

SECTION SIX - OPEN SPACE SUBDIVISION

6-01 SUBDIVISION OPEN SPACE AREAS

In any subdivision meeting any of the following criteria, open space for parks and playgrounds or other public uses deemed proper by the Commission shall be provided:

- 6-01.a.** Any residential subdivision containing ten or more lots.¹
- 6-01.b.** Any subdivision containing an "Area of Special Concern" as identified by the State of Connecticut Department of Environmental Protection's Connecticut Natural Diversity Data Base, and located in the field within 35 days of the date of subdivision application.
- 6-01.c** Other public uses as referenced in Section 6-01 may include but are not limited to the following:²
 - 6-01.c.1** Conservation and improvement of natural features and green areas, including areas along highways, banks of rivers, streams, lakes and ridges;
 - 6-01.c.2** Retention of fish and wildlife areas, scenic vistas, woodlands, and hiking trails;
 - 6-01.c.3** Protection of natural drainage ways, floodwater retention areas, and water quality;
 - 6-01.c.4** Any land identified as an "Area of Special Concern" by the State of Connecticut Department of Environmental Protection, and located in the field within 35 days of the date of subdivision application.
 - 6-01.c.5³** Playground or tot-lot: If the Commission finds that a need for a playground or tot-lot is created by the subdivision the subdivider shall dedicate land for such use, and the plan of subdivision shall designate said land as public open space and said land may be deeded to the Town no later than the time of final acceptance of public improvements. The provision of land for park or playground purposes shall be in accordance with the following:

¹ revised, SA #19, effective 9/8/07

² revised, SA #19, effective 9/8/07

³ new, SA #19, effective 9/8/07

- (a) The amount shall be not less than 12,000 sq. ft. or an amount equal to 6 percent of the subdivision tract area, whichever is the greater amount.
- (b) The location and geography of the dedicated land shall be suitable for park and playground purposes and shall be acceptable to the Commission.

The land shall be graded and seeded or otherwise treated for ultimate use as required by the Commission.

The area shall be treated with landscaping and/or fencing along all residential lot lines, as approved by the Commission, to screen abutting lots from trespass or audible or visual intrusion from the recreation area. Landscaped berms shall be at least 4 feet high. Berms shall have a maximum slope of 3:1.

- (c) The land shall not be used by the developer during the construction of the subdivision unless approved in writing by the Commission or Director of Public Works.

6-01.2 The total area of subdivision to be reserved for Open Space shall be in a ratio of not less than one acre for each 25 lots with no area so required containing less than one-half (1/2) acre, except in the case of a playground or tot-lot.¹

6-01.3 Areas of Open Spaces shall abut or have direct access to a public street. Access strips shall not be included as part of the required area; shall be at least 20 feet wide, shall be graded in a reasonable manner suitable for pedestrian access, and shall have a full rail fence on both sides.²

6-01.4. When a subdivision of land is to be developed in sections, and the subdivider shall agree to dedicate an area of land in a future section of such overall subdivision equal to the requirements for open space in the portion to be immediately developed and shall grant to the Town an agreement to accept such dedication when such undeveloped portion is hereafter subdivided, then the Commission may waive the requirements for immediate provision of Open Space in the subdivision section which is part of a larger tract of land.

6-01.5 The location of Open Space shall be subject to approval by the Commission. In approving such location, the Commission shall take into consideration existing Public Open Space areas of future subdivisions.

¹ revised, SA #19, effective 9/8/07

² revised, SA #19, effective 9/8/07

- 6-01.6** Land to be used as Public Open Space shall be left in the condition for the purpose intended. Undesirable debris and material shall not be placed in such areas. Wooded and brook areas should be left natural where appropriate.¹

6-02 FEES IN LIEU OF OPEN SPACE

- 6-02.1** As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may, at its option, authorize the applicant to pay a fee to the Town or to pay a fee to the Town and transfer land to the Town in lieu of the full requirements to provide open space as set forth in these regulations.

Authorization shall be granted by the Commission if and when it determines in its sole discretion that the conditions of a subdivision, i.e.: size, population density, existing open space in the neighborhood, topography, soils and characteristics are such that onsite open space is not desirable and a fee in lieu of open space is desirable.

- 6-02.2** Amount of fee: If the Commission concludes as set forth above that a fee in lieu of open space is desirable, then such fee or combination of fee and the fair market value of land transfer shall be equal to ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.
- 6-02.3** The fair market value shall be determined by an appraisal performed on behalf of the applicant and submitted to the Commission. If the Commission disagrees with the appraisal, the Commission has the authority to request of the applicant, at the applicant's expense, to hire an appraiser of the Commission's choosing to perform another appraisal.
- 6-02.4** Any and all fees paid to the Town pursuant to this section shall be used in a manner set forth in Section 8-25 of the Connecticut General Statutes as amended.

¹ revised, SA #19, effective 9/8/07