

**Town of SIMSBURY
SUBDIVISION REGULATIONS**

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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.

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. Pre-application procedures/Site Analysis Plan (Required).

Any proposed subdivision of 5 or more lots and/or any proposed subdivision including a new road or road extension must include the submission of a Site Analysis Plan. The plan shall be drawn at 200 scale unless waived by the Planning Staff due to the size and shape of the parcel or other relevant factors.

The purpose of this plan is to allow the Planning Commission, Inland Wetlands Commission, and Staff, to review the overall site for general planning purposes taking into the consideration, recreation and Open Space issues, wetland impact, environmental concerns including the preservation of significant vegetation, and traffic circulation patterns.

The Site Analysis Plan shall show at least the following information:

1. A 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. A legend
3. Existing contours at two-foot intervals.
4. Soil classifications, which may be derived from the Hartford County Soil Survey.

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.
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. Those parts of the site which are better suited for development and those parts of the site where development should be discouraged.

After the Site Analysis Plan has been reviewed, the Commission may schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize local officials with the property's special features and to provide them an informal opportunity to offer guidance to the applicant regarding the development.

Within thirty days after submission of the plans, Staff will consolidate all comments and recommendations and prepare a report for the subdivider.

C. Conceptual submission

Submission of Conceptual Plans is encouraged for all subdivision requests and required for all parcels of land containing 15 or more acres unless waived by the Town Planner. Commission may require an overall concept plan due to the number of lots previously subdivided over time from a large parcel. Several concepts may be submitted concurrently. The Conceptual Plan submission may not be combined with the Site Analysis Plan submission and review.

The subdivider shall prepare plans for submission to the Planning Staff for distribution to the Planning, Zoning, Wetlands/Conservation Commissions and staff. The application will be placed on the Planning Commission agenda for an informal discussion and recommendations

by the Commission. This conceptual submission shall not be deemed to constitute any portion of the official and formal procedure of subdivision application and approval.

Each concept plan shall contain all information required on the Site Analysis Plan (See Section 7. B) and the following:

1. A 200 scale plan showing in greater detail the proposed lots, open space, road design and adjacent properties (recommended option – see item 2 below).
2. Overall Plan (See Section 9. B).
3. Layout of the roads.
4. Layout of proposed lots.

The submission of the conceptual proposal(s) is a preapplication review submitted pursuant to General Statutes §7-159b and does not alter the requirements or procedures for the submission of an application for subdivision. Any review, comments or recommendations made by the Commission or Staff are limited to the information presented in the conceptual plans and are not to be considered as a commitment to approve a definitive subdivision for which more detailed information is required. In the event that the subdivider chooses to submit only final subdivision plans, all of the items listed in Section 9 shall be provided and shall be in accordance with Section - 6. H. 1.

Section 8. Subdivision Submission Requirements.

- A. Notice and supporting datum. Prior to the Commission considering any proposed subdivision, the following requirements shall be met. All required information shall be submitted to the Planning Office by the applicant proposing a subdivision at least ten (10) days in advance of the Commission's next regular meeting. The meeting dates are posted in the Town Clerk's office. Seven (7) copies of the subdivision plans and all the supporting data shall be submitted at the time of application. Note: it is also strongly encouraged that the applicant submits the entire application, including all maps and plans in electronic format as well.
- B. Application for subdivision. Application for approval of a subdivision or resubdivision shall be made to the Commission, in writing, on forms prescribed by the Commission; the application shall include the following:
 1. Applicant's name, mailing address and phone numbers.
 2. Owner of record: name, mailing address and phone numbers.
 3. Location of property and Assessor's map, block and lot number.
 4. Property Deed volume and page number.
 5. Type of application, i.e., subdivision or resubdivision.
 6. Lot density calculations as prescribed in the zoning Regulations.
 7. Lot numbers.
 8. Zoning classification of parcel.

9. Narrative of property history, including any Planning or Zoning Commission actions and existing violations.
 10. Owner's signature or signed original letter of authorization from the owner.
 11. Applicant's signature is also required.
 12. 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. The date of the research must be noted. The list must be submitted no less than 20 days before any required Public Hearing. The list is not necessary if it is determined that a Public Hearing is not required.
 13. 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. If the applicant has, in good faith, taken reasonable measures to comply with this section, the failure of any person entitled to receive such notice of a public hearing shall be the equivalent of the receipt of notice.
 14. The required application fee as established by the Land Use Fee Ordinance.
 15. Solar access requirements: as per Connecticut General Statutes Section 8-25(b), as amended, and Section 166-9 I herein.
- C. Road centerline staking. The road centerline of any proposed subdivision must be staked and/or flagged with surveyor's tape and road stations shall be marked thereon. Intersections must be indicated. The centerline must be so marked no later than 10 days after the plans are submitted.

Section 9. Subdivision Plan Requirements.

A. General.

1. All subdivision plans shall be prepared by and bear the seal and signature of a land surveyor licensed to practice in the State of Connecticut. The accuracy of the information on the plans shall conform to the Class A-2 requirements of the Regulations of Connecticut State Agencies, Section 20-300 b-1 to 20-300 b-20 "Minimum Standards for Surveys and Maps in the State of Connecticut". Where subdivisions are proposed in non-residential zones or mixed use zones or as part of a mixed use development, some plan requirements may be waived or modified by the Commission, taking into consideration that fact that in such zones all development proposals require either Site Plan or Special Permit/Site Plan submissions on a lot by lot basis
2. The plans must be on 24 x 36 inch sheets and be drawn to a scale of 1 inch equals 40 feet or 1 inch equals 50 feet. One inch equals 40 feet is the preferable scale. One inch equals 100 feet may be used if the Town Planner finds that lot sizes dictate that those scales are more appropriate; areas where details are required for review purposes shall be shown at a scale of 1 inch equals 40 feet.
3. The plans shall be blue line or black line on white paper and shall be good quality prints with dense and clear line work and notations.

4. All engineering plans shall bear the seal and signature of a professional engineer licensed to practice in the State of Connecticut.
 5. Except as noted elsewhere in this Article, all plans shall show the following basic information if applicable to the application.
- B. Overall plan. An overall plan, based on the Site Analysis Plan (See 7. B) shall be submitted, preferably on one sheet, at a scale of 100 or 200 feet per inch showing the following:
1. Key map, north arrow, scale, contour interval and match lines if necessary.
 2. Topography.
 3. Wetlands and wetlands boundary field numbers.
 4. 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.
 5. Tree lines, stone walls and existing structures.
 6. Areas of special concern (see 7. B. 16).
 7. Roads with station numbers including major cut and fill areas.
 8. Lot layout, proposed open space, proposed house and septic system location.
 9. Lot lines and other boundaries.
 10. Drainage features including flow directions.
 11. Nearby utility structures.
- C. 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. North arrow with its declination from Magnetic North noted (Typical throughout on all scale plans and on all sheets).
 4. All plans must include an index to locate proposed lots, zone, technical data and other relevant details.
 5. A title block showing the name of the subdivision, the name(s) and addresses of the property owner(s), the names and addresses of the subdividers and the name(s) and address of the firm which prepared the plans. (See Appendix 6 for format).
 6. Plan Sheet numbers.
 7. Conditional and Final Approval signature blocks (See Appendix 5 for format).
 8. A note regarding the requirement of the installation of property pins and road monuments as required.
 9. 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.
 10. 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.

11. A note specifying the submission of a lot-specific erosion and sedimentation control during the septic disposal system and structure construction permit process.
12. All other standard informational notes. Depending on the cover sheet contents, notes may be placed on another sheet and identified accordingly.
13. Town line within five hundred (500) feet of the project.
14. A note specifying whether or not any part of the development is located within a designated drinking water supply watershed.

D. Subdivision plan contents.

1. The subdivision plan shall contain the following information at a minimum:
 - a. The subject property, including all proposed lots and street boundary lines.
 - b. Names of all abutting property owners, including those separated from the project by a road, but excluding those separated by a limited access interstate highway.
 - c. All easements and rights-of-way and their intended purpose. All dimensions, bearings, areas and grantor/grantee information shall be indicated.
 - d. Abutting land uses and zone boundaries.
 - e. Proposed and existing recreation sites, conservation easements, stream belt, all open space and other public areas, as well as proposed improvements to the same.
 - f. Existing pathways and/or proposed pathways as specified in Section 170-2 D, and existing or proposed sidewalks within 500 feet of the site.
 - g. All parcels to be deeded to the Town are to be assigned a parcel identification.
 - h. Proposed building lots and other parcels, with lot numbers, dimensions, bearings, building lines and areas. All areas are to be in square feet and acres.
 - i. Lot frontages may be measured at floating building lines in lieu of street lines.
 - j. All dimensions, bearings and widths of all road rights-of-way, including interior angles, tangents, radii, chords and arc lengths.
 - k. Labeled existing and proposed highway monuments.
 - l. Labeled existing and proposed property pins.
 - m. Adjacent utility poles and structures, including utility company name and pole number.
 - n. Existing and proposed road names.
 - o. Road classifications.
 - p. Written and graphic scale on each sheet.
 - q. North arrow on each sheet
 - r. Legend, if applicable.
 - s. Sheet numbers.
 - t. Solar access requirements as per Connecticut General Statutes Section 8-25(b), as amended.
 - u. A title block (See Appendix 6).
2. Each sheet shall boldly reference the sheet number containing the legend, approval signature block and notes. All sheets shall boldly reference the other parts of the total subdivision plan, e.g., topographic plan, plan and profiles and the erosion and sedimentation control plan, details, etc. When appropriate, on small subdivision plans

this information may be consolidated. Depending on the cover sheet contents, notes may be placed on another sheet and identified accordingly.

3. Each building lot and Open Space parcel must be shown in their entirety on a single sheet at 1 inch equals 40 feet or 1 inch equals 50 feet unless waived by the Commission

E. Contour and vicinity plan contents.

1. The contour and vicinity plans shall contain the following information as a minimum:
 - a. All items listed in Subsection D above, except Subsection D. 1. b.
 - b. All existing wetlands and watercourses as determined by a certified soil scientist. The names of all water bodies, streams, etc., shall be identified. The name and signature of the soil scientist must appear on the first sheet of the contour and vicinity plans.
 - c. Floodplain limit lines, stream encroachment lines, flood hazard areas and aquifer zones from most recent available information.
 - d. Any watershed and sub-watershed boundaries.
 - e. Existing or proposed wetlands and/or watercourses.
 - f. 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
 - g. Approximate locations of proposed primary and reserve septic areas.
 - h. Exact location of any on-site drinking water well or any such well within 75 feet of a proposed lot line for a new lot.
 - i. Proposed location and size of sewer laterals and street sewers and related structures. Location of existing such structures.
 - j. Buildable area of each lot. The specific buildable area of each proposed lot and the location of the buildable square. If the buildable area is not sufficient to accommodate a 20-foot by 24-foot accessory structure, in addition to a dwelling, a bold note must be applied to the lot advising that it has a restricted buildable area and may not have adequate area to support accessory structures.
 - k. The proposed area of site disturbance during subdivision and building development
 - l. Proposed well location(s).
 - m. Proposed location and size of water mains, house connections, hydrants and related structures. Indicate flow directions.
 - n. Proposed location of telephone, cable and electrical lines and related structures. Underground recommended.
 - o. Proposed location of gas mains, services and related structures.
 - p. Separate plans and profiles at a scale 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical shall be furnished for each public water and/or sewer system.
 - q. A Storm Water 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 storm water system and any

effects on the site or to downstream properties. The report shall include all calculations and design parameters for the storm water management system. The Storm Water Management Report shall also include all required calculations to demonstrate compliance with Low Impact Development Guidelines and checklist for the Town of Simsbury.

- r. Traffic calming methods if proposed.
- s. Present foliage line as applicable.
- t. Unique or specimen trees or tree stands (as determined with the assistance of Town Staff).
- u. Existing man-made and natural structures, including substantial stone walls, notable rock outcrops and massive boulders.
- v. Numbered deep hole and percolation test locations and results. Test data may also be furnished in a separate document, but must be provided.
- w. Approximate location of proposed dwelling and driveway, including functional footing drain outlets based upon the proposed grading (see subsection u below) and emergency vehicle turnarounds and pull-offs (if required).
- x. 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.
- y. The datum and the location and the identification of the source benchmark are to be indicated.
- z. 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.
- aa. Show proposed grading and slope treatment of driveways.
- bb. Curblines, pavement widths and sidewalks.
- cc. Rights to drain if necessary and status of such right acquisitions..
- dd. Street station numbers.
- ee. Details of storm drainage, sewer, water and other utility structures within three hundred (300) feet of the subdivision.

- 2. The first sheet of the contour and vicinity plans shall contain the legend and all notes that deal with the contour and vicinity plans; each additional sheet shall boldly reference the sheet number containing the legend and notes. All sheets shall boldly reference the other parts of the total subdivision plan, e.g., the subdivision plan, the erosion and sedimentation control plan, etc.

F. Plan and profiles.

- 1. The plan and profile sheets shall be prepared by a professional engineer licensed to practice in the State of Connecticut. They shall be drawn to a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical. The following information shall be shown on the plan and profile sheets:

- a. All lot lines, rights-of-way, lot numbers and easement lines that intersect street lines.
 - b. The location and widths of all roads, rights-of-way and easements.
 - c. The location, size and elevations of all proposed and existing drainage, water supply and sewage disposal structures. Flow lines, top of frame elevations and flow directions (indicated by arrow) are to be labeled.
 - d. A typical road cross-section will include a right-of-way, pavement width, curbs, sidewalks, slopes, utility locations and construction material details.
 - e. Typical for drainage structures, driveways, curbs, sidewalks, public utilities and related structures not specified herein.
 - f. Typical for traffic calming devices and techniques proposed to be provided.
 - g. Existing utility poles and structures, including utility company name and pole numbers.
 - h. Stations indicating proposed elevations along the centerline of the road at fifty-foot intervals tied in with stations on the profile map.
 - i. Profiles of the existing and finished grades along the centerline of the proposed and existing intersecting roads.
 - j. Profiles of the existing grades at the proposed street lines.
 - k. Pertinent data on vertical curves showing the length, station and elevations at the point of curvature, point of intersection and the point of tangency.
 - l. The location and elevation of bench marks within the subdivision. Upon completion of the roads, at least one (1) benchmark must be established for every one thousand (1,000) feet of road.
 - m. Permanent benchmarks must be established on any site where extensive excavation or fill will occur. The Commission may determine that additional benchmarks are required during construction. Such installation shall be the responsibility of the subdivider.
 - n. Legend.
 - o. Sheet numbers.
 - p. A title block. See Appendix 6 for an example.
2. The first sheet of the plan and profiles shall contain the legend and all notes that deal with the plan and profiles section; each additional sheet shall boldly reference the sheet number containing the legend and notes. All sheets shall boldly reference the other parts of the total subdivision plan, e.g., subdivision plan, topographic plan and erosion and sedimentation control plan, etc.
- G. Erosion and sedimentation control plan contents.
1. An erosion and sedimentation control plan must be submitted with the subdivision application. It must be prepared in accordance with the Simsbury Zoning Regulations and the most current relevant Guidelines for Soil Erosion and Sediment Control as prepared by the State of Connecticut as may be amended in the future.
 2. In addition to the requirements of the Simsbury Zoning Regulations, the erosion and sedimentation control plan shall contain the following:

- a. Legend.
- b. Sheet numbers.
- c. Title block (See Appendix 6).
- d. Certification block (See Appendix 11).

H. Subsurface sewage disposal/water supply report.

1. 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 when proposed lots are not to be served by public sewers.
2. Where public sewers are available, the subdivider 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.

I. 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.

J. Sidewalks & Pathways

1. The Commission may require the subdivider to install sidewalks and pathways on property of the subdivider 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 & 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 subdivider 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..

- K. 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 subdivider where their preservation is not possible.

- L. Development review. The Town Planner is responsible for receiving subdivision plans and for submitting the same to appropriate town officials and various agencies for their review. The Planner shall compile all staff comments prior to the Planning Commission meeting on the subdivision proposal. The subdivider 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).

- M. 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 inch equals one hundred feet (1"=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 inch equals one hundred feet (1"=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, 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 inch equals one hundred twenty-five feet (1"=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 to two and one-half (2" to 2 1/2") 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 observable 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 so as 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 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 include 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 (35%) percent of each wall area within the visual impact area.

12. No building permit shall be issued without submission to the Town Planner and Zoning Enforcement Officer of an individual lot development plan at a scale of one inch equals twenty feet (1"=20') 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.

- N. Supplemental supporting data. The Commission may require the submission of technical data from the subdivider 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 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.
- O. 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 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.

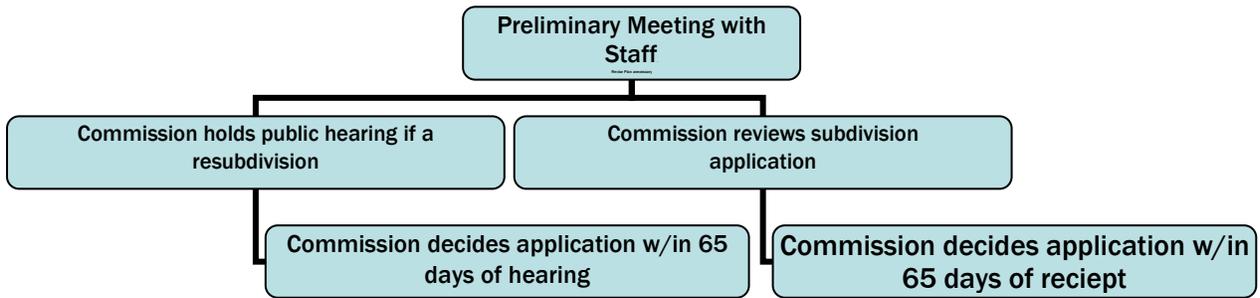
- A. These regulations may be amended, changed or repealed in accordance with the General Statutes of the State of Connecticut.

- 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. Bioretention 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

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

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.**