

ARTICLE IV

LAYOUT AND DESIGN REQUIREMENTS

Section A. - Natural Conditions

1. Preservation of Existing Topography

- (a) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography in order to minimize required grading, cut and fill. The natural contours shall be retained, insofar as possible, to minimize storm water run-off, and conserve the natural vegetative cover and soil. [See ARTICLE III, Section A. 4.]
- (b) No top soil, sand or gravel shall be removed from any lots until all necessary permits shall be received from the Town of Darien and State of Connecticut, if applicable.

2. Preservation of Environmental Features

- (a) Due regard shall be given to the preservation and potential enhancement of irreplaceable natural features, natural drainage patterns, scenic points, trails, watercourses and other assets of a community nature through harmonious design of the subdivision.
- (b) A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels, care shall be given to preserve selected trees to enhance the landscape treatment of the development. In general, the following criteria shall apply to the preservation of trees:
  - If a tree is of a common species, extraordinary efforts shall be made to preserve it only if it is of large size (12 inch diameter or greater) and in healthy condition.
  - If a tree is of a rare species, extraordinary efforts shall be made regardless of size.
  - If the tree or trees are located at an important location on the site, the design of the subdivision shall reflect requirements to preserve them. Such locations shall include, but not be limited to, street trees, noise and visual buffers, wind screens, groves and other comparable types.

(c) The Commission may require additional exhibits and plans to demonstrate the means of protection for above said assets. Deed covenants, easements, or other conservation restrictions may be required to assure that proper protection shall be achieved now and in the future.

### 3. Relationship to Potential Flood Areas

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. The minimum first floor elevation for each lot shall be designated on the plan.

## Section B. - Lot Layout

1. The minimum size, shape, and other aspects of lots shall be set forth as required by the Zoning Regulations for the zone in which it is located.
2. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, size of buildable area, or other conditions in complying with the Zoning Regulations in order to build on each lot. In no case, shall the shape of the lot or the size or location of the buildable area excessively restrict or limit the construction of future additions or placement of accessory structures.
3. No lot, regardless of size, which is rendered useless for building, according to sound engineering practice, shall be shown as a building lot on any subdivision. Such property must be included in adjoining lots or open space areas unless otherwise allowed by the Commission.
4. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan, as determined by the Commission.
5. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street and adequate living area may be provided.
6. Depth of lots shall not, in general, exceed two and one-half times the width of the lot and shall not be designed to encourage the later creation of a second building lot to the rear.

7. Where possible, lots shall be so laid out that driveways have access to a local street and not to a major road carrying general traffic.
8. Lots backing upon a railroad right-of-way shall have a minimum depth of 150 feet.
9. Lots to be served by septic tanks shall be large enough to contain sufficient land of proper character to permit satisfactory performance of septic tank disposal fields, including required reserve areas. In general, where public water supply is available, such lots shall have an area of at least one-half acre, and where both private sewage disposal system and a well are to be located on the same lot, such lot should have at least one acre. These areas may be reduced, where the subdivider submits a certificate of a qualified sanitary engineer stating that the facilities as planned can be safely accommodated on the lot. The Commission shall require a report from a qualified sanitary engineer demonstrating that a suitable sanitary waste disposal system, including required reserve areas, can be provided on each lot of the proposed subdivision where lots are not to be served by public sewers. The Commission shall consider strongly the Department of Health's recommendations.
10. No land adjacent to the subdivision shall be withheld by the subdivider which is not capable of satisfactory subdivision into lots of the size required except for specified open space land.
11. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to allocate the ownership of the waterbody among one or more adjacent lots. The Commission may approve an alternative plan whereby the ownership of any responsibility for safe maintenance of the waterbody is so placed that it will not become the Town's responsibility.
12. Whenever access to a subdivision is to be provided only across land in another municipality, the Commission shall determine that a road giving such access has been legally established and that such road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the road. Lot lines, wherever possible, shall be laid out so as not to cross Town boundary lines.
13. Where a tract is proposed to be subdivided into lots averaging more than double the required size under the

Zoning Regulations, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to properly serve such potential lots.

14. Whenever lots of a proposed subdivision are situated within a business zone, such lots shall be of sufficient size and dimensions to permit adequate provisions for off-street loading, unloading and parking.

#### Section C. - Open Space

1. An essential purpose of these Regulations is the preservation and conservation of land in a natural condition for perpetuity in order to create buffers against noise and air pollution, and to protect natural environmental systems, vegetation, wildlife, climate, scenery, natural history, areas of archaeological significance, residential privacy and natural resources, including, but not limited to, edges of watercourses, tidewaters, lakes and ponds, wherever they occur within subdivisions.
2. Every subdivision and resubdivision which encompasses land in area equal to or greater than three (3) times the minimum lot size for the Zone (s) in which located, shall be required to dedicate, as a permanent open space reservation, land not less in amount than ten percent (10%) of the aggregate area of the subdivision tract. The required dedicated open space land shall be in addition to all land required by the Zoning Regulations and the Subdivision Regulations to meet minimum lot, street, accessway and other development requirements and may be in addition to lands protected under Conservation Restrictions or Easements.
3. The required open space land shall be in a location and of a character approved by the Planning and Zoning Commission, and may be required to have street frontage or an access easement determined adequate by the Commission, and shall be fully delineated on the Subdivision Plan. Required open space land shall, in addition, be consistent in location with open space shown on the adopted Town Plan of Development. A proper deed conveying the open space in perpetuity shall be approved by the Planning and Zoning Commission prior to the approval of the subdivision. The filing of this deed and the filing of the plan in the Land Records shall be simultaneous. The Planning and Zoning Commission may require that the land be deeded to an agency such as the Town Environmental Protection Commission or the Darien Land Trust, or in certain instances, to a Homeowner's Association or an individual in conjunction with a conservation restriction or easement to be held by the Land Trust or other appropriate third party.

4. Use of the reserved open space land shall generally be limited to conservation, scenic or buffer uses as determined appropriate by the Planning and Zoning Commission. Notes or other details on the plan may provide for preservation of the land in its natural character so that it shall not in the future be built upon or in any way altered.
5. Legal instruments establishing the ownership and maintenance responsibility of the open space parcel or parcels shall accompany each subdivision application, and shall require approval by the Planning and Zoning Commission. The Commission, in approving such instruments, shall specify that their text shall become binding permanent covenants and may require that conservation easements be established for education and other similar purposes that do not require altering the land. All open space shall be properly monumented.
6. In addition to permanent open space requirements, the Commission may require, as a condition of approving any plan, the use of Conservation Restrictions or Easements to protect and preserve for perpetuity those natural or unique features which enhance the character of environment of the area or which are critical to the proper use and development of an area.

#### Section D. - Existing Streets

These special standards are applicable only to existing streets. Streets which provide either frontage or direct access to the property being subdivided and which already exist as streets on the date of subdivision applications, shall be required to comply with the following standards:

- Where the Planning and Zoning Commission judges that the specified standards for street design can be reasonably met, and that prospective traffic needs require such improvement, the standards given shall apply, or:
- Where the Planning and Zoning Commission judges, however, that the circumstances of the existing street, and the traffic needs of the street, are such that the Town Standards cannot reasonably be fulfilled, the Commission

shall require that layout and development of the existing street be provided consistent with specific standards which it shall determine in each case are adequate in that case for: safety of traffic using the roadway; adequacy of access by emergency vehicles; essential maneuvering by service and maintenance vehicles; and pedestrian safety; and in consideration of the number of dwellings or lots to be served. Such individual street standards, where adopted by the Commission, shall be binding on the applicant in lieu of the Town Standards and shall be fully inscribed on the subdivision plan.

- Waivers of such improvements may cause the roadway to be ineligible for acceptance as a public highway.

#### Section E. - New Street Layout

1. Streets shall be related appropriately to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets.
2. All streets and highways shall be designed and constructed in accordance with the current Town Road Specifications.
3. Local streets shall be laid out so that their use for through traffic will be discouraged. Particular attention should be given to eliminating possible bypasses around traffic signals and major intersections.
4. Where streets do not extend to the boundaries of the tract, they shall be generally separated from such boundaries of the tract, by a distance not less than the minimum lot depth prescribed by the Zoning Regulations for the zoning district in which the proposed subdivision is located.
5. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic, and to afford access of fire fighting, snow removal, and other road maintenance equipment, and shall be coordinated so as to compose a convenient traffic system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.
6. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of

adjoining subdivisions, and for proper projection of principal streets in adjoining property which is not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where topographic or other conditions make such continuance impractical, in the opinion of the Commission, the above requirement may be modified.

7. Minor or secondary street openings into a major road shall, in general, be at least 500 feet apart.
8. Except where impractical, all streets shall join each other so that for a distance of at least 100 feet the street is at right angles to the street it joins.
9. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Town Plan of Development or at other important intersections. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.
10. Every attempt shall be made to conform to an overall street pattern as laid out in the Town Plan of Development or by the Commission through its own deliberations.

#### Section F. - Cul-de-Sac Streets

1. Except where connections may be possible, dead end or cul-de-sac streets should not, in general, exceed one thousand, two hundred (1,200) feet in length nor serve more than fourteen (14) lots. They shall be equipped with a turnaround roadway at the closed end having a minimum right-of-way diameter of one hundred and thirty feet. The center circle of such cul-de-sac shall be suitably landscaped to the satisfaction of the Commission. Where there is a possibility of extension of a cul-de-sac, there shall be a notation on the Record Plan stating that all segments of the turnaround, outside the normal right-of-way, shall be returned to the record owners of adjacent properties at such time as the turnaround is eliminated. If a development includes land reverting to abutting owners, the surplus pavement shall be removed at the expense of the developer of the street extension and the area shall be regraded, topsoiled to a minimum depth of six (6) inches, and seeded.
2. The terminus of permanent cul-de-sac streets shall normally not be nearer to an adjoining property boundary than one hundred (100) feet, or the minimum lot depth

prescribed by the Planning and Zoning Commission, whichever is greater. However, the Commission may require the reservation of a twenty (20) foot wide easement to accommodate drainage facilities and utilities, and a public way to accommodate pedestrian traffic.

3. Under certain conditions set forth below, the Commission may authorize the provision of a Low Volume Local Residential Street, as defined in these Regulations. Such street may be constructed to separate design standards established for such street classification, but prevailing Town standards shall be adhered to with regard to construction.

#### Section G. - Standards for Street Design

1. Streets and utilities shall be graded, constructed and improved in accordance with the requirements of these Regulations and with Town standard specifications where applicable. Such construction and improvements, where required by the Planning and Zoning Commission, shall be shown on a Subdivision Construction Sheet approved by the Planning and Zoning Commission and the Town Engineer and shall be located and built as shown on the said sheet. Such construction and improvements shall include, but not be limited to, streets and roadways, sidewalks, storm drainage facilities, curbing and guard rails, street trees and landscaping, fire hydrants, street signs and lighting, access drives to lot lines, and underground mains or conduits for water, sanitary sewer, gas, electric, and telephone services.
2. Where street widths and right-of-way conditions permit, all required utilities shall be installed underground in the right-of-way at the edge of the travel way (or pavement) of the street. Locations and depths of the proposed utility lines shall be based on the requirements of the respective utility companies or Town departments, as shown by their written approval of the subdivision's provisions, and shall be installed as shown on the subdivision construction sheet approved by the Planning and Zoning Commission. The subdivider shall install underground service connections to the front property line of each lot within the subdivision for all required utilities, before the street is paved.
3. Street classification may be indicated on the Town Plan of Development. Otherwise, it shall be determined by the Commission.
4. Where the subdivision borders an existing street and additional land is required for realignment or widening

of such street as indicated by the Town Plan of Development or otherwise determined by the Commission to be necessary, such additional land shall either be dedicated as part of such street as indicated on the Subdivision Plan, or shall be conveyed to the Town and marked on the Plan "Reserved for Street Realignment (or Widening) Purposes".

5. Upon written request of the applicant, the Commission may classify a proposed street as a "Low Volume Local Residential" Street. This may be done only when the road meets all of the following conditions:
  - (a) Proposed street shall not exceed eight hundred (800) feet in total length.
  - (b) Proposed street will serve eight (8) or less building lots.
  - (c) Proposed street will not terminate any closer than one hundred (100) feet from an existing street.
  - (d) The Town shall not assume any responsibility or liability for maintenance, including snowplowing or repair of such street.
  - (e) Such street shall remain a private road and at no time in the future can it be accepted as a public highway unless it shall be reconstructed to meet all prevailing Town Standards.

6. Geometric standards for various road classifications shall be as follows:

	<u>Local Residential</u>	<u>Low Volume Local Residential</u>
		(See Note B. below)
Minimum width of Right-of-way	50 feet	50 feet
Minimum width of Pavement (excluding curbs or gutters)	26 feet	20 feet
Minimum radius of Horizontal Curves of Street Line	125 feet	125 feet
Minimum radius at Intersection of Subd. Street w/existing	30 feet	30 feet
Minimum radius of Horizontal Street Line Curves at entrance to Turnaround	50 feet	N.A.
Minimum radius of of Circular Turnaround at Street Line	65 feet	65 feet (See Note A. below)
Minimum radius of Horizontal Curve at Intersection of Two Roadways	30 feet	30 feet
Minimum length of Vertical Curves at surface of pavement	100 feet but not less than 20 feet for each 1% algebraic difference of grade	100 feet but not less than 20 feet for each 1% algebraic difference of grade

(Continued)

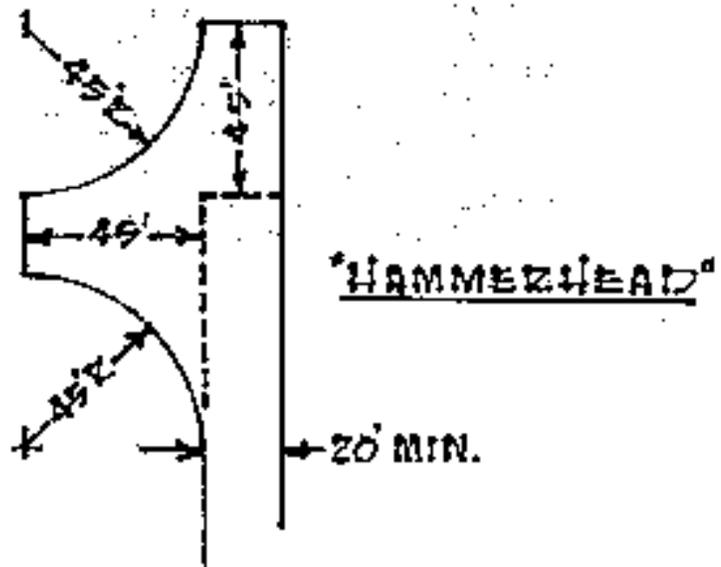
Geometric Standards (continued)

	<u>Local Residential</u>	<u>Low Volume Local Residential</u>
Minimum length of Tangents between Reverse Curves	100 feet	100 feet
(Minimum does not apply to curves at entrance to turnarounds).		
Maximum Grade	8 percent	10 percent
Minimum Grade	1 percent	1 percent

Minimum grades of vertical curves shall be one (1) percent calculated from the PVT or PVC to the high point or low point of the curve.

Notes

- A. In lieu of a full sized cul-de-sac, a "hammerhead" or backround may be provided. Such turning area shall have a minimum depth of sixty five (65) feet (30 feet plus 45 feet) on each leg with a forty-five (45) foot radius at the inner intersection of the hammerhead and roadway. (See Sketch below).
- B. All roadway construction shall meet the Town of Darien Department of Public Works "Standards for Roads and Drainage" except for roadway width.



7. Streets shall be graded and improved with pavement, sidewalks, street trees, drainage facilities, water, sewers, and fire hydrants. The Commission may waive such improvements as it considers omission to be without jeopardy to the public health, safety and convenience. Such waivers may, however, render the roadway ineligible for acceptance as a public highway.
8. Street trees shall be planted on both sides of a street except where unnecessary because of existing tree growth. Trees shall generally:
  - (a) Be spaced approximately thirty-five (35) feet apart, subject to variations made necessary by driveways and street corners as well as species of trees, and located near the front property line.
  - (b) Have a caliper of two to two and one-half inches or larger (measured four feet above the root crown) and a height of at least eight feet, except in the case of ornamental trees such as dogwoods. The species of trees and planting specifications shall be recommended by the Commission and undesirable trees located within any street right-of-way shall be removed by the subdivider at the direction of the Commission or Town Engineer.
  - (c) Suitable provisions shall be made to guarantee that street trees shall thrive for a period of not less than one (1) year.
9. Where topography is such as to make impractical the inclusion of utilities within the street lines, permanent easements at least fifteen (15) feet in width shall be provided across properties outside the street lines, and with satisfactory access to the street.
10. A combination of steep grades and curves shall be avoided. Where the grade of a street intersecting another street exceeds five (5) percent, the land at each corner of such intersection shall be so graded as to prevent a blind corner and sufficient land shall be included in the street right-of-way at the intersection to permit permanent maintenance of visibility for traffic safety. In all cases, the first thirty (30) feet measured from the right-of-way line of the existing street shall be constructed at a one (1) percent grade.

## Section H. - Street Names

1. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the Town, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.
2. Streets shall have names and not numbers or letters such as 1st or First Street.

## Section I. - Drainage Improvements

1. Drainage shall be designed to provide a zero increase in peak runoff by the use of retention or detention systems and the backup computations shall be provided as part of the application. A final outlet shall be provided to give actual fifty (50) year design storm capacity to insure positive drainage in case of a malfunction of the detention or retention systems.
2. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall determine the necessary size of facility based on anticipated run-off from a fifty (50) year storm under the conditions of total potential development permitted in the watershed by the Zoning Regulations.
3. The Town Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a fifty (50) year storm, the Commission shall not approve the subdivision until the subdivider has made such provision for the improvement of said potential condition as the Commission deems reasonable. The Commission shall notify the Board of Selectmen of such potential condition where Town facilities may be involved.
4. The developer may be required by the Commission to carry away by pipe or open swale, as determined by the Commission, any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

5. Curbs or paved gutters shall be required where the grade of a street exceeds five (5) percent.
6. All drainage improvements shall be approved as to design and specifications by the Town Engineer.
7. Where a watercourse separates a proposed street from abutting property, provision shall be made for adequate drainage under any access to a lot. Culverts or other structures of a design approved by the Town Engineer and the Environmental Protection Commission shall be installed prior to the issuance of any Certificate of Occupancy for the lot.

#### Section J. - Private Drive Standards

1. Private drives shall not exceed a ten percent (10%) grade.
2. The first thirty (30) feet from the edge of the paved street providing access shall not exceed a two percent (2%) grade.

#### Section K. - Private Restrictions

The owner may place restrictions on the development greater than those required by the Zoning Regulations. The greater restrictions, however, shall be indicated on the plan submitted.

#### Section L. - Solar Access Protection

In a subdivision where solar access is deemed desirable or necessary by the Planning and Zoning Commission, the following regulations shall be applied.

Solar access may not be necessary: 1 - On the north side of a hill, 2 - where buffer strips have been required by the Town which block solar access, 3 - where other actions taken by the Town block solar access.

##### 1. Orientation

###### (a) Building Orientation

Buildings should be oriented with the long axis oriented east and west with a possible ten (10) degree variation to northwest and a possible twenty-five (25) degree variation to the southwest. This creates the best possibility that large roofs and walls may receive solar radiation.

(b) Lot Orientation  
Whenever possible lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.

(c) Street Orientation  
Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets the layout of the lots and buildings shall be adjusted for orientation to the sun. (As in a. and b. above).

## 2. Vegetation Siting

(a) Existing Vegetation  
In order to protect as much existing vegetation as possible and still allow for solar access, buildings should be located in that location which protects and ensures long life to the youngest and healthiest trees, bushes and plants.

(b) New Vegetation  
Planting plans for new development shall be submitted which ensure that no new vegetation (e.g. street trees) denies new buildings solar access. If new vegetation is planned or required, a shadow plan shall be submitted identifying location, species and shadow area at maturity.

## 3. Special Requirements

(a) Fences and Walls  
No fences or walls shall be placed on a lot or attached to a new building which shall deny solar access.

(b) Solar Surface  
Each lot must have solar access to at least one of the following: (1) roof, (2) wall, or (3) open lot.

These Regulations make every effort to provide solar access to all property. However, should the developer demur, the Planning Commission must be held harmless and that shall be noted on the approved plan.

## ARTICLE V

### COMPLETION OF SUBDIVISION APPROVAL

#### Section A. - Completion of Improvements

Following the Commission's approval of a subdivision plan, the subdivider shall then be required to complete, or assure the proper completion of, all improvements specified in the Commission's action approving the application in the following manners:

1. Completed Improvements

Required improvements, including the placement of specified monuments, construction of drainage or erosion control facilities, street construction and other such activities, may be completed prior to the filing of the approved plan. Otherwise, a bond shall be posted.

2. Improvements Required by Unforeseen Conditions

If it shall appear, during the course of the construction of any new road, or any change in an existing road, or any other improvements required by the Commission in connection with the final approval of the plans, profiles, and specifications thereof, that additional work, or requirements are necessary, owing to unforeseen situations such as but not limited to, side hill drainage from cuts, ledge rock, or other conditions which were not apparent at the time of the final approval by the Commission, the Commission may modify the terms and conditions of the final approval so as to require such additional bond or work to be done as may be necessary to conform to accepted engineering practices.

3. Posting of Bond

A bond to the Town, in an amount and with surety and conditions satisfactory to the Commission, Town Engineer and the Board of Selectmen, where its jurisdiction is involved, shall be submitted. It shall be sufficient to secure to the Town the satisfactory construction and installation of the required improvements by the Town in the event of the failure of the applicant to do so within the time fixed by the Commission and specified in the bond. Such Bond:

- (a) May be secured by a surety company, savings account passbook or letter of credit. Such bond shall be satisfactory to the Commission and to Town Counsel as to form, sufficiency and manner of execution.

- (b) Shall specify the time within which all improvements shall be finished.
- (c) Shall provide that the surety mentioned above shall become immediately available to the Town on the date mentioned in Subsection (b) above, for application toward the completion of such required improvements as have not been completed on the said date.
- (d) Shall provide that fifteen (15) percent cash shall be retained by the Town for a period of one (1) or more years after the actual completion of the required improvements to assure their maintenance in adequate condition.

4. Improvements to be Completed Before Occupancy Is Allowed

No Certificate of Occupancy shall be issued for any dwelling or other structure subject to a Building Permit, within any subdivision approved by the Planning and Zoning Commission, until the Town Engineer shall certify in writing to the Building Official that all improvements required by the approved subdivision plan, to serve that section of the subdivision in which the dwelling or other structure lies, have been satisfactorily completed, except for the following:

- (a) Final surface treatment (wearing surface of the roadway and sidewalks).
- (b) Standard street sign.
- (c) Curb and guard rail (as required).
- (d) Topsoil, seeding and street trees.
- (e) At the discretion of the Town Engineer, such other minor installations as will not interfere with proper access and drainage, and are best deferred to final completion of all required construction.

If occupancy of any structure within a subdivision is proposed prior to completion of all required improvements, the subdivider shall show on the approved construction sheet (which is made part of the final subdivision plan) those sections which will be completed as units, as provided above, unless those sections which provide access to it or drainage from it are also satisfactorily completed.

5. Utilities

For all utilities required by the approval of the subdivision, the Commission may require assurance in writing from each public utility company whose facilities are proposed to be installed. Such written assurance shall be addressed to the Commission and include a statement, in writing, from such public utility company stating that it will make the installations necessary for the furnishing of its services within the time therein specified.

6. Maintenance Bond

In appropriate situations, the Commission may require that a bond, in an amount and with surety and conditions satisfactory to it, be secured to the Town for the construction and maintenance of such improvements, landscaping or utilities for a period to be specified in the bond.

7. Release of Bond

No bond or bonds shall be released or reduced in amount until the work covered by the bond has been inspected and certified as having been satisfactorily completed and shall be signed by a professional engineer stating the roadway, drainage, and site improvements have been constructed in accordance with Town Standards and as required in the subdivision or site plan approval and further, until the Commission has approved the reduction or release.

8. Extension of Bond

The applicant shall notify the Commission, in writing, of his inability to complete work within the time specified in the bond and, in such notification which shall be made immediately upon the necessity for an extension becoming apparent, shall set forth:

- detailed reasons for the inability to complete the work within the time specified in the bond.
- amount of work which has been completed.
- estimated time required to complete all work.
- a period for which extension of the bond is requested.

Any such extension shall be approved by the Commission in writing. Where necessary, because of changed conditions, the Commission may require an increase in the amount of the surety as a condition of its approval.

9. Failure to Complete Improvements

Failure to complete all required improvements within seven (7) years of the date of the Commission's approval shall result in automatic expiration of the approval in accordance with the terms of the General Statutes. This includes, but is not limited to, the construction of roads, storm drainage facilities, water and sewer lines, the setting aside of open space and recreation areas, conservation easements, installations of telephone and electric services, planting of required trees or other features. In all such situations, the Commission may, at its discretion, declare bonds to be forfeited and/or a new approval must be sought and shall be subject to all regulations and standards in effect at that time.

10. Monuments

Monuments, approved by the Town Engineer, shall be set in all streets, open space parcels and other locations in accordance with the approved plan and under the terms of this section.

Section B. - Inspection

The Town Engineer, or other officials designated by the Commission, shall inspect required improvements during construction to assure their satisfactory completion, and the Commission shall require a certificate from such officials stating that all required improvements have been satisfactorily completed. If the Town Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved plans, the applicant shall be notified and shall be responsible for completing said improvements according to specifications. If such inspections of required improvements during construction are not made, neither the applicant nor the bonding company shall be in any respect relieved of responsibilities thereby.

1. Notification

In order to facilitate inspection of required improvements during construction, the applicant shall notify the Town Engineer at least three (3) business days before he proceeds with each of the following stages of

construction of a new street or a change of an existing street:

- Rough grading completed.
- Drainage and all other underground facilities installed, and prior to backfilling.
- Graveling and rolling being done.
- Stone base being installed with penetration and chipping of stone base.
- Surfacing being done.

The applicant shall not proceed to work on any stage subsequent to the first stage until each stage of the work is inspected and approved by the Town Engineer or other authorized inspector.

In the case of other improvements, the Town Engineer or other authorized inspector shall inspect the work at such progressive stages as he shall specify, and he shall advise the Commission that the work was inspected by him and was completed in accordance with the approved plans and specifications.

2. Prior to the signing of the Record Plan by the Chairman, a written agreement in form satisfactory to the Town authorizing the Town to enter onto land to be granted to the Town for easements or streets as shown on the subdivision plan shall be provided. This shall be done for purposes of inspecting required improvements or completing them in the event of the failure of the applicant to make, maintain or otherwise not properly finish such improvements until the Town has assumed all responsibilities for them.

#### Section C. - Easements and Agreements

1. Final Approval

All applicable grants, easements and agreements to the Town shall be approved in final form by Town Counsel.

2. Filing in Land Records

All easements, agreements, and related types of documents shall be recorded in the Land Records of the Town but not until the final subdivision plans shall have been endorsed by the Chairman or Secretary of the Commission, and filed by the applicant in the Land Records of the Town, and until any necessary action shall have been

taken by any other appropriate Town body or bodies.

Generally, the recording of these instruments shall be filed with the Town Clerk simultaneously with the Record Plan for the subdivision.

#### Section D. - Disposition of Final Plan

##### 1. Final Review and Approval

Two (2) tracing-cloth or mylar originals of the approved Subdivision Plan and supporting sheets and documents shall be submitted to the Planning and Zoning Commission office. After determining that they comply in all respects with the Commission's resolution approving the subdivision plan, the tracing-cloth or mylar originals of the subdivision plan shall be endorsed by the Chairman or Secretary of the Commission. One of these originals will be returned to the applicant.

##### 2. Filing of the Plan

In accordance with State Law, the applicant shall file with the Town Clerk the signed original of the Subdivision Plan and related documents.

The approval of any plan not so filed shall expire ninety (90) days from the date of such approval.

##### 3. After Filing

Within thirty (30) days after the date of filing, the applicant shall submit to the Commission eight (8) prints of the supporting sheets and documents and eight (8) prints of the Subdivision Plan showing the endorsement of the Town Clerk.

##### 4. No changes, erasures, modifications or revisions shall be made in any subdivision plan after approval has been given by the Commission and endorsed in writing on said plan. In the event that any subdivision plan; when recorded, contains any changes, the plan shall be considered null and void, and the Commission shall then file a correct plan, as approved, noting the reason for such filing.

ARTICLE VI

DEFINITIONS AND WORD USAGE

For the purpose of these Regulations, certain words used herein are defined as follows:

- ACCELERATED EROSION - Any increase over the rate of natural erosion as a result of earth disturbing activities.
- BOARD OF SELECTMEN - The Board of Selectmen of the Town of Darien, Connecticut.
- BLOCK - An area of land bounded by streets; in a section only partially developed, the area along a street between intersecting streets.
- COMMISSION - The Planning and Zoning Commission of the Town of Darien, Connecticut.
- CONSERVATION RESTRICTION - A negative easement or other restriction placed upon a property, or portion thereof, which is legally binding on present and future owners and which shall specifically restrict certain rights over the area such as the cutting of trees, building of structures, regrading of the land, or other similar forms of activity. These rights shall be transferred to the Town or other body by a legal document which shall be approved by the Commission.
- EARTH DISTURBING ACTIVITIES - Any use of land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation.

EASEMENT -	Authorization by a property owner for the use by another, and for a specified purpose, of any designated portion or portions of his property.
ENGINEER -	A professional engineer licensed by the State of Connecticut.
ENVIRONMENTAL IMPACT ASSESSMENT -	An overview of all impacts of a proposed subdivision. Such a study is intended to determine if a proposed development will have any adverse effects on the environment or the general area.
ENVIRONMENTAL IMPACT STATEMENT -	A detailed and complete report of all possible impacts that a subdivision may have on a proposed site - either positive or negative.
EROSION -	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION AND SEDIMENTATION CONTROL HANDBOOK -	The publication prepared by the Soil Conservation Service, Storrs, Connecticut, including any modification, supplement, or revision thereof, which is on file in the Commission's office.
FLOOD PLAIN -	Any land area susceptible to being partially or completely inundated by water from any source.
GENERAL STATUTES -	The General Statutes of the State of Connecticut, as amended.

- OPEN SPACE - The land area of a subdivision officially designated as a permanent open space parcel or parcels.
- RESUBDIVISION - 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 and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.
- SOLAR ACCESS - Access which protects solar energy collection areas from being blocked or shadowed from direct sun exposure between the hours of 10:00 A.M. and 2:00 P.M.
- SOLAR COLLECTOR - A device or combination of devices, or parts of a device, that requires access to the sunlight in order to transform direct solar energy into thermal, mechanical, chemical or electrical energy that will contribute significantly to the structures energy supply. The collector should be oriented to within 22 1/2 degrees true south.
- SOLAR RETROFIT - The addition of materials and/or devices to an existing building to provide energy from solar collection.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property. The term "street" shall mean and include only: (1) a street that was laid out on a map filed in the Darien Town Clerk's office prior to October 6, 1924, (2) a street accepted as a Town street, or (3) a street whose layout has been approved by the Planning and Zoning Commission.

STREET, DEAD END OR CUL-DE-SAC - A street or portion of a street with only one (1) vehicular traffic outlet.

STREET, MAJOR - A street which is used primarily as a route for traffic between communities or large sections of the Town. Also any street shown as a major artery and so designated on the Town Plan of Development.

STREET PAVEMENT - The wearing or exposed surface of the road used by vehicular traffic.

STREET RIGHT-OF-WAY - The area between property lines reserved for use of any street. Its width shall be measured at right angles to the center line of the street.

STREET, SECONDARY - A street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street, and is so designated on the Town Plan of Development.

STREET PAVEMENT WIDTH - The horizontal distance of the street pavement, excluding curbs and gutters.

- SUBDIVIDER - Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.
- SUBDIVISION - The division of a tract or parcel of land into three (3) or more parts or lots subsequent to December 6, 1951 for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and including resubdivision.
- SUBDIVISION PLAN - The final plan, map or drawing on which the subdivider's plan of subdivision is presented to the Commission for approval, and which, if approved may be signed by the Chairman or Secretary of the Commission and submitted to the Town Clerk for recording.
- TOWN ENGINEER - The Director of Public Works, Assistant Director of Public Works or other Town official specifically designated to represent the Town's interests on engineering matters.
- TOWN PLAN OF DEVELOPMENT - The Town of Darien Plan of Development prepared and adopted by the Commission pursuant to the General Statutes of the State of Connecticut, as amended, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

ARTICLE VII

MISCELLANEOUS

Section A. - Waivers

The Commission may waive certain requirements under these regulations by not less than a three-quarters vote of all the members of the Commission and only in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would have a significant adverse affect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for granting such waiver.

Section B. - Resubdivision

These regulations shall also apply to the resubdivision of previously subdivided property. Plans of resubdivision will not be acted upon by the Commission until after a Public Hearing.

Section C. - Appeals

Any person aggrieved by an official action of the Planning and Zoning Commission may appeal therefrom as provided by statute.

Section D. - Amendments

These regulations may be amended as provided by statute.

Section E. - Severability

If any section, subsection, paragraph, clause or phrase in these regulations shall for any reason, be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations.

Section F. - Repealer

All subdivision regulations previously adopted for the Town of Darien are hereby amended as shown herein.

Section G. - When Effective

The foregoing regulations are prepared by the Darien Planning and Zoning Commission and adopted on March 10, 1992 to become effective at 12:01 A.M. on April 5, 1992 after publication of the notice of decision and filing with the Town Clerk. The Commission may further amend these regulations and the effective date of such amendment(s) shall be established by the Commission and shall be reflected in a revised version of Appendix B - Schedule of Amendments.