

**SUBDIVISION REGULATIONS**

**CITY OF MILFORD, CONNECTICUT**

**JANUARY 2004**

***SUBDIVISION REGULATIONS***  
***OF THE***  
***CITY OF MILFORD, CONNECTICUT***

**PLANNING AND ZONING BOARD**

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## **SUBDIVISION REGULATIONS**

Amended February 27, 1973

Effective March 3, 1973

Amended to September 29, 1978

Amended to July 19, 1983

Amended to August 20, 1983

Amended to December 6, 1983

Amended to November 29, 1985

Amended to May 8, 1989

Amended to August 7, 1993

Amended to January 2, 2004

## **CHAPTER I DECLARATION OF POLICY**

### **SECTION 1.1 AUTHORITY**

By the authority of the General Statutes of the State of Connecticut and the Charter for the City of Milford, as amended, the City Planning and Zoning Board is empowered to approve any subdivision of land and to adopt regulations covering the subdivision of land.

### **SECTION 1.2 POLICY**

It is declared to be the policy of the City Planning and Zoning Board to consider land subdivisions as a part of a plan for the orderly, efficient, and economical development of the City. This means, among other things, that land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; that proper provision shall be made for water supply, storm drainage and sanitary sewerage; that the proposed streets shall be in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that, in places deemed proper by the Board, open spaces for parks and playgrounds shall be shown on the subdivision plan; that undue density of population shall be avoided, especially where development would create an undue burden on municipal facilities; that adequate access to properties for fire-fighting apparatus shall be provided; that adequate light and

air shall be afforded to all properties; and that the completed subdivision shall accomplish the development of land as envisaged in the City Plan of Conservation and Development, including the use of conservation design principles established as a policy in the Plan. These principles are contained in Appendix A.

## **CHAPTER II SUBMISSION PROCEDURES**

### **SECTION 2.1 GENERAL**

The Planning and Zoning Board strongly recommends that, prior to submission of an official application for approval of a subdivision or resubdivision, the applicant prepare and present to the Board at a regular meeting a preliminary plan of the subdivision or resubdivision for informal consideration by the Board. In addition, the applicant is strongly advised to discuss informally with the City Engineer, Director of Public Health, and other interested parties, his or her plan of subdivision prior to submitting a formal application. This is recommended in order that the applicant may acquaint himself or herself with any current plans for development of the City; avail himself or herself of the assistance of the Board before preparation of applications or plans to save unnecessary time and expense due to a lack of understanding of the Regulations; and familiarize himself or herself in advance with State and City Regulations relative to health, buildings, roads and other pertinent data, as well as these subdivision regulations and the requirements contained herein, so that he or she is thoroughly aware of the obligations and standards expected. It is contemplated that such discussions will inform the applicant as to the desires of the Board, City Engineer, Director of Public Health, and other interested parties, as regards street, public facility, and utility development in the City. Informal presentation to the Board, prior to filing an official application for a Final Subdivision Plan, can be scheduled by submitting a letter to the Board requesting a place on the agenda at least two weeks prior to a regular public meeting. Neither the preliminary plan nor the informal consideration by either the Board or any City department and/or employee, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or resubdivisions of land as described in Chapter 126 of the General Statutes of the State of Connecticut as amended, nor should it be binding on either the Board or the applicant.

### **SECTION 2.2 REQUIRED FINAL SUBDIVISION PLAN**

Whenever any subdivision of land (as defined in these regulations and including resubdivision) is proposed to be made, and before any lots are sold, and before any building permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or the subdividing owner's authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedures.

#### **2.2.1 DISCUSSION OF REQUIREMENTS**

Before preparing the Final Subdivision Plan, the applicant should discuss with the Board's Executive Secretary and the City Engineer the requirements for the subdivision of land.

### **2.2.2 APPLICATION**

The subdivider shall file, in duplicate, an application for the consideration of a Final Subdivision Plan, on forms prescribed by the Board, accompanied by a fee of sixty dollars (\$60.00) or twenty dollars (\$20.00) per lot for each lot shown on the Final Subdivision Plan, whichever fee is greater. A resubdivision is an additional eighty-five dollars (\$85.00)

### **2.2.3 SUBMISSION OF MAPS**

The applicant shall cause the proposed subdivision to be accurately surveyed, and shall submit four paper prints of each of the maps required under Section 4.1, herein. The Final Subdivision Plan including the Record Map, Construction Plans and the Plan-Profiles shall, in all respects, be in conformity with Chapter IV of these Regulations entitled "Specifications for Final Subdivision Plans and As-Built Plans."

### **2.2.4 TECHNICAL APPROVALS**

The applicant shall obtain from the City Engineer approval of the proposed street layout, alignment, and grades and drainage design, together with a recommendation for the amount of bond, and from the Director of Public Health, approval of the proposed design for sewage disposal facilities. In the event the City Engineer or the Director of Public Health refuses to approve the applicant's proposal, then the applicant shall obtain a report from such office setting forth the facts of the controversy and shall deliver such report to the Executive Secretary. The Board may also require approvals from the Police Department and the Fire Department as to access by fire fighting, police and other public safety equipment to the proposed subdivision. In addition, approvals by the Sewer Commission and Inland Wetlands Commission may be required.

### **2.2.5 ACCEPTANCE BY EXECUTIVE SECRETARY**

At the time of the filing of the Final Subdivision Plan, the Executive Secretary shall accept such plan and shall place the matter on the agenda of the next regular public meeting of the Board; provided the Plan is received and accepted at least two weeks prior to such meeting and further provided, the applicant delivers the required technical approvals or reports at least one week before such meeting. If the above described time requirements are not met, the Plan shall be held for the subsequent regular public meeting of the Board.

### **2.2.6 APPLICANT TO ATTEND BOARD MEETING**

The applicant, or the applicant's authorized representative, should attend the meeting of the Board for which the Final Subdivision Plan has been placed on the Board's agenda. The Board may defer consideration of any Final Subdivision Plan to the next regular public meeting if the applicant, or the applicant's representative, does not appear at such meeting.

### **2.2.7 REPORT OF EXECUTIVE SECRETARY**

At the regular public meeting of the Board at which said Final Subdivision Plan is first considered, the Executive Secretary shall present the reports of the City Engineer and the Director

of Public Health, as well as his or her own report summarizing the facts of the proposed subdivision together with his or her recommendations and comments.

#### **2.2.8 STUDY OF PLAN**

The Board shall study the practicability of the Final Subdivision Plan taking into consideration the objectives stated in Chapter I of these Regulations, the requirements of the community and the best arrangement of the land being subdivided. Particular attention will be given to the pattern, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the location of trees, the future development of adjoining lands as yet unsubdivided, protection of natural assets described in the Natural Resources Inventory, and the requirements of the City Plan of Conservation and Development.

#### **2.2.9 PUBLIC HEARING**

A public hearing regarding a subdivision application may be held by the Board, if, in its judgment, the circumstances require such action. The Board shall hold a public hearing on any application for a re-subdivision. Notice of any public hearing shall be given in accordance with State Statutes. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Board to discuss the application before final action by the Board.

#### **2.2.10 ACTION BY BOARD**

Within 65 days after the public hearing thereon or, if no public hearing was held, within 65 days after the date of submission of the Final Subdivision Plan, (as defined in these Regulations) the Board shall take action on the application. Such action shall consist of tentative approval to become final upon the submission of any required bond or easement rights, tentative approval to become final upon the completion of required improvements, or disapproval. In tentatively approving or disapproving an application, the Board shall state in its records any conditions of approval, any modifications required, and the grounds for its action.

#### **2.2.11 NOTIFICATION OF ACTION**

The Executive Secretary shall, within 15 days, post notice of the decision of the Board in accordance with State Statutes. In the case of an approval given, subject to the posting of a performance bond, said bond shall be posted in accordance with the provisions of Section 2.4, herein.

#### **2.2.12 FILING PLANS WITH THE BOARD**

Plans filed with the Board for approval shall consist of a Record Map, Construction Plans, and Plan and Profile Drawings. Plans shall be submitted on twenty-four inch by thirty-six inch (24" x 36") sheets and shall be drawn to a scale of one inch equals forty (40) feet or, if necessary, one inch equals one hundred (100) feet. Two copies of the Record Map shall be submitted and shall be prepared to meet the filing requirements for maps specified by the Connecticut Office of the Public Records Administrator. The remainder of the plans may be submitted as paper prints.



### **2.2.13 ENDORSEMENT OF PLAN**

The Chair of the Board or the Executive Secretary shall endorse the Final Subdivision Plan on behalf of the Board when all the conditions of approval have been complied with.

### **2.2.14 VOID IF ALTERED**

If the Final Subdivision Plan is altered, changed, erased, or revised between the time the Board's approval is endorsed on the Plan and the time the Plan is filed with the City Clerk, the approval shall be null and void unless the alterations have been approved by the Board and so indicated on said Plan.

### **2.2.15 RECORDING OF ENDORSED PLAN**

Within ninety days following the tentative approval by the Board, the applicant shall file the endorsed Final Subdivision Plan and any required easements, restrictions or deeds with the City Clerk. Any Final Subdivision Plan not so filed or recorded shall become null and void.

## **SECTION 2.3 MODIFIED PROCEDURES**

### **2.3.1 ADJUSTMENT OF EXISTING LOT BOUNDARIES**

Where it is proposed to adjust existing lot boundaries without increasing the number of lots, without changing any lots except in accordance with the standards of the zone in which it is located, and without changing any street or an area reserved for public use, a Correction Map showing such lot boundary changes may be approved in writing by the Chair of the Board. The procedure of Section 2.1 and 2.2 above may be omitted in whole or in part, if in the judgment of the Chair, no useful purpose would be served by such requirements. The Chair shall report each such action at the next regular public meeting of the Board where the action shall be placed in the Board's minutes. The Executive Secretary shall keep a record of each such map and the applicant shall file an endorsed copy of said Correction Map with the City Clerk.

### **2.3.2 SPECIAL PERMIT USE**

Where an applicant proposes a subdivision, or any portion thereof, which is subject to Special Permit and Site Plan Approval under the Zoning Regulations, the Planning and Zoning Board may approve and permit said subdivision, or portion thereof, subject to all applicable procedures and requirements of both these Regulations and the Zoning Regulations. The Planning and Zoning Board may, upon written request by the applicant, allow the simultaneous submission of an application for Special Permit and Site Plan Approval and filing of an application for a Final Subdivision Plan, subject to legal notice and public hearing in accordance with State Statutes.

## **SECTION 2.4 PERFORMANCE BOND AND INSPECTION.**

### **2.4.1 INSTALLATION OF IMPROVEMENTS**

The subdivider shall install all street, drainage, sanitary, and other improvements specified in the Planning and Zoning Board's action granting tentative approval of the Final Subdivision Plan within ninety days after such tentative approval and prior to endorsement by the Board or, as an alternative, if the subdivider elects to file such Plan before installing the required improvements, the subdivider shall within ninety days after the Board's tentative approval, post a performance bond in an amount to be set by the Board which is based upon an estimate determined by the Director of Public Works to be sufficient to secure to the City of Milford the actual installation of the required improvements within two years after the date of acceptance of such bond. If all the required work is not completed within such two year period, the Board may grant extensions for one year periods provided that the bond is adjusted to reflect current construction costs, and further provided that all required improvements shall be completed within five years of the date of tentative approval of the Final Subdivision Plan.

2.4.1.1 The subdivider shall specify in his or her application which of the two alternatives he or she proposes to follow. In any event, no construction work shall be started before the Board has granted tentative approval to the Final Subdivision Plan, and a bond is posted with the Executive Secretary. If a public utility is required by the Board, the Board may accept assurance in writing from each public utility company whose facilities are proposed to be installed, in lieu of bond. If said subdivider transfers or sells 50% or more of his interest in the land for which no Certificate of Occupancy has yet been issued and which is covered by the Final Subdivision Plan, the bond covering such plan shall be in default until such time as the new owner shall endorse the agreement and the bond as an additional Party of the First Part and as an additional principal with the written consent of the surety, or until the new owner presents an acceptable agreement and surety bond in his or her own name.

### **2.4.2 BOND**

The performance bond shall be a licensed surety company bond, written in accordance with a form supplied by the Board and satisfactory to the City Attorney as to form, sufficiency and manner of execution. The terms of such bond shall require completion of the work within two years. Alternatively, the Board may, upon written request, allow the assignment of a Savings Bank Deposit Book or a Certified Check.

2.4.2.1 A performance bond equal to 10% of the total original bond shall be required for a period of one year after the initial acceptance of the required improvements to guarantee the quality of workmanship, material and construction of these improvements. The developer shall comply with the instructions of the Board and also institute correction measures, repairs, and maintenance on his or her own initiative, as needed, to insure the first class condition of all municipal improvements during the year and at the termination of the maintenance period.

### **2.4.3 INSPECTION**

The City Director of Public Works or a designated representative or a Planning and Zoning Board member or staff shall be the inspection agent of the Board to assure that all City specifications and Board requirements are met during the construction of the required improvements. Said inspector shall notify in writing the Executive Secretary of progress during construction and upon completion of the required improvements.

2.4.3.1 If during any phase of construction, it shall appear to the Director of Public Works or his or her designated representative that the City specifications or Board requirements are not being complied with, notice shall be immediately given, in writing, to the Zoning Enforcement Officer by the Director of Public Works or his or her designated representative, setting forth the nature and extent of the non-compliance. The Zoning Enforcement Officer shall forthwith give written notice to the developer and any other person, firm or organization who may be responsible for such non-compliance. Such notice shall state the nature of the non-compliance and shall direct the developer and any other person, firm, or organization responsible, to cease and desist such non-compliance and shall direct that all work be corrected so as to comply with City specifications or Board requirements. A copy of such notice, from the Zoning Enforcement Officer, may be mailed directly to the office of the surety company issuing the performance bond. If the developer or any other person, firm, or organization fails to comply with the terms of such notice within a period of ten (10) days, the Zoning Enforcement Officer shall cause all work on such subdivision to stop and may refer the matter to the City Attorney or Prosecutor for further legal action.

### **2.4.4 RELEASE OF BOND**

Prior to the release of any subdivision or performance bond, the applicant shall comply with the requirements of Section 4.2 of these Regulations entitled "As-Built Plans." Upon submission of the required as-built plans and documents in accordance with Section 4.2, herein, completion of the required improvements to the satisfaction of the Director of Public Works and the Board, delivery of instruments for any required easements satisfactory to the City Attorney, and the fulfillment of any other requirement or conditions of approval, the Board shall, except as permitted below, adopt a resolution to reduce the performance bond to a sum equal to 10% of the total original bond which shall be held for one year to assure satisfactory operation and proper maintenance, and shall be released thereafter; provided that all the provisions as stated in Section 2.4.2, herein, have been complied with to the full satisfaction of the Planning and Zoning Board. In the case of bonds for amounts of \$5,000 or less covering work not liable to defects or to need maintenance work, the Board may release the entire bond.

### **SECTION 2.5 DEDICATION AND ACCEPTANCE**

Approval by the Board of a Final Subdivision Plan shall not be deemed to constitute or effect any acceptance by the City of any street, recreation area, easement, or any other improvement or open space area shown on the Plan.

### **2.5.1 FORMAL NOTATION OF INTENT**

Streets, recreation areas, easements, and other improvements or open space areas shown on the Final Subdivision Plan may be offered for dedication to the City by formal notation thereof on the approved Plan. The Board may require the filing of a written agreement between the subdivider and the City regarding the future ownership and maintenance responsibilities for such formally offered improvements or open space area.

### **2.5.2 FORMAL OFFER OF DEDICATION**

The recording of an endorsed Final Subdivision Plan shall constitute an irrevocable offer of dedication by the subdivision owner to the City of Milford for streets, recreation areas, easements, and other improvements and open space areas which are formally offered and so noted on the approved Plan.

### **2.5.3 OFFICIAL ACCEPTANCE**

Official acceptance of formal offers of dedication of streets, recreation areas, easements, and other improvements and open space areas shown on the approved Final Subdivision Plan shall rest with the City. The City shall not officially accept any such formally offered improvements of open space areas unless and until all taxes thereon for any fiscal year or portion thereof have been paid by the subdivider. The subdivider shall be required to maintain such improvements and open space areas until they are officially accepted by the City.

## **CHAPTER III DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS**

### **SECTION 3.1 GENERAL**

Proposed subdivisions and all street, drainage and other improvements shall be designed and constructed in accordance with the Plan of Conservation and Development, the Zoning Regulations, Sewer Commission and City Engineer approval; any other official plans and applicable laws, ordinances, codes and regulations; and the standards and specifications hereinafter specified.

### **SECTION 3.2 BUILDING LOTS**

Proposed building lots shall be of such size, shape, location, topography and character that buildings can be reasonably constructed, occupied and used for building purposes without danger to the health and safety of the occupants and the public. Land of such a character in its natural state that it is unsuitable for occupancy of building purposes because of danger to the public health, safety and welfare by reason of inaccessibility, difficult configuration, high ground water, flooding conditions, erosion hazards, ledge rock, steep sloping topography, severe soil conditions or other similar conditions shall be appropriately identified as a "Protection Area" on the Final Subdivision Plan and shall not be subdivided for residential use nor for such other uses as may increase danger to health, life or property or otherwise aggravate the hazard; unless and until

appropriate corrective measures have been taken by the subdivider to eliminate such hazards, subject to approval by the Planning and Zoning Board, City Engineer and the Director of Public Health. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary re-grading, to protect the natural environment, to preserve the natural amenities such as waterbodies, watercourses, and vegetation, and generally adhere to recognized conservation design guidelines as described in Appendix A.

In the process of submitting subdivision plans, the applicant must provide a detailed resource site analysis map that indicates the location of all natural resources, based upon the City of Milford's Natural Resource Inventory, the Plan of Conservation and Development, and basic site photographs and analysis. These resources include, but are not limited to, watercourses and water bodies; wetlands and tidal/sand flats; woodlands; slopes over 25%; floodplains; ridgelines; trees over 18" caliper; significant geological features such as rock outcroppings, cliffs, areas shown on the Connecticut State and Federal Listed Species and Natural Communities Map; historic buildings or land features, such as stone walls; significant archeological features, such as Native American villages, campsites, or burial grounds, and other prehistoric features; and any other natural resources or features that are unique and significant to the site. The final subdivision plan must also indicate the location of these assets, and the layout of building lots should be so arranged as to have minimal impact upon these assets. In addition, the City may require the placement of conservation easements upon particularly important natural resources. The subdivision plans shall specifically address in a written narrative how the proposed project complies with the recommendations found in the Natural Resources Inventory.

Building lots should be arranged in a manner that minimizes the amount of impervious surface in the subdivision and minimizes the amount of road length required for the subdivision. Where feasible, building lots should be arranged to center around a natural resource, in a manner consistent with generally recognized conservation design guidelines as described in Appendix A.

### **3.2.1 LOT LAY-OUT AND DRIVEWAY ACCESS**

Except where impractical or unreasonable, lots shall be so laid out that the driveways have access to a local street and not to a major road carrying general traffic.

### **3.2.2 LOT AREA TO PERMIT RESUBDIVISION**

Where a tract is proposed to be subdivided into lots averaging more than double the minimum required lot area for the Zoning District in which said tract is located, the Board may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to properly serve such potential lots or otherwise required deed restrictions barring any resubdivision of the subject property. Any such required deed restrictions shall be recorded with the City Clerk and a copy shall be filed with the Executive Secretary.

### **3.2.3 LOT AREA TO PERMIT UTILITY FACILITIES**

Each lot proposed to be served by a private, individual water well and/or a private, individual sewage disposal system shall be large enough to contain sufficient land of proper character to

permit satisfactory performance of such well and/or system, and shall comply with the regulations of the Director of Public Health.

#### **3.2.4 CORNER LOT AREA**

Corner lots shall be of sufficient size and dimensions so that any building placed thereon can conform to all yard requirements.

#### **3.2.5 BUILDING SETBACK LINES**

The Planning & Zoning Board may require buildings to be set back from the street line a distance greater than the minimum building setback line prescribed in the Zoning Regulations, where topography, soils or other conditions make such minimum building setback line impractical or undesirable, as determined by the Board, and/or where the Board deems said greater distance to be aesthetically desirable for the subject subdivision or portion thereof.

#### **3.2.6 LOT DEPTH**

Lots shall not be of unreasonable depth, encouraging the later creation of a second building lot at the rear. The depth of lots shall not, in general, exceed 2 1/2 times the actual lot width, except where topography, soil or other conditions create unusual circumstances.

#### **3.2.7 SIDE LOT LINES**

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan.

#### **3.2.8 LOT MARKERS**

Lot corners shall be marked with iron or steel pins at least three-quarter (3/4) inches in diameter and thirty inches in length. Monuments meeting the requirements of Section 3.4 may be substituted for iron pins. Lot corners occurring at bedrock outcroppings may be marked with a drill hole in the outcropping at least one (1) inch deep and no more than three-eighths (3/8) inch in diameter. Pins are not required for lot lines occurring along a watercourse, water body, or stonewall; or where a specimen tree occurs at a lot corner. The accurate placement and location of such lot markers shall be certified by a Licensed Land Surveyor.

#### **3.2.9 ZONING COMPLIANCE**

Each lot shall comply with the minimum requirements of the Zoning Regulations for the Zoning District in which it is located.

#### **3.2.10 REAR LOTS**

Rear lots shall have a minimum area of one acre, exclusive of any accessway. They shall be generally rectangular in shape and shall otherwise conform with the zoning requirements for rear

lots. They shall be provided with a private accessway to a public street, the width of which shall be at least 25 feet for residential uses and at least 50 feet for non-residential uses.

### **SECTION 3.3 STREETS**

Street width and construction shall be in accordance with City standards. Streets shall be located and adequately constructed to accommodate the prospective traffic and to afford access of police, fire fighting, snow removal and other road maintenance equipment. They shall be arranged to provide for a safe and convenient flow of traffic. The arrangement of streets shall cause no undue hardship to adjoining properties.

#### **3.3.1 STREET LAYOUT**

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building lots as possible at or above the grade of the streets.

#### **3.3.2 CONTINUATION OF EXISTING STREETS**

The arrangement of streets in the proposed subdivision shall provide for the continuation of existing streets in adjoining subdivisions and for the proper projection of proposed streets into adjoining properties which are not yet subdivided, except where topography, soils, or other conditions make such continuance impractical or undesirable, as determined by the Board.

3.3.2.1 When a subdivision proposes the continuation of an existing dead-end street, it shall be the full responsibility of the subdivider to improve said street extension or connection; including, but not limited to, the removal of any temporary turnaround, the replacement of all curbs and driveway aprons, the replanting of all unpaved areas and the extension or connection of all other required improvements.

The Board may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of removing any existing turnaround area, replacing all curbs and driveway aprons, replanting of all unpaved areas extending the future street together with all other required improvements, or any portion of said removing, replacing, replanting, and extending which is or would be located between the point of termination of such dead-end street and the boundary of the subdivision.

3.3.2.2 When a right-of-way for a future street or extension of a street is proposed on a Subdivision Plan, the Board may require the subdivision to improve all or any portion of said right-of-way.

#### **3.3.3 STREET WIDTHS**

Streets shall be provided with appropriate right-of-way widths and roadway widths according to their classification. Widths shall be provided according to the following schedule:

<u>GENERAL STREET CLASSIFICATION</u>	<u>MINIMUM RIGHT-OF-WAY WIDTH (feet)</u>	<u>MINIMUM ROADWAY WIDTH (curb to curb in feet)</u>
Minor	50	30
Collector	60	40
Arterial	80	As Determined

Street classifications are indicated on the attached map from the Plan of Conservation and Development. Typical cross-sections for each class of street are shown in Appendix B. Private streets, other than those private roadways as described in Section 3.2.10, shall have a minimum roadway width of twenty (20) feet.

3.3.3.1 Where a subdivision abuts or contains an existing street which does not comply with the minimum width requirements, the Board may require additional widths where deemed necessary or less width only to connect existing streets within areas which were substantially built-up on the effective date of these Regulations. When required by the Board, the subdivider shall dedicate the necessary right-of-way to the City for street widening and shall show such right-of-way and/or roadway widening on the Final Subdivision Plan. Drainage or other improvements made necessary by the subdivision shall be constructed by the subdivider in such street.

**3.3.4 DEAD END STREETS**

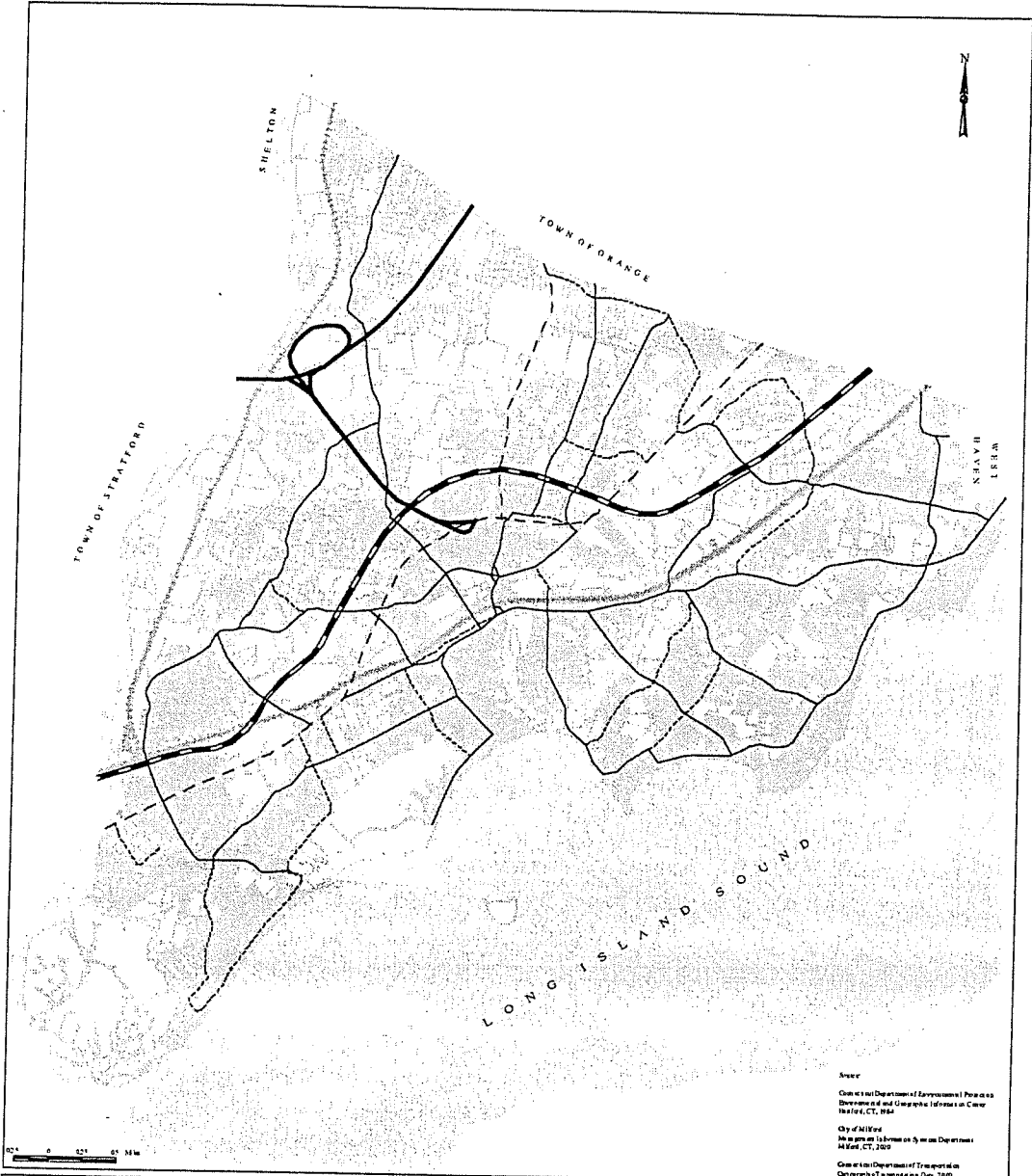
Where permanent dead end streets are proposed in a subdivision, they shall not exceed 1,200 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet with a 25 foot right-of-way radius at each connection point, or shall terminate with another similarly shaped and adequately designed turning area of comparable maneuverability, subject to approval by the Board.

3.3.4.1 A temporary dead end street with an adequately designed turnaround area may be approved by the Board only when a right-of-way is provided to continue the proposed street from the turnaround area to the boundary of the subdivision. Said right-of-way shall be dedicated to the City or otherwise permanently secured for the City by the subdivider. In addition, any necessary slope rights on abutting property shall be either temporarily or permanently secured for the City by the subdivider, as required by the Director of Public Works.

(1) The Board may permit any portion of the required improvements to terminate at the beginning of the turnaround area.

(2) When a subdivision is proposed to be developed in stages, the Board may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of removing any temporary turnaround, replacing all curbs and driveway aprons, replanting all unpaved areas extending the future street together with all other required improvements, or any portion of said removing, replacing,





LEGEND  
 Principal Arterial - Interstate  
 Principal Arterial - Other Expressway  
 Principal Arterial - Other  
 Major Collector (Minor Arterial)  
 Collector

Functional Road Classifications  
 City of Milford  
 HARRALL-MICHALOWSKI ASSOCIATES, INC. prepared  
 HMA  
 HARRALL-MICHALOWSKI ASSOCIATES, INC.  
 150 Main Street, Suite 200  
 Milford, CT 06460

THIS MAP WAS DEVELOPED FIRST AS A PLANNING DOCUMENT. DIMENSIONS MAY NOT BE EXACT.

replanting, and extending which is or would be located between the point of termination at the beginning of the temporary turnaround area and the boundary of such subdivision section.

(3) The Board may require all buildings, structures, and uses to be setback from the street lines of a temporary turnaround area in the same manner as a permanent turnaround area.

3.3.4.2 A temporary dead-end street without turnaround provisions may be approved by the Board for the projection of future streets; provided that its length is equal to or less than the minimum required lot depth for the Zoning District in which it is located and further provided that it extends to the boundary of the subdivision.

The Board may require the subdivider to improve such dead-end street up to the boundary of the subdivision; or the Board shall require the subdivider to dedicate to the City or otherwise permanently secure for the City such dead-end street right-of-way. In addition, any necessary slope rights on abutting property shall be either temporarily or permanently secured for the City by the subdivider, as required by the Director of Public Works.

### **3.3.5 STREET GRADES**

Grades of all streets shall generally conform to the natural terrain. Streets shall be designed to avoid excessive cuts and fills and to avoid a combination of steep grades and sharp curves.

3.3.5.1 Grades along streets shall not be less than one (1.0) percent nor more than five (5) percent for arterial streets and not less than one (1.0) percent nor more than eight (8) percent for collector and minor streets; except that grades of ten (10) percent may be permitted on minor streets for reasonably short distances, subject to approval by the Board and the City Engineer.

3.3.5.2 Slopes necessary for cut and fill sections which extend, or are proposed to extend, beyond the street line shall not be steeper than two feet horizontal to one foot vertical (2:1), except in rock cut. The Board or City Engineer may require flatter slopes as needed to maintain stability of the embankment. Embankments at street intersections shall be adequately cut back to provide the required minimum sight distance. No cut or fill slopes shall extend outside the boundary of the subdivision, unless appropriate slope rights are either temporarily or permanently secured for the City by the subdivider, as required by the Director of Public Works.

3.3.5.3 Areas disturbed due to grading and constructing the street shall be covered with topsoil and seeded.

### **3.3.6 VERTICAL CURVES**

Vertical curves shall be provided for all changes in grade along the street. Their design shall conform to policies of the American Association of State Highway and Transportation Officials (AASHTO) and shall provide for a safe stopping distance and headlight sight distance appropriate for the posted, or expected, speed. A safe passing sight distance shall also be provided for collector and arterial streets.

### **3.3.7 HORIZONTAL CURVES**

Horizontal curves shall be provided for all changes in direction along the street. Their design shall also conform to AASHTO policies and shall provide for a safe stopping distance appropriate for the posted, or expected, speed. A safe passing sight distance shall also be provided for collector and arterial streets. In addition, horizontal curves shall have a minimum radius along the centerline of 175 feet and a minimum tangent of 80 feet shall be provided between curves where practical, unless otherwise approved by the City Engineer, where conditions of compound curves or reverse curves might be necessary in the design of the road alignment.

### **3.3.8 STREET INTERSECTIONS**

The following standards shall apply to all street intersections:

#### **3.3.8.1 LAYOUT & SPACING**

Intersections shall be spaced at least 150 feet apart, measured between centerlines; except that minor or collector street intersections with arterial streets shall, in general, be spaced at least 500 feet apart.

#### **3.3.8.2 ANGLES**

Except where impractical or undesirable, all streets shall intersect at approximately right angles. No intersections shall be less than 60 degrees. The angle of entry shall not become more acute than 60 degrees for a distance of at least one hundred feet from the center of the intersection.

#### **3.3.8.3 RADII**

At right angle street intersections, street lines shall be rounded by an arc having a minimum radius of 25 feet and curb lines shall be rounded by an arc having a minimum radius of 35 feet. The Board may require greater radii where the street intersection is sharper than 90 degrees.

#### **3.3.8.4 GRADIENTS**

The gradient of proposed streets at intersections shall not exceed three percent within a distance of 100 feet from the center of the intersection.

### **3.3.8.5 BLOCKS**

In general, blocks shall not exceed 1,200 feet in length and shall be at least as wide as the minimum required lot depth for the Zoning District in which it is located.

### **3.3.8.6 MINIMUM SIGHT DISTANCE**

Minimum sight distances shall be provided at intersections and shall conform to Connecticut Department of Transportation standards. Distances shall be based upon the posted, or expected, speed.

### **3.3.9 STREET NAMES**

All streets shown on a proposed subdivision shall be named. Streets shall have names and not numbers or letters like 1st, First, or "A" Street. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the City of Milford, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. A list of currently used street names is on file in the City Engineer's office.

### **3.3.10 STREET IMPROVEMENTS**

The developer shall install all required sidewalks, curbs, handicapped curb ramps, storm drains and pavement on proposed streets, as well as curbs, sidewalks, and pavement between the edge of existing pavement and the new curb line on existing streets which bound or intersect the proposed subdivision. Curbing is required along the edges of roads unless a special road edge design is approved by the Board. Such a design shall meet specific design purposes such as the reduction of impervious surface coverage. The developer shall also install all required street signs, monuments, driveway aprons and shade trees. Such improvements shall be installed in accordance with City or utility company standards and specifications. The developer shall make the necessary provisions with the utility companies for the installations of fire hydrants as directed by the Fire Department prior to occupancy of adjacent residences in accordance with the City Policy on location, and also guarantee to pay any rental or service charges until such time as the Board releases the developer's bond in accordance with Section 2.4 herein.

#### **3.3.10.1 STREET PAVEMENT**

Proposed streets shall be improved to their full width and shall be from curb to curb according to City specifications. Typical cross-sections for each class of street are shown in Appendix B.

#### **3.3.10.2 DRIVEWAY APRONS**

Driveway aprons shall be provided on all proposed streets and shall be designed to prevent storm water from running off the street onto an adjacent lot. Materials used to

construct driveway aprons shall be consistent with existing aprons in the area, compatible with the character of the neighborhood, and approved by the City Engineer.

#### **3.3.10.3 CURBS**

Curbs shall be provided along both edges of all proposed roadways and shall be constructed according to City standards. Curbs shall be constructed of granite, concrete, or asphalt consistent with existing curbing in the area and approved by the City Engineer. The requirement to provide curbs may be waived by the Board if conditions make such installation unnecessary or undesirable.

#### **3.3.10.4 SIDEWALKS**

The Board may require sidewalks on proposed streets, particularly within one-half mile of any school. The requirement to provide new sidewalks shall be based upon the presence of existing sidewalks and the purpose to be served by the new sidewalks. Purposes may include public safety as well as connection among areas and to points of destination, or to encourage the future establishment of sidewalks. Sidewalks shall be constructed according to City standards.

#### **3.3.10.5 STREET SIGNS**

Street name signs and traffic signs shall be provided at all proposed street intersections and shall be installed according to Department of Public Works standards.

#### **3.3.10.6 TREE PROTECTION DURING CONSTRUCTION**

No person may conduct any activity within the drip line or seven feet from the trunk, whichever is greater, of any tree designated to remain in the builder's site plan of development without prior approval of the Board. Protective barricades shall be placed around all required trees in or near development areas, as determined by the City Planner or designees, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards provided by the above said authorities, and shall remain in place until development activities are completed. The area within the protective barricade shall remain free of all building materials, dirt, fill, solvents or other construction debris, vehicles, and development activities. The City Planner or designees shall inspect and approve the landscaping protection prior to the start of development activities. This approval shall be recorded in the applicant's file.

#### **3.3.11 DRIVEWAYS**

All lots shall be served by a driveway located on the subject lot, unless an alternate location is specifically approved by the Board. Driveways shall be at least twelve (12) feet wide and have a maximum slope of ten (10) percent. They shall be constructed to prevent excessive water from draining onto the street or sidewalk. Proposed driveways

shall be provided with an unobstructed site distance of at least one hundred fifty (150) feet in each direction. Driveways serving more than one property shall provide pull-offs as needed to allow for the passage of oncoming vehicles and shall provide sufficient turnaround area to prevent the backing of vehicles onto the street.

### **SECTION 3.4 MONUMENTS**

Monuments shall be set along new street lines at all angle points, points of curvature, and any other change in direction of the street right-of-way. For monuments spaced more than six hundred (600) feet apart, an additional monument shall be set at a convenient mid-point. Monuments shall be concrete with an iron rod cast into their center to provide for recovery with magnetic location devices. They shall be at least thirty-six (36) inches long and not less than four (4) inches square at the top with a permanent center mark. Monuments shall not be set until after all street construction is completed. The accurate placement and location of monuments shall be certified by a Licensed Land Surveyor.

### **SECTION 3.5 STORM DRAINAGE**

Adequate surface and subsurface storm drainage facilities shall be provided within the subdivision to carry existing water courses and to drain the proposed streets and street which may reasonably be expected to be constructed at some future date on adjoining property which normally drains through the area of the proposed subdivision. No storm drainage facilities shall be constructed unless their design has been approved by the Director of Public Works, the City Engineer, the Director of Public Health, the Department of Environmental Protection, and the Connecticut Department of Transportation, as applicable. The storm drainage design shall conform with requirements of the latest approved City Storm Water Management Plan (SWMP) subsequent to its implementation.

#### **3.5.1 DESIGN AND CONSTRUCTION**

Storm water drainage facilities shall be designed and constructed according to pertinent specifications of the Connecticut Department of Transportation, City standards, and the following additional standards.

3.5.1.1 The rational method, or other generally accepted hydrologic method, shall be used to estimate storm water run-off.

3.5.1.2 Storm drainage facilities designed to carry streams shall be designed to pass, with a minimum of one foot of freeboard, stormwater runoff resulting from storms recurring with a fifty year frequency. In addition, the effect of storms recurring with a 100 year frequency shall be examined to ensure that they do not create an unsafe condition.

3.5.1.3 Other storm drainage facilities, such as storm sewers, shall be designed to pass storms recurring with a ten year frequency, when flowing full.

3.5.1.4 Storm sewers should generally be placed along the curb and, except for laterals between structures, should not cross the centerline of the road. Storm sewer mains along long curves shall be constructed on chords.

3.5.1.5 Measures for the control of erosion and sediment during construction shall be included on the plans. Measures to control pollutants and enhance storm water runoff quality after construction shall also be included. In addition, the increase in storm water runoff quantity after construction shall be addressed.

3.5.1.6 Drainage computations based upon standard engineering methods acceptable to the City Engineer, shall be submitted by the applicant to substantiate the design of all storm drainage facilities.

### **3.5.2 SWALES**

If, in its judgment, there will be no flood or erosion hazards and no danger to the public health and safety, the Board may permit the use of swales to convey storm water. Swales shall be designed to enhance water quality, provide groundwater recharge, and slow the velocity of runoff.

3.5.2.1 Swales designed to convey storm water shall be sized to meet the requirements of Section 3.5.1, except they shall have a maximum depth of three (3) feet. Side slopes shall be no steeper than five feet horizontal to one foot vertical (5:1).

3.5.2.2 The Board may require fencing, rip-rap, plantings, or other measures it deems necessary to protect the public health, safety and welfare.

### **3.5.3 STORM DRAIN PIPES**

Storm drain pipes shall be sized to meet the requirements of Section 3.5.1, except they shall be no smaller than twelve (12) inches in diameter for laterals between structures and fifteen (15) inches in diameter for the main run of the storm sewer. Pipe materials shall conform to Connecticut Department of Transportation specifications and shall be acceptable to the Director of Public Works and City Engineer.

### **3.5.4 MINIMUM PIPE COVER**

Storm Drain pipes installed under the street shall be provided with a minimum three (3) feet of cover, except that pipes constructed of reinforced concrete meeting the requirements of AASHTO M170 Class V may be installed with two (2) feet of cover.

### **3.5.5 GRADIENTS**

The minimum grade for storm drains and open swales shall be 0.005 feet per foot, or sufficient to provide a velocity of two feet per second when flowing full. The maximum gradient for open swales shall limit the velocity to five (5) feet per second when flowing

full. The gradient at the outfall to the storm network shall provide a non-erosive velocity. Unless otherwise approved by the City Engineer, the maximum gradient for storm drains and open swales shall not exceed 0.10 feet per foot.

### **3.5.6 MANHOLES, CATCH BASINS, ENDWALLS AND HEADWALLS**

Manholes, catch basins, endwalls, headwalls, and similar structures shall conform to City standards, or in their absence Connecticut Department of Transportation standards, and shall be acceptable to the Director of Public Works and the City Engineer.

### **3.5.7 UNDERDRAINS**

In areas where soils have moderate to very slow permeability, or otherwise experience high groundwater, underdrains shall be installed and connected to the nearest drainage facility. Generally, underdrains shall be required where the roadway is in a cut, or in other areas directed by the City Engineer.

### **3.5.8 DISCHARGE**

The discharge of all storm water from the subdivision shall be into suitable watercourses or waterbodies or into storm sewers, open ditches, or other City drainage facilities with adequate capacity to carry the additional water. Any pipe installed to discharge storm water from any street shall extend a minimum distance from such street line of not less than 75 feet, or 25 feet beyond the rear of the existing or proposed principal building, whichever is greater. Where the discharge of storm water shall be onto private property adjoining the proposed subdivision, appropriate easements or drainage rights shall be provided or obtained for the City by the subdivider.

### **3.5.9 CHANNEL ENCROACHMENT LINES**

Channel encroachment lines may be required by the Board along any major watercourse or waterbody for the purpose of preventing constriction of the natural watercourse or waterbody by buildings, structures, filling and removing operations or other facilities, activities or construction. The necessity for said building restriction or fill and removal restriction lines shall be determined by the Board, and the subdivider shall be required to place said lines on the Final Subdivision Plan with explanatory notation. The location of such channel encroachment lines shall be based upon proper hydraulic computations which shall be provided by the applicant and shall be subject to the approval of the City Engineer.

### **3.5.10 COMBINED SEWERS**

No combined sanitary and storm sewers shall be permitted.



## **SECTION 3.6 SPECIAL STRUCTURES**

Bridges, culverts, headwalls, deep manholes, and other special structures shall be designed in accordance with Department of Public Works standards and good engineering practice acceptable to the Board and the City Engineer.

### **3.6.1 HYDRAULIC CAPACITY**

Bridges, culverts, or other structures erected to carry streets over watercourses or waterbodies shall be designed to pass, with a minimum of one foot of freeboard, stormwater runoff resulting from storms recurring with a 50 year frequency. In addition, the effect of storms recurring with a 100 year frequency shall be examined to ensure they do not create an unsafe condition.

### **3.6.2 DESIGN LOADS**

Bridges and culverts shall be designed for HS20 loading, unless the traffic expected warrants a heavier class of loading.

### **3.6.3 WIDTH.**

No bridge or culvert shall be constructed to less than the full width of the minimum required street, including pavement, curb, sidewalk areas and road embankment slopes with culvert ends.

### **3.6.4 OTHER SPECIAL STRUCTURES**

The Board may require any other special structure that the City Engineer deems necessary to protect the public health, safety and welfare.

## **SECTION 3.7 SANITARY SEWERAGE**

The Planning and Zoning Board may require the applicant to provide adequate sanitary sewers to and/or in the proposed subdivision. No sanitary sewerage system, or part thereof, shall be constructed unless its design has been approved by the Sewer Commission, the Director of Public Works, the City Engineer, Director of Public Health and the Connecticut Department of Environmental Protection, as applicable.

### **3.7.1 SANITARY SEWER DESIGN**

Sanitary sewers shall be designed and constructed according to City standards and shall otherwise conform to the guides established by the New England Interstate Water Pollution Control Commission.

### **3.7.2 PIPE SIZE**

Sanitary sewers shall be sized and designed based upon the type and density of existing, proposed, and anticipated development within the area tributary to the sewer to be constructed. Sewer design shall include an allowance, according to standard engineering practice, for groundwater infiltration. No gravity sewer shall be less than eight (8) inches in diameter.

### **3.7.3 SANITARY SEWER CONNECTIONS**

The subdivider shall provide sanitary sewer connections and/or extensions to each lot in any subdivision which is either:

- (1) Located within an area currently served by an existing public sanitary sewerage system; or
- (2) Located within such a reasonable distance of an existing sanitary sewerage system as to make extension thereof economically feasible, as determined by the Sewer Commission.

### **3.7.4 SANITARY SEWER PROJECTIONS**

In addition to the temporary provision for private, individual, on-site sewage disposal systems, the Board shall require the subdivider to install and cap sanitary sewer mains in all proposed streets with connections to each lot in any subdivision which is located within an area proposed to be served by a sewer system which is planned and programmed in the Sewer Commission Facility Plan and included in the approved City of Milford Capital Improvement Plan. Locations for future pump stations should also be designated as required by the Sewer Commission and City Engineer.

### **3.7.5 PIPE LOCATION**

Sanitary sewers shall generally be constructed along the center of the street. Sanitary sewer pipes and water supply pipes shall be laid a minimum of ten (10) feet apart in separate trenches, unless otherwise approved by the City Engineer and the Connecticut Department of Environmental Protection.

### **3.7.6 SUBDIVISIONS NOT SERVED BY PUBLIC SEWER**

Lots in subdivisions not to be served by public sewer shall be capable of being served by a subsurface sewage disposal system meeting the standards of the Connecticut Public Health Code and approved by the Director of Public Health.

### **3.7.7 OWNERSHIP AND MAINTENANCE**

The Planning and Zoning Board may require the subdivider to provide suitable agreements, satisfactory to the City Attorney and Board of Sewer Commissions as to

form, sufficiency, and surety for the ownership and maintenance of any sanitary sewerage system, or portion thereof.

3.7.7.1 The subdivider shall provide and record suitable restrictive covenants, satisfactory to the City Attorney and Board, for each lot which is intended to be served by a private individual on-site sewage disposal system.

## **SECTION 3.8 OTHER UTILITIES**

The Planning and Zoning Board may require the developer to provide adequate water, gas, electric and communication services to and/or in the proposed subdivision in appropriate instances. No water, gas, electric communication systems, facilities or parts thereof, serving proposed lots, shall be constructed unless the design of such systems or facilities has been approved by the local Utility Company, City Engineer, Director of Public Health, Connecticut Department of Health, and/or Connecticut Public Utilities Commission, as applicable.

### **3.8.1 GENERAL DESIGN**

All water, gas, electric and communication systems and facilities shall be designed and constructed in accordance with City standards and the specifications of the appropriate State agencies and utility providers. Utility work in an existing or approved city street, or a street proposed for acceptance by the City, shall comply with regulations relating to street openings and City ordinances.

### **3.8.2 PUBLIC WATER SUPPLY CONNECTIONS**

The Board shall require connection to and/or extension of an existing public water supply system if the system has at least fifteen service connections or regularly serves at least twenty-five individuals and is within two hundred (200) feet of the property as measured along a street, alley or easement.

3.8.2.1 For subdivisions served by or proposed to be served by public water supply, hydrants shall be provided at 300 foot intervals, or as otherwise directed by the Fire Department.

### **3.8.3 PRIVATE, INDIVIDUAL, ON-SITE WATER SUPPLY SYSTEMS**

Water supply wells and other private water supply systems shall be constructed according to the standards of the Connecticut Public Health Code and approved by the Director of Public Health.

### **3.8.4 UNDERGROUND UTILITIES**

All utilities shall be installed underground.

## SECTION 3.9 UTILITY EASEMENTS

The Planning and Zoning Board may require the subdivider to provide perpetual unobstructed easements at least 25 feet in width for any utility system, facility, or portion thereof, which it deems necessary to protect the public health, safety and general welfare.

**3.9.1** Easements, at least 25 feet in width shall be provided by the subdivider for all utility systems, facilities, or portion thereof, that are not intended to be installed within a street right-of-way.

**3.9.2** Easements shall be provided by the subdivider for the full width and length of any watercourse or open drainage ditch within the subdivision which will carry drainage runoff from said subdivision and/or from any other lands situated within the watershed.

**3.9.3** Easements, at least 25 feet in width, shall be provided by the subdivider for any utility system, facility or portion thereof, that may need to be installed, connected, continued or extended, at any time, in order to adequately serve any other land that adjoins the proposed subdivision.

**3.9.4** In general, such easements shall be centered on or adjacent to rear or side lot lines and shall provide satisfactory access to any connection street.

## SECTION 3.10 OPEN SPACE, PARKS, PLAYGROUNDS AND NATURAL FEATURES

Land shall be reserved by the subdivider for open space, parks, playgrounds, or other recreation purposes in locations where the Board deems that such reservations would be appropriate. For this section, the following definition of open space shall be applicable.

**OPEN SPACE** – In general, when the Board identifies the portion of a site that shall remain as open space, such open space should serve one or more of the following functions, as described in the Plan of Conservation and Development:

- a) **Natural Resource Protection**, such as habitat protection for plants and animals, streambelt or riparian corridor protection, shorefront protection, or the provision of greenbelt linkages, forest land, agricultural land and fisheries;
- b) **Outdoor Recreation**, including parks, playgrounds, beaches, and trails for active recreation, and nature preserves for passive recreational uses, serenity and sites that contribute to quiet experiences;
- c) **Protection of Public Health and Safety**, such as floodplains, inland and tidal wetlands, unbuildable areas or areas with limitations for development including steep slopes, high water table or shallow depth of bedrock;
- d) **Promotion and Maintenance of Community Character**, such as the development of greenbelts, open space dedication related to development, scenic vistas, and appropriate buffer strips;
- e) **Protection of Historic or Archeological Sites**, such as the North Street Green, the Town Green, historic districts and historic structures and grounds;
- f) **Environmental Education**, including school-based and citizen-based

programs to advance the knowledge of the natural environment and Milford's cultural heritage.

Each reservation shall be of suitable size, dimensions, topography and general character, and shall have adequate street access, for its recreational activities or other purposes. In general, no area shall be reserved for recreation purposes unless it has an area of at least 2 acres, or will have at least that size when combined with probable future reservations of land in adjoining subdivisions. In no case, shall an area of less than 1 acre be reserved for recreation purposes unless it is or can reasonably be combined with adjoining land set aside for such purposes, with the combined land area meeting the standards of this Section. Due regard should be shown for the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, and similar irreplaceable assets. The amount of area to be reserved for open space, parks, playgrounds, recreation or other public purposes shall be 10 percent of the gross area of the subdivision, except as provided in Section 3.10.1 below and/or except where greater requirements apply under the Zoning Regulations. (Amended effective 8/7/93.)

### **3.10.1 ACCEPTANCE OF CASH PAYMENT**

The Board shall require the provision of open spaces, parks and playgrounds, located in the place deemed proper by the Board. Said open spaces, parks, and playgrounds shall be shown on the subdivision record map plan. If the Board finds, in its sole discretion, that the provision of required open spaces, parks and playgrounds creates an undue hardship upon the applicant, that such provision of required open spaces, parks and playgrounds is excessively difficult or physically impossible, or that such provision of open spaces, parks and playgrounds does not meet the function of open space listed in the Plan of Conservation and Development and in Section 3.10 of these Subdivision Regulations, the applicant shall pay a fee to the designated Open Space fund or pay a fee and transfer land to the municipality in lieu of any requirement to provide open space. Such payment shall be recorded with the Town Clerk. However, such payment in lieu of providing required open spaces, parks and playgrounds shall only be a secondary measure, and whenever feasible, the physical provision of required open spaces, parks and playgrounds shall be the required course of action. Such payment or combination of payment and the fair market value of land transferred shall be not less than ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Board and the applicant. A fraction of such payment, the numerator of which is one, and the denominator or which the number of approved parcels within the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund designated for the purpose of preserving open space as defined in Section 3.10 and/or the capital improvement of existing open space land. The open space requirement 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 by

Connecticut General Statute Section 8-39a, equal to twenty percent or more of the total housing to be constructed in such subdivision. (Effective 8/7/93.)

The said payment obligation shall be secured by a lien against each lot in the subdivision, and the lien shall be filed at the time that the final subdivision plans are filed with the Office of the Town Clerk, in accordance with Section 2.2 of these Regulations. The said lien shall be in a form approved by the Board and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by the Certificate of Title, in accordance with Section 4.1.5 of these Regulations.

### **3.10.2 IMPROVEMENTS**

The Board shall require the subdivider to grade, loam, seed, and install plant materials (trees, shrubs, and perennials) as the Board deems appropriate for such sites reserved for parks, playgrounds, recreation or other open space purposes and may require the subdivider to fence in said site. (Amended effective 8/7/93.)

### **SECTION 3.11 STREET TREES**

Shade Trees shall be planted by the subdivider as required by the Board; and the size, kind and location of such trees shall be subject to the approval of the Board. In the determination of tree requirements, the following principals shall be used as a guide:

- (1) Trees shall be planted along each side of every street within an easement along the adjacent properties, the width and location of which shall be determined by the Board in consultation with the Tree Commission.
- (2) Trees shall be planted approximately 50 feet apart, subject to location of driveways, cross streets or walks, and variations made necessary by the tree species. No trees shall be planted within the sight triangle at street intersections or within 10 feet of a driveway. City standard root control barrier shall be installed where trees are planted in the vicinity of curbs, sidewalks or driveways.
- (3) Trees shall not be smaller than 3 inch caliper.

### **SECTION 3.12 TOPSOIL**

Disturbed areas within the subdivision shall be surfaced with a minimum of six inches of topsoil, seeded and mulched. Topsoil shall be loose and friable and shall contain between six (6) and twenty (20) percent organic matter. It shall be free from refuse, stumps, roots, brush, weeds, rocks, and stones over 1¼ inches in diameter. The topsoil shall also be free of any material that will prevent the formation of a suitable seed bed or prevent germination and plant growth.

### **SECTION 3.13 PEDESTRIAN EASEMENTS**

In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, as determined by the Board, particularly in the vicinity of parks, playgrounds, schools or other public or semi-public places, the Board may require the subdivider to provide rights-of-way or easements, at least 10 feet in width, for suitable pedestrian ways. Where required, pedestrian walkways shall be constructed within the easement.

### **SECTION 3.14 RESERVE STRIPS**

Reserve strips of land which, in the opinion of the Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

### **SECTION 3.15 SOIL EROSION AND SEDIMENT CONTROL**

The applicant shall provide a Soil Erosion and Sediment Control Plan prepared and certified by a Professional Engineer. This plan shall include measures for the control of erosion and sediment during construction. In general, the plan should be developed to minimize land disturbance and limit the erosive energy of runoff. The physical characteristics of the site and the specific development proposed should be addressed by the plan. The plan shall meet the standards of the latest version of the Connecticut Guidelines for Soil Erosion and Sediment Control.

### **SECTION 3.16 FLOOD PROTECTION**

The plan shall include measures consistent with the need to minimize flood damage. Public utilities and facilities shall be located and constructed to avoid damage from flooding. Drainage shall be designed to minimize the occurrence of flooding.

### **SECTION 3.17 PASSIVE SOLAR ENERGY**

In accordance with the provisions of Section 8-25(b) of the General Statutes of the State of Connecticut, the applicant shall show the Board that he or she has considered, in developing the subdivision plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. "Passive solar energy techniques" means 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. The site design techniques shall include, but not be limited to:

- (1) house orientation;
- (2) street and lot layout;

- (3) vegetation;
- (4) natural and man-made topographical features; and
- (5) protection of solar access within the development.

### **SECTION 3.18 ON-SITE TREE REQUIREMENTS**

A minimum aggregate of seventy-five (75) inches of tree diameter, measured at breast height, for every acre of site area is required. This aggregate shall be calculated and applied on a lot by lot basis. This minimum shall be met either through the preservation of trees or the planting of additional trees. Any trees planted or retained to meet this requirement must be at least three inches in diameter measured at breast height.

## **CHAPTER IV SPECIFICATIONS FOR FINAL SUBDIVISION PLANS AND AS-BUILT PLANS**

### **SECTION 4.1 FINAL SUBDIVISION PLAN**

Final Subdivision Plans submitted to the Board for recording shall consist of a Record Map, Construction Plans, and Plan and Profile Drawings. Plans shall be submitted on twenty-four inch by thirty-six inch (24" x 36") sheets and shall be drawn to a scale of one inch equals forty (40) feet or, if necessary, one inch equals one hundred (100) feet. The Record Map shall be prepared to meet the filing requirements for maps specified by the Connecticut Office of the Public Records Administrator. The remainder of the plans may be submitted as paper prints.

#### **4.1.1 RECORD MAP**

The final Subdivision Plan shall include two paper copies of the Record Map, the additional copy to be provided for recording by the City Clerk, and a CAD drawing file of the Record Map. The Record Map shall be certified by a Licensed Land Surveyor and shall show the following information:

- (1) Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the City.
- (2) The name and address of the owner of the land to be subdivided, the name and address of the subdivider, if other than the owner, and the name and seal or certification of the Land Surveyor licensed in the State of Connecticut.
- (3) The date, approximate true north point, graphic and written scales, City and State.



- (4) An accurate boundary survey of the applicant's property showing the location and dimensions of all existing street and lot lines (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner)
- (5) Where the applicant wishes to develop the proposed subdivision in stages, the Plan shall indicate initial, intermediate, and ultimate development stages or sections.
- (6) The location and names of owners of record of all abutting properties.
- (7) The specific purpose and accurate location, dimensions, and areas in square feet of existing and proposed rights-of-way, easements, reservations, and open space areas dedicated to or offered for public use or otherwise reserved for the common use of the lot owners of the subdivision, both within and adjoining the subdivision.
- (8) The locations, numbers, dimensions, and areas in square feet of all existing and proposed lots, and the total acreage of land included in the subdivision. All lots shall be numbered in accordance with a scheme approved by the City Assessor.
- (9) All existing and proposed building setback lines and/or other building restriction lines.
- (10) The names, locations and widths of all existing and proposed street rights-of-way and pavement in and within 200 feet of the subdivision.
- (11) The locations of all existing and proposed monuments and the Town line, where applicable.
- (12) The location map, at a scale of one inch equals 400 feet, showing the location of the subdivision with respect to surrounding property, all Zoning Districts, and streets within 1,000 feet of the applicant's property and the proposed street tie-in to any existing street intersection.
- (13) The length and bearing or angle of all straight lines and the radius, arc length, central angle, and tangent distance of all curves. All dimensions shall be shown in feet and decimals of a foot.
- (14) Sufficient data to enable any surveyor or engineer to determine readily the location of every street line, lot line, boundary line, and to reproduce such lines upon the ground. This data shall be prepared by a Land Surveyor licensed in the State of Connecticut and shall be tied in, where possible, to coordinated reference points, previously established by a public authority or by a Licensed Land Surveyor.

#### 4.1.2 CONSTRUCTION PLANS

The Final Subdivision Plan shall include a Construction Plan having its design elements certified by a Professional Engineer and the location and elevation of existing features certified by a Licensed Land Surveyor. The Construction Plan shall show the following information:

- (1) The location of existing and proposed waterbodies, watercourses, swamps, marshes, and wetlands, with the direction of flow and water surface elevations; as well as other significant physical features such as wooded areas and rock outcrops.
- (2) The accurate location of the regulatory flood protection elevation and base flood elevation data. The location of wetland boundaries and boundaries of other flood-prone areas including, where applicable, the seasonal high water level, apparent high water mark and mean high water mark.
- (3) The accurate locations and dimensions of existing and proposed flood protection and erosion control works, where appropriate.
- (4) The location and dimensions of all existing buildings and structures, on and within 50 feet of the property, including but not limited to signs, fences and walls.
- (5) Existing and proposed elevations shall be shown at a two (2) foot contour interval and shall be based upon either USGS NGVD 29 or USGS NAVD 88 datum. Contours shall extend 50 feet beyond the property boundary. Spot elevations shall be shown:
  - (a) at each lot corner;
  - (b) at the approximate location of each foundation corner of all proposed or anticipated principal buildings or structures;
  - (c) in areas having slopes flatter than three (3) percent.

Additional elevations and/or elevations at lesser intervals may be required, as deemed necessary or appropriate by the Board.

- (6) Detailed site plans showing the location and type of building to be constructed and proposed grading for all lots, or portions thereof, which are situated below street grade shall be required prior to subdivision approval, if deemed necessary by the Board.
- (7) The locations of all proposed street trees and/or existing street trees to be retained in accordance with the provisions of Section 3.11, herein.

#### 4.1.3 PLAN AND PROFILE DRAWINGS

The Final Subdivision Plan shall be accompanied by a complete set of Plan and Profile Drawings for all proposed streets, storm drainage facilities, sanitary sewage facilities, other utilities, special structures, and other improvements to be dedicated to the City, or as otherwise required by the Board. Engineering calculations, designs, details, drawings, plans, profiles, cross-sections, and specifications shall be submitted with the Plan and Profile Drawings, when appropriate. Plan and Profile Drawings shall be submitted on twenty-four inch by thirty-six inch (24" x 36") sheets and shall be drawn to a scale of one inch equals forty (40) feet horizontal and one inch equals four (4) feet vertical. Plan and Profile Drawings shall be certified by a Professional Engineer and shall include the following information:

- (1) The location and dimensions of existing and proposed street rights-of-way, street pavement, curbs, sidewalks, culverts, catchbasins, manholes, utility easements, utility lines, special structures, and other improvements.
- (2) Profiles of the existing ground surface along the centerline and along the left and right street lines; and of the proposed grade along the centerline.
- (3) Typical cross-sections of each street and bridge indicating locations, dimensions, and materials of sidewalk, curb, and pavement improvements.
- (4) Profiles and cross-sections of existing and proposed storm drainage, sanitary sewage, water supply, and other utility systems and facilities, where appropriate, showing locations, grades, size, invert elevations, and proposed connections to existing facilities.
- (5) Profiles, cross-sections and drawings of special structures and other installations, as required by the Board.
- (6) Stations at grade changes, centerline intersections, and at 50 foot intervals.
- (7) Percent grade, and elevations where there is a change in grade.
- (8) Elevations shall be based on actual field or aerial surveys and shall be referenced to USGS datum where possible, or to other datum approved by the City Engineer.
- (9) The locations of all bench marks shall be shown by proper notations.
- (10) Sufficient computations to permit the City Engineer to check utility design, particularly drainage facilities.

#### **4.1.4 PRIOR APPROVALS**

In the case of any use, improvement, system facility or other item requiring approval of any Department of the Federal, State or City Governments, the approval for such Department shall be submitted by the applicant.

#### **4.1.5 OFFERS OF DEDICATION**

The applicant shall tender official offers of dedication, in a written form satisfactory to the City Attorney and the Board, for all land including rights-of-way, easements, open space areas, and other proposed public uses which are not otherwise specifically reserved and retained under restrictive covenants by the subdivider.

#### **4.1.6 RESERVATIONS**

The applicant shall submit to the Planning & Zoning Board written copies of all agreements, restrictive covenants, or other legal documents governing the use, reservation, ownership, and/or maintenance of all land including rights-of-way, easements, open space areas, and other proposed areas which are not otherwise subject to Offers of Dedication.

#### **4.1.7 ENVIRONMENTAL REPORT**

In order to assist the Board to determine conformity of the Subdivision Plan with the intent and purpose of these regulations, the following information should be submitted:

- All Subdivision Plan Applications shall include a narrative with graphics as necessary, including photographs and design details, which presents information as to the impact of the Subdivision Plan on natural resources as described in the Natural Resource Inventory attached as Appendix C, and as generally consistent with conservation design principles found in Appendix A. The report shall specifically address how the Subdivision Plan complies with the recommendations found in the Natural Resources Inventory.

#### **4.1.8 OTHER INFORMATION**

The Planning and Zoning Board may require any other information deemed necessary to determine conformity of the proposed Final Subdivision Plan with the intent and provisions of these regulations.

#### **SECTION 4.2 DRAWINGS**

Prior to the release of any subdivision or performance bond, the applicant shall submit as-built drawings to the Planning and Zoning Board according to the standards and procedures listed hereafter.

#### **4.2.1 DRAWING STANDARDS**

4.2.1.1 The as-built drawings shall show street construction including centerline grades, curbs, handicapped curb ramps, sidewalks, and driveway aprons.

4.2.1.2 The as-built drawings shall show, in both plan and profile views, storm drainage construction including size and type of storm drain, catch basins, manholes, culverts, and any underdrains. Top of frame and invert elevations shall be shown for all structures.

4.2.1.3 If served by sanitary sewer, as-built drawings shall show, in both plan and profile views, sanitary sewer construction including size, slope, and type of sewer, manholes, details of any special structures, and location and depth of service laterals. Top of frame and invert elevations shall be shown for all structures. Drawings shall conform to Sewer Commission requirements to include tie dimensions for wye's and at the end of service laterals. Drawings shall also conform to the City Engineering Bureau's requirements dated March 1994.

4.2.1.4 The location of components of other utilities, visible from the surface, shall be shown in plan view on the as-built drawings. This includes, but is not limited to, water to include hydrants, gas, electric, and communications.

4.2.1.5 As-built drawings shall conform to City of Milford standard conventions.

#### **4.2.2 AS-BUILT SUBMISSION**

Initially, paper prints of the as-built drawings shall be submitted to the Department of Public Works and the City Engineer for review and approval. Once approved, a record copy of the as-built drawings shall be submitted to the Planning and Zoning Board. If sanitary sewers have been constructed, a second record copy of the as-built drawings shall be submitted to the sewer commission.

#### **4.2.3 RECORD COPY OF AS-BUILT**

The record copy of the as-built drawings shall meet the filing requirements for maps specified by Connecticut Office of the Public Records Administrator. As-built drawings shall be certified by a Licensed Land Surveyor.

#### **4.2.4 CONSTRUCTION CERTIFICATIONS**

4.2.4.1 The applicant shall submit a statement for street construction, signed and sealed by a Professional Engineer licensed in the State of Connecticut, certifying that construction of the street and other elements within the public right-of-way and the installation of buried utilities have been inspected and conform to the approved plan.

4.2.4.2 The applicant shall submit a statement for monument and lot marker locations, signed and sealed by a Land Surveyor licensed in the State of Connecticut, certifying that the monuments and lot markers have been set and their locations conform to the Final Subdivision Plan.

4.2.4.3 The applicant shall submit certification and tests of construction materials, as may be required by the City Engineer, prior to release of the Road Bond. Materials to be certified and tested may include, but are not limited to, pipes; drains; bituminous concrete; roadway base; roadway subbase; portland cement concrete; and topsoil.

## **CHAPTER V DEFINITIONS**

### **SECTION 5.1 GENERAL TERMS**

In the interpretation and use of these regulations, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in law, shall be construed and understood accordingly. All words used in the present tense include the future tense; all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" and "will" are mandatory and not directory. Unless otherwise specified, all distances shall be measured horizontally.

### **SECTION 5.2 OTHER TERMS**

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these Regulations, shall be defined as follows:

**5.2.1 APPLICANT** Means any person, firm or corporation, partnership or association owning land or designated agent who shall apply to the Board for approval of the laying out of such land into any subdivision, as hereinafter defined.

**5.2.2 APPLICATION** An application shall consist of a completed form and fee as prescribed by the Board including all necessary and required documents/Department approvals.

**5.2.3 APPROVED** Means a signed, written approval by the Planning and Zoning Board.

**5.2.4 BOARD** Means the Planning and Zoning Board of the City of Milford, Connecticut.

**5.2.5 CONSERVATION DESIGN** Means a method of subdivision design that protects natural resources while allowing for the maximum number of lots permitted under the zoning regulations.

**5.2.6 COUNTY SOIL AND WATER CONSERVATION DISTRICT** Means the New Haven County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

**5.2.7 CURB CUT** The providing of vehicular ingress and/or egress between property and an abutting public street.

**5.2.8 DATE OF SUBMISSION** Means the regular public meeting of the Board at which the application appears on the agenda.

**5.2.9 DEVELOPER** Shall be synonymous with "applicant" as above defined.

**5.2.10 DEVELOPMENT** Means any construction or grading activities to improved or unimproved real estate.

**5.2.11 DISTURBED AREA** An area where vegetation, topsoil, or overburden has been removed, exposing the soil to erosion; or an area where topsoil, spoil, or other material has been stockpiled; or an area rutted or otherwise disturbed by construction activities.

**5.2.12 EASEMENT** Means authorization by a property owner, for the use by another and for a specified purpose, of any designated part of his or her property.

**5.2.13 EROSION** Means the detachment and transportation of soil or rock fragments from the land surface by the action of water, wind, ice or gravity.

**5.2.14 EXECUTIVE SECRETARY** Means the Executive Secretary of the Planning and Zoning Board of the City of Milford, Connecticut.

**5.2.15 FINAL SUBDIVISION PLAN** Means the final map, drawing or drawings, and all required supporting data.

**5.2.16 GRADING** Means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**5.2.17 INSPECTION** Examination of construction for the purpose of certifying its conformance with the approved plan and to identify defects to be corrected.

**5.2.18 LANDSCAPING PLAN** A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

**5.2.19 LOT** A parcel of land occupied or to be occupied by a building or group of buildings and accessory buildings, together with such open spaces as are required under the provisions of these regulations.

**5.2.20 LOT AREA** The gross horizontal area contained within the property lines of the lot.

**5.2.21 LOT LINE** Any property line bounding a lot.

**5.2.22 LOT, REAR** A lot, the major portion of which lies to the rear of another lot that separates it from a public street, which is connected to a public street via a private accessway of required width.

**5.2.23 NATURAL FEATURES** Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

**5.2.24 NATURAL RESOURCES INVENTORY** The inventory compiled and documented by the City of Milford's Open Space Steering Committee which identifies and describes the natural resources of the City of Milford.

**5.2.25 OPEN SPACE** In general, when the Board identifies the portion of a site that shall remain as open space, such open space should serve one or more of the following functions, as described in the Plan of Conservation and Development:

- g) **Natural Resource Protection**, such as habitat protection for plants and animals, streambelt or riparian corridor protection, shorefront protection, or the provision of greenbelt linkages, forest land, agricultural land and fisheries;
- h) **Outdoor Recreation**, including parks, playgrounds, beaches, and trails for active recreation, and nature preserves for passive recreational uses, serenity and sites that contribute to quiet experiences;
- i) **Protection of Public Health and Safety**, such as floodplains, inland and tidal wetlands, unbuildable areas or areas with limitations for development including steep slopes, high water table or shallow depth of bedrock;
- j) **Promotion and Maintenance of Community Character**, such as the development of greenbelts, open space dedication related to development, scenic vistas, and appropriate buffer strips;
- k) **Protection of Historic or Archeological Sites**, such as the North Street Green, the Town Green, historic districts and historic structures and grounds;
- l) **Environmental Education**, including school-based and citizen-based programs to advance the knowledge of the natural environment and Milford's cultural heritage.

**5.2.26 PARCEL** Any legally described piece of land of any size that may or may not be subdivided or improved.

**5.2.27 PLAN OF CONSERVATION AND DEVELOPMENT** The plan prepared and adopted by the Planning and Zoning Board pursuant to Section 8-23 of the General Statutes, as amended, and includes any part of such Plan separately adopted and any amendment to such plan, or parts thereof.



**5.2.28 PLAN AND PROFILE** The drawing or set of drawings upon which the applicant's design for street construction, drainage, and other improvements is presented to the Board.

**5.2.29 PRINT** A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing from which it is made.

**5.2.30 PROFESSIONAL ENGINEER** A currently practicing Civil Engineer licensed or registered in the State of Connecticut.

**5.2.31 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; or
- (b) affects any area reserved thereon for public use; or
- (c) diminished the size of any lot shown thereon after the approval of recording of such map.

**5.2.32 RIGHT-OF-WAY** The street or lot lines defining the limits of land dedicated, secured, or reserved for public use.

**5.2.33 SEDIMENT** Means solid material, both mineral or organic, that is either in suspension, being transported, or has been moved from its site of origin by water, air, ice, or gravity and deposited on the land surface or under water.

**5.2.34 SOIL** Means the unconsolidated mineral or organic material on the immediate land surface that serves as a natural medium for the growth of plants.

**5.2.35 SOIL EROSION AND SEDIMENT CONTROL PLAN** Means a plan which explains and illustrates the measures which will be taken to control erosion and sediment problems during construction. The plan has a written portion known as a narrative and an illustrative portion known as a map or site plan.

**5.2.36 STREET** Means and includes any right-of-way used for streets, roads, highways, avenues, boulevards, lanes, or other vehicular access ways. Streets are further classified by the following functions:

**5.2.36.1 ARTERIAL** A street which serves or is designed to serve as a major artery and is so designated on the Plan of Conservation and Development.

**5.2.36.2 COLLECTOR** A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street and is so designated on the Plan of Conservation and Development.

**5.2.36.3 MINOR** A street intended to serve primarily as an access to abutting properties.

**5.2.36.4 DEAD-END** A minor street or a portion of a street with only one vehicular outlet.

**5.2.37 STREET PAVEMENT** The wearing or exposed surface of the roadway used by vehicular traffic, including the sub-base and base course.

**5.2.38 SUBDIVIDER** Shall be synonymous with "applicant" as defined above.

**5.2.39 SUBDIVISION** The division of a tract or parcel of land into three or more lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and shall include resubdivision.

**5.2.40 SURVEYOR** A currently practicing land surveyor licensed or registered in the State of Connecticut.

**5.2.41 WETLANDS** Any wetland as defined by State Statutes.

**5.2.42 THESE REGULATIONS** The Subdivision Regulations of the City of Milford, Connecticut as contained herein and including any amendments thereto.

## **CHAPTER VI LEGAL STATUS PROVISIONS**

### **SECTION 6.1 AMENDMENTS**

The provisions of these Regulations may, from time to time, be amended, modified, changed, or repealed by the Board in accordance with the provisions of the General Statutes of the State of Connecticut, as amended.

### **SECTION 6.2 INTERPRETATION**

In the interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where these Regulations impose a greater restriction upon land, buildings, structures, uses or improvements than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of these Regulations shall control.

### **SECTION 6.3 PENALTIES**

It is also declared that no subdivision of land shall hereafter be made unless the same shall have been submitted to and approved by the Planning and Zoning Board; and that whoever, being the owner or agent of the owner of any land located within the jurisdiction

of the Planning and Zoning Board, shall transfer or sell or offer to sell any land by reference to or exhibition of, or by other use of a plan of a subdivision before such plan has been approved by the Board and recorded in the Office of the City Clerk, shall be fined not less than Twenty-Five nor more than Two Hundred Dollars for each lot so transferred or sold; and the description of such lot by metes and bounds, or by courses and distances, in the instrument of transfer or other document used in process of selling or offering for sale or transferring shall not exempt the transactions from such penalties. The City of Milford may enjoin such transfer or sale and may recover said penalty by a civil action. Any persons or person who violates any other provision of these Regulations shall be fined not more than Fifty Dollars for each offense.

#### **SECTION 6.4 VARIANCES**

The Board may vary, subject to appropriate conditions, such requirements of the foregoing regulations as, in its judgment of the special circumstances and conditions relating to a particular subdivision, are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the improvements to be required, the Board shall take into consideration the prospective character of the development, the interests of the City as a whole, and the purpose and intent of these Regulations.

#### **SECTION 6.5 VALIDITY**

If any part of these Regulations shall, for any reason, be held to be invalid or unconstitutional, the validity of any other section or remaining portion of these Regulations shall not be affected or impaired.

#### **SECTION 6.6 REPEALER**

All Subdivision Regulations previously adopted for the City of Milford are hereby repealed.

#### **SECTION 6.7 EFFECTIVE DATE**

These Regulations shall become effective as provided by law, upon enactment by the Planning and Zoning Board of the City of Milford, Connecticut. However, any Final Subdivision Plan officially submitted to the Board prior to the date of adoption of these revised Subdivision Regulations or any amendments thereto, may be approved by the Board under the terms of the prior Subdivision Regulations of the City of Milford, and the construction of improvements required in such (or prior) approval may be continued to completion in accordance with the then applicable specifications.

## APPENDIX A

### CONSERVATION DESIGN PRINCIPLES

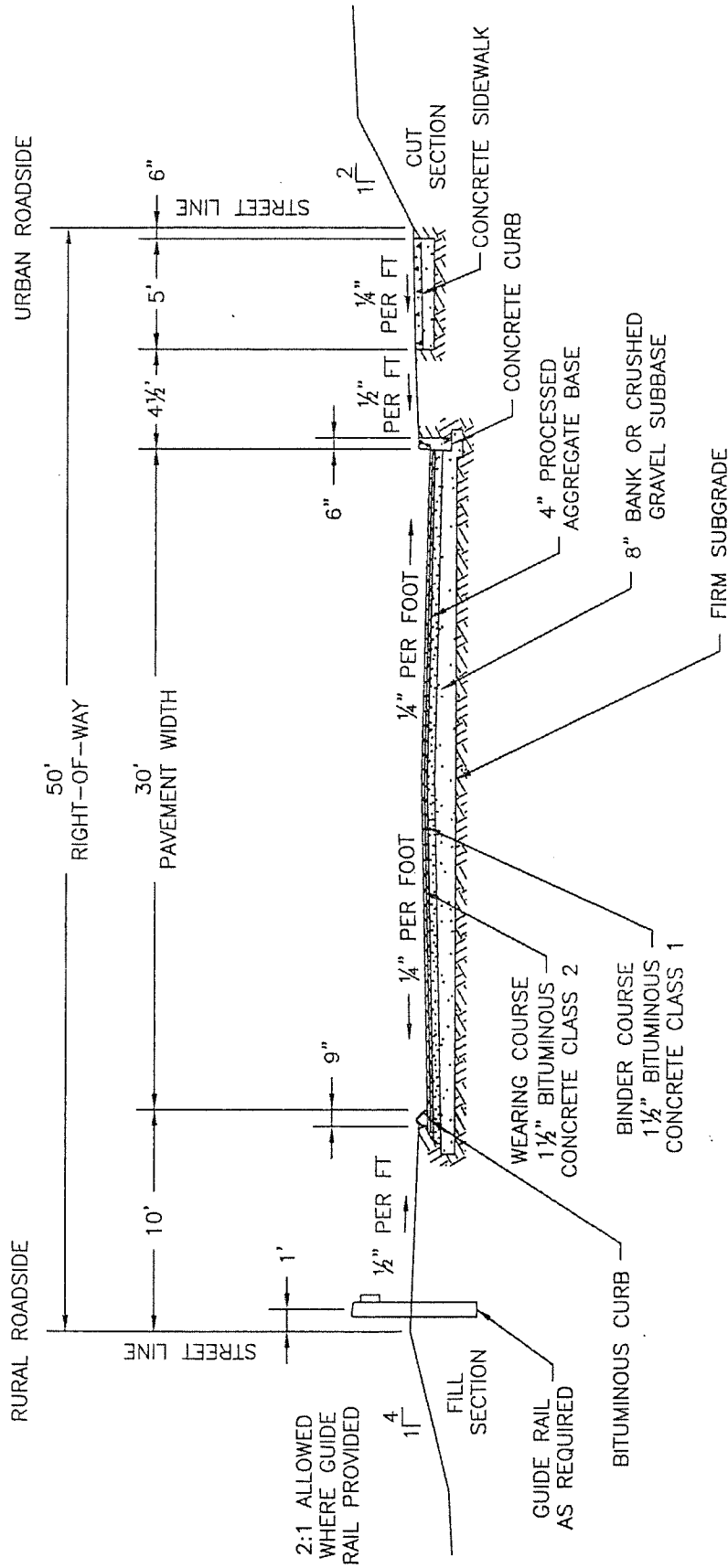
The purpose of these conservation design principles is to promote an alternative form of residential land development that is more conducive to the protection of the existing natural environment than the conventional subdivision of land; to encourage the permanent preservation of open space, forested land, wildlife habitats, aquifers, wetlands, waterbodies, and historical and archeological resources in a manner that is consistent with Milford's Plan of Conservation and Development; and to encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision. The following principles are intended to serve as guidelines for proposed subdivisions in the City of Milford. Applicants, in their submission materials, should clearly indicate how their proposed subdivision adheres to these guidelines.

Proposed subdivisions should:

- 1) Further the goals of the Milford Plan of Conservation and Development.
- 2) Preserve and enhance the community character.
- 3) Locate building lots in a manner that protects significant natural features.
- 4) Minimize the total amount of disturbance on the site.
- 5) Orient individual building sites so as to maintain natural topography and vegetative cover.
- 6) Preserve and protect floodplains, waterbodies, aquifers, wetlands, steep slopes, mature woodlands and forested land, existing greenfields and other open space, meadows, wildlife habitats, scenic views, historical and archeological resources and other important natural features to the greatest extent possible.
- 7) Minimize tree and soil removal.
- 8) Limit clearing and grading of native vegetation to the minimum amount needed for building lots and access.
- 9) Minimize the removal and disruption of historic, traditional or significant uses structures or architectural elements, where practicable.
- 10) Adhere to a standard of maintaining a minimum of 10% of the total area of the subdivision as permanent open space, with an amount in excess of this minimum encouraged. The proposed open space may be either conveyed to the City or be

subject to a recorded deed restriction, and the open space preserved should be contiguous, where feasible.

- 11) Treat topography, tree cover and natural drainage ways as fixed determinants of road and lot configuration.
- 12) Design and locate streets to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas.
- 13) Limit grade changes to be in keeping with the general appearance of neighboring developed areas.



2:1 ALLOWED WHERE GUIDE RAIL PROVIDED

GUIDE RAIL AS REQUIRED

BITUMINOUS CURB

WEARING COURSE  
1 1/2" BITUMINOUS  
CONCRETE CLASS 2

BINDER COURSE  
1 1/2" BITUMINOUS  
CONCRETE CLASS 1

4" PROCESSED  
AGGREGATE BASE

8" BANK OR CRUSHED  
GRAVEL SUBBASE

FIRM SUBGRADE

CONCRETE CURB

CONCRETE SIDEWALK

CUT SECTION

1 1/2"

6"

1/2" PER FT

PAVEMENT WIDTH

RIGHT-OF-WAY

RURAL ROADSIDE

URBAN ROADSIDE

STREET LINE

6"

5'

30'

50'

9"

STREET LINE

1'

4/1"

1/4" PER FOOT

1/4" PER FOOT

1/2" PER FT

1/4" PER FT

NOTES: 1) DISTURBED AREAS TO BE COVERED WITH 6" OF TOPSOIL, SEEDED, AND MULCHED.

2) USE OF RECLAIMED ASPHALT IN STREET CONSTRUCTION MATERIALS MAY BE PERMITTED IN ACCORDANCE WITH CONNECTICUT DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROADS, BRIDGES AND INCIDENTAL CONSTRUCTION; FORM 814A.

TYPICAL CROSS SECTION FOR MINOR STREETS

SUBDIVISION REGULATIONS

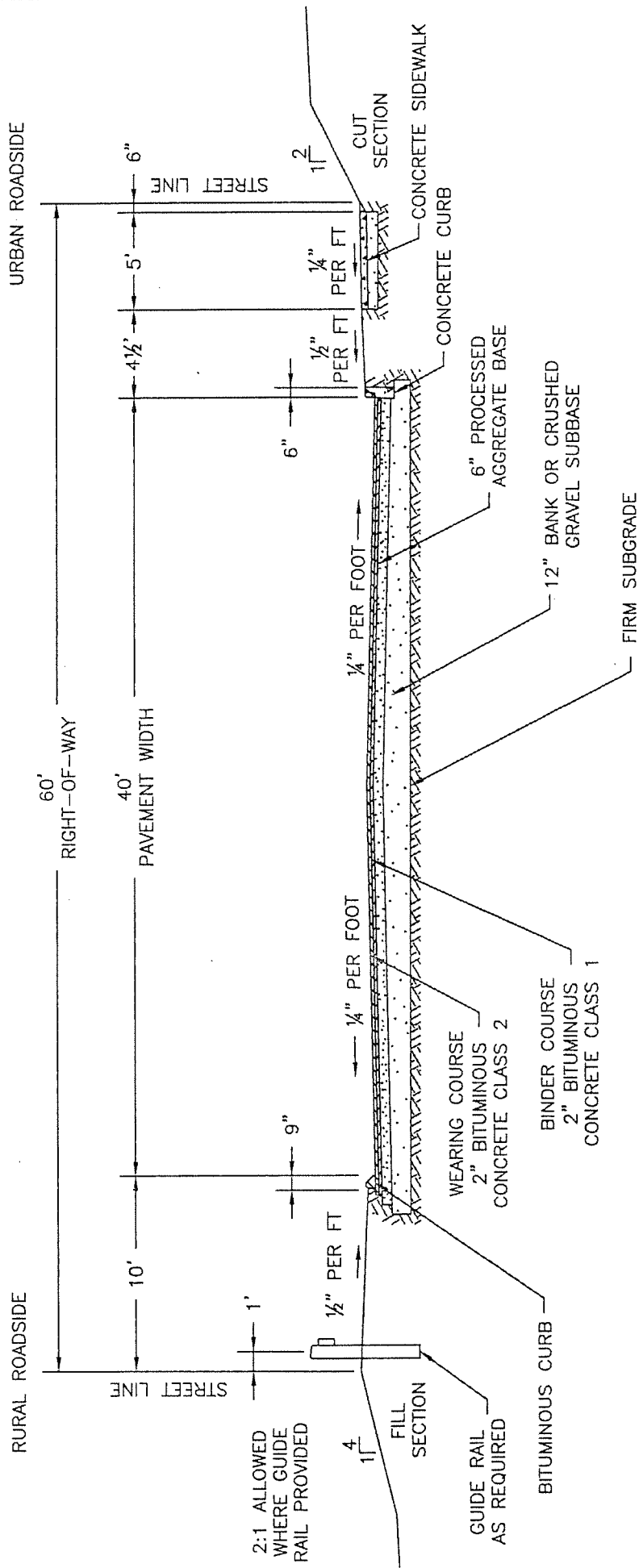
CITY OF MILFORD PLANNING AND ZONING BOARD

SCALE 1"=8'

DATE 12/18/03




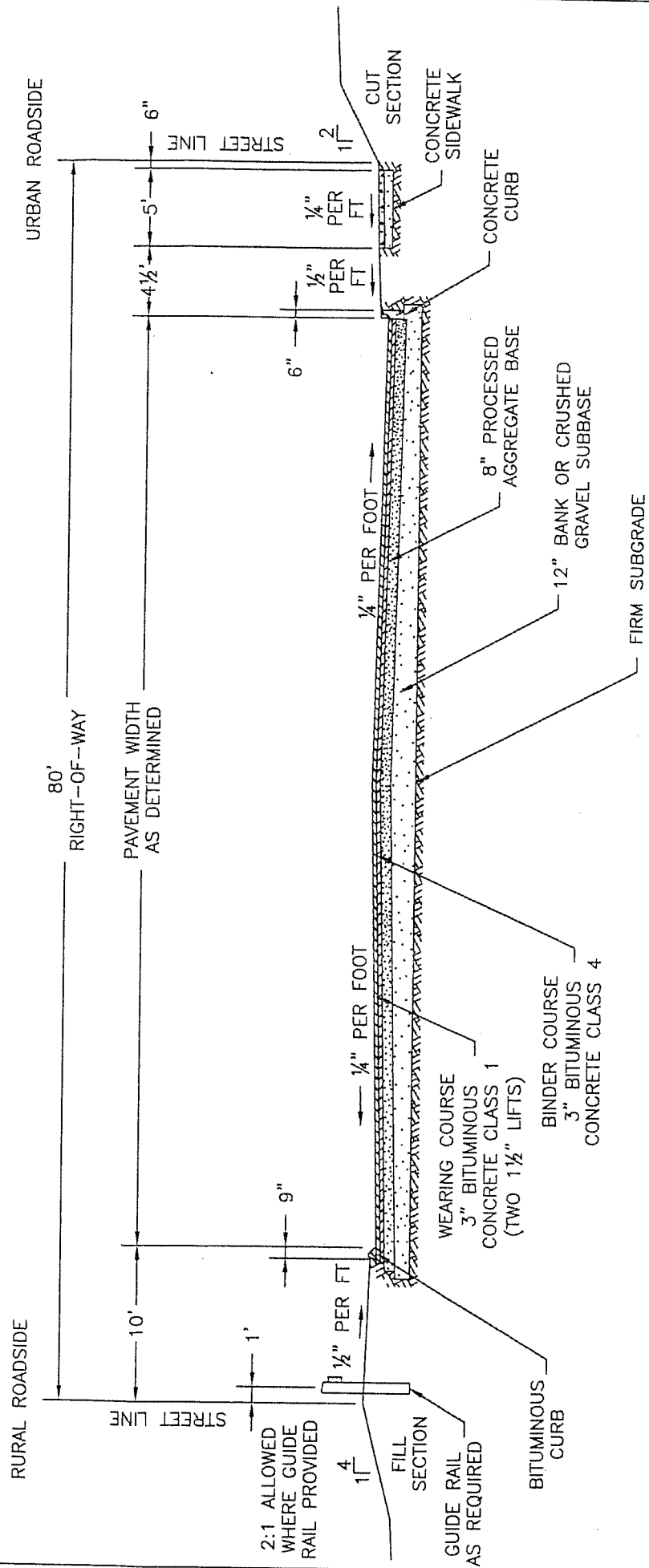
B-1




NOTES: 1) DISTURBED AREAS TO BE COVERED WITH 6" OF TOPSOIL, SEEDED, AND MULCHED.

2) USE OF RECLAIMED ASPHALT IN STREET CONSTRUCTION MATERIALS MAY BE PERMITTED IN ACCORDANCE WITH CONNECTICUT DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROADS, BRIDGES AND INCIDENTAL CONSTRUCTION; FORM 814A.

<p>TYPICAL CROSS SECTION FOR COLLECTOR STREETS</p>	<p>SUBDIVISION REGULATIONS</p>	<p>CITY OF MILFORD PLANNING AND ZONING BOARD</p>		<p>SCALE 1"=8'</p>
			<p>B-2</p>	<p>DATE 12/18/03</p>



- NOTES: 1) DISTURBED AREAS TO BE COVERED WITH 6" OF TOPSOIL, SEEDED, AND MULCHED.
- 2) USE OF RECLAIMED ASPHALT IN STREET CONSTRUCTION MATERIALS MAY BE PERMITTED IN ACCORDANCE WITH CONNECTICUT DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROADS, BRIDGES AND INCIDENTAL CONSTRUCTION; FORM 814A.

TYPICAL CROSS SECTION FOR ARTERIAL STREETS	SUBDIVISION REGULATIONS	CITY OF MILFORD PLANNING AND ZONING BOARD	SCALE 1"=10'		B-3
			DATE 12/18/03		



