

Subdivision Regulations

**Adopted 1.3.2013
Effective 2.1.2013**

**SUBDIVISION REGULATIONS
TOWN OF BRANFORD, CONNECTICUT**

These Regulations are the revised Subdivision Regulations of the Town of Branford, Connecticut,
adopted by the Planning and Zoning Commission on January 3, 2013, pursuant to the General Statutes of
the State of Connecticut, and effective February 1, 2013.

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Original Subdivision Regulations Effective June 16, 1954
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Section 1 - Introduction

1.01 Authority.

- 1.01.A These Regulations are adopted by the Planning and Zoning Commission of the Town of Branford under the authority conferred by Chapter 126 of the Connecticut General Statutes (CGS Section 8-18 et seq.), as amended.

1.02 Policy.

- 1.02.A **Declaration of Policy:** It is declared to be the Policy of the Branford Planning and Zoning Commission to consider land subdivision as part of a plan for the orderly and coordinated development and growth of the Town rather than as a mere aggregation of lots. These Regulations have been adopted in accordance with, and for the purposes set forth in, Section 8-25 of the Connecticut General Statutes, in order that land subdivision may be made in the best interests of the Town and in accordance with this policy and in order that land subdivided is of such character that it can be used for building purposes without danger to health or safety, that proper provision will be made for water supply, surface drainage and sanitary sewerage, and open spaces for parks and playgrounds and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision will be made for protective flood control measures and that the proposed roads are in harmony with existing roads and existing or proposed principal thoroughfares shown on any plan of development for the Town especially with regard to safe intersections and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs.

1.03 Purposes.

These Regulations are adopted for the following purposes:

- 1.03.A Protecting and providing for the public health, safety and welfare in the community and promoting the general welfare and prosperity of its people;
- 1.03.B Promoting the coordinated development of the community and guiding future growth and development in Branford in accordance with the Plan of Conservation and Development;
- 1.03.C Ensuring that land to be subdivided is of such character that it can be used for building purposes without danger to health or public safety;
- 1.03.D Guiding public and private policy and action in order to provide safe, adequate, and efficient transportation, drainage, water, sewer, parks, schools and other public facilities;
- 1.03.E Providing for the circulation of traffic throughout the community so that proposed streets shall be in harmony with existing and proposed streets, especially as regards safe intersections, and shall be so arranged and of such width as to provide an adequate and convenient system for present and future traffic needs;
- 1.03.F Establishing reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land;
- 1.03.G Ensuring that public facilities are available and have adequate capacities to serve the proposed subdivision;
- 1.03.H Preventing the pollution of air, streams, rivers and water bodies; assuring the adequacy of drainage facilities; providing for protective flood control measures; and encouraging the wise use and management of natural features throughout the community in order to preserve the integrity, stability and beauty of Branford and the value of the land;
- 1.03.I Preserving the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features;
- 1.03.J Encouraging energy efficient patterns of development and land use, use of solar and other renewable forms of energy, and energy conservation; and
- 1.03.K Such other purposes as may be described in Section 8-25 of the Connecticut General Statutes.

1.04 Applicability of Regulations.

- 1.04.A **Applicability of Regulations.** These Regulations shall apply to any subdivision or resubdivision of land within Branford, Connecticut.
- 1.04.B **Determination of Subdivision or Resubdivision.** The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.

1.05 Requirements.

- 1.05.A **Conformity Required.** Any subdivision of land shall be planned, designed, and constructed so that the subdivision as a whole, any lot or parcel therein, and any improvement required conforms to:
1. The applicable requirements of these Regulations, and
 2. The applicable requirements of the Town of Branford, Short Beach and Pine Orchard zoning regulations for the zoning district within which the lot or parcel is located.
- 1.05.B **Approval Required.** No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been:
1. Approved by the Commission,
 2. Signed by the Chairman or other authorized agent to indicate approval by the Commission, and
 3. Filed or recorded in the office of the Town Clerk within the time period specified in Section 6.4 of these Regulations.
- 1.05.C **Null And Void.** Subdivision plans that have been recorded without meeting the requirements of these Regulations shall be null and void.

1.06 Enforcement.

- 1.06.A **Responsible Agent(s).** These Regulations shall be enforced by the Planning and Zoning Commission and/or its designated agent(s) or representative(s).
- 1.06.B **Fines.** Any person making any subdivision of land without the approval of the Commission may be fined as provided by CGS Section 8-25 for each lot subdivided, offered for sale, or sold.
- 1.06.C **Penalties.** In the case of any violation of the provisions of these Regulations, the Commission shall retain the right of pursuing any legal action and impose any and all penalties provided by the Connecticut General Statutes.

1.07 Modification of Regulations.

- 1.07.A **Modification of Subdivision Layout Standards.** In accordance with CGS Section 8-26, the Commission may waive a regulation or standard contained in Section 3 or Section 4 of these regulations by an affirmative vote of four (4) members of the Commission provided that:
1. The Commission has received a specific written request from the subdivider for the modification,
 2. The Commission finds that:
 - (1) conditions exist which adversely affect the subject property and are not generally applicable to other property in the area,
 - (2) the requested modification is the minimum deviation necessary from these regulations to permit reasonable development of the subject property,
 - (3) granting of the modification will not have a significant adverse effect on adjacent property or on public health, safety, or welfare,
 - (4) granting of the modification will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood or impair the value thereof, and
 - (5) such modification will not hinder implementation of the plan of conservation and development.
 3. Before granting any such modification, the Commission must state upon the record its reasons for which such a modification is being granted:
- 1.07.B **Modification of Submission Requirement.** The Commission may, by simple majority, modify or eliminate any document submission requirement listed under Section 5.2.A.3 or Section 5.2.B of these Regulations if it finds that such requirement is not necessary for the Commission reasonably to determine whether the proposed subdivision complies with the standards set forth in these Regulations.

1.08 Administrative Provisions.

- 1.08.A **Amendments.** The Planning and Zoning Commission may amend or repeal these Regulations after a public hearing in accordance with the requirements of CGS Chapter 126
- 1.08.B **Appeals.** Any person aggrieved by an action or decision of the Commission may appeal as provided by CGS Sections 8-26 and 8-8.
- 1.08.C **Protection of Approved Plans.** Adoption of these regulations or any amendment hereto shall not invalidate any subdivision or street layout approved by the Commission, or its predecessor, prior to the effective date hereof.
- 1.08.D **Separability.** Should any provision of these Regulations be declared unconstitutional, invalid, or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.
- 1.08.E **When Effective.** These Regulations, and any amendments hereto, shall be effective from and after the date established by the Commission.

Section 2 - Interpretation

2.01 Interpretation of Regulations.

- 2.01.A **Minimum Requirements.** In their interpretation and application, the provisions of these Regulations shall be the minimum requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
- 2.01.B **Conflicts.** Where any conflict arises between the provisions of these Regulations, the provision that establishes the greatest restriction or imposes the highest standard shall control. Nothing in these Regulations shall be deemed to excuse compliance with the applicable provisions of any other law, ordinance, easement, covenant, rule, regulation, or permit.
- 2.01.C **Difference of Meaning.** In the case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table or illustrative table, the text shall govern.

2.02 Use of Terms.

- 2.02.A **Definitions To Be Applied.** In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.
- 2.02.B **Specific Terms.** In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
1. When not inconsistent with the context:
 - (1) Words in the present tense include the future and vice-versa.
 - (2) Words in the singular include the plural and vice-versa.
 - (3) Words in the masculine include the feminine and neuter and vice-versa.
 2. The word "person" also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
 3. Whenever any reference is made to a Town official or staff member, the reference shall be deemed to include any authorized agent of such official or staff member or any other person duly authorized to act in lieu of or on behalf of such official or staff member.

2.03 Defined Terms.

A-2 Survey. Survey information meeting the standards for an "A-2" survey as specified in "Code of Recommended Practice for Standards of Accuracy of Survey and Maps" by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

AASHTO. American Association of State Highway and Transportation Officials.

Accessway. Land containing a driveway intended to provide access to a rear lot or to land(s) of others.

Acre. A land area equivalent to 43,560 square feet.

Applicant. A person who files an application with the Commission for approval of a subdivision plan, whether for himself or herself or as an agent or representative of another person. When an application is filed by an agent or representative, the person being represented shall also be considered an applicant. Any person who is a successor in legal interest to an applicant shall also be deemed an applicant with respect to the requirements of these Regulations pertaining to applicants.

Application. The application form, maps, texts, reports, and supporting data required by these Regulations for approval of a subdivision or resubdivision.

CGS. Connecticut General Statutes. Unless the context clearly requires a different interpretation, all references to the Connecticut General Statutes shall be to the statutes as they may have been amended at the time the provisions of the statute are applied.

Commission. The Planning and Zoning Commission of the Town of Branford.

Community Resources. Scenic views, scenic areas, open space, recreation areas, greenways, trails, agricultural lands, prominent hillsides, ridgelines, ridgetops, hill crests, significant trees, and similar resources. *See "Cultural Resources" and "Natural Features."*

Conditional Approval. As authorized by CGS Section 8-25, a form of approval of a subdivision plan under which the map signed by the Chairman of the Commission may be filed on the land records but where lots cannot be sold or offered for sale until certain conditions have been met, such as completion of the public improvements and/or the furnishing of a financial guarantee.

Conservation Restriction. An encumbrance on real property filed on the land records of the Town for the protection and permanent preservation of fragile, vulnerable or valuable areas such as natural features, open space, natural habitats, buffer zones, scenic areas, historic sites, riding and walking trails, and land devoted to other similar purposes.

CTDOT. Connecticut Department of Transportation.

Cul-de-sac. *See "Street, Dead End".*

Cultural Resources. Archeological sites, stone walls, historic buildings, historic sites, and similar resources created by or resulting from human endeavor. See “Community Resources” and “Natural Features”.

Curb Cut - The opening along the curb line at which point vehicles may enter or leave the roadway.

Date of Approval. The date an application is considered approved based upon the latest of the following dates:

- by reason of failure of the Commission to act within the statutory timeframe, or
- by affirmative action of the Commission under any provision of these Regulations.

Date of Receipt. Unless otherwise provided in CGS Section 8-7d, the application shall be considered received upon the date of the first regularly scheduled Commission meeting after submission of the application or 35 days after submission of the application, whichever is sooner.

Developer. Same meaning as “Subdivider.”

Development. Any construction or grading activity to improved or unimproved real estate.

Disturbed Area. An area where the ground cover is destroyed or removed.

Drainage. The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Driveway. A paved or unpaved way providing access from a street or accessway to the premises.

Driveway, Shared. A privately owned and maintained driveway shared by adjacent property owners for access to more than one (1) lot.

Earth Disturbing Activities. Any use of the land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation.

Easement. A recorded interest in land held by a person other than the owner of the fee interest in the parcel.

Elevation. The height of a point above mean sea level based on the U.S. Coastal & Geodetic survey datum.

Engineer. A professional engineer as defined in CGS 20-299, licensed in the State of Connecticut, qualified to design such roadways, utilities and other improvements as may be required by these Regulations in connection with an application for approval of a subdivision.

Erosion. The process of wearing away and removal of the earth’s surface by natural agents including weather, running water, waves, currents, ice, wind or gravity.

Erosion and Sediment Control Manual. The “2002 Connecticut Guidelines for Soil Erosion and Sediment Control,” as amended, prepared by the Connecticut Department of Energy and Environmental Protection.

FEMA. Federal Emergency Management Agency.

Final Approval. As authorized by CGS Section 8-25, a form of approval of a subdivision plan under which the map signed by the Chairman of the Commission may be filed on the land records and where lots can be sold or offered for sale upon the filing of the approved plan on the land records.

Financial Guarantee. A financial guarantee acceptable in amount, form and substance to the Town for the purpose of ensuring that improvements or obligations required by these Regulations or pledged by the subdivider will be completed.

Flood Plain. That area designated as subject to periodic flooding by a flood having a one (1) percent chance of being equaled or exceeded in any given year (a “100-year-flood”), consisting of the floodway and the floodway fringe of the 100-year flood as shown on the Flood Boundary and Floodway Maps in the Flood Insurance Study prepared by the Federal Emergency Management Agency, as amended.

Grading. Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof which results in a change of contour or elevation, either permanent or temporary.

Health Department. The East Shore District Health Department.

Improvement. Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

Inspection. An on-site review of property for the purpose of determining compliance with these Regulations.

Lot. A parcel of land used or legally capable of use for residential or other lawful purposes.

Natural Resources. Land, water, and biological resources including, but not limited to, steep slopes, ridgetops, rock outcroppings, watercourses, ponds, rivers, flood plains, wetlands, streambelts, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique or fragile features. *See “Community Resources” and “Cultural Resources”.*

NFPA. National Fire Protection Association.

Open Space. Land preserved, usually in perpetuity, for protection of natural resources, natural features, scenic resources, or community character.

Owner. The person shown by the Land Records of the Town of Branford to be the holder of the fee title.

Parcel. A discrete unit of land defined by a continuous, closed boundary.

Person. A natural person or any other legally recognized entity, including, but not limited to, a corporation, partnership, limited liability company, limited liability partnership, association, or governmental agency.

Plan of Conservation and Development. A plan for the future growth, protection and development of Branford adopted by the Planning and Zoning Commission under CGS Section 8-23.

Premises. A parcel for which a subdivision application has been or will be filed.

Recreation Area. Land dedicated for recreation, park, or playground purposes.

Reserve Strip. A privately owned strip of land that controls access to land dedicated, or to be dedicated, for use as a public street.

Resubdivision. *See Subdivision-Terms*

Road. *See "Street".*

Sale. A conveyance for a consideration.

Sediment. Solid material, either mineral or organic, that is produced by the erosion of other materials.

Sidewalk. An area, often located within the street right-of-way, improved for and dedicated to pedestrian traffic.

Significant Tree. Live, healthy trees of a native species having a diameter of eighteen inches (18") or greater as measured four feet (4') above grade at the base of the tree.

Slope. An inclined surface, the gradient of which is typically expressed as a percent representing the number of feet rise or fall in 100 feet of horizontal distance.

Soil. Any unconsolidated mineral or organic material lying at the surface of the earth.

Soil Erosion and Sediment Control Plan. A scheme that is proposed to be implemented in order to minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Soil Scientist. A person who is qualified as a soil scientist in accordance with the standards set by the United States Civil Service Commission.

Soils Map. Soils classification maps using soil types described in the *Soil Survey, New Haven County Connecticut* prepared by the U.S. Department of Agriculture, Soil Conservation Service.

Solar Energy Techniques. Site design techniques that:

- maximize solar heat gain, minimize heat loss and/or provide thermal storage within a building during the heating season, and/or
- minimize heat gain and provide for natural ventilation during the cooling season.

Statute. One or more sections or subsections of the Connecticut General Statutes.

STREET RELATED TERMS:

Street. A generally linear area of land that is permanently dedicated to the public for the movement of vehicles and pedestrians, that provides access to abutting property, and that is shown on a subdivision plan approved by the Commission or that has been accepted by the State or Town for public travel. The term “street” shall include highways, parkways, avenues, roads, lanes, alleys, or other arteries of vehicular traffic, but not private driveways or accessways.

Accepted Street. Any street that has become a public highway by virtue of a legally recognized acceptance by the Town of Branford.

Approved Street. Any street whose location has been approved by official action of the Commission.

Arterial Street (Major Street). A through street that generally carries traffic between communities or major activity centers and includes all State and Federal highways.

Collector Street (Secondary Street). A through street that provides intra-community traffic service and neighborhood access to arterial streets.

Dead End Street. A street having only one vehicular outlet to another street.

Dead End Street System. A group of connected streets that originates at a single point of intersection, such that a vehicle traveling from any other street would have to pass through that point of intersection in order to reach any of the connected streets.

Local Street. A through street whose primary function is to provide access to abutting property and linkage between properties and collector or arterial streets.

Street Line. The line separating the street right-of-way and adjoining lots or premises.

Traveled Way. That portion of the surface of the street intended to be used by vehicular traffic.

Turnaround. The area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction without having to back up.

Subdivider. A person who creates any subdivision or part thereof, or who is an applicant for a subdivision. Any person who is a successor in legal interest to a subdivider shall also be deemed a subdivider with respect to the requirements of these Regulations pertaining to subdividers.

SUBDIVISION-RELATED TERMS:

Subdivision. As defined in CGS Section 8-18, a “subdivision” is the division of a tract or parcel of land into three or more parts or lots, made after the effective date of these Regulations (June 16, 1954), for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes. The term “subdivision” includes “resubdivision.”

Resubdivision. As defined in CGS section 8-18, a “resubdivision” is a change in a map of an approved or recorded subdivision or resubdivision if such change:

- Affects any street layout shown on such map,
- Affects any area reserved thereon for public use, or
- 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.

Town. The Town of Branford, Connecticut.

Traveled Way. *See Street-Related Terms.*

Turnaround. *See Street-Related Terms.*

Walkway. A sidewalk, path, trail, or way, or any other physically distinct corridor that is intended to be used primarily for the movement of pedestrian or other non-motorized traffic.

Watercourses. The term "watercourses" shall have the meaning set forth in CGS Section 22a-38.

Inland Wetlands. The term "inland wetlands" shall have the meaning set forth in CGS Section 22a-38.

Tidal Wetlands. The term “tidal wetlands” shall have the meaning set forth in CGS Section 22a-29.

Zoning Regulations. The Zoning Regulations of the Town of Branford, Short Beach and Pine Orchard, in effect and applicable to the premises at the time of application for subdivision or resubdivision.

Section 3 - Parcel Requirements

3.01 Land Character.

Land that the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erodible soils, utility easements or similar features that might pose a threat to the public health, safety or welfare shall not be approved as a building lot unless adequate provisions are made by the subdivider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

3.02 Protection of Important Features.

3.02.A **Natural Resources.** Any subdivision shall be designed and arranged and provision shall be made to avoid unnecessary or unreasonable pollution, impairment or destruction of natural resources as defined in these Regulations.

3.02.B **Community / Cultural Resources.** Any subdivision shall be designed and arranged and provision shall be made to enhance, where possible, and to avoid unnecessary or unreasonable harm to, community resources and/or cultural resources as defined in these Regulations.

3.02.C **Significant Trees.** Any subdivision shall be designed and arranged and provision shall be made to preserve significant trees (as defined in these regulations) as follows:

1. The applicant shall document the location of significant trees on the property within fifty feet (50') of any existing or proposed street.
2. Unless clearly designated for removal, any such significant tree shall be considered to be designated for preservation.
3. Unless otherwise authorized by the Commission, any such significant tree designated for preservation shall:
 - (1) Be protected by a four (4) foot high fence offset at least ten (10) feet from the tree trunk if at risk of damage from construction except that, if the Commission so designates, the fence shall be installed at the drip-line of the tree; and
 - (2) Have tree protection installed in advance when any construction activity will occur and be maintained and remain in place in good repair during the construction period.
4. Damage to any such significant tree shall be repaired by a Connecticut licensed arborist.
5. Any significant tree marked for preservation that is removed or damaged beyond satisfactory repair shall be replaced with a sufficient number of trees of the same or similar species as approved by the Commission so that the combined caliper measurements of the replacement trees shall equal or exceed the caliper measurement of the significant tree that was removed or damaged.

3.02.D **Project Review.** During the review process, the Commission may require:

1. The preservation or enhancement of specific features, and / or
2. The submission of additional information that demonstrates the subdivider's proposals (such as a conservation restriction and/or the dedication of open space) for protecting the types of resource(s) identified in Section 3.2.A of these Regulations.

3.03 Lot Layout.

3.03.A **Compliance.** Any proposed lot shall comply in all respects with the Zoning Regulations for the zoning district in which the lot is located.

3.03.B **Overall Design.**

1. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
 - (1) Securing necessary permits to develop the lot in compliance with applicable regulations, codes, and ordinances,
 - (2) Occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public,
 - (3) Providing safe and convenient access to the building or buildings on such lot in which the primary use of the lot is, or is to be, conducted, and
 - (4) Providing for grading and drainage without adversely affecting abutting or downstream properties.
2. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this provision would result in a better street or lot layout.
3. No lot within the Town of Branford shall be deemed to be continuous with a lot lying in an adjacent municipality. The determination of whether a lot complies with applicable zoning regulations shall be made entirely on the basis of land within the boundaries of the Town of Branford.
4. No land or building lot shall be configured in such a way that it could unreasonably limit or preclude access to other property.
5. Each lot that would not be served by public water supply and/or sanitary sewers shall have sufficient area and suitable dimensions to provide ample space to accommodate the proper layout, installation and future extension, as may be necessary, of a private water supply system and/or a private sewage disposal system in accordance with good engineering practice and the applicable requirements of the Public Health Code and of any applicable state and municipal health regulations.

3.03.C **Unsuitable Lots.**

1. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
 - (1) Does not conform to the requirements of these or other applicable codes and regulations,
 - (2) Is found unsuitable for occupancy and building by reason of lack of septic suitability, lack of adequate water supply, topography, water, flooding, or other conditions, or
 - (3) Does not meet the minimum zoning requirements.
2. Unless designated and preserved in perpetuity for open space, municipal, conservation, or agricultural purposes, no parcel, reserve strip, or any other remnant of land unsuitable for building shall be left in any subdivision. Any such remnants shall be merged with adjoining suitable lots.

3.04 Open Space.

- 3.04.A **Purpose.** In subdivisions proposed for residential development, open spaces for parks, playgrounds, and/or environmental protection shall be provided in places deemed proper by the Commission. As provided for in CGS Section 8-25, every subdivision shall provide for open space in order to:
1. Protect and conserve natural resources,
 2. Protect and conserve community resources and/or cultural resources,
 3. Establish greenbelts and other linkages that connect open spaces,
 4. Provide for parks, playgrounds, and other active and passive recreation areas,
 5. Supplement existing open space areas,
 6. Provide, protect, or enhance local trails, and/or
 7. Implement the open space and other recommendations in the Plan of Conservation and Development.
- 3.04.B **Open Space Options.** The open space requirement may, with approval of the Commission, be met through:
1. Dedication of land within the subdivision or elsewhere in Branford,
 2. Payment of a fee in lieu of open space,
 3. Dedication of land and payment of a fee in lieu of open space, or
 4. Some other arrangement that shall be found by the Commission to be acceptable (such as a streetscape protection easement, a trail easement, a conservation easement, or similar proposal).
- 3.04.C **Evaluation Requirements.** So that the Commission can fully evaluate the merits of the open space preservation method proposed, the subdivider shall submit a map showing where the open space land is located on the parcel or would be located if payment of a fee in lieu of open space, or other open space arrangement, is not accepted.
- 3.04.D **Comments from Other Agencies.** The Commission may solicit comments from the Parks and Open Space Authority, the Inland Wetlands Commission, the Conservation and Environment Commission, the Select Committee on Open Space Acquisition, the Branford Land Trust, or any other person or entity regarding the best method of preserving open space as part of the subdivision.
- 3.04.E **Dedication of Land.** Where the open space requirement shall be met through the dedication of land:
1. At least ten (10) percent of the total area of the subdivision shall be set aside for open space.
 2. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in Branford.

- 3.04.F **Appropriateness of the Open Space.** In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
1. The physical character and quality of the open space in terms of its value for active or passive recreation,
 2. Recommendations in the Plan of Conservation and Development,
 3. The presence or absence of any existing open spaces in the area,
 4. The opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system,
 5. The opportunity to preserve or protect significant natural resources, and
 6. Comments from other agencies regarding need, resources, connection to the open space system of the Town, and preferred ownership.
- The Commission reserves the right to reject any proposed open space dedication that it finds will not adequately address the foregoing criteria and to require other specific land areas within any proposed subdivision to be dedicated as open space .
- 3.04.G **Developments Abutting Existing Open Space.** When a subdivision abuts an existing open space area, the Commission may require the lot lines of such land to form a continuation of the existing open space to provide a single, unified area.
- 3.04.H **Ownership of Open Space.** The subdivider shall designate which entity is, or entities are, proposed to own the open space to ensure its permanent protection as provided in these Regulations. The following is the order of preference for ownership of open space:
1. The Town. If a subdivider transfers land to the Town for municipal purposes other than for required street widening, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
 2. A non-profit organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes.
 3. A neighborhood association or private organization having rules and policies to protect and preserve the open space area that have been reviewed and approved by the Commission.
 4. Such open spaces deeded to a private organization or to a private association shall provide in such deed that ownership shall revert to the Town or other conservation organization for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership.
- 3.04.I **Term of Protection as Open Space.** Such open spaces shall be deeded in perpetuity. The subdivider shall install markers delineating the boundaries of the open space in accordance with Section 6.08.C.
- 3.04.J **Phased Subdivision Proposals.** When a subdivision plan is proposed to be phased (i.e., to be created in sections of a larger, overall Site Development Plan), the Commission shall generally require the developer to provide, in every phase, a proportionate part of the total open space area that has been proposed and approved with respect to the overall Site Development Plan, including suitable access to such land.
- 3.04.K **Public Access.** The Commission may require that any open space land have direct access to a public street through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.

3.04.L **Restrictions.** Open space areas shall not be used as a depository for brush, stumps, earth, building materials, or debris. The Commission may allow the use of open space areas for the purposes of stormwater management and detention facilities, but drainage and detention basins shall not be counted towards the minimum open space set-aside requirements in these regulations.

3.04.M **Fees in Lieu of Open Space.**

1. As provided by CGS Section 8-25, the Commission may authorize the subdivider to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide open spaces.
2. The Commission may also request that the subdivider pay a fee to the Town or pay a fee to the Town and transfer land in lieu of the requirement to provide open space where dedication of land as open space will not best serve the purposes set forth in Section 3.4.A. If the subdivider declines to do so, the Commission shall require the dedication of open space.
3. If payment of such a fee is proposed by the subdivider, the Commission may refuse such fee if it determines, in its sole discretion, that there are acceptable areas on the subdivision which merit preservation.
4. Any open space payment shall be placed in a fund established by the Town to be used for acquiring land for open space in accordance with the purposes of this Section 3.4.A.
5. Unless otherwise agreed to by the Commission and the subdivider, the procedures for determining the amount of any fee in lieu of open space shall be in accordance with Section 8-25 of the Connecticut General Statutes, as amended provided that any required appraisal shall be performed by a Connecticut-licensed appraiser who has been certified as a Member of the Appraisal Institute (MAI).
6. The fee in lieu of open space may be paid in one (1) lump sum by the subdivider or may be made in partial payments at the time of the sale of each approved lot in the subdivision. Partial payments shall be made in accordance with the formula set forth in CGS Section 8-25.
7. When fractional payments are to be provided in lieu of open space land, the subdivider shall execute a lien securing the total amount of the fee for the entire subdivision, and such lien shall be recorded on the Town of Branford Land Records with a first priority and a form and substance acceptable to the Town Attorney. A release of lien for each lot shall be provided by the Town upon the Town's receipt of the fee for each lot.

3.04.N **Modification of Open Space Reservation.**

1. To the extent required by CGS Section 8-25, the open space reservation requirement shall not apply if:
 - (1) The transfer of all land is in a subdivision of less than five (5) parcels and is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the transferor for no consideration, or
 - (2) The subdivision contains affordable housing as defined in CGS Section 8-39a equal to 20 percent or more of the total housing to be constructed in such subdivision.
2. The Commission shall require the subdivider to provide sufficient documentation to assure that any exemption claimed under this section is legally warranted. Such documentation shall generally include, without limitation, an affidavit by the subdivider as to the identity of the transferees and adequate language on the final subdivision plans, indicating that any transfers not protected under CGS Section 8-25 may result in the revocation of subdivision approval .

3.05 Solar Access.

- 3.05.A **General.** Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation are encouraged.
1. The subdivider shall consider using solar energy techniques and site design techniques that would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, and that have the potential to:
 - (1) Maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and
 - (2) Minimize heat gain and provide for natural cooling during the cooling season.
 2. The site design techniques shall include, but not be limited to:
 - (1) House orientation,
 - (2) Street and lot layout,
 - (3) Vegetation,
 - (4) Natural and man-made topographic features,
 - (5) Protection of solar access within the subdivision.
- 3.05.B **Compliance.** As part of the application, the subdivider shall demonstrate that these techniques have been considered and employed, as appropriate.

3.06 Soil Erosion and Sediment Control.

- 3.06.A **Applicability.** Soil erosion and sediment control is required as part of any subdivision or resubdivision.
- 3.06.B **Requirements.**
1. A soil erosion and sediment control plan shall be submitted as part of any application for a subdivision or resubdivision.
 2. Such soil erosion and sediment control plan shall, in graphic and/or narrative form, demonstrate adherence to the soil erosion and sediment control standards set forth in:
 - (1) Section 6.10 of the Branford Zoning Regulations,
 - (2) The “Connecticut Guidelines For Soil Erosion and Sediment Control (2002)”, as may be amended, and
 - (3) the “Connecticut Stormwater Quality Manual (2004)”, as may be amended.
 3. Prior to the start of work, the Commission may require the subdivider to provide a financial guarantee to ensure installation and maintenance of soil erosion and sediment controls.

3.07 Grading and Earth Removal Activities.

- 3.07.A **General.** All grading, excavation, filling, tree clearing, and other soil disturbance shall be in accordance with Section 6.8 of the Zoning Regulations.

3.08 Tree Planting.

3.08.A **Purpose.** This section is intended to preserve and enhance trees and the tree canopy in order to contribute to community character, decrease storm water run-off and erosion, provide shade, and reduce air pollution.

3.08.B **Requirements.**

1. Street trees shall be planted as part of any subdivision unless existing trees meeting the following requirements are preserved.
2. Trees to be planted shall:
 - (1) Be deciduous shade trees of a species acceptable to the Commission with a mature height of 35 feet or greater (the use of Connecticut or New England native species is encouraged and the use of invasive or potentially invasive plants, as defined by the Connecticut Invasive Plants Council is prohibited).
 - (2) Planted on one side of an existing street and on both sides of any new street in each subdivision unless considered unnecessary by the Commission due to the preservation of existing healthy trees or inappropriate topographic or geologic conditions
 - (3) Be located approximately 50 feet apart, subject to variations made necessary by existing vegetation, driveways, intersection sight lines, and street corners as well as by the species of trees planted.
 - (4) Be located within the Town right-of-way unless modified by the Commission due to possible interference with wetlands, watercourses, topography, soils, scenic views, intersection sight lines, solar access, winter conditions, or underground or overhead utilities.
 - (5) Be at least two and one-half (2½) inch caliper or larger at the time of planting.
 - (6) Be planted and protected during street construction using good horticultural practices.
 - (7) The lowest branches should be a minimum of six (6) feet above the ground
3. The applicant shall submit a street tree plan at the same scale as the subdivision site development plan showing the location of all proposed street trees and a planting list showing the number, size and species of all street trees to be planted and/or retained.

3.08.C **Planting And Maintenance.**

1. New trees shall be planted, protected, staked, and maintained using good horticultural practice.
2. Any tree not surviving one (1) year after the completion of all required subdivision improvements shall be replaced at the developer's expense.
3. A financial guarantee shall be provided to ensure such replacement.

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Section 4 - Infrastructure Requirements

4.01 Streets.

4.01.A Overall Layout.

1. Proposed streets shall be planned and designed in harmony with existing and proposed streets as shown in the Plan of Conservation and Development or by the Commission through its own deliberations particularly with regard to location, extent, and classification of streets.
2. Proposed streets shall be designed and constructed to provide a safe and convenient system for prospective traffic and for continuation onto adjoining properties when subdivided.
3. Proposed streets shall have at least one (1) intersection with a State Highway, an existing Town street, or a proposed Town street that has been approved by the Commission and has a financial guarantee on file with the Town in accordance with these Regulations.
4. In general, proposed streets shall be designed to follow the contour of the land with consideration given to preserving natural resources, community resources, and cultural resources.

4.01.B Street Planning.

1. In accordance with CGS Section 8-25, the Commission must determine whether any proposed street or streets in a prospective subdivision plan are in harmony with existing or proposed principal thoroughfares shown in the 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. In order properly to discharge this responsibility, the Commission reserves the right to deny any proposed street layout, or to require a different street layout, if it finds that such denial or such alternative layout would better serve those needs.
2. Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots and safe and convenient circulation for present and prospective traffic within the neighborhood in which the subdivision is located.
3. In planning streets, due consideration shall be given to accomplishing an attractive layout and development of the land.
4. Streets should in general follow the contour of the land and should have a location and grade which preserves natural terrain, substantial trees, woods and other natural features and which enhances property values in the subdivision.

5. Dead end streets and dead end street systems are disfavored because of their limited accessibility. More specifically, such streets and systems present a risk that ingress to and egress from the lots they serve could be precluded by the blockage of the single access outlet; for example, by storm-related damage, fallen trees, accidents, the presence of emergency equipment along the street, or other causes. Although the Commission recognizes that some landowners prefer dead end streets because they prevent through traffic, the Commission finds that the safety benefits of through streets generally outweigh the localized benefit of dead end streets and systems. Therefore, the Commission shall not approve dead end streets or systems unless the applicant demonstrates either:
 - (1) that the street or system could reasonably and conveniently be extended into adjoining property upon the future development of that property and could later become a through street; or
 - (2) that a new street is necessary to allow reasonable development of the property, and that an alternative through-street layout is not feasible because:
 - (a) the existing uses or characteristics of adjoining property would prevent the extension of the street; or
 - (b) an extension of the street would require an unreasonable amount of excavation, grading, or filling or would cause unnecessary destruction or degradation of natural resources.
6. Streets shall be planned in accordance with the following additional standards.
 - (1) Major Street: Major Streets shall be provided as indicated on any comprehensive plan of development adopted by the Commission and where necessary to connect major areas of town or to serve a major commercial or industrial area.
 - (2) Secondary Street: Secondary streets shall be planned as a logical system of feeders and collectors connected to the major street system and shall be planned to accommodate the volume, type and concentration of traffic anticipated in the commercial, business or industrial areas.
 - (3) Local Street: Local streets shall provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided.
7. Proposed streets which may be projected into adjoining properties shall be carried to the boundary line.
8. No reserve strips or other property configurations intended or designed to prevent future road extensions or prevent access to abutting property shall be permitted.

4.01.C **Street Design and Construction Standards.** Proposed streets shall be laid out, designed and constructed in accordance with the following standards and specifications and any other applicable regulations:

1. **Right of Way Width:** Streets shall have the following minimum width of right-of-way according to their classification:

	Right of Way Width
Arterial Street / Major Street	80 feet
Collector Street / Secondary Street	60 feet
Local Street	50 feet

2. **Width of Pavement:** Streets shall be designed with the following width of pavement centered between the street lines:

	Pavement Width
Arterial Street / Major Street	40 feet
Collector Street / Secondary Street	36 feet
Local Street (on-street parking not likely)	24 feet
Local Street (on-street parking likely)	30 feet
Turnaround	50 foot radius

3. **Alignment:** Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves. A minimum tangent length of 300 feet shall be provided between reverse curves. The minimum radius of curvature at the centerline of streets shall be as follows:

	Minimum Radius
Arterial Street / Major Street	600 feet
Collector Street / Secondary Street	300 feet
Local Street	150 feet

4. **Grade:** The minimum grade for any street shall be 1.0%, except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following according to its classification:

	Maximum Grade
Arterial Street / Major Street	6 percent
Collector Street / Secondary Street	8 percent
Local Street	10 percent
Turnaround	3 percent

5. **Vertical Curves:** Appropriate vertical curves shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street and good engineering practice. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersected. The following minimum stopping sight distances shall be provided:

	Minimum Vertical Curve
Arterial Street / Major Street	350 feet
Collector Street / Secondary Street	250 feet
Local Street	250 feet

4.01.D **Intersection Design.** The following standards shall apply to street intersections:

1. Where a proposed street intersects an existing street in the vicinity of a third street, the Commission may require that the centerline of the proposed road intersect at the same point as the third street or require that the intersection be spaced at least 200 feet apart.
2. The Commission may require that the distance between intersections and connecting streets be not more than 1200 feet to avoid excessively long blocks and unnecessary circuitous travel on streets.
3. The Commission may limit the number of streets intersecting at any point.
4. Streets shall intersect one another at as near to a right angle as is practical. No intersection shall be at an angle of less than 60 degrees. Proposed streets shall intersect other streets such that the centerline of the proposed street shall be a straight line for a distance of at least 100 feet from the intersecting street lines.
5. At street intersections, property line corners shall be rounded by an arc having a minimum radius of 25 feet.
6. Proposed streets shall intersect other streets such that the pavement slope on the proposed street shall not exceed two (2) percent within 50 feet of the intersection.
7. Intersections shall have unobstructed view from a driver's eye (located at a height of three and one-half (3½) feet above the surface of the proposed street and a location 20 feet back from the edge of the travel way of the intersected street) along both directions of the intersected street. Such view shall be in conformance with current CTDOT and AASHTO standards for the 85th percentile speed. The desirable sight distance shall be provided whenever possible and no street shall be approved that does not provide for the minimum sight distance. Such sight distance shall not be impaired by curvature or slope, except in extreme conditions, in which case adequate alternative safety measures shall be designated.

4.01.E **Street Lines.** Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with these Regulations. No street right-of-way shall be widened beyond the minimum width specified in these Regulations for the purpose of securing additional street frontage for proposed lots. The boundary line between a private street and public street shall be clearly delineated.

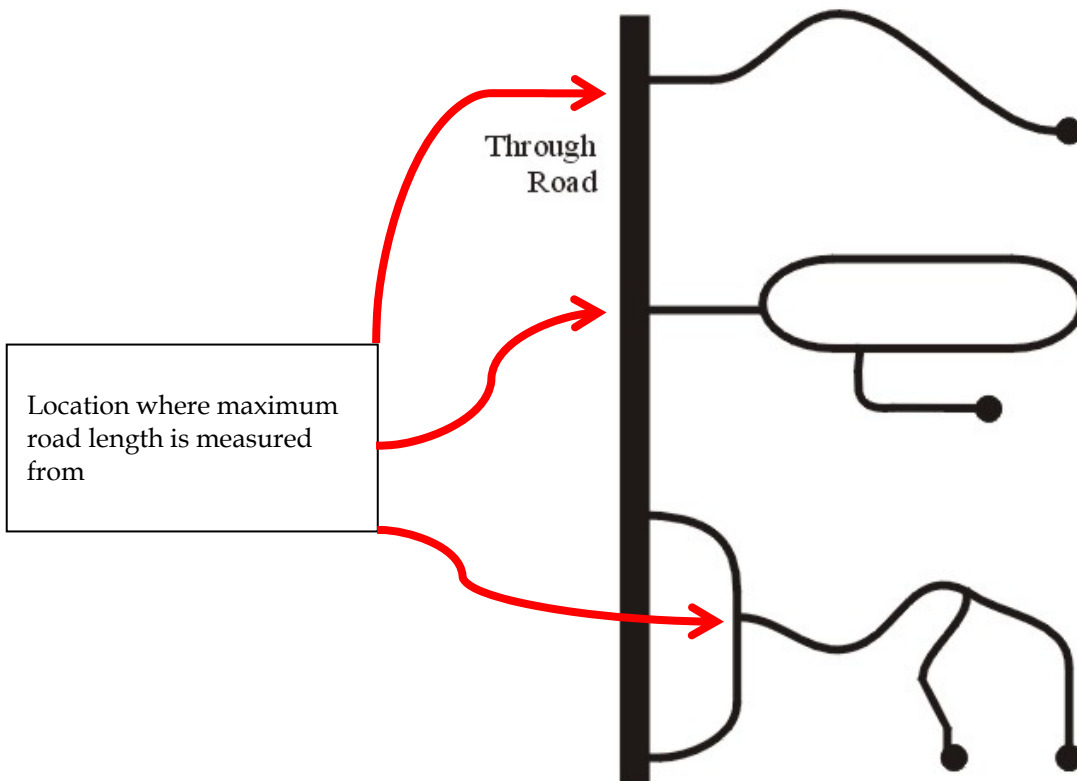
4.01.F **Existing Streets.** Proposed subdivisions abutting an existing Town street or State Highway shall provide for proper widening of the right-of-way of such street or highway to the width appropriate for the classification indicated for such street or highway in the Zoning Regulations of the Town of Branford.

4.01.G **Cross Section.** Each proposed street shall be designed with a cross section in accordance with the classification of the street and the standard construction details of the Town of Branford except that curbing may not be required by the Commission when the application includes an overall stormwater management program intended to promote infiltration.

4.01.H Permanent Dead-End Street Length Limitation

1. No permanent dead-end street shall be planned except as may be approved by the Commission such as when topography or physical conditions make it impractical, in the sole discretion of the Commission, to extend it or connect it with another proposed or existing street.
2. Unless otherwise approved by the Commission, no permanent dead-end street shall be created that:
 - (1) Is less than 250 feet in length, or
 - (2) Results in more than twenty (20) lots being located on a permanent dead-end street as measured from the nearest intersection, whether inside or outside the subdivision, which has at least two independent routes of access.
3. In deciding upon the reasonable length of a permanent dead-end street, the Commission may consider the distance from emergency services, the overall access to the location, adverse topographic or soil conditions, difficult site configuration, future street extension, or similar circumstances.

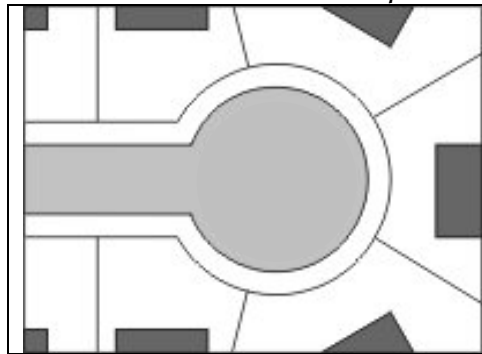
Measuring the Length of Dead End Streets



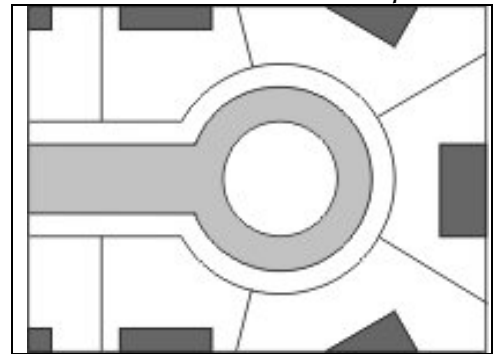
4.01.I **Permanent Turnaround Design.**

1. A permanent dead-end street shall terminate in a turnaround area with a right-of-way having at least a 60 foot radius and a paved turnaround area having at least a 50 foot radius.
2. At the cul-de-sac end, the right-of-way of such permanent turnaround shall be located at least 100 feet from the property line of the overall parcel being subdivided.
3. The paved turnaround shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
4. The Commission may require that pedestrian, drainage and/or utility easements of appropriate width be provided from the terminus to the abutting property line(s).
5. The Commission may allow alternative turnaround configurations (such as landscaped center islands) in order to enhance the character of the community when adequate provision has been made for long-term maintenance by others than the Town of Branford.

*Basic Design of
Permanent Turnaround (Example)*

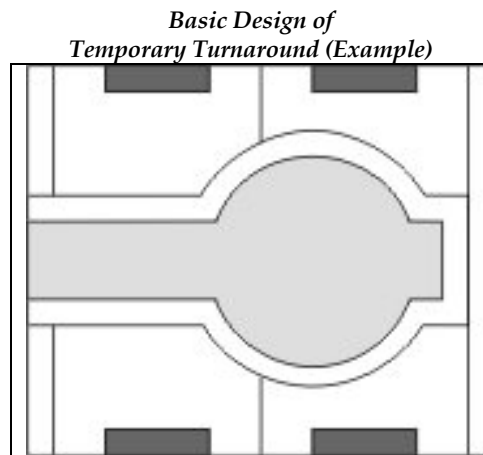


*Possible Alternative Design of
Permanent Turnaround (Example)*



4.01.J **Street Extensions and Temporary Dead-End Streets.**

1. The arrangement of streets in a subdivision shall provide for the extension of existing streets and for the future extension of proposed streets into abutting property not yet subdivided, except where the Commission determines that topography, soils or other conditions make such continuation impractical or undesirable.
2. The Commission may require the subdivider to demonstrate the feasibility and practicality of extending any proposed street onto or through adjacent property to another street.
3. Any temporary dead-end street shall have a turnaround installed at a point near the proposed extension with:
 - (1) A ten (10) foot paved spur extending along the road centerline from the turnaround area toward the undeveloped land.
 - (2) A temporary easement for the turnaround with a note on the map indicating "Easement for temporary turnaround which automatically terminates upon extension of street".
 - (3) Adequate grading rights for the future extension of the proposed street.



The 10-foot paved spur:

- Acts as a snow shelf while it is a temporary end point;
- Provides visual notice that the road may be extended at a later date.

4. Any proposed future access to abutting undeveloped property which is perpendicular to the proposed street shall have:
 - (1) The right-of-way deeded to the Town,
 - (2) The future roadway area graded with all slopes made necessary by such street prepared and stabilized,
 - (3) No reserve strips left at the end or side of any access which adjoins abutting property.
5. The subdivider of the adjoining land shall be responsible for:
 - (1) Preparing drawings showing and including all work required to connect and complete the improvements and utilities between the existing street and the proposed subdivision,
 - (2) Removing all segments of any temporary turnaround or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the street is extended.

4.01.K Street Names.

1. The developer shall suggest names for all proposed streets, but the Commission shall have complete discretion to accept, reject or replace any suggested names. Street names proposed by the subdivider:
 - (1) Shall be indicated on the subdivision plan,
 - (2) Shall be selected so as to avoid similarity in spelling or sound with existing private or public street names, and
 - (3) May draw upon National, State or Town historical events and personalities, and natural, aesthetic and historic features of the subdivision area or its immediate environs.
2. The following street nomenclature is recommended:
 - (1) Court or Place - a permanent dead-end street,
 - (2) Circle - a street that forms a loop with a second street by having both ends intersect the second street at different locations,
 - (3) Drive or Lane - a local minor street,
 - (4) Road or Street - a major arterial or collector street or a street in a non-residential zone.

4.01.L Street Signs and Traffic Controls.

1. Prior to Town acceptance of subdivision streets, the subdivider shall provide and install at the subdivider's sole cost and expense:
 - (1) Suitable traffic control devices and signs in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, and
 - (2) Suitable permanent street name signs at all street intersections in accordance with Town standards.
2. During street construction and prior to the issuance of any building permit, temporary street name signs and suitable traffic control devices of a durable, weatherproof material shall be installed by the subdivider at street intersections.

4.01.M Street Acceptance.

The Commission's approval of a street pursuant to these Regulations means that the Commission will recommend and support the acceptance of the street by the Town of Branford. However, Town acceptance of streets requires a separate process that is not under the control of the Commission. Therefore, the Commission cannot and does not guarantee that any proposed street will be accepted by the Town of Branford, even if such street would comply with the provisions of these Regulations.

4.02 Driveways.

- 4.02.A **Conformity With Zoning.** Any lot proposed as part of a subdivision or resubdivision shall be served by a driveway that conforms to the requirements of Section 6.12 of the Zoning Regulations.
- 4.02.B **Design.** As part of the subdivision review, the Commission may require the submission of a plan and profile drawing and construction information in order to determine whether a proposed driveway will conform to the requirements of Section 6.12 of the Zoning Regulations.

4.03 Sidewalks / Pedestrians.

- 4.03.A **When Required.** The Commission may require that sidewalks be provided within any subdivision or resubdivision. Guidance for the when sidewalks should be provided can be found in the Plan of Conservation and Development.
- 4.03.B **Design.**
1. Sidewalks shall be designed and constructed in accordance with Town Code Section 216-43.
 2. Sidewalks shall be built in compliance with the requirements of the Americans with Disabilities Act (ADA).
- 4.03.C **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 semipublic places, the Commission may require the provision of 20 foot wide easements for the establishment of pedestrian ways.

4.04 Sewerage.

4.04.A Documentation.

1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Health Department that each lot will either be served by the Town sewer system or that the lot will adequately satisfy the requirements of the State Health Code for a sewerage system and not endanger public health, safety or general welfare.
2. The Commission shall not approve any lot where insufficient evidence has been provided with regard to sewerage disposal to satisfy the requirements of the State Health Code.

4.04.B **Design.** Where private sewage disposal (such as a septic system) is to be used, approval by the Health Department for each proposed lot shall be obtained prior to approval of the subdivision.

4.04.C **Construction.** Where Town sewers will be provided, all sewer mains and laterals within the street right-of-way shall be installed prior to the final surfacing of the street.

4.05 Water.

4.05.A **Compliance.** It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Health Department that a potable water supply will be provided for each lot.

1. The Commission shall not approve any lot where insufficient evidence has been provided with regard to water supply to satisfy the requirements of the State Health Code.
2. In accordance with CGS Section 8-25a, any subdivision using water supplied by a water company incorporated on or after October 1, 1984 shall not be approved unless such company has been issued a certificate pursuant to CGS Section 16-262m, as amended.

4.05.B Design.

1. In the event the proposed subdivision should or shall be served by a public water supply system, provision shall be made for the installation of water mains and fire hydrants within the proposed development (See Section 4.9).
2. Water mains shall be installed parallel to and at a fixed distance from the center line of the street.

4.05.C **Installation.** Where public water will be provided, all water lines and supply connections within the street right-of-way shall be installed prior to the final surfacing of the street.

4.06 Storm Drainage.

4.06.A **Purpose.** The purpose of this section is to provide guidelines for adequate drainage facilities, whether structural or non-structural, for the control, collection, treatment, conveyance, infiltration, and disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or elsewhere.

4.06.B **Requirements for All Drainage Facilities.**

1. All drainage facilities shall be designed by a Connecticut licensed professional engineer and shall be subject to the approval of the Town Engineer and the Commission.
2. Submitted drainage reports shall contain calculations, plans, profiles, and construction details sufficient to document compliance with the requirements of these regulations.
3. Drainage facilities shall be laid out so as to provide positive drainage away from all buildings and prevent ponding of water after construction of streets, drainage and buildings are completed. All driveways shall be designed to have appropriate drainage in order to minimize discharge of water to the Town street, right-of-way, and adjacent property.
4. The design and construction of storm drainage facilities shall:
 - (1) Avoid or prevent any increase in the rate of storm water runoff from the property;
 - (2) Minimize any increase in the volume of storm water runoff from the property;
 - (3) Minimize any increase in the concentration of storm water runoff from the property;
 - (4) Avoid flooding adjacent property from the headwater and backwater produced by bridges, culverts, and other structures;
 - (5) Not result in standing or stagnant water within the limits of the proposed subdivision unless such condition is specifically approved by the Commission as part of a stormwater management plan;
 - (6) Make proper provision (such as easements or manholes) for drainage from development of adjacent properties; and
5. The design engineer shall prepare a pre-development and post-development analysis of storm water runoff from the site and shall:
 - (1) Submit such calculations for a 2-year, a 5-year, a 10-year, a 25-year, a 50-year, and a 100-year storm to the Town Engineer; and
 - (2) Demonstrate to the satisfaction of the Commission that there will be no increase in the peak rate of storm water runoff from the development based on a 25-year storm frequency with a duration of 24 hours.

6. All drainage design formulas and analyses shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated as part of the application.
7. Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity - Duration Frequency Curves" for the nearest rain gauge.
8. Drainage structures shall be designed to accommodate the following storm frequency:
 - (1) A 25-year storm frequency for streets within the subdivision (including catch basins, inlets, pipes, underdrains and gutters)
 - (2) A 100-year storm frequency for culverts, bridges over watercourses, and detention/retention basins.

4.06.C Non-Structural Drainage Facilities.

1. The Planning and Zoning Commission encourages the use of "soft" (non-structural) stormwater management techniques (such as swales) and other drainage techniques that reduce impervious surfaces and enable infiltration, where appropriate, provided the drainage elements conform to Town Standards.
2. The Commission may approve the use of surface retention or detention facilities, swales or ditches for drainage after review by the Town Engineer, provided such measures are designed and constructed to minimize soil erosion and danger to public health or safety. Proposed surface drainage facilities shall be designed in accordance with the best engineering practice.
3. Where detention or retention basins are to be provided, hydrographs shall be generated to document overall flows through the basin.

4.06.D Structural Drainage Facilities.

1. Long, diagonal drainage crossings under the pavement that can cause differential street settling shall be avoided.
2. Where a development connects to existing streets, the subdivider shall provide appropriate drainage at the intersections.
3. Spacing between sets of catch basins shall be a maximum of 300 feet. The Commission may require closer spacing if recommended by the Town Engineer or other qualified engineer based on a gutter flow analysis.
4. The first set of catch basins in a storm drain system shall be located a maximum of 350 feet from the roadway high point.
5. A drainage structure shall also be placed along a storm drain at each vertical grade change, at each change in horizontal direction, and at each junction point of two or more storm drains.
6. The minimum pipe size for all storm drain systems constructed under these Regulations shall be 12-inch inside diameter.
7. The material for all structural storm drain systems constructed under these Regulations shall be reinforced concrete or equivalent acceptable to the Commission.
8. A minimum cover of two (2) feet shall be provided for all storm drains.
9. Proper bedding, grading, and cover shall be provided around all drainage structures.

4.06.E Drainage Outlets and Channels.

1. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
2. A two-stage detention basin may be required by the Commission to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
3. When drainage outlets or channels are required by the Commission for drainage purposes, the subdivider shall provide the Town a plan and any required rights-of-way for long-term maintenance.

4.06.F Drainage Easements.

1. Drainage facilities located outside of the street right-of way shall be located in perpetual, unobstructed drainage easements deeded to the Town of Branford.
2. Such easements shall be of adequate width to allow convenient access for maintenance.
3. The subdivider must obtain, in writing, permanent drainage rights in favor of the Town for any required drainage flows across adjacent properties from streets, catch basins, culverts, or any other facilities or improvements proposed for acceptance by the Town.
4. If any drainage facilities are to be accepted by the Town, the developer must provide, in writing, easements allowing the Town to access such facilities. Such drainage easements shall be shown on the subdivision plan and filed on the Land Records.

4.07 Wire Utilities.

- 4.07.A **General.** New electric, telephone, television cable and other utility wires shall be installed underground unless the Commission determines, based on a written report submitted by the subdivider and reviewed by the Town Engineer, that such underground installation is inappropriate or infeasible for all or a part of the subdivision or resubdivision after considering:
1. The type of service existing in the area adjacent to the subdivision,
 2. Topographic and construction conditions, and
 3. The size of the subdivision or resubdivision.
- 4.07.B **Installation.**
1. All utility pipes and conduits shall be installed in the side strips of the Town right-of-way wherever possible and such pipes and conduits shall be installed prior to final surfacing of the street.
 2. All utilities associated with the subdivision shall be installed at the subdivider's expense prior to acceptance of the street by the Town. Electric, telephone, cable television, and any other utilities shall be installed in proposed and existing streets as specified by the appropriate utility company and shall be subject to the inspection and acceptance of such company and the Town Engineer.
 3. All utilities shall be located and mapped on an as-built drawing prior to acceptance of the street by the Town.
- 4.07.C **Easements.** Any utility located outside of the Town right-of-way shall be located in an easement adequate in width to allow for present or future connections or extensions of such utilities and for the maintenance thereof.

4.08 Street Lighting.

- 4.08.A **Purpose.** This section is intended to provide for efficient illumination of streets and sidewalks sufficient to ensure public safety, control hazardous glare, and minimize adverse impacts on residents and wildlife.
- 4.08.B **Layout.** Illumination shall be provided at all road intersections and at additional locations as determined by the Commission to be necessary to ensure public safety. In general, additional street lights should be located along sharp curves, near road hazards, at pedestrian crossings, and at the end of cul-de-sacs. Proposed street light locations shall be shown on site development plans submitted with the subdivision application..
- 4.08.C **Fixtures.** All fixtures must be full cut-off.
- 4.08.D **Installation, Maintenance and Electricity.** Prior to acceptance of the street by the Town, all street lighting associated with the subdivision shall be installed at the developer's expense. The developer shall provide for maintenance and electricity for street lights until the subdivision roads are accepted by the Town.

4.09 Fire Protection.

- 4.09.A **General.** Wherever public water service is available, each subdivider shall provide adequate fire protection to protect public safety.
- 4.09.B **Public Water Supply.** Wherever public water service is available, each subdivider shall provide an adequate number of fire hydrants in appropriate locations to protect public safety.
- 4.09.C **Areas Not Served By Public Water.** Where public water service is not available or provided, each subdivider shall provide supplemental water supply system(s) to protect public safety. Such supplemental water supply system(s) may, with approval of the Commission, consist of:
1. Hydrant(s) to existing or proposed fire ponds,
 2. Hydrant(s) to underground cistern(s),
 3. Residential sprinkler systems,
 4. Other mechanisms acceptable to the Commission to provide for supplemental fire protection (such as an easement for future installation of an underground cistern).
- 4.09.D **Design.** Facilities for fire protection shall be sized and constructed in accordance with NFPA Standard 1141 - "Fire Protection in Planned Building Groups" and NFPA Standard 1231 - "Standard on Water Supplies for Suburban and Rural Firefighting", as amended.
1. The Town Engineer shall, in conjunction with the Fire Marshal, make recommendations to the Commission regarding the proposed location, size, design, construction specifications, and installation of such supplemental water supply system(s) and access thereto.
 2. The land area containing any supplemental water supply system(s) shall be easily accessible by emergency personnel and shall, as necessary, be encumbered by easements approved by the Town Attorney to ensure the Town's perpetual right to access, maintain, and or improve any supplemental water supply system(s) and access thereto for firefighting purposes, and obligate the property owners not to inhibit the use of the fire protection facility for firefighting purposes without the approval of the Fire Marshal.
 3. The Commission may require the use of landscaping or other materials to screen access routes, pipes, or other structures associated with the installation of supplemental water supply system(s). Such landscaping or other materials shall be approved by the Fire Marshal.
 4. All fire protection measures required by the Commission and the Fire Department:
 - (1) May be required to be installed prior to issuance of a building permit for any dwelling in the subdivision, and
 - (2) Shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision.

Section 5 - Application Procedures

5.01 General Requirements.

5.01.A **Overall.** Any subdivision application shall be accompanied by forms, fees, maps, plans, profiles and all additional documentation, information and reports as prescribed in these Regulations.

5.01.B **Professional Assistance Requirements.** Plans submitted under these Regulations shall be prepared by the following person or persons:

TYPE OF DESIGN	DESIGN PROFESSIONAL REQUIREMENTS
Delineation of the boundary lines of the outside perimeter of a parcel as well as the interior lots and streets.	Sealed by a Connecticut-licensed land surveyor
Design of streets, drainage systems, sanitary sewer systems, sewage disposal systems, and water supply and distribution.	Sealed by a properly qualified, Connecticut-licensed professional engineer

5.01.C **Authorization.**

1. Each application shall be signed by the owner of record or his/her duly authorized agent or representative. If the application is signed by an agent or representative, a written instrument evidencing the agent's authority to apply shall accompany the application.
2. It is often necessary for the Commission to conduct an on-site inspection of parcels proposed for subdivision in order for the Commission to understand the physical and locational characteristics of the parcel that may influence subdivision design and feasibility. Therefore, the subdivider must be prepared to grant permission for the Commission or its agents, consultants or representatives to enter the property at reasonable times for such purposes. As a condition of any subdivision approval, the subdivider must also allow Commission and Town representatives, agents, and consultants reasonable entry onto the premises for the purpose of:
 - (1) Reviewing the proposed subdivision,
 - (2) Inspecting the property and any proposed improvements,
 - (3) Installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them until the Town has assumed responsibility for them.

5.01.D **Submission.** All applications shall be submitted to the Planning and Zoning Office during regular working hours. The application shall be dated as of the actual date submitted.

5.01.E **Review by Town.** The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other qualified agency or person as, in the opinion of the Commission, may be advisable for their information, review and recommendations. In accordance with CGS Section 8-1c and any municipal land use fee ordinance, the subdivider may be required to compensate the Town for any review fees and related expenses.

5.02 Formal Subdivision Application.

5.02.A **General.** A formal application for subdivision shall include the following:

1. One (1) copy of the prescribed application form, fully and properly completed and executed.
2. The required application processing fee.
3. Plans and other documents as required by these Regulations or as required by the Commission.
4. If the application is for a resubdivision, the application shall include a copy of the plan(s) of the original subdivision and any subsequent resubdivision as approved by the Commission and filed with the Town Clerk showing all of the land area involved in the original subdivision.

5.02.B **Plan Requirements.** Submitted plans shall be drawn at a scale of one inch equals forty feet (1" = 40') on 24" by 36" sheets. Four copies at full size and eight copies on 11" by 17" sheets are required. Plans shall contain the following information:

1. **Drawing Requirements.**

- (1) A title block indicating:
 - (a) names of owner, subdivider, engineer and/or surveyor.
 - (b) name of subdivision, drawing date and revision dates.
- (2) A north arrow and a map scale.
- (3) Signature Block for Planning and Zoning Commission Chairman and Secretary along with space to insert the expiration date (required on all sheets).
- (4) Embossed or stamped seal of the appropriate professional(s) and an original signature of each such professional (required on all sheets).
- (5) A Key Map at a scale of 1 inch=1,000 feet or less locating:
 - (a) the subdivision within the surrounding properties.
 - (b) the proposed street system in relation to existing streets.
- (6) If multiple sheets are used, an Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, streets, street names, sheet delineation and match lines between sections.
- (7) Zoning data table showing zoning district(s), lot area requirements, setback requirements, and other relevant zoning information.
- (8) The following statement shall be provided on the record subdivision drawing:
 - (a) "The filing of an approved subdivision plan in the Office of the Town Clerk:
 - (b) Shall constitute an offer of dedication to the Town for acceptance as a street of any land shown as a street on such plan,
 - (c) Shall constitute an offer to the Town for the dedication of land for easements or other public use as shown on such plan,
 - (d) Shall be binding upon the owner of such land, his heirs, successors and assigns, and
 - (e) Shall not obligate the Town to accept or not to accept such dedication(s). The procedure for acceptance of any street or other land or interest in land shall be as determined by the Town of Branford."

2. **Property Information.**
 - (1) Existing and proposed property boundaries with pin and monument locations.
 - (2) Parcel areas (including area of each proposed lot excluding areas designated as steep slopes, inland wetlands and watercourses).
 - (3) Street address.
 - (4) Owner's name(s) and lot line locations for abutting parcels.
 - (5) Existing and proposed easements and other rights-of-way for utilities, drainage, access, conservation easements, walks, etc.
 - (6) Proposed open space(s).
3. **Existing Site Conditions.**
 - (1) Existing topography for the subject property with two foot contours based on field survey.
 - (2) Existing within 100 feet of the perimeter of the subject property with two foot contours based on aerial topography (available from the Town).
 - (3) Wetlands, watercourses, and other water bodies on and near the property (flagged by a soil scientist and surveyed).
 - (4) Steep slopes equal to or greater than 25 percent.
 - (5) Existing drainage features on and near the property.
 - (6) Base flood elevation data and floodplain data.
 - (7) Historic buildings and sites, including archeological sites, stone walls, monuments, and other structures having historical or cultural significance.
 - (8) Identification of significant trees in areas of proposed improvements or clearing.
 - (9) Other community resources and cultural resources as defined in these Regulations.
4. **Soils Information.**
 - (1) Soil types consistent with the National Cooperative Soil Survey of the USDA Soil Conservation Service.
 - (2) Locations and identification numbers of percolation test holes and deep hole tests for each lot.
 - (3) Results of percolation tests and deep pits.
 - (4) Notes setting forth any limitations or requirements of the Health Department.
5. **Design of Lot Improvements.**
 - (1) Building set-back lines with dimensions.
 - (2) Location of existing and proposed structures and other improvements (e.g., driveways, retaining walls, culverts, or fences).
 - (3) Location of proposed septic fields with distances to property lines and any existing well within 200 feet (on or off site).
 - (4) Location of proposed wells and water sources for each lot, keyed to the Sanitary Report.
 - (5) Driveway design with proposed grading and slopes.

6. **Design of Overall Improvements.**
 - (1) All proposed soil erosion and sediment control procedures.
 - (2) Street design including overall layout and grading, plan and profile, construction details and, where applicable:
 - (a) sightline - centerline profiles for 300 feet on existing and future streets to which a subdivision street connects.
 - (b) cross sections with field topography at 50 foot intervals.
 - (c) sight line plan and profile.
 - (3) Drainage design plan and profile and construction details and, where applicable:
 - (a) points of discharge to or from any street or property.
 - (b) location of storm water detention.
 - (4) Utility design (including connections to existing lines).
 - (5) Detailed drawings of any bridges, box culverts, deep manholes, and other special structures.
 - (6) The location and design of supplemental water supply systems or fire protection systems to be installed in the development.
 - (7) The location and design of streetlights to be installed in the development.
 - (8) A lighting plan documenting existing and proposed lighting along with illumination levels.
 - (9) The location and species of street trees.
 - (10) Each site development plan drawing and each plan and profile drawing shall contain a note indicating that, prior to initiation of any tree clearing or site development activity:
 - (a) A pre-development meeting shall take place with the Town Engineer and the Town Planner or their designees,
 - (b) A cash bond or other suitable financial guarantee shall be provided to the Town for soil erosion and sediment control, and
 - (c) Protection for significant trees to be preserved shall be installed.
7. **Miscellaneous Requirements.**
 - (1) Lots intended for separate ownership or building shall be numbered consecutively throughout the entire subdivision beginning with the number "1." Resubdivisions of lots may be lettered consecutively beginning with the letter "A." Adjoining sections of the same subdivision having the same title shall not duplicate numbers.
 - (2) When a plan covers only a portion of the subdivider's entire holdings, the subdivider shall submit information to demonstrate to the Commission that the future extension of roads and/or utilities to adjacent properties has been provided for or that such road access and/or utilities are, or will be, otherwise available to such adjacent properties.
 - (3) Design of streets and utilities shall be based on official Town, State or USGS topographic benchmarks or other permanent benchmarks approved by the Town Engineer and the benchmarks used shall be noted on the plan.
 - (4) All appropriate details and dimensions necessary to clearly explain the proposed street, drainage, and utility construction, including type of construction, material, top of frame, size, pitch, invert elevations and stream cross sections and profiles, etc. shall be shown, and shall be in conformity with applicable standards.

- 5.02.C **Additional Information.** In addition to plans and documents required by these Regulations, the Commission may require the submission of:
1. Funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any municipal land use fee ordinance,
 2. Evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property,
 3. Copies of any decisions rendered by local, state or federal agencies in connection with the proposed development (e.g. Connecticut Department of Transportation, Connecticut Department of Energy and Environmental Protection, Army Corps of Engineers, Branford Inland Wetlands Commission, and/or the Branford Water Pollution Control Authority).
 4. A detailed statement of the estimated cost of constructing the proposed subdivision streets, accessways and other improvements,
 5. Any proposed grant or grants to the Town, including any required easements for drainage, access, utility, or other purposes. The Commission may consult with the Town Attorney regarding such grants and may require such modifications as it may deem necessary or appropriate to protect the Town's interests. The applicant shall also submit:
 - (1) A title certificate, signed by a Connecticut attorney, showing that the title to the property covered above is free of encumbrances that would render the title unmarketable or would otherwise prevent the use of the Property for the purpose for which it is granted to the Town.
 - (2) A written agreement permitting entrance by the Town onto the land covered by the grants mentioned above, as well as the area of the streets shown on the subdivision plan, for the purposes of inspection and of installing the required improvements in the event of the failure of the applicant to make such improvements or to properly maintain them until the Town has assumed responsibility for them.
 - (a) Such written agreements shall provide that the developer, on demand, shall execute and deliver to the Town a deed to the area of the street or streets shown on the subdivision plan as approved.
 - (b) Such easements, deeds and agreements shall be presented prior to endorsement of the Record Subdivision Map.
 6. A Coastal Site Plan Application for any subdivision within the Coastal Boundary,
 7. Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations,
 8. Additional copies of application materials as necessary for review by the Commission or other Town agencies.

5.03 Receipt and Scheduling.

5.03.A Review By Other Agencies.

If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider shall submit an application to the Inland Wetlands Commission no later than the date the subdivision application is filed with the Commission. The subdivider is encouraged to acquire permits and approvals from the Inland Wetlands Commission prior to submission to the Commission.

5.03.B Date of Receipt.

The date of receipt of an application shall be the date of the next regularly scheduled meeting immediately following the day of submission of such application or 35 days after submission, whichever is sooner.

5.03.C Public Hearings.

1. Upon receipt of an application for a resubdivision, the Commission shall schedule a public hearing.
2. The Commission may, but shall not be obliged to, schedule a public hearing on an application for a subdivision that is not also a resubdivision.

5.03.D Commission Review.

1. The Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.
2. The Commission may require field staking of proposed improvements, such as proposed streets and accessways, for visual inspection. Such stakes shall be installed at intervals of 50 feet along the center lines.

5.03.E Withdrawal. At any time following the submission of an application and prior to final action by the Commission, the applicant may withdraw the application by filing with the Commission a written request to that effect.

5.04 Notice Provisions.

- 5.04.A **Written Notice, By Applicant.** If a public hearing is required, the subdivider shall send, by Certificate of Mailing, written notice of the date and subject matter of any public hearing to the owners of all land located within 100 feet of the subject property at least ten (10) days prior to the date of the first public hearing. Prior to or at the public hearing, the subdivider shall deliver to the Commission proof of mailing of such written notice.
- 5.04.B **Notice to Regional Water Authority and Connecticut Department of Public Health, By Applicant.**
1. When an application, is filed with the Commission and it involves property that 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, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records.
 2. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven (7) days after the date of the application.
 3. 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.
- 5.04.C **Notice to Regional Planning Agency, By Town.** In accordance with CGS 8-26b, when any proposed subdivision or resubdivision will abut land in another Connecticut municipality or include land in two (2) or more Connecticut municipalities:
1. The Commission shall give written notice of such subdivision plan to the regional planning agency or agencies in which it or the other municipality is located by certified mail, return receipt requested not later than thirty days before the date of the first public hearing to be held in relation thereto,
 2. A regional planning agency receiving such notice shall, at or before the hearing, report to the Commission and to the subdivider on its findings on the inter-municipal aspects of the proposed subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate.
 3. If the report of a regional planning agency is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.

5.04.D Notice to Adjacent Municipalities, By Town.

1. In accordance with CGS 8-7d(f), the Commission shall notify the clerk of any adjoining Connecticut municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt of an application concerning any project on any site in which:
 - (1) Any portion of the property affected by the decision of the Commission is within 500 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 to 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 run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
2. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

5.04.E Notice to the Connecticut Department of Energy And Environmental Protection Regarding Coastal Management, By Town. In accordance with CGS Section 22a-109(d), the Commission shall notify the Commissioner of the Connecticut Department of Energy And Environmental Protection by certified mail, return receipt requested, within 15 days of the date of receipt of an application concerning any project within the coastal boundary involving a shoreline flood and erosion control structure, as defined in CGS Section 22a-109(c).

5.04.F Notice to Public Notice Registry, By Town. In accordance with CGS Section 8-7d(g), the Commission shall provide notice to all persons and organizations that have registered for notice of pending public hearings.

5.05 Public Hearings.

- 5.05.A **General.** To the extent required by CGS Section 8-7d, when a hearing is to be held on an application, such hearing shall:
1. Commence within 65 days after receipt of such petition, application, or request, and
 2. Be completed within 35 days after such hearing commences, unless a shorter period of time is required.
 3. The applicant may allow extensions of time to commence and complete a hearing in accordance with CGS Section 8-7d.
- 5.05.B **Notice in Newspaper, By Town.** To the extent required by CGS Section 8-7d, notice of the hearing shall be published in a newspaper having a general circulation in Branford at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than ten (10) days, and the last not less than two (2) days before the date set for the hearing.
- 5.05.C **Access to Application Materials.** All applications and maps and documents relating thereto shall be open for public inspection.
- 5.05.D **Conduct of Hearing.** At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.

5.06 Application Processing and Action.

- 5.06.A **Commission Action.** The Commission shall act upon an application by approving, modifying and approving, or disapproving the application.
- 5.06.B **Timeframe to Make a Decision.** To the extent required by CGS Section 8-7d, action on an application shall be rendered within 65 days after completion of the public hearing.
- 5.06.C **Extensions.** The applicant may allow extensions of time to make a decision on the application in accordance with CGS Section 8-7d.
- 5.06.D **Decision Criteria.** In making its decision, the Commission shall give due consideration to the material contained in the record. Any action by the Commission shall:
1. Set forth any reasons for the decision,
 2. Set forth any conditions and modifications to which the approval is subject, and
 3. Be stated on the Commission's records.
- 5.06.E **Automatic Approval.** To the extent required by CGS Section 8-26, a subdivision plan shall be taken as approved if the Commission does not take action on the application act in accordance with the statutory timeframe, and a certificate to that effect shall be issued by the Commission on demand.
- 5.06.F **Notice of Decision.** The Commission shall cause notice of its action to be:
1. Delivered to the subdivider by certified mail,
 2. Posted in the Office of the Town Clerk, and
 3. Published in a newspaper having substantial circulation in Branford as provided in CGS Section 8-26.
 4. Mailed, within 15 days, to the Commissioner of the Connecticut Department of Energy And Environmental Protection, if the subdivision involves a shoreline flood and erosion control structure.
- 5.06.G **Failure to Provide Notice.** To the extent authorized by CGS Section 8-26(d), if the Commission fails to cause notice of its action to be published as provided in CGS Section 8-26 (within 15 days after a decision has been rendered), the subdivider may publish such notice within ten (10) days thereafter.
- 5.06.H **Street Acceptance.** Commission approval of the plans shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.

Section 6 - Post-Approval Procedures

6.01 Finalizing Approved Plans.

- 6.01.A **General.** Final plans shall be revised to conform to any modifications called for in the Commission's action. No subdivision plan shall be signed by the Commission Chairman or Secretary until all applicable modifications have been made and conditions of approval have been met.
- 6.01.B **Post-Approval Modifications.** After approval by the Commission, no other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without the approval of the Commission.

6.02 Alternative Approval Formats

- 6.02.A **Declaration Of Approval Format.** When submitting the subdivision plan and supporting plans to the Commission for signature, the subdivider shall declare one of the following approval formats as authorized by CGS Section 8-25:
1. "Final Approval / No Financial Guarantee Required" as provided in Section 6.2.B,
 2. "Final Approval / Financial Guarantee Provided" as provided in Section 6.2.C, or
 3. "Conditional Approval" as provided in Section 6.2.D.

6.02.B **Plans To Be Filed As “Final Approval / No Financial Guarantee Required”.**

1. A subdivision plan and supporting plans may be filed as “Final Approval / No Financial Guarantee Required” when:
 - (1) no street improvements, public utilities, or other requirements are required to be provided prior to the sale of any lot in the subdivision, or
 - (2) when street improvements, public utilities, and other requirements have been completed to the satisfaction of the Commission and the Town Engineer and, if relevant, accepted by the Town of Branford prior to the filing of the subdivision plans on the land records.
2. Such subdivision plan shall contain the following signature block:

Final Approval / No Financial Guarantee Required	
No street improvement, public utilities, or other requirements were required to be provided prior to the sale of any lot in the subdivision or street improvements, public utilities, and other requirements have been completed and, if necessary, accepted by the Town of Branford.	
Lots in the subdivision may be sold at any time.	
At a meeting on _____, the Branford Planning and Zoning Commission approved this subdivision plan in accordance with the Branford Subdivision Regulations.	
_____ Chairman	_____ Date
_____ Secretary	_____ Date
Expiration Date:	

6.02.C **Plans To Be Filed As “Final Approval/ Financial Guarantee Provided”.**

1. A subdivision plan may be filed as “Final Approval / Financial Guarantee Provided” when a financial guarantee in a form and amount acceptable to the Commission has been provided for street improvements, public utilities, and other requirements remaining to be constructed.
2. Such subdivision plan shall contain the following signature block:

Final Approval / Financial Guarantee Provided	
A financial guarantee has been provided to the Town of Branford to ensure that street improvements, public utilities, and other requirements will be completed.	
Lots in the subdivision may be sold at any time.	
At a meeting on _____, the Branford Planning and Zoning Commission approved this subdivision plan in accordance with the Branford Subdivision Regulations.	
_____ Chairman	_____ Date
_____ Secretary	_____ Date
Expiration Date:	
In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____. <div style="text-align: center;">Date</div>	

3. Acceptable financial guarantees shall include:
 - (1) One or more savings accounts, money market accounts, or certificates of deposit from financial institutions approved by the Town of Branford provided:
 - (a) each such account shall be federally insured for the full amount of the deposit, and
 - (b) the Town of Branford shall have the sole authority to withdraw funds from the account.
 - (2) A certified or official check from a financial institution approved by the Town of Branford made payable only to the Town of Branford.
 - (3) an unconditional irrevocable letter of credit in accordance with the sample letter in the Appendix approved by the Town of Branford and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.
4. An estimate of the cost of all public improvements shall be prepared by the subdivider's engineer for review and comment by the Town Engineer.
5. Any financial guarantee which has an expiration date shall include the following provisions:
 - (1) the financial guarantee shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and
 - (2) in the event such notice is received, the Town may draw without further condition the balance of the financial guarantee, and
 - (3) unless such notice is received, the financial guarantee shall automatically be extended for a period of not less than one year until all improvements or other requirements of these regulations are completed.
6. If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission shall, not later than sixty-five days after receiving such request:
 - (1) release or authorize the release of any such financial guarantee or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or
 - (2) provide the person posting such financial guarantee with a written explanation as to the improvements that must be completed before such financial guarantee or portion thereof may be released.

7. **Release of Financial Guarantee.** No required financial guarantee shall be released by the Commission until:
 - (1) The release has been requested, in writing, by the applicant, providing sufficient documentation of costs remaining on the project, prepared by a professional engineer,
 - (2) The Town Engineer has submitted a letter indicating whether all required improvements have been satisfactorily completed and whether all conditions and requirements of the Commission's approval have been satisfied, and
 - (3) The applicant's engineer or surveyor has certified to the Commission, or agent, through submission of a set of detailed "Record" or "As-Built" plans or sufficient documentation that all improvements and other work are in accordance with submitted site plans. All Record and As-Built plans shall be filed on the Branford Land Records.
8. **Retention of Financial Guarantee for Maintenance.** A minimum of ten percent of the total cost of construction and installation of all public improvements shall be retained by the Town for a minimum of twelve months after completion (see Section 6.09.D).
9. **Accrual of Interest or Dividends.** Any interest or dividend accruing on any account or instrument shall accrue in the name of the subdivider and such funds:
 - (1) Shall be deemed to increase the principal amount of the financial guarantee, and
 - (2) May be used by the Town in the same manner as the principal.
10. **Use of Financial Guarantee by Town.** To the extent allowed by law, the Town or the Commission may use funds derived from a financial guarantee to satisfy a subdivider's obligations under these Regulations. If the financial guarantee is inadequate to satisfy all such obligations, the subdivider shall remain liable for the remainder.

6.02.D Plans To Be Filed As “Conditional Approval”.

1. A subdivision plan and supporting plans shall be filed as “Conditional Approval” when the street improvements, public utilities, and other requirements have not been completed prior to filing of the subdivision plans and no financial guarantee has been provided to the Commission to ensure that such improvements will be constructed.
2. A conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the Commission may, in its discretion, grant a renewal of such conditional approval for an additional period of up to five years at the end of any five-year period.
3. Such subdivision plan shall contain the following signature block:

Conditional Approval/ No Financial Guarantee Provided	
Street improvements, public utilities, or other requirements in the subdivision have <u>NOT</u> been completed to the satisfaction of the Commission and the Town Engineer and a financial guarantee has <u>NOT</u> been provided to the Town of Branford to ensure that such improvements will be completed.	
<u>No lots shall be sold and no certificate of occupancy shall be issued until the improvements and other requirements are completed or a financial guarantee has been provided to the Town of Branford.</u>	
At a meeting on _____, the Branford Planning and Zoning Commission approved this subdivision plan in accordance with the Branford Subdivision Regulations.	
_____ Chairman	_____ Date
_____ Secretary	_____ Date
Expiration Date:	
In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____. <div style="text-align: center;">Date</div>	

6.03 Submission of Approved Plans And Documents.

6.03.A **Basic Submittals.** Following the Commission's approval of subdivision plans, the subdivider shall submit to the Commission:

1. One (1) mylar set of the approved plans, with the appropriate signature blocks and any required modifications.
2. Three (3) paper sets of the approved plans, with any required modifications.
3. One (1) electronic copy of drawings and data of the approved subdivision in a format acceptable to the Planning and Zoning Department (GIS).

6.03.B **Additional Submittals.**

1. The subdivider shall also submit, in a form satisfactory to the Town:
 - (1) Any required grant or grants to the Town in a form ready for execution,
 - (2) Any required easements for drainage, access, utility, or other purposes in a form ready for execution,
 - (3) A certificate of title indicating that any proposed conveyance to the Town is free of encumbrances,
 - (4) Evidence of the signatory's authority to sign on behalf of the grantor.
2. Such grants or easements shall not be recorded on the land records until the Subdivision Plan has been filed on the land records and until any necessary action has been taken by any other appropriate Town agency or agencies.

6.03.C **Procedure.** The Chairman or Secretary of the Commission shall sign the approved plans and deliver them to the applicant within the time period allowed by law. Such time period shall be measured from the later of:

1. The date that taking an appeal from the action of the Commission has elapsed,
2. In the event of an appeal, from the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant, or
3. The date that plans modified in accordance with the approval and that comply with CGS Section 7-31 are delivered to the Commission.

6.04 Filing of Approved Plans.

- 6.04.A Once signed and authorized by the Commission, the signed mylar set of the approved plans shall be filed with the Town Clerk at the subdivider's expense.
- 6.04.B Unless otherwise provided by CGS Section 8-25, as amended, such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the subdivider.
- 6.04.C The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time. When a subdivider files a written request with the Commission for an extension of the time for filing approved plans, the period for filing shall be deemed to be automatically extended to the date upon which the Commission decides on the request. The Commission shall not grant any request for an extension which was submitted after the time for filing plans had already expired.
- 6.04.D Any plan not so filed or recorded within the prescribed time shall become null and void.
- 6.04.E In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk voiding the subdivision.

6.05 Modification of Approval.

- 6.05.A Any subdivider requesting to modify an approved plan, or any condition of approval, shall file a written request with the Commission, together with the required fee.
- 6.05.B The subdivider shall state the reason why a modification is requested, and shall describe any change in facts or circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
- 6.05.C The Commission, in its sole discretion, may require a public hearing on any request, or may require the subdivider to submit a complete application under these Regulations.
- 6.05.D The Commission shall require a complete application under these Regulations for any change meeting the definition of "resubdivision" under CGS Section 8-18, as amended.

6.06 Construction and Inspection.

6.06.A **General.** Prior to commencing development or construction, the subdivider and contractor shall schedule a pre-construction meeting with the Town Engineer and the Zoning Enforcement Officer to.

1. Review the record plans,
2. Confirm receipt of necessary permits (e.g., road excavation permit for intersection work).
3. Review job conditions and the proposed construction schedule,
4. Review the installation of required erosion and sedimentation controls,
5. Confirm boundary demarcation of conservation areas and/or provisions for preservation of significant trees (if any),
6. Confirm receipt of financial guarantee documents,
7. Identify emergency contacts and contact information.
8. Address any other issues of concern or interest.

6.06.B Periodic Inspections.

1. The improvements to be completed as part of the subdivision approval may be inspected by the Town Engineer at any time.
2. In the case of a new street or a change in an existing street, the developer shall notify the Town Engineer for inspections of the work at the following stages of construction:
 - (1) Rough grading completed.
 - (2) Drainage and all other underground facilities installed, and prior to backfilling.
 - (3) Graveling and rolling being done.
 - (4) A screened gravel topping being applied.
 - (5) Binder course pavement being done.
 - (6) Finish course pavement being done.
3. Notice for inspection shall be made at least two (2) business days in advance.
4. The subdivider shall not proceed to work on any subsequent stage until such inspection has been made by the Town Engineer or his/her authorized agent(s) on the preceding stage and approval has been obtained on the preceding stage.
5. In no case shall any paving work on an existing or proposed public street be done without permission from the Town Engineer.
6. In order to conduct inspections, the Town Engineer shall be given free access to the construction work at all times.

6.06.C Testing and Specification Compliance.

1. The Town Engineer may take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations.
2. The Town Engineer may require the subdivider to pay to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut or by another properly qualified professional.
3. If the Town Engineer finds, upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans or with the provisions of these Regulations, he/she shall notify the subdivider and the Commission, in writing, and the subdivider shall be responsible for completing or repairing said improvements according to specifications.

- 6.06.D **On-Site Modifications Because of Field Conditions.** If unforeseen field conditions arise during construction (such as, but not limited to, springs, ancient drains, side hill drainage from cuts, bedrock or other conditions not apparent at the time of the approval by the Commission) which in the opinion of the Town Engineer require modification to the intended construction procedure, the subdivider shall:
1. Prepare and submit a proposed construction procedure in conformance with accepted engineering practices to address the field conditions,
 2. Submit such procedure to the Town Engineer for review,
 3. If required, provide a supplemental financial guarantee for the additional work.
- 6.06.E **Inspection Records.** The Town Engineer shall maintain records of inspections in order to document that the work is in accordance with the approved plans and specifications.

6.07 Period for Completion of Improvements.

- 6.07.A **General.** The subdivision improvements shall be completed in accordance with the statutory timeframe as provided in CGS Section 8-26c. The Commission's endorsement of approval on the plan shall state the date on which the completion period will expire.
- 6.07.B **Soil Erosion and Sediment Control.** Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure the compliance with the certified plan.
- 6.07.C **Extensions of Complete Improvements.** Upon application by the subdivider, the Commission may approve one or more extensions of the time period for completion provided that:
1. The time for all extensions shall not exceed ten (10) years from the date the subdivision was approved,
 2. The Commission may revise the amount of the financial guarantee securing the actual completion of the work.
- 6.07.D **Expiration.**
1. If all required work in the subdivision has not been completed by the date of expiration of the time period for completion, the approval of the subdivision shall be deemed to have expired, provided the Commission shall file notice on the Land Records of such expiration.
 2. Such expiration shall have the following effects on the lots that were to be created as shown on the approved subdivision plan:
 - (1) Where two or more adjoining lots are owned by the same person or persons, such lots shall be deemed to be merged into a single parcel.
 - (2) When any lot is owned separately from any other adjoining lot, and either (a) no building permit has been issued for the establishment of a principal building on such lot, or (b) such building permit has expired, the lot shall no longer be recognized as an approved building lot unless all public improvements required to serve that lot have been completed.
- 6.07.E **Maintenance Until Road Acceptance.**
1. Unless and until all required public improvements are accepted by the Town of Branford, the subdivider shall maintain, or make provision for the maintenance of, all such improvements, including but not limited to provision for snow removal on streets.
 2. If properties on the street are occupied and snow removal is not provided on a timely basis, the Town may proceed to plow the street and the cost of any such work, including any damage which may result, shall be a charge against the financial guarantee.
 3. If the required public improvements are not maintained and the situation is not corrected within two (2) days following written notice from the Commission to the subdivider, the Town may proceed to put the street or other improvement into suitable condition and the cost of any such work shall be a charge against the financial guarantee.

6.08 Monuments and Markers.

- 6.08.A **Street Lines.** The street lines of all new subdivision streets shall be marked with stone or concrete monuments set by a Connecticut-licensed surveyor. Stone or concrete monuments along street lines shall be:
1. At least five (5) inches square by 30 inches in length with a suitable marked top.
 2. Set flush with proposed grades and with the marked point set on the point of reference.
 3. Installed at all points of curvature, all points of tangency, all angle points and no more than 400 feet apart on straight sections of streets.
 4. Indicated and located on the subdivision plan and as-built drawing.
- All stone or concrete monuments shall be set in place at the subdivider's expense after all street construction is completed and prior to street acceptance by the Town. The cost of installing monuments shall be included in the financial guarantee as required by these Regulations.
- 6.08.B **Lot Corners.** Corners of all lots, open space, conservation easements, and other parcels or areas shall be marked with a one (1) inch steel pipe or a three-quarter (3/4) inch reinforcing rod at least 18 inches long, or with stone or concrete monuments and such markings shall be set by a Connecticut-licensed surveyor.
- 6.08.C **Open Space and Conservation Areas.** All open space and conservation areas shall be suitably identified with a conservation marker installed at various points along the boundary.

6.09 Final Acceptance and Maintenance.

6.09.A **General.** For final acceptance of subdivision improvements, the subdivider shall submit to the Commission:

1. A letter requesting a recommendation to the Board of Selectmen and Representative Town Meeting that the Town accept the street(s),
2. One (1) mylar and three (3) paper copies of plans showing the "as-built" location of all street and associated improvements approved by the Commission or their authorized agent and noting where the as-built plans differ from the approved construction plans due to field conditions or authorized changes,
3. Deeds for the road right of way and other land to be conveyed to the Town. The subdivider shall also submit fees to record the deed(s).
4. A letter from a registered land surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,
5. A letter from a Connecticut-licensed design engineer stating that all improvements, including all street signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made,
6. A letter from any companies providing utility services to the effect that such utilities have been satisfactorily installed,
7. A maintenance financial guarantee in accordance with Section 6.9.D, to protect the Town against faulty construction and materials, said guarantee to remain in effect for no less than 12 months after the Town has accepted the public improvements.
8. A copy of all proposed deeds and easements to the Town and other information as required for review and approval by the Town Attorney, if not previously provided,
9. A copy of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development for possible review by the Town Attorney.

6.09.B **Final Inspection.**

1. The Commission or its authorized agent shall conduct a final inspection of all improvements and utilities to evaluate the general condition of the site and determine whether the work is satisfactory and in substantial agreement with the approved final drawings and applicable regulations, ordinances, and standards. The Commission should also notify the Tree Warden of any proposed inspection and request a report regarding the status and conditions of any trees planted or retained within the public right of way.
2. Any improper installations shall be reported to the Commission and remedied by the subdivider. A report shall be submitted to the Commission.
3. If all items are satisfactory, the Commission shall recommend to the Board of Selectmen and the Representative Town Meeting that the street(s) be accepted.

6.09.C **Road Acceptance.** If the Board of Selectmen and Representative Town Meeting agree to accept the street(s), all executed deeds and easements to the Town shall be submitted to the Planning and Zoning Commission office for filing by the Town after the street acceptance.

6.09.D **Financial Guarantee After Road Acceptance.**

1. The maintenance financial guarantee of at least ten (10) percent of the original approved estimate of the cost of construction and installation of such public improvements shall be in effect for a period of 12 months from the date of acceptance of the subdivision improvements by the Town.
2. 12 months after the public improvements are accepted by the Town and the maintenance financial guarantee is in place, the Town shall release the financial guarantee as set forth herein.
3. If the Commission finds, during that period, that there is any defect or failure in any improvement, it may require that the financial guarantee be extended for up to an additional twelve (12) months after the date of such finding.

6.10 Modification of Approval.

6.10.A **General.**

1. Any subdivider seeking to modify an approved plan, including, but not limited to, any revisions of lot lines shown on such plan, or any condition of approval, shall file an application for such modification with the Commission, together with the required fee.
2. The subdivider shall state the reason why a modification is requested, and shall describe any change in facts or circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
3. If the proposed revisions do not constitute a resubdivision, the applicant is not required to submit all of the information described in Section 5.2.B at the time of application. However, the applicant must submit sufficient information to allow the Commission to evaluate the proposed modifications in accordance with any relevant standards in these Regulations. The Commission may require additional information if the applicant has not supplied adequate information for such evaluation.

6.10.B **Commission Review.**

1. If the proposed modifications do not constitute a resubdivision, the Commission may act upon the application without a public hearing.
2. The Commission, in its sole discretion, may require a public hearing on any application, or may require the subdivider to submit a complete application under Section 5.2 of these Regulations.
3. The Commission shall require a complete application under Section 5.2 of these Regulations for any change meeting the definition of “resubdivision.”

Appendix - Sample Letter of Credit

[Letterhead of issuing bank]

[issue date]

IRREVOCABLE LETTER OF CREDIT No. [insert number here]

Beneficiary: Town of Branford
Town Hall
1019 Main Street
Branford CT 06405

Attn: Finance Director

Re: Application for [Subdivision] at [address of jobsite]

Dear Sir/Madam:

At the request and on the instructions of our customer, [full legal name of owner], [home/office address of owner] (the "Applicant"), we (the "Bank") hereby establish in your favor this irrevocable letter of credit (the "Credit") in the amount of \$[amount in numbers] ([spell out amount in words and xx/100 dollars]) (the "Stated Amount"), as may be reduced pursuant to the second paragraph hereof. This Credit is effective immediately and expires at the close of business on the Expiration Date, as hereinafter defined.

Drawings hereunder shall not, in the aggregate, exceed the Stated Amount. Each drawing under this Credit shall reduce the Stated Amount by the amount drawn.

Funds under this Credit are available to you against your sight drafts drawn on the Bank (in the form annexed hereto as Exhibit A), stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by your certificate (each such draft and certificate to be signed by the Finance Director or his/her designee) reading as follows: "I certify that the amount of the accompanying draft is payable pursuant to the Subdivision Regulations of the Town of Branford and/or the General Statutes of the State of Connecticut."

This Credit shall terminate on the date (the "Expiration Date") which is the earlier of:

- (i) the date on which the Stated Amount is reduced to zero pursuant to the second paragraph of this Credit, and
- (ii) [mmmm dd, 20yy]; provided, however, if the Stated Amount shall not have been reduced to zero pursuant to the second paragraph of this Credit, it is a condition of this Credit that the Expiration Date shall be automatically extended, without other amendment, for an additional period of one year from the Expiration Date hereof, or any future Expiration Date, unless we notify you, by certified mail, return receipt requested at least 30 (thirty) days prior to any Expiration Date, at the address set forth above, that we elect not to consider the Expiration Date of this Credit extended for any such additional period. A copy of such notice shall be simultaneously mailed certified mail return receipt requested to: Chair, Branford Planning and Zoning Commission.

Upon receipt of such 30 (thirty) day notice that the Expiration Date will not be extended, funds under this Credit are available to you against your sight drafts drawn on the Bank (in the form annexed hereto as Exhibit A) and stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by your certificate (each such sight draft and certificate to be signed by the Finance Director or his/her designee) reading as follows: "I certify that the amount of the accompanying draft is drawn and will be held by the Town of Branford as a financial guaranty because we have received notice that the Letter of Credit will expire".

Each draft and certificate shall be presented:

- (1) at the branch of the Bank at [full branch address, which must be in Connecticut and nearest to Branford, Connecticut], Attention: Letter of Credit Department or
- (2) by electronic means addressed to and received by [electronic address of Bank's Letter of Credit Department]. If presentation is made by electronic means, you will provide telephone notification thereof to us at [telephone number] prior to or simultaneously with the sending of such presentation but receipt of such telephone notice shall not be a condition to payment hereunder. All documents presented to the Bank in connection with your demand for payment hereunder, as well as all notices and other communications to the Bank in respect of this Credit, shall specifically refer to Letter of Credit No. [insert number here].

Payment of each sight draft shall be made by us promptly, but in no event later than the banking day following receipt, in immediately available funds by wire transfer by us to [name of bank and branch where Town of Branford has its demand deposit account], [ABA nnnnnnnnn (bank routing number of bank where Town of Branford has its demand deposit account)], for credit to account #nnnnn (account number of Town of Branford), attention: [insert name of contact].

We agree that all drafts drawn under and in compliance with the terms of this Credit will be duly honored upon delivery of the draft and certificate as specified if so presented on or before the Expiration Date. Our obligations hereunder are primary obligations and shall not be affected by the performance or nonperformance by you or by the Applicant of any obligations under any agreement between the Applicant and you or between the Applicant and us.

This Credit is subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 ("ISP98"). This Credit shall be deemed to be a contract made under the laws of the State of Connecticut and shall, as to matters not governed by ISP98, be governed by and construed in accordance with the laws of the State of Connecticut.

Sincerely yours,
[name of bank]
[name of signatory]
[title]

