

TOWN OF EASTON

**SUBDIVISION
REGULATIONS**



Planning and Zoning Commission

Effective October 1, 2023

Key Dates

The Subdivisions Regulations for the Town of Easton were originally effective on March 6, 1948.

Key Concepts

A “DIVISION” - A “*division* of land” (when a parcel of land is cut into two lots) does not require Planning and Zoning Commission approval provided:

- The parcel has not been previously divided since March 6, 1948; and
- Each of the resulting lots complies with the zoning requirements.

A “SUBDIVISION” OR “RESUBDIVISION” -

- A “*subdivision* of land” is when a parcel of land is cut into three or more lots. A subdivision of land is subject to these Subdivision Regulations and requires approval by the Planning and Zoning Commission.
- A “*resubdivision* of land” is when an approved subdivision is modified by changing the street layout, changing any area reserved for public use, or adding an additional building lot (see full definition in Section 2.03 of these Regulations). A resubdivision of land is subject to these Subdivision Regulations and requires approval by the Planning and Zoning Commission.

Key Resources

TOWN STAFF - Town Staff are available to help answer questions about the Subdivision Regulations or other relevant regulations. You may contact them at Town Hall.

CGS SECTION 8-25 - Section 8-25 of the Connecticut General Statutes may also provide useful information.

SURVEYORS / ENGINEERS - Any division / subdivision / resubdivision of property will need an accurate property survey. There are a number of private surveyors and engineers in the area experienced with preparing the necessary documentation and shepherding an application through the process. You may already know of a surveyor or engineer or you can search for one on-line.

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1.00 INTRODUCTION

1.01 AUTHORITY

These Regulations have been adopted by the Planning and Zoning Commission of the Town of Easton, Connecticut pursuant to the authority conferred by Chapter 126 of the Connecticut General Statutes (CGS 8-18 et seq.), as amended.

1.02 PURPOSES

1. **Statutory Purposes** - These Regulations have been adopted to accomplish the purposes identified in Section 8-25 of the Connecticut General Statutes (CGS) including:
 - a. Promoting the orderly development of the Town;
 - b. Protecting the public health, welfare, and safety;
 - c. Ensuring that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety;
 - d. Making proper provision for water supply, sewage disposal, and drainage;
 - e. Making proper provision for protective flood control measures;
 - f. Ensuring that proposed streets are in harmony with existing streets and/ or proposed streets shown in the Plan of Conservation and Development, especially in regard to safe streets and intersections;
 - g. Ensuring that proposed streets are arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs;
 - h. Ensuring that open spaces, parks, and playgrounds are provided when deemed proper by the Commission and in places deemed proper by the Commission;
 - i. Making proper provision for soil erosion and sediment control;
 - j. Making proper provision for the extent to and the manner in which streets shall be graded and improved and public utilities and services provided;
 - k. Encouraging energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, passive solar energy techniques, and energy conservation;
 - l. Promoting the coordinated development of the community; and
 - m. Guiding future growth and development in accordance with the Plan of Conservation and Development.

2. **Additional Purposes** - These Regulations have also been adopted to accomplish the following additional purposes:
 - a. Protecting the public water supply watersheds which serve much of southwestern Connecticut;
 - b. Conserving 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; and
 - c. Protecting the rights of current and future landowners, including owners of the proposed subdivisions and neighboring landowners.

Section 1.03

INTRODUCTION

APPLICABILITY

1.03 APPLICABILITY

1. These Regulations shall apply to any subdivision or resubdivision of land within the Town of Easton, Connecticut.

1.04 CONFORMITY REQUIRED

1. These Regulations set forth the required procedure for subdivision and resubdivision of land in the Town of Easton.
2. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until:
 - a. A plan for such subdivision prepared in accordance with the requirements of these Regulations, has been approved by the Commission;
 - b. The subdivision plans have been signed by the Chairman or Secretary of the Commission to indicate approval by the Commission; and
 - c. The subdivision plan(s) approved by the Commission and signed by the Chairman have been recorded in the office of the Town Clerk in accordance with the requirements of Section 6.04 of these Regulations.
3. Plans for the subdivision of land shall conform to these Regulations, the Easton Zoning Regulations, all applicable State Statutes and Codes (including the standards and requirements of the Connecticut Public Health Code), and all other applicable regulations and ordinances of the Town of Easton.
4. Any subdivision plan recorded on the land records without the subdivision having been approved by the Commission or the subdivision plans having been signed by the Chairman or Secretary of the Commission shall be null and void.

1.05 MODIFICATION OF DESIGN STANDARD

1. **Overview** - In accordance with the provisions of CGS Section 8-26(a), the Commission may waive a design standard contained in these regulations by the approval of a three-quarters (3/4) vote of all members of the Commission (i.e., four of the five members of the Commission).
2. **Modification of Design Standard** - Where the Commission finds that extraordinary hardships or practical difficulties may result from compliance with a design standard contained in these Regulations, it may approve waivers to the design standards so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Commission shall not approve such a waiver unless it shall make findings based upon evidence presented to it in each specific case that:
 - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on other adjacent property;
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if these Regulations are carried out.
3. **Procedure** - As part of granting any modification or waiver of a design standard, the Commission shall:
 - a. Have received a specific written request from the applicant for the modification or waiver stating the reason for the request for modification or waiver; and
 - b. State upon the record its reasons for which such a modification or waiver was granted or was not granted.

1.06 ADMINISTRATIVE PROVISIONS

1. **Application of General Statutes** - These Regulations may be automatically superseded or modified by amendments to the provisions of the Connecticut General Statutes (such as CGS Chapter 126).
2. **Amendments** - In accordance with the provisions of the Connecticut General Statutes (such as CGS Chapter 126), these regulations may be amended by the Planning and Zoning Commission after a public hearing called for such purpose. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the municipality at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing.
3. **Enforcement**
 - a. These Regulations shall be enforced by the Planning and Zoning Commission and/or its designated representative(s).
 - b. The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.
 - c. Any person making any subdivision of land without the approval of the Commission shall be fined as provided by CGS Section 8-25 et seq.
4. **Appeals** - Any person aggrieved by an action or decision of the Commission may appeal as provided by CGS Section 8-8, as amended.
5. **Severability** - Should any section or provision of these Regulations be declared to be unconstitutional, invalid, or unlawful by a court of competent jurisdiction, such ruling shall not affect the validity of these Regulations as a whole, or any part thereof other than the section or provision so declared to be unconstitutional, invalid, or unlawful.
6. **Effective Date** –
 - a. The Subdivisions Regulations for the Town of Easton were originally effective on March 6, 1948.
 - b. A comprehensive revision of the Subdivision Regulations was adopted with an effective date of October 1, 2023.
 - c. The effective date of revisions since that date are noted within the document.

2.00 INTERPRETATION

2.01 INTERPRETATION OF REGULATIONS

1. **Minimum Requirements** - In their interpretation and application, the provisions of these Regulations shall be the minimum requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
2. **In Event of Conflict** - In the event that any conflict arises between:
 - a. The provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
 - b. Any graphic or illustration contained in these Regulations and any text provision of these Regulations, the text shall control.

2.02 USE OF TERMS

1. **Definitions To Be Applied** – In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall:
 - a. Have the same meaning as such terms have in the Zoning Regulations unless specifically defined herein, and.
 - b. Be construed as defined in Section 2.03 unless otherwise clearly qualified by their context.
2. **Specific Terms** - In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
 - a. The word “shall” is mandatory and not discretionary.
 - b. The word “may” is permissive.
 - c. When not inconsistent with the context:
 - i. Words in the present tense include the future and vice-versa.
 - ii. Words in the singular include the plural and vice-versa.
 - iii. Words in the masculine, the feminine, or the neuter include the others.
 - d. The word “person” also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
3. **Terms Not Defined** - In the interpretation and enforcement of these Regulations, words not defined in Section 2.03 shall be interpreted by the Commission after consulting one or more of the following:
 - a. The Zoning Regulations, as may be amended;
 - b. The State Building Code, as may be amended;
 - c. The Connecticut General Statutes, as may be amended;
 - d. The “Illustrated Book of Development Definitions” (Rutgers University, Center for Urban Policy Research), as may be amended;
 - e. Black’s Law Dictionary;
 - f. A comprehensive general dictionary.

Section 2.03

INTERPRETATION

DEFINED TERMS

2.03 DEFINED TERMS

Accelerated Erosion - See *"Erosion, Accelerated."*

Acre - A land area equivalent to forty-three thousand five-hundred and sixty (43,560) square feet.

Applicant - See *"Subdivider."*

Application - The maps, prescribed forms duly and correctly completed, fees, reports, and any additional supporting data required by these Regulations or the Commission for approval of a subdivision or resubdivision and submitted to the Commission.

Board of Selectmen - The Board of Selectmen of the Town of Easton, Connecticut, or its duly authorized representatives.

Caliper – A measurement of young trees taken 6 inches above the soil. Once a tree's caliper exceeds 4 inches, the tree is measured at a height of 12 inches. Existing mature trees are measured by the Diameter at Breast Height (DBH) being a measurement of the tree approximately 4.3 feet above the ground.

CGS - Connecticut General Statutes.

Commission - The Planning and Zoning Commission of the Town of Easton, Connecticut, or its duly authorized representative.

Conservation Restriction - An encumbrance on real property filed on the land records of the Town for the protection of natural features, natural habitats, open space, parks, buffer zones, agriculture, scenic areas, historic sites, riding or walking trails, or similar purposes.

CTDOT - Connecticut Department of Transportation.

Developer - See *"Subdivider."*

Development - Any construction or grading activities to improved or unimproved real estate and includes but is not limited to the installation of required improvements and the disturbance of land related to the construction of a structure; installation of appurtenant utilities and access from the existing or proposed public right-of-way.

Disturbed Area - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Division - the first division of a parcel or tract of land into not more than two parts or lots subsequent to March 6, 1948. *Also see "Subdivision" and "Resubdivision"*

Drainage - The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Driveway - A paved or unpaved way providing access from a street to a parcel or lot.

Elevation - The height of a point above mean sea level based on the U.S. Coastal & Geodetic survey datum.

Easement - A right of use for a specific purpose or purposes which one person or agency may have of a designated portion of land of another.

Engineer - A professional engineer as defined in CGS 20-299, licensed in the State of Connecticut, properly qualified to perform the relevant task.

Erosion - The wearing away of the surface of the land by the action of wind, water, ice, and/or gravity.

Erosion, Accelerated - Any increase over the rate of natural erosion as a result of a change in the natural cover or topography due to any activity or use of the land, including development.

Erosion and Sediment Control Manual - The “Connecticut Guidelines for Soil Erosion and Sediment Control” (2002), as amended.

FEMA - The Federal Emergency Management Agency.

Final Approval - The approval of the Final Plan by the Commission under the provisions of CGS Chapter 126 (CGS 8-18 et seq.), as amended.

Financial Guarantee - A financial obligation and commitment acceptable in amount, form and substance to the Town for the purpose of ensuring that improvements or obligations required by these Regulations or to be provided by the applicant will be completed.

Flood Plain - That area designated as subject to periodic flooding by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (a “one-hundred-year-flood”), consisting of the floodway and the floodway fringe of the one-hundred-year flood as shown on the Flood Boundary and Floodway Maps in the Flood Insurance Study, as amended, prepared by the Federal Emergency Management Agency.

Frontage - The boundary of a lot abutting and having permitted vehicular access to an accepted public street or an approved street consistent with these Regulations.

Grading - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition which results in a change of contour or elevation, either permanent or temporary.

Section 2.03

INTERPRETATION

DEFINED TERMS

Health Officer - The person or persons responsible for enforcement of the Public Health Code of the State of Connecticut within the Town of Easton or his/her duly authorized representative.

Highway - See “Street”.

Historic Trail - An area 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).

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

Lot - A plot or parcel of land:

- occupied, or capable of being occupied, by one (1) principal building and accessory buildings as allowed under the Zoning Regulations, and/or
- a unit of land created from a larger tract of land for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes.

Open Space – Land set aside through ownership by a public entity or private conservation organization and/or easement, generally in perpetuity, for conservation, recreation, park, play area, agriculture, and/or similar uses.

Owner - The person shown by the land records of the Town of Easton to be the holder of the fee title.

Parcel - The land contained within one continuous property line or a larger tract of land that is to be divided to create smaller lots.

Plan - The plan for a subdivision referred to in CGS Section 8-25 and 8-26, as amended, and prepared in accordance with the requirements of these Regulations.

Plan, Preliminary - A tentative plan for a subdivision, submitted to the Commission for advice and recommendations only, and prepared in accordance with the requirements of these Regulations.

Plan of Conservation and Development - A comprehensive plan for the future growth, protection and development of the Town of Easton adopted by the Planning and Zoning Commission in accordance with CGS Section 8-23.

Preliminary Plan - See “Plan, Preliminary”.

Recreation Area - Land dedicated for recreation, park, or playground purposes.

Regulations - The Subdivision Regulations of the Town of Easton, unless otherwise specified.

Reserve Strip - A privately-owned strip of land within a subdivision which could prevent, limit, or control access from land outside the subdivision to a street within or adjacent to the subdivision.

Resubdivision – As per CGS Section 8-18, a change in a map of an approved or recorded subdivision or resubdivision (*See “Subdivision”*) if such change:

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

Right-Of-Way - In the case of a proposed subdivision, all of that land:

- Included between recognized existing street lines, or
- Included between proposed street lines shown on the proposed subdivision plan which is to be dedicated by deed to the Town of Easton for use of the general public as a street or highway, or
- 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.

Sediment - Detached soil particles resulting from erosion that are transported and ultimately deposited.

Slope - An inclined surface, typically expressed as a percent, representing the number of feet of vertical rise over a horizontal distance.

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

Soil Erosion and Sediment Control Plan - A plan that is proposed to be implemented in order to minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Soil Scientist - A person who is qualified as a soil scientist in accordance with applicable standards.

Solar Energy Techniques - Site design techniques which:

- maximize solar heat gain, minimize heat loss and/or provide thermal storage within a building during the heating season, and/or
- minimize heat gain and provide for natural ventilation during the cooling season.

Special Flood Hazard Area –The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year including, but not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a Flood Insurance Rate Map (sometimes referred to as a 100-year flood).

State – The State of Connecticut.

Street - The entire right-of-way, either existing or proposed by the subdivider (including highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys, or other arteries of vehicular traffic, but not private driveways) which is or will be permanently dedicated to movement of vehicles and pedestrians, for the purpose of public travel, and providing the principal means of access to abutting property and which is:

- a State highway;
- a Town street;
- a private street; or
- a street shown on a subdivision plan approved by the Commission.

Street, Accepted - Any street which has become a public highway by virtue of official acceptance by the Town of Easton.

Street, Approved - Any street whose location has been approved by official action of the Commission.

Street, Dead End - A street having only one intersection with another street or only one (1) vehicular outlet, whose primary function is to provide access to abutting property.

Dead End Street, Permanent - A dead end street not designed to be extended into adjoining undeveloped land.

Dead End Street, Temporary - A dead end street designed to be extended into adjoining undeveloped land.

Street, Private - A street which is not a State highway or an accepted street. This includes all common ownership accessways serving 3 or more lots.

Street, Town – See “*Street, Accepted*”.

Street-Line - The line separating the street right-of-way and adjoining lots or parcels.

Street Right-Of-Way - That area of land between private properties over which a Town street and its appurtenances has been built or that area reserved for the construction of a Town street and its appurtenances.

Street Width - The distance between property lines measured at right angles to the direction of the centerline of the street.

Subdivider - The individual, partnership, corporation, limited liability company, or other legal entity or their successor which has assumed responsibility for the subdivision for the purpose of sale or building development and for the construction of all improvements.

Subdivision – As defined in CGS Section 8-18, the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (March 6, 1948) for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The word “subdivision” shall include resubdivision. *See “Resubdivision”.*

Surveyor - A land surveyor as defined in CGS 20-299, licensed in the State of Connecticut, qualified to practice the profession of land surveying.

Subdivision Map - That part of a subdivision (or resubdivision) plan which show the title and boundaries of the subdivision, the layout of lots and streets, easements, rights-of-way, open space areas, wetlands, required notations, and other details specified by the Commission and which is intended to be recorded or filed in the office of the Town Clerk as the record map.

Town - The Town of Easton, Connecticut, acting at a town meeting or through the Board of Selectmen or other duly authorized representative.

Travelway - That portion of the surface of the street intended to be used by vehicular traffic.

Turnaround - The area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction without having to back up.

Section 2.03

INTERPRETATION

DEFINED TERMS

Watercourses - As defined in CGS Section 22a-38 as may be amended.

From CGS Section 22a-38 (2023):

(16) "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive.

Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation;

Wetlands - As defined in CGS Section 22a-38 as may be amended.

From CGS Section 22a-38 (2023):

(15) "Wetlands" means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;

Zoning Regulations - The Zoning Regulations of the Town of Easton in effect at the time of submission of an application for subdivision or resubdivision.

3.00 PARCEL AND LOT REQUIREMENTS

3.01 LAND SUITABILITY

1. 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.
2. Land which the Commission finds to be unsuitable in its present condition for building purposes because of periodic flooding, inadequate drainage, slopes (such as those in excess of twenty-five percent (25%), or other unsuitable conditions which might result in a threat to the public health, safety or welfare shall not be approved as a building lot unless adequate provisions are made by the applicant to mitigate the unsuitable conditions in a manner satisfactory to the Commission.
3. Subdivision of land which the Commission finds will result in adverse effects on the environment and/or the quality of surface water or groundwater shall not be approved unless adequate provisions are made by the applicant to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

3.02 PROTECTION OF IMPORTANT FEATURES

1. All subdivisions shall be designed and arranged and provision shall be made to:
 - a. Preserve and enhance existing natural features and resources;
 - b. Preserve and enhance scenic features, trees with 24 inch or greater DBH, and similar community resources and assets of a community nature;
 - c. Preserve and enhance archeological sites, historic sites, and similar cultural resources; and
2. Effort shall be made to locate streets, building lots, and open space in a manner that is in harmony with the landscape and results in a minimal disturbance to the natural terrain and vegetation.
3. With regard to the layout of streets and the siting of driveways, the applicant shall give special consideration to the preservation of trees having a DBH of 24 inches or larger located within twenty (20) feet of any street right-of-way and the Commission may require notes to this effect be placed on the drawings.
4. During the review process, the Commission may require:
 - a. The preservation or enhancement of features identified in Section 3.02, and/or
 - b. The submission of additional information that demonstrates the applicant's proposals (such as a conservation restriction and/or the deeding of open space) for protecting the types of resource(s) identified in Section 3.02.

Section 3.03

PARCEL AND LOT REQUIREMENTS

FLOOD PROTECTION

3.03 FLOOD PROTECTION

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. When a subdivision is proposed for land in a Special Flood Hazard Area, the Commission shall require written confirmation from a professional engineer that public utilities and facilities such as sewage disposal systems, water supply systems, electrical supply lines, and other utility service are located and constructed to minimize flood damage.
3. Any proposed subdivision involving any land within a Special Flood Hazard Area shall:
 - a. Be designed and constructed to have adequate drainage provided to reduce exposure to flood hazards; and
 - b. Require that the applicant provide base flood elevation (BFE) data for the subdivision proposal
 - c. Provide assurances that the flood-carrying capacity is maintained within any altered Special Flood Hazard Area using base flood elevation (BFE) data, except that, 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 the subdivision proposal in accordance with FEMA requirements.
4. In Special Flood Hazard Areas, proper provisions shall be made for protective flood control measures including, but not limited to, the following:
 - a. Water supply and sewage disposal systems shall be designed and located so as to avoid impairment or contamination from flooding, erosion or related circumstances.
 - b. Gas, electrical equipment, and transmission lines shall be located and constructed to minimize or eliminate flood damage.
 - c. Storm drainage systems shall be designed to reduce exposure to flood hazards;
 - d. Streets shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions;
 - e. Streets, drainage and other improvements shall be safe from flood damage;
 - f. Public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages;
 - g. All utilities and similar services shall be located and constructed to minimize or eliminate flood damage.

3.04 LOT LAYOUT

1. A subdivision and any and all lots in proposed subdivisions shall conform in all respects to the requirements of the Zoning Regulations in terms of lot size, frontage, lot access, and other requirements.
2. Insofar as practical, lot lines shall be laid out:
 - a. Such that side lot lines shall be at right angles to the street or highway and radial to curves, unless a variation from this provision would result in a better street or lot layout; and
 - b. So as not to cross municipal boundary lines.
3. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
 - a. Securing permits to develop the lot in compliance with applicable regulations, codes, and ordinances;
 - b. Occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public;
 - c. Providing safe and convenient access to principal buildings on such lot;
 - d. Receiving emergency and regular Town services, and
 - e. Providing for grading and drainage without adversely affecting abutting or downhill or downstream properties.
4. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
 - a. Does not meet the minimum zoning requirements;
 - b. Is found unsuitable for occupancy or building by reason of lack of provision for sewage disposal, lack of adequate water supply, topography, water, flooding, or other conditions; or
 - c. Does not conform to the requirements of these or other applicable codes and regulations.
5. No parcel of land shall be created with the notation “not an approved building lot.”
6. Unless designated and preserved in perpetuity for open space, municipal, conservation, or agricultural purposes or for the future construction, extension, or widening of streets, no parcel, reserve strip, or any other remnant of land unsuitable for building shall be left in any subdivision.
7. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property or would landlock an adjacent property unless the control of such land or building lot is placed within the jurisdiction of the abutter, the Town, or other entity acceptable to the Commission under conditions approved by the Commission.

Section 3.05

PARCEL AND LOT REQUIREMENTS

RESERVATION OF OPEN SPACE

3.05 RESERVATION OF OPEN SPACE

1. Unless modified by the Commission in accordance with other provisions of these Regulations, every subdivision shall provide for the reservation of open space as authorized by CGS Section 8-25 in order to provide for:
 - a. Protection of wetlands or watercourses and the buffering of the same;
 - b. Passive uses and habitat protection which may be enhanced by keeping land in its undisturbed or "natural" state;
 - c. Preservation of outstanding natural or historical features and the like;
 - d. Preservation of agricultural land;
 - e. Active recreation including parks and playgrounds which shall be suitable and conveniently accessible for their intended use; and/or
 - f. Implementation of the open space and other recommendations in the Plan of Conservation and Development.

2. This open space requirement may, with approval of the Commission, be met through:
 - a. Deeding of land within the subdivision in accordance with Section 3.05.5;
 - b. Deeding of land elsewhere in the Town of Easton in accordance with Section 3.05.5;
 - c. A fee-in-lieu-of-open-space donation in accordance with Section 3.05.6;
 - d. Deeding of land and a fee-in-lieu-of-open-space-donation in accordance with Section 3.05.5 and Section 3.05.6; or
 - e. Some other arrangement that shall be found by the Commission to be acceptable (such as a trail easement, a conservation restriction, or similar proposal).

3. If the applicant proposes a fee-in-lieu-of-open-space donation or other open space arrangement which does not involve land within the subdivision, the applicant shall still be required to submit a map showing where the open space land could be located within the subdivision if the fee-in-lieu-of-open-space donation or other open space arrangement were not to be accepted by the Commission.

4. The Commission may solicit comments from the Conservation Commission / Inland Wetlands Agency, the Park and Recreation Commission, the Board of Selectmen, local land trusts, the State of Connecticut, or any other person or entity regarding the location of the proposed open space, alternative areas on the parcel for open space reservation, and/or the best method of preserving open space as part of the subdivision.

5. Deeding of Land

- a. Where the open space requirement shall be met through the deeding of land, at least fifteen percent (15%) of the total area of the subdivision shall be set aside for open space.
- b. Such open space:
 - i. Shall have a ratio of proposed Open Space classified as Inland Wetlands to the total area of Open Space equal to or smaller 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; and
 - ii. Shall be shown on the subdivision plan or on another suitable map if located elsewhere in the Town of Easton.
- c. In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
 - i. Recommendations in the Plan of Conservation and Development;
 - ii. The presence or absence of any existing open spaces in the area;
 - iii. The opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system;
 - iv. The opportunity to preserve or protect significant natural features; and
 - v. Comments from Town departments or other agencies or persons regarding need, resources, connection to the open space system of the Town, and preferred ownership.
- d. When a subdivision abuts an existing open space area, the Commission may require that the lot lines of the land to be dedicated form a continuation of the existing open space to provide a single, unified area.
- e. The applicant shall designate which entity is, or entities are, proposed to own the open space to ensure its permanent protection as provided in these Regulations. The following is the order of preference for evaluating the ownership of open space:
 - i. The Town of Easton.
 - ii. A non-profit organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes (such as a Land Trust).
 - iii. A neighborhood association reviewed and approved by the Commission.
- f. Such open spaces shall be deeded in perpetuity except that any open spaces deeded to a private organization or to a private association shall provide in such deed that ownership shall revert to the Town or other conservation organization for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership.
- g. If an applicant transfers land to the Town for municipal purposes, such transfer may be considered by the Commission as a credit toward any open space requirements.
- h. The Commission may require that any open space land have direct access to a Town street or a State highway through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- i. Open space areas shall not be used as a depository for brush, stumps, earth, building materials, or debris.

Section 3.05

PARCEL AND LOT REQUIREMENTS

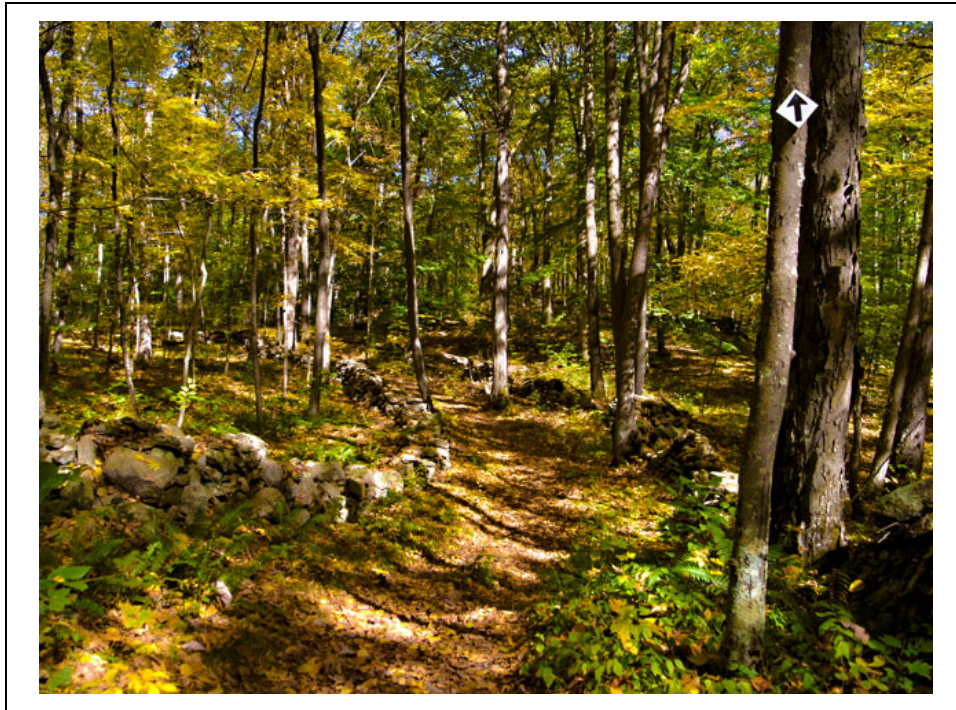
RESERVATION OF OPEN SPACE

6. Fees in Lieu of Open Space

- a. As provided in CGS Section 8-25, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town or other approved entity in lieu of the requirement to provide land as open space.
- b. The Commission may also request the applicant pay a fee to the Town or pay a fee to the Town and transfer land to the Town or other approved entity in lieu of the requirement to provide open space where deeding of land as open space will not meet the purposes of this Section 3.05.
- c. If payment of such a fee is proposed by the applicant, the Commission may refuse such fee if it determines, in its sole discretion, that there are areas within the parcel which merit preservation by one of the methods set forth in these Regulations.
- d. Payments generated under the provisions of this section shall be placed in a designated fund account to be utilized for the purposes of preserving dedicated open space, acquisition of new public open space, for recreational or agricultural purposes or improvement of existing open space dedicated to the Town.
- e. Payments or combination of both payment and land shall be equal to ten percent (10%) of the fair market value of the total land area prior to subdivision.
- f. The applicant and the Commission may agree to one of the following methods for determining the fair market value of the total land area prior to subdivision:
 - i. Utilize the estimated market value as determined by the Town Assessor without considering any use value assessment programs (such as “farm”, “forest” or other assessments under the PA-490 program); or
 - ii. By a licensed appraiser jointly approved by the Commission and the applicant (the cost of any such appraisal shall be the responsibility of the applicant) and the appraisal made part of the record.
- g. The applicant and the Commission may agree to one of the following methods for payment of the fee in lieu of open space:
 - i. The total amount of the fee in lieu of open space payment shall be provided to the Town in the form of a cashier’s check prior to the release of the subdivision mylar signed by the Chairman of the Commission with the express provision that such cashier’s check shall be held in escrow by the Town and shall not be cashed or deposited by the Town until the subdivision mylars have been filed on the land records.
 - ii. The fee-in-lieu of open space payment may be made on a pro-rata basis upon sale of each lot in the subdivision provided the applicant places a note on each lot on the subdivision map to be filed on the land records stating that such lot cannot be built on or sold until the pro rata payment has been made to the Town and a release has been granted by the Commission.
- h. In cases where there is a combination of both payment and deeding of land, the transfer of land shall occur when the public improvements are accepted by the Town of Easton. If there are no other public improvements, the deed for the land shall be transferred at the time the subdivision plans are filed.

7. **Modification of Open Space Reservation** - The open space requirements of this section shall not apply if:
- a. The transfer of all land in the subdivision of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin of the applicant for no consideration provided that this exemption shall be noted on the subdivision map to be filed on the land records along with a notice stating that each of the lots subject to the exemption shall be liable for its proportional share of the 10% pre-subdivision fair market appraisal at the time of the sale or transfer of that lot if such a sale or transfer occurs within five (5) years of the original subdivision approval to a person not exempt under this subsection.
 - b. The subdivision is to contain affordable housing, as defined in CGS Section 8-39a, equal to twenty percent (20%) or more of the total number of housing units to be constructed in such subdivision.

Open Space



Section 3.06

PARCEL AND LOT REQUIREMENTS

SOLAR ACCESS

3.06 SOLAR ACCESS

1. In order to encourage energy-efficient patterns of development and the use of solar and other renewable forms of energy, the applicant shall demonstrate to the satisfaction of the Commission that due consideration has been given in designing the subdivision to maximize the utilization of solar energy, as evidenced by:
 - a. The layout of the subdivision, and
 - b. A written Statement on Utilization of Solar Energy on a form provided by the Commission.
2. Since orientation of streets affects the degree to which solar energy can be utilized by the residences in any subdivision, applicants must present evidence that solar energy utilization has been considered in preparing the street layout.

3.07 SOIL EROSION AND SEDIMENT CONTROL

1. An erosion and sedimentation control plan shall be submitted with any subdivision application.
2. Such plan shall demonstrate adherence to the erosion and sedimentation control standards set forth in the:
 - c. Town of Easton Zoning Regulations;
 - d. "Connecticut Guidelines for Soil Erosion and Sediment Control (2002)", as amended; and
 - e. "Connecticut Stormwater Quality Manual (2004)", as amended.
3. Such plan shall demonstrate proper provision to:
 - a. Minimize and adequately control accelerated erosion and sedimentation during construction;
 - b. Result in a stabilized development protected from erosion when completed; and
 - c. Utilize the best available technology for erosion and sedimentation control.

4.00 INFRASTRUCTURE REQUIREMENTS

4.01 STREETS

1. Overall Layout

- a. Streets and highways proposed as part of the subdivision shall:
 - i. Be in harmony with existing public streets or highways within the Town of Easton and/or proposed streets and highways shown in the Plan of Conservation and Development adopted by the Commission, and
 - ii. Be designed to provide adequate and convenient system for present and prospective traffic needs and for continuation onto adjoining properties when subdivided.
- b. Proposed streets shall connect to:
 - i. An existing State highway within the Town of Easton; or
 - ii. An existing Town street within the Town of Easton; or
 - iii. A proposed Town street within the Town of Easton which has been approved by the Commission and for which a financial guarantee is on file with the Town in accordance with these Regulations.
- c. In general, proposed streets shall be designed to follow the contour of the land with consideration given to preserving natural features and other important resources as identified in Section 3.01 and Section 3.02 of these Regulations.
- d. Street layouts shall be made to avoid or minimize the following:
 - i. cuts and fills which will cause soil erosion and tree removal;
 - ii. encroachment upon or relocation of natural watercourses;
 - iii. removal of large isolated trees.
- e. Streets shall be designed to avoid long straight segments which encourage speeding or detract from the general appearance of the subdivision.
- f. All streets within a subdivision shall be completed at the same time in order to service all improved lots except that a subdivision may be developed in sections or phases with separate financial guarantees and/or approval types provided:
 - i. Such sections or phases shall have been shown on the plan; and
 - ii. The concept of phasing and the arrangement of the phases shall have been approved by the Commission.

2. Improvement Of Existing Streets - Where a subdivision is proposed which has frontage on an existing State highway or an existing Town street where said existing street does not meet the right-of-way requirements of these Regulations, does not meet the appropriate street requirements or design standards, or has a dangerous condition, the Commission:

- a. Shall require that the applicant dedicate land to the Town along the frontage of the subdivision owned or controlled by the applicant so that at least 25 feet of right-of-way measured from the centerline of the existing traveled portion of the street (and any appurtenant slope or other easements) shall result; and
- b. May require that the applicant evaluate and determine the improvements required to address the street deficiency or resolve a dangerous condition.

Section 4.01

INFRASTRUCTURE REQUIREMENTS

STREETS

Subdivision Regulations – Effective October 1, 2023

3. Town Street Standards

- a. Any and all new streets required to provide access and frontage for new lots within a proposed subdivision shall be laid out, and the streets designed and constructed so as to conform with all applicable provisions of these regulations and with other applicable regulation.

STREET DESIGN GUIDELINES

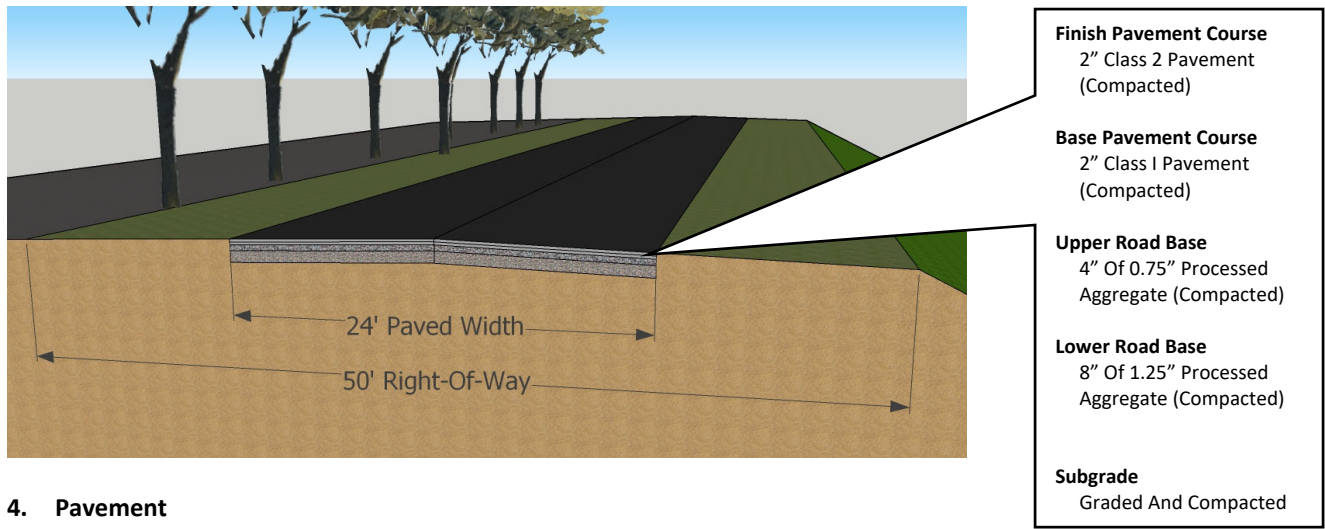
Design Element	Local (Permanent Dead End)	Local	Collector
Design speed (miles per hour)	25	30	35
Right-of-way width (feet)	50	50	50
Pavement width (feet) (see Note #1 below)	24	26	30
Stopping sight distance (feet)	175	230	290
Intersection sight distance (feet)	280	335	510
Minimum Grade (%)	1	1	1
Maximum Grade (%)	10	10	8
Maximum Approach Grade (%) (within 75' of Centerline of Intersecting Road)	3	3	3
Minimum Cross Slope (%)	2	2	2
Minimum horizontal curve radius (feet) (normal crown maintained)	195	325	495
Minimum Crest Vertical Curve (K-value)	15	25	39
Minimum Sag Vertical Curve (K-value)	31	44	60
Minimum curb radius (feet) at intersections	35	35	35
Minimum intersection approach tangent (feet)	30	30	50
Minimum curve separation tangent (feet)	50	50	100

For additional information, see the Connecticut Department of Transportation Highway Design Manual.¹¹

Note #1 When an existing street is extended, and its pavement width does not comply with the above, the existing width shall be continued on the extension except when the Commission determines otherwise. In making its determination, the Commission shall consider:

- the risk of vehicular accidents associated with changes in paved width;
- the length of the proposed extension;
- the projected future classification of the street;
- layout and topography; and
- scenic road designations.

- b. The travelway shall be centered within the road right-of-way.



4. Pavement

- a. Width as specified by Regulations (24 feet shown)
- b. 2" Class 2 Pavement for a finish course (compacted)
- c. 2" Class I pavement for a base course (compacted)
- d. 4" of 0.75" processed aggregate (compacted)
- e. 10" (14" in Rock Cut) of 1.25" processed aggregate (compacted) or 14" (16" in Rock Cut) of select bank run gravel (compacted)
- f. Graded and compacted subgrade
- g. All materials and construction shall conform to the CTDOT Form 818, as may be amended

5. Curbing

- a. Curbing will not generally be required in order to promote storm drainage in accordance with Section 4.07 of these Regulations (including sheet flow and infiltration).
- b. In order to prevent erosion, curbing may be required by the Director of Public Works and/or the Commission in areas of steeper road grades and/or erodible soils.

6. Side Slopes

- c. Side slope grade to be applied at edge of right-of-way (street-line)
- d. Side slopes shall be designed to assure adequate stabilization and shall not be steeper than one-foot (1 foot) vertical to two feet (2 feet) horizontal in earth and in ledge 6 feet vertical and 1 foot horizontal.
- e. Side slope to meet approval of the Director of Public Works

7. Slope Rights and Easements

- a. All necessary slope rights and easements shall be acquired by the applicant and dedicated to the Town and any exceptions:
 - i. Shall only be under extenuating circumstances; and
 - ii. Shall be specifically approved by the Commission.

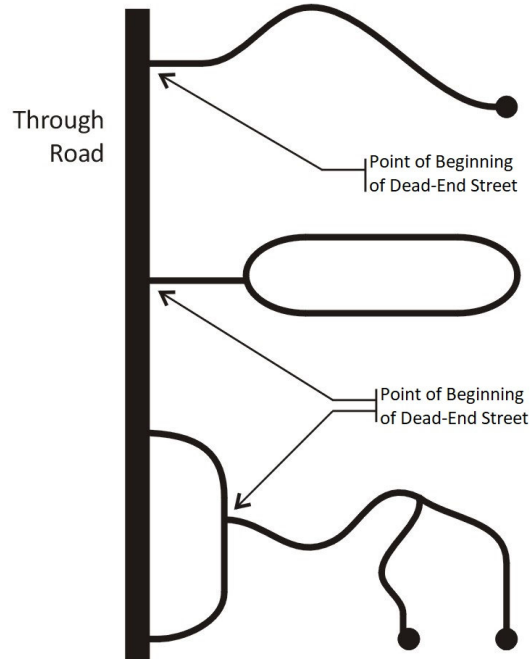
8. Intersection Design

- a. The centerline of a proposed subdivision street intersecting an existing street or highway shall be offset:
 - i. At least 450 feet along such existing street or highway from the intersecting centerline of any other existing street intersecting on the same side, and
 - ii. At least 200 feet along such existing street or highway from the intersecting centerline of any other existing street intersecting on the opposite side unless they intersect at the same point.
- b. No more than two streets shall intersect at a given point.
- c. Proposed streets shall intersect other streets so that the centerline of the proposed street shall be a straight line for a distance of at least 100 feet from the intersecting street-lines unless otherwise approved by the Commission on the recommendation of the Director of Public Works.
- d. Intersections between adjoining street lines should be laid out with an angle of approximately 90 degrees, and never less than 60 degrees.
- e. Multiple streets intersecting at one location shall generally be avoided and, except when the Commission finds conditions are present which justify a variation from these requirements, the centerlines of intersecting streets shall be spaced far enough apart to avoid conflicting movements or unsafe situations.
- f. Proposed streets shall intersect other streets such that the slope of the travelway on the proposed street shall not exceed two (2) percent within fifty (50) feet of the intersection unless otherwise approved by the Commission on the recommendation of the Director of Public Works.
- g. Street lines at intersections shall be connected by a curve having a minimum radius of 25 feet.
- h. Clear visibility at any proposed intersection shall be provided from a driver's eye (located at a height of 3.5 feet above the surface of the proposed street and a location fifteen feet (15 feet) back from the edge of the travelway of the intersected street) for at least the minimum required intersection sight distance along the centerline except the Commission may require that an applicant demonstrate that this will result in unobstructed view along both directions of the intersected street that is in conformance with current CTDOT standards for the 85th percentile speed for:
 - i. The "minimum" sight distance.
 - ii. The "desirable" sight distance.
 - iii. Such sight distance shall not be impaired by curvature or slope, except in extreme conditions, in which case adequate alternative safety measures shall be designated.

9. Dead-End Streets

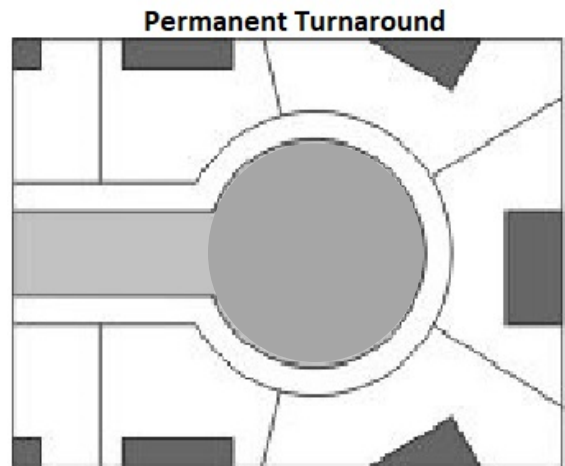
- a. Permanent dead-end streets are discouraged in favor of connecting streets and closed loop streets which are more compatible with the Town's rural atmosphere, enhance the circulation of traffic, and facilitate street maintenance.
- b. If the Commission allows development of a permanent dead-end street, there shall be a minimum of two and a maximum of ten existing and/or proposed building lots in which the principal access is from the dead-end street.
- c. A greater number of lots may be permitted on a permanent dead-end street by the Commission, in its sole discretion, if in doing so there would be substantial reduction in environmental impacts from construction, provided the maximum proposed and/or existing lots shall not exceed 16.

Determining Beginning of Dead-End Street



10. Design of Permanent Turnaround

- a. In the event a permanent dead-end street is allowed, it shall terminate in a turnaround with:
 - i. A right-of-way that is at least 120 feet in diameter (60 feet in radius), and
 - ii. A paved travelway having an outside diameter of 100 feet (50 feet in radius).
- b. The turnaround shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
- c. The Commission may require that a pedestrian easement of appropriate width be provided from the terminus to the abutting property line(s).



Section 4.01

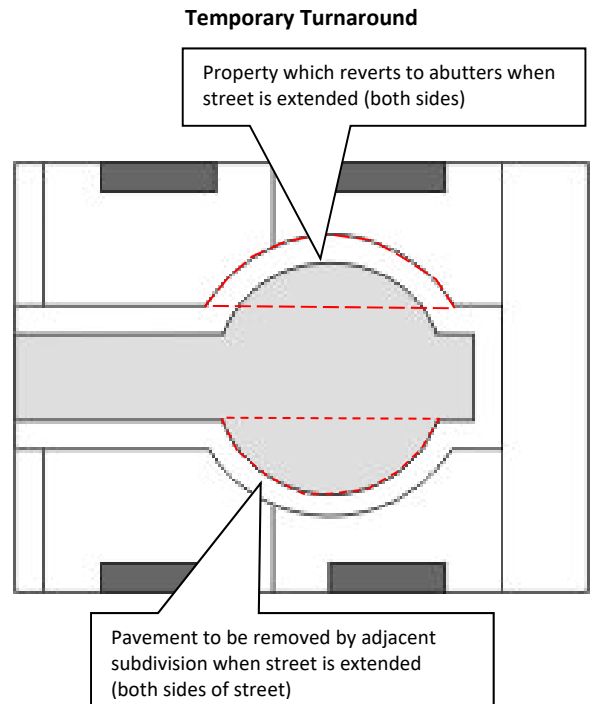
INFRASTRUCTURE REQUIREMENTS

STREETS

Subdivision Regulations – Effective October 1, 2023

11. Temporary Dead-End Streets and Provisions for Street Extensions

- a. 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 designated as a temporary dead-end street and extended to a boundary line of the tract.
- b. No privately-owned reserve strips shall be left at the end or side of such a street where it abuts the adjoining property.
- c. When any such required connection is an extension or continuation of a proposed street, the proposed subdivision street shall:
 - i. Have the full width of the right-of-way extended to the property line of the subdivision plus any grading rights required for the future street;
 - ii. Have the area of a temporary turnaround brought as close to the boundary as is practical,
 - iii. Have a temporary turnaround provided with a right-of-way that is at least 120 feet in diameter (60 feet in radius), and a paved travelway having an outside diameter of 100 feet (50 feet in radius),
 - iv. Have a travelway spur extending 10 feet from the turnaround area toward the undeveloped land, and
 - v. Have temporary easements provided to the Town, where such easements shall automatically terminate when the street is extended, outside the standard right-of-way for:
 - a. The temporary turnaround area; and
 - b. Grading associated with the future street extension.
- d. If the proposed access to abutting property is not an extension or continuation of a proposed street (such as being perpendicular to a proposed street), the applicant shall:
 - i. Build the public street if it is used for frontage for any lot in the subdivision;
 - ii. Otherwise, have the future street area graded with all slopes made necessary by such street prepared and stabilized; and
 - iii. Deed such land to the Town as undeveloped acreage.
- e. The future developer of the adjoining land shall be responsible for:
 - i. Preparing drawings showing and including all work required to extend, connect and complete the utilities and other improvements between the existing street and the proposed subdivision; and
 - ii. Removing all segments of any temporary turnaround or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the street is extended.



12. Street Names

- a. Proposed street names shall be indicated on the subdivision plan and shall be subject to approval by the Commission.
- b. First names, proper names (both first and last), names that duplicate names of existing streets, and names that have a phonetic, spelling, or pronunciation resemblance to existing street names will generally not be approved by the Commission.

13. Street Signs and Traffic Controls

- a. Prior to the issuance of any certificate of occupancy within the subdivision, Town acceptance of a Town street, or final release of a financial guarantee related to street construction, the applicant shall provide and install at the applicant's sole cost and expense:
 - i. Traffic control devices and signs in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices and as approved by the Local Traffic Authority; and
 - ii. Suitable permanent street name signs at all street intersections in accordance with Town standards.
- b. During street construction and prior to the issuance of any building permit, temporary street name signs and suitable traffic control devices of a durable, weatherproof material shall be installed by the applicant at street intersections if required by the Director of Public Works.

14. Other Requirements

- a. During construction:
 - i. Clearing and Grubbing shall be complete for the full width of the pavement.
 - ii. All soft spots, peat, organic material, soft clay, spongy soil, boulders and other unsuitable material shall be removed and replaced by material approved by the Director of Public Works.
 - iii. The subgrade shall be rolled with a ten-ton roller before placing the base course to the satisfaction of the Director of Public Works and shall include at least four full passes of the roller.
- b. Monuments and markers shall be laid out and established in accordance with Section 7.06.
- c. The roadside shall be designed to ensure the safety of the travelling public whenever a street is constructed with a hazardous condition adjacent to the street right-of-way, the need for guide rails shall be addressed in accordance with the State of Connecticut Department of Transportation Highway Design Manual, Chapter 13, and the American Association of State Highway and Transportation Officials Roadside Design Guide.

Section 4.03

INFRASTRUCTURE REQUIREMENTS

DRIVEWAYS

4.03 DRIVEWAYS

1. The Commission shall not approve any subdivision if it has not been demonstrated by the applicant that the location, dimensions, and construction of any driveway shall conform with Section 5500 of the Zoning Regulations.
2. Driveway locations shall be shown on the plan to assure proper sight line, proposed slope, drainage, and intersection with the street.
3. The Commission may require a specific driveway location, grade, width, surface, or other design requirement for any lot in order to provide for reasonable access for emergency and other services.

4.04 SEWAGE

1. It is the responsibility of the applicant to supply satisfactory evidence to the Commission and the Director of Health that adequate sewage disposal will be provided for each lot and the Commission shall not approve any lot where insufficient evidence has been provided with regard to sewage disposal to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. If a proposed subdivision includes a lot having an existing residence or habitable structure, the applicant shall submit evidence that the existing disposal system is adequate for the use and occupancy, and that there is a code-complying area having sufficient area and suitable soil conditions.
3. In general, building lots shall be of such size, shape, and arrangement, and proposed houses so located in both plan and elevation, that sanitary sewage will flow by gravity to both the primary and reserve sewage disposal systems.
4. Under unusual site circumstances, a pumped sewage disposal system may be permitted by the Commission provided that the Director of Health has approved the location and construction in accordance with the Public Health Code of the State of Connecticut.

Section 4.05

INFRASTRUCTURE REQUIREMENTS

DOMESTIC WATER SUPPLY

4.05 DOMESTIC WATER SUPPLY

1. It is the responsibility of the applicant to provide a potable water supply to each lot. The Commission shall not approve any lot where evidence suggests there may be inadequate potable water supply to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. Unless written evidence is presented by the applicant showing insufficient capacity or pressure, a public water supply system shall be utilized for a proposed subdivision located partly or entirely within the Residential A District and may be required by the Commission when within a reasonable distance of a proposed subdivision entirely within the Residential B District and:
 - a. All necessary mains on all streets, 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; and
 - b. All water lines and supply connections within the street right-of-way shall be installed prior to the final surfacing of the street unless otherwise approved by the Director of Public Works.
3. 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. In addition, all mains shall be capped at the terminal points and shall be made available for future connections (including any necessary easements from the terminal points to the property lines being granted to the appropriate utility company).
4. In accordance with CGS Section 8-25a, any subdivision using water supplied by a water company incorporated on or after October 1, 1984 shall not be approved unless such company has been issued a certificate pursuant to CGS Section 16-262m.

4.06 FIRE PROTECTION

1. Each subdivision shall include provision for fire protection.
2. In those cases where public water is to be provided within the subdivision, fire hydrants shall be installed at locations approved by the Commission based on the recommendation of the Fire Chief and/or Fire Marshal.
3. In cases where public water is not available, underground cisterns and/or dry hydrants to a pond or other water source may be required in locations designated by the Commission based on the recommendation of the Fire Chief and/or Fire Marshal. With approval of the Commission based on the recommendation of the Fire Chief and/or Fire Marshal, fire ponds may be accepted in lieu of underground cisterns.
4. Cisterns, if required, shall be sized and constructed in accordance with appropriate standards (such as National Fire Protection Association (NFPA) Standard 1231 - Water Supplies for Suburban and Rural Firefighting, as those standards may from time to time be amended or replaced). The Town Engineer, Fire Chief, and/or Fire Marshal shall review and approve proposed cistern size(s), design, and construction specifications.
5. All cisterns shall include the installation of a dry hydrant. The hydrant design shall be approved in accordance with NFPA Standards and by the Town Engineer, Fire Chief, and/or Fire Marshal.
6. Cisterns and/or dry hydrants shall be located in areas which can be easily accessed by emergency personnel. Where possible, they shall be located adjacent to the street right-of-way. The land area containing cisterns and access areas shall be dedicated to the Town by either easement or in-fee at the same time as all other public improvements. Cistern locations shall be approved by the Fire Chief. Design standards for access areas shall be approved by the Town Engineer, Fire Chief, and/or Fire Marshal. All easements and deed restrictions shall be subject to review and approval by the Town Attorney.
7. The Commission may require the installation of landscape plants or other objects or materials to screen pipes, access drives, or other structures associated with the installation of cisterns.

Section 4.07

INFRASTRUCTURE REQUIREMENTS

STORM DRAINAGE

4.07 STORM DRAINAGE

1. General

- a. The applicant shall be responsible for designing and installing adequate facilities for the control, collection, treatment, conveyance, and acceptable disposal of stormwater, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area in order to:
 - i. Minimize degradation of water resources within the Town of Easton from pollution from non-point source runoff;
 - ii. Mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff;
 - iii. Reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development; and
 - iv. Promote the application of low impact development (LID) strategies for the analysis and design of stormwater treatment systems.
- b. All drainage facilities shall be designed by a professional engineer and shall be subject to review by the Town Engineer and the approval of the Commission.
- c. The Commission may, at the applicant's expense, seek independent evaluation of the proposed drainage design.

2. Overall Drainage Approach

- a. The design and installation of stormwater facilities shall demonstrate best management practices for implementation of "low impact development" and shall be in accordance with Section 6500 of the Zoning Regulations.
- b. Unless modified by the Commission with the approval of the Director of Public Works, storm drainage facilities shall be designed and constructed in accordance with:
 - i. The Connecticut Stormwater Quality (CSQ) Manual,
 - ii. The Connecticut DOT's Drainage Manual, and/or the
 - iii. CTDOT Construction Standards and Specifications, Form 818, as may be amended from time to time.

3. Drainage Principles and Requirements

- a. Drainage facilities shall be laid out so as to avoid and prevent the discharge of water to the Town street, including the right-of-way.
- b. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- c. Drainage shall be designed to avoid concentration of storm water from each lot to adjacent lots.
- d. The design and construction of storm drainage facilities shall:
 - i. Be adequate for present and potential future uses based upon the maximum ultimate development of the upstream watershed as permitted under existing Zoning Regulations;
 - ii. Not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures; and
 - iii. Make proper provision for drainage from development of adjacent properties.
- e. If storm drainage structures and facilities on existing streets are to be used to accommodate stormwater drainage from the new subdivision, the subdivider shall demonstrate that such facilities, as existing or as will be improved, will be adequate for the disposal of storm water originating from the entire watershed or tributary watershed of the proposed subdivision, assuming full development of the lands within the watershed area excluding those expressly designated as open space.
- f. Where a proposed storm drainage system is to be connected in any manner with a State drainage system, the applicant shall provide written evidence of approval by the State.

4. Drainage Design Parameters

- a. All drainage design formulas and analyses shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated as part of the application.
- b. The following information shall be submitted to the Commission:
 - i. Plan showing the catchment areas for each structure/facility; and
 - ii. Calculations showing the design criteria used to determine the size and other parameters for each structure/facility.
- c. Rainfall intensities used for storm drainage design shall be taken from the NOAA ATLAS 14 per CTDOT Drainage Manual.
- d. Drainage structures/facilities shall be designed to accommodate the following storm frequency assuming full development of the site:
 - i. A 10-year storm for streets within the subdivision (with special attention given to low points along the streets);
 - ii. A 25-year storm for detention/retention on individual lots; and
 - iii. A 50-year storm frequency for culverts, bridges over watercourses, and detention/retention basins which serve the subdivision as a whole.
- e. The drainage system shall be designed so that surface water is not carried across or around any intersection.

Section 4.07

INFRASTRUCTURE REQUIREMENTS

STORM DRAINAGE

5. Drainage Facilities

- a. Within the street right-of-way, long diagonal drainage crossings under the pavement that can cause differential street settling shall be avoided.
- b. Where a development connects to existing streets, the applicant shall provide appropriate drainage at the intersections.
- c. Easements for drainage facilities shall be:
 - i. Perpetual, unobstructed drainage easements;
 - ii. As wide as necessary for the maintenance and replacement of the facility, but at least 20 feet wide;
 - iii. Centered on the drainage structure/facility and, where possible, adjacent and parallel to property lines; and
 - iv. Deeded to the Town of Easton if the drainage facilities serve a Town street and deeded to a property owners association if the drainage facilities serve a private street.
- d. Where it is necessary to discharge storm water across private property not included in the subdivision, the applicant shall obtain, in writing, permanent drainage rights in favor of the Town for flows across such properties. If the system is to be accepted by the Town, the rights for the Town to enter and maintain existing or proposed facilities shall be included. The applicant shall submit copies of all agreements to the Commission as part of the subdivision application. Such drainage easements shall be shown on the subdivision plan and filed on the land records.
- e. The Director of Public Works shall approve the location and design of any drainage structures/facilities proposed.
- f. Unless modified by the Commission based on a recommendation of the Director of Public Works, the minimum pipe size for all storm drain systems constructed under these Regulations shall be 15-inch inside diameter.
- g. The material for all storm drain systems constructed under these Regulations shall be reinforced concrete, except that the Director of Public Works may allow the use of High Density Polyethylene (HDPE) in appropriate circumstances when not located on existing or future Town streets.
- h. Unless modified by the Town Engineer, a minimum cover of two (2) feet shall be provided for all storm drains.
- i. Proper bedding, grading, and cover shall be provided around and for all drainage structures in accordance with CT DOT Form 818, as may be amended.

6. Drainage Outlets and Channels

- a. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse. No storm drain system shall discharge into a natural watercourse, without the approval of the Conservation Commission. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse. Appropriate outlet protection shall be provided in accordance with the CT DOT Drainage Manual, as may be amended, or other standard acceptable to the Town Engineer
- b. A detention basin may be required by the Commission to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
- c. When drainage outlets or channels are required by the Commission for drainage purposes, the applicant shall provide the Town with a plan and any required rights-of-way for long-term maintenance.

4.08 WIRE UTILITIES

1. New electric power, telephone, television, cable communications, and other utility wires shall be installed underground unless the Commission determines, based on a written report submitted by the applicant and reviewed by the Director of Public Works, that such underground installation is unnecessary, inappropriate or infeasible for all or a part of the subdivision or resubdivision.
2. Wire utilities shall be installed in proposed and existing streets as specified by the appropriate utility company and such installation shall be subject to the inspection and acceptance of such company and the Director of Public Works.
3. All pipes and conduits for wire utilities shall be installed:
 - a. In separate conduits for each utility,
 - b. In an easement adjacent to the right-of-way or, with approval by the Commission due to extenuating circumstances, in the right-of-way and outside the paved area wherever possible, and
 - c. Prior to final surfacing of the street.
4. Any wire utility located outside of the right-of-way shall be located in an easement adequate in width (ten feet minimum) to allow for present or future connections or extensions of such utilities and for the maintenance thereof.
5. All wire utilities associated with the subdivision shall be installed at the applicant's expense prior to issuance of a certificate of occupancy and/or, if a Town street, prior to acceptance of the street by the Town.
6. For a Town street, 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) submitted prior to acceptance of the street by the Town.

Section 4.09

INFRASTRUCTURE REQUIREMENTS

STREET TREES

4.09 STREET TREES

1. Provision shall be made within the subdivision for street trees, either through preservation of existing healthy trees or planting of new trees.
2. To provide shade and to enhance the environment, such trees should be located adjacent to the edge of the road right-of-way (located to avoid obstructing intersection sightlines and to not become a hazard to vehicle) 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.
3. The number of trees (either new or minimum 6" DBH existing) on each side of the street shall be determined by dividing the adjacent existing or proposed street length by fifty feet (50'), although such trees may be spaced or grouped differently, as approved by the Commission, in order to create an attractive setting, avoid possible future locations of driveways and utility connections, avoid locations that would impair sight line requirements, and/or avoid wetlands, watercourses, ledge, or other resources.
4. New trees to be planted shall be at least 3 inches in caliper and shall be nursery grown, free from disease, and treated for bark injuries. The specifications for such trees (species, caliper, etc.) shall be clearly shown on the drawings.
5. The size and species of trees shall be of a type so as to fulfill the purposes of this regulation and shall be acceptable to the Commission.
6. Any of the street trees (whether existing or newly planted) utilized to meet the requirements of this Section shall be replaced with new trees of at least 3.5 inches in caliper if they die within one (1) year following completion of all subdivision improvements or acceptance of streets, whichever comes later, and shall be warranted for one year following approved installation of replacement trees. 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.

5.00 APPROVAL PROCEDURES

Applicants are reminded that CGS Section 8-26(e) requires that:

- Any application involving land regulated as an inland wetland or watercourse be referred to the Conservation Commission no later than the day the application is filed for the subdivision or resubdivision.
- The Planning and Zoning Commission shall not render a decision until the Conservation Commission has submitted a report with its final decision to the Commission.

5.01 PRELIMINARY STAFF REVIEW (OPTIONAL)

Review and discussion of preliminary plans with Staff is strongly encouraged.

1. In order to prevent undue delay or extensive modification to a formal application, the Commission encourages informal discussion with the Land Use Director, the Director of Public Works, and/or the Health District regarding the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these and other Regulations.

5.02 PRELIMINARY COMMISSION REVIEW (OPTIONAL)

1. In the event of a substantive question related to the design of the subdivision, the applicant may request a preliminary Commission review so that information can be exchanged to aid in the preparation of an application.
2. In accordance with CGS Section 7-159b, the procedure is a preliminary review of a conceptual design by the Commission and:
 - a. Receipt of materials shall not constitute a “formal application,”
 - b. Any discussion or opinions rendered are advisory only, are not binding on the Commission or the potential applicant, and shall not be the basis for a claim of predetermination by the Commission, and
 - c. The subdivision must still obtain final approval as defined in these Regulations.
3. Should the Commission agree to the preliminary Commission review, the potential applicant shall submit one (1) PDF copy and, if requested, sufficient paper copies of a preliminary plan prepared by an engineer, surveyor, architect, land planner, landscape architect, or other qualified individual to the Land Use Office.

Section 5.03

APPROVAL PROCEDURES

FORMAL SUBDIVISION APPLICATION

Subdivision Regulations – Effective October 1, 2023

5.03 FORMAL SUBDIVISION APPLICATION

1. A formal application for subdivision or resubdivision shall include the following:
 - a. **Application Form** – One (1) original of the prescribed application form, fully and properly completed and executed by the applicant / developer and the property owner (or his/her/their duly authorized agent or representative provided a written instrument executed by the owner of record is provided evidencing the agent’s authority to sign the application);
 - b. **Application Fee** – The required application processing fee;
 - c. **Plans and Documents** – Plans and other documents as required by these Regulations and/or as required by the Commission (including the Statement on Utilization of Solar Energy); and
 - d. **Permission to Enter Property** – A letter granting the Commission and its representative(s) the right to access the site and to conduct inspections and measurements as required for:
 - Consideration of the application prior to approval and/or construction,
 - Observing and inspecting the progress of work as may be required to ensure compliance with the plan as approved, and
 - Installing the proposed and required improvements in the event of failure of the applicant to make such improvements or properly maintain them.
2. Applications for approval of a plan of subdivision or resubdivision shall be submitted to the Land Use Office at Town Hall.
3. Plans submitted as part of a formal application under these Regulations shall be prepared by the following person or persons:

Type of Design	Type of Person
Delineation of the boundary lines of the outside perimeter of a parcel as well as the interior lots and streets.	Sealed by a surveyor
Design of streets, drainage systems, sanitary sewer systems, sewage disposal systems, and water supply and distribution.	Sealed by an engineer

4. If a formal application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of Connecticut General Statutes and will involve a regulated activity at some time in the future in order to develop the parcel, the applicant:
 - a. Is encouraged to acquire permits and approvals from the Conservation Commission / Inland Wetlands Agency prior to submission to the Planning and Zoning Commission, and
 - b. Shall submit the application to the Conservation Commission / Inland Wetlands Agency no later than the date the application is filed with the Commission.

5. The applicant shall submit:
 - a. Evidence of application to CTDOT seeking approval of access onto any State highway or discharge of drainage into a State system or onto State property;
 - b. A statement, together with supporting documentation of the estimated cost of constructing the proposed subdivision streets and other improvements;
6. The Commission may require the submission of:
 - a. Any proposed grant or easement to the Town, in form satisfactory to the Town;
 - b. any additional information and data as may be required from the applicant in order to establish that the proposed subdivision complies with these Regulations;
 - c. Additional copies of application materials as necessary for review by the Commission or other Town agencies and/or officials.
7. The Commission shall determine whether any review or guidance from outside consultants is required for the proposed subdivision and, if so, funds to compensate the Commission for any costs such review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance shall be provided by the applicant.
8. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other agency or person as, in the opinion of the Commission, may be advisable for their information, review and recommendations.
9. The Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.
10. If the property included in the application is subject to a conservation restriction or a preservation restriction as defined in CGS Section 47-42d, the applicant shall provide:
 - a. Proof that the applicant has, at least sixty days prior to the filing of the permit application, provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction; or
 - b. A letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.
11. At any time following the submission of an application and prior to final action by the Commission, an application may be withdrawn by filing with the Commission a written statement to that effect.

Section 5.04

APPROVAL PROCEDURES

RECEIPT, SCHEDULING, AND NOTICE PROVISIONS

5.04 RECEIPT, SCHEDULING, AND NOTICE PROVISIONS

1. For the purpose of calculating timeframes, the statutory date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application or thirty-five (35) days after submission, whichever is sooner.
2. Upon receipt of an application for subdivision or a resubdivision, the Commission shall:
 - a. Schedule a public hearing.
 - b. Transmit a copy of the maps and plans to Town departments and agencies (such as the Director of Public Works, the Health Officer, the Fire Department, the Conservation Commission, etc.) with a request for a report concerning the suitability of the proposed subdivision, the submitted plans, and any relevant information for the Commission to consider as part of its review.
3. The Commission may require field staking of proposed improvements, such as proposed streets, for visual inspection. Such stakes shall be installed at intervals of fifty (50) feet along the center lines. The Commission or its agent shall retain the right to field-check and inspect the layout prior to acting on the proposed subdivision.
4. Before a public hearing on any application for subdivision or resubdivision, unless Town Staff has accepted this responsibility at the applicant's expense, the applicant shall present proof by Certificate(s) of Mailing from the United States Postal Service that notice of the time and place of the public hearing at which the subdivision was to be considered was sent at least ten (10) days in advance of the date of the scheduled hearing to each of the owners of land within 500 feet of the property with regard to which a Subdivision or Resubdivision is requested, as their names appear upon the last completed assessment roll of the Town.
5. In accordance with CGS 8-26b, when any proposed subdivision or resubdivision will abut or include land in a neighboring municipality:
 - a. The Commission shall give written notice of such subdivision plan and send a copy of such subdivision plan to the regional planning agency in which it and the other municipality is located,
 - b. Such notice shall be sent at least thirty days before the date of the first public hearing to be held in relation thereto by:
 - i. Certified mail, return receipt requested or
 - ii. Electronic mail, read receipt requested, except that if the Commission does not receive confirmation of receipt of such electronic mail at least twenty-five days before the public hearing then it shall send such notice by certified mail, return receipt requested.
 - c. If the advisory report from the regional planning agency with its findings on the intermunicipal aspects of the proposed subdivision is not received at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.

6. In accordance with CGS 8-7d(f), the Commission shall:
 - d. Notify the clerk of any adjoining Connecticut municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt (as specified in Section 5.05.2 of these Regulations) of an application concerning any project on any site in which:
 - i. Any portion of the property affected by the decision of the Commission is within five-hundred (500) feet of the boundary of the adjoining municipality; or
 - ii. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or to exit the site; or
 - iii. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - iv. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - e. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

5.05 PUBLIC HEARINGS

1. In accordance with CGS 8-7d, when a public hearing is to be held on an application, such hearing shall:
 - a. Commence within sixty-five (65) days after the date of receipt of such application; and
 - b. Be completed within thirty-five (35) days after such hearing commences, unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended.
2. The applicant may consent to one or more extensions of any period specified in Section 5.05 provided the total of all extensions authorized under any Section of these Regulations shall not exceed sixty-five (65) days.
3. In accordance with CGS 8-7d, notice of the public hearing shall be given by publication in a newspaper of general circulation in the municipality at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing.
4. Notice of the public hearing shall also be given to the applicant by sending a copy of the notice of the public hearing by registered or certified mail to the applicant.
5. All applications and maps and documents relating thereto shall be open for public inspection.
6. At such hearing, any person or persons may appear and be heard and may be represented by an agent or by an attorney.

Section 5.06

APPROVAL PROCEDURES

APPLICATION PROCESSING AND ACTION

5.06 APPLICATION PROCESSING AND ACTION

1. Following the conclusion of the public hearing(s), the Commission shall act upon an application by approving, modifying and approving, or disapproving the application, including the maps and plans submitted therewith, within sixty-five (65) days after completion of the public hearing unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended.
2. The applicant may consent to one or more extensions of any period specified in Section 5.06 of these Regulations provided the total of all extensions authorized under any Section of these Regulations shall not exceed sixty-five (65) days.
3. If a formal application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of Connecticut General Statutes, the Commission shall not render a decision until the Conservation Commission / Inland Wetlands Agency has submitted a report with its final decision to the Commission.
4. In making its decision, the Commission shall give due consideration to:
 - a. The report of the Conservation Commission / Inland Wetlands Agency, and
 - b. The material contained in the record.
5. Any action by the Commission shall:
 - c. Set forth the reasons for approval, approval with modifications, or disapproval;
 - d. Set forth any conditions to which the approval is subject; and
 - e. Be stated on the Commission's records.
6. Commission approval of the plans shall not be deemed an acceptance by the Town of any street or other land shown as offered for public use.
7. The Commission shall cause notice of its action to be:
 - a. Delivered to the applicant by certified mail, return receipt requested; and
 - b. Published in a newspaper having substantial circulation in the Town of Easton as provided in CGS Section 8-26.
8. If the Commission fails to cause notice of its action to be published as provided in CGS Section 8-26 (within fifteen days after a decision has been rendered), the applicant:
 - a. May publish such notice within ten (10) days following the 15-day period, and
 - b. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved, together with the date of such action.
9. In accordance with CGS Section 8-26(d), failure of the Commission to act upon an application within the statutory timeframe (including any extensions) shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.

6.00 POST- APPROVAL PROCEDURES

6.01 FINALIZING APPROVED PLANS

1. Based upon the approval by the Commission, the applicant shall have the subdivision plan and supporting plans revised to conform to any modifications called for in the Commission’s approval.

Applicants are reminded that:

1. Subdivision plans become null and void if not filed on the land records within 90 days of approval (unless up to two 90-day extensions are granted).
2. Signing of such plans by the Commission can take up to 30 days.
3. Section 6.02 require the preparation of legal documents and review by the Town before the maps can be filed.

2. No other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without approval by the Commission.
3. Such subdivision plan shall contain the following signature block for the Chairman or Secretary of the Commission’s signature:

Final Approval	
<p>At a meeting on _____, the Planning and Zoning Commission of the Town of Easton approved this subdivision plan in accordance with the Town’s Subdivision Regulations.</p>	
<p>_____</p> <p>Chairman/Secretary of the Commission</p>	<p>_____</p> <p>Date</p>
<p>In accordance with the timeframes established by CGS Section 8-26c, the improvements associated with this subdivision shall be completed by: _____.</p> <p style="text-align: center;">Date</p>	

4. Such subdivision plan shall contain a signature block for the Director of Health’s signature.

Section 6.02

POST- APPROVAL PROCEDURES

SUBMISSION FOR SIGNATURE

6.02 SUBMISSION FOR SIGNATURE

1. The applicant shall submit six (6) paper sets and one (1) mylar set of the approved plans, with the appropriate signature blocks and any required modifications, to the Commission for signature. In addition, a PDF copy of all plans and other documentation shall be submitted at the same time for Town records.
2. The applicant shall also submit, in a form satisfactory to the Town:
 - a. Any required deeds or grants to the Town in a form ready for execution;
 - b. Any required easements for drainage, access, utility, or other purposes in a form ready for execution;
 - c. A guarantee for completion of improvements in the form of:
 - A financial guarantee in accordance with the requirements of these Regulations, and/or
 - Restrictions on Sale (a separate restriction on sale for every lot not covered by any financial guarantee) in a form ready for filing on the land records at the applicant's expense.
 - d. A certificate of title indicating that any proposed conveyance is free of encumbrances;
 - e. Evidence of the signatory's authority to sign on behalf of the grantor.

Such grants or easements shall not be recorded on the land records until the Subdivision Plan shall have been filed on the land records and until any necessary action shall have been taken by any other appropriate Town agency or agencies.

3. In accordance with CGS Section 8-25, the Commission shall have up to thirty days for the Chairman or Secretary of the Commission to sign the approved plans and such time period shall be measured from the later of:
 - a. The date that taking an appeal from the action of the Commission has elapsed;
 - b. The date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission; or
 - c. In the event of an appeal, from the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or the date that plans modified in accordance with the Commission's approval, and/or the judgment of the Court, are delivered to the Commission.

6.03 GUARANTEE FOR COMPLETION OF IMPROVEMENTS

1. When public improvements remain to be completed as of the date of filing of the subdivision plan, no such plan shall be filed on the land records unless and until:
 - a. A financial guarantee has been provided to the Town in a form and amount acceptable to the Commission to guarantee the completion of all public improvements remaining to be constructed including, but not limited to, streets, storm water management systems, utilities, and monumentation of property as set forth in these Regulations, or
 - b. Restriction on Sale(s) in a form approved by the Town is simultaneously filed on the Land Records at the applicant's expense for every lot not covered by any financial guarantee.

2. Acceptable financial guarantees shall include:
 - a. One or more savings accounts, money market accounts, or certificates of deposit from financial institutions acceptable to the Town of Easton provided:
 - i. Each such account shall be federally insured for the full amount of the deposit; and
 - ii. The account shall be only in the name of the Town of Easton.
 - b. A certified or official check from a financial institution acceptable to the Town of Easton made payable only to the Town of Easton;
 - c. An unconditional irrevocable letter of credit acceptable to the Town of Easton and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.

3. Any financial guarantee shall not expire unless it has an expiration date, and any financial guarantee with an expiration date shall include the following provisions:
 - a. The financial guarantee shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur; and
 - b. In the event such notice is received, the Town may, without further condition, draw the balance of the financial guarantee; and
 - c. Unless such notice is received, the financial guarantee shall automatically be extended for a period of not less than one year until all improvements or other requirements of these regulations are completed.

4. Any interest or dividend accruing on any account or instrument shall accrue in the name of the applicant but, if the applicant defaults in completing the work covered by the financial guarantee, such funds may be used by the Town in the same manner as the principal.

Section 6.04

POST- APPROVAL PROCEDURES

FILING OF APPROVED PLANS

5. Release Of Financial Guarantee –

- a. Before release of any financial guarantee or any portion thereof, the applicant shall provide a statement, signed and sealed by a qualified professional engineer, certifying that such engineer has inspected the construction work included within the requested release of financial guarantee and certifying that all of the required improvements have been completed in accordance with plans and specifications as approved.
- b. The Director of Public Works and other appropriate Town Staff shall review the engineer's statement and inspect the subdivision relative to the completion of improvements subject to the financial guaranty.
- c. If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission shall, at least sixty-five days after receiving such request:
 - i. Release or authorize the release of any such financial guarantee or portion thereof, provided the Commission, in its sole discretion, is satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed; or
 - ii. Provide the person posting such financial guarantee with a written explanation as to the improvements that must be completed before such financial guarantee or portion thereof may be released.

6.04 FILING OF APPROVED PLANS

1. Once signed and authorized by the Chairman and delivered to the applicant, the signed mylar set of the approved plans may be filed with the Town Clerk of the Town of Easton at the applicant's expense.
2. Such plans shall be filed in the office of the Town Clerk of the Town of Easton within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant unless otherwise provided by CGS Section 8-25, as amended.
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time authorized by the Commission.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. Any plan filed on the Land Records without the simultaneous provision of an acceptable financial guarantee required by these Regulations and/or the filing of approved Restrictions on Sale on the Land Records at the same time shall become null and void.

6. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk of the Town of Easton voiding the subdivision.
7. No lot in a subdivision shall be sold unless the signed map is filed on the land records and unless the required improvements are completed or a financial guarantee acceptable to the Town has been provided and/or any Restriction on Sale has been released by the Town.

6.05 MODIFICATION OF APPROVAL

1. Any applicant requesting to modify an approved plan, or any condition of approval, shall file a written request with the Commission.
2. The applicant shall state the reason why a modification is requested, and shall describe any change in facts or circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
3. The Commission, in its sole discretion, may require a public hearing on any such request, or may require the applicant to submit a new application in accordance with these Regulations.
4. The Commission shall require a new application in accordance with these Regulations for any change meeting the definition of “resubdivision” under CGS Section 8-18, as amended.

7.00 CONSTRUCTION PROCEDURES

7.01 CONSTRUCTION - EROSION AND SEDIMENT CONTROL

1. No construction activity of any kind, including the removal of trees, shall commence until appropriate erosion and sediment controls are in place and such controls shall be in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended.
2. Prior to the commencement of any construction, the applicant shall provide a cash bond or equivalent for erosion and sediment controls in an amount determined by the Director of Public Works.
3. During development and construction activities:
 - a. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure compliance with the certified plan,
 - b. The subdivider shall ensure that such activities or other work do not result in erosion or sedimentation that adversely affect adjacent property or downstream watercourses within or beyond the subdivision.
4. In the event that soil erosion and sediment control measures are not satisfactorily implemented, the Commission or its authorized agent may:
 - c. Issue a cease and desist order, and/or
 - d. Order in writing the remedying of any condition found to be contrary to these Regulations or the approved erosion and sediment control plan, and/or
 - e. Redeem the financial guarantee in order to rectify erosion and sediment control issues at the site.

7.02 CONSTRUCTION - CLEARING AND GRADING

1. 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.
2. 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.
3. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision.

7.03 CONSTRUCTION OF IMPROVEMENTS

1. The applicant shall complete, at his / her / their own expense, all of the streets, street and area drainage, sanitary and other improvements in accordance with the approved plans, the Commission's approval, and to the satisfaction of the Director of Public Works.
2. **Fill Materials –**
 - a. All fill shall be firm.
 - b. In fill, no boulders over one (1) cubic foot in volume shall be within eighteen (18 inches) of the top of the subgrade.
 - c. Deep fill shall be in layers not to exceed two feet (2 feet) in depth, properly compacted.
 - d. No frozen material shall be used as fill.
3. **Undermining Prohibited** - After construction is completed the undermining of streets or other improvements for the installation of water services, electric lines, wired utilities, etc. is prohibited.
4. **Unanticipated Field Conditions –**
 - a. Where field conditions (such as, but not limited to, springs, ancient drains, side hill drainage from cuts, ledge rock or other conditions not apparent at the time of the approval by the Commission) require additional construction techniques, such as the need for curtain drains to intercept a previously unknown drainage problem which will interfere with a subdivision improvement, this information shall be brought to the attention of the Commission and the Director of Public Works.
 - b. The Commission, with the input of the Director of Public Works, may require:
 - i. Additional measures be taken to insure the public health, welfare, and safety.
 - ii. The preparation and submission of proposed construction procedures in conformance with accepted engineering practices to address the field conditions.
 - iii. The submission of a supplemental financial guarantee for the additional work.
 - c. Failure to inform the Commission or to take the corrective action may result in:
 - i. Suspending the issuance of any further building permits within the subdivision until the matter is corrected; or
 - ii. Suspending any activities related to acceptance of any Town street or other improvement within the subdivision until the matter is corrected.

7.04 INSPECTION OF IMPROVEMENTS

1. The improvements to be completed as part of the subdivision approval shall be inspected by the Director of Public Works or his authorized agent with regard to progress, quality, and adherence to these Regulations and the approved plans. Additional inspections for soil erosion and sediment control may be conducted by Town Staff.
2. In order to conduct inspections, Town Staff and/or any authorized agent(s) shall have free access to the construction work at all times.
3. Prior to starting a project, the applicant and all contractors and all subcontractors shall meet with the Director of Public Works to:
 - a. Review job conditions;
 - b. Review erosion and sediment control measures;
 - c. Advise the Town of the construction schedule; and
 - d. Review the construction plans and specifications.
4. In the case of a new street or a change in an existing street, the work shall generally be inspected at the following stages of construction:
 - a. Rough grading completed.
 - b. Drainage and all other underground facilities installed, and prior to backfilling.
 - c. Graveling and compaction being done.
 - d. A screened gravel topping being applied.
 - e. Binder course pavement being done.
 - f. Finish course pavement being done.
5. Request for inspection shall be delivered to the Director of Public Works by the applicant or the contractor at least 48 hours in advance. The applicant shall not proceed to work on any subsequent stage until such inspection has been made by the Director of Public Works or his authorized agent on the preceding stage.
6. The Commission or its agent may take or require the taking of any material, samples, cores, and tests as deemed necessary to determine compliance with these Regulations. The Commission shall require the applicant to pay to have such tests made and certified by an approved testing laboratory acceptable to the Director of Public Works.
7. Cessation of work (or corrections thereto) to conform with these Regulations may be ordered by the Director of Public Works.
8. If the Director of Public Works or his authorized agent finds, upon inspection, that any of the required improvements have not been constructed or maintained in accordance with the approved plans, he shall notify the applicant and the Commission, in writing, and the applicant shall be responsible for completing or repairing said improvements according to approved plans.
9. The Director of Public Works shall maintain records of inspections in order to document that the work is performed in accordance with the approved plans.

7.05 PERIOD FOR COMPLETION OF IMPROVEMENTS

1. Unless otherwise provided in these Regulations or the Connecticut General Statutes, the subdivision improvements shall be completed in accordance with the statutory timeframe as provided in CGS Section 8-26c. The Commission's endorsement of approval on the plan shall state the date on which completion period expires.
2. The sub-grade, sub-base, pavement binder course (if a Town street), and all drainage required for any proposed street shall be completed prior to issuance of any Certificate of Occupancy for any structure served by such street.
3. Upon application by the applicant, the Commission may make one or more extensions of the time period for completion provided that:
 - a. The time for all extensions shall not exceed ten years from the date the subdivision was approved unless otherwise provided in CGS Section 8-26c(e);
 - b. The Commission may revise the amount of the financial guarantee securing the actual completion of the work.
4. Expiration of the time period for completion:
 - a. Shall result in expiration of the approval of such plan and filing of a notice of expiration on the land records which shall prevent the conveyance of any additional lots in the subdivision by the applicant or his/her successor in interest;
 - b. Shall require a new application for subdivision approval of the subject land including a new filing fee;
 - c. May result in the Town redeeming any financial guarantee and completing the improvements.
5. 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, street (including snow removal), and storm drainage structures shall be performed by the subdivider at subdivider's expense. If the improvements are not maintained or snow removal is not provided and the situation is not corrected within two (2) days following written notice from the Town to the applicant, the Town may proceed to put the street or other improvement into suitable condition and the cost of any such work shall be a charged against the financial guarantee.

7.06 MONUMENTS AND MARKERS

1. The street lines of all new streets (angle points, points of curvature, points of compound curve, and points of tangency) shall, at the applicant's expense, be marked with monuments in compliance with Town standards and/or as required by the Commission.
2. Such monuments shall be set by a surveyor and shall:
 - a. Be at least four (4) inches square at the top and at least three (3) feet long.
 - b. Have the center of the top of the monument marked with a metal plug, pin, rod, cross or drill hole;
 - c. Be securely set in the ground with the top flush with the finished grade and with the marked point set on the point of reference after all street construction is completed and prior to release of the financial guarantee and/or acceptance of a Town street by the Town;
 - d. Be indicated and located on the subdivision plan and as-built drawing; and
 - e. Subdivider shall submit a "Monumentation/Pin Map" with a certification letter from the Connecticut licensed surveyor.
3. All monuments shall be set in proper position by the subdivider immediately after finished street construction and grading.
4. Corners of all lots, intermediate angle points marking major changes in direction (as specified by the Town Engineer), open space, conservation restriction areas, and other parcels or areas 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, and such markings shall be set by a surveyor.

7.07 FINAL ACCEPTANCE AND MAINTENANCE

1. For final acceptance of public improvements, the applicant shall submit the following materials to the Town:
 - a. A letter to the Board of Selectmen requesting that the Town accept the public improvements;
 - b. One mylar and one paper copy of plans showing the "as-built" location of all street and associated improvements approved by the Commission with indication of where the as-built plans differ from the approved construction plans due to field conditions or authorized changes (a PDF copy of all plans and other documentation shall also be submitted for Town records);
 - c. A letter from a surveyor certifying that all required monuments and property corner pins are properly installed in the correct location;
 - d. A letter from the engineer who designed the improvements approved by the Commission stating that all improvements, including all street signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made;
 - e. A letter from any companies providing utility services to the effect that such utilities have been satisfactorily installed;
 - f. If not previously provided, a financial guarantee of up to ten percent (10%) of the cost of the improvements to protect the Town against faulty construction and materials that will remain in effect for a one-year period after the Town has accepted the public improvements;
 - g. If not previously provided, copies of all proposed deeds and easements to the Town to the satisfaction of the Town Attorney and other information as required for review and approval by the Town;
 - h. If not previously provided, copies of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development.
2. If the Town agrees to accept the street(s), all executed deeds and easements to the Town shall be submitted to the Town for filing by the Town after the street acceptance.
3. If the public improvements are accepted by the Town and the maintenance financial guarantee is in place, the Town shall release the financial guarantee for initial construction as set forth herein.

