection sight dist.(ft)	200	200	285
Verticle Align(%)			
Intersections	2	2	2
Approaches	3	3	3
Minimum curb radius (ft) at intersections with:			
Light residential	35	35	35
Residential	35	35	35
Residential Collector	DNA	DNA	35
Min. approach tangent (ft)	30	30	50
Min. tangent(ft)	50	50	100

DNA = Does not apply  
 (1) = add six feet if on-street parking is permitted.  
 (2) = based on normal crown.

Note: See Section II for definitions of most terms. For additional explanatory information, see the Connecticut Department of Transportation publication "Guidelines for Subdivision Streets."

SECTION V  
SUBDIVISION PLAN

a. GENERAL  
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Prior to submitting a Subdivision Plan, as required by the General Statutes and these regulations, the subdivider shall familiarize himself with these regulations, the plan of development of the Town, and the requirements of other Town and State agencies affecting the area to be subdivided.

The Subdivision Plan shall cover all contiguous land under one ownership on March 6 , 1948, the effective date of Easton's Subdivision Regulations. If a simple division or subdivision of such tract has been made subsequent to the effective date, all parcels shall be shown and included in the proposed plan.

Applicant may propose to subdivide only one section of contiguous land; however, in cases where the undeveloped section exceeds 15 acres, the Commission may require a preliminary scheme for the entire tract drawn to scale, including the Section proposed for development, showing for the remainder of the tract: (1) the contemplated layout of building lots and streets, (2) the approximate area and frontage of each building lot, (3) the location of watercourses, ponds, and wetlands, (4) existing structures, and (5), contemplated open space.

Prior to the submission of a formal application for subdivision of land, the applicant may request one informal conference with the Commission, at which time he may present preliminary drawings sufficiently detailed and accurate to show the proposed roads; bodies of water; wetlands; main topographical features; existing structures; number, size, and arrangement of proposed building lots; location and size of proposed open space; and other important features. This informal conference shall be advisory only, and shall not commit the Commission with respect to future decisions on subsequent formal applications. An additional conference may be held at the discretion of the Commission.

b. DRAWINGS

No application shall be considered complete unless accompanied by the following drawings, which together with supporting documents comprise the Subdivision Plan. Each drawing shall show the name of the subdivision, names and addresses of owner of record and applicant, names and addresses of adjoining property owners, and date.

Ten paper prints each of Drawings No. 1 through No. 6, measuring 24 inches by 36 inches shall be submitted with the application. Upon approval of the proposed subdivision, applicant shall submit Drawings No. 1 through No. 6 prepared using waterproof ink on Mylar or equivalent, showing any and all changes or additions required by the decision of approval.

1. Drawing No. 1 Subdivision Map (becomes map of record when filed by Town Clerk)

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Drawing No. 1 shall satisfy the requirements for a Class A-1 Transit Survey, with certification under seal by a land-surveyor licensed in Connecticut.

In large subdivisions requiring more than one sheet, an index map having a scale not larger than one inch equals 400 feet shall be included on the first sheet of the Subdivision Map.

The Subdivision Map shall conform with the requirements of the laws of the State of Connecticut pertaining to the filing of maps of surveys and plots with the Town Clerk.

Drawing No. 1 shall show:

- a. Title and boundaries of the proposed subdivision, total acreage, scale of map, date and north point.
- b. A key map at a scale of 1000 feet to the inch showing the existing Town streets and proposed new streets.
- c. Names of adjoining property owners, with attachment referencing the drawing listing both names and current addresses; names of adjoining subdivisions; existing structures, landmarks and watercourses.

## SECTION V

- d. All lots, numbered and showing area in both acres and square feet, with all metes and bounds data noted, and square feet of wetlands on each lot.
- e. Layout of existing and proposed streets. Suggested street and highway names.
- f. Building set-back lines, in accordance with the zoning regulations of the Town.
- g. A notation as follows: "Issuance of a building permit for any lot delineated on this map is contingent upon satisfactory soil percolation tests in accordance with pertinent requirements of Sections 19-13b-103a to 19-13b-103f, inclusive, of The Public Health Code of the State of Connecticut as the same may hereafter be amended from time to time, and each such percolation test shall be made in the presence of either the town Health Officer or his representative and the results thereof shall be certified in writing to the Commission by a professional engineer registered in the State of Connecticut.
- h. Notations as required under III-k(2), III-m and III-s(3) regarding discharge of storm water onto Town streets, the required use of gravity flow septic systems, and regulations governing driveways.
- i. Any other notations required by these Regulations.
- j. All easements, open space areas, survey monuments, iron pins, rights-of-way, watercourses and ponds.
- k. Applicant's name and address.
- l. Parcel located in Zone District\_\_\_\_\_.
- m. The owner of each lot in this subdivision shall be responsible for diverting or otherwise preventing the flow of surface water from the lot onto any public road shown on this map.

### 2. Drawing No. 2 Topographical Map - Prior to Subdivision

-----  
Drawing No. 2 shall show existing contours, spot elevations, utility poles, large trees, existing water bodies, landmarks, monuments, existing buildings, and all other existing site improvements, and shall carry surveyor's seal, signature, name and address.

After consideration of the size, complexity and site conditions relating to a particular subdivision or resubdivision, the Commission may allow the omission of this drawing provided that the required information is shown clearly on Drawing No. 3.

SECTION V

Drawing No. 2 shall show:

- a. Existing contour elevations as follows: One map on a scale selected to show the entire subdivision on a single sheet. Additional maps as needed on a scale of one inch equals forty feet showing contours at two-foot intervals. Elevations shall be based on actual NGVD mean sea level datum. A benchmark shall be shown on the map.
- b. Areas adjacent to a proposed subdivision shall be mapped within 200 feet of the boundaries of a site smaller than 10 acres, within 300 feet of a site between 10 and 25 acres, and within 500 feet of a larger site. The map shall show ponds, wetlands, floodplains, streams, wells, septic areas, roads, driveways, and constructed drainage systems (noting pipe sizes). Data for these areas may be taken from other available maps and need not be compiled from direct survey, but in the former case the maps referred to shall be referenced on the drawing.
- c. Notations of existing watercourses to include contours of banks along streams and ponds, presence of culverts and bridges.
- d. Any and all 100-year flood lines shall be shown.

3. Drawing No. 3 Proposed Grading, Drainage & Sewage Disposal Map

-----  
Drawing No. 3 shall show proposed grading contours, all changes to features shown in Drawing No. 2, drainage data, proposed well locations, proposed layout of sewage sewage disposal areas (both primary and reserve), test pit and percolation test locations and data. Disposal system layouts shall be made assuming a house having no fewer than four bedrooms.

Drawing No. 3 shall also show:

- a. Name, address, signature and seal of the licensed professional engineer responsible for design of any site grading plan, drainage system, sanitary sewer system, sewage disposal system or water supply and distribution system shown on the map.
- b. All easements necessary for the installation and maintenance of storm sewers.

## SECTION V

- c. The proposed method of disposal of storm water from driveways, basements and/or roof drains, in accordance with Section III-k(2).
  - d. If any contours are to be changed, both existing and proposed grades shall be shown and the map shall carry notation that grades exceeding 5 percent or subject to erosion shall be stabilized by appropriate planting.
  - e. Spot elevations at low and high points, and at critical locations.
  - f. Any and all proposed changes to existing watercourses and water bodies, including but not limited to widening, change of depth, change of direction, change of land contours along the edges, installation of culverts and rip-rap, and installation of bridges.
  - g. Details on proposed fire ponds and drainage retention basins.
  - h. The Commission may require a supplemental drainage analysis map showing the tributary watershed area and downstream area affected by run-off. Drainage computations shall accompany the map and shall consider the entire watershed area; criteria and computations used in determining pipe sizes shall be submitted on 8-1/2 x 11 inch sheets cross-referenced with the map.
  - i. The boundaries and classification codes of soil types under the National Cooperative Soils Survey of the Soil Conservation Service, U.S. Department of Agriculture.
  - j. A note stating the requirement for gravity flow septic systems in accordance with Section III-m of these Regulations.
4. Drawing No. 4 Map of Proposed Streets, Site Details, Sections & Profiles

-----

Drawing No. 4 is required in all cases where a new street is proposed, or where changes may be required to existing abutting streets or storm drainage systems because of the proposed subdivision. In cases where this drawing is not required, plan-profile renditions for applicable items listed below under (c) shall be shown on one of the other drawings, but not on Drawing No. 1.

Plan-profile drawings of all proposed streets and highways shall be submitted as part of the Subdivision Plan. Plan-profiles shall be at a scale of 1"-40' in plan, and 1"-40' horizontal and 1"-4' vertical in profile. Elevations shall refer to NGVD mean sea level datum. Drawing No. 4 shall include the following:

- a. Layout of proposed streets and highways in both plan and profile indicating right-of-way dimensions as shown on the Subdivision Plan, widths of right-of-way and roadway. Existing and proposed centerline grade lines with stations every 50 feet, vertical curve data, and percent of grade.
- b. Typical cross-section of the streets with paving, gravel, shoulders, curbs and ditches in detail.
- c. Plan-profile maps shall show all easements for utilities, drainage, slopes, and other purposes with location, size and inverts of existing and new culverts, and the entire drainage system.
  - (1) An as-built drawing shall show the location of all underground utility lines.  
(See Section III-o).
- d. The Commission may require street intersections to be developed at a larger scale, showing catch basins, gutter, road centerline, and curb.
- e. Names, addresses, signatures and seals of licensed professional engineers responsible for the design of any street, drainage system, or other installation depicted on this drawing.

5. Drawing No. 5 Planting Map

-----  
Drawing No. 5 shall show existing trees along existing and proposed streets bordering and within the subdivision, and proposed new trees and shrubs, and also shows utility poles, streams, ponds, existing structures, landmarks, proposed new driveways and other important topographical features. This drawing shall carry the name, address, seal and signature of the licensed professional preparing this Drawing.

This Drawing is required if there is a proposed new street. It may be required if the proposed subdivision abuts an existing street, or if plantings are required for screening purposes, and the plantings cannot be shown adequately on Drawing No. 2 or No. 3, as determined by the Commission.

Drawing No. 5 shall show:

- a. If existing trees six inches in diameter and larger located within the proposed subdivision as per Article III-r(2) are to be preserved as provided in said article, they shall be shown on this drawing. All trees so located and having diameters exceeding twenty-four (24) inches shall be given a unique identification.
- b. New nursery trees to be planted as required under Section III-r of these Regulations.
- c. The locations of all proposed new driveways.
- d. The location and arrangement of any plantings made for screening purposes.
- e. Listings of all new trees and shrubs to be planted keyed to the drawing, showing location, number and size according to species.
- f. Notation required under Section III-r(3).
- g. Type of planting for stabilization of slopes exceeding 3:1 (hor/ver).

6. Drawing No. 6 Soil Erosion & Sedimentation Control Map  
-----

Drawing No. 6 is required except where there are four or fewer lots in the subdivision or resubdivision, in which case the required information may be incorporated in Drawing No. 3.

Drawing No. 6 shall show all features, details, and notes necessary to describe in full the proposed soil erosion and sedimentation control activities on the site during the course of development, and shall be cross-referenced with written Soil Erosion & Sedimentation Control Plan, and shall also include the name, address, signature and seal of engineer or landscape architect.

c. **AS-BUILT DRAWINGS**

A complete set of "as-built" Drawings NO. 1 and No. 4 prepared using waterproof ink on Mylar or equivalent shall be furnished on completion of all proposed and required improvements prior to release of bond. A certified monumentation plan shall be shown on Drawing No. 1. plan shall be shown on Drawing No. 1.

d. **PHOTOGRAPHS**

The Commission may require photographs showing the topographical and other features of the site, to be included and made a part of the application.

## SECTION VI

### PROCEDURE

#### a. Applications

Applications for the subdivision of land into lots, streets, open space and drainage courses shall be submitted in writing to the Commission on forms prescribed and provided by the Commission. The application shall show the date thereof and the name and address of the applicant and record owner of the land to be subdivided. (See sample form, Section VIII).

#### b. Inspection

The Commission may appoint an inspector who shall inspect subdivisions and Subdivision Plans and issue notices of violation and/or report all violations of Subdivision Regulations or orders or approvals granted by the Commission thereunder to the Commission.

#### c. Application Requirements

Any application submitted to the Commission shall not be considered unless and until the Commission determines that such application is complete. No application shall be deemed complete unless and until it includes the following in sufficient detail and form as determined by the Commission:

- (1) A written application on the form provided by the Commission (see Section VIII).
- (2) Application fee in the form of a certified or teller check payable to the Town of Easton. The fee shall not exceed the maximum fee allowed by the Connecticut General Statutes.
- (3) The Subdivision Plan as described in Section V of these Regulations.
- (4) Test pit data, and percolation test data as required.
- (5) A Soil Erosion and Sedimentation Control Plan, as required by the Soil Erosion and Sedimentation Control Regulations for the Town of Easton.

SECTION VI

c. (cont'd)

- (6) Written statements concerning:
  - a) applicability of Flood Plain Management Regulations.
  - b) jurisdiction of Army Corps of Engineers and Connecticut Department of Environmental Protection regarding certain waterways and water bodies.
  - c) applicability of the Inland Wetlands Regulations.
- (7) Statement on Consideration of Solar Energy Techniques. (See sample form in Section VIII).
- (8) Articles of association establishing a proposed neighborhood association, if applicable.
- (9) For all applications a list of the names and addresses of all current owners of record of adjacent properties and properties across the street(s) with stamped, addressed envelopes.
- (10) Written authorization granting the Commission and/or its agents access to the property for the purposes of inspection.
- (11) A detailed cost estimate prepared by the applicant's engineer in a form prescribed by the Town Engineer (See sample form, Section VIII) for all construction work and subdivision improvements including:  
roads, bridges, culverts, weirs, retaining walls and fences, storm drainage installations, fire ponds, retention ponds, community water supply and community sewage disposal systems to be used solely for service within the subdivision, pins and monuments, preparation of as-built drawings, SESC work and other items.

d. Acceptance of an Application

-----  
At its next regularly scheduled meeting following the day of submission of an application, the Commission shall determine whether or not the application is complete. If it is complete, the date of the meeting shall be the date of receipt and acceptance of the application. If it is not complete, the Commission shall not accept it, and so notify the applicant, stating on the record its reasons for non-acceptance, and refunding the application fee.

## SECTION VI

If applicant proposes any activity regulated by the Town's Inland Wetlands Agency, no application for subdivision shall be accepted by the Commission without evidence that the same application has been filed with the Town's Inland Wetland Agency, the Conservation Commission. (See Section VI-c(6)).

### e. Regional Planning Agency and Abutting Towns

-----

If the Subdivision Plan involves land, any portion of which lies within five hundred (500) feet of the boundary of an adjoining town; or if a significant part of the traffic generated by the proposed project will use streets within the adjoining town for entry or exit; or if a significant part of the water drainage from the proposed project will flow through and significantly impact the drainage system of the adjoining town; or if water runoff from the improved site will impact streets or other municipal or private property within the adjoining town, at the time said plan is submitted to the Commission, a copy of the plan shall be forwarded by the Commission to the appropriate Regional Planning Agency or Agencies for review and comment, and the adjoining town shall be notified.

### f. Public Hearings

-----

The Commission may hold a public hearing regarding a Subdivision Plan in the event that specific circumstances require such action; however no plan of resubdivision shall be acted upon without a public hearing.

### g. Public Hearing Schedule

-----

Where a public hearing is required, such hearing shall commence within sixty-five (65) days of the date of receipt and acceptance of an application. The public hearing must be completed within thirty (30) days of the date of commencement. The Applicant may consent to one or more extensions of either period provided the total extension of any one period shall not be for longer than the original period as specified. Public hearings must be duly warned in accordance with Section 8-26 of the Connecticut General Statutes.

## SECTION VI

### h. Failure to Provide All Information Prior to Conclusion of Public Hearing

-----

Where a public hearing is required, the Commission may disapprove any application promptly after a public hearing in the event all required information is not submitted to the Commission prior to the conclusion of the public hearing.

### i. Decision Schedule

-----

- (1) The Commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application within the time periods set forth herein.
- (2) If no public hearing is held, the Commission shall render its decision on any formally accepted application for a subdivision that has not been withdrawn by the applicant within sixty-five (65) days of the date of receipt and acceptance thereof by the Commission, except that applicant may consent to one or more extensions of said period provided that the total period of extension shall not exceed sixty-five (65) days. Failure to render a decision within said unextended or extended time period shall be considered as an approval of the application, and a certificate to that effect shall be issued by the Commission on demand, except as provided in Section VI i(4) below.
- (3) If a public hearing is held, the Commission shall render a decision on any formally accepted application for a subdivision or resubdivision that has not been withdrawn within sixty-five (65) days after the completion of the public hearing, except that the applicant may consent to one or more extensions of said period provided that the total period of extension shall not exceed sixty-five (65) days. Failure to render a decision within said unextended or extended time period shall be considered as an approval of the application, and a certificate to that effect shall be issued by the Commission on demand, except as provided in Section VI i(4) below.
- (4) In any case where the proposed subdivision or resubdivision involves activities regulated by the Town's Inland Wetlands Agency, the Commission shall not render its decision prior to its receipt and consideration of a written report from said agency of its final decision relative to the proposed subdivision or resubdivision. If the time period for a decision by the Commission would expire prior to the thirty-fifth day after a decision by the Inland Wetlands Agency, the time period for the Commission's decision shall be automatically extended to thirty-five (35) days after the decision of said Agency.

## SECTION VI

### j. Recording and Publication of Decision

---

The decision of the Commission shall be recorded in the minutes of the meeting at which such decision is made. In case of approval subject to specified conditions, such conditions shall also be recorded in the minutes. In case of disapproval, the reason(s) therefore shall also be recorded. In all instances, notice of the decision shall be delivered to the applicant and published in accordance with the Connecticut General Statutes.

### k. Endorsement

-----

After his determination that items (1), (2), (3) and (4) enumerated below have been accomplished, the Chairman or Secretary of the Commission shall endorse the Subdivision Map for filing or recording, and deliver said Map to the subdivider.

- (1) Approval of the application.
- (2) Modification of the drawings comprising The Subdivision or Resubdivision Plan, as required by the decision approving such plan, if applicable.
- (3) Either the completion of all required subdivision or resubdivision improvements, or written evidence to the effect that a bond in amount and form satisfactory to the Commission has been posted with the Town. (See Section VII-d).
- (4) Acceptance and recording of deeds covering rights-of-way and easements for all utilities; deeds covering land to be used for public purposes; easements, slope rights, and rights-of-way over property to remain in private ownership; and rights-to-drain onto or across private property, in a form satisfactory to the Commission. All recording fees shall be borne by the subdivider. ALL DEEDS, EASEMENTS AND OTHER INSTRUMENTS REQUIRED BY THE COMMISSION SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COMMISSION PRIOR TO RECORDING.

1. Delivery of Subdivision Map

Delivery of an endorsed Subdivision Map to the applicant shall be made promptly after the time for taking an appeal from the action of the Commission has expired, and in the event of an appeal, promptly upon the termination of such appeal by dismissal, withdrawal, or judgment in favor of applicant, provided also that delivery shall not be made until all the conditions of approval, including modifications of drawings, and posting of bond, have been satisfied.

- (1) The Subdivision Map when delivered shall show the date of the Commission's approval, the date by which all subdivision improvements must be completed pursuant to Section 8-26c of the Connecticut General Statutes, the date of completion of all subdivision improvements required by the Commission in its final approval, and the Commission Chairman's or Secretary's signed endorsement.
- (2) If the Commission approves an application not subject to the condition that applicant post a bond, all work in connection with such subdivision shall be completed within five (5) years after the approval of the plan of such subdivision.
- (3) If the Commission approves an application subject to the condition that applicant post a bond, the time period for completion of all improvements shown in the approved subdivision plan may be established for a period of less than five (5) years but in no case less than fifteen (15) months.
- (4) Approval of the Commission shall be endorsed by the Chairman or Secretary on all other drawings which comprise the Subdivision Plan, modified as necessary to conform with the decision, and these drawings (or bona fide copies thereof) shall be filed by the Commission as a record of all subdivision improvements to be accomplished by the subdivider, and all elements of the Soil Erosion and Sedimentation Control Plan.

## SECTION VI

### m. Filing or Recording of Subdivision Map

---

Sale of any building lots delineated in the Subdivision Plan shall not occur until the Subdivision Map has been filed or recorded in the office of the Town Clerk. All recording fees shall be borne by the subdivider. Any Subdivision Map not so filed or recorded within ninety (90) days following its delivery to the applicant shall become null and void except that the Commission may, upon request, extend the time for such filing for two additional periods of ninety (90) days each and the plan shall remain valid until the expiration of such extended time.

### n. Release of Bond

---

The bond shall not be released until: (1) the Town Engineer has certified completion of the public utilities and all improvements in accordance with the requirements shown in the approved Subdivision Plan to the First Selectman, (2) the street or streets have been legally accepted by the Town, and (3) all required as-built drawings have been received and found satisfactory by the Commission.

### o. Extension of Time for Completion

---

Applicant may request an extension of the time specified for completion of all required site work. Approval of the extension requires written consent of the guarantor of the bond, a demonstration of substantial progress, and a determination by the Commission that completion within the time extension is probable. In no event shall the time for completion be extended beyond five (5) years from the date of approval of the Subdivision Plan.

### p. Acceptance of Roads

---

Requirements and procedures for the acceptance of streets, roads and rights-of-way or other highways and related improvements shall be in accordance with the Easton Road Ordinances.

SECTION VII

ADMINISTRATION

a. Written Approval Required

Any person, firm or corporation making any subdivision of land without the written approval of the Commission shall be subject to monetary fine as provided in the Connecticut General Statutes, Section 8-25, as amended.

b. Validity of Regulation

If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such shall not affect the validity of the remaining portions hereof.

c. Repeal, Change or Amendment

These Regulations may be repealed, changed or amended from time to time by the Commission after public hearing, duly warned, and held as provided by the Connecticut General Statutes.

d. Bonding Procedure

(1) Subdivision Bonds

In lieu of completion of all or part of the required improvements prior to final approval of the Subdivision Plan and endorsement of the subdivision map, the Commission may approve a Subdivision Plan subject to the condition that the applicant post a bond with

## SECTION VII

surety with the Town. Such bond shall be in a form acceptable to the Town Counsel and in such amount as the Commission shall deem sufficient to insure the satisfactory completion of all required improvements in accordance with the approved Subdivision Plan. Said bond shall be posted with the Town and shall insure the completion of such improvements in accordance with the approved Subdivision Plan within such period as determined by the Commission, provided that such period shall in no event be less than fifteen (15) months. The Commission may extend the period for completion of improvements by a maximum of two (2) years upon receipt of evidence of need of such extension and upon receipt of assurance from the applicant's bank or insurance or surety company that the bond obligation will cover the extension period; provided that all work in connection with any subdivision shall be completed within five (5) years after final approval of the Subdivision Plan.

Within fourteen (14) days after conditional approval of the Subdivision Plan, the applicant shall submit to the Town engineer an itemized estimate (See Sample Form, Section VIII) of the cost of all required improvements including both those required as conditions of approval and a separate inflation factor for the estimated construction period. Within 60 days after receipt of applicant's cost estimate, the Commission, after consultation with the Town Engineer, shall determine and notify the applicant of the amount of the bond. Within sixty (60) days after notification of the amount of the bond, applicant shall file the bond with the Commission. The Commission may grant a total of two extensions of the period for filing provided such extensions are granted prior to the expiration of the original or extended period and that in no event shall the total of such extensions exceed ninety (90) days.

After approval as to form by Town Counsel, the Commission shall vote on accepting the bond, and if accepted, the Commission shall endorse its final approval on the record map and note thereon the date of expiration of such approval. The record map shall then be released to the applicant for filing with the Town Clerk. Applicant shall pay all fees and costs connected with such filing.

SECTION VII

2) Reductions of Subdivision Bonds

-----  
In the case of subdivisions requiring the installation of streets, drainage facilities or other substantial improvements, the subdivider may request the Commission to reduce the amount of the subdivision bond. After completion of cutting and filling, sub-base, gravel base, drainage, pavement, curbing and installation of all utilities, the subdivider shall submit to the Town Engineer with such request, a calculation of the estimated cost of all remaining improvements. The Commission may reduce the amount of the bond to no less than 15% of the original bond amount or \$5,000, whichever is greater, and the subdivider shall be notified of the new bond amount. If the subdivider elects to file a substituted bond, the time for filing the substituted bond and the approval of its form shall be the same as in the case of the original bond.

3) Maintenance Bonds

-----  
After the subdivider has completed all of the work required as a condition to the approval of the subdivision, and prior to the release of the subdivision bond, the Commission may require the subdivider to post a maintenance bond insuring the proper performance and seasoning of such work for a period not to exceed one (1) year after the completion of such work. The Commission shall notify the subdivider of the amount of such maintenance bond, and such bond shall be filed within 10 days after the road(s) in the subdivision have been accepted by the Town. After approval as to form by Town Counsel, the Commission shall vote on acceptance of the bond. The amount of such bond may be up to 5% of the original amount of the subdivision bond but not less than \$1,000.00.

## SECTION VII

### 4) Form of Bond

-----

Bonds may be in the form of cash, a certified or teller's check payable to the Town of Easton, a savings passbook with an authorization letter and signed withdrawal slip for a joint account in the name of the Town and the applicant, or an irrevocable letter of credit from a bank authorized to do business in the State of Connecticut. In addition, the applicant shall execute and submit to the Commission an Agreement to Complete Subdivision Improvements, acceptable in form and substance to the Commission. (See Sample Form, Section VIII). A performance or maintenance bond written by an insurance or surety company authorized to write such bonds in the State of Connecticut may be accepted, but such bonds must provide that the security shall automatically become available to the Town on certification by the Board of Selectmen that the subdivider has failed to comply with any condition of the subdivision approval.

### 5) Miscellaneous

-----

- a. The surety shall be payable on demand to the Town after the required or extended completion date or for the purpose of completing or correcting any required work found to be unsatisfactory.
- b. During the period in which such bond is in effect, the applicant shall maintain all roads, drainage facilities and appurtenances serving occupied dwellings free of ice, snow and debris.
- c. The bond shall remain in full force and effect until released by the Commission, at which time the unused portion of such bond shall be returned to the surety or applicant, as appropriate.
- d. In the event that the Subdivider fails to maintain any required bond for the period required by the Commission, the Commission may terminate the final subdivision approval, in which event the Commission shall cause a notice of termination to be recorded on the land records and no additional lots shall be sold or conveyed by the Subdivider without submission, acceptance and approval of a new subdivision application.

### e. Fees

-----

The Commission may from time to time fix and charge fees for the processing of subdivision applications, and for the inspection of subdivision improvements.

SECTION VII

f. Authorization For Access  
-----

In all cases where applicant is the owner of record, submission of an application for subdivision shall constitute the granting of authority to the Commission and its agents to enter the property proposed for subdivision for the purposes of inspecting, measuring, sampling and testing as may be necessary to evaluate the proposal and to assure completion of all site work in accordance with any plan that may be approved by the Commission. In all cases where applicant is not the owner of record, both applicant and owner of record shall sign the application thereby granting said authority.

g. Effective Date  
-----

The within and foregoing amendments to the Regulations covering the Subdivision of Land Within the Town of Easton shall become effective on February 24, 1989.

SECTION VIII

SAMPLE FORMS

The following sample forms are contained in this section.  
Copies may be obtained from the Planning and Zoning  
Commission's Office:

Application for Subdivision or Resubdivision;  
Statement on Utilization of Solar Energy;  
Agreement to Complete Subdivision Improvements;  
Form of Cost Estimate for Bond Calculation.

SECTION VIII

APPLICATION FOR SUBDIVISION OR RESUBDIVISION

PLANNING & ZONING COMMISSION

Easton, CT

page 1 of 3

Title of Subdivision (Resubdivision) \_\_\_\_\_  
File No. \_\_\_\_\_

The undersigned requests approval by the Planning and Zoning Commission of Easton, Connecticut, of the subdivision or resubdivision described below, in accordance with Section 8-26, as amended, of the General Statutes of Connecticut, and the Subdivision Regulations of the said Commission in effect on this date. The attached checklist will be used by the Commission to determine if application is complete. Applicant to supply all information indicated below.

Title of Subdivision \_\_\_\_\_

Location \_\_\_\_\_

Owner of Record: Name \_\_\_\_\_  
Address \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_

Proposed Subdivider(s)\*: Name \_\_\_\_\_  
Address \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_

\*All parties having 10% or larger interest to be listed. If more space needed, attach a separate sheet and check here.

-----  
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A. DRAWINGS SUBMITTED

Drawing No.	Title	Date (latest revision)
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

SECTION VIII

APPLICATION FOR SUBDIVISION OR RESUBDIVISION

(cont'd)

B. LAND & LOT DATA

Total land area this tract (acres): \_\_\_\_\_

Is this tract the result of a subdivision made subsequent to: \_\_\_\_\_  
March 6, 1948 \_\_\_\_\_

Number of proposed lots: \_\_\_\_\_

Are there wetlands on this tract? \_\_\_\_\_

Is there a proposal for open space? \_\_\_\_\_  
(attach if applicable)

Is there a proposed new Town Road? \_\_\_\_\_

If so, number of linear feet: \_\_\_\_\_

Proposed time period for completion: \_\_\_\_\_

C. OTHER DOCUMENTS SUBMITTED

Identification	Date Shown
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

The applicant understands that this application is to be considered complete only when a subdivision plan and all other documents and information required by Sections V and VI of the Subdivision Regulations have been submitted.

Applicant and owner authorize the Planning & Zoning Commission to enter the property proposed for subdivision or resubdivision in accordance with the provisions of Section VII-g of the Subdivision Regulations.

Applicant warrants the truth of all statements contained herein and in all supporting documents according to the best of his knowledge and belief.

By: \_\_\_\_\_  
 Applicant  
 \_\_\_\_\_  
 Owner  
 \_\_\_\_\_  
 Authorized Agent  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Telephone

SECTION VIII  
APPLICATION FOR SUBDIVISION OR RESUBDIVISION

(cont'd)

page 3 of 3

Submission of the following acknowledged:

- // This application, completed as required.
- // All drawings listed by Applicant, with copies as required.
- // Test pit and percolation test data.
- // Statement on Utilization of Solar Energy.
- // Drainage easements as per IV-j(3), if applicable.
- // Statement on Applicability of Flood Plain Management Regulations.
- // Articles of Association for Neighborhood Association, if applicable.
- // Statement on Jurisdiction of State DEP or Army Corps of Engineers.
- // Storm drainage calculations as per III k(1).
- // Drainage analysis map and computations if required.
- // SESC Plan.
- // Names, addresses, envelopes as per VI c(9).
- // Open Space Site Improvement Plan, if required.
- // Authorization for Access.
- // Detailed cost estimate.
- // All other documents listed by Applicant, with copies required.
- // Application fee in amount of \$ \_\_\_\_\_
- // Statement on applicability of Inland Wetland Regulations.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
for the P&Z Commission

Date Application received by Commission: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

SECTION VIII

STATEMENT ON UTILIZATION OF SOLAR ENERGY  
Planning & Zoning Commission  
Easton, CT

Subdivision (Resubdivision) Title: \_\_\_\_\_

File No.: \_\_\_\_\_ Location: \_\_\_\_\_

Please state in what way applicant has facilitated or considered the facilitation of passive solar energy techniques which would not significantly increase the cost of housing to the house buyer, after tax credits, subsidies and exemptions. For the purposes of this statement, passive solar energy techniques mean those site design techniques which during the heating season maximize solar heat gain and the storage of heat within a building. During the warmer months, these techniques minimize heat gain and provide for natural ventilation. Site techniques shall include but not be limited to:

- (1) Alignment of streets along an east-west axis;
- (2) Alignment of lot lines along a north-south axis;
- (3) Orientation of structures so that the longest side faces south;
- (4) Location of septic systems on the south side of structure to help insure an area free of accessory structures and major vegetation;
- (5) Maintenance of a "solar setback" zone keyed to the percent grade and orientation of the slope, and
- (6) Location of required open space and parking areas on the south side of structure.

Favorable action on the application of which this statement is a part requires demonstration to the Commission that consideration has been given to the various techniques listed above, using the attachment to this statement. For each technique considered, show the approach or alternate approaches studied, the specific site limitations, and cost considerations. Attach additional sheets as necessary.

SECTION VIII

Attachment to STATEMENT ON UTILIZATION OF SOLAR ENERGY

1. Streets: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Lot Lines: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Orientation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Septic Systems: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Solar Setback: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Open Space & Parking: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**AGREEMENT TO COMPLETE  
SUBDIVISION IMPROVEMENTS**

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the Planning and Zoning Commission (the "Commission") of the Town of Easton, Connecticut (the "Town"), approved a plan for the subdivision or resubdivision of land in said Town (the "Approved Subdivision Plan"), which land is shown on a map entitled \_\_\_\_\_ dated \_\_\_\_\_, last revised \_\_\_\_\_, Scale 1" = \_\_\_\_\_ prepared by \_\_\_\_\_ subject to the conditions that the person or persons subdividing or resubdividing such land (the "Subdivider"): (1) file with the Commission, for the benefit of the Town, a cash bond, (the "Bond") in form and substance satisfactory to the Commission, in the amount of \$ \_\_\_\_\_ securing to the Town the actual completion of certain work, installations and improvements required by the Commission, as shown in the Approved Subdivision Plan, within \_\_\_\_\_ years from the date of endorsement of the Subdivision Plan (the "Effective Date"), or such longer period as the Commission may approve in writing; (2) enter into this Agreement; and (3) dedicate to the Town all proposed streets within said subdivision upon completion thereof.

WHEREAS, \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ is the Subdivider of said premises; and

WHEREAS, the Subdivider has filed with the Commission a Cash Bond in the form of a check, Check # (s) \_\_\_\_\_ from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the Commission endorsed the Subdivision Plan.

NOW THEREFORE, in consideration of the foregoing and the promises and covenants herein contained the Subdivider for itself, its successors and assigns and the Commission agree as follows:

1. The Subdivider hereby agrees to complete within \_\_\_\_\_ years from the Effective Date, or such longer period as the Commission may approve in writing, certain work, installations and improvements required by the Commission as shown in the Approved Subdivision Plan all in accordance with said Plan, the subdivision regulations, zoning regulations, road regulations and ordinances of the Town to the satisfaction of the Commission.
2. No alteration, change or variation to such required work, installations or improvements shall be made without the prior written consent of the Commission.

3. The Subdivider agrees to pay promptly for all materials furnished and labor supplied or performed in connection with the aforesaid work, installations and improvements.
4. The Subdivider agrees to guarantee all new streets, together with all appurtenances thereto, located within said subdivision for a period of five (5) years after acceptance thereof by the Town, which guarantee shall be included in and made a part of the deeds of conveyance from the Subdivider to the Town of said streets by the incorporation of the following language:

The said grantor does for itself, its successors and assigns, covenants with the said grantee, its successors and assigns, for the period of five (5) years from the date of this deed that the aforesaid streets are free from all defects in workmanship and materials and have been constructed in accordance with the provisions of the pertinent ordinance(s) of the Town of Easton relating to the construction of such streets. This covenant shall expire five (5) years from the date of this deed.

5. The consent of the Commission to any alteration, change or variation in any required work, installations or improvements, or any extension of time for the completion thereof granted by the Commission, or any forbearance on the part of the Commission to the Subdivider, shall not in any way release the Subdivider, its successors or assigns from any obligations hereunder.
6. The Subdivider hereby agrees that each and every failure to comply with all terms of this Agreement, and any notice to the Commission that it does not intend to or cannot comply with all terms of this Agreement shall constitute a default hereunder. In the event of any default hereunder, the Town may declare the said Bond forfeited by written notice to the Subdivider by certified or registered mail return receipt requested. In the event that the Subdivider fails to remedy such default within ten (10) days after delivery of such notice, the Town may (1) collect and deposit the proceeds of the Bond in its accounts, and (2) provide for such work, installations and improvements out of the proceeds of such Bond and the Commission may declare the Approved Subdivision Plan terminated and record a Notice of Termination on the Town's Land Records. If such default is caused by notice to the Commission that the Subdivider does not intend to or cannot comply with the terms of this Agreement, the Subdivider may remedy the same only by posting additional security with the Commission within such ten (10) day period. In no event shall the Town be required to perform any such work or incur any expense therefore before collecting, depositing and applying the proceeds of the Bond as aforesaid.

7. The Commission agrees that upon the satisfactory completion of said work, installations and improvements as required by this Agreement and the submission of all deeds, easements and other instruments required by the Approved Subdivision Plan in form and substance satisfactory to the Commission, it shall recommend to the Board of Selectmen that the streets within said subdivision be accepted by the Town of Easton, provided, however, that the Bond shall not be released until: (1) the Town Engineer has certified completion of the public utilities and all improvements in accordance with the requirements shown in the record subdivision plan to the First Selectman, (2) the street or streets have been legally accepted by the Town, and (3) all required as-built drawings have been received and found satisfactory by the Commission.
  
8. In the event that the Subdivider sells, transfers, or otherwise conveys all of the land being subdivided prior to completion of said work, installations and improvements, the Subdivider shall not be released from its obligations hereunder nor shall the Subdivider's bond be released unless and until all such required work, installations and improvements are completed or a new bond is posted.
  
9. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, representatives and assigns.

IN WITNESS WHEREOF, the parties have hereunto caused to be set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_.

Signed, Sealed and Delivered  
in the Presence of :

\_\_\_\_\_ By: \_\_\_\_\_ L.S.  
Duly Authorized

\_\_\_\_\_ PLANNING AND ZONING  
COMMISSION OF THE TOWN  
OF EASTON

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_ Its: \_\_\_\_\_

# FORM FOR COST ESTIMATE OF BOND CALCULATION

**Project:** \_\_\_\_\_

**Plans**  
**Last Rev. Date** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Road Length:** \_\_\_\_\_ **L.F.** **Road Name:** \_\_\_\_\_

Item	Unit	Unit Price	Quantity	Total Cost
Clearing	AC.	2,500.00		-
Stumping	SY	0.36		-
Strip Top Soil	CY	3.00		-
Rock Excavation - Mass	CY	11.00		-
Rock Excavation - Trench	CY	26.00		-
Excavation - Cut/Fill	CY	6.00		-
Excavation - Cut and Remove from Site	CY	6.50		-
Excavation - Fill - Bring into Site	CY	7.50		-
Stake Out Structures	EA	175.00		-
Stake Out Road (2 times)	LF	3.30		-
15" RCP Solid Installed	LF	22.00		-
18" RCP Solid Installed	LF	24.00		-
24" RCP Solid Installed	LF	33.00		-
Other Pipe:	LF			-
6" Curtain Drain	LF	17.00		-
15" RCP Flared Ends	EA	450.00		-
" RCP Flared Ends	EA			-
Catch Basins - Single, installed	EA	1,200.00		-
Catch Basins - Double, installed	EA	2,400.00		-
Catch Basins - Reconst.	EA	1,000.00		-
Manhole and Cover	EA	1,400.00		-
Headwalls Concrete in Place	CY	350.00		-
Rip Rap	CY	50.00		-
Box Subgrade	SY	0.60		-
1 1/4" Process 8" Thick	CY	20.00		-
3/4" Process Stone 4" thick	CY	23.00		-
Pavement 4" compacted	SY	10.00		-
Curbing 6" Bituminous	LF	2.10		-
Shoulder - loam + seed	LF	4.00		-
Slopes - loam + seed	SY	3.00		-
Guide Railing Anchors	EA	900.00		-
Guide Railings	LF	15.00		-
Anti-Tracking Pads	SY	9.00		-
Erosion Control Hay Bales	LF	4.00		-
Hay Bales around CBs (4/unit)	EA	10.00		-
Silt Fence	LF	3.00		-

# FORM FOR COST ESTIMATE OF BOND CALCULATION

<b>Project:</b>				
Item	Unit	Unit Price	Quantity	Total Cost
Monuments	EA	300.00		-
Lot Pins	EA	126.00		-
Driveway Aprons	EA	2,500.00		-
Street Signs	EA	150.00		-
Traffic Control Signs	EA	100.00		-
Street Trees	EA	150.00		-
As-Built	LF	2.00		-
Utility Cost	LF			-
<b>Specialized Items:</b>				-
				-
				-
				-
				-
				-
				-
				-
				-

**Subtotal:**           \$       -  
**15% Contingency:**   \$       -  
  
**Total:**               \$       -

**% Inflation**        2nd Year:  
                           3rd Year:  
                           4th Year:  
                           5th Year:  
  
**Grand Total:**  
  
**Call It:**

**PREPARED BY:**

**DATE:**

**Amendment to**  
**Easton Subdivision Regulations**  
**Regarding Permanent Dead-End Street**

**Amend section IV c.(5) as follows.**

- (a) All permanent dead end streets shall terminate in a turn-around 120 feet in a diameter, having a paved area 100 ft in diameter.
- (b) Dead end streets shall provide exclusive access to a minimum of two and a maximum of ten existing and/or proposed building lots, except
  - (i) when it is proposed to extend an existing dead end street as a through street to another public road, or it is proposed to create a new subdivision including a through street to another public road, and when the construction of the proposed street would, in the opinion of the Commission, cause major environmental damage, the Commission may permit a total of up to sixteen existing and/or proposed building lots having exclusive access from a permanent dead end street instead of requiring an extension to create a through street, provided
  - (ii) that the Commission shall determine that said increase in the number of lots is in the interest of sound land use planning subject to compliance with all of the following conditions:
    - ( a ) The topography of the land requires cutting or filling which would not be conducive to the preservation of the natural environment.
    - ( b ) Efficient traffic circulation is not impacted by the loss of a new through street.
    - ( c ) Land up to a maximum of 18% of total subdivision plan area may be required by the Commission to be dedicated to open space (notwithstanding anything to the contrary in Section III g.). Eff.7/18/97

The language in Section III.g of the current Easton Subdivision Regulations is hereby deleted and the following language substituted: " Reserved for future use."

New Section X is added:

SECTION X (CORRECTED TO 11/23/1998)(EFFECTIVE 12/18/1998)

OPEN SPACE, PRESERVATION AND RECREATION AREAS

X.1 DEFINITIONS

For the purposes of this Section X, the following terms shall be defined as follows:

- 1) **Open Space:** Land left in its natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; land areas and facilities for noncommercial, non-profit recreation; and similar land areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.
- 2) **Improvement or Public Improvement:** Any change or alteration to the existing conditions of the subdivision site:
  - a) for the purpose of complying with these Regulations, or any approval granted hereunder, or
  - b) depicted on any Final Subdivision Plan approved hereunder, or
  - c) rendering the site more suitable for development and/or habitation.
  - d) As used in these Regulations, Improvements include but are not limited to construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees and drainage facilities; erosion and sedimentation control measures; buildings; earth filling or removal, seeding and grading; the establishment or construction of parks, playgrounds, recreational buildings, equipment, structures, fields, and similar facilities; and facilities designed to detain, redirect, store, or treat storm water discharge
- 3) **Land:** Real property including Improvements thereof and thereon, and all estates, interests, and rights therein of any kind or description, including, but not limited to, easements, rights-of-way and water and riparian rights, provided that these interests run in perpetuity with the subject real property
- 4) **Inland Wetland:** Those areas designated and defined as inland wetlands by the Easton Inland Wetlands and Watercourses Agency, pursuant to its

Regulations and the Connecticut General Statutes, as the same may be amended from time to time.

- 5) **Watercourse:** Those areas designated and defined as watercourses by the Easton Inland Wetlands and Watercourses Agency, pursuant to its Regulations and the Connecticut General Statutes, as the same may be amended from time to time.

## **X. 2 DISPOSITION FACTORS**

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

## **X.3 SIZE**

- 1) Where Open Space disposition is deemed appropriate, the size of the required areas shall be determined by consideration the Commission based on the site's value and importance in meeting the objectives cited in Section X.2 and the scope of the subdivision proposal. Required Open space may be up to 15 percent of the property under consideration, except otherwise noted in these regulations.
- 2) In determining the total land to be reserved as Open Space, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or option to buy by the subdivider.

- 3) Areas to be reserved as Open Space land shall be shown on the subdivision map.

#### **10.4 METHOD AND PROCEDURE OF DISPOSITION**

- 1) The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 10.2, the desirability and suitability of public access and use, and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:
  - a) Conveyance in fee simple to the Town.
  - b) Conveyance in fee simple to the state of Connecticut.
  - c) Conveyance in fee simple to a land trust (with the concurrence of the applicant/subdivider).
  - d) Conveyance in fee simple to a homeowners' association (see Section 10.5).
  - e) Private ownership with the appropriate severance and conveyance of development rights.
  - f) Any combination of the above or any suitable alternative approved by the Commission.
  
- 1) The applicant shall designate in its application which of the foregoing entities is proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation to require ownership by one of the public entities set forth above, provided, however, that the Commission may not require ownership by any trust described in (c) above, nor any conveyance to a private entity, unless consented to by the applicant.
- 2) Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider inter alia the following factors:
  - a) The ownership of any existing Open Space on adjacent properties, or the proximity to non-adjacent Open Space which might reasonably interconnect with the Proposed Open Space in the future;
  - b) The proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required:

## 10.5 REFERRALS

The Commission may refer for review and comment any subdivision plan and proposal for the provision of Open Space land to the Easton Conservation Commission, and any other appropriate agency. The Commission shall refer to the Easton Board of Selectman any proposal under which the Town would acquire a property interest in the Open Space.

## X.6 CONDITION OF OPEN SPACES AND/OR RECREATION LAND

- 1) Open Space areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land.
- 2) When requested by the Commission all such areas shall include access roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic.
- 3) Land to be provided as Open Space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the applicant/subdivider. Except for Improvement or maintenance as may be expressly permitted or required by the Commission, Open Space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris.
- 4) The Commission may require that any land to be dedicated for recreational use
  - a) Be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four (4") inches;
  - b) Be seeded with low maintenance grass seed; and
  - c) Be otherwise improved so that the land is left in a condition appropriate, in the sole discretion of the Commission, to the intended use.
- 5) The ratio of the area of the proposed Open Space classified as Inland Wetlands to the total area of the Open Space shall not be greater than the ratio of the area of all Inland Wetlands in the subdivision to the total area of the subdivision, unless the Commission considers such Inland Wetland areas to have special habitat or other unique environmental value.
- 6) When site Improvements are required they shall be clearly shown on the final subdivision maps or alternatively on a separate site Improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.

### **X.7 ENFORCEMENT BONDING AND COMPLETION OF IMPROVEMENTS**

- 1) To ensure proper construction of any required Improvements, the Commission shall require the subdivider to post a performance bond, letter of credit, or other suitable security in an amount and with terms acceptable to the Commission.
- 2) All required Improvements of Open Space land shall be completed prior to the sale of fifty (50%) percent of the lots within the subdivision.

### **X.8 PROPERTY OWNERS' ASSOCIATION**

- 1) The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the Open Space to be transferred to an association of property owners.
- 2) Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to, the following:
  - a) Creation of the association or corporation prior to the sale of any lot.
  - b) Mandatory ownership in the association by all original lot owners and any subsequent owner; non-amendable bylaws or other restrictions which require the association to maintain the land reserved for Open Space, park and playground purposes, with power to assess all members for all necessary costs.
  - c) Provisions/restrictions which will be perpetual and binding on all future property owners, and will not be affected by any change in land use.
  - d) The association or Corporation shall have the power to assess and collect from each lot owner a specified share of costs associated with maintenance, repair, upkeep and insurance of the Open Space and provide for the reserves for such costs.
  - e) Any deed of conveyance shall contain language providing the association with the right to obtain reimbursement for all costs it reasonably incurs, including attorney fees, in any action to enforce its rights against any lot owner, in which the association is the prevailing party.
  - f) Association documents shall provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the town for such purposes, including reasonable attorney fees.

- 3) Any conservation easements or other Open Space covenants or restrictions shall be subject to the approval of the Commission in form and content. After approval by the Commission, said document shall be filed by the applicant/subdivider in the office of the Town Clerk.
- 4) Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted in triplicate with the final subdivision map to be endorsed and filed.
- 5) All warranty deeds shall be accompanied by a certificate of title prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes
- 6) good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance.
- 7) All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title.
- 8) All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen or other body having the authority to accept property in the name of the municipality. In the event that acceptance is rejected the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.
- 9) All Open Space preserved by means of easements or restrictions shall comply with the requirements of Connecticut General Statutes §47-42(a) through §47-42(c).

#### **X.9 DEDICATION FOR OTHER MUNICIPAL PURPOSES**

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

#### X. 10 PAYMENT OF FEE IN LIEU OF OPEN SPACE

In accordance with Connecticut General Statutes §8-25, as amended by Public Act 90-239, Section 1, the Commission may require an applicant/subdivider to pay a fee and/or transfer land to the Town of Easton in lieu of the disposition of land by one of the methods set forth in Section X.4 hereinabove. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas on the subdivision which merit preservation by one of the methods set forth in Section X.4, or that there are other areas in the Town of Easton where preservation would be more beneficial to the public health, safety and welfare. In the event that such requirement is imposed by the Commission, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten (10%) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. 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. Such fund shall be used solely for the purpose of preserving Open Space, including the acquisition of land for Open Space. The said payment obligation shall be secured by a lien against each lot in the subdivision, and the lien shall be filed at the time that the final subdivision plans are filed in the Office of the Town Clerk, in accordance with Section III. 3(i) and Section VI(m) of these Regulations. The said lien shall be in a form approved by the Commission, ~~and shall be in a form approved by the Commission~~, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title for each lot.

#### X. 11 EXEMPTIONS FROM OPEN SPACE DISPOSITION REQUIREMENTS

In accordance with Public Act 90-239, section 1, the provisions of this Chapter X shall not apply if:

- a) The transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin

of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the land records in accordance with these regulations. If the Commission determines, based on events subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section X, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Easton land records.

b) The subdivision is to contain affordable housing, as defined in section 8-39a of the Connecticut General Statutes, equal to twenty-five (25%) percent or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Easton land records.

## X.12 CONSERVATION EASEMENTS

A. The Commission require one or more easements restricting the use, alteration or disturbance of one or more natural areas for the purpose of establishing or preserving a corridor connecting two Open Spaces, preserving a buffer strip adjacent to a farm, preserving scenic viewing points or scenic views and preserving an historic trail system.

B. Said Easements shall provide for access by town officials for the purpose of inspection and marking boundaries; and by citizens for appropriate use of the historic trail system or corridor.

C. Conservation easements shall be on a form approved by the Conservation Commission of the Town of Easton.

D. Such easements shall not be counted as part of the Open Space requirement set forth above, however the Commission, at its sole discretion, may consider such easements as a credit toward any Open Space required under this section.

#### **X.14 GREENBELT PRESERVATION EASEMENT**

- A. The Commission may require an easement adjacent to roads to protect and preserve wooded or rural characteristics of the Town of Easton.**
- B Said easement shall, among other restrictions, restrict the removal of trees or other natural growth, the placement of structures, fixed or moveable, or any kind of other appurtenance or equipment, the removal of existing stone walls except for access or safety purposes, or detract from the characteristics described above.**
- C. Greenbelt Preservation Easements shall be on a form approved by the Planning & Zoning commission of the Town of Easton.**
- D. Such easements shall not be counted as part of the Open Space requirement set forth above however the Commission, at its sole discretion, may consider such easements as a credit toward any Open Space required under this section.**

AMENDMENTS TO SUBDIVISION REGULATIONS:  
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS  
Effective date December 29, 2000

(Formal Note: Except where enclosed in brackets [ ], existing text remains unchanged. New text appears in *bold face* type. Bracketed text indicates text to be deleted. Italicized text indicates revisions to original amendments.)

ACCESS TO LOTS BY COMMON DRIVEWAYS

Amend Sections IIIs. And IVg. (3) to delete the present prohibition of driveways serving two or more lots, for consistency of the Subdivision Regulations with Zoning Regulations amendments. These amendments support and implement the Zoning amendments on common driveways.

SECTION III

s. Interior and Flag Lots

[(1) No interior or flag lot shall be permitted if the Commission determines that physical conditions of terrain and topography allow a layout permitting a frontage of two hundred (200) feet on a public street or highway for all lots in said proposed subdivision without violating other provisions of these Regulations.]

[(2) If physical conditions of terrain and topography are such that the Commission cannot make the determinations stated in subparagraph (1) above, the maximum number of interior or flag lots shall be limited as follows:

Number of Lots in Subdivision	Max number of Interior or Flag Lots
fewer than 15	1
15 or more	2 ]

(1) *No interior lot shall be permitted, except as provided in Zoning Regulations Section 5.13.1. The Commission may approve one or more flag lots on a plan of subdivision or resubdivision, as provided by Zoning Regulations Section 5.13, where it finds that the creation of such lot or lots will significantly reduce the length of public roadway required to be constructed, will make adequate provision for safe access to such lot or lots, and will minimize construction impacts on the environment of the site or result in preservation of desirable natural features.*

(2) The location, dimensions [ , ] and construction of any driveway serving [any permitted interior or] a flag lot shall conform with the requirements of Section IVg. of these Regulations. A note to this effect shall be placed on the Subdivision Map if the plan [calls for] *includes* one or more [interior or] flag lots

AMENDMENTS TO SUBDIVISION REGULATIONS: (page 2)  
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS

(Formal Note: Except where enclosed in brackets [ ], existing text remains unchanged. New text appears in *bold face* type. Bracketed text indicates text to be deleted.)

SECTION IV

g. Driveways

All provisions of Article V of the Zoning Regulations which apply to driveways are incorporated herein by reference. In addition:

- (1) Driveways must be designed and constructed in a manner that will not discharge storm water onto a town street (see Section III-k and Town Ordinances).
- (2) Driveways shall be located with the objective of preserving and protecting existing trees (see Section III-r).
- [(3) Driveways serving two or more lots shall not be permitted except in cases of unusual topography or site conditions; provided, however, that in no event shall a common driveway serve more than two lots.]
- (3) *A common driveway designed to serve not more than four (4) single-family residential lots may be authorized by the Commission in accordance with the standards of Section 5.15 of the Zoning Regulations.*

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AMENDMENTS TO ZONING REGULATIONS:  
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS  
Original text Adopted December 29, 2000  
Revised text Effective December 22, 2002

(Format Note: Except where enclosed in brackets [ ], existing text remains unchanged. Bracketed text indicates text to be deleted. Italicized type indicates new or amended text. Effective date follows in parentheses).

ACCESS TO LOTS BY COMMON DRIVEWAYS

Amend Sections 2.1.16 and 5.13 and add new section 5.15 as follows below.

Purpose of Amendments: to make provision for safely designed, effectively - maintained common driveways built to appropriate standards in order to reduce future Town road maintenance obligations and to reduce impact on site environment in new residential construction. Adopted text follows.

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2.1.16 LOT (FLAG): A lot having frontage on a public street or highway by means of an unobstructed accessway held in the same ownership. Such accessway shall be not less than twenty-five (25) nor more than [fifty (50)] sixty five (65) feet wide at all points. [and not less than two hundred (200) feet from its intersection with the street line to the point where it intersects with the main portion of the lot.] A flag lot shall otherwise meet the requirements of Article 5 pertaining thereto. (new 2/24/89; amended Dec. 29, 2000)

5.3 ROAD FRONTAGE

5.3.1 Except for interior lots, flag lots and lots on common ownership accessways, a lot shall have frontage on a public street or highway of not less than two hundred (200) feet. See Sections 5.13 and 5.15. (original revision 2/24/89; amended Dec. 29, 2000)

5.13 INTERIOR AND FLAG LOTS (new 2/24/89, amended Dec. 29, 2000)

[5.13.1 Interior and flag lots shall not be permitted except under the following conditions.]

5.13.1 Interior lots and flag lots are defined in Sections 2.1.15 and 2.1.16 respectively.

Following the effective date of this amendment no interior lot shall be created except as follows :

where a lot or tract of land has existed from prior to the effective date of this amendment (Dec. 29, 2000), without subsequent alteration of its boundaries as clearly shown by evidence in the Town Land Records, and such lot or tract is capable in all respects of division or subdivision into one additional lot except that it lacks suitable area or frontage or terrain to accommodate a conforming accessway for such additional lot as determined by the Planning and Zoning Commission, the Commission may, in its sole discretion, authorize not more than one interior lot to be created from such tract or lot provided the access easement to the interior lot shall meet the requirements of Articles 5.13 and 5.14 and be approved by the Commission for safe access to the lot and for protection of the environment of the site.

Any lawful interior lot, either created prior to the effective date of this amendment (Dec. 29, 2000) as shown by evidence in the Town Land Records, or as authorized above, which in all respects conforms to these regulations except for its lack of street frontage, shall be deemed a conforming lot with respect to these regulations and may be issued permits in the same manner as a lot which meets the frontage requirements of these regulations.

AMENDMENTS TO ZONING REGULATIONS: ( page 2)  
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS

5.13 INTERIOR AND FLAG LOTS

5.13.1 (Continued)

All flag lots and existing or authorized interior lots shall be governed by the following conditions: (new, Dec. 29, 2000)

- A. Use of each interior or flag lot shall be limited to one (1) single family residence. (1983; new 1986)
- B. Each easement and accessway shall be not less than twenty-five (25) feet nor greater than [fifty (50)] sixty five (65) feet wide at all points. (amended Dec. 29, 2000)
- C. Within the boundaries of each easement and accessway shall be a graveled or paved driveway which satisfies the requirements of Article 5.14.
- D. [Each easement and accessway shall serve no more than one (1) interior lot and one (1) flag lot, respectively. Abutting easements and accessways shall not be permitted.]

Each flag lot shall include an accessway in the same ownership as the lot, suitable for a driveway and utilities, which extends to and provides the lot with frontage on a public street or highway, as provided by Sections 2.1.16 and 2.1.18. No flag lot accessway shall be located closer to another flag lot accessway than a straight-line distance equal to twice (two times) the requisite width of lot square or rectangle as specified in Section 5.2, (300 feet), except that the Commission may permit not more than two (2) flag lot accessways, in one location, to adjoin for the purpose of a shared or common driveway as provided in Section 5.15. (amended Dec. 29, 2000)

- E. Each interior lot and each flag lot and the use thereof shall otherwise comply with all other requirements of the Zoning Regulations including, but not limited to, lot shape and minimum front, rear, and side yard requirements for the District in which such lot is located.
- F. If the easement or accessway providing access to an interior or flag lot terminates at a location where two boundaries of the main portion of the lot intersect, the angle included by said boundaries when projected shall be not less than sixty (60) degrees.

5.15 COMMON DRIVEWAYS (new: Dec. 29, 2000)

*5.15.1 A common driveway designed to serve not more than four (4) single-family residential lots, or not more than six (6) single-family residential lots subject to compliance with the additional requirements of Subsection K hereof, may be authorized by the Commission in accordance with the following standards, on a plan to be approved by the Commission: (amended Dec. 22, 2002)*

- A. The Common driveway travelway shall be constructed in accordance with the standard road specifications of the Town of Easton (for sub-base, base, wearing surface, drainage and other construction details), except as provided in subsections "B" through "J" following.
- B. Minimum travelway width shall be sixteen (16) feet plus two (2) feet of graded and grassed shoulder at each side. Within its sole discretion, however, the Commission may reduce or waive the requirement for graded shoulders for short distances along the travelway to the extent necessary to minimize impact on wetlands, steep slopes, desirable natural features or to an adjacent residential lot. *Curbing shall not ordinarily be required, except where determined necessary by the Commission on advice of the Town Engineer. (amended Dec. 22, 2002)*

AMENDMENTS TO ZONING REGULATIONS: (page 3)  
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS

5.15 COMMON DRIVEWAYS

5.15.1(Continued)

- C. Maximum travelway length shall be as determined appropriate in each case by the Commission.
- D. Maximum travelway gradient for the first twenty-five (25) feet from the edge of the travelway shall be five percent (5%), thereafter transitioning to a maximum gradient of twelve percent (12%).
- E. A "hammerhead" or "T" configuration of turnaround, suitable in design to accommodate safe turning movements for large service vehicles and fire apparatus, at maximum 4% gradient, shall be provided at the terminus of any common driveway serving three (3) or more lots. (*amended Dec. 22, 2002*)
- F. All utility lines for power and communication shall be placed underground at the side of the travelway. Banksides adjacent to the travelway shall be landscaped to preserve scenic features and provide for shade trees as determined appropriate by the Commission. Each individual driveway entrance shall be clearly posted at its intersection with the common driveway with an address-number sign designed for night-time visibility to assist in emergency identification and access.
- G. All other geometric, design and drainage standards shall be as prescribed by Section 5.14.
- H. The design plan for the common driveway shall show essential details of property lines, easement lines, proposed travelway, existing and adjusted land contours, proposed storm drainage, individual driveway access to the common driveway, general locations of utilities and other features to be constructed, including curbs, walls and guide rails where required, proposed planting including appropriate trees and buffer planting, sight-lines at the driveway intersection with the public road, and shall bear the seal of a Connecticut-registered professional engineer.
- I. A common driveway designed to provide access from a street to not more than two (2) lots shall be located within a mutually-shared perpetual easement coincident with any lot accessways, or within an accessway held in perpetual undivided common ownership by the aforesaid two lots. A common driveway designed to provide access from a street to three (3) or more lots shall be located only within an accessway held in perpetual undivided common ownership appurtenant to the titles of each of the benefiting lots. (*amended Dec. 22, 2002*)

Every shared easement or common-ownership accessway shall be not less than fifty (50) nor more than sixty-five (65) feet in width, exclusive of any required turnaround at its terminus.

Where the principal means of access to a lot is by an adjoining common ownership accessway, over a continuous accessway boundary of at least twenty-five (25) feet, the lot's frontage requirements shall be deemed to be met in the same manner as for a "flag lot".

(continues...)

**5.15 COMMON DRIVEWAYS**

**5.15.1**

I. (continued)

Every access easement and every common ownership accessway shall be capable in its layout and character of providing for safe access to each benefiting lot without adverse environmental impact, and its layout and design plan shall require the specific approval of the Planning and Zoning Commission. The plan approved by the Commission shall reference all pertinent easement and maintenance covenant documents, and shall be filed, along with such documents, following Commission approval, in the Town Land Records.

- J. *The common driveway plan shall include a perpetual easement and enforceable maintenance covenant which incorporates the full extent of the common driveway and shall require approval by the Planning and Zoning Commission. The easement shall grant full rights of access for all legal purposes, including utility installations, to each of the sharing lots. The maintenance covenant shall obligate each benefiting lot owner to pay a specified pro rata share of all work required to maintain the common driveway at all times in a safe and properly functional condition, and shall further obligate the owners to contract for specified services which at a minimum will guarantee prompt clearance of snow and ice, trimming of overhanging tree branches, removal of debris and objects tending to impede safe travel, and essential periodic repairs (such as repaving, maintenance of drainage systems, guard rail replacement, mowing, regrading of banksides, and other necessary work). The maintenance covenant shall provide appropriate legal remedies which may be applied by any lot owner(s) paying for work required under the covenant against any nonpaying or delinquent lot owner(s), and shall provide that the Town may take enforcement action against any lot owner jointly and severally in the event that driveway conditions are found by the Commission or its agent to constitute a hazard to Town or other emergency services such as fire, police or medical response.*

*The following text shall be incorporated within each common driveway maintenance covenant:*

*" The undersigned parties to this covenant, owners of lots . . . . as shown on . . . . (title and date of map) . . . ., duly filed in the Easton Town Land Records as Map . . . ., their heirs, successors and assigns, hereby jointly and severally assume full maintenance responsibility and liability for the condition of all improvements shown on . . . . (title of common driveway plan) . . . ., as more particularly described in the Long-term Maintenance Program attached hereto as Exhibit A, and hereby agree to indemnify and to hold harmless the Town of Easton from all claims whatsoever which may arise from the condition of said improvements on the said common driveway irrespective of their cause." (amended Dec. 22, 2002)*

- K. *A common driveway designed to serve five (5) or six (6) single-family residential lots shall comply with the following standards in addition to the requirements of Subsections A. through J. above:*

- (1) For five (5) lots served at least one (1) lot shall have the road frontage on a public street specified by Section 5.3.1. For six (6) lots served at least two (2) lots shall have the road frontage on a public street specified by Section 5.3.1.*
- (2) No single-lot driveway entrance, from either a common driveway or a public street, shall be located within 150 feet of the intersection of a common driveway and a public street. At its discretion the Commission may limit any lot to access only from the common driveway on which it abuts.*
- (3) The minimum width of the common driveway travelway serving five or six lots shall be sixteen (16) feet plus two (2) feet of constructed, graded and grassed travelway base on each side. (amended Dec. 22, 2002)*

Adopted Amendments to the  
SUBDIVISION REGULATIONS OF THE TOWN OF EASTON  
Effective Date: May 30, 2010

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Purpose of Amendments: To revise Subdivision Regulations to include FLOOD PLAIN MANAGEMENT Regulations in accordance with new federal minimum standards and state requirements for designated flood plains in order that the Town of Easton may remain eligible to participate in the National Flood Insurance Program (NFIP):

(Add to the Town of Easton Subdivision Regulations, Section III General Requirements, the following new subsection:)

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v. Design Standards For Special Flood Hazard Areas

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
  4. The Commission shall require the applicant to provide base flood elevation (BFE) data for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.
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