CANTON
Subdivision Regulations

Prepared for the
CANTON PLANNING AND ZONING COMMISSION
Town of Canton, Connecticut

Effective
March 12, 2019
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1. **INTRODUCTION**

1.1. **Preamble**

In accordance with the authority granted under Section 8-25 of the CGS, the Town of Canton Planning & Zoning Commission (PZC) adopts the following regulations controlling the subdivision of land in Canton.

1.2. **Title**

These regulations shall be known as, and may be cited as, the “Canton Subdivision Regulations”, and may be herein cited as “these Regulations.”

1.3. **Purpose**

These Regulations are developed and promulgated for the purpose of promoting and protecting the general welfare, health, and public safety, providing for the orderly growth of the Town of Canton, the incorporation and integration of each new subdivision into the community and the land surrounding it, providing and connecting of open spaces and conservation lands, the appropriate and thoughtful continuation and construction of streets, drainage, sewerage, and other facilities in the Town of Canton, protecting property values, and delivering upon the vision and goals of the Town of Canton Plan of Conservation & Development (POCD).

1.4. **Objectives**

The objectives of these Regulations are to provide for a flexible, sensible approach for the division and design of land while pursuing the conservation and protection of naturally, and culturally significant features and resources within the Town. In reviewing proposed subdivisions, several specific objectives will be considered, including:

- 1.4.A. That the size and intensity of the subdivision and its effects will be in harmony with the goals of the POCD;
- 1.4.B. That proposed roads are safe and in harmony with existing street network;
- 1.4.C. Provision for a variety of housing options and connectivity for pedestrian and non-motorized transportation;
- 1.4.D. The obstruction of light and air, emission of offensive quantities of pollutants, odors, and noxious effluents are to be avoided;
- 1.4.E. Adequate provision is made regarding potable water, the appropriate management and disposal of wastewater, the generation and handling of stormwater drainage, and providing erosion and sedimentation control and avoiding harmful effects from erosion or sedimentation;
- 1.4.F. The existence of unusual topography, slope, rock outcrops or significant natural resources are factored into design decisions, and the applicability of such land for building and improvement purposes is properly considered; and
- 1.4.G. Flood control measures, as appropriate, are incorporated into design.

These Regulations are adopted under the authority of Chapter 126 of the Connecticut General Statutes (CGS), as amended (CGS Section 8-1 et seq.).
1.5. Administrative Provisions

1.5.A. SEPARABILITY

If any provision of these Regulations is ruled by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

1.5.B. EFFECTIVE DATE

These Regulations and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the CGS.

The effective date of these Regulations is February 5, 2019.
2. DEFINITIONS

2.1. Use of Terms

2.1.A. DEFINITIONS TO BE APPLIED

For the purposes of these Regulations, the terms, phrases and words used in these Regulations shall be construed as defined in this section, and as defined in Section 2 of the Zoning Regulations, unless the Commission finds that the term, phrase, or word is otherwise clearly qualified by its context.

2.1.B. GENERAL TERMINOLOGY

When consistent with the context, the following rules apply:

1. The word “shall” is mandatory.
2. The word “may” is permissive.
3. Words used in the present tense include the future and vice versa.
4. Words in the singular include the plural and vice versa.
5. Words in the masculine include the feminine, neuter and vice versa.
6. The words “parcel”, “property”, “lot”, “plot”, and “premises” have the same meaning.
7. The words “zone”, “zoning district”, and “district” have the same meaning.
8. The words “used for” include “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for”.
9. The word “person” includes “individual”, “corporation”, “partnership”, “limited liability company”, “incorporated association” or any other similar entity.
10. The word “or” shall be interpreted to encompass both the inclusive and exclusive comparison of the associated terms or phrases, (i.e. to be equivalent to the common term “and/or”), unless such interpretation is inconsistent with the obvious intent of the encompassing provision, or the word “or” is singularly emphasized by using a bold, italicized font, in which case “or” is to be interpreted in strictly the exclusive sense. Any use of the term “and/or” does not alter the interpretation of this paragraph.
11. The word “including” shall be interpreted to be non-limiting with respect to its objects thereafter listed; (i.e. to be equivalent to “including, but not limited to”), unless such interpretation is inconsistent with the obvious intent of the encompassing provision. Any use of the phrase “but not limited to”, or any variation thereof intended for similar purpose, in combination with the word “including” does not alter the interpretation of this paragraph.
12. Whenever a section number is referenced in these Regulations, it shall be presumed to reference these Regulations unless some other document is expressly indicated.
2.1. C. TEXT TO CONTROL

In the case of any difference of meaning between the text of a regulation and any caption, illustration, or table, the text shall prevail.

2.1. D. TERMS NOT DEFINED

For the purpose of these Regulations, words not defined in this section shall be interpreted by the Commission so as to:

1. Give them the meaning they may typically have in land use regulation usage after consulting one or more of the following, where such sources define terms for relevant and comparable purposes:
   a. CGS, as amended;
   b. State Building Code, as amended;
   c. Black’s Law Dictionary; and/or
   d. The Illustrated Book of Development Definitions (Rutgers University, Center of Urban Policy Research, Piscataway, NJ), as amended.

2. Give them the meaning they have in common usage; or

3. Give the regulation, in the sole opinion of the Commission, its most reasonable application.
2.2. Defined Terms

Accessory – See “Principal & Accessory Related Terms”

Applicant: Any person, firm, partnership or corporation who shall apply to the Commission for the approval of a subdivision either for him/herself or as an agent for others.

Buildable Area: The contiguous horizontal area of a lot, exclusive of wetlands, watercourses, special flood hazard areas, land used for streets, highways, easement for vehicular access, public or private right-of-way for vehicles, and steep slopes of over 20% as measured over a distance of 50 or more linear feet.

Caliper: The diameter of a tree trunk measured five (5) feet from the top of the root ball.

Commission: The Planning and Zoning Commission of the Town of Canton, Connecticut. Prior to a consolidation of Commissions, the Canton Planning Commission was responsible for oversight of subdivisions.

Conceptual Layout: A plan prepared after analyzing Site Analysis Plan and Site Context Map and indicating general lot configuration, potential streets, open space areas, and other site alterations.


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 manner. The actual easement may take several forms, and the terms of which are subject to Commission review and approval.

Final Approval: An administrative action by the Commission whereby a proposed subdivision is found to meet, or meets with modifications, the terms and standards of these Regulations. Lots with Final Approval may be offered for sale.

Final Plan: The final set of map or drawing(s), including all required supporting data, details and specifications upon which the subdivider’s plan of subdivision is presented to the Commission for approval (see Sections 5 and 6 for requirements)

Final Plan - Approved: The Final Plan approved by an affirmative vote of the PZC, and once submitted with all associated necessary supporting documentation (per Sections 5 and 6), is formally signed and endorsed for filing by the Chairman or Secretary. (For purposes of readability, may also be referred to as "Approved Final Plan"; and any use of the term "Approved Final Plan" shall mean "Final Plan – Approved").

Formal Application: The map, drawings, all supporting data, materials, and applicable fees presented as a complete application for subdivision before the Commission, as required by these Regulations and representing the Formal Application for subdivision pursuant to CGS Section 8-25.
**Historic:** A building, structure, object, site, or district is considered historic if: it is associated with events that have made significant contributions to the broad patterns of local, state, or national history; it is associated with the lives of people who were significant in the past; it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that represent a significant entity whose components may lack individual distinction (such as a neighborhood or village); or it has yielded or is likely to yield information important in history or prehistory.

**Lot:** A tract of land owned and recorded, and described within the recorded document, as a separate piece of land. Lots not in existence prior to the original adoption of the Subdivision Regulations on June 3, 1957 (“lot of record”) must be created in accordance with Section 8-18 of the Connecticut General Statutes (CGS), “subdivision”.

**Minimum Square:** A square area that will fit within a lot without utilizing lands designated as wetlands, watercourses, or slopes greater than twenty percent (20%). See Diagram 2.5 and Sections 3.4, 4.1.D, 4.2.D, and 5 of the Zoning Regulations.

**Naturally, and Culturally Significant Features and Resources:** Significant trees, standing singly or in groves, scenic views and vistas, core forest areas (as identified in the POCD); ecological resource areas; agricultural lands; water, including ponds, lakes, brooks, streams, rivers, and cascades; ledges, and large rock outcroppings or formations ridge lines; visible historic sites or features, such as stone walls, individual buildings or groupings of buildings, cemeteries, or similar features.

**Open Space:** Lands to be set aside, as provided for in Section 8-25 of the CGS, for parks, playgrounds, or other open spaces.

**Open Space Subdivision:** A subdivision designed to increase open space and conservation land through the allowance of more flexible residential development pattern, per the standards and process of Section 3.5 of the Zoning Regulations.

**Preliminary Design:** A plan prepared after analyzing off-site influences and site features and indicating potential streets, lots, open space areas and other site alterations. Preliminary Designs, which are required for subdivisions with potential streets and/or four (4) or more lots, are reviewed by Town Staff and PZC pursuant to Section 4 of these Regulations.

**Public Improvement:** All physical improvements on or adjacent to land proposed for subdivision, regardless of ownership, serving multiple lots and providing community welfare, health or safety purposes. All such improvements are subject to the Town of Canton Public Improvement Standards, which may be modified from time to time.

**Rear Lot:** A lot which has less than the required frontage on a street and of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via an access way or a private right of way, per Section 3.4.D of the Zoning Regulations.
Resubdivision: Per Section 8-18 of the CGS, “resubdivision” means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Ridge Line: An area of higher ground marking or following a ridgetop or separating two adjacent watersheds.

Site Analysis Map: A plan developed to provide the applicant and the Town with a comprehensive analysis of existing conditions, both on the subject property proposed for subdivision and within proximity of the property boundaries, per Section 5 of these Regulations.

Site Context Map: A plan developed to provide the applicant and the Town with a general overview of conditions surrounding the subject property to better understand resource constraints and opportunities, with details per Section 5 of these Regulations.

Street: Any way which is an existing town or state highway as defined by CGS 14-1, or any way shown as a proposed highway on a recorded subdivision map duly approved by the Planning Commission or PZC, which subdivision or portion thereof has not expired or otherwise been determined to be void. The Canton Public Improvement Standards guides the design and construction of streets.

Private Road: A road permitted in accordance with the Canton Subdivision Regulations that is subject to a restriction specifying that the road shall be privately maintained, and is not offered to, accepted or maintained by the Town of Canton.

Public Road: Any street lawfully accepted by the Town or the State of Connecticut (any use of the term public road means street).

Cul-De-Sac: an individual road segment that intersects with another road at one end and is closed at the other end. A cul-de-sac is by definition a dead-end road.

Dead-end Road: any network of one or more road segments which is accessed through a single point of ingress or egress, regardless of the number of road names that may be assigned to such network.

Interconnected Cul-De-Sac’s, Interior Loops with single points of ingress/egress
Source: www.guide.saferoutesinfo.org
**Subdivider:** The owner of record at the time of filing of an approved subdivision or resubdivision plan or, at the time of application, a person holding an option or agreement to purchase land. See also “Applicant”.

**Subdivision:** Per Section 8-18 of the Connecticut General Statutes (CGS), “subdivision” means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations 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 resubdivision.

**Subdivision Map:** The map(s) and plan(s) showing the proposed division of land, including all elements and details described in Section 6.7 of these Regulations.

**Subdivision Modification:** A change in an approved subdivision or resubdivision plan, inclusive of adjustments or changes to lot lines, which does not meet the definition of “subdivision” per Section 8-18 of the CGS, but which shall be reviewed by the Commission per Section 4.4 of these Regulations.

**Town:** The Town of Canton, Connecticut

**Town of Canton Public Improvement Standards:** The standards, details, and other information documented in the Subdivision Regulations of the Town of Canton, Connecticut, Adopted May 23, 1983, inclusive of amendments through December 7, 2009; not modified by these regulations (March 12, 2019). The Planning and Zoning Commission may vary from such Standards as deemed fit thereby in the interests of the Commission’s applicable purposes and in accordance with sound industry or engineering practices as may be warranted by individual physical circumstances or conditions at the proposed site associated with any particular application thereof.

**Tract:** A parcel or contiguous parcels of land in common ownership.

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

**Wetlands and Watercourses:** As defined in Section 22a-38 of the CGS, as may be amended.

**Yield Plan:** A map or maps containing a lot and site improvement layout and additional information, as required by these Regulations (see Section 5), that demonstrates: compliance with the Zoning Schedules of Dimensional Requirements provisions for standard lot size, lot frontage and building setbacks; compliance with all other zoning and subdivision requirements.

**Zoning Regulations:** The Zoning Regulations of the Town of Canton.
3. **GENERAL REQUIREMENTS**

3.1. *Transfer or Sale*

No owner of any land located within the Town of Canton shall transfer or sell or agree to sell or negotiate to sell any land from; and no building permit for the construction of any structure, utilities or public improvements shall be issued for; a proposed subdivision before the Final Plan of such subdivision has been approved by the Commission and recorded or filed in the office of the Town Clerk within time provided by the CGS. This section is not applicable to “lots of record” created prior to June 3, 1957.

3.2. *Conformity to the Regulations*

No Final Plan of subdivision shall be approved by the Commission unless it conforms to these Regulations, the Zoning Regulations, and applicable provisions of the Regulations of the Inland Wetlands and Watercourses Agency of the Town of Canton as enabled by CGS Sections 8-26(e) and 22a-28 through 22a-45.

3.3. *Filing of Plan*

No Final Plan of subdivision shall be filed or recorded with the Town Clerk until it has been approved by the Commission as indicated by the endorsement on the Final Plan - Approved by the Chair or Secretary of the Commission. The Final Plan - Approved shall be filed in accordance with CGS Section 8-25.

3.4. *Plan of Conservation & Development*

The POCD shall be given due consideration in the plan for subdivision.

3.5. *Public Health and Safety*

No land shall be subdivided unless it shall be of such character that it can be used for building purposes without danger to public health and safety. Every subdivision plan is required to conform to applicable public health and safety regulations in effect at the time of consideration. Every subdivision plan is required to adequately provide for water supply, stormwater drainage, sewerage, and, where applicable, for protective flood control measures.

3.6. *Proposed Streets*

Proposed streets shall provide for safe intersections, in all respects, with existing and proposed streets, and be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs.
4. PROCEDURES

4.1. Optional Preliminary Review

4.1.A. The Preliminary Review process is voluntary, as enabled by CGS Sec. 7-159b. The applicant, Director of Planning and Community Development, Commission, or other town official shall not be in any way bound by any statement made during such Preliminary Design consideration. It is understood that the Commission’s responses are preliminary, and that nothing herein shall limit the Commission’s right to provide further modifications at any time prior to its Final Approval. There shall be no vote or other formal action on any Preliminary Design, other than referrals to other municipal, State, or Federal agencies or other commissions or consultants for review and comment if required by the Commission.

4.1.B. To better facilitate the overall subdivision design and application process, it is strongly recommended that the following steps be followed:

1. Pre-Application Meeting: A meeting between the Applicant, the site designer, and the Director of Planning and Community Development (or his or her designee), is strongly encouraged to further the understanding of the Applicant to the Regulations and procedures, to discuss the Applicant’s objectives, and to coordinate site inspections, meetings and submissions as described below. Applicants are expected to have a general idea of site conditions and development goals at this meeting, which may be held in conjunction with an informal site visit to review and discuss how Applicant’s objectives may be harmonized with the Town’s POCD.

4.1.C. Preliminary Design:

1. Copies of a Preliminary Design, meeting the requirements set forth below (see 5.1.B), may be submitted to the Director of Planning and Community Development at least ten (10) days prior to the Commission meeting at which the Preliminary Design is to be discussed.

2. The Preliminary Design is intended to be a general diagram for the site, open space or conservation lands, streets, and lots and should be based on the Site Context Map and the Site Analysis Map, but does not represent a Formal Application to the Commission.

3. The Commission and the Director of Planning and Community Development, per CGS Section 7-159b, may review the Preliminary Design to advise the Applicant of the proposal’s consistency with these Regulations, and may suggest modifications to improve its conformance. The review may also include preliminary input from relevant commissions and officials.

4.2. Formal Application Submission and Review

4.2.A. APPLICATION REQUIRED

1. All Applicants for subdivision approval shall file for approval on a form provided by the Commission (“The Application”), and shall submit such additional information as required by these Regulations or otherwise by the Commission in the course of its consideration of the subject Application.

2. Submission of an Application, including all applicable fees, shall represent the Formal Application under CGS Sec.8-25 and shall constitute authorization for the Commission and staff to enter upon the property, following notice to owner, to obtain additional information or to inspect proposed improvements.
4.2.B. DATE OF RECEIPT

Date of Receipt: For purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall follow Section 9.9.B of the Zoning Regulations.

4.2.C. COMPLETE APPLICATIONS

It is the Applicant’s responsibility to submit a complete Application.

1. Each application is to be reviewed by the Land Use Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission shall be considered incomplete until all of the information as required by these Regulations, or by the Commission, is received at a regularly scheduled meeting of the Commission.
3. An incomplete application may be denied solely by reason of being incomplete.
4. Failure to pay the required fee shall render an application incomplete.
5. A request for waiver of any component of the Application shall be submitted and decided per the terms of Section 8 of these Regulations.

4.2.D. PUBLIC HEARINGS

1. The Commission may hold a public hearing on any subdivision application if the Commission determines that the circumstances so warrant.
2. The Commission shall hold a public hearing on any plan of re-subdivision.
3. Such hearing, if required by 4.D.1 or 2, shall be held at a time and location of the Commission’s determination, but within such time as established by the CGS and in a manner consistent with Section 9.9 of the Zoning Regulations.

4.2.E. PUBLIC NOTIFICATIONS

1. Notice by Newspaper shall be in accordance with Section 9.9.E of the Zoning Regulations.
2. Notice by Public Hearing Signs shall be in accordance with Section 9.9.F of the Zoning Regulations.
3. Notice to Abutting Lot Owners shall be in accordance with Section 9.9.G of the Zoning Regulations.
4. Notification of Adjoining Municipalities shall be in accordance with Section 9.9.H of the Zoning Regulations.
5. Notification to Regional Planning Agencies shall be in accordance with Section 9.9.I of the Zoning Regulations.
7. Notification to Parties Holding Restrictions shall be in accordance with Section 9.9.K of the Zoning Regulations.

4.2.F. CONSULTATIONS

1. The Commission may request or receive reports or recommendations from any officer, board, commission, or agency of the local, state or federal government or an independent consultant as it may require in order to evaluate compliance of the application with these Regulations.
2. When the Commission determines that the review of an independent consultant is required, the applicant shall deposit funds with the Commission for the costs of any consulting review fees pursuant to Chapter 248 of the Town of Canton Town Code, as amended.
3. No application shall be approved (and shall be grounds for denial) if there are outstanding fees, bills, invoices, or costs relative to the review of the application.
4.2.G. SITE VISITS

1. The Commission may perform an official Site Visit prior to or during the statutory review period on the application.
2. The Commission and the Director of Planning and Community Development may extend invitations to appropriate town officials to participate in the Site Inspection.
3. If such Visit is attended by more than one member of the Commission, the Visit shall be noticed as a Special Meeting of the Commission and the public duly invited.

4.2.H. DECISION TIMEFRAMES AND EXTENSIONS

1. Upon receipt of all supporting information as required by the CGS and these Regulations, the Commission may, at one or more regular or special public meetings, review the Formal Application and shall either approve, modify and approve, or deny any Application within 65 days after the public hearing, or if no hearing is held, within 65 days following the official receipt thereof.
2. The Applicant or an authorized representative should attend any public hearing and any meeting at which the item is noticed on the agenda.
3. One or more extensions, as authorized by the CGS, may be had with the consent of the Applicant, provided the total extension does not exceed 65 days.

4.2.I. APPROVALS WITH MODIFICATIONS

1. If the Formal Application is modified and approved, the Commission shall specify all modifications to be reflected on the Final Plan to be endorsed by the Chairman of the Commission.

4.2.J. NOTICE OF DECISION

1. Notice of decision by the Commission shall be published, per CGS in a newspaper of general circulation in the Town and a copy thereof sent to the Applicant by certified mail, under the signature of the authorized Commission staff in any written, printed, typewritten or stamped form, within 15 days after the decision has been rendered.

4.2.K. DENIAL

1. If the Formal Application is not approved, the Commission shall specify the requirements that have not been met.
4.3. **Endorsement and Filing**

### 4.3.A. Endorsement and Filing of Approved Plan

1. Following approval or modification and approval of a Formal Application, the Applicant shall provide to the Land Use Department an Approved Final Plan on polyester film (mylar), which Plan shall incorporate any modifications or conditions of such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, deeds, conservation and drainage easements, etc.

2. The Final Plan - Approved on mylar shall include, reproduced on the face thereof, a signed copy of the Commission’s decision to approve including any conditions or modifications made a part thereof.

3. All monumentation (with Surveyor’s Certificate) and all required subdivision work shall be completed or bonded pursuant to the Commission’s approval action prior to endorsement by the Commission Chairman, except as may be provided for in accordance with the provisions of Chapter 7 hereof.

4. Upon determining that the Final Plan - Approved properly incorporates all matters required by the Commission’s decision, provided the conditions of approval, endorsement, bonding and all other requirements have been satisfied, and by these Regulations the Commission Chairman, Secretary, and other authorized official from other regulatory authorities requiring an endorsement of the Commission’s approval on the Final Plan - Approved.

5. Endorsed Final Plan - Approved shall be returned to the Applicant in accordance with the provisions of CGS Section 8-25.

### 4.3.B. Filing of Final Plan Approved

1. Every Approved Final Plan endorsed by the Commission Chairman or Secretary shall be recorded by the Applicant (at the Applicant’s cost) in the office of the Town Clerk within ninety (90) days of either (1) the expiration of the appeal period pursuant to CGS, or (2) in the case of an appeal, the termination of such appeal by dismissal, withdrawal or judgment in favor of the Applicant.

2. The Commission may grant up to two ninety (90)-day filing extensions, provided there are no revisions other than those required by the Commission’s approval action.

3. A copy of Approved Final Plan shall be submitted in digital form as an ArcView shapefile, NAD83 or other compatible form acceptable to the Town.

4. The submission of this Plan in a digital format shall be coordinated with Town Staff.

4.4. **Revision and Expiration**

### 4.4.A. Revision of Final Plan Approved

1. Any proposed revision to a subdivision plan that has been previously approved by the Commission (i.e. an Approved Final Plan) which is deemed a resubdivision shall follow the same process and procedures set forth in these Regulations for resubdivisions.

2. The proposed revision of any lot line or lot lines, improvements, or other material feature or matter of an Approved Final Plan and which does not result in a resubdivision shall be deemed a Subdivision Modification of the Approved Final Plan (a.k.a. “Subdivision Modification”). Any such modifications may be approved by staff. Staff may refer such modifications to the Commission.

3. For any proposed Subdivision Modification, the Applicant must submit three (3) copies of completed Application for Subdivision Modification on the prescribed form, which completed Application shall include a proposed amended Plan indication all proposed revisions and modifications.

4. For each such Application, the Applicant shall also submit such additional information and documents as the Commission may require in order to evaluate the nature and purpose of the proposed modification or amendment.
5. The approval by the Commission of any Subdivision Modification shall only modify those provisions of the subject Approved Final Plan (in effect prior to such approval) as are specifically identified, and limited by the extents therein identified, by such approval. All other provisions of said preceding Approved Final Plan shall remain unaltered.

6. If any part of the Final Plan Approved is altered, changed, erased or revised in any way after the Commission’s approval is endorsed thereon, the entire Final Plan Approved shall be null and void.

7. Failure to obtain necessary approvals shall be considered a violation of these Regulations and may be pursued in accordance with municipal and State enforcement provisions.

4.4.B. EXPIRATION

1. The expiration provisions of the CGS shall govern for all subdivision approvals. Except for subdivisions that qualify for longer approval periods pursuant to statutory provisions, all work associated with an approved subdivision shall be completed within five (5) years of the date of approval unless an extension is granted by the Commission pursuant to statutory provisions.
5. **SUBDIVISION DESIGN**

5.1. **Design Objectives and Requirements**

5.1.A. **PURPOSE AND GENERAL REQUIREMENTS**

1. Subdivisions shall be designed in accordance with the purpose and objectives as set forth in Section 1 of these Regulations and all other applicable requirements of these Regulations.

2. Designs shall seek to respect the right of property owners to improve and use property while minimizing negative effects on the community and the environment;

3. The design of streets, walkways, bikeways and other public improvements, lot layouts, proposed locations for houses, driveways, sanitary systems and other site work, and the identification of appropriate open space or other conservation land areas shall give due consideration of and/or provisions for:
   
   a. Applicable regulations and permit requirements;
   
   b. Appropriate protection of public health, safety, and welfare;
   
   c. Applicable design standards, best management practices and industry standard practices;
   
   d. Protection and enhancement of vehicular and pedestrian safety through the appropriate siting of streets, driveways, walkways, bikeways and trails;
   
   e. The connectivity of neighborhoods, particularly for recreational and non-vehicular access;
   
   f. The protection and enhancement of existing and potential public water supply wells and ground water and surface water quality through appropriate design and installation of sanitary systems, roadways, drainage facilities, house sites and other site improvements;
   
   g. The protection and enhancement of naturally, and culturally significant features and resources in accordance with the POCD and as defined in Section 2 of these Regulations.
   
   h. The utilization of a site’s natural terrain, minimizing re-grading, filling and removal activities.
   
   i. Appropriate management of stormwater drainage.
   
   j. The promotion of energy efficient patterns of development and land use;
   
   k. Energy conservation and the use of solar and renewable forms of energy through the appropriate siting of streets, driveways and house sites and, whenever appropriate, bikeway and walkway/trail connections to neighboring streets and neighborhoods; existing and planned commercial areas; schools, parks, and other public facilities and town designated walkway or bicycle routes.

5.1.B. **PREAPPLICATION PROCESS**

1. All prospective subdividers are encouraged to meet with the Director of Planning and Development (or his/her designee) to review zoning and subdivision approval criteria and application submission requirements.

2. To help achieve the design objectives of Section 5.1, to expedite application reviews, to help reduce application submission costs and to help ensure compliance with all applicable provisions of Canton’s Zoning Regulations and these Subdivision Regulations, the Town has established a pre-application design process. This design process, which is the recommended approach for all subdivisions, is strongly recommended for subdivisions with new streets or including the creation of four (4) or more lots. Final application requirements includes the submission of a report from the Director of Planning & Development (Section 4.8 • 1) concerning the proposed subdivision’s compliance with the design process, and close consultation with this Section and the Town Staff is the best way to facilitate this report. The process has the following steps:
5.1 Design Objectives and Requirements

5.1.C Site Context Map

1. A map at a working scale of 1”=200’ showing the location of the proposed subdivision within its neighborhood context of a 1,000-foot radius shall be submitted.

2. The features that shall be shown on the Site Context Maps include:

   a. topography (from U.S.G.S. maps or other source acceptable to the Commission),
   b. inland wetlands and watercourses,
   c. potential or verified vernal pools,
   d. Special Flood Hazard Areas,
   e. core forest areas identified in the POCD,
   f. ridge lines,
   g. public streets,
   h. parcel boundaries,
   i. existing private roads and private ways,
   j. public land, and land protected for conservation or agricultural purposes,
   k. regional utilities (transmission facilities)
   l. public drinking supply watershed protection or aquifer protection areas, and
   m. Historic Districts and archeological sites and known grave sites.

3. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs of a type that may be accessible via University of Connecticut websites http://www.cteco.uconn.edu

4. The Site Context Map shall include a layout showing future streets and access potential of the abutting properties (including across streets) to reasonably ensure that future potential subdivision may be accomplished with appropriate access in accordance with these Regulations.

EXPLANATORY NOTE ABOUT DESIGN PROCESS:
The Site Context Map is far broader, more general overview of the area, with easily-identifiable resources that can be assembled from readily-available sources such as municipal and UConn GIS data servers. It means to place the entire subdivision property in context of the Town from an environmental and cultural standpoint.

The Site Analysis Map is intended to be far more specific to the interior of the subdivision property- this should be the Map that substantially informs and guides the specific project design, and involves real on-the-ground mapping.
5.1.D. SITE ANALYSIS MAP

1. A Site Analysis Map shall be prepared to provide the applicant and the Town with a comprehensive analysis of existing conditions, both on the subject property proposed for subdivision and within 200 feet of the property boundaries to the extent practicable.

2. The exercise of developing a Site Analysis Map is intended to guide the subdivision design process and result in more thoughtful, context-sensitive, and environmentally responsible plan.

3. A Site Analysis Map is recommended but not required for subdivisions of three (3) lots or fewer.

4. Site Analysis Maps may be presented on any number of sheets determined by the preparer to be necessary to convey its intended purpose.

5. The following information shall be included in the Site Analysis Map:
   a. North arrow, date and scale (recommended 1” = 100’ (scale may be varied between 1” = 40’ and 1” = 200’ depending on size of property. The Director of Planning shall have the right to permit different scales for larger parcels provided the scale used shall also be used for the final subdivision plan. Use of the same scale will facilitate a transfer of information.))
   b. Name of subdivider and subdivision and the name and seal of the land use design professional who prepared the plan.
   c. Boundaries of tract to be subdivided.
   d. Names of abutting property owners.
   e. Existing topographic contours at two (2) foot intervals. All slopes greater than 20%, ridge lines, and watershed divides shall be indicated.
   f. Existing streets, easements, fences, walkways, bikeways, trails, structures both onsite and immediately adjacent to the site.
   g. Wetlands and watercourses including intermittent streams both onsite and immediately adjacent to the site, and associated upland review areas.
   h. Vernal pools as identified in the Town of Canton Potential Vernal Pool Inventory and GIS Assessment, and associated upland review areas.
   i. Biodiversity Conservation Areas as identified in the “Farmington Valley Biodiversity Project” report.
   j. Special Flood Hazard Areas as defined in Section 6.2 of the Zoning Regulations, and associated upland review areas.
   k. Aquifer protection areas and public drinking water wells on or within 500 feet of a site.
   l. Soil type classifications as per the current U.S.D.A. Natural Resource Conservation Service Soil Survey for Hartford County, CT.
   m. Boundaries of Historic Districts.
   n. On-site and adjacent historic features including: all structures, wells and other utility features, walls and fences regardless of their condition, existing or former walks, paths, drives, trails, etc., curbs and pavement, man-made elements inserted into the ground such as hitching posts, garden or enclosed areas, significant vegetation, remains of old foundations, rip-rapping, arbors, trellises, etc., and any other historic features observed or included on the Archeological Resources Map in the POCD.
   o. On-site and adjacent agricultural land with existing uses identified.
   p. Areas or resources specifically identified in the following documents adopted by the Conservation Commission or Commission;
      i. Farmland Preservation Plan
      ii. Open Space Plan
      iii. Natural Resources Inventory
   q. Areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State Natural Diversity Database.
r. Other natural features, including rock ledges and rock outcropping, significant trees, tree or shrub groves or masses of groundcover and obvious wildlife habitats.
s. Other natural/environmental features published by the Farmington River Watershed Association and made available on the Town’s WebGIS;
t. Desirable scenic and/or historic views and vistas into or out of the site, desirable internal vistas and views and any undesirable views and vistas both off and on-site.
u. On-site and adjacent open space and recreational land with existing uses identified.
v. Points of connection of site with sidewalks, bikeways and trails, if any.
w. Logical points of ingress and egress to the site;
x. Estimated sight lines of possible new highway intersections;
y. Locations of all trees over nine (9) inches in caliper within sight lines.
z. Tentative notations of possible preservation and conservation areas (areas where development should be discouraged).
   aa. Tentative identification of areas on site that are better suited for development
   bb. All existing utilities.

5.1.E. YIELD AND CONCEPTUAL PLAN LAYOUT

1. The purpose of the Yield Plan is to:
   a. Determine the maximum number of lots that could be developed on a subject site.
   b. Assist the applicant and Town Staff in determining whether a conventional subdivision design approach or an Open Space Subdivision design approach would better meet both municipal and private conservation and development goals.

2. The Yield Plan shall:
   a. Be drawn to a scale best suited to the site and allows appropriate review,
   b. Shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed with conventional frontages and lot sizes pursuant to Zoning and Subdivision Regulations and approval criteria.

3. A Conceptual Layout Plan
   a. Shall be drawn to a scale best suited to the site and allows appropriate review,
   b. Identify potential streets (where applicable), potential lots and potential open space areas that could be developed pursuant to Zoning and Subdivision Regulations and approval criteria, including consideration of Open Space Subdivision criteria per Section 3.5 of Zoning Regulations;
   c. Should, upon consultation with Town Staff, reflect an applicant’s intended final plan submission subject to soil testing and obtaining more specific site information.
   d. For subdivisions in R-2 and R-3 Zoning Districts, a subdivisions designed to Open Space Subdivision standards are encouraged.
   e. For subdivisions in R-3 Zoning Districts in identified Priority open space areas in the Town of Canton Open Space Plan, an Open Space Subdivision design standard as defined by Section 3.5 of the Zoning Regulations shall be applied. The Commission may consider a conventional subdivision layout by Special Permit (Section 9.2.E of Zoning).

5.1.F. LOT LAYOUT, FRONTAGE AND CONFIGURATION

1. All lots shall have frontage on a street meeting all requirements of Zoning Regulations and Canton Public Improvement Standards.

2. All lots shall meet minimum area and dimensional requirements of Zoning Regulations.
3. All lots created within an Open Space Subdivision shall meet minimum area and dimensional requirements of Section 3.5 of Zoning Regulations.

4. The number of potential lots created via an Open Space Subdivision may exceed the number of lots created via a conventional subdivision (as determined by the Yield Plan).

5. Proposed lots shall be designed and arranged to make appropriate use of the natural terrain, to preserve naturally, and culturally significant features and resources to the extent practicable, to minimize regrading and to preserve drainage patterns and view sheds to the extent practicable.

6. Where practical, side lot lines shall be at right angles to the street on which the lot faces, or radial to curved street lines.

7. Design of lot layout and configuration shall demonstrate consideration of Design Objectives in Section 5.1 of these Regulations.

8. Lot, street, and open space layout shall be configured to provide for and promote interconnection of neighborhoods and recreational areas.

9. Lot layouts inclusive of Rear Lots shall comply with Section 3.4.D of the Zoning Regulations.

5.1.G. OPEN SPACE AND CONSERVATION LAND

1. Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission.

2. The land reserved shall be of such suitable area, dimensions, topography and natural character as to satisfy the open space needs determined by the Commission.

3. Such needs may include, but are not limited to the following:
   a. Preservation of natural resources such as, but not limited to, unusual topography, wetlands, aquifers, agricultural land, core forest areas, wildlife habitat, visual corridors, ridge lines and vistas;
   b. Retention of natural drainage ways;
   c. Avoidance of undifferentiated sprawl patterns, provision for visual edges, focal points and centers to enable people to relate to their surroundings and to integrate or separate various types of uses and activities;
   d. Provision for passive and/or active recreation;
   e. Enhancement of historic and cultural activities and locations; and
   f. Maintenance of scenic quality.

4. The reservation of land shall conform, to the greatest extent possible, to any plan of development for parks, playgrounds, recreation land, conservation or open space which has been formally adopted by the Commission, Conservation Commission, or Parks and Recreation Commission.

5.1.H. OPEN SPACE REQUIREMENT

1. In determining the need for reservation of open space, the Commission shall be guided but not limited to a standard of 15% of the land area of the subdivision, and a minimum reservation area of one contiguous acre, or the full reservation of the proposed subdivision if the same is less than one acre.
2. The percentage of wetlands, steeply sloped areas (in excess of twenty-five percent), and special flood hazard areas included in the required open space area shall be generally representative of the land being subdivided with consideration of the following:
   a. For wetlands: newly dedicated open space area within the uplands review area, as defined in the Regulations of the Inland Wetlands and Watercourses Agency.
   b. For steeply sloped areas (in excess of twenty-five percent): newly dedicated open space area directly adjacent to the toe or the top of the slope for a distance perpendicular to the toe/top of the slope of not greater than fifty percent of the vertical height of the subject slope.
   c. For special flood hazard areas: newly dedicated open space area within one hundred feet of the limit of the special flood hazard area.
   d. The subject newly dedicated open space area must become part of a contiguous area of open space larger than one acre.
   e. The burden of proof of meeting the foregoing requirements rests solely with the applicant.

3. The following provisions apply to steeply sloped areas (in excess of twenty-five percent):
   a. Slopes with a vertical height of less than ten feet shall not qualify.
   b. A contiguous distance of thirty feet or more, measured perpendicular to the general fall line of the slope, of less than twenty-five percent slope shall interrupt a steeply sloped area.
   c. To be considered a steeply sloped area, the subject area must meet the subject criteria for a minimum of fifty linear feet along the face of the slope perpendicular to the general fall line of the slope.
   d. The slope percentage shall be measured as a reasonable average, both in terms of the steepness of the slope and the extent of the slope, over any subject area.

4. The area or areas reserved for open space shall be laid out so as to be used in conjunction with similar areas of adjoining subdivisions/lands or of probable future subdivisions as is possible and deemed by the Commission to be in the open space interests of the Town.

5. Open space areas shall be readily accessible from a street or way open to the public, as is deemed by the Commission to be practical and beneficial to the public.

6. The Commission may require that appropriate pedestrian access, which access may include off-street parking, be provided for each such reservation.

7. Due to the impracticality of attempting to identify all of the various ways that any of the various types of land encumbrances may affect open space, the Commission reserves the right and shall make determinations as to the suitability of land subject to easement or other encumbrances to be included in a required open space reservation on a case-by-case basis based on the Commission’s findings as to the potential future detrimental effects of such encumbrance(s) relative to the purposes and benefits of the subject open space.

8. If an Open Space Subdivision is proposed per Section 3.5 of the Zoning Regulations, percentage and disposition of open space shall follow the requirements of that Section.
5.1.I. METHODS OF OPEN SPACE RESERVATION

1. Open space areas required shall be permanently reserved for the designated use by means acceptable to and approved by the Commission.

2. Such means and methods shall include, but are not limited to, the methods detailed below, in the indicated order of priority.

3. The Applicant shall have the burden to prove to the satisfaction of the Commission that accepting a proposed method of reservation other than highest priority method as set forth herein does not run counter to the best interests of the Town. However, the Commission may, without such proof, determine that such a method of reservation does not run counter to the best interests of the Town.

4. The methods detailed below are intended to provide guidance to the Commission and Applicants, and Applicants are strongly recommended to consult with Staff and the Commission informally in advance of making a formal proposal.

5. In the case of non-residential subdivisions, subdivisions of lots within R-1 Zoning District, or subdivisions of less than ten (10) total acres, the Fee-in-Lieu of Open Space option (subsection 5.c below) shall be the preferred method; for all other cases, the following shall be the list of identified methods of reservation of open space, in order of priority:

   a. Deeded to a non-profit organization acceptable to the Commission:
      i. Open space parcels may be conveyed to a non-profit conservation trust where the parcel contains significant areas of wildlife habitat or is adjacent to other land owned by a non-profit land trust or where the addition of the parcel may enhance existing lands owned by such a trust, or where the Commission determines that such parcel is not appropriate for Town ownership.
      ii. Such non-profit organization shall be a private non-profit, non-stock corporation which has as its purpose the preservation of open space land.
      iii. The deed to such organization shall contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land for the use of the general public.
      iv. If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization’s Certificate of Incorporation be submitted for its review.
      v. The deed to the organization shall contain the provision that in event of the dissolution of the corporation, the property shall be conveyed to the Town of Canton, or subject to the approval of the Commission, to another non-profit corporation.
      vi. The Commission shall have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.
      vii. The organization shall present evidence of liability insurance to the Town.

   b. Deeded to the Town of Canton:
      i. Open space parcels may be offered to and accepted by the Town when the parcel is unique, significant, adjacent to existing municipal property, or which offers opportunities for passive or active recreation for Town residents.
      ii. Where open space areas are to be conveyed to the Town, the applicant shall convey them in the form of a Warranty Deed at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.

   c. Fee-in-Lieu of Open Space:
      i. The Commission may, at its discretion, approve the payment of a fee to the municipality by the applicant, in accordance with the provisions of CGS Section 8-25.
5.1 Design Objectives and Requirements


1. The applicant shall demonstrate to the satisfaction of the Commission that he/she has considered, in designing the submitted subdivision plan, the use of passive solar energy techniques which would not significantly increase the cost of housing to the buyer, after tax credits, subsidies or exemptions.

2. As per the provisions of Section 8-25 of the CGS, passive solar energy techniques shall be defined as "site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season."

3. At a minimum, all subdividers shall utilize the following site design criteria in preparing their subdivision plans or, alternatively, the subdivider shall demonstrate to the Commission's satisfaction that the subject design criteria are not feasible due to specific site characteristics or applicable Historic District regulations:
   a. Building orientation: Buildings should be oriented with the long axis oriented east and west with a possible 10-degree variation to northwest and a possible 25-degree variation to the southwest.
   b. Lot orientation: Whenever possible, lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.
c. Street Orientation: Where the topography and soil/ledge conditions will permit, streets should be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets, the layout of the lots and building should be adjusted for orientation to the sun.

d. Vegetation Siting
   i. In order to protect as much existing vegetation as possible and still allow for solar access, buildings should be located in that location which protects and ensures long life to the youngest and healthiest trees, bushes, and plants.
   
   ii. Planting plans for new developments shall be submitted which ensure that consideration is given for both the benefits of solar access and the appropriate temperature regulation provided by shading.
   
   iii. Planting plans shall also provide buffering required by Section 7.1.D.4 of Zoning.

5.1.K. PUBLIC STREETS AND IMPROVEMENTS

1. The location, layout, grade, width, and improvements of any street within the Town of Canton by any entity other than the State or the Town is subject to the review and approval of the Commission, pursuant to CGS Sec. 13a-71.

2. All public improvements proposed as part of the subdivision application, including all improvements serving multiple lots and providing community health and safety functions, shall be designed in compliance with these Regulations, the Zoning Regulations, and the Canton Public Improvement Specifications.

3. The Commission may solicit or consider input from Town Staff, including Director of Planning & Development, Director of Public Works or their designee(s), other governmental agencies, relevant utility entities, and third-party experts as may be deemed appropriate in considering the suitability and design of proposed public improvements for approval.

4. A cul-de-sac or dead-end road may be no longer than 3,000 feet in length.

5.1.L. FINAL PLAN

See Section 6.5 of these Regulations.
6. APPLICATION AND PLAN SUBMISSION REQUIREMENTS

All applications for review and approval of subdivision or resubdivision shall consist of the following elements:

6.1. Application Form

6.1.A. The applicant shall submit to the Commission an application on a form supplied by the Commission and available from the Land Use Office and Town Website.

6.1.B. The application must be signed by all owners of the land proposed to be subdivided or by an authorized agent (or agents) thereof, together with a letter signed by owners of the property authorizing the agent(s) to act on the owners’ behalf.

6.2. Fee

6.2.A. Each application shall be accompanied by a fee as required by Chapter 248 of the Town Code and in the amount indicated by the fee schedule in subsections 248.9.B and 248.9.D, as applicable.

6.3. Site Context Map, Per Section 5 of these Regulations

6.4. Site Analysis Map, Per Section 5 of these Regulations

6.5. Final Plan

6.5.A. Final Plan shall consist of the Subdivision Map, including the construction and public improvement plans and details (if needed), and any supporting documentation required by these Regulations or as otherwise required by the Commission.

6.5.B. All required maps and improvement plans shall be prepared by and shall bear the name, signature, and seal of a land surveyor and professional engineer, as appropriate, licensed by the State of Connecticut.

6.5.C. Final Plan shall include the name and signature of a certified soil scientist whenever wetlands or watercourses exist within 100’ of any proposed development areas or the Commission determines that a soil scientist is needed to address application requirements and approval criteria.

6.5.D. All full-sized plans shall be drawn to a scale of one (1) inch equals forty (40) feet (1”=40’) or less.

6.5.E. All plans shall be submitted on sheets of 24 inches and 36 inches (24” x 36”), landscape-oriented.

6.5.F. The applicant shall submit at least five (5) copies of the complete plan set of this size. In addition, the applicant shall submit twelve (12) copies of the final plan set, reduced to fit 11” x 17” tabloid-size sheets. The reduced-sized maps shall be at a measurable scale, which shall be noted on the reduced maps.
6.6. **Title Block**

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

6.6.A. Name and address of subdivider and land owner;

6.6.B. Name, address and seal of licensed land surveyor, professional engineer, and soil scientist (as required);

6.6.C. Scale; date when drawings were prepared inclusive of drawing revision dates where appropriate; north arrow;

6.6.D. Name of subdivision project. The name of the subdivision shall not duplicate nor too closely approximate that of any existing subdivisions in Canton or immediately adjacent towns; and,

6.6.E. The Farmington River Protection Overlay (FRPO) District is intended to establish standards and requirements for appropriate use and conservation of the land and water resources within the FRPO District in recognition of the River’s designation under the National Wild and Scenic Rivers Act.

6.7. **Subdivision Map**

6.7.A. The Subdivision Map shall take into account the Yield Plan requirements of Section 5.1.E, the Design Criteria of Section 5.1, and the conservation priorities of Section 5.1.G as well as all applicable provisions of these Regulations, and shall incorporate the following minimum elements:

1. Location map, scale 1” = 1000’, indicated thereon the following:
   a. The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part;
   b. All adjoining streets and or road with the designation of names and/or numbers;
   c. All subdivision, town boundary lines, and other significant landmarks within 2,000 feet of the subdivision; and
   d. Delineation of all proposed lots

6.7.B. Overall boundary survey to a stated accuracy of 0.01 and 20", according to accepted standards for a "Class A-2 Transit Survey" as defined by the Connecticut Association of Land Surveyors, Inc. The survey shall be tied to the Connecticut Plane Coordinate System of 1983.

6.7.C. Zoning classification of subdivision and abutting properties, including note of any applicable zoning variances on the proposed subdivision.

6.7.D. Notes summarizing the history of the parcel, including any changes that have taken place in ownership of the parcel from June 3, 1957 to the present and shall appear on the Formal Application.

6.7.E. Existing and proposed lot lines, lot areas, and lot numbers.

6.7.F. Location, alignment, width and tentative names of all proposed streets, street extensions and rights-of-way.

1. Proposed names of streets shall be reviewed by the Town Historian and appropriately reflective of the natural and cultural heritage of the Town.
6.7.G. Location of proposed drainage swales, drainage easements, culverts, stormwater and related management facilities, which shall be designed in accordance with Stormwater Management provisions per Section 7.13 of the Zoning Regulations.

6.7.H. Layout of proposed public sewer connections or septic systems, including but not limited to the tentative locations of septic leaching fields and reserve areas, showing the size and capacity of facilities. Sewer connections shall be designed in a manner consistent with the Town of Canton WPCA’s Standard Specifications for the construction of Sanitary Sewers and Appurtenances, adopted July 28, 2009.

6.7.I. Location of all percolation tests, including all approved and failed test sites or pits and including an approved reserve site for each lot. All approved sites shall be clearly distinguished from failed sites.

6.7.J. Layout of proposed water facilities including wells, connections to public water lines, fire hydrants, storage tanks, ponds and other water sources.

6.7.K. Where the Applicant proposes to install the improvements in phases, a delineation of the proposed sections and a schedule within which Applications of each section are expected to be filed.

6.7.L. Locations of existing and proposed utility easements.

6.7.M. Location of proposed trees and other major landscape features, and locations of existing vegetation to be retained outside of open space or conservation lands, including a line-of disturbance indication.

6.7.N. Proposed buildable areas, building, and driveway locations with associated grading information.

1. All regrading and tree removal necessary to address driveway drainage and sightline issues shall be depicted.

2. Length of sightline shall be shown using sightline criteria outlined in the most current Connecticut Department of Transportation Highway Design Manual that exists or will be achieved for each existing and proposed driveway, and shall demonstrate that each driveway will not exceed a slope of fifteen (15) percent.

6.7.O. Location of all proposed monuments and lot markers.

6.7.P. All grading, fill and removal activity associated with a proposed subdivision, including but not limited to street construction, drainage, open space/recreation improvements, driveway, foundation, building and septic system construction.

1. Where existing topography is proposed to be altered, the volumes of material to be removed from, or brought onto, the site.

2. Areas of proposed blasting, and the estimated volume thereof.

3. The location at which excavated material being removed from the site will be deposited.

4. The grading/fill/removal plan shall be prepared by a qualified professional engineer or professional surveyor registered in the State of Connecticut.

6.7.Q. Construction plans for public improvements and related specifications, including all improvements serving multiple lots, and providing community health and safety functions prepared by a registered professional engineer setting forth the precise nature and exact location of the improvements, all subject to approval by the Commission’s engineer.
1. Construction plans shall conform with Town of Canton Public Improvement Specifications, and shall include:
   a. Detailed plan and profile sheets for all proposed streets within the tract.
   b. Detailed plans and specifications for all electric utilities and street lights to be installed, together with the contract for street light installation.
   c. Detailed plans and specifications for any drainage and stormwater management facilities.
   d. Detailed designs for all other public improvements and those private improvements that serve a common or community function relative to health and safety of residents.

6.8. **Erosion and Sedimentation Control Plan**

6.8.A. The Applicant shall submit as part of the Formal Application a complete Erosion and Sediment Control Plan in accordance with the requirements of the CGS, Section 7.6 of the Zoning Regulations, the Canton Public Improvement Specifications and these Regulations.

6.9. **Additional Reports, Certifications, Documents**

6.9.A. Final application submission shall include the following:

1. Results of a Title Search, to include description of any existing deed restriction, covenant, easement, right of way, or similar encumbrance that runs with the land, indicating the identity of the dominant and servient estates, the volume and page of the Canton Land Records where the same are recorded, and the date upon which they will expire, if any.

2. A copy of such deed restrictions, easements, covenants and declarations that are to be imposed upon the property to comply with the Formal Plan as approved by the Commission. All such documents shall be in such form satisfactory to the Commission and its Legal Counsel.

3. An engineer's estimate of cost of construction of all public or private community improvements satisfactory to the Commission and its technical staff.

4. Any agreement made with the Connecticut Department of Transportation when a proposed street or storm drain joins with a state highway.

5. A statement regarding the considerations that have been made to address solar access and energy-efficient design.

6. Statements from the Town Staff, WPCA, Connecticut Water Company, and public utility companies as appropriate, approving public improvements and utilities.

7. A report from the Farmington Valley Health District, regarding the anticipated adequacy of individual subsurface sewage disposal systems and water supply.

   - Such report shall contain the results of soil tests (including both percolation and deep hole tests for both primary and reserve leaching areas) which shall be performed under the supervision of the Farmington Valley Health District on each proposed building lot not having an approved sewage disposal system and any other information necessary for compliance with these Regulations.
8. Any other certifications as required by any law or regulation, including approvals or waivers from any federal, state, regional, county, or local agency having jurisdiction over any matters related to the legal subdivision or land development. These agencies may include but are not limited to:

- Connecticut Department of Transportation
- Connecticut Department of Energy and Environmental Protection
- Connecticut Department of Public Utility Control
- U.S. Army Corps of Engineers
- Department of Agriculture
- North Central Conservation District
- Canton Inland Wetlands Agency
- Canton Water Pollution Control Authority
- Connecticut Office of State Archaeology

6.9.B. The Commission may also consider the following:

1. A report from the Director of Planning and Community Development, or his/her designee, on the proposed subdivision’s compliance with the design considerations recommended by these Regulations.

2. A report from the Conservation Commission or indication that the Conservation Commission was given not less than 30 days opportunity to comment on the proposed subdivision.

3. A report from the Parks and Recreation Commission or indication or indication that the Parks and Recreation Commission was given not less than 30 days opportunity to comment on the proposed subdivision.

4. A report from the Town Historian or indication that the Town Historian was given not less than 30 days opportunity to comment on the proposed subdivision.
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7. GUARANTEE OF PERFORMANCE

7.1. Completion of Public Improvements

7.1.A. Completion of improvements will not be required prior to the approval of the Final Subdivision Plan by the Commission provided a detailed estimate of all required public or community health and safety improvements is submitted as part of the application for approval, and appropriate security guaranteeing the completion of such improvements is provided in accordance with these Regulations.

7.1.B. In conjunction with approval of any subdivision plan which includes work related to public or community health and safety improvements, and before proceeding with any work, the subdivider shall review the scope with the Director of Public Works or his/her designee, who shall review the subdivider’s estimate of construction costs of such improvements and shall recommend to the Commission the amount of security to guarantee the estimated cost of construction, installation, and completion of such improvements.

7.1.C. In determining the security amount, the Commission shall consider the recommendation of Town Staff and may add a percentage not to exceed 20% to cover inflation, administrative or other costs to the Town for advertising and awarding a contract in case of default.

7.1.D. Until completion of such improvements, the Commission shall review such amount on an annual basis to assure that any security remains adequate.

7.1.E. To ensure the effective completion and management of improvements, the Commission may require a bond.

7.1.F. Notwithstanding the requirements of this section, approved lots may be constructed in accordance with the Conditions specified in the Development Agreement (2 a and b) provided that the common roadway access to any subject lot from a public street or established private road must be constructed to appropriate line and grade and paved (to binder course elevation) to accommodate two-way traffic (unless proposed as a one-way road in the approved subdivision plan) with appropriate drainage facilities installed and appropriate emergency response access provided prior to issuance of any certificate of occupancy (whether temporary or permanent) shall be issued for any building on such lot.

7.2. Bonding

7.2.A. Where a bond (the term used herein to designate a security instrument assuring performance) is required by any section of these Regulations, it shall be in one of the following forms and the Director of Planning & Development (or his/her designee) shall require evidence of compliance with the following standards before accepting any bond:

1. Cash deposited with the Town;

2. Check to the order of the Town; or

3. An irrevocable evergreen letter of credit from a bank certified to conduct business with the Town.

4. A surety bond meeting the following requirements:
7 Guarantee of Performance

7.2.A. The surety issuing the bond shall be one approved by the Commission and found to be acceptable by the Town of Canton Director of Finance based on the following criteria:

b. the surety company shall maintain permanent offices within the State of Connecticut.

c. the surety bond agreement shall contain the following provisions, at a minimum:

i. that payment shall be made in full within sixty-five (65) days of written demand by the Commission or its agent;

ii. that failure to make full payment within such time shall automatically and without further demand result in a penalty of one percent (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand;

iii. that if litigation is required to collect the said surety bond, the surety company shall pay to the Commission the costs thereof, including witness fees, court entry fees, legal fees, and any other costs and expenses of such litigation; and

iv. the surety company shall agree to indemnify and hold harmless the Commission and the Town of Canton against any and all claims of damage or injury sustained upon, or as a result of, the incomplete public improvements during the period following the demand for payment on said surety bond, and for restoration of any damage or deterioration (including, but not limited to, erosion and sedimentation damages) resulting from such delay in payment; and (e) such other provisions as the Commission’s legal counsel shall require.

7.2.B. The above-referenced forms shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be the end of the term of the bond or any extension thereof.

7.2.C. For all performance bond documents:

1. If the applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or letter of credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so.

2. If the applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so.

3. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

7.2.D. If, at any time, any bond required by this section shall not be in effect for incomplete or unaccepted improvements, the Commission may either file a caveat on the Land Records warning potential purchasers of such fact, void the subject approval or permit in accordance with the provisions of these Regulations, or deny a request for a certificate of zoning compliance.

7.2.E. Any required bond shall not be released by the Commission until:

1. The release has been requested, in writing, by the applicant;

2. The applicant’s professional engineer or professional land surveyor has certified to the Commission, through submission of a set of detailed “as-built” plans on mylar, that all improvements and other work are in accordance with submitted site plans; and,
3. The Commission’s engineer has reviewed the “as-built” plans and has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.

7.2.F. Any cost of collecting a bond, including without limitation, attorney, bank other collection fees and expenditures, shall be accounted for by the applicant and may be deducted from amounts released and such amount shall be paid from the cash bond if one exists, or from the applicant.

7.3. Development Agreement

In order to ensure that the Town of Canton and the Developer of any public or community improvements agree as to the phasing, terms, conditions, duties, and obligations with respect to those improvements, the Commission shall require the execution of a Development Agreement in a form acceptable to the Commission and its staff, and consistent with the Model Development Agreement found in Appendix [X] of these Regulations.

7.4. Acceptance of Public Improvements

7.4.A. Acceptance of public improvements by the Town, as the Town may find in its interests to accept, shall be accomplished in a manner consistent with Section 8-24 of the CGS and other applicable statutes, along with requirements of the Town Charter and guidelines established by the Board of Selectmen and carried out by the Chief Administrative Officer of the Town.

7.4.B. When the following provisions have been met, a subdivider may request that the Town accept the public improvements:

1. Work related to public improvements to be accepted by the Town shall have been found by the Commission, in consultation with Town Staff, to have been completed and substantially acceptable.

2. A sworn affidavit stating that all monuments have been set in conformance with the approval requirements of the Commission is obtained from the Licensed Surveyor employed by the subdivider.

3. A set of reproducible “as-built” drawings showing all public improvements as constructed and installed is prepared. These drawings shall be certified, bearing the name and seal of the Professional Engineer and/or Licensed Surveyor employed by the subdivider assuring that all public improvements conform to the Commission’s requirements.

4. Deeds for public improvements, including instruments relating to open space reservations, shall have been executed in a form approved by the Town’s attorney and delivered to the Land Use Office for filing with the Town Clerk.

5. Easements for drainage and grading, both within the subdivision and across adjacent properties, shall have been executed in a form approved by the Town’s attorney and delivered to the Land Use Office for filing with the Town Clerk.

6. Terms and conditions of the Development Agreement (see Appendix X) have been completed as may be applicable, as verified by Director of Planning.

7. Traffic control and street names have been installed in accordance with plans approved by Local Traffic Authority, acting through the Chief of Police.
8. Fire protection has been installed per approved subdivision plans, with installation verification to be provided by Fire Marshall or Fire Chief.

9. When public water supply is provided by the Connecticut Water Company, formal indication that all improvements are complete and acceptable for both domestic and fire requirements.

10. When public sanitary sewer is provided by the Canton Water Pollution Control Authority, formal indication that all improvements are complete and acceptable for flow.

11. When a community water supply has been provided, formal indication from governing regulatory body that all improvements are complete and acceptable for domestic use.

12. When a community on-site sewage disposal system has been provided, formal indication from governing regulatory body that all improvements are complete and acceptable.

7.4.C. Upon completion of the above requirements, the Commission shall file a report with the Board of Selectman pursuant to CGS Section 8-24 and may recommend acceptance of the public improvements.

1. Any remaining security shall be designated as residual security to be held and managed by the Board of Selectmen for one year from the date of acceptance of the improvements as an assurance to correct any defects that develop involving the improvements.

2. The Board of Selectmen shall authorize final release of the security upon a written statement from the Director of Public Works that no defects have developed during the one-year period that requires corrective work.

7.4.D. The requirements of Section 7.4.A-C shall apply to subdivisions improvements that benefit more than one lot (i.e., new private infrastructure) to the extent applicable.
8. WAIVERs

8.1. General

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with CGS Section 8-26, the Commission may in its discretion modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare, provided, however, that no such waiver shall be granted that is not in keeping with the purpose and objectives of these Regulations. In considering a modification or waiver of these Regulations, the Commission shall only approve such modification or waiver upon a finding that all of the following conditions are met:

8.1.A. Conditions exist on the subject property which are not generally applicable to other land in the Town;

8.1.B. Said conditions were not created by the property owner nor by his/her predecessor(s) in title, including the first legal split of the property;

8.1.C. The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations and the POCD;

8.1.D. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in conflict of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time; and,

8.1.E. The modification or waiver would not allow an increased number of lots to be created than otherwise allowed by these Regulations and the Zoning Regulations.

8.2. Waiver Procedure

8.2.A. The Commission may consider the recommendations of the Director of Planning & Community Development before approving any modification or waiver of these Regulations.

8.2.B. Any request for modification or waiver under this Chapter shall be set forth in writing in the Formal Application, and, if granted, shall be noted on the Final Plan - Approved with a reference to the lot(s) affected, and the Section of these Regulations modified or waived, and the extent or nature thereof.

8.2.C. In granting or denying any request under this Chapter, the Commission shall state upon the record the reasons for such action.

8.2.D. A public hearing shall be held on any subdivision for which a modification or waiver of these Regulations is proposed.

8.2.E. In addition to the above requirements, any waiver granted under these Regulations shall require the affirmative vote of 3/4 of the seated members of the Commission for approval.
9. ENFORCEMENT

The enforcement of these Regulations shall be by the Commission or its designated agent. In accordance with CGS Section 8-25, any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission, in addition to any other remedy by law, shall be liable to a fine of Five Hundred ($500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Town of Canton Land Records.
10. AMENDMENTS

These Regulations may be amended by the Commission at any meeting called for such purpose after a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Town of Canton at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days prior to the date of the hearing.
11. SEPARABILITY, REPEAL AND ADOPTION

11.1.A. Separability: If any section, sentence, clause, phrase or portion of these Regulations is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Regulations.

11.1.B. Repeal: The “Subdivision Regulations of the Town of Canton, Connecticut” made effective by the Commission on May 23, 1983 and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above-referenced Regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred, prior to the time such repeal too effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

11.1.C. Adoption: These Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the PZC of the Town of Canton in accordance with the CGS.
DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made by and between [Name of Developer] (the "Developer") a Connecticut [corporation, limited liability company, etc.] which is the owner of the property to be developed, having its principal office and place of business at [Address of Developer] and the Town of Canton, a municipal corporation having its territorial limits within the County of Hartford and the State of Connecticut and with an address of 4 Market Street Collinsville, Connecticut ("Town"). The following terms and conditions are mutually agreed to and understood by the parties to this Agreement and are binding on all heirs, successors, and assigns:

1. Purpose: It is the stated purpose of this Agreement to spell out the terms, conditions, duties, and obligations of the Developer and the Town in regards the construction of streets and other improvements pursuant to the Planning Commission's phased approval of File [# Name of subdivision]subdivision at its {Month\Day\Year} meeting.

2. Approval: The Developer received a Final Approval for the subdivision in accordance with Connecticut General Statues Section 8-25 and the Regulations of the Canton Planning Commission. The terms of this Approval and Section 7 of the Canton Subdivision Regulations require a Development Agreement to be executed to ensure public improvements be properly completed prior to the conveyance of any properties created by the Subdivision process.

In consideration of the Subdivision Approval, the Developer agrees to the following:

a. There shall be no offer for sale or sale of lots until Final Approval is endorsed on the Approved Subdivision Plans by action of the Planning Commission and security is provided in accordance with Article 10 of this Agreement.

b. The Town shall not issue building permits for any lot, with the exception of one lot to be used for a model home and a barn, until Final Approval is endorsed on the Approved Subdivision Plans by action of the Planning Commission and security is provided in accordance with Article 10 of this Agreement.

c. All other terms and conditions of this Agreement shall remain unchanged and remain in full force and effect for the term of this Agreement.


4. Approved Subdivision Plans: The following drawings were approved by the Planning Commission for the construction of the improvements to the subdivision and are referred to collectively as the "Approved Subdivision Plans" which consist of the drawings prepared by [Name and Address]for the proposed (Name of Subdivision) to be developed from [location of property] prepared for [Name of Developer] as follows:
5. Term of Agreement: This Agreement shall terminate on the same day as the Approval of Subdivision expires, or upon acceptance of the street and release of final security, and may be renewed for additional periods by action of the Planning Commission in accordance with its Regulations and State Law.

6. Street Status: The streets constructed under the terms of this Agreement are "Private" roads until such time as they are accepted into the Town's public street inventory by action of the Board of Selectman or Town Meeting. The Developer shall be fully responsible for maintenance, operation, repair, and upkeep of the road until such time as they are accepted into the public street inventory by action of the Board of Selectman or Town Meeting.

7. Scope of Improvements: The scope of the improvements shown on the Approved Subdivision Plans is for construction of [Description of location of Subdivision, including street name(s) and connector street name(s) approximately # of feet to ]. The work includes the construction of streets, curbing, storm water drainage & under drain facilities, storm water detention facilities, and the installation of temporary & permanent erosion & sedimentation controls. The establishment and setting of property corners and street line monuments. The extension of public & private utilities by separate agreement consisting of cable TV, telephone communication, and electrical power. Also such other permanent & temporary construction as may be required and necessary to complete the improvements.

8. Design & Technical Details: The Developer shall design and construct the improvements to the subdivision in accordance with the following:
   a. Town of Canton Public Improvement Standards
   b. Regulations of the Planning Commission
   c. Approved Subdivision Plans
   d. State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges, and Incidental Construction Form 814A 1995, as amended to the date of this Agreement
   e. State of Connecticut Department of Transportation Standard Drawings for Roads, Bridges, and Incidental Construction various dates, as amended to the date of this Agreement
   f. The construction and design requirements of designated telecommunication utility providers.

In the event of a conflict in the requirements listed above, the more restrictive requirement shall govern in the construction of the improvements.
9. **Construction Monitoring:** The Developer shall provide for the employment of Connecticut licensed professional engineers and licensed land surveyors to monitor the construction of the improvements on a day to day basis. Upon completion of the various stages of the improvements as set forth below the licensed professional engineer or licensed land surveyor, as applicable, shall prepare a written report under seal and signature to the Planning Commission stating the extent of the compliance of the construction with the approved plans. Construction that is out of compliance with the Approved Subdivision Plans shall be noted in the monitoring report with a recommendation as to how such construction may be brought into compliance. The Developer shall comply with the requests of the Planning Commission, if any, regarding the recommendations set forth in such reports.

The monitoring reports shall be provided at the following stages in the construction of the improvements:

a. Completion of clearing, grubbing, and stump disposal
b. Initial installation of erosion and sedimentation control measures
c. Completion of sub-grade preparation and mass earthwork
d. Completion of the installation of storm water and groundwater drainage faculties
e. Completion of the placement of street base material
f. Completion of the installation of public utilities
g. Completion of the first course of pavement
h. Completion of curbing
i. Completion of second course of pavement
j. Completion of the installation of street signs
k. Completion of the restoration of shoulders and other area
l. Impacted by the construction of the improvements
m. Upon the replacement or removal of erosion and sedimentation control measures
n. Completion of improvements and prior to a request for the start of the one year maintenance period
o. Completion of the one year maintenance period
p. Upon request for partial release of security.
q. Upon placement of property corners and street line monuments.

10. **Security:** The Developer shall provide the Town security in accordance with Section 7 of the Regulations in the minimum amount of [Dollar amount] (with executed utility contracts) or [Dollar amount] (without executed utility agreements) to insure the construction of improvements as shown on the Approved Subdivision Plans and outlined in the Scope of Improvements. The Opinion of Construction Cost consisting of [#] pages dated [Month/Day/Year] Revised [Month/Day/Year] prepared by the Town Engineer is Exhibit A to this Agreement.
Companies issuing surety bonds to the Town of Canton shall meet the following criteria:

a. Be listed in the US Department of the Treasury Circular 570;

b. Be a licensed and admitted surety covered by the Connecticut Insurance Guaranty Association;

c. Have a Secure Best's Rating of A or A- (Excellent) or better as published by A.M. Best Company;

The form of the security shall be reviewed and approved by the Town’s attorney, Town's insurance agent, and the Canton Finance Officer - Treasurer. The form of security shall guarantee construction and the maintenance of the improvements until such time as they are accepted by the Board of Selectmen or Town Meeting in accordance with Section 7 of the Canton Planning Commission Regulations.

The amount of the Security shall be reviewed, adjusted if necessary to protect the interest of the Town, and approved on an annual basis by the Planning Commission.

11. Insurance: The Developer and its contractors, design professionals, and subcontractors shall maintain the following minimum insurance for the term of the Agreement. The insurance coverage shall contain a provision for thirty (30) days’ notice to the Town of cancellation. The Developer shall provide a certificate of insurance to the Town at the time of the execution of the Agreement and within ten (10) days of the renewal of the insurance policies. The Town shall be named as additional insured on 10. b., c., d., e. Insurance companies issuing policies for his Agreement shall be licensed by the State of Connecticut.

a. Workmen’s Compensation in the amounts required by law

b. Automobile and Truck Liability, Bodily Injury, and Property Damage insurance in the amount of $1,000,000

c. Umbrella Insurance in the amount of $1,000,000

d. Pollution Insurance in the amount of $1,000,000 (Contractor only)

e. Comprehensive General Liability insurance in the amount of $1,000,000

f. Professional Liability Insurance in the amount of $500,000 (Design Professional Only)

The insurance certificate(s) shall be reviewed and approved by the Town’s insurance agent, the Town’s attorney, and/or the Canton Finance Officer - Treasurer prior to the execution of this Agreement.

12. Taxes, Liens, and Encumbrances: The Developer or Owner shall pay all outstanding Town of Canton taxes, liens, and encumbrances against the property upon execution of this Agreement. Prior to any subsequent conveyance of property to any party all taxes, liens, and encumbrances against the property shall be paid such that any conveyance shall be free and clear.

13. Town’s Right of Entry: During the term of the Agreement the Town, its officers, employees, and agents shall have a right of entry upon the Developer’s property during normal business hours to observe construction in progress or in place, to make measurements, and conduct tests all to insure compliance with the Agreement.
14. Damage to Town Facilities: The Developer shall replace or repair any damage caused to Town facilities by its activities. In the event that Town facilities are damaged and, upon notice to the Developer, are not repaired or replaced within ten (10) days, the Town may make such repairs or replacements and collect the expense of the same from the Security. The Developer shall, within ten (10) days, replace the amounts collected by the Town from such Security so that the Security is maintained at amounts required by this Agreement.

The Developer's Engineer shall document by text, drawings, photographs, video tape, or other means of known damage to Town facilities that occurred prior to the start of the construction of the improvements. This documentation shall be provided to the Planning Commission in the form of a report. The Developer shall not be responsible for the repair or replacement of damage to Town facilities documented in the report.

15. Field Changes: It is agreed and understood that it may be necessary to make field changes to the Approved Subdivision Plans to accommodate unforeseen or unusual conditions without having to delay the construction of the improvements. The Developer shall receive the written approval of the Town Engineer prior to a field change. The field change shall be noted in the monitoring report to the Planning Commission with background information as to why the field change was necessary.

16. Indemnity: The Developer shall indemnify and hold the Town, its officers, agents, and employees harmless from and against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the property, including without limitation, the construction of the improvements, excepting such claims or damage as may be due to the gross negligence or willful misconduct of the Town, its officers, agents, or employees. This indemnity shall survive the termination of this Agreement.

17. Compliance with Laws: The Developer shall comply with all applicable laws, enactments, and regulations of any governmental authority relating to its possession and use of the property. "All applicable laws" includes, without limitation, any and all environmental laws, including any regulations, and written final guidelines, standards, or policies of governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental conditions or concerns as may now of at any time hereafter be in effect.

The Developer shall indemnify and hold harmless the Town, its officers, agents, and employees from and against any penalties, fees, enforcement proceedings, or other actions arising from the Developer's non-compliance with all applicable laws.

18. Hazardous Substances: The Developer shall not introduce or use any substance in violation of any applicable law that is identified as hazardous, toxic, or dangerous in any applicable federal, state, or local law or regulation on the property.

In the event of a uncontrolled release of any such substance on the property the Developer shall notify the Town in addition to other regulatory authorities.

19. Title Insurance: Prior to the transfer of any property or rights thereto to the Town, the Developer shall provide Title Insurance, in an amount equal to the cost of the improvements which are described in Article 7 Scope of Improvements, insuring title that is free and clear of defects rendering the title unmarketable from an insurer acceptable to the Town's Attorney.

20. Environmental Site Investigation: Prior to the transfer of any property or rights thereto to the Town, the Developer shall conduct and provide to the Town for review and approval a Phase I Preliminary Site Assessment ("Assessment").

The Developer shall perform additional investigations or remediation that the results of the Assessment may recommend or the Town may at its sole discretion require the Developer to conduct additional investigations or remediation prior to transfer of property to the Town.

21. Other Contracts or Agreements for Utilities: It is understood by all parties that other contracts or agreements exist or are in the process of being executed by the Developer that provide for the construction or installation of various public and private utilities both on and off the property to support the development of the subdivision.

The Developer may elect not to provide Security for the public and private utility installation if it provides the Town a copy of the executed utility agreements. The Developer agrees not commence construction of the improvements covered by this Agreement until such time as it either provides copies of the executed utility agreements or provides the additional amount of Security in assure the installation of public and private utilities as noted in Article 10. Security.

Public and private utilities to be constructed are to include electrical power, telephone communication, cable television, and internet/broadband lines.

22. Assignment: This Agreement shall not be sold, assigned, or transferred by the Developer to any other party without the written consent of the Town which shall not be unreasonably withheld, delayed, or conditioned.

23. Governing Law: This Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws and customs of the State of Connecticut. Any action brought under this Agreement shall be to Superior Court of the Hartford - New Britain Judicial District in Hartford, CT.

24. Mediation of Disagreements: It is the stated intent of the parties to this Agreement that all disputes should be resolved fairly, at the earliest opportunity, and in a timely fashion.

25. In the event of a dispute that cannot be resolved within sixty (60) days between the parties of this Agreement and prior to the filing of a complaint with the Hartford - New Britain Judicial District, the parties shall utilize the services of the American Arbitration Association to attempt to mediate the dispute. The cost of such mediation shall be shared equally by the parties to this Agreement.

Failing mediation of the dispute utilizing the services of the American Arbitration Association, the parties agree to make a best effort to resolve the dispute through the use of the Hartford - New Britain Judicial District's Dispute Resolution Process prior to trial.

Severability and Survival: Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the Town and the Developer shall survive the termination of the Agreement.

26. Filing on the Land Records: This Agreement shall be filed on the Land Records of the Town of Canton upon execution by the parties to the Agreement.

27. Agreement Amendments: This Agreement may be amended by the written consent of both parties. Such Amendments shall be in writing and recorded on the Land Records of the Town of Canton.

28. Notices: All notices concerning the Agreement shall be in writing sent by certified mail return receipt requested addressed as follows:
Developer: Name  
Street Address  
City, State, Zip Code  

Town: Chief Administrative Officer  
Town of Canton  
4 Market Street PO Box 168  
Collinsville, CT 06022-0168  

IN WITNESS WHEREOF, the parties hereto have caused to set their hands and seals this the ______ day of __________ 20__.  

Town of Canton, Connecticut  

____________________________ Witness  

By __________________________ Witness  
Chief Administrative Officer  

(Seal of the Town)  

Name of Subdivider  

________________________ By __________________________  
Witness  

________________________ Its __________________________  
Witness  

State of Connecticut:  
: ss.  
County of Hartford:  

The foregoing instrument was acknowledged before me this _____ day of __________ 20__ by __________________ the Chief Administrative Officer of the Town of Canton, a municipal corporation, on behalf of the corporation being duly authorized.  

________________________  
Commissioner of the Superior Court  
My Commission expires: Notary Public  

State of Connecticut:  
: ss.  
County of Hartford:  

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The foregoing instrument was acknowledged before me this _____day of ___________ [Date] by __________________________, its __________________________ on behalf of [Developer] being duly authorized.

______________________________
Commissioner of the Superior Court
My Commission expires: Notary Public
STREET ACCEPTANCE PROCEDURE & CHECKLIST

The start of the street acceptance process begins with a request from the developer to the Commission for consideration of acceptance of streets and other public improvements constructed as part of an approved subdivision in accordance with the Subdivision Regulations (SR).

Prior to action by the Commission their Engineer, in accordance with SR 7.4.A shall make a final inspection and report to the Commission on the readiness for acceptance of the street and other public improvements.

Upon recommendation of their Engineer that the requirements for street acceptance have been successfully accomplished by the developer, the Commission shall make a report to the Board of Selectmen in accordance with Connecticut General Statutes 8-24 recommending acceptance of the streets and other public improvements.

Prior to a recommendation for street acceptance to the Board of Selectmen or Town Meeting, the following check list of items needs to be addressed by the subdivision developer:

1. _____ All physical improvements associated with the street acceptance have been completed and are acceptable. The Town Engineer makes a written recommendation to the Planning Commission; Planning Commission has approval authority and makes recommendation to the Board of Selectmen. Required by the Planning Commission Subdivision Regulations Section (SR) 7.4.A and Connecticut General Statutes (CGS) Section 8-24.

   Status –

2. _____ As-built drawings of the completed public improvements shall be completed and provided to the Town Engineer for approval. Required per SR 7.4.D.

   Status –

3. _____ Deeds for open space has been approved by the Town’s attorney and are ready to be conveyed to the designated recipient. Town Planner to confirm per SR 7.4.B.4

   Status –
4. _____ Terms and conditions of the development agreement have been completed as may be applicable. Town Engineer and Town Planner to confirm. Required per SR 7.4.B.6

Status –

5. _____ A sworn affidavit is provided from the project land surveyor that all monuments (street line and property corner) have been set. Required per SR 2

Status –

6. _____ Traffic control and street name signs have been installed in accordance with the plans approved by the Local Traffic Authority acting through the Chief of Police. Required per SR 7.d.ii.7

Status –

7. _____ Fire protection installed per approved subdivision plans and installation approved by the local Fire Marshal or Fire Chief. Required per SR 7.4.B.8.

Status –

8. _____ Under drains and slope drainage must be installed to control seepage water. As required by the approved subdivision plans or as may be directed by the Town Engineer per SR 7.4.B.3

Status –

9. _____ Drainage easements have been approved by the Town’s attorney and are ready to be conveyed to the Town per SR 7.4.B.4

Status –

10. _____ Deeds for the street have been approved by the Town’s attorney and are ready to be conveyed to the Town per 7.4.B.4.

Status –

11. _____ A certification is provided from the project civil engineer that all public improvements have been completed and installed in accordance with the approved subdivision plans. Required per SR 7.4.B.3.

Status –

12. _____ When public water supply is provided by the Connecticut Water Company, a sign off that all improvements are complete and acceptable for flow both domestic and fire. Required per SR 7.4.B.9

Status –
13. _____ When public sanitary sewer is provided by the Canton Water Pollution Control Authority, a sign off that all improvements are complete and acceptable for flow. Required per SR 7.4.B.10.

Status –

14. _____ When a community water supply has been provided, a sign off from the Farmington Valley Health District, Canton Water Pollution Control Authority, Connecticut Department of Energy & Environmental Protection, or the Connecticut Department of Public Health (as may apply) that all improvements are complete and acceptable for domestic flow. Required per SR 7.4.B.11 and CGS 8-25b.

Status –

15. _____ When a community on-site sewage disposal system has been provided, a sign off from the Farmington Valley Health District, Canton Water Pollution Control Authority, Connecticut Department of Environmental Protection, or the Connecticut Department of Public Health as may apply. Required per SR 7.4.B.12.

Status –

16. _____ Final inspection, report, and recommendation to the Planning Commission of status of the public improvements and utilities associated with the subdivision by the Town Engineer. Required per SR 7.4.B.1.

Status –

17. _____ Report and recommendation to the Board of Selectmen by the Town Engineer that the public improvements are complete and ready for acceptance.

Status –

18. _____ When proposed public improvements across a State highway; sign off by Connecticut Department of Transportation District 4 Permits.

Status –

19. _____ Confirm with Finance Department that there are no outstanding issues concerning escrow accounts.

Status –

20. _____ Other.

Status –
Amended December 7, 2009

APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF CANTON, CONNECTICUT AT ITS MEETING ON

DATE ______________________________ AND SIGNED BY

CHAIRMAN ________________________ DATE __________

SECRETARY ________________________ DATE __________

AND DELIVERED TO THE APPLICANT ON ______________

IN ACCORDANCE WITH C.G.S. SECTION 8-26c, ALL WORK IN CONNECTION WITH THIS SUBDIVISION SHALL BE COMPLETED

BY ________________________________ .

NOTE: Final approval block to be located in the lower right section of each sheet adjacent to the title block.

FINAL APPROVAL BLOCK

FIG. #7
Rock* 1

1/2"/ft

Soil

Location 4′ walk when required

1

4/5′

6" bit. conc. curb CDOT Stand.

compacted subgrade

3/8"/ft

3/8"/ft

3/8"/ft

Guardrail when required

1

4

9" process aggregate base

3" bit. conc. pavement

* Requires approval by Planning Commission

Max. Fill Slope: 2:1 guardrail required
4:1 (or higher) guardrail not required

Max. Cut Slope: 1/4:1 rock cut *
2:1 earth cut

Design Data:
Max. grade ± 12%
Design speed 30 MPH
Min. grade ± 1%
Max. rate of super-elevation = e = 0.06

TYPICAL ROADWAY CROSS SECTION
NOT TO SCALE
FIG. # 1
Off road drainage required to capture swale flow when required.

Place Type "C" inlet to capture maximum gutter flow.

\[ e = \frac{0.067 (0.75v)^2}{R} \]

\[ 0.03 \leq e \leq 0.06 \]

\( e = \text{rate of superelevation in ft/ft} \)

\( v = \text{design velocity in M.P.H.} \)

\( R = \text{radius in feet} \)

End of standard cross-section

110' min. runoff*

*30 MPH design speed

Full superelevation

Length varies with curve

110' min. runoff*

*30 MPH design speed

End of standard cross-section

FIG. 4 2

SUPER-ELEVATION OF ROADWAY ON CURVE

NOT TO SCALE
BITUMINOUS CURB DETAIL

21 degrees
2" radius
48 degrees
Pavement

2" bit. conc.
6" process stone

Driveway section with bit. conc. paving

Property Line
Limit of req'd driveway bit. conc. paving

Street Line 20'
Stabilize surface

Driveway on super-elevated curve may require drainage to prevent ponding of water.

Lot to be served by driveway

50'
ROW

26'
Pavement

φ Grade
Gutter Grade
Match φ Grade
-3%
-3%

Street Line
Property Line

+3%
+15%
max

NOTE: Max. grade at any point on drive is + 15% within first 220 feet. (See also Sec. 318)

-15%
max

RESIDENTIAL DRIVEWAY CROSS SECTION

NOT TO SCALE

FIG. # 3
BITUMINOUS CONCRETE SIDEWALK

NOT TO SCALE

1. 6" x 6" (10 x 10 gauge) welded wire mesh
2. Concrete to be Class "C" (CDOT Spec.)
3. Expansion joint at max. interval of 30'
4. Contraction joints - full cut joint every 15' and 1/3 cut (dummy joint) @ 5'
5. Surface finish to be non-slip fine hair broom
6. Liquid membrane curing compound required

CONCRETE SIDEWALK

NOT TO SCALE

SIDEWALKS

FIG. # 4
GENERAL NOTES: Distance "D" to be measured from the center of the lane utilized by the Right or Left turning traffic.

Sight distance must be provided based on height of eye of 3'-0" and height of object of 3'-0".

Areas to be cleared and sloped 1" per foot

Line of sight

20' from normal shoulder line

Normal cut slope terminates at line of sight

VEHICLE B

VEHICLE A

\[ D = \text{MINIMUM SIGHT DISTANCE} \]

300' for 25 mph design speed
350' for 30 mph design speed
425' for 35 mph design speed
475' for 40 mph design speed
525' for 45 mph design speed
575' for 50 mph design speed

INTERSECTIONS AT GRADE

MINIMUM SIGHT DISTANCE

NOT TO SCALE

FIG. # 5
CONCRETE BOUNDARY MARKER

Finish grade
Set flush
Metal disc
4 - #2 bars
one each corner
3/4" cover and
parallel to sides

Concrete to be 4,000 psi at 28 days
Exposed edges to be chamfered 3/4"
In ledge, set disc in grout hole.

GRANITE BOUNDARY MARKER

Finish grade
Set flush
Metal disc set in grout
Cut granite

IRON PIN

Finish grade
Set flush
Pin to be:
#6 rebar with punch mark
1/2" I.D. pipe
3/4" solid rod
with punch mark

METAL DISC

Metal disc to be bronze
Notation on disc to read:
"TOWN OF CANTON BOUNDARY"

MONUMENTATION DETAILS

NOT TO SCALE

FIG. # 6
ROW and travelway may be reduced 2' for roads serving up to four lots.
** ROW is increased by 5' to accommodate a 4' sidewalk when required.
*** Requires approval by Planning Commission.

Max. Fill Slope: 2:1 guardrail required
                 4:1 (or higher) guardrail not required

Max. Cut Slope: 1/2:1 rock cut ***
                 2:1 earth cut

Design Data:
Max. grade 12%
Min. grade 1%
Min. design speed of 20' roadway 15 MPH
Min. design speed of 22' roadway 20 MPH

TYPICAL PRIVATE ROADWAY CROSS SECTION
NOT TO SCALE
FIG. # 9
HAMMERHEAD TURNAROUND FOR PRIVATE RESIDENTIAL STREETS
NOT TO SCALE
FIG. #10

CUL-DE-SAC TURNAROUND FOR PRIVATE RESIDENTIAL STREETS
NOT TO SCALE
FIG. #11