

SECTION 2

SUBDIVISION LAYOUT, DESIGN AND CONSTRUCTION STANDARDS

2.1 GENERAL -

Proposed subdivisions and resubdivisions and all improvements therein shall be designed and constructed in accordance with the following standards and specifications and in accordance with appropriate ordinances and special acts of the Town of New Milford.

2.1.1 Character of the Land–

The land to be subdivided shall be of such character that it can be used for building purposes without danger to public health or safety.

2.1.2 Natural Features–

The planning of any subdivision, including streets, drainage, other improvements and building lots, shall give due regard for the preservation and potential enhancement of natural features of the tract, including but not limited to mature trees or other plant materials which will serve as wind barriers and energy conservation, scenic points, wetlands, watercourses, soil resources and other assets of community interest.

2.1.3 Consistency with Plan of Conservation and Development–

Proposed subdivisions shall reflect the development guidelines of New Milford's Plan of Conservation and Development. That plan identifies areas to be conserved in a rural character, other areas proposed for suburban development and a central development area including commercial and industrial areas along Route 7 and an urban residential area built up around the Village Center.

2.2 BUILDING LOTS -

Proposed building lots shall conform to the requirements of the New Milford Zoning Regulations in effect at the date of the filing of the application for final approval of such plan by the Commission. The proposed lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably and that they can be occupied and used without danger to the health and safety of the occupants and the public. In areas of severe topographic and soils conditions, the Commission shall require such lots to each contain an area meeting Zoning regulations and with adequate soil to accommodate a private sewage disposal system and an appropriate reserve area in conformance with State of Connecticut Health Codes. Any lot which cannot provide such area or is otherwise found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock or other conditions may be eliminated. The following additional standards are applicable to proposed building lots:

2.2.1 Access -

Each proposed lot, except as hereinafter provided, shall abut a street and shall have a safe and direct access to the street via its own private driveway. The entire driveway must be located on the lot which it serves. An interior or rear lot which lacks conventional street frontage and is accessible by a permanent access way no less than twenty (20) feet wide and owned in fee by the same ownership as the interior portion shall connect to a street. Up to six lots may be permitted to share a common driveway subject to the conditions and standards for common driveways set forth below.

2.2.1a - Driveways: That portion of driveways commencing with the street line shall be constructed in accordance with the Town road ordinance.

- 1) Pavement shall mean a minimum of two and one-half inches (after compaction) of bituminous concrete or equivalent over a minimum of six inches of compacted gravel.
- 2) Except as provided in subsection (a) hereof, driveways shall not exceed 15% maximum grade. Any driveway that exceeds 10% grade shall be paved. Pavement shall be continuous from the edge of the street line to a point where the driveway resumes a 10% or less grade.
 - (a) Exception - Driveways steeper than 15% or unpaved driveways steeper than 10% may be allowed by the Commission when it can be shown by plans produced by a professional engineer that all drainage and/or erosion will remain on the property served and will not in any way affect a Town highway. This exception shall only apply to a driveway serving a single home.
- 3) The traveled portion of any driveway exceeding 5% grade will be above the surrounding terrain and crowned to drain water to the sides. Where the driveway passes through or along a cut, there shall be provided a gutter of sufficient width and depth, in addition to the width of the driveway, to handle run-off from the driveway and surrounding terrain and be stabilized with rock, rip rap, or other approved means to prevent erosion. Ample drainage shall be provided at the Town road to handle additional runoff.
- 4) For corner lots, driveways shall be located as far from the intersection of the street lines of the lot as is practical, but a driveway shall not be located within 60 feet of such intersection.
- 5) The Commission shall require a bond in cash, passbook or other form, in an amount acceptable to the Commission to ensure the completion of all required driveway improvements in accordance with the provisions of these regulations within a period of time specified in the bond.

2.2.1b Common Driveways –

That portion of a “common driveway” as that term is defined in these regulations commencing with the street line shall be designed and constructed in accordance with the following standards:

- 1) No common driveway shall be approved by the Commission unless the applicant produces plans prepared by a registered professional engineer showing the feasibility of constructing separate driveways, within each lot, for each lot. The feasibility plan shall conform to the driveway standards set forth in these regulations as well as the standards set forth in “an ordinance covering the construction of driveways intersecting Town highways,” as the same may be amended, concerning that portion of the common driveway located within the street line.
- 2) The Commission shall require a bond in cash, passbook, or other form, in an amount acceptable to the Commission for all common driveways to ensure completion of all required driveway improvements in accordance with the provisions of these regulations within a period of time specified in the bond.
- 3) All applications seeking permission to provide access to lots in a proposed subdivision via a common driveway shall be accompanied by a legally enforceable homeowner’s maintenance agreement which shall be subject to review and approval by the Commission, noted on the record subdivision map and recorded with said map in the land records of the Town of New Milford.
- 4) Any proposed lot abutting a common driveway and a street shall have access to the public road system via the common driveway unless one of the following exceptions is applicable:
 - (a) Exception: Where the applicant demonstrates there is no driveway corridor which meets the grade requirements set forth in section 2.2.2.a of these regulations.
 - (b) Exception: Where the report from the Inland Wetlands Commission recommends that the driveway location be from a street.
- 5) All common driveways shall meet all applicable 911 requirements.
- 6) Common driveways serving two (2) lots shall be equipped with a hammer head type turn-round at the end of the common use portion of the driveway adequate to accommodate fire apparatus or other emergency equipment.
- 7) Except as provided in subsection (a) hereof, common driveways serving from three to six lots shall terminate in a turn-around of the common driveway.
 - (a) Exception: The Commission may allow a large hammer head type turn-round in consideration of the short length of the common driveway.
- 8) Pavement shall mean a minimum of two and one-half inches (after compaction) of bituminous concrete or equivalent over a minimum of six inches of compacted gravel.

- 9) All common driveways shall be paved for the entire length in accordance with the Town road ordinance.
- (a) Two Lots - 12 feet wide with a 12% maximum grade.
 - (b) Three Lots - 14 feet wide with an 11% maximum grade.
 - (c) Four to Six Lots - 18 feet wide with a 10% maximum grade.
- 10) All common driveways shall have drainage systems designed by a registered professional engineer and installed to accommodate all surface and subsurface water. Drainage disposal shall be adequate for the ten year storm for the proposed development and shall not increase the Town's obligations for additional storm drainage on existing public roads.
- 11) The minimum sight distance for a common use driveway shall be the distance as listed for an intersecting street in New Milford Road Ordinance (Intersections at Grade Minimum Sight Distance); however, based on the facts before it, the Planning Commission may allow a reduced sight line distance for a common use driveway serving three (3) lots or less. In no case shall the distance be less than the stopping sight distance for the posted speed limit, as shown in Table 1, New Milford Streets and Sidewalk Ordinances.
- 12) The Commission shall approve common drive names. Common drive name signs and stop signs shall include the label "Private" and be supplied and installed by the developer and maintained pursuant to the homeowners' maintenance agreement.
- 13) A notation on the map of record shall clearly state the common drive is not a public street.

2.2.2 Reserved for future use.

2.2.3 Solar Design, Energy Conservation

Applicants shall demonstrate to the Commission that they have considered, in developing the plan, the use of passive solar energy techniques. Passive solar energy techniques mean site design techniques that maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to:

- (a) House orientation;
- (b) Street and lot layout;
- (c) Vegetation;
- (d) Natural and man-made topographic features; and
- (e) Protection of solar access within the development.

2.2.4 Lot Lines-

Insofar as practicable, lots should be regularly shaped, the side lot lines of all lots should be at right angles to the street on which the lot faces or should be radial to the street line, unless the purpose of the lot line orientation other than those mentioned is to secure greater solar access or protection or control thereof.

2.2.5 Reserved for future use.

2.2.6 Reserved for future use.

2.2.7 Reserved for future use.

2.2.8 Trees and Topsoil-

When required, each lot shall have two trees of not less than 1-1/2 inch caliper at breast height planted on it by the sub-divider at his expense. These trees shall be of a quality which meets the requirements of the American Association of Nurserymen. These trees shall be planted in the area of the lot lying not less than ten feet from the street line. The Commission shall require the planting of new trees in subdivisions which lack or are deficient in trees. To the extent possible, existing trees shall be saved. Removal of stripped topsoil from the subdivision shall not be permitted except with the written permission of the Commission.

2.3 STREETS –

Proposed streets must intersect an existing street and shall be planned to be appropriate to the topography and location giving due consideration to contours and natural features. Streets shall be planned to conform with the Town Plan of Conservation and Development and designed to provide a safe and convenient system for the character and volume of present and prospective traffic. The proposed streets shall be in harmony with existing or proposed streets, especially with regard to safe intersections. The Commission may require provision to be made for future extension of proposed streets into adjoining land.

2.3.1 Construction –

Streets and that portion of driveways within the street line shall be constructed and paved in accordance with the Road Ordinance of the Town of New Milford as amended and the width of pavement, cross-section, alignment, grade, vertical and horizontal curves, curbs, sidewalks, ramps, storm drainage system, signage, traffic control and other miscellaneous associated improvements shall conform to the specifications set forth in the Road Ordinance. The Commission may require seeding, sidewalks and such grading as are appropriate to the area being developed.

2.3.2 Layout and Rights-of-Way –

The minimum right-of-way for a proposed street shall be 50 feet. The Commission may require a wider right-of-way in commercial and industrial districts or when a proposed street is anticipated to carry other than neighborhood traffic. Streets shall be graded to the full width of the right-of-way.

2.3.2a Existing Streets –

A proposed street shall have at least one intersection with an existing street in the Town of New Milford. In cases where an existing street providing access to a subdivision has a right-of-way less than 50 feet, a strip of land along the subdivision frontage shall be deeded to the Town of sufficient depth to create a right-of-way 25 feet wide from the centerline of the existing street to the subdivision property line.

2.3.2b Dead-End Streets –

Permanent or temporary dead-end streets and dead-end street systems may be permitted at the discretion of the Commission. They shall terminate in a turn-around as required by the Town Road Ordinance. The full width of the right-of-way shall be extended to the subdivision property line and shall be dedicated to the Town. The Town will require title to the segments of the turn-around outside the normal road right-of-way width. Title to such segments will revert to adjoining property owners when the road is extended. No dead-end streets within a subdivision or street systems within a subdivision shall service more than twenty (20) lots not including corner lots at the entrance unless the Commission determines on the basis of the facts before it, including but not limited to, the horizontal and vertical geometry of the proposed dead-end street that it can accommodate a greater number of lots without endangering the public health, safety, convenience and welfare.

2.3.2c Extension and Connections –

Proposed streets which may be projected into adjoining properties shall have their right-of-way carried to the property line. No reserved strips shall be provided in any subdivision between an adjacent property and such proposed street and topographic maps submitted with the application should demonstrate that extension into the adjoining property is feasible. The Commission may require the improvements needed to make the connection. The right-of-way shall be deeded with other streets to the Town of New Milford. Where a proposed subdivision street pattern connects to an unimproved street in an existing subdivision left for future extension to abutting property, the proposed subdivision plans shall show and include all work required to connect and complete the road improvements and utilities between the proposed and existing subdivisions.

2.3.3 Street Names-

All street names shall be subject to the approval of the Commission. The applicant will check all proposed street names with the Town Clerk's Office before submission to avoid duplication.

2.3.4 Monumentation –

Stone or reinforced concrete markers not less than four inches (4") by four inches (4") by forty-eight inches (48") set so that the top is five inches (5") above the finished grade and clearly visible shall be set at the point of curve and point of tangency of all curves in street lines and at angle points and shall be used to mark the boundaries of the subdivision.

Lot corners shall be marked with iron pins at least one-half inch in diameter by thirty-six inches (36") long where not otherwise marked as set forth above. The developer shall provide and set such markers at his expense, and shall attempt to keep them in full view at any and all times during the development of the property.

2.4 STORMWATER MANAGEMENT –

The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town drains with adequate capacity to carry additional water. Where the discharge shall be onto private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the Town before approval of the record subdivision map. When discharge is into existing Town drainage facilities not capable of handling the additional water, the existing facilities shall be replaced by the developer to adequately carry the flow based on the design storm. Best available practice shall be used to minimize soil erosion and sedimentation of waterways during the construction of the proposed subdivision and to assure a site which is stabilized and protected from erosion when completed. No land shall be subdivided if the effect is to increase the likelihood of flood hazard or flood damage in an area of special flood hazard as defined in the Flood Plain Management Regulations of the Town of New Milford.

2.4.1 Drainage Analysis–

The drainage analysis shall consider the entire tributary watershed area and downstream area affected by run-off. All drainage facilities shall be adequately sized or replaced with adequately sized facilities to accommodate the 25 year storm or such less frequent storm as required by the New Milford Road Ordinance or recommended by the New Milford Director of Public Works. Analysis shall be based on anticipated run-off at full development under current zoning.

2.4.2 Construction –

The construction of drainage facilities including catch basins, pipes, swales, detention basins, culverts, manholes and bridges shall conform to the specifications and methods set forth in the Road Ordinance of the Town of New Milford as amended.

2.4.3 Erosion and Sedimentation –

The minimum standards for individual control measures are those in the Connecticut Guidelines For Soil Erosion and Sediment Control (1985) as amended and the appropriate method from those guidelines shall be used to determine peak flow rates and volumes of runoff.

2.5 WATER SUPPLY –

All subdivision plans shall make proper provision for water supply to all proposed lots.

2.5.1 Community Water Supply –

In areas generally supplied by a community water system the proposed subdivision shall be connected to such system. The extension shall be designed and constructed in accordance with the requirements of the water company and those of the New Milford Department of Public Works as to the location of utilities within the street. All necessary mains, branch offsets to each lot and fire hydrants shall be installed by the developer without expense to the Town. A letter from the public water company confirming the availability of services shall be included with a submission proposing public water supply.

2.5.2 Private Well Supply –

An applicant proposing private wells serving individual lots shall submit evidence of the feasibility of such supply and such wells shall be located and installed in conformity with prevailing health codes.

2.5.3 Fire Protection- The sub-divider shall take into account the need for adequate fire protection either by providing hydrants in the water supply system or a fire suppression system approved by the Commission within the subdivision, including necessary access easements to such system.

2.6 SANITARY DISPOSAL –

All subdivision plans shall make proper provision so adequate sanitary sewage disposal can be installed with respect to all proposed lots.

2.6.1 Public Sewer System –

In areas generally served by the public sewer system, the proposed subdivision shall be connected to such system. The extension of the system shall be designed and constructed in accordance with the requirements of the New Milford Water Pollution Control Authority (NMWPCA) and those of the New Milford Department of Public Works as the location of utilities within the street. All necessary mains, offset branches to each lot and pump stations (if required) shall be installed by the developer without expense to the Town. A letter from the NMWPCA confirming the service availability shall be included with a submission proposing public sewer service.

2.6.1a Future Service –

In areas where the public sewer system is planned but not yet available, the Commission may require installation of capped dry sewer lines in the street as well as associated laterals.

2.6.1b Conveyance –

The Town will require a conveyance from the sub-divider to the Town of any sanitary sewer system installations and appurtenances.

2.6.2 Septic Sanitary Disposal–

Subsurface individual sewage disposal systems shall be designed and installed in accordance with the requirements of the Connecticut Public Health Code Regulations and Technical Standards for Subsurface Sewage Disposal Systems.

2.6.2a Site Tests and Sanitation Report –

Where on site sewage disposal is to be provided, percolation tests, soils tests and groundwater observations shall be within the perimeter of the proposed sewage disposal systems for each lot as prescribed by the Connecticut Public Health Code. The applicant shall install a segment of perforated pipe, at least 4 inches in diameter, vertically from the bottom of every test pit dug in the propped subdivision to an elevation approximately 18 inches above grade or higher for ground water table observation. The Planning Commission shall be notified at least seven (7) days in advance of the performance of such tests. A professional engineer licensed in Connecticut shall complete and submit to the Commission a report including a map showing the numbered locations of the tests, the percolation rates observed, the soil characteristics encountered, and the water table elevations observed.

2.7 OTHER UTILITIES -

Utilities generally shall be located within the street right-of-way on a side of and parallel to the street. Electric power, telephone and other cable systems shall be placed underground in all subdivisions. The Commission may waive this requirement where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

2.8 OFF TRACT IMPROVEMENTS –

New developments may stress existing infrastructures beyond acceptable limits. The Commission may require reasonable off-tract improvement necessitated by a new development and, in such instance, shall require their inclusion with approved subdivision plans.

2.8.1 TYPES OF IMPROVEMENTS THAT MAY BE REQUIRED -

2.8.1a Drainage -

If the existing system functions inadequately or does not have adequate capacity to accommodate the applicant's stormwater runoff given existing and reasonably anticipated peak hour flows, drainage improvements may include (but are not limited to): installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, rip rap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances.

2.8.1b Sanitary Sewers -

If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, sanitary sewer improvements may include (but are not limited to): installation, relocation, or replacement of collector, trunk, and interceptor sewers, pump stations, and associated appurtenances.

2.9 OPEN SPACE –

Open spaces, parks or playgrounds shall be provided and reserved in each subdivision for residential purposes and may be required in commercial-industrial subdivisions as appropriate to accomplish objectives such as:

To preserve and provide recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms or other natural features, and scenic and historic resources; to supplement existing open space and recreational areas; to promote the development of land in a way that is sensitive to the environment; to promote development compatible with surrounding areas; to preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion and water pollution; to control the extent to which steep slopes and problem soils are used for roadways, sewage disposal systems and other aspects of development; and to preserve the Town's rural character by providing and preserving compatible streetscapes and other visual amenities along roadways.

2.9.1 Type and Amount of Open Space –

The land reserved shall be of such size, location, shape, topography and general character as to be useful to accomplish the Commission objectives. The reservation of land also shall conform to the New Milford Plan of Conservation and Development pertaining to parks, playgrounds, recreation areas and open spaces. Not less than 15% of the total area of the subdivision shall be so reserved.

2.9.1a Size Exception –

The open space reservation requirement shall not apply if the parcel to be subdivided is less than twice the required minimum lot size plus ten percent (10%) of the lot size required in the zone.

2.9.1b Family Sale Exception –

The open space reservation requirements shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration.

2.9.2 Access and Improvement of Open Space–

The Commission may require the open space to have direct access to a public street through an access area which is at least [15] 10 feet wide. Improvements to the accessway may be required by the Commission. In cases where the open space is intended as a link in a trail system, the Commission may require such trail to be marked, cleared and improved in a manner appropriate to the intended form of use.

2.9.3 Fees in Lieu of Open Space–

When conditions such as subdivision size, population density, existing municipal facilities, topography, or other site- or development-specific characteristics are such that on-site open space is not desirable, the Commission may require the applicant to provide a fee in lieu of open space or a combination of land and fee.

2.9.3a Amount –

Such payment or combination of payment and the fair market value of land transferred shall equal no more than 10 percent of the fair market value of the land to be subdivided before subdivision approval. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost to be borne by the applicant.

2.9.3b Method of Payment –

A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. Each approved lot on the subdivision plan shall have a note placed thereon stating the exact dollar amount to be paid to the Town at the time of sale of the lot as required by these regulations.

2.9.4 Open Space Ownership and Preservation–

The type ownership and method of preservation for land dedicated to open space purposes shall be selected by the applicant subject to Commission approval. Ownership may include, but is not limited to: The Town of New Milford, pursuant to the Town Charter; a non-profit land preservation organization, also subject to their acceptance; or a neighborhood lot owners' association. The method of preservation conveyance may be a fee interest or a permanent conservation easement.

2.9.4a Owners Association –

If the open space is owned and maintained by an owners association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application. The provisions shall include, but are not necessarily limited to, the following:

- 1) The association must be established before any lot is sold.
- 2) Membership must be mandatory for each buyer and any successive buyer.
- 3) The open space restrictions must be permanent.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Lot owners must pay their pro rata share of the cost of maintenance, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association.
- 6) The association must be able to adjust the assessment to meet changed needs.
- 7) The association shall not be dissolved.

2.9.4b Deed Restrictions –

Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town-dedicated property) ensuring that:

- 1) The open space area will not be further subdivided in the future.
- 2) The use of open space will continue in perpetuity for the purpose specified.
- 3) Appropriate provisions will be made for the maintenance of the open space.
- 4) Open space shall not be converted into a commercial for-profit enterprise.
- 5) Rights of public access to the open space are provided when appropriate.

2.9.4c Maintenance of Open Space Areas -

The person or entity identified in Section 2.9.5a of these regulations as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.