

TOWN OF NORFOLK

SUBDIVISION REGULATIONS



Planning and Zoning Commission

Effective – February 3, 2013

Subdivision Regulations were originally adopted in the Town of Norfolk with an effective date of July 12, 1963.

A comprehensive revision of the Subdivision Regulations was undertaken in 2012 and adopted with an effective date of February 3, 2013.

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ARTICLE 1.00 INTRODUCTION

1.01 AUTHORITY

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

1.02 PURPOSES

These Regulations are adopted to accomplish the purposes identified in Section 8-25 of the Connecticut General Statutes, including providing that:

1. Land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety,
2. Proper provision is made for water, sewage and drainage,
3. Proper provision is made for protective flood control measures,
4. Proposed roads are in harmony with existing roads, or proposed roads shown in the Plan of Conservation and Development, especially in regard to safe intersections,
5. Proposed roads are arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs,
6. Open spaces, parks and playgrounds are provided when deemed proper by the Commission and in places deemed proper by the Commission,
7. Proper provision is made for soil erosion and sediment control,
8. Proper provision is made for the extent to and the manner in which streets shall be graded and improved and public utilities and services provided,
9. Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, passive solar energy techniques, and energy conservation are encouraged,
10. The coordinated development of the community is promoted; and
11. Future growth and development is guided in accordance with the Plan of Conservation and Development.

1.03 APPLICABILITY

1. These Regulations shall apply to any subdivision or resubdivision of land within Norfolk, Connecticut.
2. No subdivision of land shall be made and no land in any subdivision shall be sold or, except in certain situations as hereinafter provided in Section 6.02, be offered for sale until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been:
 - a. approved by the Commission,
 - b. signed by the Chairman to indicate approval by the Commission, and
 - c. recorded in the office of the Town Clerk within the time period specified in Section 6.04 of these Regulations.
3. Any recording of a subdivision plan not meeting the requirements of Section 1.03 of these Regulations shall be null and void.

1.04 ENFORCEMENT

1. These Regulations shall be enforced by the Planning and Zoning Commission and/or its designated representative(s).
2. 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.
3. Any person making any subdivision of land without the approval of the Commission shall be fined as provided by CGS Section 8-25 et seq.

1.05 MODIFICATION OF STANDARDS

1. Overview

In accordance with the provisions of CGS Section 8-26(a), the Commission may waive a regulation or standard contained in these regulations by the approval of a three-quarters (3/4) vote of all members of the Commission.

2. Modification of Submission Requirement

The Commission may modify or waive all or part of a subdivision application requirement when it finds that the proposed subdivision involves establishment of lots fronting on an existing road or is a resubdivision.

3. Modification of Design Standard

The Commission may modify or waive any design standard of these Regulations when it finds that:

- a. conditions exist which affect the subject land and are not generally applicable to other land in the area, and
- b. a modification of a standard or a granting of a waiver will not have a significant adverse effect on public health and safety, and
- c. a modification of a standard or a granting of a waiver will not have a significant adverse effect on adjacent property, and
- d. such modification or waiver will not hinder implementation of the Plan of Conservation and Development.

As part of granting any modification or waiver of a design standard, the Commission shall:

- a. have received a specific written request from the subdivider for the modification or waiver, and
- b. state upon the record its reasons for which such a modification or waiver was granted.

1.06 ADMINISTRATIVE PROVISIONS

1. **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, as amended.
2. **Appeals** - Any person aggrieved by an action or decision of the Commission may appeal as provided by CGS Section 8-8, as amended.
3. **Severability** - 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.
4. **Effective Date** - Subdivision Regulations were originally adopted in the Town of Norfolk with an effective date of July 12, 1963. A comprehensive revision of the Subdivision Regulations was undertaken in 2011-12 and adopted with an effective date of February 3, 2013.

ARTICLE 2.00 INTERPRETATION

2.01 INTERPRETATION OF REGULATIONS

1. 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. In the event that any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
3. In the event that any conflict arises between any graphic or illustration contained in these Regulations and any text provision of these Regulations, the text shall control.

2.02 USE OF TERMS

1. **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. **Specific Terms** - In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
 - a. The word "shall" is mandatory and not discretionary.
 - b. The word "may" is permissive.
 - c. When not inconsistent with the context:
 - i. Words in the present tense include the future and vice-versa.
 - ii. Words in the singular include the plural and vice-versa.
 - iii. Words in the masculine include the feminine and neuter and vice-versa.
 - d. The word "person" also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
3. **Terms Not Defined** - In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:
 - a. the Zoning Regulations, as may be amended;
 - b. the State Building Code, as may be amended;
 - c. the Connecticut General Statutes, as may be amended;
 - d. the "Illustrated Book of Development Definitions" (Rutgers University, Center for Urban Policy Research), as may be amended,
 - e. Black's Law Dictionary,
 - f. a comprehensive general dictionary.

2.03 DEFINED TERMS

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

Accelerated Erosion - see “*Erosion, Accelerated.*”

Acre - A land area equivalent to forty-three thousand five-hundred and sixty (43,560) square feet.

Applicant - see “*Subdivider.*”

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.

Commission - The Norfolk Planning and Zoning Commission.

Conservation Restriction - An encumbrance on real property filed on the land records of the Town for the protection of natural features, natural habitats, open space, buffer zones, scenic areas, historic sites, riding or walking trails, or similar purposes.

CTDOT - Connecticut Department of Transportation.

Cul-de-sac - See “*Road, Dead End.*”

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,
- by affirmative action of the Commission under any provision of these Regulations, or
- if a decision of the Commission is appealed, by conclusion of any appeal which results in a judgment approving or affirming approval of the application.

Developer - see “*Subdivider.*”

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

Director of Health - The person or persons responsible within the Town of Norfolk for enforcement of the Public Health Code of the State of Connecticut.

Disturbed Area - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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 road to the premises.

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 and construct roadways, utilities and structures.

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, Accelerated - Any increase over the rate of natural erosion as a result of a change in the natural cover or topography due to any activity or use of the land, including development.

Erosion and Sediment Control Manual - The "Erosion and Sediment Control Manual" applicable to Norfolk, Connecticut that is available from the Soil and Water Conservation District or the U.S. Department of Agriculture, Natural Resource Conservation Service.

FEMA - Federal Emergency Management Agency.

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

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

Article 2.00 - INTERPRETATION

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.

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.

Lot - A unit of land created from a larger tract of land for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes.

NFPA - National Fire Protection Association.

Open Space - Land preserved 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 Norfolk to be the holder of the fee title.

Parcel - The land contained within one continuous property line or a larger tract of land that is to be divided to create smaller lots.

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

Premises - The real property, either land or buildings or both, which is being evaluated.

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

Reserve Strip - A privately-owned strip of land within a subdivision which could prevent, limit, or control access from land outside the subdivision to a road within or adjacent to the subdivision.

Resubdivision - A change in a map of an approved or recorded subdivision (*See "Subdivision"*) if such change:

- affects any road 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.

Road - A way (including highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys, driftways or other arteries of vehicular traffic, but not private driveways or accessways) which is permanently dedicated to movement of vehicles and pedestrians and providing the principal means of access to abutting property and which is:

- a State highway,
- a Town road,
- a private road,
- a road shown on a subdivision plan approved by the Commission, or
- a road shown on a map filed in the office of the Town Clerk prior to July 12, 1963.

Road, Accepted - Any road which has become a public highway by virtue of official acceptance by the Town of Norfolk.

Road, Approved - Any road whose location has been approved by official action of the Commission.

Road, Dead End - A road having only one intersection with another road.

Dead End Road, Permanent - A dead end road not designed to be extended into adjoining undeveloped land.

Dead End Road, Temporary - A dead end road designed to be extended into adjoining undeveloped land.

Road, Private - A road which is not a State highway or an accepted road.

Road, Town – See “*Road, Accepted*”.

Sediment - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Slope - An inclined surface, typically expressed as a percent, representing the number of feet of vertical rise over a horizontal distance.

Soil - Any unconsolidated mineral or organic material of any origin.

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.

Article 2.00 - INTERPRETATION

Soils Map - Soils classification maps as shown in the *Soil Survey, Litchfield County Connecticut* prepared by the U.S. Department of Agriculture, Soil Conservation Service.

Solar Energy Techniques - Site design techniques which:

- 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.

State – The State of Connecticut.

Statute - Connecticut General Statutes.

Street - See “Road”.

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

Subdivider - Any property owner, contract purchaser, person, firm, or other legal entity or their successor who shall create any subdivision or part thereof, or any resubdivision, for the purpose of sale or building development or who applies for a subdivision, either for themselves or as an agent for others.

Subdivision - The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (July 12, 1963), for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The word “subdivision” shall also include resubdivision. See “Resubdivision”.

Surveyor - A land surveyor as defined in CGS 20-299, licensed in the State of Connecticut, qualified to practice the profession of land surveying.

Town - The Town of Norfolk, Connecticut.

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

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

Watercourses - The term "watercourses" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of Norfolk, Connecticut.

Wetlands - The term "wetlands" shall have the meaning set forth in the Inland Wetlands and Watercourses Regulations of the Town of Norfolk, Connecticut.

Zoning Regulations - The Zoning Regulations of the Town of Norfolk in effect at the time of application for subdivision or resubdivision.

ARTICLE 3.00 PARCEL AND LOT REQUIREMENTS

3.01 LAND SUITABILITY

1. Land which the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soils, utility easements or similar features which 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

1. Any subdivision shall be designed and arranged and provision shall be made to:
 - a. preserve natural features resources including, but not limited to, steep slopes, 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,
 - b. preserve and enhance scenic views, scenic areas, open space, recreation areas, greenways, trails, agricultural lands, prominent hillsides, ridgelines, hill crests, significant trees, and similar community resources,
 - c. preserve and enhance archeological sites, stone walls, historic buildings, historic sites, and similar cultural resources,
 - d. make best use of the natural terrain,
 - e. prevent the pollution of wetlands, watercourses, and water bodies,
 - f. protect the quality and quantity of water supplies, and
 - g. comply with any flood management ordinances and regulations adopted by the Town.

Article 3.00 - PARCEL AND LOT REQUIREMENTS

2. In areas subject to flooding, proper provision shall be made for protective flood control measures including, but not limited to, the following:
 - a. storm drainage shall be designed to reduce exposure to flood hazards,
 - b. roads shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions,
 - c. roads, drainage and other improvements shall be safe from flood damage,
 - d. public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages,
 - e. All utilities and similar services shall be located and constructed to minimize or eliminate flood damage.
3. During the review process, the Commission may require:
 - a. the preservation or enhancement of specific features identified in Section 3.02.1, and/or
 - b. 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 3.02.1 of these Regulations.

3.03 LOT LAYOUT

1. Any proposed lot shall comply in all respects with the Zoning Regulations for the zoning district in which the lot is located.
2. 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:
 - a. securing necessary permits to develop the lot in compliance with applicable regulations, codes, and ordinances,
 - b. occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public,
 - c. providing safe and convenient access to principal buildings on such lot, and
 - d. providing for grading and drainage without adversely affecting abutting or downstream properties.
3. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
 - a. does not meet the minimum zoning requirements,
 - b. is found unsuitable for occupancy or building by reason of lack of provision for sewage disposal, lack of adequate water supply, topography, water, flooding, or other conditions, or
 - c. does not conform to the requirements of these or other applicable codes and regulations.
4. No parcel of land shall be created with the notation "not an approved building lot."
5. 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 road or lot layout. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
6. 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.
7. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property or would landlock an adjacent property unless the control of such land or building lot is placed within the jurisdiction of the abutter, the Town, or other entity acceptable to the Commission under conditions approved by the Commission.

3.04 OPEN SPACE

Since reservation of open space, as provided in CGS Section 8-25, may not be appropriate in certain situations or may be modified by the Commission, applicants are encouraged to meet informally with the Commission prior to submitting a formal application.

1. Unless modified by the Commission in accordance with Section 3.04.7, every subdivision shall provide for open space in order to:
 - a. protect and conserve natural features,
 - b. protect and conserve important resources,
 - c. provide for parks and playgrounds, recreation areas, and other open space areas, and
 - d. implement the open space and other recommendations in the Plan of Conservation and Development.
2. This open space requirement may, with approval of the Commission, be met through:
 - a. dedication of land within the subdivision,
 - b. dedication of land elsewhere in Norfolk,
 - c. a fee-in-lieu-of-open-space donation,
 - d. dedication of land and a fee-in-lieu-of-open-space-donation, or
 - e. some other arrangement that shall be found by the Commission to be acceptable (such as a trail easement, a conservation restriction, or similar proposal).
3. If the subdivider proposes a fee-in-lieu-of-open-space donation or other open space arrangement which does not involve land within the subdivision, the subdivider shall still submit a map showing where the open space land could be located within the subdivision if the fee-in-lieu-of-open-space donation or other open space arrangement were not to be accepted by the Commission.
4. The Commission may solicit comments from the Conservation Commission, the Recreation Commission, the Board of Selectmen, the Norfolk Land Trust, or any other person or entity regarding the best method of preserving open space as part of the subdivision.

5. Dedication of Land

- a. Where the open space requirement shall be met through the dedication of land, at least twenty (20) percent of the total area of the subdivision shall be set aside for open space.
- b. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in Norfolk.
- c. In determining the appropriateness of an area proposed for open space or other public purposes, the Commission shall consider:
 - i. recommendations in the Plan of Conservation and Development,
 - ii. the presence or absence of any existing open spaces in the area,
 - iii. the opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system,
 - iv. the opportunity to preserve or protect significant natural features, and
 - v. comments from other agencies or persons regarding need, resources, connection to the open space system of the Town, and preferred ownership.
- d. When a subdivision abuts an existing open space, the Commission may require that the lot lines of the land to be dedicated form a continuation of the existing open space to provide a single, unified area.
- e. 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 evaluating the ownership of open space:
 - i. The Town of Norfolk.
 - ii. A non-profit organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes (such as the Norfolk Land Trust).
 - iii. A neighborhood association reviewed and approved by the Commission.
- f. Such open spaces shall be deeded in perpetuity except that any 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.
- g. If a subdivider transfers land to the Town for municipal purposes, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
- h. The Commission may require that any open space land have direct access to a Town road or a State highway through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- i. Open space areas shall not be used as a depository for brush, stumps, earth, building materials, or debris.

6. Fees in Lieu of Open Space

- a. 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 or other approved entity in lieu of the requirement to provide open spaces.
- b. The Commission may also request the subdivider pay a fee to the Town or pay a fee to the Town and transfer land to the Town or other approved entity in lieu of the requirement to provide open space where dedication of land as open space will not meet the purposes of this Section 3.04.
- c. 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 areas within the parcel which merit preservation by one of the methods set forth in these Regulations.
- d. The 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 3.04.
- e. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be in accordance with Section 8-25 of the Connecticut General Statutes, as amended.
- f. The fee in lieu of open space may be paid in one 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. If partial payments are to be made, each payment shall be prorated in value relative to the number of approved lots in the subdivision.
- g. When fractional payments are provided in lieu of open space land, the subdivider shall:
 - i. provide a financial guarantee acceptable to the Commission, or
 - ii. execute a mortgage securing the fee-in-lieu-of-open space and such mortgage shall be recorded on the Town of Norfolk land records with a first priority and a form and substance acceptable to the Town Attorney. Partial releases shall be provided upon the tender of each fractional payment.

7. Modification of Open Space Reservation

The open space reservation requirement:

- a. shall not apply if 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.
- b. shall not apply if the subdivision contains affordable housing as defined in CGS Section 8-39a equal to twenty percent (20%) or more of the total number of housing units to be constructed in such subdivision.
- c. may be modified or waived by the Commission if the subdivision contains three (3) lots or less.
- d. may be modified or waived by the Commission if the subdivision contains ten (10) acres or less.

3.05 SOLAR ACCESS

1. These subdivision regulations are intended to encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
2. The subdivider shall consider using solar energy techniques and site design techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, and that have the potential to:
 - a. maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and
 - b. minimize heat gain and provide for natural cooling during the cooling season.
3. The site design techniques shall include, but not be limited to:
 - a. house orientation,
 - b. road and lot layout,
 - c. vegetation,
 - d. natural and man-made topographic features,
 - e. protection of solar access within the subdivision.
4. As part of the application, the subdivider shall demonstrate that these techniques have been considered.

3.06 SOIL EROSION AND SEDIMENT CONTROL

1. An erosion and sedimentation control plan shall be submitted with any subdivision application.
2. Such plan shall demonstrate adherence to the erosion and sedimentation control standards set forth in the:
 - a. Norfolk Zoning Regulations,
 - b. "Connecticut Guidelines for Soil Erosion and Sediment Control (2002)", as amended, and
 - c. "Connecticut Stormwater Quality Manual (2004)", as amended.

On-Line Resources (links valid as of June 2012)

Connecticut Guidelines for Soil Erosion and Sediment Control (2002)

http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654

Connecticut Stormwater Quality Manual (2004)

<http://www.ct.gov/dep/cwp/view.asp?a=2721&q=325704>

3. Such plan shall demonstrate proper provision to:
 - a. minimize and adequately control accelerated erosion and sedimentation during construction,
 - b. result in a stabilized development protected from erosion when completed, and
 - c. utilize the best available technology for erosion and sedimentation control.

ARTICLE 4.00 INFRASTRUCTURE REQUIREMENTS

4.01 ROADS

1. General Approach

- a. Since new Town roads may not be appropriate in certain situations, applicants are encouraged to meet informally with the Commission to discuss whether a proposed road should be a Town road or a private road.
- b. The Commission may require that any road proposed in a subdivision as a private road be built as a Town road or may require that any road proposed as a Town road be built as a private road.
- c. The Commission may request input from the Board of Selectmen, the Public Works Supervisor, and/or other municipal officials or agencies as part of considering the desirability of Town roads or private roads in specific locations.

2. Overall Layout

- a. Proposed roads shall be designed and constructed to provide a safe and convenient system for prospective traffic and for continuation onto adjoining properties when subdivided.
- b. Proposed roads shall connect to:
 - i. An existing State highway, or
 - ii. an existing Town road, or
 - iii. a proposed Town road which has been approved by the Commission and for which a financial guarantee is on file with the Town in accordance with these Regulations, or
 - iv. an existing private road provided that the proposed road is a private road and adequate rights exist for such connection.
- c. Proposed roads shown on the subdivision plan shall be in harmony with any existing or proposed roads shown in the Plan of Conservation and Development, especially in regard to safe intersections with such roads.
- d. In general, proposed roads shall be designed to follow the contour of the land with consideration given to preserving natural features and other important resources.

3. Improvement Of Existing Roads

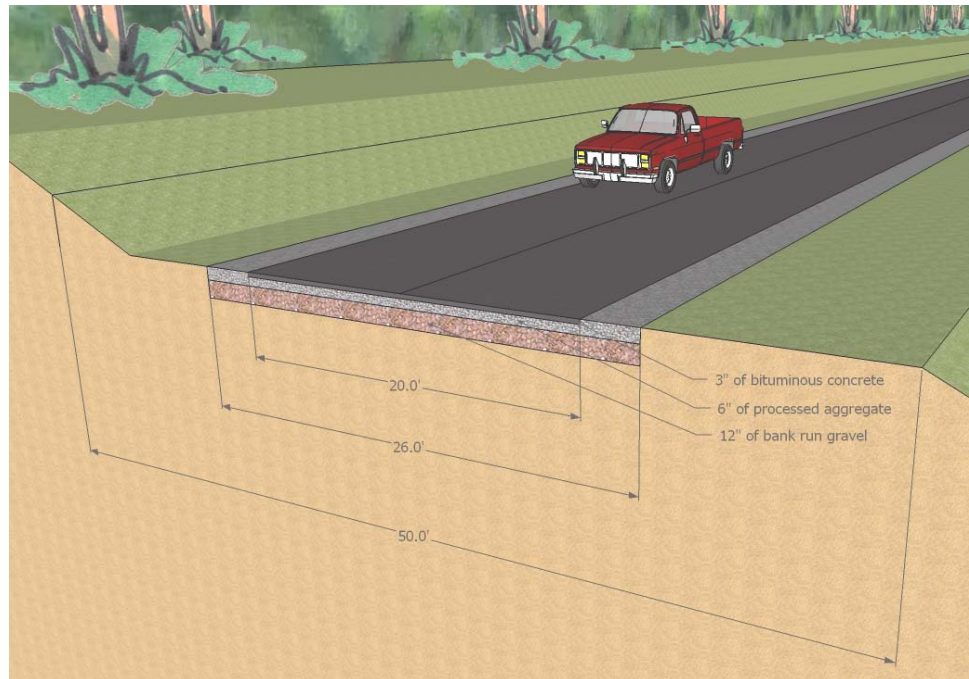
Where a subdivision has frontage on an existing State highway or an existing Town road that does not meet the appropriate roadway requirements or design standards or has a dangerous condition, the Commission:

- a. may require that the subdivider evaluate and determine the improvements required to meet the appropriate roadway requirements or design standards or resolve a dangerous condition and propose a resolution wherein the roadway deficiency will be addressed, and
- b. shall require that the subdivider dedicate the required right-of-way and any appurtenant slope or other easements to the Town along the frontage of the subdivision owned or controlled by the subdivider to correct the deficiency.

4. Town Road Standards

- a. Town roads may be allowed or required by the Commission when such roads:
 - i. Are located within the village area,
 - ii. Will serve as through roads or provide access to other property, or
 - iii. Will, in the opinion of the Commission, promote or contribute to the overall circulation network within Norfolk.

Town Road –Section Diagram



Article 4.00 - INFRASTRUCTURE REQUIREMENTS

- b. Unless modified by the Commission based on a recommendations from the Public Works Supervisor, Town roads shall be constructed in accordance with the following specifications:

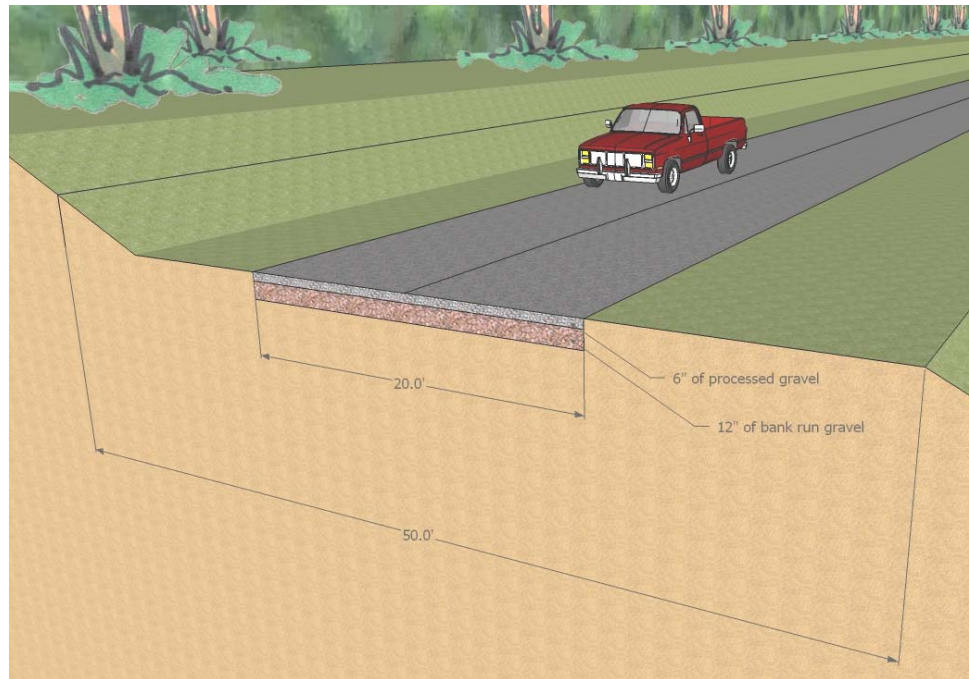
Town Road	
Right Of Way Width	50 feet
Travelway Width	20 feet – paved Three-foot graded shoulders each side
Road Base	Per Town of Norfolk Road Construction Specifications
Road Surface	Per Town of Norfolk Road Construction Specifications
Minimum road grade	1 percent
Maximum Road Grade	10 percent
Cross Slope	Crown on the centerline with ¼ inch / foot cross-slope
Road Design Speed	25 MPH
Minimum Horizontal Curve Radius	150 feet
Minimum Vertical Curve Length	25 feet / percent of grade change
Minimum Non-Passing / Stopping Sight Distance	200 feet at 25 mph
Minimum Tangent Distance Between Reverse Horizontal Curves	100 feet

- c. Catch basins and pipes may be required to control drainage, especially in the village area. Swales with filter fabric and/or rip rap adjacent and parallel to the road surface and by cross culverts and other structures as appropriate may be allowed. The drainage system shall be designed and sealed by an engineer.
- d. Curbing shall generally be avoided except where required by the Commission or the Public Works Supervisor in order to control drainage.

5. Private Road Standards

- a. Private roads may be allowed or required by the Commission when such roads:
 - i. Are located outside the village area,
 - ii. Will not serve as through roads or provide access to other property,
 - iii. Will not, in the opinion of the Commission, promote or contribute to the overall circulation network within Norfolk, or
 - iv. Are primarily configured, in the opinion of the Commission, to provide access to the proposed development.

Private Road –Section Diagram



Article 4.00 - INFRASTRUCTURE REQUIREMENTS

- b. Private roads shall be constructed in accordance with the following specifications:

Private Road	
Right Of Way Width	50 feet
Travelway Width	20 feet - gravel
Road Base	Per Town of Norfolk Road Construction Specifications
Road Surface	Per Town of Norfolk Road Construction Specifications
Minimum Road Grade	1 percent
Maximum Road Grade	12 percent
Cross Slope	Crown on the centerline with $\frac{1}{4}$ inch / foot cross-slope
Road Design Speed	25 MPH
Minimum Horizontal Curve Radius	150 feet
Minimum Vertical Curve Length	15 feet / percent of grade change
Minimum Non-Passing / Stopping Sight Distance	150 feet at 20 mph
Minimum Tangent Distance Between Re- verse Horizontal Curves	100 feet

- c. Drainage shall be provided by swales with filter fabric and/or rip rap adjacent and parallel to the road surface and by cross culverts and other structures as appropriate. Catch basins, pipes, and curbing may be required by the Commission where considered necessary to control drainage. The drainage system must be designed and sealed by an engineer.

Article 4.00 - INFRASTRUCTURE REQUIREMENTS

- d. The subdivision map shall show the proposed road clearly labeled "private road."
- e. Lots served by such private road shall be sold subject to the following provision which shall appear on the subdivision map:

If the private road shown on this plan of subdivision or any part thereof is to be considered for acceptance by the Town of Norfolk, such private road or part thereof shall first be improved at the sole cost of the affected lot owners, so as to comply with the Road Construction Specifications of the Town of Norfolk and/or the specifications of the Norfolk Subdivision Regulations relating to the design and construction of Town roads.

- f. No subdivision plan having any private road shall be approved until the subdivider shall have submitted documentation indicating that a homeowners' association shall be created with the obligation to maintain such road in conformance with the requirements of these Regulations.
- g. Lots served by such private road shall only be sold or transferred subject to the specific provision in each deed that the lot owner and any successive owner is required to be a member of the association.
- h. No building permit shall be issued for any lot served by a private road until:
 - i. the association shall have been legally established to maintain such road, and
 - ii. the bylaws of such association shall have been filed in the office of the Town Clerk.
- i. The association bylaws shall provide that:
 - i. The association is empowered to establish and collect funds for the maintenance of such road, the maintenance of liability insurance, and other common expenses.
 - ii. Lot owners shall be required to pay their pro rata share of the expenses of the association.
 - iii. The association is empowered to place a lien(s) against the property of any person who fails to pay their pro rata share of the expenses of the association.
 - iv. The obligations of the association and the lot owners shall exist in perpetuity.

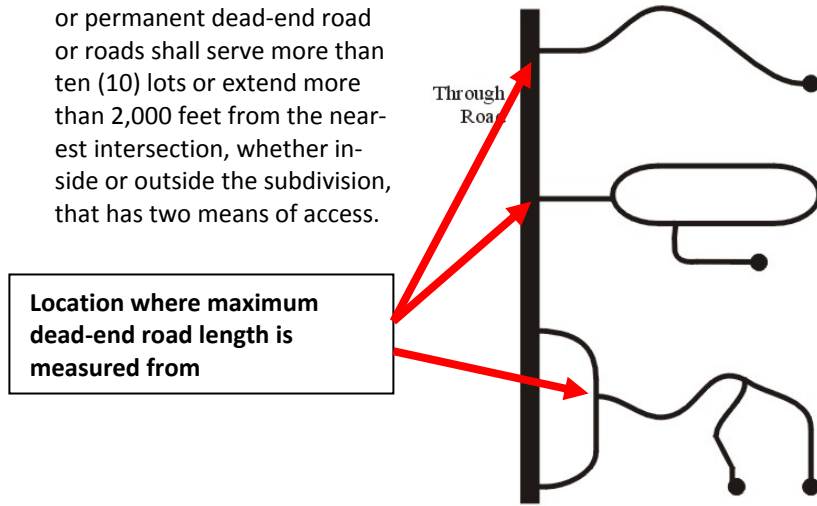
6. Intersection Design

- a. Proposed roads shall intersect other roads so that the centerline of the proposed road shall be a straight line for a distance of at least 100 feet from the intersecting street-lines unless otherwise approved by the Commission on the recommendation of the Public Works Supervisor.
- b. Intersections of roads shall be at angles as close to ninety degrees (90°) as possible. A road which approaches another road at an oblique angle should be curved so that the intersection may be at a right angle, as nearly as practicable, for a distance of fifty (50) feet. Wherever two (2) roads intersect at an angle smaller than sixty degrees (60°), the right-of-way returns and the relation of gutter slopes shall be given special treatment, as determined by the Commission.
- c. Multiple intersections at one location shall generally be avoided and, except when the Commission finds conditions are present which justify a variation from these requirements, the centerlines of intersecting roads shall be spaced at least 400 feet apart.
- d. Proposed roads shall intersect other roads such that the slope of the travelway on the proposed road shall not exceed two (2) percent within fifty (50) feet of the intersection unless otherwise approved by the Commission on the recommendation of the Public Works Supervisor.
- e. Street-lines at intersections shall be connected by a curve having a minimum radius of 25 feet.
- f. Adequate sight lines shall be provided at any proposed intersection. If required by the Commission, intersections shall have unobstructed view from a driver's eye (located at a height of 3.5 feet above the surface of the proposed road and a location twenty feet (20') back from the edge of the travel way of the intersected road) along both directions of the intersected road that is in conformance with current CTDOT standards for the 85th percentile speed. The "desirable" sight distance shall be provided whenever possible and no road 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.

7. Dead-End Road Length Limitation

- a. Unless otherwise approved by the Commission, no temporary or permanent dead-end road or roads shall serve more than ten (10) lots or extend more than 2,000 feet from the nearest intersection, whether inside or outside the subdivision, that has two means of access.

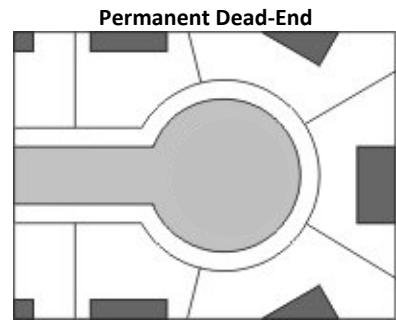
Measuring the Length of Dead End Streets



- b. A greater length may be permitted by the Commission, in its sole discretion, due to adverse topographic or soil conditions, difficult site configuration, future road extension or similar circumstances. It is recommended that when a subdivider wishes to request approval of cul-de-sac roads with a length greater than 2,000 feet or serving more than ten lots, the Preliminary Plan procedures established in these Regulations be followed.

8. Turnaround Design

- a. A permanent dead-end road shall terminate in a turnaround right-of-way that is at least 100 feet in width with the outer edges of the travelway at least 80 feet apart.
- b. The outer edge of such permanent turnaround shall be located at least one-hundred (100) feet from the property line of the parcel being subdivided or the minimum lot depth prescribed by the Zoning Regulations, whichever is greater.

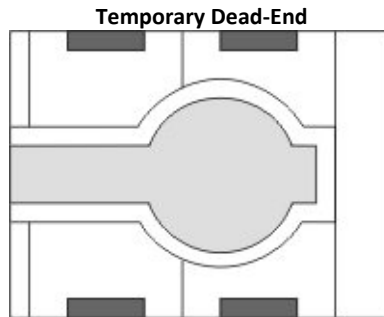


- c. The turnaround (pavement or gravel, as required) shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
- d. The Commission may require that pedestrian, drainage and/or utility easements of appropriate width be provided from the terminus to the abutting property line(s).
- e. On private roads, the Commission may allow alternative turnaround configurations (such as landscaped center islands) in order to enhance the character of the community.

9. Road Extensions and Temporary Dead-End Roads

- a. The Commission may require that the arrangement of roads in a subdivision provide for the extension of existing roads and for the future extension of proposed roads into abutting property not yet subdivided.
- b. The Commission may require the subdivider to demonstrate the feasibility and practicality (or the infeasibility or impracticality) of extending the proposed road onto or through adjacent property.
- c. When any such provision for extension is required by the Commission, the subdivider shall provide for access to the adjacent undeveloped land via a Town road or, if via a private road, shall provide easements to be held by the Town granting access in perpetuity across the private road to the abutting property.

- d. When any such provision for extension is required and is an extension or continuation of a proposed road, the proposed subdivision road shall:



- i. have the full width of the right-of-way extended to the property line of the subdivision plus any grading rights required for the future road,
- ii. have the area of a temporary turnaround (pavement or gravel, as required) brought as close to the boundary as is practical,
- iii. have temporary easements provided to the Town, where such easements shall automatically terminate when the road is extended, outside the standard right-of-way for:
 - a. the temporary turnaround area, and
 - b. grading associated with the future road extension.
- iv. have a travelway spur (pavement or gravel, as required) extending 10 feet from the turnaround area toward the undeveloped land.

- e. If the proposed access to abutting property is not an extension or continuation of a proposed road (such as being perpendicular to a proposed road), the subdivider shall have:
 - i. the future roadway area graded with all slopes made necessary by such road prepared and stabilized, and
 - ii. no reserve strips left at the end or side of any access which adjoins abutting property.
- f. The subdivider of the adjoining land shall be responsible for:
 - i. preparing drawings showing and including all work required to connect and complete the improvements and utilities between the existing road and the proposed subdivision,
 - ii. 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 road is extended.

10. Road Names

- a. All roads shall be named and proposed road names shall be indicated on the subdivision plan and shall be approved by the Commission.
- b. Proposed road names shall be selected so as to avoid similarity in spelling or pronunciation with existing private or Town road names.

11. Road Signs and Traffic Controls

- a. Prior to the issuance of any certificate of occupancy within the subdivision, Town acceptance of a Town road, or final release of a financial guarantee related to road construction, the subdivider shall provide and install at the subdivider's sole cost and expense:
 - i. suitable traffic control devices and signs in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, and
 - ii. suitable permanent road name signs at all road intersections in accordance with Town standards.
- b. During road construction and prior to the issuance of any building permit, temporary road name signs and suitable traffic control devices of a durable, weatherproof material shall be installed by the subdivider at road intersections.

12. Other Requirements

- a. All road surfaces shall be centered within the right-of-way.
- b. During construction, all trees and roots shall be stripped to below the base course of the pavement and for the full width of the pavement. All soft spots, peat, organic material, soft clay, spongy soil, boulders and other unsuitable material shall be removed and replaced by material approved by the Public Works Supervisor. The subgrade shall be rolled with a ten-ton roller before placing the base course.

4.02 DRIVEWAYS

- 1. Each proposed lot shall be served by a driveway with a maximum slope of 15 percent and no Certificate of Occupancy shall be issued unless this requirement is met.
- 2. Within the Town road or private road right-of-way, no driveway shall be graded such that it would receive drainage from the Town road or private road.
- 3. The Commission may require driveway locations be shown on the plan to assure proper sight line, proposed slope, drainage and intersection with the street.
- 4. The Commission may require a specific driveway location, grade, width, surface or other design requirement in order to provide for reasonable access for emergency and other services.

4.03 SEWAGE

1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that an adequate sewage disposal system will be provided for each lot and the Commission shall not approve any lot where insufficient evidence has been provided with regard to sewage disposal to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. Where the Town sewer system is available:
 - a. it shall be utilized, and
 - b. all sewer mains and laterals within the road right-of-way shall be installed prior to the final surfacing of the road unless otherwise approved by the Public Works Supervisor.
3. Where private sewage disposal (a septic system) is to be used, approval by the Director of Health must be obtained.

4.04 WATER

1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that a potable water supply will be provided for each lot and the Commission shall not approve any lot where insufficient evidence has been provided with regard to water supply to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. Where a public water supply system is available:
 - a. it shall be utilized,
 - b. provision shall be made for the installation of water mains and fire hydrants within the proposed development, and
 - c. all water lines and supply connections within the road right-of-way shall be installed prior to the final surfacing of the road unless otherwise approved by the Public Works Supervisor.
3. 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.

4.05 STORM DRAINAGE

1. Purpose

This Section of the Regulations is intended to:

- minimize degradation of water resources within the Town of Norfolk from pollution from non-point source runoff,
- mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
- reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
- promote the application of low impact development (LID) strategies for the analysis and design of stormwater treatment systems.

2. General

- a. The subdivider shall be responsible for constructing adequate facilities for the control, collection, treatment, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area.
- b. All drainage facilities shall be designed by an engineer and shall be subject to review by the Public Works Supervisor and the approval of the Commission.
- c. The Commission may, at the applicant's expense, seek independent evaluation of the proposed drainage design.

3. Requirement

- a. The design of the drainage system for any subdivision shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality (CSQ) Manual (2004), as amended:
 - i. Pollutant Reduction (CSQ Manual Section 7.4).
 - ii. Groundwater Recharge and Runoff Volume Reduction (CSQ Manual Section 7.5).
 - iii. Peak Flow Control (CSQ Manual Section 7.6) for the 10-year, 25-year, and 100-year storm events.
- b. Upon the request of the applicant, the Commission may modify the requirement to implement the provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (2004), as amended, provided that adequate information has been submitted by the applicant to allow the Commission to evaluate the request and:
 - i. The Public Works Supervisor has provided a positive recommendation regarding the request, or
 - ii. The Commission has received a report from an independent (third party) engineer, with significant expertise in low impact development where:
 - Such engineer is hired by the Commission, and
 - The fee for such engineer is paid for by the applicant.

4. Design of Drainage Facilities

- a. Storm drainage facilities, where required and/or provided, shall be constructed in accordance with CTDOT Construction Standards and Specifications, unless modified by the Commission with the approval of the Public Works Supervisor.
- b. Drainage facilities shall be laid out so as to provide positive drainage away from all buildings and to minimize discharge of water to the Town road, right-of-way, and adjacent property.
- c. The design and construction of storm drainage facilities shall:
 - i. be adequate for present and potential future uses based upon the maximum ultimate development of the upstream watershed as permitted under existing Zoning Regulations,
 - ii. not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures,
 - iii. make proper provision (including easements or manholes) for drainage from development of adjacent properties, and
 - iv. not divert water from one watershed to another without a State permit.
- d. 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.
- e. The following information shall be submitted to the Commission:
 - i. plan showing watershed areas for each structure,
 - ii. calculations showing the design criteria used for each pipe length, and
 - iii. information showing that drainage pipes will provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.
- f. 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.
- g. Drainage structures shall be designed to accommodate the following storm frequency:
 - i. a 25-year storm frequency for roads within the subdivision and detention/retention on individual lots (including catch basins, inlets, pipes, underdrains and gutters), and
 - ii. a 100-year storm frequency for culverts, bridges through watercourses, and detention/retention basins.

5. Drainage Facilities

- a. Swales or ditches may be used for drainage if approved by the Public Works Supervisor and designed and constructed to minimize soil erosion and danger to public health or safety. Proposed surface drainage and stream structures shall be designed in accordance with the Connecticut Erosion and Sedimentation Control Manual (2002), as amended.
- b. Drainage facilities located within the road right-of-way shall be enclosed in suitable conduits, where necessary or desirable. Long, diagonal drainage crossings under the pavement that can cause differential road settling shall be avoided. Where a development connects to existing roads, the subdivider shall provide appropriate drainage at the intersections.
- c. Drainage facilities outside of the road right-of-way shall be enclosed in suitable underground pipes wherever desirable.
- d. Easements for drainage facilities shall be:
 - i. perpetual, unobstructed drainage easements,
 - ii. at least 20 feet wide,
 - iii. centered on the pipe and, where possible, centered on property lines, and
 - iv. deeded to the Town of Norfolk if the drainage facilities serve a Town road and deeded to the association if the drainage facilities serve a private road.
- e. Where it is necessary to discharge storm water across private property not included in the subdivision, the subdivider shall obtain, in writing, permanent drainage rights in favor of the Town for flows across such properties. If the system is to be accepted by the Town, the rights for the Town to enter and maintain existing or proposed facilities shall be included. The subdivider shall submit copies of all agreements to the Commission prior to final approval of the subdivision. Such drainage easements shall be shown on the subdivision plan and filed on the land records.
- f. The Public Works Supervisor shall approve the location and spacing of drainage structures, if provided.
- g. Unless modified by the Public Works Supervisor, the minimum pipe size for all storm drain systems constructed under these Regulations shall be 15-inch inside diameter.
- h. The material for all storm drain systems constructed under these Regulations shall be reinforced concrete, except that the Public Works Supervisor may allow the use of High Density Polyethylene (HDPE) in appropriate circumstances.
- i. Unless modified by the Public Works Supervisor, a minimum cover of two (2) feet shall be provided for all storm drains.
- j. Proper bedding, grading, and cover shall be provided around and for all drainage structures.

6. Drainage Outlets and Channels

- a. 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 discharge into a natural watercourse, without the approval of the Inland Wetlands and Watercourses Commission. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
- b. 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.
- c. When drainage outlets or channels are required by the Commission for drainage purposes, the subdivider shall provide the Town with a plan and any required rights-of-way for long-term maintenance.

7. Private Drains

- a. The size and location of all private storm drains that connect to a Town storm drain system shall be approved by the Public Works Supervisor prior to installation. Yard, cellar, or foundation drains that connect to the storm drainage system shall be shown on the final "as-built" plan of the drainage system.
- b. For any such private storm drain, the subdivider shall provide the Commission with an indemnity agreement and release in form and substance acceptable to the Town to be filed on the land records and run with the land, indicating that the Town shall have no responsibility or liability for:
 - i. any stoppage in the public storm water drain or any back-flow therefrom;
 - ii. any breakage or stoppage occurring in the connection line;
 - iii. any change in road grade or any relocation of the road which will cause the connection to become inoperative;
 - iv. any relocation or abandonment of the storm water drain; and
 - v. any damages caused by any failure of the private storm water drainage system.
- c. The property owner(s) shall be responsible for paying for any repair and relocation costs relating to the private storm drainage.
- d. All sanitary waste shall be prohibited from entering the storm drainage system.

4.06 WIRE UTILITIES

1. 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 Public Works Supervisor, that such underground installation is inappropriate or infeasible for all or a part of the subdivision or resubdivision after considering:
 - a. the type of service existing in the area adjacent to the subdivision,
 - b. topographic and construction conditions, and
 - c. the size of the subdivision or resubdivision.
2. All pipes and conduits for wire utilities shall be installed in the side strips of the right-of-way wherever possible and such pipes and conduits shall be installed prior to final surfacing of the road.
3. Any wire utility located outside of the 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. All wire utilities associated with the subdivision shall be installed at the subdivider's expense prior to issuance of a certificate of occupancy and/or, if a Town road, prior to acceptance of the road by the Town. Electric, telephone, cable television, and any other wire utilities shall be installed in proposed and existing roads as specified by the appropriate utility company and shall be subject to the inspection and acceptance of such company and the Public Works Supervisor.
5. For a Town road, all wire utilities shall be located and mapped on an as-built drawing prior to acceptance of the road by the Town.

4.07 SIDEWALKS

1. Sidewalks will generally not be required or provided except that the Commission may require the installation of sidewalks within the village area or where considered necessary for public safety.

4.08 FIRE PROTECTION

1. Wherever public water service is available, each subdivider shall provide fire hydrants to protect public safety where required by the Commission based on the recommendation of the Fire Marshal and/or Fire Chief.
2. Where public water service is not available or provided, a subdivider may be required to provide supplemental water supply system(s) to protect public safety depending on whether any of the following opportunities may exist or be created:
 - a. hydrant(s) to an existing pond,
 - b. hydrant(s) to a proposed fire pond, and/or
 - c. other mechanisms acceptable to the Commission to provide for supplemental fire protection (such as hydrant(s) to an underground cistern, residential sprinkler systems, a donation to a municipal account dedicated to providing supplemental water supply systems in the community, or other proposal).
3. Facilities for fire protection shall be sized and constructed in accordance with NFPA Standard 1231 - "Standard on Water Supplies for Suburban and Rural Firefighting", as amended.
4. 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 to ensure the Town's perpetual right to access, maintain, and/or improve any supplemental water supply system(s) and appurtenances thereto for firefighting purposes, and obligate the property owners not to inhibit the use of the fire protection facility for firefighting purposes without the written approval of the Fire Marshal.
5. The Commission may, at the applicant's expense, seek independent evaluation of the proposed location, size, design, construction specifications, and installation of such supplemental water supply system(s) and access thereto.

ARTICLE 5.00 APPLICATION PROCEDURES

5.01 GENERAL

1. Any subdivision or resubdivision application shall be accompanied by forms, fees, maps, plans, profiles and all additional documentation, information and reports as prescribed in these Regulations.
2. Plans submitted under these Regulations shall be prepared by the following person or persons:

Stage	Type of Design	Type of Person
Preliminary Plan	Schematic / conceptual design.	An engineer, surveyor, architect, land planner, landscape architect, or other qualified individual.
Formal Application	Delineation of the boundary lines of the outside perimeter of a parcel as well as the interior lots and roads.	Sealed by a surveyor
	Design of roads, drainage systems, sanitary sewer systems, sewage disposal systems, and water supply and distribution.	Sealed by an engineer

3. 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 executed by the owner of record evidencing the agent's authority to apply must accompany the application.
4. All applications shall be submitted to the Commission during regular working hours. The application shall be dated as of the actual date submitted.
5. 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 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 shall be responsible for any review fees and related expenses incurred as a result of such consultations.

6. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
 - a. reviewing the proposed subdivision,
 - b. inspecting the property and any proposed improvements, and/or
 - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them.

5.02 PRELIMINARY PLAN PROCEDURE

1. In order to prevent undue delay or extensive modification to a formal application, the Commission encourages informal discussion of the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these Regulations.
2. The preliminary plan procedure is suggested to prospective subdividers, their agents or engineers, so that they may discuss the design of the subdivision in the formative stages with the Commission and other Town officials.
3. Since the procedure is a review of a conceptual design and a pre-application process:
 - a. receipt of materials shall not constitute a “formal application,” and
 - b. any discussion or opinions rendered are advisory only, are not binding on the Commission or the potential subdivider, and shall not be the basis for a claim of predetermination by the Commission.
4. Twelve copies of materials as described in the Appendix of these Regulations for a preliminary plan shall be submitted to the Commission, and the potential subdivider shall be advised of the date to appear at a meeting of the Commission for informal review and comment.

5.03 FORMAL SUBDIVISION APPLICATION

1. A formal application for subdivision or resubdivision shall include the following:
 - a. one (1) original of the prescribed application form, fully and properly completed and executed and twelve (12) copies of such form.
 - b. the required application processing fee.
 - c. plans and other documents as required by the Appendix of these Regulations and/or as required by the Commission.
 - d. Evidence of the signatory's authority to sign on behalf of the owner of record and/or the applicant.
2. The Commission may require the submission of:
 - a. 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,
 - b. 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,
 - c. a statement, together with supporting documentation, of the estimated cost of constructing the proposed subdivision roads and other improvements,
 - d. any proposed grant or easement to the Town, in form satisfactory to the Town,
 - e. any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations,
 - f. additional copies of application materials as necessary for review by the Commission or other Town agencies.
3. If the property included in the application is subject to a conservation restriction or a preservation restriction as defined in CGS Section 47-42d, the applicant shall provide:
 - a. proof that the applicant has, at least sixty days prior to the filing of the permit application, provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, or
 - b. a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

5.04 RECEIPT AND SCHEDULING

1. If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider is encouraged to acquire permits and approvals from the Inland Wetlands and Watercourses Commission prior to submission to the Commission. In any event, the subdivider shall submit an application to the Inland Wetlands and Watercourses Commission no later than the date the application is filed with the Commission.
2. For the purpose of calculating statutory timeframes, the date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of such application or 35 days after submission, whichever is sooner.
3. 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.
4. Upon receipt of an application for subdivision or a resubdivision, the Commission shall schedule a public hearing.
5. The Commission may require field staking of proposed improvements, such as proposed roads and accessways, for visual inspection. Such stakes shall be installed at intervals of fifty (50) feet along the center lines. The Commission or its agent shall retain the right to field-check and inspect the layout prior to acting on the proposed subdivision.
6. At any time following the submission of an application and prior to final action by the Commission, an application may be withdrawn by filing with the Commission a written request to that effect.

5.05 NOTICE PROVISIONS

1. The applicant shall send notice to all abutting owners and owners within 100 feet of the proposed subdivision of the time and place of the public hearing at which the subdivision will be considered. The notice shall be sent by certified mail, return receipt requested, at least 10 days before the public hearing. For purposes of such notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. The certificate(s) of mailing shall be submitted to the Commission at the public hearing.

Article 5.00 - APPLICATION PROCEDURES

2. 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:
 - a. 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 or by electronic mail at least thirty days before the date of the first public hearing to be held in relation thereto except that if the Commission does not receive confirmation of receipt of such electronic mail at least twenty-five days before the public hearing then it shall send such notice by certified mail, return receipt requested.
 - b. if a report from a regional planning agency is not received at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.
3. In accordance with CGS 8-7d(f), the Commission shall:
 - a. notify the clerk of any adjoining Connecticut municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt (as specified in Section 5.04.2 of these Regulations) of an application concerning any project on any site in which:
 - i. any portion of the property affected by the decision of the Commission is within five-hundred (500) feet of the boundary of the adjoining municipality, or
 - ii. a significant portion of the traffic to the completed project on the site will use roads within the adjoining municipality to enter or to exit the site, or
 - iii. 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
 - iv. water run-off from the improved site will impact roads or other municipal or private property within the adjoining municipality.
 - b. No hearing shall be conducted on any application unless the adjoining municipality has received the notice required hereunder.
 - c. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.
4. The Commission may transmit a copy of the maps and plans to the Board of Selectmen with a request for a report concerning the suitability of the construction plans and any relationships between the subdivision layout and existing Town streets and drainage systems.

5.06 PUBLIC HEARINGS

1. In accordance with CGS 8-7d, when a hearing is to be held on an application, such hearing shall:
 - a. commence within sixty-five (65) days after the date of receipt of such application, and
 - b. be completed within thirty-five (35) days after such hearing commences, unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended provided the total timeframe of all such extensions associated with an application shall not exceed sixty-five (65) days.
2. In accordance with CGS 8-7d, notice of the hearing shall be published in a newspaper having a general circulation in Norfolk at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing.
3. All applications and maps and documents relating thereto shall be open for public inspection.
4. At such hearing any person or persons may appear and be heard and may be represented by agent or by an attorney.

5.07 APPLICATION PROCESSING AND ACTION

1. The Commission shall act upon an application by approving, modifying and approving, or disapproving the application.
2. Such action on an application shall be rendered within sixty-five (65) days after completion of the public hearing unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended.
3. The subdivider may consent to one or more extensions of any period specified, provided the total of all such extensions associated with an application shall not exceed sixty-five (65) days.
4. In making its decision, the Commission shall give due consideration to the material contained in the record.
5. Any action by the Commission shall:
 - a. set forth the reasons for approval, approval with modifications, or disapproval,
 - b. set forth any conditions to which the approval is subject, and
 - c. be stated on the Commission's records.
6. Commission approval of the plans shall not be deemed an acceptance by the Town of any road or other land shown as offered for dedication to public use.
7. The Commission shall cause notice of its action to be:
 - a. delivered to the subdivider by certified mail, return receipt requested, and
 - b. published in a newspaper having substantial circulation in Norfolk as provided in CGS Section 8-26.
8. If the Commission fails to cause notice of its action to be published as provided in CGS Section 8-26 (within fifteen days after a decision has been rendered), the subdivider may publish such notice within ten (10) days following the 15-day period.

ARTICLE 6.00 POST- APPROVAL PROCEDURES

6.01 FINALIZING APPROVED PLANS

1. Based upon the approval by the Commission, the subdivider shall have the subdivision plan and supporting plans revised to conform to any modifications called for in the Commission's action.
2. No other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without the written consent of the Commission.

6.02 ALTERNATIVE APPROVAL FORMATS

1. 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:
 - a. "Final Approval / No Improvements Required" as provided in Section 6.02.2,
 - b. "Final Approval / Improvements Completed" as provided in Section 6.02.3,
 - c. "Final Approval / Financial Guarantee Provided" as provided in Section 6.02.4,
 - d. "Provisional Approval / No Financial Guarantee Provided" as provided in Section 6.02.5, or
 - e. "Conditional Approval" as provided in Section 6.02.6.

2. Plans To Be Filed As “Final Approval / No Improvements Required”

- a. A subdivision plan and supporting plans may be filed as “Final Approval / No Improvements Required” when no grading and improvement of streets and no providing of public utilities and services are to be provided prior to the sale of any lot in the subdivision.
- b. Such subdivision plan shall contain the following signature block for the Commission’s signature:

Final Approval / No Improvements Required	
No street improvement or public utilities were required to be provided prior to the sale of any lot in the subdivision.	
Lots in the subdivision may be sold at any time.	
At a meeting on _____, the Norfolk Planning and Zoning Commission approved this subdivision plan in accordance with the Norfolk Subdivision Regulations.	
_____	_____
Chairman	Date

3. Plans To Be Filed As “Final Approval / Improvements Completed”

- a. A subdivision plan and supporting plans may be filed as “Final Approval / Improvements Completed” when any grading and improvement of streets and the providing of public utilities and services have been completed to the satisfaction of the Commission and the Public Works Supervisor and, if relevant, accepted by the Town of Norfolk prior to the filing of the subdivision plans on the land records.
- b. Such subdivision plan shall contain the following signature block for the Commission’s signature:

Final Approval / Improvements Completed	
Street improvements and public utilities have been completed to the satisfaction of the Commission and the Public Works Supervisor and, if relevant, accepted by the Town of Norfolk.	
Lots in the subdivision may be sold at any time.	
At a meeting on _____, the Norfolk Planning and Zoning Commission approved this subdivision plan in accordance with the Norfolk Subdivision Regulations.	
_____	_____
Chairman	Date

4. Plans To Be Filed As “Final Approval / Financial Guarantee Provided”

- a. A subdivision plan and supporting plans 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 the grading and improvement of streets and the providing of public utilities and services remaining to be constructed.
- b. Acceptable financial guarantees shall include:
 - i. One or more savings accounts, money market accounts, or certificates of deposit from financial institutions approved by the Town of Norfolk provided:
 - a) each such account shall be federally insured for the full amount of the deposit, and
 - b) the account shall be only in the name of the Town of Norfolk.
 - ii. A certified or official check from a financial institution approved by the Town of Norfolk made payable only to the Town of Norfolk,
 - iii. an unconditional irrevocable letter of credit in accordance with the sample letter in the Appendix approved by the Town of Norfolk and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.
- c. Such subdivision plan shall contain the following signature block for the Commission’s signature:

Final Approval / Financial Guarantee Provided	
A financial guarantee has been provided to the Town of Norfolk to ensure that street improvements and public utilities will be completed to the satisfaction of the Commission and the Public Works Supervisor and, if relevant, accepted by the Town of Norfolk.	
Lots in the subdivision may be sold at any time.	
At a meeting on _____, the Norfolk Planning and Zoning Commission approved this subdivision plan in accordance with the Norfolk Subdivision Regulations.	
_____	_____
Chairman	Date
In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____.	

- d. Any financial guarantee which has an expiration date shall include the following provisions:
 - i. 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
 - ii. in the event such notice is received, the Town may draw without further condition the balance of the financial guarantee, and
 - iii. 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.

- e. Any interest or dividend accruing on any account or instrument shall accrue in the name of the subdivider and such funds may be used by the Town in the same manner as the principal.

- f. Before release of any financial guarantee, the Commission may request the applicant to present a statement, signed and sealed by a surveyor or an engineer, certifying that such surveyor or engineer has inspected all of the required construction work and that all of the required improvements have been completed in accordance with plans and specifications as approved.

- g. 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, at least sixty-five days after receiving such request:
 - i. release or authorize the release of any such financial guarantee or portion thereof, provided the Commission, in its sole discretion, is satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or
 - ii. 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.

5. Plans To Be Filed As “Provisional Approval / No Financial Guarantee Provided”

- a. A subdivision plan and supporting plans may be filed as “Provisional Approval / No Financial Guarantee Provided” when the grading and improvement of streets and the providing of public utilities and services have not been completed and no financial guarantee has been provided to the Commission to ensure that improvements will be constructed.
- b. A subdivision plan approved as “Provisional Approval / No Financial Guarantee Provided” shall lapse five years from the date it is granted.
- c. Such subdivision plan shall contain the following signature block for the Commission’s signature:

Provisional Approval / No Financial Guarantee Provided	
<p>Street improvements and public utilities in the subdivision have <u>NOT</u> been completed to the satisfaction of the Commission and the Public Works Supervisor or, if relevant, accepted by the Town of Norfolk.</p> <p>A financial guarantee has <u>NOT</u> been provided to the Town of Norfolk to ensure that the improvements or other requirements will be completed to the satisfaction of the Commission and the Public Works Supervisor and, if relevant, accepted by the Town of Norfolk.</p>	
<p><u>No lots shall be sold and no certificate of occupancy shall be issued until the improvements are completed or a financial guarantee has been provided to the Town of Norfolk.</u></p>	
<p>At a meeting on _____, the Norfolk Planning and Zoning Commission approved this subdivision plan in accordance with the Norfolk Subdivision Regulations.</p>	
_____ Chairman	_____ Date
<p>In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____.</p>	

6. Plans To Be Filed As “Conditional Approval”

- a. A subdivision plan and supporting plans may be filed as “Conditional Approval” when the grading and improvement of streets and the providing of public utilities and services have not been completed and no financial guarantee has been provided to the Commission to ensure that such improvements will be constructed prior to filing of the subdivision plans.
- b. 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.
- c. Such subdivision plan shall contain the following signature block for the Commission’s signature:

Conditional Approval	
<p>Street improvements and public utilities have <i>NOT</i> been completed to the satisfaction of the Commission and the Public Works Supervisor or, if relevant, accepted by the Town of Norfolk.</p> <p>A financial guarantee has <i>NOT</i> been provided to the Town of Norfolk to ensure that such improvements will be completed to the satisfaction of the Commission and the Public Works Supervisor and, if relevant, accepted by the Town of Norfolk.</p>	
<p><i><u>No lots shall be sold and no certificate of occupancy shall be issued until the improvements are completed or a financial guarantee has been provided to the Town of Norfolk.</u></i></p>	
<p>At a meeting on _____, the Norfolk Planning and Zoning Commission approved this subdivision plan in accordance with the Norfolk Subdivision Regulations.</p>	
_____	_____
Chairman	Date
<p>In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____.</p>	

6.03 SUBMISSION FOR SIGNATURE

1. The subdivider shall submit one (1) paper set and one (1) mylar set of the approved plans, with the appropriate signature blocks and any required modifications, to the Commission for signature.
2. The subdivider shall also submit, in a form satisfactory to the Town:
 - a. any required grant or grants to the Town in a form ready for execution,
 - b. any required easements for drainage, access, utility, or other purposes in a form ready for execution,
 - c. a certificate of title indicating that any proposed conveyance is free of encumbrances,
 - d. evidence of the signatory's authority to sign on behalf of the grantor.

Such grants or easements shall not be recorded on the land records until the Subdivision Plan shall have been filed on the land records and until any necessary action shall have been taken by any other appropriate Town agency or agencies.

3. In accordance with CGS Section 8-25, the Commission shall have up to thirty days for the Chairman or Secretary of the Commission to sign the approved plans and to deliver the signed plans to the applicant and such time period shall be measured from the later of:
 - a. the date that taking an appeal from the action of the commission has elapsed,
 - b. the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission, or
 - c. in the event of an appeal, from the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or the date that plans modified in accordance with the Commission's approval, and/or the judgment of the Court, are delivered to the Commission.

6.04 FILING OF APPROVED PLANS

1. Once signed and authorized by the Chairman, the signed mylar set of the approved plans shall be filed with the Town Clerk at the subdivider's expense.
2. 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.
3. 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.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. 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

1. 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.
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. 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 Article 5.00 of these Regulations.
4. The Commission shall require a complete application under Article 5.00 of these Regulations for any change meeting the definition of "resubdivision" under CGS Section 8-18, as amended.

**ARTICLE 7.00
CONSTRUCTION PROCEDURES**

7.01 CONSTRUCTION - EROSION AND SEDIMENT CONTROL

1. No construction activity of any kind, including the removal of trees, shall commence until appropriate erosion and sediment controls are in place.
2. Prior to the commencement of any construction, the Commission or the Public Works Supervisor may require the posting of a cash bond or equivalent for erosion and sediment controls.
3. In the event that soil erosion and sediment control measures are not satisfactorily implemented, the Commission or its authorized agent may:
 - a. issue a cease and desist order, and/or
 - b. order in writing the remedying of any condition found to be contrary to these Regulations or the approved erosion and sediment control plan, and/or
 - c. redeem the financial guarantee in order to rectify erosion and sediment control issues at the site.

7.02 CONSTRUCTION - CLEARING AND GRADING

1. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision.
2. When rocks or boulders are used for fill, they shall be:
 - a. located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities, water supply systems, fire protection systems, or underground utilities, and
 - b. placed such that undue soil settling will not occur, in the opinion of the Public Works Supervisor.
3. Where filling of lots for final grading is required, compactable fill, and topsoil as required for lawn or plant growth, shall be used.

7.03 CONSTRUCTION OF IMPROVEMENTS

1. The subdivider shall complete, at his own expense, all of the roads, road and area drainage, sanitary and other improvements in accordance with the approved plans, the Commission's approval, and to the satisfaction of the Public Works Supervisor.

7.04 INSPECTION OF IMPROVEMENTS

1. The improvements to be completed as part of the subdivision approval shall be inspected by the Public Works Supervisor or his authorized agent. In order to conduct inspections, the Public Works Supervisor or his authorized agent shall have free access to the construction work at all times.
2. Prior to starting a project, the subdivider and all contractors and all subcontractors shall meet with the Public Works Supervisor to:
 - a. review job conditions,
 - b. advise the Town of the construction schedule, and
 - c. review the Norfolk Road Construction Specifications.
3. In the case of a new road or a change in an existing road, the work shall be inspected at the following stages of construction:
 - a. Rough grading completed.
 - b. Drainage and all other underground facilities installed, and prior to backfilling.
 - c. Graveling and rolling being done.
 - d. A screened gravel topping being applied.
 - e. Binder course pavement being done.
 - f. Finish course pavement being done.
4. At least 48 hour notice for inspection shall be given to the Public Works Supervisor by the subdivider or the contractor to the Public Works Supervisor at least 48 hours in advance. The subdivider shall not proceed to work on any subsequent stage until such inspection has been made by the Public Works Supervisor or his authorized agent on the preceding stage and approval in writing has been obtained on the preceding stage.
5. The Commission or its agent may take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Commission shall require the subdivider to pay to have such tests made and certified by an engineer selected by the Public Works Supervisor.

Article 7.00 - CONSTRUCTION PROCEDURES

6. If the Public Works Supervisor or his authorized agent finds, upon inspection, that any of the required improvements have not been constructed or maintained in accordance with the approved plans, he shall notify the subdivider and the Commission, in writing, and the subdivider shall be responsible for completing or repairing said improvements according to specifications.
7. If unforeseen field conditions arise during construction (such as, but not limited to, springs, ancient drains, side hill drainage from cuts, ledge rock or other conditions not apparent at the time of the approval by the Commission) which in the opinion of the Public Works Supervisor require modification to the intended construction procedure, the subdivider shall:
 - a. prepare and submit to the Public Works Supervisor a proposed construction procedure in conformance with accepted engineering practices to address the field conditions,
 - b. if required by the Commission, provide a supplemental financial guarantee for the additional work.
8. The Public Works Supervisor shall maintain records of inspections in order to document that the work is performed in accordance with the approved plans and specifications.

7.05 PERIOD FOR COMPLETION OF IMPROVEMENTS

1. Unless otherwise provided in these Regulations or the Connecticut General Statutes, 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 completion period expires.
2. 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 compliance with the certified plan.
3. The sub-grade, sub-base, pavement binder course (if a Town road), and all drainage required for any proposed road shall be completed prior to issuance of any Certificate of Occupancy for any structure served by such road.
4. Upon application by the subdivider, the Commission may make one or more extensions of the time period for completion provided that:
 - a. the time for all extensions shall not exceed ten years from the date the subdivision was approved,
 - b. the Commission may revise the amount of the financial guarantee securing the actual completion of the work.
5. Expiration of the time period for completion:
 - a. shall result in expiration of the approval of such plan and upon expiration prevent the conveyance of any additional lots in the subdivision by the subdivider or his/her successor in interest,
 - b. shall require a new application for subdivision approval of the subject land including a new filing fee as well as a review of all previous findings,
 - c. may result in the Town redeeming any financial guarantee and completing the improvements.
6. For a proposed Town road, the subdivider shall maintain all improvements and provide for snow removal until the improvements are accepted by the Town of Norfolk. If the improvements are not maintained or snow removal is not provided and the situation is not corrected within two (2) days following written notice from the Town to the subdivider, the Town may proceed to put the road or other improvement into suitable condition and the cost of any such work shall be a charge against the financial guarantee.
7. For a proposed private road, the subdivider shall maintain all improvements and provide for snow removal until the improvements are turned over to the homeowner association in accordance with the bylaws.

7.06 MONUMENTS AND MARKERS

1. The street lines of all new Town and private subdivision roads shall be marked with stone or concrete monuments set by a surveyor.
2. Corners of all lots, open space, conservation restriction areas, and other parcels or areas shall be marked with a one (1) inch steel pipe or a 3/4-inch reinforcing rod at least eighteen (18) inches long, or with stone or concrete monuments and such markings shall be set by a surveyor.
3. All open space and conservation areas shall be suitably identified with a conservation marker at reasonable intervals.
4. Stone or concrete monuments along road lines shall be:
 - a. at least five (5) inches by five (5) inches by forty-two (42) inches deep with a suitable marked top.
 - b. set flush with proposed grades and with the marked point set on the point of reference.
 - c. installed at all points of curvature, all points of tangency, all angle points and no more than 400 feet apart on straight sections of roads.
 - d. indicated and located on the subdivision plan and as-built drawing.
5. All stone or concrete monuments shall be fabricated and set in place at the subdivider's expense after all road construction is completed and prior to release of the financial guarantee and/or acceptance of a Town Road by the Town.

7.07 FINAL ACCEPTANCE AND MAINTENANCE

1. For final acceptance of public improvements, the subdivider shall submit the following materials or such alternative documents acceptable to the Commission:
 - a. a letter requesting a recommendation to the Board of Selectmen that the Town accept the public improvements,
 - b. one mylar and one paper copy of plans showing the "as-built" location of all road and associated improvements approved by the Commission with indication of where the as-built plans differ from the approved construction plans due to field conditions or authorized changes,
 - c. a letter from a surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,
 - d. a letter from the engineer who designed the improvements approved by the Commission stating that all improvements, including all road 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,
 - e. a letter from any companies providing utility services to the effect that such utilities have been satisfactorily installed,
 - f. if not previously provided, a financial guarantee of up to ten percent (10%) of the cost of the improvements to protect the Town against faulty construction and materials that will remain in effect for a one-year period after the Town has accepted the public improvements,
 - g. if not previously provided, copies of all proposed deeds and easements to the Town and other information as required for review and approval by the Town,
 - h. if not previously provided, copies of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development.
2. If the Town agrees to accept the road(s), all executed deeds and easements to the Town shall be submitted to the Town for filing by the Town after the road acceptance.
3. If the public improvements are accepted by the Town and the maintenance financial guarantee is in place, the Town shall release the financial guarantee for initial construction as set forth herein.

**APPENDIX A -
APPLICATION CHECKLIST**

Quantity	Submittal	Provided?
1	The prescribed application form fully and properly completed and executed	<input type="checkbox"/>
1	Required application processing fee in the form of a check or money order payable to the Town of Norfolk	<input type="checkbox"/>
1	Any additional fees to defray the application processing fee in the form of a check or money order payable to the Town of Norfolk	<input type="checkbox"/>
12	Sets of plans containing the maps or documents as required by these Regulations or as required by the Commission	<input type="checkbox"/>
2	Sanitary waste disposal report prepared by an engineer	<input type="checkbox"/>
2	Water report prepared by an engineer	<input type="checkbox"/>
2	Drainage report prepared by an engineer, documenting the storm drainage system design	<input type="checkbox"/>
1	Permission from the subdivider and owner authorizing applicable municipal agencies to enter upon the area included in the subdivision for the purposes of inspecting the site and assuring that improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission	<input type="checkbox"/>
1	An application for resubdivision shall also 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.	<input type="checkbox"/>

APPENDIX

If applicable, a formal application for subdivision shall also include the following:

Quantity	Submittal	Provided?
2	A certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section	<input type="checkbox"/>
2	Copies of any other application filed with, and decisions rendered by, local, State or federal agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning and Zoning Commission and prior to its decision on the application	<input type="checkbox"/>

If applicable, the Commission may require the submission of:

Quantity	Submittal	Provided?
	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	<input type="checkbox"/>
	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	<input type="checkbox"/>
	A detailed statement of the estimated cost of constructing the proposed subdivision roads, accessways and other improvements.	<input type="checkbox"/>
	Any proposed grant or grants to the Town, in form satisfactory to Town Attorney, including any required easements for drainage access, utility, or other purposes	<input type="checkbox"/>
	Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations	<input type="checkbox"/>
	Additional copies of application materials as necessary for review by the Commission or other Town agencies	<input type="checkbox"/>

APPENDIX B - DRAWING CHECKLIST

1. Drawing Requirements	Preliminary (optional)	Formal Application	Provided?
a. A title block indicating: <ul style="list-style-type: none"> • names of owner, subdivider, engineer and/or surveyor, • name of subdivision, drawing date and revision dates 	Required	Required	<input type="checkbox"/>
b. A north arrow and a map scale	1"=100' to 1"=200'	1"=40' unless modified by the Commission	<input type="checkbox"/>
c. Size of Sheet	Optional	24' by 36"	<input type="checkbox"/>
d. Embossed or stamped seal of the appropriate professional and an original signature	Recommended	Required	<input type="checkbox"/>
e. A Key Map at a scale of 1"=1,000' or less locating: <ul style="list-style-type: none"> • the subdivision within the surrounding properties • the proposed road system in relation to existing roads 	Required	Required on at least one drawing	<input type="checkbox"/>
f. An Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, roads, road names, sheet delineation and match lines between sections	Recommended	Required with "match" lines on all sheets	<input type="checkbox"/>
g. Zoning data table showing zoning district, lot area requirements, setback requirements, and other relevant information	Recommended	Required on at least one drawing	<input type="checkbox"/>
h. Number of sets of prints	Twelve (12)	Twelve (12)	<input type="checkbox"/>
i. Bound sets	Recommended	Required	<input type="checkbox"/>

2. Property Information		Preliminary (optional)	Formal Application	Provided?
a.	Existing and proposed property boundaries with pin and monument locations	Approximate	A-2 accuracy	<input type="checkbox"/>
b.	Bearings and distances of property lines	Optional	A-2 accuracy	<input type="checkbox"/>
c.	Parcel areas (including area of each proposed lot excluding areas designated as inland wetlands and watercourses)	Approximate (acres)	A-2 accuracy	<input type="checkbox"/>
d.	Parcel numbering prepared in conjunction with the Assessor's office	Suggested	Required	<input type="checkbox"/>
e.	Data on abutting parcels including owner's name and lot line locations	Required	Required	<input type="checkbox"/>
f.	Existing and proposed easements and other rights-of-way for utilities drainage, access, walks, etc.	Suggested	Required	<input type="checkbox"/>

3. Site Conditions		Preliminary (optional)	Formal Application	Provided?
a.	Existing and proposed topography for the subject property and within 100 feet of the perimeter with: <ul style="list-style-type: none"> • 10' contours for preliminary plan • 2' contours for formal application 	USGS acceptable	Field or aerial topography	<input type="checkbox"/>
b.	Wetlands, watercourses, and other water bodies on and near the property	Approximate	Required	<input type="checkbox"/>
c.	Existing drainage features on and near the property	Approximate	Required	<input type="checkbox"/>
d.	Base flood elevation data and floodplain data	Approximate	Required	<input type="checkbox"/>
e.	Historic buildings and sites, including archeological sites	Recommended	Required	<input type="checkbox"/>
f.	Stonewalls and monuments, and other structures having historical or cultural significance	Recommended	Required	<input type="checkbox"/>
g.	Other significant site features	Suggested	Required	<input type="checkbox"/>

4. Soils Information	Preliminary (optional)	Formal Application	Provided?
a. Soil types consistent with the National Cooperative Soil Survey of the USDA Soil Conservation Service	Recommended	Required	<input type="checkbox"/>
b. All areas with slopes exceeding 15% or twenty inches (20") or less of consolidated till above bedrock	Recommended	Required	<input type="checkbox"/>
c. Locations and identification numbers of percolation test holes and deep hole tests for each lot	Recommended	Required	<input type="checkbox"/>
d. Results of percolation tests and deep pits	Recommended	Required	<input type="checkbox"/>
e. Notes setting forth any limitations or requirements of the Director of Health	Recommended	Required	<input type="checkbox"/>

5. Open Space Information	Preliminary (optional)	Formal Application	Provided?
a. Areas recommended in the Plan of Conservation and Development for open space preservation	Recommended	Required	<input type="checkbox"/>
b. Location and configuration of existing open spaces in the vicinity	Required	Required	<input type="checkbox"/>
c. Map showing location of open space to be dedicated if fee-in-lieu of open space or other arrangements are not accepted by the Commission	Recommended	Required	<input type="checkbox"/>
d. Open Space / Trail Plan	Recommended	Required	<input type="checkbox"/>

6. Design of Lot Improvements	Preliminary (optional)	Formal Application	Provided?
a. Building set-back lines with dimensions	Recommend- ed	Required	<input type="checkbox"/>
b. Notation regarding lots on a private road (if road is private)	Recommend- ed	Required	<input type="checkbox"/>
c. Location of existing and proposed struc- tures and other improvements (retaining walls, culverts, or fences)	Recommend- ed	Required	<input type="checkbox"/>
d. Location of proposed septic- fields with distances to property lines and any well within 200' (on or off site)	Recommend- ed	Required	<input type="checkbox"/>
e. Location of proposed wells and water sources for each lot, keyed to the Sanitary Report	Recommend- ed	Required	<input type="checkbox"/>
f. Driveway design with proposed grading and slopes	Suggested	Required	<input type="checkbox"/>

7. Design of Overall Improvements		Preliminary (optional)	Formal Application	Provided?
a.	All proposed soil erosion and sediment control procedures	Optional	Required	<input type="checkbox"/>
b.	Road design including overall layout and grading, plan and profile, and construction details	Recommended	Required	<input type="checkbox"/>
c.	Designation of whether a public or private road is proposed	Recommended	Required	<input type="checkbox"/>
d.	Drainage design plan and profile and construction details and, where applicable: <ul style="list-style-type: none"> • points of discharge to or from any road or property • location of storm water detention 	Recommended	Required	<input type="checkbox"/>
e.	Utility design (including connections to existing lines)	Schematic	Final	<input type="checkbox"/>
f.	Detailed drawings of any bridges, box culverts, deep manholes, and other special structures	Suggested	Required	<input type="checkbox"/>
g.	The location and design of supplemental water supply systems or fire protection systems to be installed in the development	Recommended	Required	<input type="checkbox"/>

8. Miscellaneous Requirements

- a. 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.
-

PLAN INFORMATION OVERVIEW

1. General Information	Subdivision Plan	Plan and Profile	Site Development Plan
Scale	1"=40' horizontal	1"=40' horizontal 1"=4' vertical	1"=40' horizontal

2. Property Information

a. Existing and proposed lot boundaries with monument locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Parcel areas (including area with wetlands and watercourses excluded)	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Owners name and lot line locations of abutting parcels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Existing and proposed easements and other rights-of-way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Site Conditions

a. Existing and proposed topography - 2' contours	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Existing drainage features	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Field located wetlands and watercourses on the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generally located wetlands and watercourses near the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Base flood elevation data and floodplain data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other site features and areas intended for preservation	n/a	<input type="checkbox"/>	<input type="checkbox"/>
g. Analysis of special site conditions and/or significant resources	n/a	n/a	<input type="checkbox"/>

4. Open Space Information

a. Location and configuration of existing open spaces in the vicinity	n/a	n/a	<input type="checkbox"/>
b. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Soils Information

a. Soil types information	n/a	n/a	<input type="checkbox"/>
b. Soils with severe limitations and low potential for sewage disposal facilities	n/a	n/a	<input type="checkbox"/>
c. Slopes exceeding 15% and areas with shallow depth to bedrock	n/a	n/a	<input type="checkbox"/>
d. Location and identification of percolation test holes and deep hole tests	n/a	n/a	<input type="checkbox"/>
e. Notation regarding the need for engineered septic designs	<input type="checkbox"/>	n/a	<input type="checkbox"/>

	Subdivision Plan	Plan and Profile	Site Development Plan
6. Design of Lot Improvements			
a. Building set-back lines with dimensions	<input type="checkbox"/>	n/a	<input type="checkbox"/>
b. Location of existing structures, driveways, and other improvements	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Location of proposed structures, driveways, and other improvements	n/a	n/a	<input type="checkbox"/>
d. Location of existing primary and reserve septic-leach fields	<input type="checkbox"/>	n/a	<input type="checkbox"/>
e. Location of proposed primary and reserve septic-leach fields	n/a	n/a	<input type="checkbox"/>
f. Location of existing wells and water sources within 200' of the parcel	<input type="checkbox"/>	n/a	<input type="checkbox"/>
g. Location of proposed wells and water sources for each lot	n/a	n/a	<input type="checkbox"/>

7. Design of Overall Improvements

a. All proposed soil erosion and sediment control procedures	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Road design including road names	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Drainage design including the location of any drainage discharge	n/a	<input type="checkbox"/>	<input type="checkbox"/>
d. Utility design (including connections to existing lines)	n/a	<input type="checkbox"/>	<input type="checkbox"/>
e. Any existing or proposed retaining walls, culverts, or fences	n/a	<input type="checkbox"/>	<input type="checkbox"/>
f. Supplemental water supply systems, fire protection systems	n/a	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL FORMAL APPLICATION MATERIALS

1. Sanitary Waste Disposal Report

- a. Every application for approval of a subdivision must include a report addressing the manner in which the properties are to be provided with sanitary waste disposal.
- b. When the proposed lots will be served by the Town sewer system, the report shall include a letter from the Norfolk Sewer District acknowledging that adequate capacity is available for the proposed lots and that appropriate arrangements have been made for the use of the Town sewer system.
- c. When the proposed lots will not be served by the Town sewer system, the report shall be prepared by an engineer and shall provide:
 - i. a detailed description of proposed sewage disposal facilities in compliance with the requirements of the Public Health Code of the State of Connecticut,
 - ii. a statement by the engineer that, in his/her professional opinion, each lot of the proposed development is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report, and
 - iii. a statement of any reservations, special conditions, or special precautions that the engineer may consider necessary to provide proper functioning of any proposed disposal system.
- d. If, in the opinion of the Director of Health or the Planning and Zoning Commission, the sanitary report is incomplete as to the required information, additional information sufficient to correct the deficiencies of the report may be required.
- e. A report from the Director of Health shall be obtained and submitted to the Commission by the subdivider certifying that the arrangements for sanitary wastewater disposal are satisfactory.

2. Water Report

- a. Every application for approval of a subdivision shall address the manner in which the properties are to be provided with domestic water supply.
- b. A report from the Director of Health shall be obtained and submitted to the Commission by the subdivider certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private wells.

3. Drainage Report

- a. A report shall be submitted by an engineer including:
 - i. a base map used to determine existing watershed and drainage patterns, including downstream runoff areas affected by the storm water runoff from the subdivision,
 - ii. the proposed drainage plan for the property,
 - iii. the drainage treatment for different areas,
 - iv. the methodology used to compute drainage volumes (runoff) and pipe sizes,
 - v. documentation of the design of special structures (if any), and
 - vi. a pre-development and post-development drainage study.

4. Erosion and Sediment Control Report

- a. Every application for approval of a subdivision must include a narrative report identifying the manner in which erosion and sediment control will be addressed.
- b. The narrative report may be placed on the site development plan, a separate soil erosion and sediment control drawing, or may be a separate document.
- c. The narrative report shall include:
 - i. a description of the development of the project,
 - ii. overall design criteria relative to erosion and sediment control,
 - iii. recommended construction details and detailed installation procedures and maintenance programs,
 - iv. a summary of the sequencing of erosion and sediment control measures with construction phasing, and
 - v. a time schedule for:
 - i) all major construction activities indicating their anticipated start and completion,
 - ii) creating and stabilizing disturbed areas,
 - iii) grading operations,
 - iv) applying erosion and sediment control measures and facilities on the land.

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APPENDIX C – SAMPLE LETTER OF CREDIT

[Letterhead of issuing bank]

[issue date]

IRREVOCABLE LETTER OF CREDIT No. [insert number here]

Beneficiary:

Town of Norfolk
Town Hall
19 Maple Avenue
Norfolk CT 06058

Attn: First Selectman

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

Dear Sir:

At the request and on the instructions of our customer, [full legal name of owner], [home/office address of owner] (the "Applicant"), the [insert full legal name of issuing bank] (the "Bank") hereby establishes in favor of the Town of Norfolk (the "Town") 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 the Town against the Town's 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 the Town's certificate (each such draft and certificate to be signed by the First Selectman 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 Norfolk 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) [insert month, day, year]; 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 the Bank notifies the Town, by certified mail, return receipt requested at least 30 (thirty) days prior to any Expiration Date, at the address set forth above, that the Bank elects 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, Norfolk Planning and Zoning Commission, Town Hall, 19 Maple Avenue, Norfolk CT 06058.

Upon receipt of such 30 (thirty) day notice that the Expiration Date will not be extended, funds under this Credit are available to the Town against the Town's 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 the Town's certificate (each such sight draft and certificate to be signed by the First Selectman 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 Norfolk as a performance guaranty because the Town has 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 Norfolk, 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, the Town will provide telephone notification thereof to the Bank 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 the Town's 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 the Bank promptly, but in no event later than the banking day following receipt, in immediately available funds by wire transfer by the Bank to [name of bank and branch where Town of Norfolk has its demand deposit account], [ABA nnnnnnnn (bank routing number of bank where Town of Norfolk has its demand deposit account)], for credit to account #nnnnn (account number of Town of Norfolk), attention: [insert name of contact] .

The Bank agrees 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. The Bank's obligations hereunder are primary obligations and shall not be affected by the performance or nonperformance by the Town or by the Applicant of any obligations under any agreement between the Applicant and the Town or between the Applicant and the Bank.

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]

