

Town of SIMSBURY
SUBDIVISION REGULATIONS

Adopted: October 6, 1941
Revised: March 5, 1954
Revised: October 23, 2012; Effective: November 15, 2012
Revised: December 11, 2018; Effective: January 8, 2019



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ARTICLE I
General Provisions

Section 1. Preamble.

In accordance with Section 8-25 of the Connecticut General Statutes, the Town of Simsbury Planning Commission has the authority to regulate the subdivision of land in the community. In order to secure the orderly and coordinated development of the Town of Simsbury and to assure the health, safety, welfare and convenience of its residents, the Planning Commission has adopted these regulations regarding the subdivision of land.

Section 2. Authority.

The Town of Simsbury Planning Commission is established pursuant to Chapter 126 of the General Statutes of the State of Connecticut and the Chapter III and Chapter 85 of the Simsbury Town Charter. Among its duties are the adoption, amendment and administration of these subdivision regulations.

Section 3. Title.

These regulations shall be known as the "Town of Simsbury, Subdivision Regulations."

Section 4. Purpose and Objectives.

- A. For the purpose of promoting and protecting the general welfare, health and public safety and providing for the orderly growth of the Town of Simsbury, the integration of each subdivision of land into the land surrounding it, the provision of open spaces and continuation of streets from one part of the community to another, and the proper design and construction of streets, drainage, sewerage and other facilities the Planning Commission of the Town of Simsbury hereby adopts the following regulations for the subdivision of land.
- B. The objectives of these regulations are to provide for a flexible approach for the design and division of land while assuring that significant natural and man-made resource areas within the Town will be conserved and protected. Specifically, these regulations are designed to further the following objectives:
 - 1. Encourage flexibility of site design and housing construction which will provide for a variety of housing opportunities and amenities to meet community needs, including single-family, two-family, multi-family, village type cluster and affordable or workforce housing.
 - 2. Promote the most appropriate use of the land, considering its particular topography, size, shape, soils, natural features, historic assets and other similar features.

3. Preserve wetlands and otherwise control new development so as to minimize hazards resulting from stormwater runoff, stream flooding and erosion.
 4. Protect the natural scenic, semi-rural character and ecologically important features of the Town's remaining undeveloped land.
 5. Provide appropriate land area for open space, park and recreation purposes, including trails and bike paths.
 6. Provide for preservation and protection of the Natural Resource & Wildlife Protection Areas (as designated in the latest POCD). Development plans should be designed to provide as much protection as possible by:
 - a. Protecting large blocks of diverse contiguous land;
 - b. Protecting critical stream and river corridors so as to protect and enhance surface water and groundwater quality and to provide important connections in the life cycles of wildlife;
 - c. Keeping watersheds intact to provide the greatest diversity of wildlife resources.
- C. These regulations are also designed to promote proper street widths, grades and construction; lot layout; allow for provision of safe drinking water supplies and adequate sanitary sewage facilities; stormwater drainage systems; adequate utilities; suitable open spaces; and related public improvements.

Section 5. Definitions.

As used in these Regulations, the following terms shall have the following meanings:

AERIAL MARKER – A commercial grade balloon 3 feet or greater in diameter used to provide a visual reference point in the air.

APPROVAL, CONDITIONAL - An administrative action by the Planning Commission, as cited in Section 8-25 of the General Statutes, which accepts the proposed subdivision, accepts the subdivision with modifications, or approves by inaction by the Commission which results in an acceptance by default. Such "approval" does not constitute final approval. Lots with Conditional Approval may not be offered for sale.

APPROVAL, FINAL – An administrative action by the Commission's designated agent whereby a subdivision is found to meet the conditions applied by the Commission when Conditional Approval was secured. Such conditions must be in accord with Section 11 and Section 12 of these regulations. Lots with Final Approval can be offered for sale.

BASAL RATE – A measurement of tree cover area consisting of the stand of trees computed in square feet per acre. The stock measured includes healthy trees 6 inches or greater in diameter with the measurement taken at a point 3 feet above grade, evenly distributed over the area.

BUILDABLE AREA - The contiguous area of a lot, exclusive of wetlands, watercourses, water bodies, wetland buffers, detention areas, utility or drainage easements, steep slopes of over 20%, as measured over a distance of 50 or more lineal feet, ledge outcroppings over 200 sq. ft. and principal structure setback areas. A minimum square shall be able to fit within the buildable area of a proposed lot as follows:

Conventional Subdivision:	Zone:	Min Dimension in ft.	Min Area in sq. ft.
	R-160/R-80	96	14,400
	R-40	80	10,000
	R-30	80	4,900
	R-25	75	9,025
	R-15	60	5,776
Open Space Subdivision:	R-160	96	14,400
	R-80	76	9,025
	R-40	56	4,900

All principal structures shall be located entirely within the buildable area unless otherwise specifically approved by the Planning Commission.

COMMISSION - The Planning Commission of the Town of Simsbury.

CONSERVATION EASEMENT - A restriction or encumbrance placed upon a parcel or portion of a parcel of land which in some way restricts the use of the property and requires the conservation of certain aspects of the property in some way. The actual easement may take several forms.

CUL-DE-SAC (dead end) ROAD - A road beginning at an existing public road with no other outlet onto an existing public road.

DEVELOPABLE AREA - The area of a parcel, exclusive of wetlands, watercourses, water bodies, steep slopes over 20%, as measured over a distance of 50 or more lineal feet and ledge outcroppings over 200 sq. ft. in area. Developable Area must meet min lot size for the zone.

FEE-IN-LIEU of OPEN SPACE - A fee for open space (FILO) agreement as may be proposed by an applicant and may be agreed to by the Commission as detailed in Section 15 and Appendix 2 of these regulations.

LEDGE OUTCROPPING - A portion of bedrock protruding through the soil.

NATURAL RESOURCE & WILDLIFE PROTECTION AREA - Watershed area designated in the latest POCD or in the Natural Diversity Database and identified as needing wildlife or resource protection.

NON-RESIDENTIAL SUBDIVISION – A subdivision as defined above, where the stated purpose is for the development of other than purely residential structures. May be mixed-use in nature.

OPEN SPACE – Land to be set aside, as provided for in § 8-25 of the General Statutes, for open space, parks and playgrounds.

PUBLIC IMPROVEMENT WORK - Any improvements required by the Commission, as a condition of subdivision approval, pursuant to Section 8-25 of the General Statutes, for the public health, safety or welfare of residents, including but not limited to the grading and improvement of streets and the provision of public utilities and services.

RECORD MAP – A translucent copy of the approved subdivision map which is to be signed by the Commission Officers and filed with the Town Clerk and recorded on the Simsbury Land Records.

RECONFIGURATION – Any adjustment, change or modification in the location of any portion of the boundary of a lot or other tract or parcel of land, regardless of whether such reconfiguration would create a subdivision or resubdivision under these regulations.

RESIDENTIAL SUBDIVISION – A subdivision as defined above where the stated purpose is for the development of only individually and privately owned residential structures.

RESUBDIVISION – As defined by CGS § 8-25 to be a change in a map of an approved or recorded subdivision or resubdivision, if such change:

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

SITE CONE – A cone-shaped area, defined in plan with measurement by feet and degrees, used to define the limits of vegetation removal for the purpose of gaining increased views from the site.

SUBDIVISION – The division of a tract of land into three or more parts or lots made subsequent to the initial adoption of subdivision regulations (10/6/41) by the Commission for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes and includes re-subdivision.

TOWN - The Town of Simsbury, Connecticut.

TOWN PLAN OF CONSERVATION AND DEVELOPMENT - The Town of Simsbury Plan of Conservation and Development (POCD), adopted October 9, 2007 and effective November 3, 2007, and including any subsequent amendments or revisions thereto.

VIEW SECTION PLAN – A plan showing vegetation on a lot that will be altered to provide for a site cone to increase the line of sight from the lot to surrounding areas.

VISUAL IMPACT OBSERVATION POINT – A point located along an arterial or collector street as defined in the Plan of Conservation and Development, in a commercial retail area or within the Simsbury Center Code area, or at a place of significant public assembly that provides visual access to the proposed subdivision.

VISUAL IMPACT AREA – An area or areas located within the subdivision site that will be significantly more noticeable as a result of the alteration of vegetation or construction of structures, roads, driveways, and other man-made features.

WATERSHED - A portion of a region or area which forms a drainage basin with rainwater ultimately draining to a particular watercourse or point. A watershed may include two or more sub-watersheds.

WORK – All physical improvements required by the approved plan (Conditional Approval), other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees and other landscaping, and installation of retaining walls or other structures.

ARTICLE II

Procedures and Requirements

Section 6. General.

- A. Wherever in these regulations the term "subdivision" is used, it shall refer to both subdivision and resubdivision unless otherwise specifically stated.
- B. Construction standards for public improvement work shall be in accordance with all adopted Simsbury Highway Construction and Design Standards and Simsbury 2011 Low Impact Development Stormwater Design Guidelines.
- C. Subdivision plans and lots must be in accordance with the Simsbury Zoning and Inland Wetlands Regulations unless specific waivers are requested and granted by the applicable commission.
- D. In cases where reasonable and necessary need for an off-site improvement or improvements, so as to create harmony between existing roads and proposed thoroughfares, is necessitated or required by the proposed development application and where no other property owners receive a special benefit thereby, the Commission may require the applicant, as a condition of subdivision approval and at the applicant's sole expense, to provide for and construct such improvements as

if such were on-site improvements, including development of public roads contiguous to or which intersect the subdivision.

- E. Cul-de-sacs: Cul-de-sacs are not encouraged. Therefore the Commission shall limit the length of new cul-de-sac or dead end roads due to the higher cost of maintenance of these roads and the inefficiencies inherent to their design for the provision and delivery of other municipal services. Cul-de-sac or dead end roads shall not exceed 1300' as measured from the centerline of the nearest intersecting through road to the centerline of the cul-de-sac. The length of any existing dead end road or cul-de-sac may not be increased beyond a total length of 1300'. A planted vegetative buffer shall be provided along the existing public street for the first 100' of new cul-de-sac road. The Commission may waive this if sufficient vegetation already exists. A Vegetation Preservation Easement shall be acquired, when possible, to permanently protect this vegetative buffer.
- F. The maximum permitted length of a cul-de-sac road may be extended by four concurring votes of the Commission provided that a through road which reconnects to an existing public road has been approved by the Commission and the road construction will be phased resulting in a cul-de-sac.
- G. Professional designer requirement.

Conceptual and Subdivision submission proposals with road extensions, or new roads, must be designed by a Licensed Professional Engineer. A licensed Landscape Architect (LA) shall provide a Site Analysis evaluation and a schematic overall design of the subdivision road and lot layout, which is to be shown on a properly signed and sealed plan. A report must be submitted from the LA as part of the application noting potential impacts on natural and man-made features, and scenic views and vistas, as well as factors and criteria used in the subdivision design and final plans. Final plans shall include the name, signature and seal of both a professional engineer licensed to practice in the State of Connecticut and a licensed Landscape Architect.

- H. Sites of Archaeological Significance

For all proposed subdivisions located within a high sensitivity area, as shown on the Town's Historic Points and Places map in the adopted Plan of Conservation and Development. If the subdivision is in an area suspected of containing archaeological significance, the applicant shall make a written inquiry by Certified Mail, Return Receipt Requested, of the State Archaeologist to determine if there is evidence of sites of archaeological significance within the subdivision. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum Open Space requirements of these regulations. A copy of the transmittal letter shall be submitted to the Commission to verify this requirement. If no memorandum from the State Archaeologist is received within 30 days from receipt of notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance.

- I. No lot line within an approved subdivision shall be reconfigured or relocated so as to create an additional lot other than through a subdivision application as defined in these Regulations, nor

shall any activity performed that affects soil characteristics or hydraulic conditions that reduce the potential septic repair area, unless the Town Planner or Zoning Enforcement Officer have affirmed compliance with the Zoning Regulations and, if applicable the Director of Health or Sanitarian has determined that a code complying area exists on the lot for the installation of a sub-surface sewage disposal system or that septic requirements have otherwise been met.

J. No parcels, reserve strips or other remnants of land of a size unsuitable for a building lot shall be left in any subdivision. Any land area, regardless of size, which does not conform to the requirements of these or other applicable codes and regulations or is rendered useless for building according to sound engineering practice shall be either, included in an adjoining conforming lot, or designated and deeded or deed restricted as "Open Space."

K. Waiver of Regulations

As provided in Connecticut General Statutes Section 8-26, upon written request of an applicant, the Commission may waive any requirement under these Subdivision Regulations by a three-quarters (3/4) majority vote of all members of the Commission. In the case of a six member Commission this requires 5 votes to approve such a waiver. In approving such waiver or waivers, the Commission shall state upon the record the reasons for which a waiver is granted in each case. The Commission shall not grant a waiver or waivers unless it determines that such waiver or waivers comply with one or more of the following: The waiver(s)

1. is based on a condition(s) that affect the subject land and are not generally applicable to other land in the area;
2. will not have significant adverse effect on adjacent property or public health and safety;
3. will not have significant adverse effect on the appropriate and orderly development of the area or hinder appropriate development or use of land on adjoining properties;
4. is not for the purpose of creating an additional building lot or lots; and are necessary to further the intent of these regulations and the Town Plan of Conservation and Development.

L. All applications involving the construction of more than twenty-five (25) dwelling units which, in the Commission's judgment, would generate high levels of traffic shall be accompanied by a traffic study prepared by a licensed Traffic Engineer. The Commission may waive this requirement if it finds that the proposal is of such a nature that a significant traffic impact is not anticipated.

M. Scenic Hillside Protection. The visual integrity of hilltops and ridge lines shall be maintained by designing the development so that building silhouettes will be below the ridgeline or hilltop or, if the area is heavily wooded, so that the building silhouette will be at least ten (10) feet lower than the average canopy height of trees on the ridge line or hilltop. See also "Additional Plan Requirements" as these requirements apply to development above specific topographic elevations.

N. Subdivision application fees may include additional costs incurred by the Town of Simsbury in accordance with the adopted Land Use Fee Ordinance. These costs may include but are not limited to, the expense of retaining experts to analyze, review and report on areas requiring a

detailed technical review in order to assist the Planning and Zoning Commission in its deliberations. Said costs may be required in accordance with the adopted Town ordinance. The applicant shall not be responsible for costs incurred in excess of the Commission's estimate.

- O. The Commission may, if deemed appropriate, require a vegetated buffer to be placed in the required setback area for any of the following:
 1. Land administered by the DEEP;
 2. Town owned Open Space or Park;
 3. Land owned by any entity that is permanently dedicated as open space;
 4. Land that has been identified as an aesthetic, visual or historic resource;
 5. Land that has an existing, active farm use.

Section 7. Subdivision Application Procedures. (revised December 11, 2018; effective January 8, 2019)

A. Pre-Application Planning

Regulations. The subdivider should become familiar with State Statutes and Town regulations and other pertinent data, as they relate to land use, so that the subdivider is entirely aware of the requirements for subdivision and the resubdivision process.

Consultations. It is recommended that the subdivider consult with the appropriate State agencies and Municipal officials for technical assistance in the formation of plans, application requirements, application deadlines, meeting times and requirements, etc.

B. Preliminary Application/Discussion

The Commission recommends subdivision applicants come to a Commission meeting for a preliminary application/discussion of the general design and its improvements prior to their submission of a formal application in an attempt to prevent undue delay or extensive modifications to a Final Plan. Persons wishing to do so should notify the Commission seven days prior to the meeting date. A preliminary discussion is not a substitute for a formal application, and neither an Applicant nor the Commission is bound by the comments made during a preliminary discussion. The Planning Commission can only make binding decisions after a formal application is submitted.

Since the procedure is a review of a conceptual design and a pre-application process:

1. Receipt of materials shall not constitute a "formal application,"
2. Any discussion or opinions rendered are advisory only and are not binding on the Commission or the potential subdivider and shall not be the basis for a claim of predetermination by the Commission.
3. Ten (10) copies of materials as described in Section 7.B.3.a of these Regulations shall be submitted to the Commission, and the potential subdivider shall be advised of the date to appear at a meeting of the Commission for informal review and comment.

a. Preliminary Subdivision Plan

1. Purpose:

The pre-application Subdivision Plan is a general layout of a proposed subdivision submitted by the future subdivider for informal consideration by the Commission prior to a formal submission of an application for approval. A Pre-application Sketch Plan shall not be required prior to submission of an application, but applicants are encouraged to use it as a means of ensuring that basic requirements can be met prior to incurring engineering, application, and legal fees involved with submission of the required application and plan. It should be clearly understood that the Pre-application Subdivision Plan enjoys no official legal status and that consent with regard to feasibility of the Pre-application Subdivision Plan on the part of the Commission in no way predicates approval of the required plan. A Pre-application Subdivision Plan is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but it is at the sole discretion of the applicant.

2. Contents:

The Pre-application Subdivision Plan - The plan shall be drawn at 1" = 200' scale unless waived by the Planning Staff due to the size and shape of the parcel or other relevant factors. The Plan shall show sufficient information about the subdivision to present a clear picture of its scope and impact. To be effective, the pre-application Subdivision Plan shall include;

1. A 1" = 1000' Scale key map showing the parcel and adjacent roads, any town line within 500 feet of the site and other notable features such as parks and municipal buildings, etc.
2. The subdivision name, boundaries, true north point, date, and scale and legend
 - i. The names and address of the record owner and the applicant.
 - ii. The names and approximate location of existing adjacent roads and proposed roads.
 - iii. The total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines, and approximate area of each proposed lot.
 - iv. Areas dedicated or reserved for purposes other than residential use.
3. Existing and proposed contours at five-foot intervals. However, two-foot contour intervals is preferred
4. Soil classifications, which may be derived from the Hartford County Soil Survey.
 - i. Subsurface soil conditions based on results of random soil pit tests distributed evenly over the proposed subdivision tract.
5. Designated wetlands and watercourses including the identification of vernal pools, brooks or streams and showing flow directions, water courses, ponds,

- swamps and marshes within 500 feet of the subject parcel as derived from existing resources such as USGS Quadrangle maps and/or aerial photographs or other available town information.
6. Flood Hazard Areas and the 100-year flood elevations as derived from the most current Flood Insurance Rate Maps (FIRM).
 7. Aquifer Protection Areas as taken from the Town Aquifer Protection Maps, if on the property.
 8. Significant stone walls, hedgerows, significant rock outcroppings and unique landforms.
 9. Significant vegetation, including trees and other plant-life that are significant because of their size, species, appearance, location or wildlife habitat value.
 10. On-site and adjacent active agricultural land with uses identified.
 11. Adjacent Open Space and recreational land that has been formally set aside for that purpose, whether privately or publicly held.
 12. Existing pathways and/or proposed pathways, and existing or proposed sidewalks within 500 feet of the site.
 13. Identify existing on or off-site sources of significant noise and/or visual impact.
 14. Identify historically or architecturally significant structures and/or areas on or abutting the site. Also see Section 6.H.
 15. The proximity of sites designated as areas of special concern as shown on the Biodiversity Study located in the Land Use office. The sites must be indicated if they are within ½ mile from the subject parcel.
 16. The proximity of sites listed on the State of Connecticut Natural Diversity Data depicting the approximate locations of endangered, threatened and special concern species and significant natural communities in Connecticut.
 17. Those parts of the site which are better suited for development and those parts of the site where development should be discouraged.
 18. Solar access requirements as per Connecticut General Statutes Section 8-25(b), as amended.

Section 8. Subdivision Submission Requirements. (revised December 11, 2018; effective January 8, 2019)

A. Formal Application Submission

Any person intending to subdivide land in the Town of Simsbury shall submit an application for approval of a subdivision or re-subdivision to the Simsbury Planning Commission, in writing, as prescribed herein. Application forms are available in the Planning Department's Office. Applications and related documents shall be submitted by mail or by hand to the Town of Simsbury Planning Commission at the office of the Planning Department in the Town Hall. Applications received less than 7 days before a regularly scheduled meeting will be considered received as set forth below, but the Commission will not be required to consider such on the

agenda of the upcoming meeting. Ten (10) copies of the plan and all the supporting data shall be submitted at the time of application.

If a public hearing is required (re-subdivision mandatory per Connecticut General Statutes) or if the Planning Commission elects to hold a public hearing on a subdivision application, a list containing the names and mailing addresses, including zip codes, of all owners of record whose land, or any part thereof, falls within 100 feet of any portion of the subject property shall be submitted. The date of the research must also be noted. If the application is associated with a re-subdivision, such list shall be provided at the time of application submission along with the completed application form and required fee. If the Planning Commission chooses to hold a public hearing on a regular subdivision, the list must be submitted by the applicant no less than 20 days before any required Public Hearing. Notice of the Public Hearing shall be mailed to the owner(s) of record by United States Post Office Certificate of Mailing by the applicant no less than 10 days prior to the date of the hearing. The Planning office shall provide said notice. The applicant shall, at the time of the hearing, at the latest, present proof of the measures taken to comply with this section.

B. A complete application consists of the following documents:

A written application completed in full on forms provided by the Commission, signed (original signature) by the applicant or lawful agent (original signature). If the applicant is not the owner of the land, the owner's original signature shall also be required. The application form shall contain a list of all items submitted as part of the application, including a breakdown of the fee(s) paid, as established by the Town. The Commission shall make final determination of completeness of the application. An incomplete application is grounds for denial. The application includes an agreement to be signed by the owner of the land granting permission to officials and agents of the Town and of the Commission to enter onto any part of the land that is the subject of the application for the purposes of inspection and, in the event of the failure of the Applicant to make required improvements, in order to make such improvements.

C. Receipt

The official date of receipt for applications and requests shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission at the office of the Planning Department, or thirty-five (35) days after such submission, whichever is sooner. The official date of receipt for applications and requests submitted at a regular or special meeting shall be the date of the next regularly scheduled meeting or thirty-five (35) days after such submission, whichever is sooner.

Section 9. Subdivision Plan Requirements. (revised December 11, 2018; effective January 8, 2019)

A. General Requirements

Ten (10) copies of all maps, plans, and profiles shall be submitted with the application and fees (per town ordinance), and, unless otherwise permitted by these Regulations, be clear and legible and conform to the current "Recommended Standards for Surveys and Maps in the State of Connecticut," as adapted by the Connecticut Association of Land Surveyors. The maps shall be prepared and sealed by a Connecticut Licensed Land Surveyor and/or Connecticut Licensed Professional Engineer and shall be presented on good-quality white paper prints. Prints shall be not larger than thirty-six (36) by twenty-four (24) inches in size. All such prints shall have a minimum one half (.5) inch border on three (3) sides and a minimum two (2) inch border on the left side. If more than one (1) sheet is submitted, they shall be bound. All such prints shall bear the following information:

B. Overall Map Requirements

1. All sheets shall contain a title block with the following:
 - a. Statement of subdivision or re-subdivision
 - b. The name or title of the subdivision and the words "Simsbury, Connecticut."
 - c. Name and address of the owner of the tract.
 - d. The original date of preparation of the map and revisions thereto.
 - e. Identity of person or company who prepared or was responsible for preparing each sheet.
 - f. The scale of the drawings/map.
 - g. Plan Sheet numbers.
2. Each map and plan (except for vertical profiles) shall contain a north arrow which shall, when practical, be consistent on all drawings and shall be to the top or right side of sheet, depending upon the shape of the subdivision. The type of north used shall be clearly marked. When the parcel is within 1000 feet of a Connecticut grid point, Connecticut Grid North shall be used.
3. Where only a part of the subdivision is shown on the sheet, an Index Map shall show its location in relation to the whole subdivision. All corresponding sheets shall show appropriate match lines.
4. The subdivision map is to be filed as a permanent record in the Town Land Records, and shall meet the accuracy standards of an "A-2" survey, as specified in the "Code of Recommended Practice for Standards of Accuracy of Survey and Maps" by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. The Commission may accept a Class "D" survey, subject to the above referenced code, for a large parcel of land not proposed for sale or development or to establish the perimeter ownership boundary of a large parcel where a portion of the parcel is proposed for subdivision and shall be subject to an "A-2" survey.
5. Suitable space to record the action of the Commission and the signature of the Chairman or Secretary of the Planning Commission. The plan shall contain the following statement: "The Subdivision Regulations of the Town of Simsbury, Connecticut are a part of this plan, and approval of this plan is contingent upon compliance with all requirements of these regulations, except for such variances or modifications as may be made in writing by the Simsbury Planning Commission and attached hereto."
6. Name, registration, original seal, and original signature of the land surveyor or engineer, or both, who prepared the drawing.

B. Cover Sheet

The cover sheet shall contain:

1. A one-thousand-scale key map showing the site, scale, proposed roads, lot layout, road names, existing roads, municipal boundaries and public water, sewer and gas utilities.
2. A two-hundred-scale plan of the subdivision, showing the proposed road layout, lots and lot numbers, total project acreage, adjacent roads, existing and proposed open space, parks, public property, scale and names of property owners within five hundred (500) feet of the subdivision.
3. All plans must include an index to locate proposed lots, zone, technical data and other relevant details.
4. Conditional and Final Approval signature blocks.
5. A note regarding the requirement for the installation of property pins and road monuments, as required.
6. A note regarding the nature and source of the water supply and the wastewater treatment and a statement about the requirement that the sewage disposal system must be designed by a Registered Professional Engineer, if appropriate.
7. A note that each driveway must meet Town standards and that each driveway apron must be paved before issuance of a Certificate of Occupancy, if appropriate.
8. A note specifying the submission of a lot-specific erosion and sedimentation control plan during the septic disposal system and structure construction permit process.
9. All other standard informational notes. Depending on the cover sheet contents, notes may be placed on another sheet and identified accordingly.
10. Town line within five hundred (500) feet of the project.
11. A note specifying whether or not any part of the development is located within a designated drinking water supply watershed.
12. The words "Approved by the Simsbury Planning Commission" with designated spaces provided for the date and signature of the Chairman or Secretary of the Commission.

D. Reference Map(s)

1. Assessor's and Soils Map. This map contains a lot layout on the scale of 1 inch equals 200 feet, showing lot lines and soil types.
2. Property history map. The property history map shall show the parcel of land of which this subdivision is a part, as it existed on October 6, 1941, and all divisions of that parcel since. (October 6, 1941 is the date of adoption of subdivision regulations in the Town.)
 - a. Scale of 1"= 200'. (corresponding to the Assessor's maps)
 - b. A table including dates and names of grantees and grantors for all transfers of related land and easements following October 6, 1941.
 - c. Existing property lines and road right-of-way lines.

E. Boundary Survey Map

This map shall show property to be divided into lots at a scale of one (1) inch equals forty (40) feet, although a scale of one (1) inch equals fifty (50) feet will also be acceptable. The boundary survey map shall show the following:

1. Boundaries, dimensions, and acreage of the property to be subdivided to Class A-2 standard, unless otherwise permitted.
2. Boundaries of properties and names of current property owners within one hundred (100) feet of the proposed new building lots.
3. Locations of wetlands and watercourses as delineated in the field by an appropriately certified soil scientist, aquifers, and rock outcroppings (greater than 100 sq.ft).
 - a. Signature block for the soil scientist certifying that all wetland and watercourses have been delineated or that there are none on the property. Live signature shall be shown on the plans submitted to the commission at the time of application.
4. Boundaries, dimensions, angles, bearings, area in square feet and in acres, and lot numbers of all proposed lots. (Lot areas may be shown in tabular form on the same sheet.)
5. All existing and proposed monuments, pipe markers, stone piles, and any other physical evidence concerning property boundaries.
6. All existing buildings, stone walls, cart paths, cemeteries, and trees in excess of two (2) feet in diameter.
7. Locations of all existing and proposed easements, rights-of-way, drainage rights, and open space.
8. Existing and proposed contours at two-foot intervals, or at intervals as required by the Commission. The Commission shall require Class T-2 or T-3 accuracy for the topographic data. Additional spot elevations may be required where necessary to indicate drainage patterns. Elevations shall be referred to U.S. Geological Survey datum.
9. Maps shall designate Flood Hazard Zones for the subdivision. Subdivisions greater than fifty (50) lots or five (5) acres (whichever is less) shall include base flood (100-year storm) elevation data for that portion of the subdivision located within "A" Zones of the Flood Hazard Boundary Map or Flood Insurance Rate Map of Simsbury.
10. If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a **Special Flood Hazard Area (SFHA)**, the following requirements shall apply:
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - i. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - ii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - iii. The zoning enforcement officer shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional

engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

11. Areas of each proposed lot exclusive of areas designated as inland wetlands and watercourses by the Town's Inlands Wetlands and Watercourses Commission.
12. Any reserved areas for watercourses and wetlands protection or for conservation areas.
13. Existing Utilities

F. Site Development Plans

1. In addition to the requirements as described in Section 7.B.3.a of these Regulations, the following shall also be submitted in the same manner as the Construction Plans requirements. Contours and elevations shall be based on the same bench marks as provided in the Construction Plans. The grading plan shall show at least the following information:
 - a. Title of the subdivision, date, scale, North point, Town and State;
 - b. Layout of existing and proposed lot lines and street lines;
 - c. Existing and proposed contours at two-foot intervals or at intervals as required by the Commission. The Commission shall require Class T-2 or T-3 accuracy for the topographic data. Additional spot elevations may be required where necessary to indicate drainage patterns. Elevations shall be referred to U.S. Geological Survey datum.
 - d. Existing and proposed drainage, wetlands and water courses;
 - e. The location of any drainage points onto the tract from any street or other property.
 - f. The boundaries of any special flood hazard areas and floodways, and the base flood elevation data therefore;
 - g. Existing and proposed buildings and structures together with the proposed locations of the well and subsurface sewage disposal system, if applicable;
 - h. Location of all test holes, test pits or boring and data;
 - i. For each proposed lot, the proposed septic leach field system and reserve field shall be mapped showing distances to adjacent uses of land, if public sewers are not available.
 - j. Location of proposed wells and water sources for each lot - including minimum required well arch per Connecticut Public Health Code, if public/private water is not available.
 - k. Provision for temporary or permanent storm water detention, and provision for control of erosion and sedimentation during and upon completion of regrading per Section E, and;
 - l. In addition to the above grading plan, the Commission may request the submission of cross section drawings covering any proposed excavation areas.
 - m. Location of all proposed utilities.
 - n. Solar access requirements: as per Connecticut General Statutes Section 8-25(b), as amended, and Section 166-9 I herein.
 - o. Proposed location and size of water mains, house connections, hydrants and related structures. Indicate flow directions.
 - p. Proposed location of telephone, cable and electrical lines and related structures. **Underground recommended or All new utilities shall be installed underground.**
 - q. Proposed location of gas mains, services and related structures.

- r. Separate plans and profiles at a scale of one (1) inch equals forty (40) feet horizontal and 1 inch equals 4 feet vertical shall be furnished for each public water and/or sewer system.
- s. A Stormwater Management Report conforming to the Town of Simsbury Low Impact Development Design Guidelines and Simsbury Highway Construction and Design Standards, specifying the necessary information to permit the Planning Commission and staff to evaluate the design of the stormwater system and any effects on the site or to downstream properties. The report shall include all calculations and design parameters for the stormwater management system. The Stormwater Management Report shall also include all required calculations to demonstrate compliance with Low Impact Development Guidelines and the checklist for the Town of Simsbury.
- t. Traffic calming methods, if proposed.
- u. Present foliage line, as applicable.
- v. Existing man-made and natural structures, including substantial stone walls, notable rock outcrops and massive boulders.
- w. Numbered deep hole and percolation test locations and results. Test data may also be furnished in a separate document, but it must be provided.
- x. Approximate location of proposed dwelling and driveway, including functional footing drain outlets based upon the proposed grading (see subsection bb below) and emergency vehicle turnarounds and pull-offs (if required).
- y. Existing and proposed contours at two-foot intervals based on United States Geological Survey NAD (NAD 83) datum, including areas having slopes in excess of 20%. Base Flood elevation values to refer to NAVD 1988. Geographic coordinates ref. to NAD 83.
- z. The datum, location and identification of the source benchmark are to be indicated.
- aa. Proposed surface grading of lots, where appropriate. Elevations at points of change in gradient and proposed and existing direction of surface water flow must be identified.
- bb. Show proposed grading and slope treatment of driveways.
- cc. Curblines, pavement widths and sidewalks.
- dd. Rights to drain, if necessary, and status of such right acquisitions.
- ee. Street station numbers.
- ff. Details of storm drainage, sewer, water and other utility structures within three hundred (300) feet of the subdivision.

G. Construction Plan(s)

A Construction Plan, drawn at a scale of one (1) inch equals forty (40) feet, shall be submitted when any type of construction, such as roads, drainage, water supply or sewer systems, retaining walls, etc., is to be carried out in connection with the subdivision. The Construction Plan shall be prepared and sealed by a Connecticut Licensed Professional Engineer. All construction shall be in accordance with these Regulations or with the current issue of the Connecticut Department of Transportation, Bureau of Highways Standard Specifications for Roads, Bridges, and Incidental Construction, any supplements and amendments thereof. The Construction Plan shall include the following, where applicable:

- 1. Plan and profiles for all proposed roads, showing:
 - a. Existing surface elevation along the centerline.

- b. Locations, bearings, curve data, including arc length, radii and central angles, proposed grades, vertical curves with centerline elevations every fifty (50) feet, except that such information shall be provided at ten (10) foot intervals within eighty (80) feet of the centerline cross point of an intersection.
 - c. Locations, size, and invert elevations of existing and proposed storm drains, catch basins, manholes, bridges, culverts, out-falls, and other drainage features.
 - d. Location, size, and invert elevations of proposed sewers, if any.
 - e. Location and size of all water supply and distribution facilities and hydrants.
 - f. Cross-sections at twenty-five (25) foot intervals where existing terrain slopes more than ten (10) percent.
 - g. Sidewalk location, if any, and location of road paving and curbs within the right-of-way.
 - h. Location of road signs, trees, and other special landscape features to be installed by the applicant.
 - i. Road names.
2. Where drainage systems are to be constructed, one copy of the Construction Plan shall be suitably marked to show watershed data used in the design of such systems and shall be accompanied by all calculations used in the drainage system.
 3. In the case of retaining walls or other special features, a drawing to a scale of one half (.5) inch equals one (1) foot of all such details shall be furnished.
 4. The words "Date of Completion of All Work" with designated space for the date and initial of the Chairman or Secretary of the Commission.

H. Erosion and Sediment (E&S) Control Plan

Whenever plans for a subdivision show construction or improvements or buildings related to the subdivision that will result in the disturbance of more than one half (.5) acre of land, the applicant will submit, as part of the subdivision plan, an E&S Control Plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation, both during and after construction. Exempted from the provisions of this section are single-family residences that are not part of a subdivision. The E&S Control Plan shall be based on Connecticut Guidelines for Soil Erosion and Sediment Control, available from the Natural Resources Center of the Connecticut Department of Environmental Protection.

C. The E&S Control Plan shall include the following information.

- a. A description of the project and a schedule of the major activities to be constructed on the land.
- b. Locations of wetlands and watercourses.
- c. Locations of areas to be stripped of vegetation.
- d. Locations of areas to be regraded and contour data indicating existing and proposed grades.
- e. A schedule of operations, including the sequence of major improvement phases, such as clearing, grading, paving, installation of drainage features, and the like.
- f. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.

used in such calculations, or the Engineer may use other methodologies with prior approval of the Town Engineer.

- b. Stormwater Flow. Provide individual watershed stormwater flows across the site boundary (property line) equal to or less than the pre-existing condition. In other words, flows may not be increased within any watershed after development. This shall be provided for the 2, 10, 25 and 100-year rainfall events.
- c. Stormwater Volume. For each of the design rainfall events (above), the volume of stormwater leaving the site shall be equal to or less than the volume of stormwater leaving the site in its pre-existing condition. In granting the plan approval, the Commission may make modifications or impose such conditions that may be deemed necessary to ensure compliance with the (CSQM) as amended.

J. Subsurface Sewage Disposal/Water Supply Report

1. When proposed lots are not to be served by public sewers, the applicant shall obtain a statement from the Farmington Valley Director of Health or authorized agent that the proposed subdivision layout satisfactorily provides for on-site sewage disposal, in accordance with the "Public Health Code" of the State of Connecticut.
2. Where public sewers are available, the applicant shall extend the same into the proposed project. The proposed extension shall be designed to meet the needs of the current proposal and, in certain cases, may be oversized to provide for future expansions. Plans and specifications must be approved by the Town Engineer and meet the standards set forth in the Town's Water Pollution Control Authority Regulations.

K. Solar Access Requirements

The developer shall consider and employ, where possible, 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.
5. Protection of solar access within the development.

L. Sidewalks & Pathways

1. The Commission may require the applicant to install sidewalks and pathways on property of the applicant for pedestrians and bicycles on existing or proposed streets or elsewhere in a subdivision, after considering:
 - a. The proximity of the subdivision to schools, parks, playgrounds or other community facilities;

- b. The proximity of the subdivision to shopping facilities;
- c. The presence of other sidewalks or pedestrian trails in the area;
- d. The Simsbury Plan of Conservation and Development;
- e. The need for sidewalks or pedestrian trails in the area; and
- f. The topography of the area.

2. When required by the Commission, sidewalks and pathways provided by the applicant shall:

- a. Be constructed in accordance with Town specification; and
- b. Be graded and surfaced as directed by the Commission, after consultation with the Town Engineer and the Director of Public Works.

M. Stone Walls

In recognizing the historic and natural value of field constructed stonewalls, common in and around the Town of Simsbury, all stonewalls on a subdivision site shall be mapped per the requirements of Section 7 of Subdivision Regulations. Wherever feasible, stonewalls shall be preserved as found on site or shall be relocated on site. Wherever practical, existing or new lot lines shall be made to follow stonewalls.

Proposed streets, utilities and future buildings shall be designed to preserve stonewalls to the maximum extent possible. The Commission may consider asking for conservation easements along stonewalls to ensure their future protection. The Commission may require the reconstruction of significant stonewalls by the applicant when their preservation is not possible.

N. Development Review

The Town Planner or duly appointed agent is responsible for receiving subdivision plans and for submitting the same to appropriate town officials and various agencies for their review. The Planner or duly appointed agent shall compile all staff comments prior to the Planning Commission meeting on the subdivision proposal. The applicant may avail himself of the staff comments formulated at either the pre-application planning stage (Section 7. A) or the submission of final plan stage (Sections 8 and 9).

O. Additional Plan Special Requirements

For each subdivision application including land located above the 250 foot elevation on the eastern slopes of Town and above the 350 foot elevation on the western slopes of Town, as described in the Simsbury Plan of Conservation and Development, the Commission shall evaluate the development of land located above those elevations and shall modify the plan as appropriate after that evaluation. The factors that the Commission shall consider shall include, but not be limited to, the following: soil erosion by wind or water, loss of vegetative cover, destabilization of steep slope areas, impact of reflective glare, disruption of natural setting and preservation of scenic areas, vistas, ridge lines, wildlife corridors, or significant geological features. The applicant shall submit the following material or shall perform the following required analysis, as appropriate:

1. The applicant shall submit a map prepared at a scale of one (1) inch equals one hundred feet (100) showing the entire subdivision and delineating that portion of the subdivision above the 250-foot elevation on the eastern slopes of Town or the 350-foot elevation on the western slopes of Town.
2. The applicant shall submit an aerial photograph of the subdivision at a scale of one (1) inch equals one hundred feet (100) with the lot layout superimposed on the photograph.
3. The applicant shall submit a plan showing the proposed or existing location of each structure, road, driveway and other man-made feature on each lot. The plan shall show the maximum first floor topographic elevation and the maximum elevation of the highest point on the roof ridge line of each building or the highest point of each structure.
4. The proposed subdivision shall be staked in the field, so that the approximate center points of each lot front line are clearly visible.
5. The applicant, in consultation with the Town Planner or duly appointed agent, shall provide a list of visual impact observation points for the proposed subdivision. These points shall be located through mapping and field observations. The applicant shall place aerial markers at points corresponding to the highest point of the roof ridge line of each building and the highest point of each structure. The applicant shall provide photographs taken from visual impact observation points of the subdivision site with the aerial markers in place. The Commission shall verify the visual impact areas and may add other areas to be analyzed for visual impact in addition to the proposed structure sites, including sites of proposed or existing roads, driveways and other man-made features.
6. All significant vegetation on the site shall be shown in plan and cross section at a scale of one (1) inch equals one hundred twenty-five feet (125) in the vertical to allow for the analysis of each lot. For each lot identified by the Commission, the applicant shall provide the existing basal rate of tree stock, as calculated by a registered professional forester, located between each proposed or existing structure, road, driveway, and other man-made feature and the visual impact observation points.
7. For areas on each lot where removal of vegetation would not be appropriate as set forth in these regulations, conservation easement areas shall be defined within which removal of tree stock greater than 4-inch caliper will be prohibited.
8. Where, in the judgment of the Commission, existing vegetation is insufficient to provide adequate visual screening of visual impact areas on a particular lot, the applicant shall prepare a landscaping plan specifying the location, number, type, species, and size of plant and tree material which will be added to the lot. The landscaping plan shall specify conifer and deciduous trees of at least two (2) to two and one-half (2 ½) inch caliper in amounts sufficient to achieve a rate of 64 trees per acre for such lot, and the Commission may require additional plantings, as necessary. The plan shall be designed so as to screen those portions of the visual impact areas that will be perceptible from the visual impact observation points. Such landscaping shall be included within the defined conservation easement areas.
9. A view sector plan shall be prepared showing location and dimensions of a site cone(s) for each lot where removal of vegetation is proposed. Site cone areas shall be designated to minimize visibility into the internal lot from the visual observation points.
10. Each view sector plan shall specify the existing and proposed basal rate of tree stock. Removal of tree stock in the view sector cone shall not substantially increase the visibility of

visual impact areas. In the selection of stock for removal, priority shall be given to the preservation of conifers over deciduous trees.

11. The applicant shall prepare a chart specifying techniques to minimize the visual impact of existing and proposed structures, roads, driveways, and other man-made features, including, but not limited to, the following:
 - a. Restrictions on structure and roof colors to earth tones, which shall comprise a range of colors including brown and black, but shall not include white or other bold colors.
 - b. Restrictions on the height of structures whenever the height is expected to exceed the height of the existing or proposed vegetation screening it from the visual impact observation points at a point in time five (5) years from the time of installation of plant material.
 - c. Restrictions on the amount of glass installed on the portion of the structure within the visual impact areas, as defined as a percentage ratio of glass area to total wall area. The amount of glass shall not exceed thirty-five percent (35%) of each wall area within the visual impact area.
12. No building permit shall be issued without submission to the Town Planner or duly appointed agent and Zoning Enforcement Officer of an individual lot development plan at a scale of one (1) inch equals (20) twenty feet showing the conservation easement areas, sight cones, location of structures, driveways and paved areas, utilities, detailed erosion and sedimentation control plan, proposed landscaping and all specific requirements for development or minimization of visual impact as incorporated into the subdivision approval.

P. Supplemental Supporting Data

The Commission may require the submission of technical data from the applicant to demonstrate that the site will support the proposed subdivision without adverse impact on adjacent properties and public systems. All requested supplemental supporting data shall be submitted a minimum of ten (10) days prior to a public hearing, so that the Commission, Staff, Public and any consultants contracted by the Commission have adequate time to review the information before the expiration of the time limits set forth in the Connecticut General Statutes. The Commission may choose not to accept any modifications to an application after it has been received, except those modifications specifically requested by the Commission.

- Q. Applications that do not contain the minimum information listed in Section 7, 8 & 9 at the time of filing will be considered incomplete, unless the requirement for such information has been waived by the Commission as specified in the regulations or Town Planner or duly appointed agent for non-essential or non-applicable map contents. Incomplete applications may be denied.

Section 10. Waiver of Low Impact Development (LID) Guidelines.

- A. Where the Commission finds that extraordinary hardship may result from strict adherence to the LID guidelines, it may approve the proposed method of dealing with stormwater as long as substantial justice will be done and the public interest secured, provided that such approval will not have the effect of nullifying the interest and purpose of these regulations nor will such approval have a significant adverse effect on adjacent property or on public health or safety.

Such an approval requires four favorable votes. Extraordinary hardship will exist when the integrity of a subdivision, or a section of the subdivision, will be severely compromised due to the proximity of unique topographic features including ledge outcrops, sensitive water resources and/or wetlands, adjacent land uses including historical, archeological, open space and conservation sites.

Section 11. Conditional Approval Requirements.

- A. Public hearing. The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of public hearings and procedures shall be as prescribed by General Statutes §8-26.
- B. Conditional Approval. The Commission shall give Conditional Approval to the subdivision if it finds that the subdivision map, plans, accompanying certificates, documents and data conform to the requirements of these regulations. In order for the subdivision to be approved, the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, drainage and sewerage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood-control measures and that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of construction 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. In addition, the Commission may require the provision of open spaces, parks and playgrounds when and in places deemed proper by the Commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Further, proper provision shall be made for soil erosion and sediment control pursuant to Connecticut General Statutes, Section 22a-329. Such approval shall not constitute final approval. All work in the subdivision shall be completed within five years after the approval of the plan unless extended by the Commission or by the Connecticut General Statutes.
- C. Conditional Approval with modifications. In granting such approval, the Commission may require such modifications as it deems necessary to accomplish the purpose and intent of these regulations.
- D. Approval by default. Failure of the Commission to act within the time frame as set forth in Subsection E below shall constitute approval by default.
- E. Time frame for approval or disapproval. The Commission shall approve, approve with modifications or disapprove the subdivision within the time frame as prescribed by General Statutes § 8-26.
- F. Notification of decision. The Commission shall notify the applicant /subdivider of its decision, in writing, within the time frame, and in a form, as prescribed by statute.
- G. Erosion and sedimentation control Performance Bonding.

1. Where required, the subdivider shall in accordance with existing General Statutes, post a performance bond to insure the proper implementation of erosion and sedimentation control measures associated with the proposed public improvement work. The bond amount shall be determined by the subdivider and engineer and approved by the town. No public improvement work may commence unless the bond has been posted in accordance with applicable statutes.
2. The bond shall be released or reduced by the Commission or its designated agent upon certification by the Town Engineer or the Town Planner that the erosion and sedimentation controls have been implemented and the site has been stabilized.
3. Notwithstanding the provisions above, the bonding and bond reduction procedures shall be in accordance with Sections 13 and 17 as they may be modified by statute.

Section 12. Final Approval Requirements.

- A. Significance of final approval. After a proposed subdivision receives Conditional Approval or receives such approval with modifications, the subdivider shall comply with the following requirements prior to final approval of the subdivision, as the term "final approval" is used in Section 8-25 of the Connecticut General Statutes. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until final plans subdivision prepared in accordance with the requirements of these regulations have been finally approved by the Commission and have been recorded in the office of the Town Clerk.
- B. Requirements of final approval. Final approval of the subdivision shall occur when the plans are in conformance with the requirements of the Planning Commission and the following requirements have been met:
 1. Public improvement cost certification. If public improvements are required by the Commission, either the subdivider shall complete all such improvements or, where not yet completed, the subdivider shall provide the Commission with a detailed estimate, certified by the engineer for the subdivider, of the costs of the public improvements at the time of such certification and an estimate of what such costs will be as of two (2) years after the date of such certification (See Appendix 7).
 2. Performance Bond. If public improvements are required by the Commission but not yet completed, the subdivider shall provide to the Commission or its designated agent a Performance Bond in an amount satisfactory to the Commission to assure completion of the public improvements before the end of the five-year approval period (See 11 B). Section 13 sets forth the bonding procedure and Appendices 8 and 9 list general forms of acceptable Performance Bond documents and Agreements. Such requirements shall also be in conformance with existing statute.
 - a. Insurance. The subdivider shall secure a policy for liability insurance that names the Town of Simsbury as an additional insured. The policy must be maintained until all public improvements have been completed and accepted by the Town of Simsbury pursuant to Article III of these regulations. The limits of said policy shall be

\$1,000,000. The policy must include the name and phase of the subdivision to be covered.

3. Map endorsement. The Commission Chairman or Secretary shall endorse the signature block on the original plan of any plan of subdivision that gains Conditional or Final Approved by the Commission. See Appendix 5 for an example. Conservation, drainage and other easements must be filed on the land record at the same time as the Record Map filing, after review and approval by the Town Attorney and Town Staff.
 4. Conservation Easement or open space markers shall be installed at all points of angles along the perimeter of the Conservation Easement or open space, and area along straight lines of such perimeters the markers shall be no more than 200' apart. Markers shall be installed on existing trees where possible. All markers shall be installed prior to the conveyance of any lots. Such markers shall be available for purchase in the Land Use Office or may be purchased from a private vendor in the same size color and design designated for this use.
 5. Time limit for Final Approval. Unless the applicant shall comply with all of the requirements of this Subsection B, including its subsections, within five (5) years from the date of Conditional Approval, Conditional Approval with modifications or approval by default (see Section B, C or D), exclusive of any time during which the Commission's decision is being appealed, such subdivision Conditional Approval, Conditional Approval with modification or approval by default shall lapse, and no final approval shall be granted. Time limit for Final Approval may be altered by the General Statutes.
- C. Delivery of plans to subdivider. No final plans shall be delivered to the applicant for recording with the Town Clerk until the following has occurred:
1. Appeal period. The appeal period has terminated by dismissal, withdrawal or Judgment in favor of the applicant.
 2. Performance Bond. If required, and permitted by statute, a Performance Bond acceptable to the Commission shall have been delivered to Commission or its designated agent.
 3. Subdivision modifications. The Commission's modifications to the subdivision must have been met
 4. Fees/assessments/deeds. All fees, assessments, deeds, etc., must have been filed with or paid to the Town of Simsbury as may have been required by the provisions of these Subdivision Regulations.
 5. Any proposal for a Fee in lieu of Open Space (FILO) must have been accepted, and approved by the Commission. All documents required for a FILO request shall have been properly executed and filed as necessary.
- D. Filing of plans shall be as stipulated in this section (or as otherwise permitted by the General Statutes).
1. Time frame for filing plans. Having completed the requirements of this section, the final approved plans shall be delivered to the applicant or his assignee as prescribed by the

- General Statutes. The applicant has 90 days, after the expiration of the appeal period, to record it with the Town Clerk; otherwise, said approval becomes null and void.
2. Extension for filing plans. The Commission may extend the filing for 2 additional periods of 90 days each, during which time the final approval shall remain valid.
 3. Filing of approved subdivision plan. The applicant shall record with the Town Clerk, at his expense, the final subdivision plan and all related documents as approved by the Commission. Said plan shall be recorded on materials acceptable to the Town Clerk.
 4. If, between subdivision approval and the delivery of the plans to the owner of the subdivision, the applicant or his assignee conveys the property, such person shall notify the Commission, in writing, of such conveyance.
- E. All subdivision plans shall be submitted to the Town in digital format in accordance with the Simsbury's Current Digital Submission Standard (See appendix 14). Applicants who submit a hardcopy map without digital data will be subject to additional fees for the conversion of the hard copy to digital format.

Section 13. Filing a Performance Bond.

If public improvements are a part of the subdivision, the applicant shall deliver to the Commission a Performance Bond for public improvement work in substantially the same form as set forth in Appendices 8 & 9. The Commission shall accept any of the following forms of surety to secure performance of public improvement work as may be permitted by existing statute.

- A. Letters of credit. If acceptable in form to the Town Attorney, a letter of credit from a Connecticut financial institution, which shall be payable to the Town of Simsbury and which shall allow for partial withdrawals (See Appendix 8).
- B. Escrow Account. The full bond amount shall be submitted to the town for deposit in a Municipal Developer Escrow Account. All interest shall be paid to the applicant.
- C. Performance Bond instruments may be changed (from one document type to another) as approved by Town Staff after conferring with Town Attorney.
- D. Utility company letters. The Commission will accept a letter in lieu of a bond from a utility company that will install services as shown in the final plan. Said letter shall contain statements to the effect that all work will be done within a reasonable time and at no expense to the Town of Simsbury and substantially as shown on the approved plan.

Section 14. Obtaining Permits and Construction Authorization.

- A. Road construction and other public improvements may not commence until revised plans have been submitted to show any conditions of approval.

- B. Building construction authorization. No building construction shall commence in any portion of an approved subdivision that has not received final approval (See Section 12. B).
- C. A zoning permit for a lot or lots will be issued once the pavement binder (along the entire required minimum lot frontage, including the driveway access point), has been placed and approved by the Town and a Performance Bond posted for the remainder of the public improvement work per Section 13.
- D. Issuance of permits. The review process involves a zoning permit, septic or sewer permit, a wetlands review and (two) building permits. One building permit is issued for the foundation and the other for a framing permit. Once the foundation has been completed, a foundation "as built" plan may be required by the Zoning Enforcement Officer. An erosion and sedimentation control inspection conducted. The framing permit will be issued after the "as built" and the erosion and sedimentation controls have been approved.

Section 15. Open Space Dedication and Criteria.

- A. Criteria for the Dedication of Open Space – Land dedicated as Open Space shall meet one or more of the following provisions:
 - 1. Its location shall reflect consideration of open space systems, which are designated in the Town Plan of Conservation of Development, Zoning Regulations and Conservation Commission maps.
 - 2. It shall be located so as to protect desirable wetlands and watercourses, forests, wildlife, agriculture and other natural resources and features, unique geologic and topographic formations, environmentally sensitive areas, scenic areas and vistas, recreation areas, historic and prehistoric sites and structures, land that contains rare or unusual flora and fauna, significant tree stands and man-made features such as stone walls.
 - 3. It shall be located in areas which connect existing open space or areas with the greatest potential for future open space, green space and wildlife corridors and/or pathways.
 - 4. It shall be suitable for public recreational use.
 - 5. It shall be left in a natural, undisturbed condition unless provided otherwise by the Commission at the time of approval.

The open space shall be noted on the Plan as "Reserved for Open Space Purposes".

- B. Open Space Requirements – Except as approved in accordance with the Simsbury Zoning Regulations.
 - 1. The Planning Commission, at its discretion, may require the preservation of open space in any subdivision as a condition of approval. The open space land shall be set aside for use as open space; parks and playgrounds as provided for in the Connecticut General Statutes, Section 8-25, and shall be shown on the subdivision plan. Except as provided under the adopted Fee in Lieu of Open Space (FILO) amendment, the open space land, up to 20% of the total parcel, shall not have a greater percentage of wetlands, watercourses and steep

- slopes over 20% as measured over a distance of 50 or more lineal feet, than the percentage of said wetlands, watercourses and steep slopes, within the parcel to be subdivided.
2. In lieu of or in conjunction with the dedication of open space land, the Commission may secure conservation easements or may establish covenants to protect and preserve land, wetlands and/or water bodies that have unique geographic, archaeological or ecological features.
 3. The applicant, with the approval of the Commission, may pay a fee to the municipality and/or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces.
 4. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant and said appraisal must be approved by the Assessor. A fraction of such payment, the numerator of which is 1 and the denominator of which is the number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of Section 8-25b of the Connecticut General Statutes.
 5. See also Fee in lieu of Open Space (FILO) amendment Appendix 2 of these Regulations for alternative payment and process.

 6. The open space requirements shall not apply if:
 - a. The transfer of all land in a subdivision of less than five parcels is to a parent, spouse, child, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin for no consideration, or
 - b. The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes as amended, equal to twenty-five percent or more of the total housing to be constructed in such subdivision.

When a subdivision is to be exempted from any Open Space requirements because the land is to be transferred to a family member as per Section 8-25 of the Connecticut General Statutes, then the notice in Appendix 13, Family Transfer Open Space Exemption Notice shall be prominently shown on the Final Subdivision Plans.

7. Banking Open Space.
 - a. At the Commission's discretion, excess Open Space land within a subdivision under consideration, which is deemed suitable for Open Space purposes, may be banked to satisfy all or part of the Open Space consideration in any other subdivision. The land can only be used as Open Space or to supplement Open Space, for another subdivision if, in the Commission's opinion, there is not sufficient suitable land within the proposed subdivision for that purpose. Suitability shall be as determined according to the criteria as listed in Section 15 A. The Commission may elect to

- receive a fee in lieu of Open Space, open space land within the proposed subdivision, banked Open Space from another subdivision, or any combination thereof, to satisfy the Open Space obligation for that subdivision.
- b. If the subdivision site does not provide desirable open space opportunities as determined by the Conservation Commission, Staff and the Planning Commission, the applicant may offer alternate open space on other land under his/her ownership in the Town. The Commission will determine the terms and conditions of such an arrangement and all appropriate land records will be modified and documents will be executed to ensure compliance with the provision.
 - c. Banked Open Space will be indicated on the original subdivision plan as to its area and dimensions and will be labeled as such. The amount of banked Open Space shall be included in the approval motion, shall be included in the minutes and shall be noted in the approval letter to the applicant.
8. Control of Open Space
- a. Open Space shall be either:
 - i. Deeded to the Town of Simsbury, or
 - ii. Reserved as a conservation, buffer or vegetation easement, or
 - iii. Deeded to a non-profit conservation organization, or
 - iv. Deeded to a homeowner's organization, or
 - v. Reserved as an agricultural easement for the exclusive use of crop production.
 - b. Land marked "Reserved for open space purposes" on the plan shall be maintained as open space in perpetuity. The donation of open space land shall not require the consent of adjacent property owners.
 - c. As a condition of approval, Open Space deeded to a homeowner's association shall be filed in the office of the Town Clerk, on a document acceptable to the Town Attorney, which document:
 - i. Shall establish an association of property owners to maintain the land reserved for open space purposes, with the power to assess the members for all necessary costs;
 - ii. Shall be binding to all future owners;
 - iii. Shall be perpetual;
 - iv. Shall not be affected by any change in zoning or land use;
 - v. Shall assure appropriate maintenance of the reserved land;
 - vi. May be enforced by adjoining property owners or the Town by appropriate court action; and,

Shall provide that if maintenance, preservation or use of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess costs of compliance against the responsible party.

**ARTICLE III
PUBLIC IMPROVEMENTS**

Section 16. Street standards and Other Requirements.

- A. All roads and streets shall be designed, constructed and maintained in conformance with Highway Construction and Design Standards for the Town of Simsbury, Connecticut, and**
- B. Where said standards conflict with the Low Impact Design policies and guidelines referenced in these regulations, the Town Engineer shall advise the Commission whether the LID techniques can be implemented on the subject site. If they can, they should be so implemented.**
- C. Utilities and Sanitary Requirements:**

1. Sewage Disposal:

Where individual on-site sewage disposal systems are proposed, the subdivision plan shall be accompanied by a sanitary report prepared by a professional engineer. The report shall demonstrate the feasibility of the ground for sub-surface sewage disposal on the site in conformance with Connecticut State Health Code and Sanitary Specifications.

Sanitary sewers shall be installed in new streets in all subdivisions which are developed on property within the designated sewer service area, whether the sewer line in such service area is existing, or in the process of being constructed, or can reasonably be expected to be extended to serve the subdivision within a period of five (5) years as determined by the staff of the Simsbury Water Pollution Control Authority. All such sewers shall be constructed in accordance with WPCA specifications. Where no trunk line exists, subdivision sewer lines shall be capped in conformance with WPCA requirements.

2. Public Water Supply:

- a. Where public water supply exists or where such supply is available all subdivisions shall be designed so that structures needing sewage disposal can connect to such facilities.**
- b. Where public water supply service does not exist, it shall be extended if feasible. If not feasible, private on-site water supply wells may be used.**

3. Underground Utilities:

- a. All electrical and telephone lines shall be installed underground in conformance with applicable Town Highway specifications.**
- b. Where such installation is not feasible, the case for non-compliance shall be made by the subdivider and if found acceptable, may be waived by the Commission.**

Section 17. Street/Road Acceptance Procedures.

The developer shall request, by letter, a final inspection of public improvement work from the town when all work has been completed. In the event of partial completion of public improvement work, Section 166-17 should be followed. The subdivider shall furnish the following in anticipation of final acceptance:

- A. Maintenance Bond. A Maintenance Bond (Appendix 4) and Maintenance Agreement (Appendix 6), to be in force for two full winter periods shall be filed prior to the release of the Performance Bond. For the purpose of this section, winter periods will include the span between December 31 and April 15. The Maintenance Bond shall be equal to at least 5% of the original public improvement cost estimate (See Section 166-13 for acceptable bond instruments).
- B. As-built plan. An "as-built plan" is a plan drawn on an acceptable reproducible material which shows the as-built status of the development. The plan must show those features required in the Design Manual and those items noted in Appendix 7.
- C. Warranty deed. A warranty deed conveying all public improvements, public open space, public easements and other rights shall be furnished the town. A certificate of title and conveyance tax forms must accompany the Warranty Deed.
- D. Certificate of merestones and pins. A certificate by a registered land surveyor shall be furnished the town acknowledging that all merestones and pins have been installed pursuant to the final record subdivision map.

Section 18. Performance Bond Reductions. Note: All bonding considerations shall be governed by CGS in effect at the time of application.

The subdivider shall provide the Commission's agent with a detailed estimate, certified by the subdivider's engineer, of the costs of the remaining public improvement work which is required as part of the subdivision. The cost for the remaining work shall be estimated for the maximum remaining time allowed after the date of certification (See Section 166-12 B 1). The Commission/agent may, at its discretion, grant a bond reduction, provided that:

- A. No reduction shall reduce the bond amount below the estimated cost of completing the unfinished portions of the covered improvements, including inflation and contingency considerations.
- B. No reduction shall be granted until the Commission or its agent has received verification from the appropriate Town Staff that 50% or more of the required improvements have been satisfactorily completed.
- C. No public improvements bond may be reduced below \$5,000, nor less than the required Maintenance Bond, whichever is greater, nor shall it be reduced more than twice.

Section 19. Road Acceptance.

Upon receipt of documents required in Section 16, the Planning Commission shall consider acceptance of the public improvements.

- A. Acceptance of public improvement work shall be considered by the Planning Commission when the appropriate Town Staff submits a satisfactory report on the results of the final inspection. In addition, a letter from the Town Attorney must be received by the Planning Commission stating

that the following are in order: warranty deed, maintenance bond and certificate of title or Title Insurance in a form acceptable to the Town Attorney.

- B. Upon receipt of the documents set forth in Subsection A above, the Planning Commission shall then recommend acceptance of the public improvement work and related land parcels and easements, etc. by the Town Council.

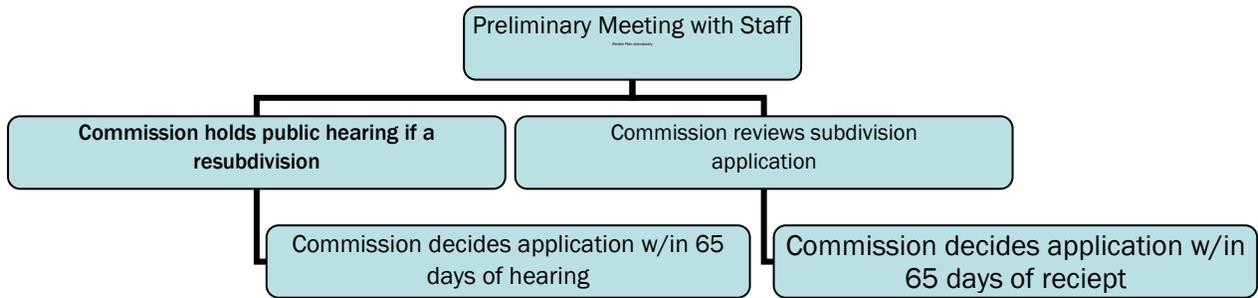
Section 20. Enforcement, Seperability, Amendments and Penalties.

- A. These regulations may be amended, changed or repealed in accordance with the General Statutes of the State of Connecticut.**
- B. Invalidity of one provision shall not invalidate any other provision.**
- C. Penalties for non-compliance shall be in accordance with the General Statutes of the State of Connecticut.**

APPENDICIES 1 - 14

Appendix 1.

Subdivision Process Flow Diagram



Appendix 2.

Fee-in-lieu of Open Space

ADOPTED

Amendment to Simsbury Subdivision Regulations

Fees in Lieu of Open Space (FILO)

The following revision to the Simsbury Subdivision Regulations was adopted on December 14, 2010 and became effective on December 31, 2010.

Fees in Lieu of Open Space: As authorized by General Statutes §8-25, the Planning Commission may allow an applicant for subdivision approval to pay a fee to the Town of Simsbury or pay a combination of a fee and transfer land to the Town in lieu of or in addition to any requirement to provide public open space, parks or playgrounds as part of a subdivision application. Such land to be transferred may include parcels not within the boundaries of the proposed subdivision. The Commission may approve such fee if it determines, in its sole discretion, that (1) there are no desirable areas of land within the proposed subdivision which will provide valuable public open space, parks or playground areas consistent with the goals set forth in the adopted Plan of Conservation and Development and these Subdivision Regulations and (2) the acceptance of the fee or land would be more beneficial to the Town.

Procedure: Commission consideration and acceptance of a fee in lieu of open space proposal shall be according to the following procedure:

(1). Proposal: The subdivision applicant shall submit a proposal to the Planning Commission to substitute the payment of a fee or the transfer of land in lieu of the requirement set forth in this section to provide open space, parks or playgrounds. The proposal shall be submitted on a form to be approved by the Planning Commission.

(2) Public Benefit: The Commission when considering a proposal under this section shall determine if the proposal will benefit the Town as a whole and the residents of the new subdivision by enhancing the environment and the quality of life of the residents of Simsbury.

(3). Value: Such fee or combination of fee and the fair market value of the land transferred shall be equal to not more than ten (10) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.

(4). Determination of Value: The fair market value shall be determined by an appraiser jointly selected by the Planning Commission and the subdivision applicant, the cost of which appraisal is to be paid by the subdivision applicant. Each such appraisal shall be prepared by an appraiser licensed by the State of Connecticut and shall be in conformance with the current version of the Uniform Standards of Professional Appraisal Practice and with such other standards as may be required by state law. The Planning Commission shall reserve the right to determine whether such standards have been met.

If the Planning Commission finds that any appraisal was not prepared in conformance with such standards, it may reject such appraisal.

(5). Payment of the Fee: A fraction of such fee, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be paid to the town at the time of the sale of each approved lot in the subdivision and placed in a fund established by the Town in accordance with General Statutes §8-25b to be used for the sole purpose of preserving open space, acquiring additional land for open space or for passive recreational or agricultural purposes.

(6) Alternative Payment: If agreed to by the applicant and the Commission, an alternative method of determining total payment is a fee of \$2,500 per subdivided lot in lieu of open space that otherwise may be required per Article II Section 15 of these Regulations.

(7) Documentation: The applicant shall pay any fees in lieu of open space in full prior to filing record map with the Town Clerk or paid on a prorated basis as described in Section 8-25(a) of the Connecticut General Statutes. As a condition of acceptance of the applicant's fee proposal, the applicant shall agree that the amount of the fee shall be paid prior to the issuance of a temporary or permanent certificate of occupancy for each subdivided lot. Such fee shall be paid pro rata for each subdivided lot. The attorney for the applicant shall provide the Planning Commission with a certificate of title insuring the Town Attorney and the Commission that the Town has a first lien on the property. The applicant shall be responsible for any filing fees due to the Office of the Town Clerk.

(8). Land Use Restriction Required: When land outside of the proposed subdivision is provided in lieu of open space land, the subdivision applicant shall execute a land use restriction in the deed of conveyance as approved by the Planning Commission in a form acceptable to the Town Attorney which shall be recorded on the Simsbury Land Records.

Appendix 3.

**Open Space and Conservation Easement Model Forms
(from Town Attorney)**

APPENDIX 4

**Low Impact Development (LID) Guidelines
(under Separate Cover)**

Appendix 5

SUBDIVISION PLAN FINAL APPROVAL BLOCK

CONDITIONAL APPROVAL

This subdivision received Conditional Approval by the Simsbury Planning Commission.

Signature _____
Planning Commission Chairman or Secretary)

Date of Conditional Approval _____

Pursuant to Title 8 of The Connecticut General Statutes as revised and Section 166-11 B, C & D of these regulations, all work in connection with this subdivision must be completed by _____, otherwise the approval will lapse.

Lots within a subdivision with Conditional Approval can not be sold or offered for sale.

FINAL APPROVAL

This subdivision received Final Approval as authorized by the Simsbury Planning Commission.

Signature _____
Planning Commission Chairman or Secretary)

Date of Final Approval _____

Pursuant to Title 8 of the Connecticut General Statutes as revised and Section 12 B of these regulations, all work in connection with this subdivision must be completed by _____, otherwise the approval will lapse.

This approval, unless otherwise indicated by special notation, does not include specific approval of driveway construction, building size or location, or septic design. Subdivision may also be subject to conditions, the satisfaction of which may be a prerequisite to the issuance of a Zoning or Building Permit. Buyers are advised to inquire at the Simsbury Land Use Office.

APPENDIX 7

PUBLIC IMPROVEMENT COST CERTIFICATION (EXAMPLE)

DATE: _____ PROJECT: _____ SECTION: _____

# ITEM	UNIT	UNIT MEAS.	UNITS	TOTAL COST	COST
1 Clearing and grubbing	LS	_____	_____	_____	
2 Grading	LS	_____	_____	_____	
3 Subbase	CY	_____	_____	_____	
4 Processed aggregate	TON	_____	_____	_____	
5 Bituminous concrete	TON	_____	_____	_____	
6 Bituminous curb	LF	_____	_____	_____	
7 RCP 15"	LF	_____	_____	_____	
8 RCP 18"	LF	_____	_____	_____	
9 RCP 24"	LF	_____	_____	_____	
10 RCP 30"	LF	_____	_____	_____	
11 RCP 36"	LF	_____	_____	_____	
12 RCP 48"	LF	_____	_____	_____	
13 Type "C" C Basin	EA	_____	_____	_____	
14 Type "C" C Basin Dble.	EA	_____	_____	_____	
15 Manholes	EA	_____	_____	_____	
16 RCCE 18"	LF	_____	_____	_____	
17 RCCE 24"	LF	_____	_____	_____	
18 RCCE 30"	LF	_____	_____	_____	
19 RCCE 36"	LF	_____	_____	_____	
20 Riprap	CY	_____	_____	_____	
21 Pins and monuments	LS	_____	_____	_____	
23 Silt Fence	LF	_____	_____	_____	
24 Hay bale erosion check	LF	_____	_____	_____	
25 Loam and seed	SY	_____	_____	_____	
26 CLDIP 8"	LF	_____	_____	_____	
27 CLDIP 10"	LF	_____	_____	_____	
28 Endwalls	EA	_____	_____	_____	
29 Saddles	EA	_____	_____	_____	
30 Tees	EA	_____	_____	_____	
31 Bends	EA	_____	_____	_____	
32 Gate valves	EA	_____	_____	_____	
33 Thrust blocks	EA	_____	_____	_____	
34 Reducing valves	EA	_____	_____	_____	
35 Services	EA	_____	_____	_____	
36 Blowoffs	EA	_____	_____	_____	
37 Hydrants	EA	_____	_____	_____	
38.Bioretenation Facilities	EA	_____	_____	_____	
39.Grass/Vegetated Swales	EA	_____	_____	_____	
40.Rain Gardens	EA	_____	_____	_____	
41.Permeable Pavement (Surface) SQ.YD.		_____	_____	_____	
42.Permeable Pavement (Subbase) SQ.YD.		_____	_____	_____	
43.Concrete/PVC Pavers	SQ.YD.	_____	_____	_____	
44.Infiltration Trenches	EA	_____	_____	_____	
45.Infiltration Galleries	EA	_____	_____	_____	
46.Surface Sand Filters	EA	_____	_____	_____	
47.Rain Cisterns	EA	_____	_____	_____	
48 Other	—	_____	_____	_____	
49 Other	—	_____	_____	_____	
50 Other	—	_____	_____	_____	
51 Other	—	_____	_____	_____	
52.Legal, contingency and engineering		_____ %	_____	_____	

Total _____

I certify that the above unit costs fairly represent the construction requirements for the section identified.

Seal of P.E.

Signed _____ P.E.

APPENDIX 8

LETTER OF CREDIT, SAMPLE FORM

PERFORMANCE OR MAINTENANCE BOND (Include only the one that applies).

Town of Simsbury
Attn: Planning Commission
933 Hopmeadow Street
Simsbury, Connecticut 06070

Gentlemen:

On the instructions and for account of _____ of _____ Connecticut, we hereby establish our Irrevocable Letter of Credit No. _____ in your favor, available by your draft drawn on us at sight, for any sum not exceeding the total amount of _____ (\$ _____).

Drafts drawn under this credit must be accompanied by this Letter of Credit, and:

1. A statement purportedly signed by the beneficiary stating that "The amount of this drawing represents funds due and owing to the Town of Simsbury as a result of the nonperformance or unsatisfactory performance of improvements authorized by the Town of Simsbury under Planning Commission, approval dated _____ for _____ SUBDIVISION. Application # _____.

Partial drawings are permitted.

All drafts drawn under this Letter of Credit must bear on their face the clause "Drawn under _____ Bank F.S.B. Credit No. _____, dated _____, 20____.

We engage with you that draft(s) drawn under and in compliance with the terms and conditions of this credit will be duly honored upon presentation and delivery of documents, as specified, to the above address, Attn: Loan Department, on or before _____, 20____.

Except so far as otherwise expressly stated, this documentary credit is subject to the "Uniform Customs and Practice for Documentary Credits, ICC Publication No. 500."

Bank Signature Block

APPENDIX 9

PERFORMANCE AGREEMENT - SAMPLE FORM

Between _____ (hereinafter, "Developers") and THE PLANNING COMMISSION OF THE TOWN OF SIMSBURY (hereinafter, "Commission").

Developers are delivering herewith a Cashier's Check in the amount of \$_____. This is being delivered as surety for the performance bond and is hereby accepted by the Commission.

The parties agree that said funds shall remain in the name of the Town of Simsbury in escrow as surety for public improvement work that must be completed on the Subdivision. Said public improvement work shall be conveyed to the Town of Simsbury after it has been accepted by the Town. The bond will also cover erosion-related problems.

The Performance Bond covers _____ Subdivision, Planning Commission App. _____. It shall be in force until released by the Simsbury Planning Commission. The applicant may petition the town for a reduction in the bond amount based on performance of the covered improvements submitted by _____, Consulting Engineers, pursuant to the Town of Simsbury Subdivision Regulations.

If, at any time, any of the items covered by this bond fail or suffer damage or loss, the Town shall withdraw funds from the escrow account sufficient to cover the failure, damage or loss. However, if there are no problems, then all the funds deposited in said escrow account, together with any interest earned thereon, shall be delivered forthwith to the developers.

DATED AT SIMSBURY, this _____ day of _____, 20____.

DEVELOPER(S)

PLANNING COMMISSION,
TOWN OF SIMSBURY, OR ITS AGENT

APPENDIX 10

MAINTENANCE AGREEMENT, SAMPLE FORM

Between _____ (hereinafter, "Developers") and THE PLANNING COMMISSION OF THE TOWN OF SIMSBURY (hereinafter, "Commission").

Developers are delivering herewith a Cashier's Check in the amount of \$_____. This is being delivered as surety for the maintenance bond and is hereby accepted by the Commission.

The parties agree that said money shall remain in the name of the Town of Simsbury in escrow in lieu of a maintenance bond for all public improvement work, erosion control measures and conditions of subdivision which may be required as a result of material, workmanship or other failures of work which have been deeded to the Town of Simsbury.

The surety covers _____ Subdivision, Planning Commission App._____. It shall be in force for a period as provided for in the Town of Simsbury Subdivision Regulations. The developers may petition for a reduction in the surety in accordance with the Town of Simsbury Subdivision Regulations.

If, at any time, any of the items covered by this bond fail or suffer damage or loss, the Town shall withdraw funds from the escrow account sufficient to cover the failure, damage or loss. However, if there are no problems, then all the funds deposited in said escrow account, together with any interest earned thereon, shall be delivered forthwith to the developers.

DATED AT SIMSBURY, this _____ day of _____, 20_____.

DEVELOPER(S)

PLANNING COMMISSION,
TOWN OF SIMSBURY, OR ITS AGENT

Appendix 11

CERTIFICATION BLOCK

This plan complies with the requirements and objectives of the Town of Simsbury Soil Erosion and Sediment Control Regulations.		
Effective Date: _____		Revised Date _____
_____	_____	_____
Agent for the Planning Commission		Date
_____	_____	_____
Certifying Agent	Date	Reg. No.

Appendix 12

AS-BUILT PLAN REQUIREMENTS

A. Plan and Profile Format.

1. The "as-built" plan shall be in a plan and profile format with plan being at a scale of 1" = 40' and the profile being at a scale of 1" = 40' horizontal and 1" = 4' vertical. The "as-built" plan must be signed and sealed by a licensed surveyor or engineer as required.

B. "As-Built" Plan Contents.

1. Utility systems. The "as-built" plan shall show all above and below ground utility structures and service devices, including but not limited to the following: sewer, water, gas, electric, telephone, cable television lines and lighting fixtures.
2. Storm drainage systems. The top of frame and flow lines of all drainage structures shall be shown. Catch basins shall be numbered, underdrains and outlets shall be shown and all structures identified as to type material used and size of same. Low Impact Development storm water treatment systems shall be shown. Symbols with a supporting legend are recommended.

C. Labels and Identifiers.

1. All utility poles, structures and cabinets shall be indicated, with number identifications, and owners listed.
2. All dimensions and locations of streets, easements, rights-of-way, property lines, boundary lines, sidewalks and pavement shall be labeled.
3. Lot numbers and catch basin numbers are to be marked.
4. Existing benchmarks with elevations and identification shall be shown.
5. Road centerlines at fifty-foot intervals shall be shown.
6. Profiles showing the finished grade of the pavement course at the road centerlines is to be shown.
7. All points identifying the intersection of easement and property lines with street lines are to be shown.
8. Highway monuments shall be indicated.

Appendix 13

FAMILY TRANSFER OPEN SPACE EXEMPTION NOTICE

Notice: This subdivision has been exempted from the Open Space requirements and the requirements for fees in lieu of Open Space upon the express condition that all lots in the subdivision will be transferred by the subdivider to persons who are the subdivider's parent, spouse, child, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin for no consideration. No portion of this subdivision shall be deemed a zoning lot until all of such transfers have been executed. The Planning and Zoning Commission and the Zoning Enforcement Officer may require reasonable evidence of the relationship of the transferee to the transferor and the fact that the transfer was made for no consideration before any portion of this subdivision will be treated as a zoning lot.

Appendix 14

DIGITAL MAPPING DATA SUBMISSION REQUIREMENTS

- 1) Submissions in a hardcopy map format, without digital data, will be subject to additional fees.
- 2) All digital mapping data must be delivered in one of the following formats:
 - a) AutoCAD dwg
 - b) AutoCAD dxf
 - c) Arc/Info shape file
 - d) Arc/Info export file (e00)
 - e) ArcGIS personal geodatabase
- 3) If delivered as a series of tiled CADD files, the features that cross sheet boundaries must precisely match at the join line.
- 4) Line features in CADD files will employ line styles for graphically differentiating features, such as dashed lines for unpaved roads. Continuous lines that have been broken to appear like a dashed line are not acceptable.
- 5) All text in CADD files will be in separate layers. Map features under text should not be erased in order to make the text clearer, such as contour lines and their associated elevation value text.
- 6) Features must be thematically organized in the CADD or GIS data structure. For example there must be separate CADD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CADD layer or GIS file will not be accepted.
- 7) The submission of the data must also include documentation on the method used to gather the data along with an estimation of the horizontal and vertical accuracy and date of data capture.
- 8) All features represented in a digitally submitted AutoCAD or GIS drawings must be registered to the CT State Plane Coordinate System using NAD 1983 datum.