

**SUBDIVISION REGULATIONS**  
**TOWN OF MANSFIELD, CONNECTICUT**

Adopted by the Mansfield  
Planning and Zoning Commission

Effective March 31, 2011

(First Effective Date June 1, 1957)



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## **Section 1.0 Purpose And Authority**

The Mansfield Planning and Zoning Commission, pursuant to authority conferred on it by the Connecticut General Statutes (particularly Chapter 126) hereby adopts the following regulations, which are designed to meet statutory responsibilities and to achieve the following purposes:

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

That proper provisions shall be made for water supply, drainage, sewage disposal, soil erosion and sediment control, and protective flood control measures;

That proposed streets are in harmony with existing or proposed principal thoroughfares shown in Mansfield's Plan of Conservation and Development, especially in regard to safe intersections, and so arranged and of such width and design as to provide a safe and convenient system for present and prospective traffic needs;

That open spaces, parks and playgrounds be provided when and in places deemed proper by the Planning and Zoning Commission after taking into account goals, policies and recommendations contained in Mansfield's Plan of Conservation and Development, the natural and manmade features of a proposed subdivision site, and other subdivision characteristics;

That proposed subdivisions encourage energy-efficient patterns of development and land use; the use of solar and other renewable forms of energy, and energy conservation;

That proposed subdivisions, including new streets, lot size and configuration and placement of new structures and site improvements, are designed in a manner that is consistent with Mansfield's soil types, terrain, natural and manmade features, scenic views and vistas, infrastructure, and recommendations contained in Mansfield's Plan of Conservation and Development, the Windham Region Land Use Plan and the State Plan of Conservation and Development. Mansfield's lot sizes are based on State Health Code requirements, Eastern Highlands Health District recommendations, the limited availability of public sewer and water systems, the high percentage of land within public reservoir and public wellfield drainage basins and Mansfield's soils, topography and other natural resource characteristics and development limitations.

## **Section 2.0 Title**

These regulations of the Mansfield Planning and Zoning Commission shall be known and may be cited as the "Subdivision Regulations of the Town of Mansfield, Connecticut", which herein are called "these regulations".

## **Section 3.0 Definitions**

For the purposes of these regulations, certain terms and words used herein shall be interpreted and defined as set forth in this section. The word "shall" is mandatory.

### **3.1 Subdivision**

The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

**3.2 Resubdivision**

A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**3.3 Building Area Envelope**

Portion of a "Development Area Envelope" within which a house, garage, shed and other structures, swimming pools, outside storage areas and other improvements that are subject to the Schedule of Dimensional Requirements contained in Article VIII of the Mansfield Zoning Regulations, are located.

**3.4 Commission**

The Planning and Zoning Commission of the Town of Mansfield, Connecticut.

**3.5 Construction Standards**

The Town of Mansfield Department of Public Works Engineering and Construction Standards as outlined in the "Engineering Standards and Specifications Ordinance"

**3.6 Development Area Envelope**

Portion of a lot within which a house, garage, shed and other structures, swimming pools, driveways, parking areas, outside storage areas, septic system, septic reserve area, water supply well, utility lines, lawn areas and other site improvements are to be located. Proposed development area envelopes shall meet the minimum area requirements of Article VIII, Section B.6 of the Mansfield Zoning Regulations.

**3.7 Health Official**

The Director of Health of the Eastern Highlands Health District or his authorized agent.

**3.8 Lot**

A separately identified parcel of land designed, plotted or intended for separate occupation or use.

**3.9 Natural and Manmade Features**

Significant trees, standing singly or in groves; agricultural lands including open fields and pastures; water, including ponds, lakes, brooks, streams, rivers, and cascades; ledges, and large rock outcroppings or formations, large hills or ridges, or expanses of valley floors; visible historic sites or features, such as stone walls, individual buildings or groupings of buildings, cemeteries, cellar holes, foundations, or similar features.

**3.10 Plan, Conceptual Layout**

A plan prepared after analyzing off-site influences and site and neighborhood features and indicating potential streets, lots, open space areas and other site alterations. Conceptual plans, which are required for subdivisions with potential streets and/or four (4) or more lots, are reviewed by the planning staff pursuant to Section 5.

**3.11 Plan, Final**

The final map or drawing(s) and all required supporting data upon which the subdivider's plan of subdivision is presented to the Commission for approval (see Section 6.0 for requirements)

**3.12 Reserve Strip**

Land controlling access to an area dedicated or to be dedicated to public use.

**3.13 Scenery**

The general appearance of a place regarding its natural and manmade features, as viewed from particular vantage points with regard to their beauty.

**3.14 Scenic**

Of or relating to natural and manmade features, with regard to their beauty.

**3.15 Street**

Any existing highway that is accepted and actively maintained by either the Town of Mansfield or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Planning and Zoning Commission and duly recorded in the Mansfield Land Records and which is formally bonded for completion and dedication to the Town of Mansfield.

**3.16 Street, Dead-end**

A right-of-way closed at one end with an intersection with a through street at the other end, and also includes the term cul-de-sac street. A street with a temporary turnaround is a dead-end street.

**3.17 Subdivider**

The owner of record at the time of filing of an approved subdivision or resubdivision plan or, at the time of application, a person holding an option or agreement to purchase land.

**3.18 Trees, Significant**

A healthy, well formed, individual tree nine (9) inches or greater d.b.h. (diameter breast height) on a proposed lot or within an existing or proposed street right-of-way, and/or a grove of trees of any size, especially as they stand along streets or boundaries of existing or proposed lots, that add scenic character or serve as privacy screens or buffers.

**3.19 Vantage Point**

A ground that offers the best advantage for observing scenery.

**3.20 View**

Scenery that exceeds one-hundred and eighty (180) degrees in width as observed from a vantage point.

**3.21 Vista**

Scenery that is less than one-hundred and eighty (180) degrees in width as observed from a vantage point and is framed by trees, landforms, buildings or other vertical features.

**3.22 Wetlands and Watercourses**

As defined in Section 22a-38 of the Connecticut General Statutes, as may be amended. In case of any question over the meaning of a word, phrase, or sentence whether defined herein or not, the Commission reserves the right to make a determination thereof, being guided in such determination by the purposes and intents of these regulations.

**3.23 Yield Plan**

A map or maps containing a lot and site improvement layout and additional information, as required by these regulations (see section 6.10.a.6), that demonstrates: compliance with the zoning Schedule of Dimensional Requirements provisions for standard lot size, lot frontage and building setbacks; compliance with all other zoning requirements, including minimum lot area requirements for new lots; and compliance with all subdivision requirements, including the Design Objectives of Section 5.1, the lot size and configuration provisions of Section 7.4 and the Open Space requirements of Section 13.

A yield plan must be submitted whenever a subdivider seeks a reduction or waiver of minimum lot frontage (see Section 7.6) or in the R-90 and RAR-90 zones, a lot size of less than 90,000 square feet.

## **Section 4.0 General Provisions**

### **4.1 Approved Plan Required**

No subdivision of land shall be made, no land in any subdivision shall be sold or offered for sale and no construction of private structures, utilities or public improvements shall be started until a plan of subdivision, prepared in accordance with these regulations, has been approved by the Commission, with such approval endorsed thereon by the Chairman, and filed by and at the expense of the subdivider in the office of the Town Clerk within the time provided by Statute.

### **4.2 Zoning Regulations**

No subdivision plan shall be approved unless it conforms to the Zoning Regulations of the Town, as adopted, as may be amended hereafter (copy on file in the Office of the Commission).

### **4.3 Inland Wetland Regulations**

The applicant is responsible to insure the proposed subdivision conforms to all applicable provisions of the Inland Wetland Regulations of the Town (copy on file in the office of the Commission). No subdivision application involving proposed activities within regulated areas, as defined by the Mansfield Inland Wetland Agency (IWA), shall be approved unless all necessary IWA licenses or license modifications have been granted.

### **4.4 Public Health and Safety**

No land shall be subdivided unless it is of such character that it can be used for building purposes without danger to health and the public safety, and no subdivision plan shall be approved unless it conforms to the health and public safety regulations of the Town and the State of Connecticut, as may be amended hereafter, and unless it provides adequately for water supply, drainage, sewage disposal, and for protective flood control measures.

### **4.5 Plan of Conservation and Development**

In its review of a proposed subdivision, the Commission should consult the Mansfield Plan of Conservation and Development, particularly with respect to natural and manmade features, scenic views and vistas, and open space recommendations.

### **4.6 Lots Inappropriately Created Between June 1, 1957 and June 1, 1967**

Pursuant to Section 8-26 of the Connecticut General Statutes, the Commission may, by a three-quarters vote of all members, waive A-2 survey and other subdivision requirements, provided all of the following conditions are met:

- a. The subject lot or lots have frontage on existing streets
- b. The subject lot or lots were created inappropriately between June 1, 1957 (date of original adoption of Subdivision Regulations) and June 1, 1967
- c. The subject lot or lots have existing residences situated on them.

In each case, an applicant shall submit a subdivision application and map depicting existing property lines, structures, septic system and well locations and any other information deemed necessary by the Commission to review the application. In each case where a waiver is granted, the Commission shall cite upon its records the reasons for its action.

### **4.7 Administrative Procedures**

In addition to the requirements contained herein, the Commission may establish such administrative procedures as it deems necessary for the proper administration of these regulations.

### **4.8 Submission to Regional Planning Commission**

Whenever a subdivision of land is planned within Mansfield, the area of which will abut or include land of two or more municipalities, one of which is the Town of Mansfield, the Commission shall submit said plan of subdivision to the WINCOG Regional Planning

Commission for report, pursuant to Chapter 126, Section 8-26b of the Connecticut General Statutes as amended.

**4.9 Notification to Adjoining Towns**

In situations where a pending application submitted to the Planning and Zoning Commission involves any of the criteria noted below, the Commission shall notify by Certified Mail, Return Receipt Requested, within 7 days of the receipt of the application, the Clerk of any adjoining municipality of the pending application. No Hearing shall be conducted unless the adjoining municipality has received said notice.

- a. Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of the adjoining municipality;
- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

**4.10 Windham Water Works/ Connecticut Department of Public Health Notification**

When an applicant files with the Planning and Zoning Commission an application concerning a subdivision that is within an aquifer protection area delineated pursuant to Section 22a-354c of the General Statutes or which is within the watershed of the Willimantic Water Works or other water company as defined in Section 25-32a of the General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by the Commissioner (provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the Mansfield Land Records and with the Mansfield Planning and Zoning Commission or the aquifer protection area has been delineated in accordance with Section 22a-354c, as the case may be). Such notice shall be made by Certified Mail, Return Receipt Requested, and shall be mailed within seven days after the date of the application. The Willimantic Water Works or other such water company and the Commissioner of Health may, through a representative, appear and be heard at any hearing on any such application.

**4.11 Notification of Abutting Property Owners**

The applicant shall be responsible for notifying all property owners abutting the site of a proposed subdivision, including property owners across the street from a subject subdivision (as measured at right angles to straight street lines and radial to curved street lines). Said notification, which shall be sent by Certified Mail, within seven (7) days of the Commission's receipt of the application, shall include mapping that depicts the proposed subdivision. The notice also shall reference the fact that the complete application is available for review in the Mansfield Planning Office. Notification forms (available in the Mansfield Planning Office) shall be utilized for notifying abutting property owners.

**4.12 Referrals to Staff/Mansfield Boards and Committees**

All subdivision applications and related mapping shall be referred to the Director of Planning, the Town Engineer or designee, the Fire Marshal, Eastern Highlands Health District, the Conservation Commission, the Open Space Preservation Committee and any other agency or organization the Commission deems appropriate including but not limited to: the Design Review Panel, the Agriculture Committee, the Parks Advisory Committee, the Recreation Advisory Committee and the Town Council.

## **Section 5.0 Subdivision Design Objectives/Design Process**

### **5.1 Design Objectives**

Subdivisions shall be designed in a manner that protects the public's health and safety, promotes goals, policies and recommendations contained in Mansfield's Plan of Conservation and Development, addresses the provisions of Section 1 of these Regulations (Purpose and Authority) and complies with all specific requirements contained or referenced in these regulations. To address these objectives, primary considerations in designing streets, walkways/bikeways and other public improvements, lot layouts, proposed locations for houses, driveways, sanitary systems and other site work and identifying appropriate open space preservation areas shall be:

- a. The protection and enhancement of vehicular and pedestrian safety through the appropriate siting of streets, driveways, walkways, bikeways and trails;
- b. The protection and enhancement of existing and potential public water supply wells and ground water and surface water quality through appropriate design and installation of sanitary systems, roadways, drainage facilities, house sites and other site improvements;
- c. The protection and enhancement of natural and manmade features, including wetlands, watercourses, aquifer areas, agricultural lands, hilltops or ridges, historic sites and features, expanses of valley floors, interior forests, significant trees and scenic views and vistas on and adjacent to the subdivision site. Wherever appropriate, site features shall be protected through a clustering of streets and house sites and the identification and preservation of significant open space areas including agricultural lands, interior forests and other land without physical limitations.
- d. The utilization of a site's natural terrain, avoiding unnecessary re-grading, filling and removal activities.
- e. The promotion of energy efficient patterns of development and land use, energy conservation and the use of solar and renewable forms of energy through the appropriate siting of streets, driveways and house sites and, whenever appropriate, bikeway and walkway/trail connections to neighboring streets and neighborhoods; existing and planned commercial areas; schools, parks, and other public facilities and town designated walkway or bicycle routes.

### **5.2 Design Process**

All prospective subdividers are encouraged to meet with the Director of Planning or other Planning Office Staff to review zoning and subdivision approval criteria and application submission requirements.

To help achieve the design objectives of Section 5.1, to expedite application reviews, to help reduce application submission costs and to help ensure compliance with all applicable provisions of Mansfield's Zoning and Subdivision Regulations, Mansfield has established a comprehensive pre-application design process. This design process, which is recommended for all subdivisions, includes mandatory pre-application submissions for all subdivisions with new streets or four (4) or more lots. The process has the following steps:

- Step 1 Preparation of an Off-Site and Neighborhood Influences Inventory Plan and preparation of a Site Analysis Plan (see Section 5.2.a)
- Step 2 Preparation of a Conceptual Yield Plan and a Conceptual Layout Plan (see Section 5.2.b)
- Step 3 Testing and Preparation of Final Subdivision Plans (See Section 5.2.c and Section 6)

It is important to note that any pre-application comments and/or recommendations provided to a prospective subdivider by Mansfield's Director of Planning, other staff member or Mansfield

Commission or Committee member, shall not be binding on the applicant, the Planning and Zoning Commission or any other authority, agency or official having jurisdiction to review and act upon the subject subdivision.

**a. Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan**

**1. Off Site and Neighborhood Influences Inventory Plan**

Regional, town-wide and neighborhood characteristics and influences shall be inventoried and considered with respect to the subject subdivision site and the Design Objectives of Section 5.1. State and regional land use plans, Mansfield's Plan of Conservation and Development, local knowledge and other sources of information should be considered in conducting this inventory of off-site influences.

While all prospective applicants are encouraged to submit and review with the Planning Staff an inventory of off-site and neighborhood influences, whenever a subdivision proposal includes new streets or four (4) or more lots, this inventory is mandatory and shall be submitted by a Connecticut Licensed Landscape Architect in association with the Site Analysis Plan requirements of Section 5.2.b. Where required, this inventory shall be presented in the form of a plan showing the location of the project site, area factors such as roads and transportation networks, noteworthy topographical and natural resource features, proximate commercial, recreational, educational and cultural land uses and any other external site features that could influence development on the project site. This plan may be displayed as a cover sheet for the set of final subdivision plans.

**2. Site Analysis Plan**

Natural and man-made features on or adjacent to a potential subdivision site shall be inventoried and considered in association with the design objectives of Section 5.1 and other provisions of these regulations. While all prospective applicants are encouraged to submit and review with Planning Staff a Site Analysis Plan (as described below), whenever a subdivision proposal includes new streets or four (4) or more lots, the submittal of a Site Analysis Plan is mandatory. Where required, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning five (5) copies of a Site Analysis Plan containing the information listed below as applicable to the subject site. This plan shall be submitted in association with an Off-Site and Neighborhood Influences Inventory Plan as per Section 5.2.a.1.

The submitted Off-Site and Neighborhood Influences Inventory Plan and the Site Analysis Plan shall be reviewed by Mansfield staff members and shall be referred to the Conservation Commission and the Open Space Preservation Committee. As deemed appropriate by the Director of Planning, the above referenced plans also may be referred to other advisory committees for review and comment. Additionally, the Planning and Zoning Commission shall be informed in writing and provided with an opportunity to receive the submitted information for review and comment. The Director of Planning shall within forty-five (45) days of receipt provide review comments on the submitted plans to both the applicant and the Planning and Zoning Commission and any reviewer who provided comments to the Director. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Commission unless the Off-Site and Neighborhood Influences Inventory Plan and the Site Analysis Plan requirements have been met.

The following information shall be included, as applicable to the subject site, on all required Site Analysis Plans:

1. North arrow, date and scale. All plans shall be drawn at a scale of one (1) inch equals forty (40) feet (1" = 40') or less. The Director of Planning shall have the right to permit different scales for larger parcels provided the scale used shall also be used for the final subdivision plan. Use of the same scale will facilitate a transfer of information.
2. Name of subdivider and subdivision and the name and seal of the Landscape Architect who prepared the plan.
3. Boundaries of tract to be subdivided.
4. Existing contours at two (2) foot intervals. All slopes over 20 percent and watershed divides should be indicated.
5. Existing streets, easements, fences, walkways, bikeways, trails, structures both onsite and immediately adjacent to the site.
6. Wetlands and watercourses including intermittent streams both onsite and immediately adjacent to the site.
7. One Hundred (100) year flood plains, including base flood information on any portion of the land being subdivided which is within flood hazard areas as shown on the Zoning Map and in greater detail in the flood insurance study dated July 1980, and the most current Federal Emergency Management "Floodway" and Flood Insurance Rate Maps.
8. Aquifer areas and public drinking water wells on or within 500 feet of a site.
9. Soil type classifications as per the current U.S.D.A. Natural Resource Conservation Service Soil Survey for Tolland County, CT.
10. On-site and adjacent historic features including: all structures, wells and other utility features, walls and fences regardless of their condition, existing or former walks, paths, drives, trails, etc., curbs and pavement, man-made elements inserted into the ground such as hitching posts, garden or enclosed areas, significant vegetation, remains of old foundations, rip-rapping, arbors, trellises, etc., and any other historic features observed.
11. On-site and adjacent agricultural land with existing uses identified.
12. Areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Natural Communities Map published by the Connecticut Geological and Natural History Survey of the Connecticut Department of Environmental Protection; and significant natural flora and fauna communities as per Mansfield's Plan of Conservation and Development mapping.
13. Other natural and man-made features, including rock ledges and rock outcropping, significant trees, tree or shrub groves or masses of groundcover and obvious wildlife habitats.
14. Desirable scenic and/or historic views and vistas into or out of the site, desirable internal vistas and views and any undesirable views and vistas both off and on-site.
15. On-site and adjacent open space and recreational land with existing uses identified.
16. Off-site nuisances to be screened.

17. Negative site conditions such as dangerous and dilapidated buildings, dead and falling trees, diseased plants, infestation of invasive species, areas of stripped top soil, deposits or junk and refuse.
18. Objectionable noises or odors and their sources both on and off site.
19. Particular micro-climatic conditions that may affect development.
20. Directions of prevailing winter winds and summer breezes.
21. Horizontal angles of the sun (azimuth) on December 21 and June 21.
22. Primary directions of off-site traffic flow and relative volumes; points of connection of site with sidewalks, bikeways and trails, if any.
23. Logical points of ingress and egress to the site; sight lines of possible driveway to road; locations of all trees over 9 inches in diameter (d.b.h.) within sight lines.
24. Tentative notations of possible preservation and conservation areas (areas where development should be discouraged).
25. Tentative identification of areas that are better suited for development.

An example of a site analysis plan is contained in Appendix A of these regulations.

In situations where the Director of Planning becomes aware of a planned subdivision but the mandatory submittal of an Off-Site and Neighborhood Influences Inventory Plan and a Site Analysis Plan are not required, the Director is encouraged (subject to privacy considerations or other factors) to notify other staff members, the Conservation Commission, the Open Space Preservation Committee and, as appropriate, other advisory committees that a subdivision is being considered for the subject property. This notification provision is designed to facilitate the communication of useful information to a potential applicant at an early stage of the subdivision design process.

In situations where an Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan have not been submitted but the Director of Planning has notified staff and advisory committees of a potential subdivision application, the Planning and Zoning Commission shall be informed in writing and provided an opportunity to comment. Any pre-application review comments from staff members, commission or committee members shall be incorporated into a report from the Director of Planning, which shall be submitted to the applicant, the Planning and Zoning Commission and any reviewer who provided comments to the Director. Any comments from the Commission shall not be binding on the applicant, the Commission or any other authority, agency or official having jurisdiction to review and act upon the subject subdivision.

**b. Conceptual Yield Plan and Conceptual Layout Plan**

Following the analysis and review of off-site and neighborhood influences and site features, the next step in designing a Mansfield Subdivision shall be the preparation of a Conceptual Yield Plan and a Conceptual Layout Plan. These plans shall take into account all comments received in association with the initial step as described in Section 5.2.a.

All applicants are encouraged to submit to the Planning Office a Conceptual Yield Plan and Conceptual Layout Plan for review prior to the submittal of final plans. However, whenever a subdivision proposal includes new streets or four (4) or more lots, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning five (5) copies of a Conceptual Yield Plan and a Conceptual Layout Plan. Several concept plans may be

submitted concurrently. The submitted plans shall be reviewed by Mansfield staff members and, shall be referred to the Conservation Commission, the Open Space Preservation Committee and the Design Review Panel. As deemed appropriate by the Director of Planning, the plans also may be referred to other advisory committees for review and comment. Additionally, the Planning and Zoning Commission shall be informed in writing and provided with an opportunity to receive the submitted plans for review and comment. The Director of Planning shall within forty-five (45) days of receipt provide review comments on the submitted plans to both the applicant and the Planning and Zoning Commission and any reviewer who provided comments to the Director. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Planning and Zoning Commission unless these conceptual plan requirements have been met. All review comments on conceptual plans shall not be considered as a commitment to approve final plans which are subject to independent review and approval pursuant to Section 6 and compliance with all applicable approval criteria contained in these regulations.

The Conceptual Yield Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed with standard frontages and lot sizes pursuant to all applicable zoning and subdivision approval criteria. Mansfield's Subdivision Regulations require a yield plan to determine the maximum number of lots that could be developed on a subject site (see Section 6.10.a.6 for yield plan provisions).

The Conceptual Layout Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed pursuant to all applicable zoning and subdivision approval criteria, including Mansfield's "Cluster Development" provisions. Section 7.4 of the Subdivision Regulations authorizes the Commission to require new subdivisions to be clustered with reduced lot sizes and larger areas of preserved open space. Section 7.6 includes provisions to reduce or waive lot frontage and setback requirements. A submitted Conceptual Layout Plan should reflect an applicant's intended final plan submission subject to soil testing and obtaining more specific site information.

**c. Testing/Preparation of Final Subdivision Plans**

Following the receipt of review comments on all submitted conceptual plans, applicants shall conduct all required testing pursuant to State Health Code requirements and permits issued by Eastern Highlands Health District. Following on-site testing and further analysis, applicants can elect to resubmit conceptual plans pursuant to Section 5.2.b. or prepare final plans pursuant to Section 6. The final plan shall take into account all information obtained through Mansfield's design process.

Final Subdivision plans shall depict proposed streets, lot lines, building and development area envelopes, house locations, well and septic system locations, open space areas, natural and manmade resources and other details required by Section 6 and other provisions of these Regulations. The final subdivision plan shall address the minimum lot size provisions of the Zoning Regulations, and the number of proposed lots shall be no greater than the number depicted on a finalized yield plan prepared pursuant to Section 6.10.a.6.

## Section 6.0 Final Plans

### 6.1 Plan Required

In order for land to be subdivided, all procedures and requirements of this Section (6.0) and other applicable sections of these regulations, including the subdivision design process of Section 5, must be complied with. Only final plans approved by the Commission may be filed in the office of the Town Clerk.

### 6.2 Complete Application

The subdivision application shall be considered complete by the Commission when it determines the subdivider has complied with the design process provisions of Section 5 and all submission provisions of Section 6. If an application involves activities within regulated areas as defined by the Mansfield Inland Wetland Agency (IWA), the application shall not be received unless a license application for said activities has been received by the IWA and is currently under IWA review; or unless a license for said activities has been approved by the IWA; or unless the proposed activities have been ruled by the IWA to be exempt from licensing requirements. The date of the meeting at which the Commission determines the application is complete shall be designated the official date of submission.

### 6.3 Final Plan Requirements

- a. The final plans shall consist of the subdivision map, construction and public improvement plan (if needed), pursuant to Section 6.7 and supportive documentation (Section 6.10 and 6.11) either required herein or as may be required by the Commission.
- b. All required plans shall be prepared by and shall bear the name, signature and seal of a land surveyor and professional engineer licensed by the State of Connecticut.
- c. Final plans shall include the name, signature and seal of a landscape architect licensed by the State of Connecticut whenever a subdivision proposal includes new streets or four or more lots, or the Commission determines that a landscape architect is needed to address application requirements and approval criteria including potential impacts on natural and manmade features and scenic views and vistas.
- d. Final plans shall include the name and signature of a certified soil scientist whenever wetlands or watercourses exist within one hundred fifty feet of proposed building envelopes or the Commission determines that a soil scientist is needed to address application requirements and approval criteria.
- e. All full sized plans shall be drawn at a scale of one (1) inch equals forty (40) feet (1"=40') or less. The Commission may permit different scales for large parcels.
- f. All plans shall be submitted on sheets at least 24 inches wide and 36 inches long (24" x 36"). The subdivider shall submit at least 6 copies of all full sized maps. The Commission may require additional copies. In addition, the subdivider shall submit fifteen (15) copies of the final plans reduced, wherever possible, to fit paper eleven (11) inches wide and seventeen (17) inches long. The reduced sized maps shall be at a measurable scale, which shall be noted on the reduced size map.

### 6.4 Title Block

On each sheet of plans there shall be a title block containing the following:

- a. Name and address of subdivider and land owner
- b. Name, address and seal of licensed land surveyor, licensed professional engineer and, as may be required by Sections 6.3.c and d, a licensed landscape architect and certified soil scientist
- c. Scale, date when drawings were prepared, north arrow
- d. Name of subdivision - the name shall not duplicate nor too closely approximate that of any existing subdivision in this or neighboring towns.

## 6.5 Final Subdivision Maps

The final maps shall take into account the yield plan requirements of Section 6.10a.6, the subdivision criteria of Section 7, the open space dedication requirements of Section 13 and other applicable provisions of these Regulations, and shall incorporate the following minimum features:

- a. Location map, scale 1"=1,000' indicating thereon the following:
  1. The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part;
  2. All adjoining roads and streets with the designation of names and/or numbers;
  3. All subdivision, town boundary lines, and other significant landmarks within 3,000 feet of the subdivision
  4. Delineation of all proposed lots
- b. Overall boundary survey to a stated accuracy of 0.01 and 20", according to accepted standards for a "Class A-2 Transit Survey" as defined by the Connecticut Association of Land Surveyors, Inc. The survey shall be tied to the Connecticut Plane Coordinate System of 1983 (unless waived by the Commission for subdivisions of three (3) lots or fewer where, due to the location of the site with respect to existing control points, the cost of tying into the State Coordinate System would be unreasonable).
- c. Zoning classification of subdivision and abutting properties; note of any applicable zoning variance of the proposed subdivision;
- d. Existing topography at five (5) foot contour intervals for areas where no grading, fill or removal activity is proposed. Two (2) foot contour intervals are required for grading, fill or removal activity that is proposed or required including, but not limited to, activity associated with road construction, drainage, or sightline improvements, open space/recreational improvements, driveway or septic system construction. USGS contour lines are not acceptable. Drainage divides shall be delineated. All subdivision grading, fill or removal activity shall be designed to blend into the surrounding topography without altering the character of a site. The subdivision map shall note the estimated amount of material to be filled or removed for each lot. (See additional requirements outlined in Section 6.8).
- e. Location of all wetlands and watercourses including intermittent streams. Include any proposed relocation of watercourses or draining or filling of ponds or wetlands (see Section 4.3).
- f. One Hundred (100) year flood plains, including base flood information on any portion of the land being subdivided which is within flood hazard areas as shown on the Zoning Map and in greater detail in the flood insurance study dated July, 1980 and the most current Federal Emergency Management "Floodway" and Flood Insurance Rate Maps.
- g. Existing streets, structures, wells, septic systems, fences, trails, etc., on site or on adjacent land within one hundred and fifty (150) feet of proposed streets or lots
- h. Aquifer areas and public drinking water wells on or within 500 feet of a site.
- i. Existing and proposed easements and rights-of-way for public utilities, street drainage, sight lines, slope rights, conservation areas and public uses. All existing and proposed drainage structures and all existing and proposed underground utility lines and associated utility easement areas;
- j. Other natural and manmade features on the site, including:
  1. Historic sites, structures and features such as stone walls, foundations, cellar holes, cemeteries, and known archaeological sites and areas with archaeological potential as defined by the State Office of Archaeology, etc. Where appropriate, the State Archaeologist and State Historic Preservation Officer shall be consulted.
  2. Exposed ledge, rock outcroppings, areas over twenty percent (20%) in slope, unusual geologic formations (eskers, drumlins, kames, etc.)

3. Open fields and meadows, woodlands, tree lines, significant trees. The subdivision map shall identify all significant trees (see definition) that are within a proposed development area envelope or an existing or proposed street right of way. In addition, all trees over fifteen (15) inches d.b.h. (diameter breast height) situated on the subdivision site shall be identified, either individually or as part of a grove. Significant trees that are to be preserved shall be specifically labeled on final plans.
4. Scenic views and vistas (see definition) within, into or out of the property; hilltops and ridges and expanses of valley floors.
5. Soil delineations and symbols as per the current U.S.D.A. Natural Resources Conservation Service Soil Survey for Tolland County. Prime farmland soils and stratified drift aquifer areas shall be specifically identified and clearly labeled.
6. Areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Natural Communities Map published by the Connecticut Geological and Natural History Survey of the Connecticut Department of Environmental Protection; and significant natural flora and fauna communities as per Mansfield's Plan of Conservation and Development mapping;
- k. Names and addresses of abutting property owners, including those across any street;
- l. Proposed lot layout, lot numbers, square footage of lots and all lot dimensions. Where proposed lots include watercourses, wetland soils, exposed ledge or slopes over twenty (20) percent, the subdivider shall specify on the plans that the lot/area provisions of Article VIII, Section B.6 of the Mansfield Zoning Regulations have been met. A map delineation of the required lot area shall be provided wherever compliance with this requirement is unclear.
- m. Proposed house and driveway locations with associated grading information. All re-grading and tree removal necessary to address driveway drainage and sightline issues shall be depicted on the subdivision plans. The subdivider shall identify the length of sightline, using sightline criteria outlined in the most current Connecticut Department of Transportation Highway Design Manual that exists or will be achieved for each existing and proposed driveway, and shall demonstrate that each driveway will not exceed a slope of fifteen (15) percent.
- n. Proposed street layout (where applicable) with pavement type and typical street cross-section, right-of-way widths, street names, location of existing and proposed street signs and street lights, with design details and street trees, with standard plant specifications;
- o. Sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance safe bicycle and pedestrian use (see Section 9). Where required, cross-sections and related construction details shall be provided.
- p. Location of existing and/or proposed septic systems, including reserve areas, wells and underground storage tanks. Proposed septic systems shall be designed for at least a three (3) bedroom home and shall be shown as dotted lines labeled as such. Location and results of all test holes as required, including pertinent soil data. No septic system shall be located so that its operation is impaired by flooding.
- q. Location, dimensions and size of all property proposed to be set aside for open space, including conservation easement areas or park area, with designation of ownership and purposes thereof;
- r. Location of all proposed monuments and lot markers (See Section 8.12);
- s. Proposed building area envelopes and development area envelopes (see definitions) with specified distances from property lines and applicable site features. The building area envelopes shall be shown as dashed lines and appropriately labeled to serve as setback lines in accordance with zoning and subdivision requirements.
- t. An index map of the proposed subdivision if divided into sections or is of such size that more than one sheet is required;
- u. The words "Approved by the Mansfield Planning and Zoning Commission", with a designated place for the signature of the Chairman and the date of signing. The words "Approved by the

Director of Health", with a designated place for the signature of the Director. The words "Approved by the Director of Public Works", with a designated place for signature of the Director. This requirement shall be addressed on all sheets where required subdivision information is provided.

**6.6 Additional Requirements**

After review, the Commission may require the addition to the plan of a note(s) expressing provisions to be made for water supply, sewage disposal, easements, reservations, dedications, safety or welfare, including specified conditions of approval.

**6.7 Construction and Public Improvement Plans**

Construction plans for all proposed roads, drainage and other improvements shall be submitted to and approved by the Commission prior to final action on the subdivision plan. Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwalls, side walks, curbs, gutters and other structures shall be submitted on blue line prints. All plans shall be prepared in accordance with the Mansfield Department of Public Works Construction Standards and Specifications and shall bear the seal of a qualified Professional Engineer registered in the State of Connecticut.

**6.8 Plans for Grading, Fill and Removal Activity**

All subdivision applications shall include specific plans and information regarding all grading, fill and removal activity associated with a proposed subdivision, including but not limited to road construction, drainage, open space/recreation improvements, driveway and septic system construction. The plans shall address all applicable requirements and approval criteria of Article X, Section H of the Mansfield Zoning Regulations and shall conform to Mansfield's Engineering Standards and Specifications. The grading/fill/removal plan shall be prepared by a qualified professional engineer or professional surveyor registered in the State of Connecticut (pursuant to provisions of Chapter 391 of the Connecticut General Statutes and associated regulations of the State Department of Consumer Protection).

**6.9 Erosion and Sediment Control Plan**

The subdivider shall submit with the subject subdivision application a complete Erosion and Sediment Control Plan in accordance with the requirements of Article VI, Section B.4.s. of the Mansfield Zoning Regulations.

**6.10 Required Documentation**

- a. Wherever applicable, the subdivider shall submit, along with the final subdivision map, the construction and public improvement map and the grading plan, the following:
  1. An engineer's estimate of cost of construction satisfactory to the Town Engineer of all public improvements;
  2. Any agreement made with the State Department of Transportation when a proposed street or storm drain joins with a state highway;
  3. Unexecuted copies of warrantee deeds as required in accordance with Section 15.0 of these regulations;
  4. A statement regarding the methods of dedicating proposed easements and rights-of-way and the method of ownership of open space;
  5. A statement regarding the considerations that have been made to address the solar access and energy-efficient design provisions of Section 7.2
  6. In all situations where a proposed subdivision application necessitates a frontage waiver pursuant to Section 7.6 and/or in the R-90 or RAR-90 zones, proposes a lot size of less than 90,000 square feet, a yield plan shall be submitted. The yield plan shall depict the number of potential lots that could be developed with standard frontage, lot size (90,000 square feet in the R-90 and RAR-90 zones), setbacks and lot configuration, taking into account the

information noted or referenced below, the subdivision criteria of Section 7, the open space dedication provisions of Section 13 and other requirements of these Subdivision Regulations. At a minimum, the yield plan shall include all onsite testing data, site topography, delineation of wetlands, watercourses and exposed ledge and adequate additional information about onsite natural and manmade resources (see Section 6.5) to determine that the yield plan is feasible.

In all situations where a yield plan has been submitted with activity within regulated wetlands and watercourse areas, the submitted yield plan also shall be submitted for review and comment by the Inland Wetland Agency. The Commission shall consider potential yield plan impacts on wetland and watercourse areas taking into account Inland Wetland Agency comments on the yield plan, including whether the proposed plan is preferable to the yield plan with respect to potential wetland impact.

The submitted yield plan shall be used by the Planning and Zoning Commission to determine the maximum number of lots that can be approved. Sections 7.4, 7.5 and 7.6 and other provisions of these Regulations shall be used to determine final lot sizes, lot frontages and development and building area envelopes for all approved subdivision lots.

Acceptance of the yield plan shall be based on the standards contained in the Mansfield Subdivision and Zoning Regulations.

- b. Before final action, the Commission shall obtain the following information:
  1. Statements from the Town Engineer and public utility companies as appropriate, approving public improvements and utilities;
  2. A report from the Director of Health or his designated agent regarding the adequacy of individual subsurface sewage disposal systems and water supply.

#### **6.11 Optional Documentation**

The Commission may require the subdivider to submit additional documentation, including:

- a. Tentative plans for the future development of land abutting the proposed subdivision, if such land is owned or controlled by the subdivider;
- b. Plans showing relationships of road layouts, drainage and utility systems, and open space within the subdivision to such facilities existing or potential, outside the subdivision;
- c. Statements of any Town, State or Federal agency, organization or official which the Commission deems may have an interest in the proposed subdivision;
- d. Environmental impact studies, including a hydrogeologic analysis, evaluating the impact of the subdivision on the land, air, and water of the site and neighboring sites, and considering, among other elements: soils, surface and subsurface water, bedrock geology, topography, existing wells proximate to the subdivision, air quality, flora and fauna, noise levels and other such elements as may be specified by the Commission;
- e. A traffic impact report evaluating the potential impact of the proposed subdivision on existing streets and intersections. Said report shall identify any existing road or intersection deficiencies in the vicinity of the proposed subdivision and shall take into account other land use projects previously approved by the Commission.

#### **6.12 Procedure for Approving and Recording Final Subdivision Plans**

- a. **Hearings** - The Commission may hold a Public Hearing regarding any subdivision proposal, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a Public Hearing. Notice of the Hearing shall be published in a newspaper of general circulation in the town 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, and by sending a copy thereof by Certified Mail to the subdivider.

- b. **Decision** -The Commission may approve, modify and approve, conditionally approve, or disapprove the application or any maps or plans submitted therewith. All decisions shall be made in accordance with statutory time requirements (see Section 8-26d of the State Statutes). For applications involving concurrent Inland Wetland Agency (IWA) license applications, no decision shall be made until the IWA has submitted a report with its final decision. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the town and also addressed by certified mail to the applicant within fifteen (15) days after such decision has been rendered. Failure of the Commission to act upon such application within the required time period or such further time thereafter, shall be considered approval, and a certificate to that effect shall be issued by the Commission on demand. The grounds for its action shall be stated in the Minutes of the Commission.
- c. **Withdrawal of Application** - At any time prior to the final action by the Commission on the application, the subdivider may withdraw such application by filing with the Commission, in writing, a formal request to that effect. If approval of an application has been granted by the Commission, the subdivider may, at any time prior to the filing of the approved plan on the Mansfield Land Records, return such approved plan to the Commission with a written request for cancellation of the plan. Upon cancellation, it shall be noted on the plans. No fees shall be refunded on such withdrawal.

### 6.13 **Revisions**

Whereas all subdivision approvals are based on submitted plans and specifications, all proposed revisions to approved subdivision plans are required to receive prior approval as per the provisions of Sections 6.13.a through 6.13.d. Failure to obtain necessary approvals shall be considered a violation of these regulations and pursued in accordance with municipal and State enforcement provisions. For revisions requiring Commission approval, applicants may be required to notify abutting property-owners. For all approved revisions that alter previously approved and filed lot lines or a previously approved lot frontage waiver or building setback waiver, reduction or increase (approved pursuant to Sections 7.5 and 7.6), notice of this action shall be filed on the Land Records and indexed to notice future owners of the subject lot and affected abutting lot or lots.

Revisions are subject to the requirements of the Mansfield Inland Wetland Agency (IWA), and revisions shall not be authorized unless all necessary IWA licenses or license modifications have been granted;

- a. All proposed revisions to street or driveway layout, design or drainage, septic systems, septic reserve areas, water supply wells and utility installation shall be subject to the requirements and approval of the Eastern Highlands Health District director or his designee and the Mansfield Director of Public Works or his designee. Additionally, the Mansfield Director of Planning or his designee shall verify that the proposed revisions remain in compliance with all applicable zoning and subdivision requirements. Whenever questions arise regarding proposed revisions to street or driveway layout, design or drainage, the Director of Planning or his designee shall consult the Planning and Zoning Commission chairman and, as necessary, the entire Commission shall determine compliance with all applicable regulations.
- b. All proposed revisions to approved lot lines, approved building area envelopes (see definition) or approved development area envelopes (see definition) shall require the approval of the Planning and Zoning Commission. An applicant shall submit to the Commission adequate information to demonstrate that the proposed lot line revisions or proposed construction outside of an approved building envelope remains in compliance with all applicable zoning and subdivision requirements and that the proposed revision will not significantly impact natural or manmade features, scenic views and vistas, open space or recreational areas or other important features identified through the subdivision approval process.

- c. Any other proposed revisions not addressed by Sections 6.13.b or 6.13.c may be authorized by the Director of Planning or his designee, provided adequate information is submitted to verify compliance with all applicable zoning and subdivision requirements.

**6.14 Endorsement**

Upon approval, the subdivider shall submit, in accordance with the schedule contained in Section 6.15, two (2) sets of reproducible subdivision plans acceptable to the Town Clerk based on the provisions of Section 7-31 of the State Statutes; three (3) sets of full sized paper prints of the approved plans and three (3) sets of reduced size maps as per the submission provisions of Section 6.3.f In addition, the subdivider shall submit the final plans in digital form AutoCAD R-14 or a compatible form acceptable to the Town. Alternatively, Town staff may accept other forms of digital data (property lines, wetland boundaries and other data contained on a final subdivision plan) provided the data can be readily incorporated into the Town's current digital mapping system. This digital data is needed to appropriately update Town records.

The Chairman of the Commission who, after determining that the submittals comply with the Commission's action and that all other regulatory requirements have been met, shall sign the plans. When the Chairman is absent, or otherwise unable to act, the Vice-Chairman or Secretary of the Commission shall sign said maps. No plan shall be recorded with the Town Clerk until approval has been endorsed thereon and recording of the plan without such endorsement shall make said plan void. A plan revised without a proper endorsement shall also be void. The endorsement of approval shall state the date on which the subdivision approval period expires (see Section 6.16).

**6.15 Filing and Recording**

Unless an extension (or extensions) is requested by the applicant and granted by the Commission\* pursuant to Section 8-25 of the State Statutes, all approved subdivision plans shall be endorsed by the Commission Chairman and subsequently recorded by the applicant (at his or her cost) in the office of the Town Clerk within ninety (90) days of either (1) the expiration of the appeal period pursuant to Section 8-8 of the State Statutes, or (2) in the case of an appeal, the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. The Commission hereby authorizes its officers to grant an initial ninety (90)-day filing extension, provided there are no subdivision map revisions other than those required by the Commission's approval action. Endorsed subdivision plans shall be returned to the applicant in accordance with the provisions of section 8-25 of the State Statutes. To address statutory filing requirements, to ensure adequate time for Town officials to approve necessary deeds and easements, to make sure required subdivision work has been completed or bonded satisfactorily and to make sure that all other subdivision requirements have been addressed suitably, the Commission, for good cause, shall have the right to declare the approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):

- a. All final maps, deeds and easements for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen (15) days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen (15) days of any judgment in favor of the applicant;
- b. All monumentation (with Surveyor's Certificate) and all required subdivision work shall be completed or bonded pursuant to the Commission's approval action and Section 14 of these regulations no later than fifteen (15) days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen (15) days of any judgment in favor of the applicant.

\*The Commission hereby authorizes its officers to grant an initial ninety-day filing extension, provided there are no subdivision map revisions other than those required by the Commission's approval action.

**6.16 Expiration**

The expiration provisions of the State Statutes (particularly Sections 8-26c and 8-26g) shall govern for all subdivision approvals. Except for subdivisions that qualify for longer approval periods pursuant to statutory provisions, all work associated with an approved subdivision shall be completed within five (5) years of the date of approval unless an extension is granted by the Commission pursuant to statutory provisions. Any extension of a conditional approval may be granted in one-year increments up to statutory limits. The applicant shall provide justification acceptable to the Commission for any extension request. In reviewing any extension request, the Commission shall take into account site conditions, the status of required subdivision work, conditions of subdivision approval and any regulatory changes that have occurred since the original approval. Furthermore, the Commission shall cite reasons for any granted extensions. The Commission shall have the right to modify bonding requirements in association with any extension request. Failure to complete subdivision work (as defined by the State Statutes) within the approval period shall result in expiration of the approval.

**6.17 Required Improvements and Approval Considerations –**

All streets, drainage, and other required subdivision improvements shall be designed and constructed as provided for in these regulations and also pursuant to the "Engineering Standards and Specifications Ordinance" adopted by the Mansfield Town Council on February 10, 1975 with an effective date of March 8, 1975 and as subsequently revised. All improvements shall be subject to the approval of the Commission, Department of Public Works, Eastern Highlands Health District, Water Pollution Control Authority and any other applicable State or local agency.

The design of each subdivision shall take into account the principles and recommendations established by the Town Plan of Conservation and Development for land use, street classification and traffic circulation, open space and recreation, community facilities and public services and the protection of natural and manmade features and scenic views and vistas. In approving any proposed subdivision, the Commission shall determine that all required information has been incorporated onto the plans, that all applicable provisions of these regulations, including the subdivision design criteria of Section 7, have been met and that all other applicable local, State and Federal permit requirements have been considered by the subdivider.

## Section 7.0 Additional Subdivision Criteria

### 7.1 Subdivisions in Flood Hazard Areas

In all special flood hazard areas, the following requirements shall apply:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- d. In Zone A, Base Flood Elevation data shall be provided for subdivision proposals and other proposed development (including mobile manufactured home parks and subdivisions) which are greater than five (5) acres or fifty (50) lots;
- e. All subdivision proposals shall comply with all provisions of Art. X, Sec. E of the Mansfield Zoning Regulations, which include special provisions for proposed activities within designated floodways, including land in Zone A as designated on Mansfield's Flood Insurance Rate map.

### 7.2 Solar Access - Energy-Efficient Design

The applicant shall demonstrate to the satisfaction of the Planning and Zoning Commission that he/she has considered, in designing the submitted subdivision plan, the use of passive solar energy techniques which would not significantly increase the cost of housing to the buyer, after tax credits, subsidies or exemptions. As per the provisions of Section 8-25 of the CT General Statutes, passive solar energy techniques shall be defined as "site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season." At a minimum, all subdividers shall utilize the following site design criteria in preparing their subdivision plans or, alternatively, the subdivider shall demonstrate to the PZC's satisfaction that the subject design criteria are not feasible due to specific site characteristics or applicable Historic District regulations:

- a. Building Orientation - Buildings should be oriented with the long axis oriented east and west with a possible 10-degree variation to northwest and a possible 25-degree variation to the southwest. This creates the best possibility that large roofs and walls can receive solar radiation.
- b. Lot Orientation - Whenever possible, lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.
- c. Street Orientation - Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets, the layout of the lots and building shall be adjusted for orientation to the sun (as in a and b above).
- d. The energy considerations criteria contained in Article VI, Section B.4.n of the Mansfield Zoning Regulations
- e. Vegetation
- f. Natural and manmade topographic features
- g. Protection of solar access within the development

### 7.3 Lot Frontage

No lot shall be approved which does not have the required frontage on a street which is constructed or bonded for construction in conformance with Department of Public Works

specifications or is on an existing Town street or on a State highway. (See Sections 7.5 and 7.6 for possible reductions, waivers or increases of lot frontage requirements.)

#### **7.4 Lot Size and Configuration**

- a. **Lot Size:** All proposed subdivision lots shall meet the minimum lot size provisions of Article VIII of the Zoning Regulations of the town of Mansfield. Based on existing zoning regulations, all subdivision lots in the R-90 and RAR-90 zones shall be a minimum of 40,000 square feet in size. The Planning and Zoning Commission shall have the right to limit lot sizes to this minimum or the minimum size necessary to address all health and safety requirements. This lot size provision is designed to implement the “cluster development” provisions of Sections 8-18 and 8-25c of the Connecticut General Statutes and goals, objectives and recommendations contained in Mansfield’s Plan of Conservation and Development. In determining an appropriate minimum lot size, the Commission shall consider the following:
  1. All applicable zoning regulations and other provisions of these subdivision regulations, including the open space provisions of Section 13;
  2. Soil types, terrain and other natural and manmade resources on the subject subdivision site;
  3. The statutory provision of Section 8-26c where the Commission may require cluster development, which is defined as “a building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes except that nothing herein shall prevent any municipality from requiring more than one-third open space in any particular cluster development.”
  4. Potential impacts of the proposed subdivision on offsite or onsite historic resources, historic village areas, agricultural and interior forest areas, undeveloped hilltops and ridges, scenic roadways, greenways and wildlife corridors, surface or groundwater resources or other identified natural or manmade resources;
  5. The site’s location with respect to the Willimantic Reservoir Watershed, existing public water supply wellfields or aquifer areas that may serve as future public water supply wellfields;
  6. The site’s location with respect to areas depicted on Mansfield’s Plan of Conservation and Development “Existing and Potential Conservation Areas” Map or areas designated for preservation or conservation on regional and State land use Plan.
- b. **Corner lots** shall be of sufficient dimensions so that any structure placed thereon shall conform to the front building setback line on each street.
- c. **Lot Lines** – All side lines of lots shall be at right angles to straight street lines and radial to curved street lines unless the subdivider can show a variation from this regulation will provide a better lot or street plan or will help protect natural and manmade features and scenic views and vistas (see definitions).
- d. **Driveway Access** -Where a choice exists, lots shall be laid out so that driveways have access to local streets and not to arterial or collector streets.
- e. **Health Requirements - Larger Lots** - Each lot shall have sufficient area to accommodate, where public facilities are not otherwise provided, a private water supply and a private subsurface sewage disposal system. The Commission may require lots of larger size if needed to conform to State or local health requirements or if it is determined, based on a hydrogeologic analysis of the area, or other reliable data, that larger lots will help prevent detrimental impacts to existing water supply wells proximate to the subject subdivision. Any lot found to be unsuitable for occupancy and building by reason of utility easements, adverse soil conditions, topography, water or flooding conditions, shall be combined with another lot.

- f. There shall not be any fragments of a lot or remainder of a subdivision area of less than the specified minimum lot area. These fragments and remainder are to be conveyed to the owner of an adjacent existing lot.
- g. When possible after consideration of other regulatory provisions, existing stone walls or other natural and manmade features shall be used for lot boundary lines.

**7.5 Building Setback Lines/Lot Frontages**

The building setback lines shall conform to the requirements of the Zoning Regulations, except where, pursuant to Section 7.6, building setback lines are reduced or waived to be consistent with proposed building area envelopes, or where the Commission determines, in association with approved building area envelopes, that greater setbacks or lot frontages are needed to help protect significant natural and manmade features and/or scenic views and vistas. Where setbacks or lot frontages are increased, the increase shall be clearly and prominently noted on approved subdivision plans and shall be specifically noted on the deeds of the affected and abutting lots.

**7.6 Potential Reductions or Waivers of Lot Frontage and/or Building Setback Lines**

Pursuant to the provisions of Article VIII, Section B.5 of the Zoning Regulations, the Commission shall have the right to reduce or waive lot frontage requirements and reduce or waive building setback requirements, subject to the criteria below;

- a. The Commission determines that a reduction or waiver will help protect significant natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways and/or scenic views and vistas;
- b. The reduction or waiver does not result in more lots than could be developed under standard frontage or setback requirements for the subject zone classification;
- c. The reductions or waivers reflect the approved building area envelope depicted on subdivision plans;
- d. Any authorized reduction or waiver of lot frontage or building setbacks shall be clearly and prominently noted on approved subdivision plans and shall be specifically noted on the deeds of the affected and abutting lots;
- e. No reductions or waivers of building setbacks shall be approved along the side or rear boundary lines of the subdivision tract unless the abutting property is owned by the applicant;
- f. Whenever a reduction or waiver of lot frontage requirements is approved and other subdivision lots are provided with additional frontage due to the authorized reduction or waiver, the additional lot frontage(s) cannot be utilized in the future for the purposes of qualifying for subsequent subdivision or resubdivision. Whenever reductions or waivers of lot frontage requirements are approved, this requirement shall be noted on the subdivision plans.

**7.7 Stone Walls/Historic Features**

To the extent possible (subject to any safety issues) all existing stone walls, remains of old foundations and any other historic features on the subject site shall, regardless of condition, be preserved and maintained. Furthermore, wherever possible, existing stonewalls shall be used to delineate property lines. The Commission may require stone walls and other historic features to be included within conservation easements to help ensure long term protection.

All existing stone walls that need to be removed due to street, driveway, house, septic system or other site construction shall be used to enhance adjacent segments of walls or other existing walls on the property, particularly along new property lines. Specific plans regarding any stone wall removal and proposed stone wall rebuilding or improvements shall be included on the subdivision plans and the Commission shall have the right to require stone wall work to be the responsibility of the subdivider.

## **7.8 Trees**

- a. Unless specifically authorized by the Commission, no roadside tree over nine (9) inches d.b.h. (diameter breast height) shall be removed unless the removal is necessary to provide suitable sightlines, to establish suitable driveway or roadside drainage, or to provide suitable underground utility service (see underground utility provisions of section 11.1);
- b. Subdivisions shall be designed to preserve, where possible after consideration of other regulatory provisions, significant trees that contribute to Mansfield's scenery and/or help enhance significant man-made and natural features (see definitions of scenery, significant trees and natural and man-made features).

## **7.9 Driveway Slope Sightlines and Drainage**

No proposed driveway shall exceed slope of fifteen (15) percent, and all existing and proposed driveways shall be reconstructed or improved as necessary or designed and constructed to prevent drainage problems or unsafe driveway sightlines along adjacent streets. All subdividers shall demonstrate with their plans that all necessary regrading, tree removal and drainage improvements have been incorporated. The nature of necessary sightline improvements shall be dependent on existing conditions, the speed limit of the adjacent street and the street classification as defined by the Zoning Regulations. The Commission shall have the right to require a subdivider to construct any driveway with a slope of ten (10) percent or greater and necessary drainage and sightline work as part of the subdivision improvements.

## **7.10 Common Driveways**

- a. The use of a common driveway is not permitted by right but may be authorized or required by the Commission in situations where a common driveway promotes the design objectives of Section 5.1 and where:
  1. Wetlands, steep slopes or other physical constraints would require extensive grading, filling or tree removal for individual driveways;
  2. The common driveway will enhance vehicular and/or pedestrian safety;
  3. The common driveway will protect and preserve natural and manmade features, scenic views and vistas, interior forests and/or existing or potential conservation areas identified in the Plan of Conservation and Development(see map 21) or;
  4. The common driveway will promote cluster development and other design objectives of these regulations (see Section 5.1).

Where a common driveway is approved, the Commission shall document the reason or reasons for approving the common driveway. In addition, a driveway easement that establishes maintenance and liability responsibilities shall be depicted on the plans, shall be incorporated onto the deeds of the subject lots and shall be filed on the Land Records.

- b. Except where specifically authorized by the Commission pursuant to this section, any approved common driveway shall serve no more than three (3) residential lots.

By a three-quarters (3/4) vote of the entire Commission (seven (7) votes), the maximum number of residential lots served by a common driveway may be increased to four (4) or five (5) lots, but only if the Commission finds that doing so would significantly:

1. Reduce impacts on wetlands, steeply sloped areas, significant vegetation or other natural resource features; or
2. Enhance vehicular and/or pedestrian safety; or
3. Protect and preserve natural and man-made features, scenic views and vistas, interior forests and/or other existing or potential conservation areas identified in the Plan of Conservation and Development (see map 21); or
4. Promote cluster development and other design objectives of these regulations (see Section 5.1).

- c. All sections of a common driveway that include areas that have a slope of ten (10) percent or greater shall be surfaced with an appropriate thickness of bituminous concrete or an equivalent surface approved by the Commission;
- d. A common driveway serving two (2) or three (3) lots shall have a minimum travel width of twelve (12) feet and minimum load-bearing shoulder widths of two (2) feet. A common driveway serving four (4) or five (5) lots shall have a minimum travel width of twenty (20) feet. All curves along a common driveway shall have a minimum inside radius of twenty-five (25) feet.
- e. The common driveway has been designed and constructed to safely accommodate fire department apparatus, pursuant to Mansfield's Fire Lane Ordinance (Chapter 125 of the Mansfield Code). Subdivision plans shall include a common driveway cross-section that demonstrates compliance with this requirement.
- f. At all intersections of a common driveway and a street, the common driveway shall have a minimum travel width of twenty (20) feet for a minimum length of forty (40) feet. This width is necessary to safely provide for entering and exiting traffic.
- g. The common driveway shall meet the slope, sightlines and drainage standards of Section 7.9 and the driveway length standards of Section 7.11.
- h. Common driveway improvements shall include the following street number signage:
  - 1. Signage listing the approved street numbers of all dwellings served by a common driveway shall be erected at the intersection of a common driveway and a street. Signage details, including the location and nature of support posts, shall be included on subdivision plans. The subject sign shall not exceed two (2) square feet in size.
  - 2. Signage listing the approved street number of an individual dwelling shall be erected at the intersection of a common driveway and individual driveway. Signage details, including the location and nature of support posts, shall be included on subdivision plans.
- i. A common driveway shall not be used for parking, storage or other uses that could act as an access impediment.
- j. A common driveway and all associated improvements, including signage, shall be considered the responsibility of a subdivider and shall be completed or bonded pursuant to Mansfield's regulatory requirements, prior to the filing of a subdivision on the Land Records.

### **7.11 Driveway Length Standards**

To help ensure safe and appropriate access to a house site for all vehicles, including emergency vehicles, the following provisions shall apply for all driveways exceeding a length of three hundred (300) feet:

- a. The driveway shall have a minimum travel width of twelve (12) feet and minimum load-bearing shoulder widths of two (2) feet, except for certain common driveway improvements that require a twenty (20) foot minimum travel width. All driveway curves shall have a minimum inside radius of twenty-five (25) feet;
- b. Pull-off areas adjacent to the driveway shall be provided at average intervals of every three hundred (300) feet or as deemed necessary by the Commission due to slope, sightline or other site characteristics. Pull-offs shall have a minimum load-bearing length of forty (40) feet and minimum width of ten (10) feet;

- c. An adequately-sized, located and surfaced turnaround area that will accommodate a fire truck shall be provided. Unless the following distance requirements are waived by the Commission due to specific site characteristics, the turnaround area shall be no closer than seventy-five (75) feet from a house site and no further than two hundred (200) feet from a house site and the turnaround shall be at least thirty (30) feet in length with two (2) foot wide, load-bearing shoulders.

## **Section 8.0 Streets**

### **8.1 Street Planning**

Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed house sites, with due consideration for accomplishing an attractive lay-out and development of the land in the subdivision and in the neighborhood. Streets should, in general, follow the contour of the land, with a location and grade, which protects natural and manmade features, enhances property values and provides a functional layout that promotes neighborhood compatibility and other design objectives of these regulations. Proposed local streets and rights-of-way shall be planned to discourage through traffic, but also to provide a safe and convenient system for prospective traffic in the subdivision. Local streets shall also provide a safe and convenient system for present and prospective traffic in the neighborhood around the subdivision and shall be planned where appropriate to provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided. Thoroughfares shall be planned where necessary to coordinate with the Plan of Conservation and Development for the Town or neighborhood, and where necessary, as a feeder street to a neighborhood. Proposed streets which may be projected into adjoining properties shall be carried to the boundary line; no reserve strips will be permitted. All streets in a subdivision shall have full access to or shall be a continuation of one or more State or Town highways.

### **8.2 Street Construction**

All streets shall be constructed in accordance with these regulations and the specifications of the Mansfield Dep't. of Public Works pursuant to the "Engineering Standards and Specifications Ordinance."

### **8.3 Right-of-way Width**

- a. Street right-of-way widths shall be in accordance with the specifications of the Mansfield Department of Public Works, with all residential streets having a minimum right-of-way of at least 50 feet.
- b. When a subdivision abuts one side of any State or accepted Town street, the subdivider shall be required to dedicate one-half of the total right-of-way necessary to make said street conform to Mansfield Department of Public Works specifications in addition, the subdivider may be required to dedicate the full right-of-way necessary to make horizontal and vertical adjustments to said street. Any such dedication shall be transferred to the Town by quitclaim deed or warranty deed, and shall be accompanied by a certification by the subdivider's attorney as to title and release or subordination of all liens and encumbrances.

### **8.4 Street Intersection**

- a. Where new streets are to be constructed, a subdivision shall have at least one street intersecting with an existing Town street or State highway.
- b. No more than two (2) streets shall intersect or meet at any one point and the center line of all streets entering an intersection shall pass through a single point.
- c. Local or collector street openings onto a major artery shall be, in general, at least 500 feet apart.
- d. The center line of alternate side streets shall not be closer than 150 feet, measured along the center line of the principal street.
- e. Except where impractical because of topography or other conditions, the center lines of streets shall be at right angles to each other for at least 100 feet extending in each direction from the intersection of the center lines of said street.
- f. All proposed or future street line intersections shall be connected with an arc having a minimum radius of fifteen (15) feet. If the developer does not own the property adjacent to

the proposed or future street right-of-way and can demonstrate through a proper design that a road with adequate radii can be constructed, this requirement may be waived by the Commission.

#### **8.5 Permanent Dead-end Streets**

- a. Except as noted below in subsections 1 and 2, dead-end streets shall provide access to not more than twenty-five (25) lots or shall not be longer than 2,400 feet, whichever creates the shorter street.
  1. Dead-end streets longer than 2,400 feet may be permitted in an RD/LI-zoned area, provided that an emergency access road acceptable to the PZC is provided, and that the subdivider provides information acceptable to the PZC that the roadway system will be extended to a through street, thereby resulting in future compliance with the 2,400-foot maximum length provision.
  2. Subject to compliance with all other provisions of these regulations and the receipt of any other necessary permits, including an Inland Wetlands license, one additional lot may be permitted by the PZC in situations where a parcel of remaining land from a previous subdivision cannot be reasonably accessed in a safe and environmentally appropriate manner except from the subject dead-end street.
- b. A dead-end shall be considered to begin where it intersects with a through street.
- c. The dead-end street shall be provided with a turnaround designed and constructed to Mansfield Department of Public Works specifications.
- d. Where a dead-end street does not extend to the boundaries of a tract, it shall be generally separated from such boundaries by a distance not less than the minimum lot depth prescribed by the Zoning Regulations in which the proposed subdivision is located.

#### **8.6 Temporary Turnaround**

- a. Temporary turnarounds may be required where it can reasonably be expected that the street will continue onto adjoining land in the future or where a permanent dead-end street is shorter than allowed in 8.5 above and said street is likely to be extended to provide access to maximum lots or distance allowed.
- b. Temporary turnarounds shall be designed and constructed to Mansfield Department of Public Works specifications.
- c. Land for a temporary turnaround shall be provided in the form of an easement to the Town, which shall contain a condition for automatic termination of the easement upon extension of the street.
- d. Pavement of the temporary turnaround shall be removed upon the termination of the easement and as a condition of the projection of the street into the adjoining property. The pavement for the temporary turnaround shall be removed by the subdivider who provides the extension of the street, and the same subdivider shall also improve the street in the area of the turnaround to meet specifications of the Mansfield Department of Public Works.

#### **8.7 Existing Street Improvements**

Whenever any subdivision is proposed for land fronting on or accessible only by a street or streets that do not meet the Town's current "Engineering Standards and Specifications" requirements as administered by the Mansfield Department of Public Works, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street or streets were altered or improved along the frontage of the proposed subdivision or beyond the limits of the proposed subdivision, the Commission shall consider denial of such plan or shall consider conditioning its approval upon completion of the improvements or alteration of such street or streets by and at the expense of the subdivider, or shall consider denial of such plan until the Town Council has authorized expenditures for such improvements.

In considering alternative actions, the Commission shall take into account the width and degree of improvement of the street and its ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, pedestrian and bicycle safety and, the ability of any vehicle or person to use the street safely. Before taking action, the Commission shall consult with the Town Attorney or other qualified legal consultant with respect to statutory authority and case law pertaining to this issue.

### **8.8 Street Names and Signs**

- a. A proposed street which joins or is in alignment with an existing street shall bear the same name. All proposed streets serving more than one lot shall have a name which does not duplicate or closely approximate in spelling or sound existing street names in Mansfield or any adjoining city or town.

One street name sign and supporting post shall be installed at all street intersections at the expense of the subdivider and shall conform to the standards of the Town.

### **8.9 Street Lighting**

When required by the Commission, the subdivider shall install streetlights at all intersections, including intersections of new streets with existing streets. The subdivider shall be responsible for all operating and maintenance costs until the streets are accepted by the Town. Street lighting shall be installed in accordance with standards established by the Town. Lighting fixtures shall be selected so as to promote safe intersections while taking into account the goals of minimizing the amount of lighting, preventing undesirable illumination or glare above the site and preventing light spill (undesirable light that falls outside the area of intended illumination).

### **8.10 Street Trees**

All new streets shall include existing or proposed street trees that meet the following standards:

- a. Where possible, after consideration of other regulatory provisions, specimen trees and groups of trees that contribute to scenery and/or help protect significant manmade and natural features shall be preserved within the street right-of-way (see definitions of scenery, trees and natural and manmade features).
- b. At a minimum, existing or proposed trees shall be retained or planted on each side of a new street at an average interval of every forty (40) to sixty (60) feet or as deemed appropriate by the Commission, based on site characteristics.
- c. All new street trees shall be located a minimum of twenty-five (25) feet from any existing or proposed septic system or septic reserve area.
- d. All new street trees shall include a variety of tree species. At time of planting, small trees shall be in the twelve (12) to eighteen (18) foot height range; medium to tall trees shall have a minimum caliper of one and one-half (1.5) to (two) inches.
- e. All new street trees shall be selected by the project landscape architect based on site characteristics, street design, or architecture and tree durability. Where appropriate based on site and neighborhood characteristics, native tree species should be considered. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used.
- f. Planting details for all street trees shall be included on the subdivision plans.
- g. The following list is provided as a guide for selecting durable, quality street trees. However, the Commission encourages consideration of additional trees of equivalent quality (see subsection e above).

### SMALL TREES

*Shadblow or serviceberry	<i>Amelanchier canadensis</i> "Autumn Brilliance" or "Robin Hill"
Amur Maple	<i>Acer ginnala</i>
Bradford Pear	<i>Pyrus calleryana</i>
Carolina Silverbell	<i>Halesia carolina</i>
Cornelian Cherry	<i>Cornus mas</i>
Crabapple	<i>Malus</i> hybrids in variety
*Dogwood	<i>Cornus florida</i>
Dogwood, Korean	<i>Cornus kousa</i>
Hawthorn, "Winter King"	<i>Crataegus viridis</i> "Winter King"
Japanese Tree Lilac	<i>Syringa japonica</i>
Stewartia	<i>Stewartia pseudo-camellia</i>

### MEDIUM TO TALL TREES

Ash, "Raywood"	<i>Fraxinus oxycarpa</i> "Raywood"
* Blue Gum	<i>Nyssa sylvatica</i>
Buckeye, Ohio	<i>Aesculus glabra</i>
Elm, Royal	<i>Ulmus japonica</i> x. <i>Pumila</i> "royal"
Fastigiated European Hornbeam	<i>Carpinus betulus fastigiata</i>
Ginko	<i>Ginkgo biloba</i> "Magyar" and "Princeton Sentry"
Golden Raintree	<i>Koelreuteria paniculata</i>
*Hornbeam, American	<i>Carpinus caroliniana</i>
Katsura	<i>Cercidiphyllum japonicum</i>
Locust, Honey	<i>Gleditsia tricanthos</i> "Halka" or other cultivars
Littleleaf Linden	<i>Tilia cordata</i> "Redmond" or other cultivars
*Pin Oak	<i>Quercus palustris</i>
*Red Oak	<i>Quercus rubra</i>
*Red or Swamp Maple	<i>Acer rubrum</i>
Planetree	<i>Platanus x Acerifolia</i> "Bloodgood"
*Sassafras	<i>Sassafras albidum</i>
Scholar-tree	<i>Sophora japonica</i>
*Sweetgum	<i>Liquidambar styraciflua</i>
Zelkova	<i>Zelkova serrata</i> "Green Vase" or "Village Green" or "Halka"
*native species or cultivars thereof	

### **8.11 Street Dedication**

Approval of a final subdivision plan shall not be deemed to constitute or affect an acceptance of any street by the Town. However, the filing of an approved plan shall constitute an irrevocable offer of dedication by the owner of the land to the Town.

### **8.12 Monument and Lot Marker Specifications**

- a. Monuments shall be set at corners and angles of all streets, at all points of curvature and all points of tangency of curved streets, with accurate reference to some existing permanent monument or marker. Monuments shall be concrete (or equivalent suitable to the Mansfield Department of Public Works), not less than four (4) inches square and four (4) feet long with brass or copper plug or drill holes with cross marking the center of the four (4) inch square, all not flush with proposed grades.
- b. All lots shall have iron pins at all corners and other control points on all lot lines installed before endorsement of the final map. Markers indicating lot boundaries may be iron pipe one (1) inch inside diameter, four (4) feet long, driven three (3) feet into the ground.

## **Section 9.0 Sidewalks/Bikeways/Trails**

Sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance safe pedestrian and bicycle use shall be required, unless specifically waived by a three-quarter (3/4) vote of the entire Commission (7 votes), in all subdivisions within or proximate to Plan of Conservation and Development designated "Planned Development Areas" proximate to schools, playgrounds, parks and other public facilities; or proximate to existing or planned walkway, bicycle or trail routes. In evaluating any waiver request, the Commission shall consider the size and the location of the proposed subdivision its relationship to existing or planned development, school sites, playground areas and other public areas and the location and nature of existing or planned sidewalk, bikeway or trail improvements.

## **Section 10.0 Drainage**

### **10.1 Approved Plan Required**

No plan of subdivision shall be approved until the Director of Public Works and the Commission have approved the drainage plans.

### **10.2 Facilities to be Provided**

An adequate storm and surface water drainage system shall be provided to all subdivisions so as to protect them from flood hazard and inundation by storm water, springs and other surface waters. The design and construction of all drainage facilities shall be in accordance with the Mansfield Department of Public Works specifications, and a concerted effort shall be made to minimize impervious surfaces and promote onsite groundwater infiltration. Provisions shall be made to dispose of surface water, which now drains naturally into the subdivision from adjoining properties with proper allowance for increased intensity of flow due to future developments.

### **10.3 Drainage - General Requirements**

Natural streams, whether intermittent or year round, shall be left in their natural state and not relocated, dredged, or straightened unless otherwise approved by the Commission and the Inland Wetland Agency and, insofar as practicable, lot layouts shall provide for streams to be at side or rear lot lines or in designated open spaces.

- a. Existing watercourses entering the subdivision shall be received and discharged from the subdivision as nearly as possible in the manner as existed prior to construction of the drainage

facilities within the subdivision. Runoff originating within a subdivision shall be drained to an adequate outlet.

#### **10.4 Drainage Easements**

Where a subdivision is traversed by a watercourse, stream, channel or other natural drainage way, the Commission may require the subdivider to dedicate to the Town a suitable easement for stormwater drainage of adequate width to conform substantially to the lines of such watercourse, and easements shall be a minimum of twenty (20) feet in width and shall be located entirely on one of any two abutting lots.

#### **10.5 Drainage Rights**

The subdivider shall acquire all drainage rights and shall be responsible for connecting all new drainage to an existing adequate Town drainage system or to an existing natural watercourse where drainage rights have been acquired.

#### **10.6 Erosion Control**

The subdivider shall control erosion by proper design and installation of drainage facilities. This includes preserving trees, plant cover, and topsoil. No steep open slopes shall be created, and excavated areas shall be graded and seeded. All erosion and sediment control provisions of Article VI, section B.4.s of the Zoning Regulations shall be addressed.

### **Section 11.0 Utilities**

#### **11.1 Underground Utilities**

- a. Prior to submitting a subdivision application, the subdivider shall review proposed plans with utility companies that will service the proposed subdivision lots. Any issues regarding underground utility installation should be reviewed with the Town Planner prior to submission of the application to the Commission. Proposed utility lines and associated utility easement areas shall be included on subdivision plans within the proposed development area envelope (see definition).
- b. Unless waived as per the provisions of Section 11.2, all new electrical, telephone, cable television and other wired utility lines serving future structures on proposed subdivision lots shall be installed underground. This requirement is designed to help preserve Mansfield's natural and manmade features, to help protect trees, walls and other features, and to enhance public safety and property values.
- c. Subject to the waiver provisions of Section 11.2, all subdivision maps shall clearly depict or note the following:
  1. All wired utility lines serving structure on new lots shall be installed underground. Utility lines shall be installed in a suitable conduit system unless the responsible utility company determines that direct burial is more appropriate;
  2. Upon approval by the responsible utility company, plans shall be submitted to depict the location of all underground utility easement areas;
  3. All under pavement conduits shall be installed prior to the paving of any streets or driveways.
- d. In situations where the responsible utility company has approved proposed underground utility lines, prior to approving a subdivision plan, the Commission shall verify that all proposed underground utility lines within regulated wetland areas have been approved by the Mansfield Inland Wetland Agency and all underground utility lines within Town-designated "Scenic Roads" have been approved pursuant to Mansfield's Scenic Road Ordinance when such approval, by the terms of said Ordinance, is required.

## **11.2 Waiver of Underground Utilities**

By a three-quarters (3/4) vote of the entire Commission, all or part of the requirement for underground utility installation cited in Section 11.1 may be waived. The burden of proof shall be on the subdivider to show that underground utility installation to serve all or part of a proposed subdivision is inappropriate.

The following factors shall be considered in reviewing any request for waiver of underground utilities:

- a. Recommendations or comments from the responsible electric utility company and/or other utility companies that will provide service to the proposed subdivision lots;
- b. The existing character of the subdivision location and potential impacts on adjacent property owners and the public's health, safety and welfare;
- c. Potential impacts on natural and manmade features; trees, scenic views and vistas; comments and/or actions received from the Inland Wetland Agency, Conservation Commission or other agencies;
- d. Potential impacts on roadside features such as trees, tree canopies, walls and landscaped areas; any comments and/or actions taken pursuant to review under Mansfield's Scenic Road Ordinance;
- e. Physical constraints (wetlands, watercourses, ledge, ground water, existing structures, existing site improvements, etc.) that will significantly affect the cost of providing underground service;
- f. The nature of the existing utility system (location, number of circuits, voltage, transformers, etc.) and the need for and cost of extending distribution line to serve the proposed subdivision.

## **11.3 Sanitary Sewers**

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. A connection to a public sanitary sewer system is necessary when required by the provisions of the Mansfield Sewer Use Ordinance.

## **11.4 Individual Subsurface Sewage Disposal**

If public sanitary sewers are not available, lots in a subdivision shall be served by individual subsurface sewage disposal systems in accordance with the provisions of the Public Health Code of the State of Connecticut and local ordinances and regulations. Onsite sewage disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

## **11.5 Public Water Supply**

Where a public water system is accessible as determined by the Commission, all necessary mains and laterals for connection from the individual lots to the public system shall be installed and connected with the public system as approved by the municipal agency having jurisdiction without expense to the Town and to the satisfaction of the Town. Such installation shall be subject to the approval of the Director of Public Works and the Commission. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

## **11.6 Community Water System**

If a public water supply is not available, the subdivider may install a community water system subject to the approval of appropriate state and local agencies. Such system shall meet the specifications for and be capable of connection to a public water system. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

### **11.7 Individual Wells**

Where no public water system is available or community water system is proposed, lots shall be served by individual wells in accordance with the provisions of State and local regulations. All new and replacement individual wells shall be designed to minimize or eliminate infiltration of flood waters into the well.

## **Section 12.0 Construction Responsibilities**

The subdivider and/or contractor shall have available at the project, at all times, a clearly readable copy of all approved plans and specifications, and shall cooperate in every way possible with any inspector or representative of the Town.

## **Section 13.0 Open Space, Park Or Playground Areas**

### **13.1 Dedication**

**13.1.1** Except as exempted by Section 13.1.6 below, the Commission shall have the right to require up to fifteen (15) percent or, for cluster developments approved pursuant to Sections 8-26c and 8-18 of the Connecticut General Statutes and Section 7.4 and other provisions of these Regulations, up to forty (40) percent of the land to be subdivided, as open space, park or playground land to be used exclusively for recreational, conservation and/or agricultural purposes. Open space, park or recreation areas larger than specified above may be proposed by the subdivider and approved by the Commission.

**13.1.2** The actual land to be dedicated as open space, park or recreation land shall be within the site currently being subdivided on nearby land owned or controlled by the subdivider.

**13.1.3** For subdivisions of multiple sections or re-subdivisions where open space dedication were not previously made, the Commission shall have the right to base the dedication requirement on the area of land currently being subdivided plus the area of land of previous sections where an open space dedication was not made, provided:

1. The previous subdivision/resubdivision was approved after February 20, 1991, and
2. The previous subdivision map included a map note specifying a reservation of a right for open space, park or playground dedication.

**13.1.4** Where required, the land so dedicated shall be designed as an integral part of the subdivision and shall be chosen on the basis of its value in providing open space, park or playground benefits to the future occupants of the proposed subdivision and its value in:

- a. Promoting a cluster development building pattern as defined in Section 8-18 of the Connecticut General Statutes and addressing the minimum lot consideration cited in Section 7.4 of these regulations;
- b. Protecting and conserving natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways, and/or scenic views and vistas;
- c. Promoting Mansfield's Plan of Conservation and Development and other adopted open space and recreation plans for the Town;
- d. Enhancing living conditions and protecting cultural and historic features;
- e. Creating recreational opportunity;

- f. Providing greenbelts and trails connecting parks and separated open space parcels and providing maximum flexibility for potential open space, park or playground extensions onto adjacent properties;
- g. Protecting endangered and threatened species, State species of special concern, significant natural communities, important wildlife corridors and interior forest habitats

**13.1.5** For subdivisions of three (3) lots or fewer, open space, park and playground dedications shall be considered only if the subject property contains land adjacent to existing preserved open space, park or playground land or the land has value as per the criteria of Section 13.1.4.

For subdivisions of multiple sections or resubdivisions, the subdivision area and number of lots shall be calculated on a cumulative basis.

**13.1.6** In accordance with the dedication options cited in Section 13.5 and in accordance with the other provisions of this regulation, all subdivisions involving more than three (3) lots shall submit, as part of the subdivision plan, the following:

- a. A proposal for the location of land to be dedicated for open space, park or playground use which considers the criteria of Section 13.1.4
- b. The method(s) of dedication, and
- c. Any proposed improvements for the dedicated land

For subdivisions of multiple sections or resubdivisions, the subdivision area and number of the lots shall be calculated on a cumulative basis.

**13.1.7** In all instances, final determination regarding the need for open space, park or playground land and the location, extent and use of open space, park or playground land and the appropriate method(s) of dedication shall be the responsibility of the Commission. Where required, each dedication shall be based on the criteria established in this regulation and shall be of suitable size, location, topography and general character to serve the particular purposes deemed proper by the Commission.

**13.1.8, Exemptions** - In accordance with the provisions of Section 8-25 of the State Statutes, as modified by P.A. 90-239, the mandatory open space requirements of this section 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, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the State Statutes, equal to twenty percent or more of the total housing units to be constructed in such subdivision. However, all subdividers are encouraged to consider dedications for open space, park or playground purposes.

## **13.2 Referrals**

For all subdivisions involving more than three (3) lots, the Commission shall refer the subdivision proposal to the Town Council, Conservation Commission, Parks Advisory Committee, Recreation Advisory Committee and Open Space Preservation Committee and any other agency or organization the Commission deems may have an interest. Referrals are optional for subdivisions involving three (3) or fewer lots. Referrals are mandatory whenever a subdivider proposed the payment in lieu of dedication option cited in Section 13.6.

All referral comments shall be considered with respect to the proposed subdivision plan, site and neighborhood characteristics and the standards and objectives cited in this regulation. Referral comments should consider:

- a. The significance of the natural, agricultural, cultural and historic features and resources of the site, the adequacy of their protection in the proposed plan and specific recommendations or measures or changes in the plan to effect their conservation and protection;
- b. The most appropriate method of open space, park or playground dedication, taking into account the subdivision characteristics and the objectives cited in Section 13.1.4;

- c. The size of the subject subdivision and the need (existing or anticipated) for active recreational facilities in the area of the site;
- d. The most appropriate location and extent of open space to be preserved and the locations of any recommended conservation easements.

**13.3 Character of Land to be Dedicated**

Where an open space, park or playground dedication is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over twenty (20) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty (20) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made.

For example, consider a 100-acre tract to be subdivided with, cumulatively, 40 acres of wetlands, watercourses and slopes over 20 percent (40% of land to be subdivided) and 60 acres of land without these limitations (60% of land to be subdivided). The Commission shall have the right to require 15 acres of open space, park or playground land (.15 times 100), of which at least 9 acres (.6 times 15) does not include wetlands, watercourses or slopes over 20 percent.

**13.4 Location of Land to be Dedicated**

In evaluating a potential open space dedication, the Commission shall have the right to consider all land within the property to be subdivided, and, with the subdivider's consent, any other nearby tract owned, controlled or optioned by the subdivider. Subject to the criteria established in this regulation, all subdivider proposed locations for open space, park or playground dedications shall be considered by the Commission.

**13.5 Methods for Open Space Dedication**

As noted in Section 13.1.5, final determination of the appropriate method(s) of meeting open space, park or playground dedication requirements shall be the responsibility of the Commission and shall be based on the criteria established in this regulation. The following dedication methods shall be considered:

- a. Dedication to the Town of Mansfield -In considering dedication to the Town of Mansfield, the number of subdivision lots and the size, location, topography and general character of the site shall be evaluated with respect to potential benefits to the future residents of the proposed subdivision and with respect to municipal goals and objectives. In many cases, open space objectives will be suitably addressed through dedication methods other than municipal ownership. Subject to the comments of the Town Council and other referral reports, dedication to the Town shall be most appropriate whenever one or more of the following criteria are met:
  1. The land to be subdivided has Town-wide open space, historic or environmental significance or existing hiking trails or recreational attributes that would best be protected through municipal ownership;
  2. The land to be subdivided is adjacent to existing municipal open space, parks, or playgrounds;
  3. Where Plan of Conservation and Development or other open space or recreational goals or objectives would best be promoted through municipal ownership

Unless otherwise indicated by the Commission, land to be dedicated to the Town shall be labeled on the final subdivision plan as "Land to be dedicated to the Town of Mansfield for open space, park or playground purposes."

- b. Dedication Through Conservation Easement - The Commission shall have the right to require open space, park or playground requirements to be met through the establishment of conservation easements. Conservation easements, which restrict the use of the land but do not transfer ownership, can be utilized to address many open space, agricultural, historic and environmental protection objectives where a transfer of ownership is not necessary or appropriate to achieve land use goals. Conservation easements may provide for public access, but, in most cases where public access is deemed appropriate, ownership by a governmental agency or private conservation organization should be considered. All conservation easements shall be shown on the subdivision plans and draft easement documents prepared in accordance with Town guidelines shall be submitted for review in accordance with other provisions of these regulations.
- c. Dedication through Other Governmental Agencies, Land Trusts, or Other Conservation Organizations -The Commission, upon the request of the subdivider, may allow open space, park or playground dedication requirements to be met through the transferal of land to other government agencies, land trusts, or other conservation organizations. In cases where these methods are considered, the recipient agency shall indicate its interest in receiving the subject land and the actual transferal shall take place prior to or concurrent with the filing of the subdivision maps on the Land Records, unless an alternative schedule is approved by the Commission. The subject transferal shall be shown on the final subdivision plan.
- d. Dedication through Homeowners Associations - The Commission, upon the request of the subdivider, may allow open space, park or playground dedication requirements to be met through the transferal of land to an association of property owners. Such a transferal shall be in accordance with guidelines established by the Commission and shall include provisions which:
  1. Establish mandatory participation in an association of property owners to maintain the land reservation for established open space, park or playground purposes, with power to assess all members for all necessary costs;
  2. Shall be binding on all future property owners;
  3. Shall ensure adequate maintenance and liability protection;

Shall provide for the potential dissolution of the association by a vote of all members (at a minimum, a majority vote of all members shall be required for dissolution). Upon dissolution of the association, the open space dedication shall revert to the Town, which may take action through the Town Council to retain or dispose of said open space. Where Town ownership is not retained, the land shall be subject to a conservation easement and shall be used only for purposes consistent with provisions of such easement.

After verification by the Commission and Town Attorney that the provisions of Section 13.5.d(1) through (4) have been incorporated, the legal documents establishing the Homeowners Association shall be filed by the subdivider on the Land Records prior to or concurrent with the filing of the subdivision maps on the Land Records, unless an alternative schedule is approved by the Commission. The subject transferal shall be shown on the final subdivision plan.

### **13.6 Payment in Lieu of Dedication**

After receipt of referral reports (see Section 13.2), the Commission may authorize all or part of the open space, park or playground dedication requirements to be met through a payment in lieu of dedication. This payment in lieu of dedication option shall be considered only where other dedication options are not considered appropriate by the Commission. In cases where this option is utilized, the provisions of Section 8-25 of the State Statutes and Public Act 90-239 shall be met and the subject payment shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

### **13.7 Access Requirements**

With the exception of conservation easements without public access or proposed expansions of existing open space, park or recreation areas which currently have adequate access, all open space, park and playground dedications shall extend to or have a right-of-way to a street as defined in these regulations. The frontage or right-of-way shall be at least twenty feet wide and the topography and physical character of the access way shall be suitable for vehicular and/or pedestrian traffic as determined by the Commission. At its discretion, the Commission shall have the right to require the subdivider to make improvements such as grading, drainage and surfacing along the access way to ensure safe and suitable access by fire, police or other emergency vehicles and the public.

### **13.8 Site Improvements**

a. In addition to the access requirements of Section 13.7, the Commission shall have the right to require a subdivider to include, as part of subdivider responsible improvements, park and/or hiking trail improvements, including, as appropriate, clearing, grading, drainage, base preparation, surfacing and re-stabilization of all disturbed areas. All referral reports shall be considered in determining whether site improvements are appropriate. The degree of site improvement required shall be directly associated with the number of proposed lots within the subject subdivision. For example, a graded and seeded multi-purpose playground field may be a suitable requirement for a larger subdivision of twenty (20) or more lots and/or trail improvements may be required to link a subdivision site to adjacent parks and trail systems or to otherwise enhance access to existing or proposed open space areas. In situations where site improvements are required, the site work shall be depicted and fully documented on final subdivision plans and the site work shall be completed or fully bonded to the Commission's satisfaction before final maps are signed and filed on the Land Records.

In situations where trail improvements are deemed appropriate, the degree and nature of clearing, base preparation, drainage and surface improvements shall be determined taking into account the size and location of the subdivision and site and neighborhood characteristics. Where required, trails shall have a minimum width of five (5) feet and shall have an appropriate base, surface and drainage to allow year round use. Stone dust surfacing may be required and all wetland or watercourse crossings shall utilize cedar or pressure treated wood or other materials acceptable to the Commission. Trail marking and access signage also can be required. Where appropriate, a trail shall be located at least fifty (50) feet from a Building Area Envelope and shall be buffered from a Development Area Envelope.

b. With the exception of site work that may be required by the provisions of Sections 13.7 and 13.8a or agricultural activities approved by the Commission, all land dedicated as open space or park land shall be left in its natural state by the subdivider and shall not be graded, cleared or used as a repository for stumps, rocks, brush, soil, building materials or debris.

### **13.9 Monumentation**

In all cases where land is dedicated for open space, park or playground use, the subdivider shall be required to place permanent markers on the ground to delineate the boundaries of the land so dedicated. Said markers shall be installed as per the standards cited in Section 8.12.b of these regulations.

In addition, the Commission shall have the right to require subdividers to place markers on trees or four (4) inch diameter cedar posts (where trees are not available or posts are needed to emphasize the boundaries) along open space or conservation easement boundaries.

### **13.10 Legal Requirements**

The subdivider shall propose and the Commission shall determine the form and adequacy of all arrangements for ownership, use and maintenance responsibility for all dedicated open space, park or playground areas and for all conservation easements. All conveyances of rights, title, interest and easements shall be in a form approved by the Town Attorney, shall be accompanied by a Certificate of Title and releases or subordinations of liens and encumbrances where appropriate, and shall be executed and recorded on the Mansfield Land Records prior to or concurrent with the filing of the final subdivision plan, unless an alternative schedule is approved by the Commission (also see Section 6.15).

### **13.11 Modifications to Approved Dedication Arrangements**

In the event the Town Council decides not to accept land designated for dedication to the Town, or in the event another approved dedication arrangement cannot be finalized, the Commission shall reanalyze the subject situation and determine the appropriate manner of fulfilling the open space, park or recreation requirements of these regulations.

### **13.12 Review of Preliminary Open Space, Park or Playground Plans**

If questions arise regarding the provisions of this open space, park or playground dedication regulation, prospective subdividers are encouraged to review their preliminary plans with the Commission's staff. As appropriate, an informal review with Commission staff (as provided for in Section 5.1) or the referral agencies identified in Section 13.2 can be arranged.

## **Section 14.0 Completion of Improvements/Bonding/As Built-Plans**

### **14.1 Completion of Improvements**

Pursuant to other provisions of these regulations, subdividers shall be responsible for completing and bonding subdivision improvements, including approved streets, common driveways, sidewalks, trails and parking improvements, drainage and site work improvements. These subdivision improvements shall be completed and/or bonded prior to the filing of the subdivision plans on the Land Records. The Commission, with the advice of the Town's Planning and Engineering staff, may prescribe the extent to which and the manner in which subdivision improvements are completed and associated utilities are provided.

For all subdivision lots that are dependent on new streets for access, the following specific completion provisions shall be met:

No Zoning Permit shall be issued for new dwellings until the roadway binder course and all associated drainage and grading have been completed to the satisfaction of the Town Engineer, or his designated agent, and the Fire Marshal and until the new subdivision road has been fully bonded for completion pursuant to Mansfield's regulatory provisions.

Unless specifically authorized by the Commission, no Zoning Certificate of Compliance shall be issued for a new dwelling unless the roadway and all associated drainage, signage, site stabilization and lot monumentation has been completed and accepted by the Town.

### **14.2 Filing**

In lieu of completion of all or part of the required improvements, the Commission may require the subdivider to file with the Town a performance bond in accordance with the provisions of Article VI, Section C of the Zoning Regulations, in an amount and with terms and conditions satisfactory to the Commission, securing to the Town the actual cost of construction and installation of such improvements. The period within which required improvements shall be constructed shall be specified by the Commission and expressed in the bond. Said bond shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution.

**14.3 Utilities**

In the case of water mains, electric line, sewer mains, or other utilities to be installed by or for a public utility or municipal agency or authority, a statement from such agency that the work will be done within a specified time and at no expense to the Town may be accepted in lieu of a bond.

**14.4 Extension of Completion Date**

The Commission may extend the completion date for public improvements if written application is made by the subdivider for such extension. As a condition of such extension, the Commission may require an increase in the amount of the bond.

**14.5 Partial Release**

The Commission may authorize, if the Director of Public Works or his designee in his judgment determines that a substantial portion of the public improvements called for in the final plan approved by the Commission have been completed, one or more partial releases of a portion of the bond, the balance to be sufficient to guarantee completion of the public improvements.

**14.6 Final Release**

The Commission shall authorize final release of the bond, or any balance thereof, upon submission of a written statement by the Director of Public Works or his designee to the Commission certifying that all public improvements called for in the final plan have been completed and that the Town Council has accepted any new street or streets constructed in the subdivision, and that the subdivider has submitted as-built improvement and utilities maps to the Director of Public Works or his designee.

**14.7 Maintenance Security**

Prior to the release of the bond required in Section 14.2 herein, the subdivider shall present maintenance security equal to 10% of the full bond amount to guarantee for a period of one year all the improvements required by these regulations.

**14.8 As-Built Plans**

The subdivider shall cause to be prepared by his engineer as-built public improvements and utilities maps which show all public improvements and utilities as constructed and installed. Such maps shall be based on information provided by the Director of Public Works or his designee, utility companies, and the subdivider's engineer. As-built plans shall be on Mylar and filed in the office of the Department of Public Works.

## **Section 15.0 Warranty Deeds And Easements**

### **15.1 Property Covered**

The subdivider shall provide a warranty deed running from the record owner to the Town, free and clear of all encumbrances except easements, for the street(s) and open space and other public lands as may be required for the subdivision, together with, as appurtenant to such streets, all utility, access and other easements as shown on the subdivision plan approved by the Commission. No final subdivision shall be signed by the Commission Chairman until all necessary deeds and easements have been submitted to and approved by the Town. In reviewing and approving all deeds and easements, the Town shall have the right to require title certifications, the release or, where applicable, subordination of all liens and encumbrances and any other related information that may be required by the Town Attorney.

### **15.2 Escrow**

All deeds must be acceptable to the Town Attorney and shall refer to maps by title and to road stationing where necessary for Town acceptance of public streets. Such deed shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town of the roads, and in no case shall the acceptance of any such deed by any board or commission, official agent, or employee of the Town, be deemed an acceptance of such streets by the Town.

## **Section 16.0 Miscellaneous Provisions**

### **16.1 Amendments**

These regulations may be amended by the Commission at any meeting called for that purpose, and after a Public Hearing, notice of which shall be given in accordance with State statutes.

### **16.2 Validity**

If any section, clause, provision or portion of these regulations be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision or portion of these regulations.

### **16.3 Enforcement**

All departments, officials, and employees of the Town vested with the duty or authority to issue permits or licenses shall conform to the provisions of these regulations and shall issue no permit or license for uses, structures, or purposes where the same would be in conflict with the provisions of said regulations, and any permit or license, if issued in conflict with the provisions of said regulations, shall be null and void.

### **16.4 Subdivision Fees**

The fee for each final subdivision application or revision thereof shall be that set by the General Statutes or by municipal Ordinance.

