

TOWN OF MONTVILLE
SUBDIVISION REGULATIONS

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Section 1 - Authority, Purpose and Title

- 1.1 Authority. These Regulations are adopted under the authority granted by Chapter 126 of the Connecticut General Statutes (C.G.S.) Revisions of 1958, as may be amended from time to time. These Regulations supersede any Subdivision Regulations of the Town of Montville previously in effect.
- 1.2 Purpose. These Regulations are intended to assure that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision shall be made for water, drainage and sewerage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures; and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Montville Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs; and that land is provided for open space, parks and playgrounds in appropriate places; and that proper provision is made for the control of soil erosion and sedimentation during and after the construction of each subdivision.
- 1.3 Title. These Regulations shall henceforth be known and may be cited as the "Subdivision Regulations, Town of Montville, Connecticut," and are referred to herein as "these Regulations."

Section 2 - Optional Sketch Plan Review Procedures

- 2.1 Purpose. Persons intending to subdivide land in the Town of Montville are urged to submit a sketch plan of the land to be subdivided and to discuss their intentions informally with the Commission and other officials and agencies that may be involved in the review of the subdivision plan prior to the preparation of the required plan. Presentation of a sketch plan is at the discretion of the applicant and is intended to ensure that basic requirements can be met prior to incurring engineering, legal and application costs related to the proposed subdivision. The informal review of the sketch plan affords both the Commission and the applicant an opportunity to gain information and raise questions about the subdivision, local regulations and procedures. The sketch plan enjoys no official status, and consent of the Commission with regard to its feasibility in no way implies approval of the formal subdivision plan. No fee or application form is required for the presentation of a sketch plan.
- 2.2 Sketch Plan Contents. The sketch plan should be drawn at a scale of at least one inch (1") equals one hundred feet (100'), and should show such information as will enable the Commission to locate the property, determine the physical characteristics of the property, and understand what the applicant proposes to do with the property.

At least the following should be shown:

- 2.2.1 The property boundary and the names of abutting property owners and streets.
 - 2.2.2 Contour information. (These may be simple enlargements of U. S. Geological Survey topographic maps).
 - 2.2.3 Locations of existing structures, roads, easements, utility, right-of-ways (ROWs), rock outcrops, wetlands and watercourses, trees ten inches (10") in diameter at four feet (4') height and other obstructions located on land to be conveyed to the Town for road widening purposes.
 - 2.2.4 Locations of proposed streets, building lots and open space.
 - 2.2.5 Estimated total acreage of the parcel to be subdivided and the estimated size, in square feet and acres of each lot.
 - 2.2.6 An indication of the proposed method of providing water supply and sewage disposal.
- 2.3 Commission Review. A presentation of a sketch plan to the Commission may be arranged by contacting the Town Planner at least fourteen (14) days prior to a regularly scheduled meeting and requesting that the presentation be placed on the meeting agenda. Ten (10) prints of the sketch plan should be presented to the Town Planner for distribution to the Commission and other interested officials and agencies. The Commission shall discuss the proposal with the applicant and shall give its informal comments to the applicant immediately or not later than the next regularly scheduled meeting of the Commission. Comments made by the Commission concerning the sketch plan shall not be binding on the Commission or the applicant.

Section 3 - Required Procedures for Proposed Subdivisions

- 3.1 Submission. Whether or not a sketch plan has been submitted and reviewed, any person intending to make application for a subdivision of land in the Town of Montville shall submit an application to the Planning Department at least fourteen (14) days prior to a scheduled meeting of the Commission. Ten (10) prints of the plan and the required fee shall be submitted with the completed application form. Application forms are available from the Planning Department.
- 3.1.1 The Commission shall transmit copies of the plan to the appropriate town officials. Each recipient shall review the plan and comment on those aspects for which it is particularly concerned. Each recipient shall review the cost estimates of those plan improvements for which it will ultimately be responsible in order to enable the Commission to determine the amount of the performance bond for the subdivision improvements. Comments concerning the improvements and their costs shall be made in writing to the Commission.

3.1.2 The Commission may require that the applicant provide additional copies of the plan in cases where a more extensive review of the plan is deemed necessary.

3.1.3 The applicant may withdraw the application from consideration at any time prior to final action on it by the Commission.

3.2 Fee. All applications shall be submitted with a check or money order made payable to the Town of Montville in the amount of fifty (\$50.00) dollars per lot in the proposed subdivision. The fee shall be five hundred ten (\$510.00) dollars if a public hearing is required.

3.2.1 In the case of a resubdivision, the fee shall be (\$50.00) dollars per lot, plus a five hundred ten (\$510.00) dollars public hearing fee.

3.3 Hearing. The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days of the submission thereof, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of a hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the applicant. The hearing shall be completed within thirty-five (35) days after such hearing commences. The applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of any such period shall not be for longer than the original period as specified.

3.4 Referrals to Other Agencies

3.4.1 Regional Planning Agency Referral. Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the South Eastern Connecticut Council of Governments (SCCOG). SCCOG shall, within thirty (30) days, report to the Commission and to the applicant its findings on the intermunicipal aspects of the proposed subdivision. If such report is not submitted within thirty (30) days after the referral from the Commission, it shall be presumed that the Agency does not disapprove of the proposed subdivision. The Regional Planning Agency's report shall be purely advisory.

3.4.2 Wetlands Agency Referral. If an application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of C.G.S. as may be amended from time to time, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or resubdivision. The Commission shall not render a decision

until the inland wetlands agency has submitted a report with its final decision to such Commission. In making its decision the Commission shall give due consideration to the report of the inland wetlands agency.

3.4.2.1 The Commission shall notify, in riverine situations, adjacent communities and the Water Resources Unit of the Connecticut Department of Energy and Environmental Protection (DEEP), prior to approving any alteration or relocation of a watercourse, and submit copies of such notices to the Federal Insurance Administrator.

3.4.3 Aquifer Protection Areas. If the Subdivision is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company, the applicant or the person making the filing shall provide written notice of the application, petition, request or plan to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application, petition, request or plan is made and with the planning commission, zoning commission, planning and zoning commission or zoning board of appeals of such municipality or the aquifer protection area has been delineated in accordance with section 22a-354c, as the case may be. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

3.4.4 Notice to Adjoining Municipalities. The Commission shall notify the clerk of any adjoining municipality of the subdivision application in which: (1) any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

3.5 Vote by the Commission. The Commission shall defer action on the proposed subdivision until it has received comments from the Water Pollution Control Authority (WPCA), the Public Works Director, Town Engineer, Town Planner, Zoning Officer and the Health District, where applicable. The Commission shall vote to approve, modify and approve, or disapprove any subdivision application or maps and plans submitted within sixty-five (65) days after the public hearing thereon or, if no public hearing is held, within sixty-five (65) days after the receipt thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to the applicant by its secretary or clerk, under his signature within fifteen (15) days after the decision has been rendered. The failure of the Commission to act thereon, shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. Provided, however, one or more extensions of time not to exceed a total period of sixty-five (65) days may be had with the consent of the applicant, or the applicant may withdraw the application. The grounds for the action of the Commission shall be stated in the records of the Commission.

3.6 Completion of Public Improvements and Bonding.

For completion of public improvements, conditional approval in accordance with Subsection 3.6.2 below shall be the only method for assurance of completion of such public improvements.

3.6.1 Separate Sedimentation and Erosion Control Bond: Measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and to restore the site in the event of termination or lapse in the subdivision approval shall be guaranteed by a separate cash bond. No disturbance of the site shall commence until said bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Commission or its designated agent.

3.6.2 Conditional Approval: In lieu of the completion and acceptance of public improvements prior to the endorsement and filing of final subdivision plans, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such conditional approval shall allow for the construction, maintenance and installation of improvements or utilities required by the Commission and shown on the approved plan in connection with road construction, subject to the following conditions:

- a) No work shall be commenced on or within the subdivision unless the developer provides a Sediment and Erosion Control Bond satisfactory to the Commission in form and amount, in accordance with the following standards. Such Sediment and Erosion Control Bond shall be adequate to secure 1) the installation and maintenance of all sedimentation and erosion control measures

and facilities specified on the approved Soil Erosion and Sediment Control Plan, and 2) the cost of restoring the site to its natural condition if the developer fails to complete all required subdivision improvements and utilities. For conditional approval the following conditions shall apply:

1. A subdivision with conditional approval may be developed in phases, provided that no more than one thousand two hundred feet (1,200') of roadway and supporting improvements shall be under construction at one time. Before commencing development of any additional phases, all work required in the previous phase must be complete and accepted by the Town of Montville. The developer shall guarantee in writing that no lots will be sold, no zoning or building permits will be sought and no individual lot development including clearing and grading will commence unless and until all public improvements are completed and accepted by the Town of Montville in accordance with these Regulations and the C.G.S. This guarantee shall be enforced by a restriction, in the form provided by the Commission, to be filed in the land records of the Town of Montville in the form attached as Appendix B. Violation of this provision shall be grounds for revocation of the subdivision approval, upon notice and the opportunity to be heard. Upon completion of the public improvements and acceptance by the Town of Montville, the Commission shall release the restriction and file such release in the land records of the Town of Montville.

Any such conditional approval shall lapse on such date as established by the Commission, but in no event shall the date be later than nine (9) years from the date such approval is granted. The developer may apply for and the Commission may grant a renewal of such conditional approval for such period as the Commission in its discretion may establish provided that the total period of all such extensions does not exceed the maximum duration of a subdivision approval under State law.

3.6.3 In computing the amount of Erosion and Sediment Control Bond, the Commission shall consider the following items:

- a) The cost of restoring the site if the subdivision improvements are not completed. The following assumptions will be considered for the calculation of the restoration bond: The entire limits of road construction have been disturbed; that the value of grading is equal to twenty five percent (25%) of the total earthwork volume; that stockpiled topsoil is available on site for respreading over disturbed areas; that all areas are to be seeded; and that supplemental erosion control measures are provided.

- b) Costs for the Town to advertise and award a contract for erosion and sediment control measures or site restoration.
- c) Costs shall be projected to at the end of the Performance Bond term. Any request for the extension of the term of the Performance Bond shall be accompanied by an updated Performance Bond estimate.
- d) The total estimated cost of the Performance Bond shall also include a fifteen percent (15%) addition to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.

3.7 Endorsement of the Plan. If the Commission votes to approve a plan or modify and approve a plan, the applicant must provide a Mylar copy of the plan to the Commission within ninety (90) days of the date the Commission voted to approve the plan. The words “Approved by the Planning and Zoning Commission” and the date of the approval must appear on the lower right corner of the plan. The Applicant shall provide a signature block for the Chairman of the Commission in the lower right corner of the plan. If the Applicant was required to obtain permits or approvals from the Montville Inland Wetlands Commission, the WPCA or the Health District, the name of the Commission, Authority, or District should be shown on the Mylar plan along with the date of approval by that agency in the lower right corner of the plan. In addition to the above, the applicant shall provide three (3) prints of the endorsed plan.

3.7.1 The Chairman or Secretary of the Commission shall, when endorsing the plan, indicate on the plan the date by which all improvements shown on the plan shall be completed, as required in Section 3.10, below.

3.8 Filing the Plan. The endorsed plan shall meet all of the requirements of The Regulations of Connecticut Agencies - Filing Requirements for Maps and shall be filed or recorded by the applicant in the office of the Montville Town Clerk and any plan not so filed or recorded within ninety (90) days of the date such plan is delivered to the applicant, or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act, shall become null and void, except that the Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.

3.9 GIS

3.9.1 Digital data for Special Permits and Resubdivisions/Subdivisions shall be provided to the Planning Office after the recording of the final Mylar's on the land records. For Site Plans, the data shall be provided to the office after all signatures have been obtained by the appropriate authorities and prior to the issuance of a Zoning Permit.

3.9.2 The Digital Data shall include:

- a) One (1) PDF copy of the project
- b) Copy of the project in ArcView (GIS) format or AutoCAD
 1. Shapefile (.shp)
 2. Geodatabase (.mdb)
 3. Export file (.e00)
 4. AutoCAD.dwg

3.9.3 Having all features in a single AutoCAD layer or GIS file will not be accepted. For example, there must be separate layers/files for text, buildings, roads, wetlands, etc.

3.9.4 All data represented in a digitally submitted AutoCAD or GIS drawing must be registered to the CT State Plane Coordinate System Using NAD 1983 datum.

3.9.5 Data can be submitted to the Planning Office via a flash-drive or CD.

3.10 Time Limit on Completion. Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision in accordance with Section 8-26c of the C.G.S. as may be amended from time to time.

3.11 Soil Erosion and Sediment Control Plan. A soil erosion and sediment control plan shall be submitted with any subdivision application for development when the disturbed area of such development is cumulatively more than one (1) acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 4.5 of these Regulations.

3.11.1 Where a subdivision is to be developed in phases, the developer may post an Erosion and Sediment Control Bond covering the costs itemized in paragraphs 3.6.3(a) through (d) above, related to those improvements and utilities located within or required to serve one (1) or more phases rather than for the entire development. Similar permission shall be obtained by the developer prior to commencing development of any or all additional phases. Where the developer bonds in phases as authorized in this paragraph, no disturbance of the site shall be commenced in any phase for which no bond has been posted, and no lots shall be sold in such phase.

3.12 Performance Bonds

- a. For any improvement to be conveyed to the Town of Montville upon completion, a Performance Bond shall be posted by the applicant to ensure completion of all such required public improvements and utilities shown on the Final Plan in the event the applicant shall fail to install the same within the term of such Performance Bond or any extension thereof. A Cash Performance Bond for Erosion and Sedimentation Control Measures shall be posted by the applicant prior to the commencement of the construction of any improvement or work on any project. The cash bond shall be a passbook account with the town named as trustee. If the applicant shall fail to complete all such improvements to be conveyed or controlled by the Town in accordance with these Regulations and the approved Final Plan, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Performance Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, supervision and inspection of work, legal fees, and the like.
- b. In computing the amount of the Performance Bond, the Commission shall include the construction cost of the following items:
 1. The construction cost of all required public improvements to be conveyed to or controlled by the Town, including storm drainage system, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for applicant's plan approval or depicted on the endorsed Final Plan, Plan and Profile, or any other plan as approved by the Commission. In addition, the cost to install and maintain the elements of the Erosion and Sedimentation Control Plan shall be bonded. The cost of erosion and sediment control measures shall be stated separately. In the case of water mains, electric lines or other utilities to be installed by a public utility, a written statement from such utility that the work will be done within the period required for other improvements in such approved Final Plan, and at no expense to the Town of Montville, will be accepted in lieu of the requirements of this section.
 2. Estimated costs shall be those that would allow for the town advertising and awarding a contract for construction of the improvements, or the installation of soil erosion and sediment controls and for engineering review and supervision.

3. Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond or the Site Plan approval may result in an adjustment as to the Bond total.
 4. The total estimated cost of the Performance Bond shall also include a 10% addition to cover contingencies.
 5. Where a Final Plan is to be developed in phases, the applicant may post a Performance Bond covering the costs itemized in subparagraphs (b) 1 through 4 above, related to those public improvements and utilities located within or required to serve one or more phases rather than for the entire development.
- c. As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Final Plan public improvements and utilities:
1. Performance Bond from a third part surety: The surety providing the performance bond needs to be authorized to do business in the State of Connecticut, must appear on the Federal Department of Treasury's list of approved sureties and must act only within the underwriting limitation listed therein, and must have a Best's Rating A or A- (Excellent) or better as published by the A.M. Best Company and must be approved by the Director of Finance.

Section 4 - Subdivision Plan Contents

- 4.1 General Requirements. Ten (10) prints of all maps, plans and profiles and two (2) copies of the drainage calculations shall be submitted with the application, and unless otherwise permitted by these Regulations, shall conform with Sections 40B.2 through 40C.2 of the Town of Montville Road Standard and Improvement Details as may be amended from time to time, they shall be presented on good-quality prints and shall be thirty-six inches (36") by twenty-four inches (24"), twenty-four inches (24") by eighteen inches (18") in size. All such prints shall have a one-half inch (1/2") border on three inch (3") sides and a two inch (2") border on the left side. If more than one (1) sheet is submitted, they shall be bound.

All such prints shall bear the following information:

- 4.1.1 The name or title of the subdivision and the words, "Montville, Connecticut".
- 4.1.2 The name and address of the developer and owner of the property.
- 4.1.3 North point, scale, and date of drawing and revision.

- 4.1.4 Where only a part of the subdivision is shown on the sheet, a key map shall show its location in relation to the whole subdivision.
 - 4.1.5 Name, Connecticut registration number and live seal of the land surveyor and/or engineer that prepared the drawing.
- 4.2 Key Map. The key map shall be at a scale not smaller than one inch (1") equals one thousand feet (1000') and shall show the location of the proposed subdivision and all existing roads and watercourses within two thousand feet (2000') of it. If space permits, the key map may be included as an insert map on the boundary survey map. The key map may be a simple tracing of the area from the latest revision of the Town base map.
- 4.3 Boundary Survey Map. This map shall show the entire parcel or that portion thereof to be subdivided into building lots and shall be at a scale of at least one inch (1") equals one hundred feet (100'), although a scale of one inch equals fifty feet (50') or one inch (1") equals forty feet (40') will also be acceptable. The boundary survey map shall show the following:
 - 4.3.1 Boundaries, dimensions and acreage of the property to be subdivided.
 - 4.3.2 Boundaries of properties and names of property owners within one hundred feet (100') of the proposed subdivision.
 - 4.3.3 Locations and designations of all wetlands, watercourses and rock outcroppings.
 - 4.3.4 Lot boundaries, dimensions, bearings, angles and areas in square feet. (Lot areas may be shown in tabular form on the same sheet.)
 - 4.3.5 Lot numbers and street numbers as approved by the Town Assessor.
 - 4.3.6 All existing buildings and stone walls.
 - 4.3.7 All existing monuments, pipe markers and any other physical evidence concerning property boundaries. Where new markers are established, they may be referenced to established points of the Connecticut Coordinate System at the Commission's request. Reason for reference may be: i.e., size of project, scope of project, location of project or other reasonable purpose as determined by the Commission.
 - 4.3.8 Locations of all existing and proposed easements, right-of-ways (ROWs), drainage rights and open spaces.
 - 4.3.9 The proposed name of each street. Street names shall be substantially different so as not to be confused in sound and spelling with present names in the Town, except that streets that join or are in alignment with streets on abutting or neighboring property shall bear the same name.
 - 4.3.10 Contour lines at five foot (5') intervals. Elevations shall be referenced to U. S. Geological Survey datum.

- 4.3.11 Locations of existing and proposed property line monuments and markers.
- 4.3.12 Subdivisions greater than fifty (50) lots or five (5) acres shall comply with section 15.2 of the Town of Montville Zoning Regulations as may be amended from time to time.
- 4.3.13 The words “Approved by the WPCA or Health District with spaces provided for the date and signatures of each, if applicable, and the words “Approved by the Montville Planning and Zoning Commission” with designated spaces provided for the date and signature of the Chairman or Secretary of the Commission.
- 4.3.14 The words "Date of Completion of All Work" with designated space for the date and initials of the Chairman or Secretary of the Commission.
- 4.3.15 The words "Passive Solar Energy Techniques as Prescribed by Law Have Been Considered in Development of this Plan" with designated space for signature of developer and engineer.

4.4 Construction Plan. All construction plans shall be submitted in accordance with the Town of Montville Road Standard and Improvement Details as may be amended from time to time, unless otherwise specifically provided by Town Ordinances, standards and specifications of the WPCA, or these Regulations. Water supplies for firefighting must be designed in accordance with NFPA 1231 and amendments thereto.

4.5 Soil Erosion and Sediment Control Plan. If the proposed subdivision will result in the disturbance of more than one (1) acre of land, the applicant will submit as part of the subdivision plan, a Soil Erosion and Sediment Control Plan that contains proper provisions to adequately control storm water runoff in the proposed subdivision based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" as may be amended from time to time, Alternative principles, methods and practices may be used with prior approval of the Commission.

4.5.1 The Soil Erosion and Sediment Control Plan shall comply with sections 4.10.5 and 15 of the Town of Montville Zoning Regulations as may be amended from time to time.

a) A map meeting the scale requirements of Section 4.3 of these Regulations showing:

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including soil types, wetlands, watercourses and waterbodies;
3. The existing structures on the project site, if any;

4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. The sequence of grading and construction activities;
7. The sequence for installation and/or application of soil erosion and sediment control measures;
8. The sequence for final stabilization of the development site;
9. The words "Certified by the Montville Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.

4.5.2 After review of the Soil Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote by the Commission to approve a subdivision plan shall mean certification of the erosion and sediment control plan as well.

4.5.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be included in the erosion and sediment control bond in compliance with sections 3.6 of these Regulations.

4.5.4 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.

4.6 Subsurface Sewage Disposal. Any subdivision or part thereof for which a public sewage disposal system is not available shall submit a plan which complies with Connecticut Public Health Code, On-Site Sewage Disposal Regulations and Technical Standards for the Subsurface Sewage Disposal Systems as may be amended from time to time, and the following requirements:

4.6.1 Plans must be on a scale no smaller than 1:40.

4.6.2 A minimum of four (4) test holes must be dug on each lot, which meet minimum Public Health Code requirements. Two (2) holes must be

located in the proposed primary area, and two (2) holes in the proposed reserve area.

- 4.6.3 Two (2) percolation tests must be performed on each lot, one (1) in the proposed primary area, and one (1) in the proposed reserve area, as required by the Public Health Code.
- 4.6.4 All septic systems must be located a minimum of fifty feet (50') from any watercourse, pond or wetlands.
- 4.6.5 All drainage, existing and proposed, must be shown in relation to the septic systems.
- 4.6.6 Any wells and septic systems on adjacent properties must be located on the plan.
- 4.6.7 All wetlands and watercourses within fifty feet (50') of the property must be located on the plan.
- 4.6.8 Original seal and signature of surveyor and/or engineer must appear on the plan.
- 4.6.9 All easements and ROWs are to be shown on the plan.
- 4.6.10 For sites which require an engineered septic system, the location of the proposed house or structure and the location of the primary and reserve must be shown.

4.7 Other Supporting Documents. Before approval of any subdivision the Commission shall require the following:

- 4.7.1 Evidence of permits for activities controlled by the Montville Inland Wetlands Commission.
- 4.7.2 Where applicable, written statements attesting to the suitability of water and sewer systems from the WPCA and/or the Director of Health and/or the Southeastern Connecticut Water Authority (SCWA) under provisions of Special Act 381 (1967), as may be amended from time to time. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall, prior to the issuance of a zoning permit for such development, provide to the Commission a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The town shall not be considered the water company for an approval unless it consents.

No application involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Montville Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

- 4.7.3 Where applicable, a written statement from the Connecticut Department of Transportation that designs of new street intersections with state highways are satisfactory.
- 4.7.4 Offers of deed, in a form satisfactory to the Town's legal counsel and the Commission, of all land, including streets, recreation areas, drainage and utility easements and other public uses not specifically reserved by the developer for the use of the future owners of the lots and retained under deed by same.
- 4.7.5 The developer shall submit to the Commission written copies of all agreements, restrictive covenants, or other documents governing the use, reservation, or maintenance of all land not to be deeded to the Town.
- 4.7.6 Approval of a Subdivision Plan shall not be deemed to constitute an acceptance of any street by the Town. However, the filing of an approved subdivision plan shall constitute an irrevocable offer of dedication by the owner of the land to the Town.

Section 5 - Design Standards

5.1 General. The design of the subdivision shall show consideration of and respect for the natural landscape. Designs shall be aimed at fitting the subdivision to the land rather than altering the land to make it fit the subdivision. The applicant shall demonstrate that, to the maximum extent possible, the subdivision design and subsequent lot arrangements provide opportunity for the use of solar energy in buildings subsequently located and built on them.

5.2 Lots. All lots shall front on a street.

- 5.2.1 Lot line orientations shall as a general rule be at right angles to the street on which the lots front, or radial to curved street lines. However, the Commission may permit varied lot orientations to accommodate topographic conditions and to encourage the optimal use of solar energy.
- 5.2.2 Lot sizes and street frontage requirements shall conform to the Town of Montville Zoning Regulations as may be amended from time to time.
- 5.2.3 Locations of proposed principal buildings, driveways, water supplies and sewage disposal systems shall be shown on all lots containing wetlands, watercourses, slopes in excess of ten percent (10%), ledge outcrops or

shallow to bedrock soils in order to permit the Commission to determine that the proposed lot can accommodate the intended use.

- 5.2.4 Attention should be given to promoting lot development along south facing slopes when topography and terrain permit. This concept generally assures increased levels of solar access protection, and can provide valuable windbreaks.

5.3 Streets. Streets shall be in harmony with the Montville Plan of Conservation and Development and shall be of sufficient width, suitably located, and adequately constructed, to accommodate the prospective vehicular and pedestrian traffic, to afford access to police, fire fighting, snow removal and other road maintenance equipment, and shall be coordinated so as to compose a convenient system. Streets shall be designed in accordance with Town of Montville Road Standards and Improvement Details, as may be amended from time to time.

- 5.3.1 Cul-de-sac streets shall not exceed one thousand feet (1,000') in length.

- 5.3.2 Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant may be required to deed sufficient land to the Town of Montville to permit widening the street and may be required to make such improvements within the ROW of the street, as deemed appropriate by the Commission to maintain public safety.

5.4 Open Space. The Commission may require open space for parks and playgrounds. The Commission shall consider the open space and recreation components of the Plan of Conservation and Development when requiring open space areas. The Commission may authorize the applicant to pay a fee to the municipality and/or transfer land to the municipality in accordance with Section 8-25 of the C.G.S. as may be amended from time to time, in lieu of any requirement to provide open space. The Commission is not required to approve this option.

- 5.4.1 Applicability. Any subdivision which contains more than fifty (50) dwelling units, or has expanded to contain more than fifty (50) dwelling units thru a proposal of an additional phase may be required to provide area to be dedicated as open space.

- 5.4.2 Access. Open space areas shall abut a public street or a ROW dedicated to public use or have significant conservation value. The ROW shall be a minimum of fifteen feet (15') wide. The ROW shall not be considered part of the required open space acreage.

- 5.4.3 Basis for Requirement. The applicant must demonstrate that the proposed open space area meets one or more of the following criteria:

- a) Protection of a significant wetland, watercourse, or unique natural feature.
- b) Provides a buffer between incompatible land uses.
- c) Adds to the visual attractiveness of the subdivision, such as a landscaped entranceway, buffer between lots and public road or highway, nature trail.
- d) Will be used as a park or a playground.

5.4.4 Exceptions. No open space shall be required in subdivisions having lot areas of forty thousand square feet (40,000sqft) or greater, except the Commission may require open space in such subdivisions when the property includes areas designated as open space or recreation areas, abuts an approved open space or recreation area, is identified in the Plan of Conservation and Development as an open space area, or the proposed subdivision contains one hundred (100) or more lots. In accordance with Section 8-25 of the C.G.S. as may be amended from time to time, the Commission may authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Nothing in these Regulations shall require the Commission to approve a proposal for open space waiver in lieu of a fee or land transfer.

5.4.5 Ownership. Open space may be owned by the Town, the developer, abutting lot owners, or a homeowners association. The form of ownership must be approved by the Commission.

5.5 Pedestrian Easements. In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of fifteen-foot (15') easements for pedestrian ways.

5.6 Reserve Strips. Reserve strips of land which, in the opinion of the Commission, show an intent on the part of the developer to control access to land dedicated or to be dedicated to public use shall not be permitted. Where it is desired to reserve a ROW for the extension of future streets, said ROW and slope rights on abutting lots shall be deeded to the Town prior to the approval of the subdivision. When a subdivision proposes the extension of or the connection to a reserved street ROW, it shall be the responsibility of the developer to improve the entire length of said street.

5.6.1 Excess land remaining at a temporary cul-de-sac after the street containing the cul-de-sac is extended shall revert to abutting property owners and the plan for any subdivision containing such cul-de-sac shall so indicate.

5.7 Trees. Trees shall be preserved wherever possible, especially those one foot (1') or more in diameter and those at or near the edges of proposed streets. New trees will be required along streets where necessary to obtain intervals of approximately fifty feet (50') between

trees. New trees shall not be located within the street ROW nor located in any area which could result in the tree interfering with existing or proposed power lines.

5.7.1 The Commission encourages the optimal utilization of evergreen tree varieties as windbreaks along northern portions of lots, and the planting and/or retention of deciduous varieties along southern portions of lots. Deciduous trees can provide adequate shade from excessive heat during summer months.

5.8 Flooding Considerations. The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in a Flood Zone on the Town's Flood Hazard Boundary Map or Flood Insurance Rate Map, it shall be reviewed to assure the following:

5.8.1 That all proposals are consistent with the need to minimize flood damage within the flood-prone areas. That the proposed development complies with section 15.2 of the Town of Montville Zoning Regulations as may be amended from time to time.

Section 6 - Construction Specifications

6.1 General. All improvements shall be made in accordance with the plan approved by the Commission, the improvement requirements of these Regulations and the specifications and procedures of other appropriate State and municipal agencies. The construction and installation of such improvements shall be the responsibility of the applicant.

6.2 Streets. Streets shall be constructed in accordance with the Town of Montville Road Standards and Improvement Details as may be amended from time to time.

6.3 Water Supply. Water supply and distribution systems shall be installed in accordance with the specifications of the SCWA, the appropriate town or city utility, or the Connecticut Department of Health, whichever has jurisdiction. In accordance with Section 13 of Special Act 67-381, as amended by Special Act 73-133, of the Connecticut General Assembly, SCWA may exercise jurisdiction when it is the intention of the applicant to develop a well water supply on the basis of studies which indicate a maximum requirement in excess of fifty (50) gallons per minute, or when the tract to be subdivided contains fifty (50) acres or more and is intended to contain two (2) or more dwelling units to be served by a single water supply. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall, prior to the issuance of a zoning permit for such development, provide to the Commission a certified copy of a certificate of public

convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The town shall not be considered the water company for an approval unless it consents.

- 6.4 Water Pollution Control. All sewage shall be disposed of by connection to public sewers if required by the WPCA or if such are not available, by subsurface sewage disposal systems approved by the Health District or by other methods approved by the DEEP or the State Department of Health, all in accordance with the provisions of the Connecticut Public Health Code. Any public sewer system shall be approved by the WPCA. When the WPCA provides written assurance to the Commission that the proposed subdivision is within or abuts an area into which public sewers are scheduled to be extended within five (5) years and connection will be permitted, the Commission may require that capped sewers be installed in the subdivision. All open ends of the system shall be capped and as-built plans provided showing exact locations and elevations so that capped ends can be readily located. Said capped sewers shall be designed in locations and at elevations provided by the WPCA.
- 6.5 Open Space. The Commission may require grading, seeding, planting, fencing, and other reasonable improvements to the open space to be used for active recreation purposes.
- 6.6 Street Signs. All street signs shall be furnished by the Town and paid for by the developer and shall conform to the Town of Montville Road Standard and Improvement Details as may be amended from time to time.
- 6.7 Trees. Where new street trees are required by these Regulations, they shall be nursery and/or native grown, of specimen quality, balled and burlapped, straight stemmed, free from disease, and treated for bark injuries. Such trees shall be planted on private property at least six feet (6') from the edge of the street ROW. Determinations of precise locations for trees shall consider future possible locations of driveways, existing power lines and existing and future utility connections.
- 6.8 Clean Up. Upon suspension or completion of the work or any portion thereof the developer or contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. Tree stumps and boulders shall be buried along property lines with a minimum two foot (2') cover. Cut-down trees and brush shall be removed from the property. All ditches shall be filled; all sewers, drains, catch basins and manholes cleaned and flushed; streets, walks, curbs, and other structures cleaned and repaired and the whole work area left in a neat condition. Final grading and stabilization shall conform to Section 120 of the Town of Montville Road Standard and Improvement Details as may be amended from time to time.
- 6.9 Modification of Improvements. If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such required improvements, the developer shall comply with Section 50D of the Town of Montville Road Standard and Improvement Details as may be

amended from time to time. In no case shall a change be made without Commission approval that would change the number of lots or decrease a lot size below that required by the Town of Montville Zoning Regulations as may be amended from time to time or change the location or extent of a street or open space.

- 6.10 Bond Release. Upon completion of all improvements the developer may apply to the Commission for acceptance by the Town of such improvements and for the release of the performance bond. Alternately, the developer, upon completion of the improvements specified below may apply to the Commission for the release of the performance bond.

Phase #1: A release of forty five percent (45%) of the bond upon completion of the grading of the road, installation of the gravel base, storm drainage pipes, (sewer pipes where applicable) and catch basins;

Phase #2: A release of fifty five percent (55%) of the bond on completion of all other improvements.

The Commission shall refer each request to the Director of Public Works, Town Engineer, Town Planner, and the WPCA, where appropriate and other officials or agencies, who shall report in writing to the Commission regarding the satisfactory completion of the required improvements. Upon receipt of a favorable reports from the Director of Public Works, Town Engineer, Town Planner, and the WPCA and other officials or agencies the Commission shall recommend to the Town Council that the improvements be accepted. After acceptance, the Erosion and Sediment Control Bond and performance bond shall be released by the Commission.

- 6.11 Town Acceptance of a Completed Road

Town road acceptance and maintenance bond requirements shall be in accordance with Section 60 of the Town of Montville Road Standard and Improvement Details as may be amended from time to time.

Section 7 - Waivers

- 7.1 General. The Commission may waive a requirement of these Regulations, in whole or in part, by a three-quarters (3/4) vote of all the members of the Commission in cases where conditions exist which affect the subject land and which are not generally applicable to other land in the area, except that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety, and no waiver shall be granted unless one of the following conditions exists:

- 7.1.1 The proposed subdivision includes land in more than one (1) municipality, and lots located wholly or partially in Montville are at least as large in total as the minimum lot size required for that area by the Town of Montville Zoning Regulations as may be amended from time to time; and the street frontage requirement is satisfied for each lot, regardless of the municipality in which the street is located.

- 7.1.2 Strict adherence to the requirements of these Regulations would result in the alteration or destruction of a significant or unique natural feature, such as a large tree, a watercourse, a wetland, or a rock formation.
- 7.1.3 Strict adherence to the requirements of these Regulations would result in significant alteration of the natural land contour in a manner that would aggravate the natural drainage or cause erosion and sedimentation problems that would be difficult to control or correct.
- 7.1.4 Completion of improvements to a ROW to provide connection with future streets in an adjoining property would result in a street stub not likely to be used in the foreseeable future.
- 7.1.5 A subdivision design standard would impair maximum access to the sun for solar energy on one or more lots in the subdivision.
- 7.1.6 The restriction of a cul-de-sac to one thousand feet (1,000') would deny the applicant access to land appropriate for use as residential building lots or the cul-de-sac will be converted to a thru street in the near future. The Commission shall not grant a waiver which exceeds one thousand five hundred feet (1,500') or twenty five (25) residential lots. In any case, a residential cul-de-sac shall not exceed one thousand five hundred feet (1,500'). The Commission shall not grant the waiver unless either a dry hydrant system or a hydrant system supplied by a public water supply, which has been approved by the Fire Marshal, is to be installed by the developer. The Commission may waive the length of a cul-de-sac which will provide access to commercial or industrial lots if an adequate fire suppression system is provided.

7.2 Reasons for Actions on Waivers. The Commission shall state upon its records the reasons for which a waiver is granted in each case.

Section 8 - General

- 8.1 Amendments. The provisions of these Regulations, may, from time to time, be amended, modified, changed, or repealed by the Commission in accordance with the provisions of Chapter 126, Section 8.25 of the C.G.S. as may be amended from time to time.
- 8.2 Penalties. Any person, firm, or corporation making any subdivision of land without the approval of the Commission shall be fined not more than five hundred dollars (\$500.00) for each lot sold or offered for sale or so subdivided.
- 8.3 Validity. If any chapter, section, paragraph, clause, or provision of these Regulations shall be declared invalid, such invalidity shall apply only to the chapter, section, paragraph, clause, or provision so invalidated, and the remainder of these Regulations shall be deemed valid and effective.

APPENDIX A

TOWN OF MONTVILLE PUBLIC IMPROVEMENTS WORKSHEET ROADWAY IMPROVEMENTS

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SINGLE CATCH BASIN		EACH		
2	DOUBLE CATCH BASIN		EACH		
3	STORM MANHOLE		EACH		
4	SANITARY MANHOLE		EACH		
5	UNDERDRAIN		L.F.		
6	REINFORCED CONCRETE PIPE (RCP)		L.F.		
7	RCP FLARED END SECTION		EACH		
8	HDPE PIPE		L.F.		
9	HDPE FLARED END SECTION		EACH		
10	CORRUGATED METAL PIPE (CMP)		L.F.		
11	CMP END SECTION		EACH		
12	SDR 35 PIPE		L.F.		
13	SDR 35 Fitting		EACH		
14	DUCTILE IRON PIPE (DIP)		L.F.		
15	DIP Fitting		EACH		
16	STABILIZATION FABRIC		S.Y.		
17	BITUMINOUS CONCRETE		TON		
18	BITUMINOUS CONC. LIP CURB		L.F.		
19	BITUMINOUS CONC. DRIVE APRON		EACH		
20	BITUMINOUS CONCRETE SIDEWALK		S.F.		
21	PRECAST CONCRETE CURB		L.F.		
22	EXTRUDED CONCRETE CURB		L.F.		
23	C.I.P CONCRETE SIDEWALK		S.F.		
24	MODIFIED RIP RAP		C.Y.		
25	GUIDE RAIL		L.F.		
26	GUIDE RAIL END ANCHORAGE		EACH		
27	STREET MONUMENTS (Concrete)		EACH		
28	TURF ESTABLISHMENT		S.Y.		
29	EROSION CONTROL BLANKET		S.Y.		
30	TURF REINFORCEMENT MAT (channels)		S.Y.		
31	STREET TREES		EACH		
32	SIGNS		EACH		
33	STREET LIGHTS		EACH		
34	SANITARY SEWER PUMP STATION		EACH		
				Subtotal:	

APPENDIX B

RESTRICTIVE COVENANTS FOR CONDITIONAL APPROVAL OF SUBDIVISIONS

WHEREAS, [owner of property upon which subdivision rests - not necessarily developer] is a Connecticut corporation/partnership having its principal place of business at ^, ^, Connecticut (hereinafter, Owner); and

WHEREAS, Owner is the owner, in fee simple, of real property located in the Town of Montville, County of New London and State of Connecticut, being [SOME BRIEF DESCRIPTION, SUCH AS ADDRESS OR ASSESSOR'S MAP/NUMBER], said real property being more particularly described on Schedule A, attached hereto and made a part hereof (hereinafter, the Property); and

WHEREAS, a subdivision known as [SUBDIVISION NAME] has been approved by the Montville Planning and Zoning Commission on the Property, which approval is predicated upon certain plans and other application materials, and which is subject to the Subdivision Regulations of the Town of Montville (hereinafter, the Regulations) and to certain conditions or modifications as may be disclosed in the records of the said Commission (hereinafter, the Subdivision); and

WHEREAS, the Subdivision requires the construction of certain public improvements, which improvements are required to be completed in accordance with Section 3.7 of the Regulations, prior to the endorsement and filing of the Subdivision in the Office of the Montville Town Clerk; and

WHEREAS, the parties acknowledge that the purpose of such requirement is to guarantee the construction of all improvements in the Subdivision, and compliance with the Regulations, the subdivision plans and submissions, the conditions and modifications of approval, and similar requirements applicable to the Subdivision, prior to the offering of any lot in the subdivision for sale or development; and

WHEREAS, the developer desires to postpone the completion of such construction work, and the Commission has indicated a willingness to accept such postponement provided that developer and Owner are willing to covenant that no lots in the Subdivision shall be conveyed, under any circumstances, to any party, until the required construction work is completed.

NOW, THEREFORE, [owner] declares and covenants that none of the lots in the Subdivision shall be conveyed to any party, other than the Town of Montville, prior to the approval of the Montville Planning and Zoning Commission of all construction work, and acceptance by the Town of Montville, of all of the Subdivision improvements, in

accordance with the Regulations and the approved Subdivision plans. The lots may be encumbered by mortgages junior in right to this Covenant. [OWNER] further declares and covenants that no construction activity of any kind, including but not limited to the clearing, grading, or excavation of land, shall occur on the subdivision property prior to the posting of erosion and sedimentation control bonds in accordance with Section 3.7.1 of the Regulations. This Covenant shall run with the land and shall be binding on all persons claiming title to said premises under Owner.

IN WITNESS WHEREOF, [owner] has caused this instrument to be executed in ^his/her/their/its name, on this ^ day of ^, 20^.

Signed, Sealed and Delivered
In the Presence of:

STATE OF CONNECTICUT)

COUNTY OF) ss. ^ ^, 20^

Personally appeared ^, signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed before me, the undersigned officer.

^
Commissioner of the Superior Court
Notary Public

My Commission Expires:

STATE OF CONNECTICUT)

) ss. ^

^, 20^

COUNTY OF ^)

Personally appeared ^ [NAME & TITLE/OFFICE OF SIGNER FOR CORPORATE OR PARTNERSHIP OWNER], signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed as such [TITLE/OFFICE], and the free act and deed of said corporation/partnership, before me, the undersigned officer.

_____ ^

Commissioner of the Superior Court

Notary Public

My Commission Expires:

NOTES:

THIS COVENANT MUST BE ACCOMPANIED BY A CURRENT CERTIFICATE OF TITLE INDICATING THAT THE PROPERTY IS IN THE NAME OF THE OWNER, AND IS FREE AND CLEAR OF ANY AND ALL ENCUMBRANCES (SUCH AS LIENS, ATTACHMENTS, MORTGAGES) WHICH MIGHT IMPAIR ITS PRIORITY IN RIGHT; OR SUBORDINATION AGREEMENTS FOR ANY SUCH ENCUMBRANCES.

THIS ENCUMBRANCE MUST BE FILED IN THE LAND RECORDS, INDEXED UNDER THE NAME OF THE OWNER. IT SHOULD BE FILED FOLLOWING THE FILING OF THE ENDORSED SUBDIVISION MAPS AND ANY DEEDS OF OPEN SPACE. DEEDS TO ROADS, DRAINAGE EASEMENTS, AND OTHER RIGHTS INCIDENTAL TO A NEW ROAD, SHOULD NOT BE FILED UNTIL ACCEPTANCE OF THE COMPLETED ROAD (THOUGH THE DEEDS CAN AND SHOULD BE HELD IN ESCROW).

IT IS THE RESPONSIBILITY OF THE DEVELOPER (BE IT OWNER OR DEVELOPER) TO INSURE COMPLIANCE OF ALL SUBDIVISION IMPROVEMENTS AND CLEAR TITLE TO THE ROAD AND APPURTENANT EASEMENTS UPON ACCEPTANCE. IF THE DEVELOPER IS NOT THE OWNER OR DEVELOPER, IT IS INCUMBENT ON THE DEVELOPER TO NEGOTIATE SUITABLE CONTRACTUAL AGREEMENTS WITH THE OWNER AND DEVELOPER.

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