

# **SUBDIVISION REGULATIONS**



## **TOWN PLAN AND ZONING COMMISSION**

**Adopted March 8, 1948  
Amended to July 8, 2014**

## SUBDIVISION REGULATIONS

These regulations shall be known as and may be cited as the Subdivision Regulations of the Town of Fairfield, Connecticut, hereinafter called the “Town”. There shall be no subdivision of land except in accordance with these Subdivision Regulations, which are under the jurisdiction of the Town Plan and Zoning Commission, hereinafter called the “Commission”.

### 1.0 PROCEDURES

1.1 Requirements for Consideration: Before the Commission shall consider any proposed subdivision, the following shall be submitted:

1.1.1 Application: A written application shall be made to the Commission by the applicant. If the applicant is not the owner of the land to be subdivided, the application shall also be signed by the owner. The application shall state the following:

- a. Date
- b. Name of applicant
- c. Addresses to which notices may be sent
- d. Title and date of map, including revisions
- e. Surveyor, and engineer if required
- f. Record owner of property
- g. Zoning District in which property is located
- h. Number of Lots
- i. Signature of applicant
- j. If the applicant is a corporation, the name and address of each officer, director and stockholder unless the corporation is publicly held in which case only the information as to officers and directors shall be submitted.
- k. If the applicant is a partnership, the name and address of each partner.
- l. Existing deed restrictions and easements affecting the property to be subdivided.

1.1.2 Fees: Fees in an amount to be set from time to time by the Commission.

1.1.3 Map: A subdivision map showing the following:

- a. Dimensions of the property to be subdivided
- b. Existing and proposed street lines, lot lines, lot numbers and appropriate lot areas
- c. Adjoining property lines and names of adjoining streets and owners
- d. Existing and proposed watercourses
- e. Existing and proposed easements or rights-of way
- f. Existing and proposed open space areas
- g. Street names
- h. Title and date
- i. North arrow
- j. HUD Flood Zone Classification
- k. A location map drawn to a scale not smaller than one (1) inch equals one thousand (1,000) feet.

1.1.3.1 The subdivision map shall be drawn to a scale not smaller than one hundred (100) feet to the inch. Ten (10) blue or black line prints shall be submitted.

1.1.4 Grading and Contour Plans: A grading and contour plan showing, in addition to the requirements of Section 1.1.3 of these Subdivision Regulations, the following:

- a. Existing and proposed contours at intervals of two (2) feet
- b. Existing and proposed storm drainage
- c. Existing utilities, private or public water supplies and private or public sewage disposal systems on site and on neighboring properties
- d. Lot dimensions and areas

- e. Principal wooded areas
- f. Existing and proposed buildings and structures
- g. Existing and proposed curbs and walks
- h. By note, the minimum zoning setback requirements.

Contours and elevations shall be based on the current National Geodetic Vertical Datum. Contours shall extend at least fifty (50) feet into property adjacent to the property to be subdivided. The grading and contour plan shall be drawn to a scale not smaller than sixty (60) feet to the inch. Plans shall not be larger than twenty-four (24) inches by thirty-six (36) inches. An index map shall be drawn on each sheet if more than one sheet is required. Ten (10) blue or black line prints shall be submitted.

1.1.5 Construction Plans: Plans and profile drawings for all roads and sanitary and storm sewers. The plans shall show the following:

- a. Existing ground surface at the centerline and both street lines
- b. Proposed road centerline profile
- c. Existing and proposed storm drains and appurtenances
- d. Existing and proposed sanitary sewers and appurtenances
- e. Detail drawings of special structures
- f. Typical road cross-section.

Elevations shall be based on the current National Geodetic Vertical datum. Plan and profile drawings shall be drawn to a horizontal scale one (1) inch to forty (40) feet and a vertical scale of one (1) inch to four (4) feet. Ten (10) blue or black line prints shall be submitted.

1.1.6 Design and Improvement Standards: All plans submitted in conjunction with subdivision application shall meet or exceed the Map Design and Improvement standards found in Section 2.0 and Section 3.0 of these Subdivision Regulations.

1.1.7 Flood Protection: All areas designated as special flood hazard areas on the Flood Insurance Rate Map shall be subject to the provisions of Section 32 of the Zoning Regulations relating to flood protection and subject to the following requirements:

- a. The subdivision shall be consistent with the need to minimize flood damage within the flood prone area;
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize and eliminate flood damage;
- c. Adequate drainage shall be provided to reduce exposure to flood hazards;
- d. All subdivisions located in a flood prone area shall include base flood elevation data.

1.1.8 Town Health Department Certification: When the subdivision is not served by public sewers or public water, the Commission shall obtain a statement from the Town Health Department certifying that the property to be subdivided and the subdivision plans are satisfactory for private sewage disposal systems and water supply systems. The report of the Town Health Department pertaining to required tests on subdivisions using private sewage and/or water supply systems shall be submitted to the Commission prior to any hearing.

1.1.8.1 Town Health Department approval shall be in accordance with the Public Health Code of the Town and State of Connecticut.

1.1.8.2 If site preparation is required in order to receive Town Health Department approval for a subdivision lot, the following procedure shall apply:

- a. Application for a foundation permit may be approved by the Town agencies upon submission of detailed sanitary disposal plans satisfactory to the Town Health Department. Said plans shall be prepared by a professional engineer licensed to practice in the State of Connecticut;
- b. The sanitary disposal permit may be issued upon completion of the foundation and site preparation of the sanitary disposal area;

- c. The dwelling may not be occupied until the subsurface sanitary disposal system is inspected and approved by the Town Health Department.

- 1.1.9 Water Supply: When in the opinion of the Town Health Department the welfare of the residents of the Town, public safety and health would best be served by the use of public water supply in the proposed subdivision, and, in the opinion of the Commission, it is practicable to do so, based on the location of the nearest extension of a Bridgeport Hydraulic Company water main, the proposed layout of streets and lots and the terrain of the subdivision, the Commission shall require the applicant to obtain public water supply to serve such subdivision. In areas served by public water supply, the applicant shall obtain a letter from the Bridgeport Hydraulic Company stating that the application has been made for water main extension and service to serve the proposed subdivision, that the Bridgeport Hydraulic Company regulations for such extension and service have been complied with and that satisfactory water supply, and pressure and service are available to serve the proposed subdivision. In lieu of such a letter the applicant shall submit satisfactory proof that adequate water supply and pressure and service are available to serve the proposed subdivision and shall place the following note on the map for filing: “Public water supply and water main extension not guaranteed by the Bridgeport Hydraulic Company at the time of approval of this subdivision.”
- 1.1.10 Connecticut Department of Transportation: Where a proposed road joins with a state highway, the applicant shall obtain a permit for such connection from the Connecticut Department of Transportation.
- 1.1.11 Easements and Deeds: Easements for sanitary storm drainage and water courses and public rights-of-way established on the map for filing shall be confirmed by written easement and deeds describing the land involved and privileges of the Town in a form satisfactory to the Town Counsel.
- 1.1.12 Traffic Report: A traffic study shall be prepared by a licensed Professional Engineer for all applications creating ten or more lots and involving street construction. A traffic study may be required for a lesser number of lots at the discretion of the Commission. Such report shall address the standards found in Section 2.0 of the Subdivision Regulations, and shall be of such character that it can be used for building purposes without danger to the public safety.

- 1.1.13 Solar Energy: The applicant shall demonstrate to the Commission that he has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of housing to the buyer, after tax credits, subsidies and exemptions. As used in this section, passive solar energy techniques mean 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: (I) house orientation; (II) street and lot layout; (III) vegetation; (IV) natural and man made topographical features; and (V) protection of solar access within the development. The provisions of this section shall not apply to a subdivision of property qualified as a Transportation/Commercial Park pursuant to Section 21.16.6 of the Zoning Regulations.
- 1.1.14 Historic Preservation: The integrity of the Town's historical resources shall be maintained through careful design of subdivision layouts and related improvements such that impacts to historic resources are minimized or eliminated. Any subdivision of land within a Historic District or including or abutting historic property within the jurisdiction of the Historic District Commission of the impact to historic resources and the appropriateness of the proposed subdivision design. This requirement shall also extend to any property identified in the Town's Architectural and Historical resource survey most recently completed. Failure of the Historic District Commission to report within forty-five (45) days of referral shall be taken as a favorable recommendation.
- 1.1.15 Other Evidence: Other evidence shall be submitted establishing that the property to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety, that proper provision will 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 will be made for protective flood control measures, that in places deemed proper by the Commission open spaces for parks and playgrounds will be established, and, if the Commission shall have adopted a Master Plan affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed principal thoroughfares shown on the Master Plan, especially in regard to safe intersections with such thoroughfares and that adequate sight lines for individual driveways have been provided.

1.1.16 Notice: The applicant shall also submit stamped envelopes addressed to each of the owners, as of the date of the application, of all properties which are subject to the application and all properties within two hundred (200) feet of any portion of such properties. Such names shall be those indicated on the most recent tax assessment list of the Town and shall include the actual owners of record where known.

1.2 Consideration of Application: After the foregoing requirements for consideration of an application have been met, the Commission shall pursue the following procedure:

1.2.1 Public Hearing: The Commission shall consider the proposed subdivision and, if it finds that the subdivision documents and data conform to the requirements of these Subdivision Regulations, the Commission may hold a public hearing on any subdivision involving five (5) or fewer lots and shall hold a public hearing on any subdivisions involving more than five (5) lots. Notice of the public hearing shall be given in accordance with the Connecticut General Statutes.

1.2.2 Approval: The Commission shall approve the proposed subdivision if it finds the subdivision map and plans and accompanying certificates, documents and data conform to the conditions and requirements of these Subdivision Regulations. Approval shall be deemed revoked ninety (90) days after the date approval is granted unless the map for filing shall have been endorsed by the Commission and filed with the Town Clerk unless extended pursuant to the Connecticut General Statutes.

1.3 Requirements for Final Subdivision Consideration: After the Commission has approved the maps and plans referred to in Section 1.1 of these Subdivision Regulations, the applicant shall submit to the Commission a final subdivision map for filing in the Town Clerk's Office. Such map for filing shall show, in addition to the requirements of Section 1.1.3 of these Subdivision Regulations, the following:

- a. Lot dimensions with all angles or bearings. Distances shall be to the nearest one hundredth (1/100) of a foot. Angles and bearings shall be to the nearest ten (10) seconds. Where the boundary follows an irregular line, a tie line shall be shown in order to "close" the lot;
- b. Lot areas;
- c. Curve data including the central angle, radius and arc distance of all tangential curves. If the curves are not tangential, sufficient data shall be provided in order to close the lot or parcel shown.
- d. Graphic scale
- e. Existing and proposed monument locations;



- f. Error of closure, which shall be one in five thousand or better;
- g. The relationship of the proposed subdivision and streets to monuments, Town and State Highways and to abutting properties:
- h. The words “Approved by the Town Plan and Zoning Commission” with a designated place for the signature of the Chairman or Secretary and date of signing.

1.3.1 Final Submitted Maps and Plans: All final plans shall be submitted on materials conforming to the requirements of the Connecticut General Statutes. The number and sizes shall be as follows:

- a. Subdivision Plan - Two (2) copies either twelve (12) inches by eighteen (18) inches or twenty-four (24) inches by thirty-six (36) inches;
- b. Grading and Contour Plan - one (1) copy either twelve (12) inches by eighteen (18) inches or twenty-four (24) inches by thirty-six (36) inches;
- c. Construction Plans and Profile - one (1) copy either twenty-two (22) inches by thirty-six (36) inches or twenty-four (24) inches by thirty-six (36) inches;
- d. Scales on all of the foregoing shall conform to the requirements of Sections 1.1.3, 1.1.4 and 1.1.5 of these Subdivision Regulations.
- e. One copy of the subdivision plan at a scale of one inch equals one hundred feet (1” = 100”).

1.3.2 Map Endorsement Security for Completion of Improvements: The Commission shall not endorse the map to permit filing with the Town Clerk until after the actual completion of the subdivision improvements in accordance with the plans as approved or until the applicant files with the Commission either, (a) cash or savings account passbook or certificate in such amount as the Commission deems sufficient, or b) a first mortgage in favor of the Town for the entire property to be subdivided in such form as the Commission may require. No such mortgage shall be accepted by the Town until the applicant shall have filed with the Commission a certificate of title to the property with a full report of title on the property to be mortgaged. Such mortgage shall be conditional on the substitution of a cash or equivalent bond prior to commencement of subdivision improvements and the following note shall be placed on the final map:

“No actual subdivision improvements will be made until such time as a cash or equivalent bond has been posted in substitution of the mortgage security.”

Such bond shall be conditioned upon the completion of the subdivision improvements within such time as the Commission prescribes and in accordance with the plans as approved.

1.3.3 Filing: The subdivision map and easements shall be filed with the Town Clerk by the Commission at the expense of the applicant.

1.3.4 Security Release: If security is given for completion of improvements, and thereafter the work is substantially completed as evidenced by an interim inspection report of the applicant, the Commission in its discretion may release not more than fifty (50) percent of the original amount of value of such security. The release of the remainder shall be conditioned upon the following:

1.3.4.1 Further written request:

1.3.4.2 A public hearing with notice that such release has been requested, which notice shall be published in accordance with the requirements of Section 3.3 of the Zoning Regulations, and shall identify the site, the name of the applicant and the amount of the remainder of the security sought to be released;

1.3.4.3 A post construction survey by a registered land surveyor licensed to practice in the State of Connecticut establishing the final location and grades of all required improvements within the street lines and with all easements and such other matters as shall be required by the Town Engineer, and approved by the Town Engineer; and

1.3.4.4 A further written inspection report of the Town Engineer.

## 2.0 MAP DESIGN STANDARDS

2.1 Streets: Streets shall be planned in such a way as to provide a safe and convenient road system for present and prospective traffic.

2.1.1 Classification of Streets: All streets shown on the subdivision map shall be classified by the Commission as follows:

2.1.1.1 Major Thoroughfares: The Commission shall classify a street which is a traffic artery between large areas of the Town and on which through traffic will be dominant as a major thoroughfare.

2.1.1.2 Secondary Thoroughfares: The Commission shall classify a street which supplements the major thoroughfare system and is primarily a means of travel between this system and smaller areas or among smaller areas and on which through traffic is somewhat dominant as a secondary thoroughfare.

- 2.1.1.3 Local Streets: The Commission shall classify a street which primarily provides access to abutting properties as a local street.
- 2.1.1.4 Private Streets: In Residence “AAA” and “AA” Districts and in a subdivision within a Transportation/Commercial Park qualified pursuant to the Provisions of Section 21.16.6 of the Zoning Regulations the Commission may classify a street as a private street upon request of the applicant and upon receipt of a signed acknowledgment from the applicant that the Town is not expected to accept the private street for public maintenance. The Commission may classify a street as a private street only in unusual circumstances where conditions of the land to be subdivided and the adjoining neighborhood would make a private street especially appropriate and where the proposed street will provide only the same traffic service as a local street and will not be an essential link in a safe and convenient system for traffic service as a local street and will not be an essential link in a safe system for traffic circulation in the surrounding area. Any private street thus approved by the Commission shall be so designated on the map for filing.
- 2.1.1.5 Rear Lot: A rear lot is a lot which does not have frontage on an improved public street or which, if it does have such frontage, is not of such shape that some portion of the required square on the lot is located within the area required for setback from a street line. Rear lots, as defined herein, shall be permitted only in Residence “AAA” and “AA” and in a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations.
- 2.1.1.6 Private Accessway for Rear Lot: The term accessway shall mean a private way for vehicular traffic serving no more than a single interior residential lot. When, in the opinion of the Commission, the twenty (20) foot accessway to a rear lot is sufficiently distant from a public street to make fire protection or any other public service to the homesite difficult without entry upon such accessway, then the accessway shall be graded in accordance with a construction plan and profile approved by the Town Engineer. Said accessway shall be constructed in accordance with Section 3.3.1 and 3.3.2 of these Subdivision Regulations, except that the sub-base shall be considered the surface course and shall be ten (10) inches thick and laid in one course. Such improvements shall be made along the entire length of the accessway and shall be at least sixteen (16) feet in width.

- 2.1.2 Street Width: Streets shall have the following minimum width according to their classification:
- 2.1.2.1 Major thoroughfares: Sixty (60) feet;
  - 2.1.2.2 Secondary thoroughfares: Sixty (60) feet;
  - 2.1.2.3 Local streets: Fifty (50) feet;
  - 2.1.2.4 Private street: Twenty (20) feet to serve one (1) building lot; thirty (30) feet to serve no more than six (6) building lots; and fifty (50) feet to serve more than six (6) building lots. In a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations a Private Right of Way as defined in Section 21.16.10.1 of the Zoning Regulations having a minimum paved width of twenty-four (24) feet may serve no more than seven (7) building lots.
- 2.1.3 Street Alignment: The minimum radius of curvature at the center line of streets to be dedicated to the Town shall be as follows:
- 2.1.3.1 Major thoroughfares: One thousand eight hundred (1,800) feet;
  - 2.1.3.2 Secondary thoroughfares: Six hundred (600) feet;
  - 2.1.3.3 Local streets: One hundred and fifty (150) feet.
- 2.1.4 Intersections: The following standards shall apply to street intersections:
- 2.1.4.1 No more than two (2) thoroughfares shall intersect at any one point;
  - 2.1.4.2 Major thoroughfares, secondary thoroughfares, and local and private streets intersecting such thoroughfares shall not intersect at an angle of less than eighty-five (85) degrees. No local or private street shall intersect another local street at an angle of less than forty-five (45) degrees. It is desirable that all streets intersect at right angles;
  - 2.1.4.3 Intersecting street lines of major thoroughfares, secondary thoroughfares and local and private streets intersecting such thoroughfares shall be rounded at the corner with a minimum radius of twenty (20) feet. Intersecting local street lines, and private street lines intersecting such thoroughfares shall be rounded at the corner with a minimum radius of fifteen (15) feet;
  - 2.1.4.4 Safe and adequate sight lines for the particular conditions as determined by the Town Engineer shall be provided.

- 2.1.5 Relation to Adjoining Areas: Proposed local streets shall be planned to discourage through traffic and to provide a safe and convenient system for present and prospective traffic in the area surrounding the proposed subdivision. Proposed major thoroughfares and secondary thoroughfares shall be planned to provide for continuation of existing streets in adjoining areas with an alignment in accordance with the standards provided herein and for proper projection into adjoining properties shall be carried to the boundary line; no reserve strips shall be permitted.
- 2.1.6 Cul-de-sacs: Cul-de-sacs are streets closed at one end and which will not be extended in the future. No such street shall provide sole frontage to more than ten (10) building lots nor shall any such street provide sole frontage to less than three (3) building lots.
- 2.1.7 Turnarounds: A turnaround with a minimum radius of fifty (50) feet and a paved area with a radius of forty-five (45) feet shall be provided at the closed end of all public cul-de-sac streets and all private cul-de-sac streets with a right-of-way of fifty (50) feet or more. Deadend streets which are to be projected into adjoining property at some future date and which provide sole access to one or more building lots shall be provided at the closed end with a turnaround with a minimum radius of forty (40) feet. Land for a turnaround on a public deadend street which will at some future date be projected into adjoining property may be provided in the form of an easement to the Town which shall contain a condition for an automatic termination of the easement upon extension of the street. Pavement for the temporary turnaround shall be removed by the subdivider of the adjoining property upon the termination of the temporary turnaround easement and as a condition of the projection of the street into the adjoining property. Such subdivider shall install curbs and sidewalks and shall loam and seed the disturbed area of the adjoining property upon the termination of the temporary turnaround easement.
- 2.1.8 Street Names: Streets shall bear names which do not duplicate or too closely approximate in spelling or sound like existing street names in the Town or in any adjacent towns.
- 2.1.9 Monuments: Three (3) monuments, preferably on a tangent and with an unobstructed line of sight between them, shall be provided for each one thousand (1,000) feet of street and shall be spaced not less than two hundred (200) feet apart. The location of monuments shall be subject to the approval of the Town Engineer.
- 2.1.10 Existing Streets: A proposed subdivision abutting an existing Town street shall provide for proper construction and widening of said street to fifty (50) feet or to to a greater width depending upon the classification given said street by the Commission. The Commission may modify this requirement in its discretion.

- 2.1.11 Street Lines: Street lines on each side of a proposed street shall be parallel or shall be concentric arcs.
- 2.2 Easements: Easements, fifteen (15) feet in width, shall be provided for storm water and sanitary sewer pipes which will not be installed in public streets. Easements shall also be provided for the full width of the channel of established water courses, brooks, streams and rivers.
- 2.3 Open Space: Each plan of subdivision or resubdivision of a tract or parcel(s) of land which equals or exceeds four (4) acres or proposes five (5) or more lots shall provide for the dedication of space for parks, playgrounds, recreational areas, or open space. Land to be dedicated hereunder shall not be less than ten (10) percent of the total area of the subdivision. In determining the total area of the subdivision, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy, or option to buy, by the subdivider. The Commission, at its discretion, may require open space dedication for subdivisions of less than four (4) acres and fewer than five (5) lots if such property is adjacent to existing open space, park, or recreational land and such dedication can accomplish one or more of the objectives of Section 2.3.1.
- 2.3.1 Open Space Objectives: Land to be dedicated under this section shall be an integral part of the subdivision and shown on the subdivision map and chosen on the basis that it has suitable access, shape, dimension, character, location, and topography to accomplish one or more of the following purposes:
- 2.3.1.1 To promote the Town's Master Plan and other adopted open space and recreation plans for the Town
  - 2.3.1.2 To provide greenbelts, hiking and bridle trails connecting existing parks, trails, and open spaces
  - 2.3.1.3 To preserve land as undeveloped open space which preserves the appearance, character, and natural beauty of an area
  - 2.3.1.4 To preserve land for park and recreation purposes
  - 2.3.1.5 To preserve land for the purpose of conserving natural resources
  - 2.3.1.6 To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest
- 2.3.2 Wetlands: The Commission may require that the percentage of land within the proposed dedicated open space, which is wetlands or watercourses, be no greater than the percentage of land within the entire subdivision which is wetlands or watercourses.

2.3.3 Disposition: The applicant shall propose the manner in which the open space shall be preserved; however, the method or combination of methods used to preserve and dispose of open space shall be solely at the discretion of the Commission and may include but is not limited to, the following options:

2.3.3.1 Transfer to the Town, subject to the requirements of Section 2.3.4

2.3.3.2 Transfer to a Land Trust, or other not for profit corporation, subject to the requirements of Section 2.3.4

2.3.3.3 Transfer to an association of property owners, subject to the requirements of Section 2.3.4 and to the following:

2.3.3.3.1 The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the Open Space to be transferred to an association of property owners. Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to, the following:

1. Creation of the association or corporation prior to the sale of any lot.
2. Mandatory membership in the association by all original lot owners and any subsequent owners; non-amendable bylaws, or other restrictions which require the association to maintain the land reserved for Open Space, park, and playground purposes, with power to assess all members for all necessary costs.
3. Provisions/restrictions which will be perpetual and binding on all future property owners and will not be affected by any change in land use.
4. The association or corporation shall have the power to assess and collect from each lot owner a specified share of and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep, and insurance of the Open Space.
5. Any deed of conveyance shall contain language providing the association with the right to obtain reimbursement for all action to enforce its rights against any lot owner in which the association is the prevailing party.

6. Association's documents shall provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

Any Open Space covenants or restrictions shall be subject to the approval of the Commission in form and content. After review by the Town Attorney and approved by the Commission, said document shall be filed by the subdivider in the Office of the Town Clerk.

- 2.3.4 Transfer: In each case the transfer of land shall be conditioned on the grantee's observance of one or more of the open space objectives in Section 2.3.1

Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted in triplicate with the final subdivision map to be endorsed and filed. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the R.T.M. In the event that acceptance is rejected by the R.T.M., the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

- 2.3.5 Alteration of Open Space: Prior to its transfer, any excavation, filling, re-grading, or other alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon; or any paving or surfacing of Open Space subsequent to the date of approval of the Subdivision, other than work required by the plans as approved; shall require an amendment to the Subdivision approval granted in accordance with the applicable Sections of these Regulations.



- 2.3.6 Boundary Lines: The boundary lines of all Open Space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed Subdivision and at such other points as may be required by the Commission to ensure identification in the field.
- 2.3.7 Site Improvements: The Commission shall have the right to require subdivider to make site improvements such as clearing, grading, drainage, seeding and parking where active parks, playground, or hiking trails are deemed appropriate. Where such improvements are required, the work shall be completed or fully bonded prior to recording the final subdivision map on the Land Records.
- 2.3.8 Payment Of Fee In Lieu Of Open Space: The Commission may require a subdivider to pay a fee to the Town in lieu of the disposition of land by one of the methods set forth in Section 2.3.3 herein above. Such fee may be required by the Commission, if and when it determines in its sole discretion, that there are inadequate areas in the subdivision which merit preservation by one of the methods set forth in Section 2.3.3, or that there are other areas in the town where preservation would be more beneficial to the public health, safety, and welfare. In the event that such fee is required by the Commission, such payment 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. The fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund.

Such fund shall be used solely for the purpose of preserving Open Space, the acquisition of land for Open Space, or for recreational or agricultural purposes. The said payment obligation shall be secured in a manner acceptable to the Commission.

- 2.3.9 PRELIMINARY REVIEW: Prior to submission of a formal application, the subdivider shall submit a preliminary subdivision plan to the Commission for a recommendation as to whether open space dedication or payment of a fee would be particularly appropriate for the proposal. The Commission may seek input from other agencies to aid in its review. Such recommendation shall be non-binding on the Commission's final action as the subdivision application.
- 2.3.10 EXEMPTIONS: This Section (Section 2.3) shall not apply to Open Space Subdivisions (in which case Section 26.0 of the Zoning Regulations shall apply) or to those subdivisions and transfers exempted by Section 8-25 of the Connecticut State Statutes, and shall not apply to a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations.

- 2.4 Lot Size and Arrangement: The area of the proposed lots shall conform to the Zoning Regulations and shall be such shape, size and location that buildings can be constructed in conformity with the requirements of the Zoning Regulations. The lots shall be of such character that they can be used for building purposes without danger to the health and safety of the public or the occupants.
- 2.5 Pedestrian Easements: In areas where the proposed street system does not conform to the anticipated pattern of pedestrian circulation, particularly in the vicinity of schools and recreational areas, the Commission may require provision for ten (10) feet easements for the establishment of pedestrian ways.
- 2.6 Nonconformity: No lot of land shall be subdivided, sold, encumbered or transferred so as to make a lot nonconforming or more nonconforming, to make any use, building or other structure nonconforming or more nonconforming, to reduce any setback, yard, court, open space or off-street parking and loading spaces to fewer than is required by the Zoning Regulations or to make any nonconforming setback, yard, court, open space or off-street parking and loading spaces more nonconforming.
- 2.7 Inclusionary Zoning: Each plan of subdivision or re-subdivision of a tract or parcel(s) of land that involves the development of ten (10) or more dwelling units shall include provisions to set aside not less than ten percent (10%) of said units as below market rate units, affordable to households earning not more than eighty percent (80%) of the area median income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA). In determining the total number of units of any subdivision, the Commission may consider not only the tract or tracts of land to be immediately subdivided but also any other adjacent tract or tracts owned, controlled or under agreement to buy, by the subdivider. BMR units provided under this Section shall be subject to the additional standards and requirements provided in Section 10.17.

### 3.0 IMPROVEMENTS:

3.1 General: All improvements shall be planned and constructed as provided herein and shall be subject to the approval of the Town Engineer as provided in Sections 1.1.4 and 1.1.5 of these Subdivision Regulations. Construction shall be carried on only under the supervision of the Town Engineer or Director of Public Works.

3.2 Street Design: Streets shall be designed in accordance with the following standards

3.2.1 Width of Pavements: Streets shall be paved to the following width:

3.2.1.1 Major Thoroughfares: Forty (40) feet;

3.2.1.2 Secondary Thoroughfares: Thirty-six (36) feet;

3.2.1.3 Local Streets: Thirty (30) feet except that upon referral to the Town Engineer and the approval of the Commission the width may be reduced to twenty-four (24) feet.

3.2.1.4 Private Streets: Thirty (30) feet in rights-of-way having a width of fifty (50) feet or more except that upon approval of the Commission the width may be reduced to twenty-four (24) feet; twenty (20) feet in rights-of-way serving four (4) to six (6) lots; and sixteen (16) feet in rights-of-way serving two (2) or three lots. In a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations a Private Right of Way as defined in Section 21.16.10.1 of the Zoning Regulations may have a minimum paved width of twenty-four (24) feet.

3.2.1.5 Turnarounds: Forty-five (45) feet in the case of all public roads and private roads with rights-of-way having a width of fifty (50) feet or more; and forty (40) feet in private streets having less than a fifty (50) foot right-of-way, except that the Commission in its discretion may require a landscaped island in the center of such turnaround.

3.2.2 Grade: Streets should in general follow the contours of the land. The minimum grade for any street shall be eight-tenths of one (1) percent (.8%) and the maximum grade shall not exceed the following:

- 3.2.2.1 Major Thoroughfares: Three (3) percent, except that a major thoroughfare servicing a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations, the maximum grade shall not exceed four (4%) percent.
- 3.2.2.2 Secondary Thoroughfares: Six (6) percent
- 3.2.2.3 Local Streets: Ten (10) percent except upon approval of the Commission such grade may be increased to twelve (12) percent in unusual circumstances.
- 3.2.2.4 Grades at Intersection: Gradients at street intersections shall be as flat as practicable on those sections to be used as storage space for stopped vehicles, but in no case shall such intersecting gradients be greater than six (6) percent.
- 3.2.3 Vertical Curves: Appropriate vertical curves shall be established on all streets to insure minimum sight distance of two hundred twenty five (225) feet.
- 3.2.4 Cross Section: All pavements shall be crowned with a minimum cross slope of one-quarter (1/4) of an inch per foot and a maximum cross slope one-half (1/2) inch per foot from the centerline of the pavement to the edge of the pavement. At the edge of the pavement a minimum “rise” of six (6) inches shall be provided. Said “rise” may be earth or a concrete or bituminous concrete curb where required or appropriate. A sidewalk area of a minimum width of ten (10) feet shall be graded from the edge of the pavement, provided that the Commission in its discretion may reduce such minimum width where appropriate. The sidewalk area shall be graded at a minimum upward slope of one-quarter (1/4) inch per foot from the top of the “rise” to its outer edge. The area outside the sidewalk area shall be graded at a maximum slope of one (1) on one and one-half (1 1/2). On private streets or where approved by the Town Engineer, the sidewalk may be reduced to five (5) feet.
- 3.2.5 Elevation: The center line elevation of the pavement shall be seven and one-half (7.5) feet or higher based on current National Geodetic Vertical Datum of 1929.

- 3.3 Street Construction: Streets shall be constructed in accordance with the following standards and procedures:
- 3.3.1 Sub-Grade: All soft, yielding organic material and other portions of the sub-grade which will not compact readily shall be removed to a minimum depth of nineteen (19) inches below the finished grade of the pavement for the full width of the pavement. The sub-grade shall be thoroughly compacted. All holes or depressions below the subgrade made by the removal of unsuitable material in courses not to exceed twelve (12) inches. Each course shall be thoroughly compacted with a roller having a rating of not less than ten (10) tons.
- 3.3.2 Sub-base: The sub-base shall consist of two (2) courses for the entire pavement width. The lower course shall be six (6) inches thick and the upper course shall be six (6) inches thick. Both courses shall consist of bank run gravel. Such bank run gravel shall meet the following gradation requirements. One hundred (100) percent passing a four (4) inch sieve; not more than sixty (60) percent passing a one-quarter (1/4) inch sieve; not more than forty-five (45) percent passing a one eighth (1/8) inch sieve; not more than fifteen (15) percent passing a forty (40) mesh screen; and not more than five (5) percent passing a two hundred (200) mesh screen. Each such course shall be thoroughly compacted with a roller having a rating of not less than ten (10) tons.
- 3.3.3 Base Course: After the sub-base course has been laid and compacted and uniformly graded with a blade grader, a base course of processed aggregate, meeting the standard specifications for roads and bridges as published by the Connecticut Department of Transportation, shall be laid. Such base course shall be four (4) inches thick after compaction with a roller having a rating of not less than ten (10) tons.
- 3.3.4 Surface Course: Bituminous concrete surfacing for streets shall be laid in two courses one and one-half (1 1/2) inches thick after compaction with a roller having a rating of not less than ten (10) tons. Each course shall be rolled and compacted to form a smooth dense surface. The first course, the binder course, shall consist of Class I bituminous concrete mix and the second course, the surface course, shall consist of Class II bituminous concrete mix and shall be prepared, transported and spread in accordance with the specifications of the Connecticut Department of Transportation. No bituminous materials shall be placed when the temperature is below forty (40) degrees Fahrenheit; when there is any sign of frost or excess moisture in the foundation; or when the temperature of the bituminous mixture is below two hundred and fifty (250) degrees Fahrenheit. Further, no bituminous material shall be placed between December 1 and March 31 unless authorized by the Town Engineer in writing.

- 3.3.5 Procedure: Line and grade stakes shall be set at intervals of not more than fifty (50) feet, and shall be maintained in good order during construction and until the pavement has been inspected and approved by the Town Engineer. The Town Engineer shall be notified forty-eight (48) hours before gravel is placed on the subgrade and forty-eight (48) hours before the first course of pavement is laid. No street shall be opened or used for travel until it has been inspected and approved by the Town Engineer.
- 3.4 Storm Drainage Design and Construction: Storm drainage shall be provided in all streets serving more than six (6) lots. Storm drainage in streets serving two (2) to six (6) lots may be required at the discretion of the Town Engineer. Where a private street joins an existing or proposed public street, adequate provision must be made to collect storm water from the private street.
- 3.4.1 Design: The minimum criteria for the design of all storm drainage systems shall be the twenty-five (25) year storm. Such design shall take into consideration the potential development impact from the entire watershed area where applicable. Storm drainage shall be designed to achieve no net increase in peak flow runoff for storms with a ten (10) year return and higher unless otherwise approved by the Town Engineer.
- 3.4.1.1 Pipe: Storm water pipe shall be installed in a continuous line for the entire length of all streets to be dedicated to the Town and to carry existing water courses within the subdivision. If, in its judgment, there will be no substantial danger from soil erosion or a danger to the public health and safety, the Commission may permit the discharge of rivers and large streams in their natural courses and may permit the discharge of storm water and established water courses in open ditches across proposed lots one (1) acre or larger. All pipes and ditches shall be of such size as will in the judgment of the Town Engineer be sufficient to property carry storm water expected to enter the pipe from the proposed subdivision and from other properties when developed which normally drain across the area of the proposed subdivision. Such pipe shall not be less than fifteen (15) inches in diameter and laid with a minimum slope of four-tenths (4/10ths) percent unless otherwise approved by the Town Engineer.
- 3.4.1.2 Manholes: Manholes shall be provided at each change in direction or grade of the pipe and shall not be spaced more than three hundred (300) feet apart.
- 3.4.1.3 Catch Basins: Catch basins shall be provided in order that surface water will not travel without interception more than three hundred (300) feet.

- 3.4.1.4 Discharge: The discharge of all storm water shall be into suitable streams or rivers or into Two drains with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant.
- 3.4.2. Construction: The storm drainage system shall be constructed in accordance with the following standards and procedures:
  - 3.4.2.1 Pipe: All pipe used shall be of reinforced concrete meeting Class IV specifications of the Connecticut Department Of Transportation.
  - 3.4.2.2 Joints: The joints of all pipe shall be shoved tight. Pipe laid in sandy, silty or other soil, in which, in the judgment of the Town Engineer, there is danger of washing or cave-in, shall have joints thoroughly sealed with 1.3 concrete mortar.
  - 3.4.2.3 Catch Basins and Manholes: Catch basins and manholes shall be constructed in accordance with the plans of the Town Department of Public Works.
  - 3.4.2.4 Construction Procedure: All pipes shall be laid to line and grade as shown on the approved plan and profile drawings. Sufficient line and grade stakes shall be set and maintained until work has been inspected and approved by the Town Engineer.
  - 3.4.2.5 Backfill: No pipe shall be backfilled until inspected and approved by the Town Engineer. Backfill around pipes shall be of fine granular material thoroughly tamped and compacted to a height of one-half (1/2) the diameter of the pipe. The remaining trench shall be backfilled and compacted in layers not in excess of two (2) feet with bank run gravel of the same requirements as in Section 3.3.2 of these Subdivision Regulations.
- 3.5 Sanitary Sewers: The subdivider shall install sanitary sewers in or near areas served by Town sanitary sewers. Plans shall be submitted to and approved by the Town Sewer Commission and the installation of sanitary sewers shall be in accordance with the design standards of the Town sanitary sewer system. No house connections shall be installed except in accordance with the regulations of the Town Sewer Commission.
- 3.6 Special Structures: Plans for bridges, retaining walls, box culverts, deep manholes, detention ponds, weirs, headwalls and other special structures shall be subject to the approval of the Town Engineer.

- 3.7 Monuments: Monuments shall be built of reinforced concrete having a twenty eight (8) day compressive strength of four thousand (4,000) psi: there shall be a minimum of four (4) inches square at the top and six (6) inches square at the bottom. They shall be three (3) feet long with a one-eighth (1/8) inch bronze rod inserted at the top and set on the street line. If the monuments cannot be located as required on the final plan, the Town Director of Public Works may allow centerline pins placed opposite proposed monument sites. Centerline pins are to be three-quarters (3/4) of an inch diameter steel rods two (2) feet long, driven to one half (1/2) of an inch below finished road surface. Location of pins shall be subject to approval by the Town Department of Public Works.
- 3.8 Guard Posts: Guard posts shall be installed along all streets to be dedicated to the Town where there will be an embankment with a depth of four (4) feet or more within twenty (20) feet of the proposed pavement. Treated or cedar guard posts shall be spaced four (4) feet on center and shall have a minimum tip diameter of five (5) inches and a minimum length of seven (7) feet with three and one half (3.5) feet set in ground.
- 3.9 Street Trees: Trees shall be planted on both sides of any street. Trees shall be spaced dependent on species, approximately thirty (30) to fifty (50) feet apart, subject to variation made necessary by driveways, street corners and walks, and shall be located a minimum of eight (8) feet from the edge of the pavement or as otherwise recommended by the Tree Warden. Trees to be planted shall be a minimum of two and one-half (2 ½) inches caliper measured six (6) inches above the root flare and shall be of a height that is suitable and appropriate for the location. The kind of tree and the manner and conditions of planting shall be in accordance with standards set forth by the American National Standards Institute, Inc., (ANSI). Invasive or potentially invasive plants listed by the Connecticut Invasive Plants Council pursuant to Section 22a-381b of the Connecticut General Statutes are prohibited. Planting of street trees shall be subject to approval and oversight by the Town of Fairfield, Department of Public Works and Town Tree Warden. Street trees shall not include evergreen trees, low branching trees, trees which are disease bearing or cause damage to utilities or create a traffic hazard, or trees that will otherwise cause or be likely to cause harm to the natural environment or human health. Planting or removal of any tree or shrub on any Town of Fairfield property or right-of-way shall require a permit from the Town Tree Warden pursuant to Section 23-59 of the Connecticut General Statutes. Where street trees may interfere with utility poles and wires, the Town Tree Warden may permit the location of required trees within the front ten (10) feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees.



- 3.10 Sidewalks: All public sidewalks shall comply with the requirements of the most recent Americans with Disabilities Act (ADA) standards, which include requirements for sidewalk widths, grades, locations, markings, surface treatments and curb ramps. Sidewalks shall be installed along all new streets in Residence “A”, Residence “B”, Residence “C” and all Designed Business and Designed Industrial Districts and in pedestrian easements. In other Districts the Commission may require the installation of sidewalks in places deemed desirable by the Commission. Sidewalks shall be a minimum of five (5) feet in width if set back at least two (2) feet from the curb, or six (6) feet if at the curb face and shall be located within the street line, the back edge abutting the street line. Additional sidewalk width of six (6) to ten (10) feet may be required by the Commission for areas of higher pedestrian traffic areas at the direction of the Commission. Sidewalk widths shall be defined by a clear pedestrian pathway free of any obstructions. The Commission may adjust the aforesaid requirements to particular circumstances of lot lines, topography, soil conditions, and site design consistent with sound engineering judgment while preserving the purpose and intent of such requirements. The sidewalk shall be laid on a six (6) inch compacted bank run gravel base and shall be constructed of three (3) percent air-entrained concrete, four (4) inches thick, having a twenty-eight compressive strength of four thousand (4,000) pounds psi and one-half (1/2) inch expansion joints with pre-molded fillers, set one-quarter (1/4) inch below finished surface, spaced every twenty (20) feet and jointed in sections, equal to the width. The surface shall be floated with a wooden float to produce an even gritty finish. Surface edges shall be rounded to a radius of one-half (1/2) inch. At street intersections, sidewalks shall be laid to the curb, with provision for handicap ramps.
- 3.11 Curbs: Concrete curbs shall be constructed along the edge of any new street pavement in Residence “R-3”, Residence “R-2”, Residence “A”, Residence “B”, Residence “C”, and all Designed Business and Designed Industrial Districts. Concrete curbs shall also be constructed along the edge of any new street pavement in Residence “AAA” and Residence “AA” Districts with grades in excess of five (5) percent. Concrete curbs shall be constructed of three (3) percent air-entrained concrete with minimum twenty-eight (28) day compressive strength of four thousand (4,000) pounds psi and shall be eight (8) inches wide at the bottom, six (6) inches wide at the top and twenty (20) inches in overall height, with six (6) inches of such height exposed above the ground and the batter set to the roadway edge. Such concrete curbs shall be constructed with one-half (1/2) inch expansion joints of pre-molded material every thirty (30) feet and construction joints every ten (10) feet. The top corner of the face of the curb shall be rounded to a radius of one-half (1/2) inch. The surface shall slope smoothly at driveway approaches.

- 3.12 Authorization of Construction: Construction and installation of roads, drainage and other subdivision improvements required by these Subdivision Regulations shall not be started until the proposed subdivision has received the approval of the Commission and all of the conditions of the approval have been met with been met with the exception of completion of improvements or posting of security to guarantee such completion. Prior to the start of construction the Town Engineer is to be notified in writing.
- 3.13 Excavation and Fill: All land excavation and filling within a subdivision shall be subject to Section 24 of the Zoning Regulations.
- 3.14 Driveways: Each lot in a subdivision shall be provided with a driveway apron. The apron shall extend from the edge of the paved portion of the road to the street line. In Residence “AAA”, Residence “AA”, and Residence “R-3” Districts, the apron shall be constructed of two (2) inch bituminous concrete pavement after compaction. The bituminous concrete shall meet the specifications of Section 3.3.4 of these Subdivision Regulations. In all other Districts, the apron shall be constructed of three (3) percent air-entrained concrete having a twenty-eight (28) day compressive strength of four thousand (4,000) pounds psi. The concrete shall be six (6) inches thick in Residential Districts and eight (8) inches thick in Designed Residence, Designed Business, Designed Research and Designed Industrial Districts and shall be reinforced with six (6) inch square number ten (10) gauge wire fabric. Both the bituminous concrete and reinforcement concrete aprons shall be laid on a six (6) inch thick bank run gravel base meeting the specifications of Section 3.3.2 of these Subdivision Regulations.
- 3.15 Grass Area: The area between the edge of pavement or the curb and the property line or the sidewalk, as well as cut on filled slopes outside the street line, shall be provided with a minimum depth of four (4) inches of top soil, fertilized and seeded with a good quality seed and mulched if necessary. The provisions of this section shall not apply to a subdivision within a Transportation/Commercial Park qualified pursuant to the provisions of Section 21.16.6 of the Zoning Regulations, which otherwise shall have an approved Landscaping plan submitted and approved pursuant to the provisions of Section 21.16.9 of the Zoning Regulations.
- 3.16 Utilities: Underground utilities shall be required in all subdivisions involving street construction. (Effective 5-14-93)

#### 4.0 CONDITIONS FOR VARIANCE

The Commission, upon written request from the applicant, by a three-quarters (3/4) vote of all members, may modify or vary specific requirements herein with respect to a subdivision where owing to conditions especially affecting such subdivision a literal enforcement of these Subdivision Regulations would result in practical difficulty and unusual hardship, so that substantial justice will be done and the purpose and intent of these Subdivision Regulations secured. No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety.

#### 5.0 EFFECTIVE DATE

These regulations shall become effective on the date of adoption.