

Ryan Knapp, Chair
Judit DeStefano, Vice Chair
Neil Chaudhary
Dan Honan
Mary Ann Jacob
Chris Eide



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TOWN OF NEWTOWN

Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Wednesday February 15th, 2017 in The Council Chambers of the Municipal Center, 3 Primrose Lane, Newtown. The meeting was moved from Meeting Room 1 and the change was posted on the door. Committee Chairman Ryan Knapp called the meeting to order at 6:30 pm.

Present: Mr. Chaudhary, Mr. Honan, Ms. DeStefano, Mr. Eide, Ms. Jacob, Mr. Knapp, Director of Planning George Benson, Deputy Director of Planning Rob Sibley, one member of the press.

Absent: None.

MINUTES:

Mr. Honan moved to approve the minutes of 2/1/2016, Ms. DeStefano seconded. 5-0 in favor, Ms. Jacob abstained

PUBLIC COMMENT:

None

Old Business

Review and Recommendation regarding acquisition and disposition of real property ordinance.

Mr. Knapp opened discussion with by explaining that the group has a draft from the Charter Revision Commission that was abridged for the final Charter version (CH8) that has good information for our charge. Chapter 456 in the code book currently deals with part of this but needs to be updated. Mr. Benson discussed transactions with properties under \$20K and shared a swap example with open space and temporary easements. He spoke to the cost of an appraisal and noted that because of the size and location of these parcels they are not worth anything except to the abutting owner. Ms. Chaudhary asked about unequal swaps noting that we have done equal land swaps before. He also noted that the Charter lists Appraised value in some of its language. Mr. Jacob pointed out that the Charter allows exclusion in the current language. Mr. Edie asked about the value of the property if sold vs the benefit to the abutting owner being different. Mr. Benson noted that these lands under \$20,000 are not suitable for building and are also often inaccessible. They only have value to the adjacent owners. He then spoke to language and noted that 801-A-1 uses "appraised value" while 801-B does not include "appraised." He explained that they try to do equal exchanges whenever possible but suggested the new code establish a standard of determining value, possibly using the difference between new assessed value compared to prior assessed value. He would like to see the new code help facilitate day to day operations. He spoke about leaving it with the Assessor. He noted 456-6 deals with proceeds but is awkwardly phrased. Ms. Jacob said the ultimate goal is to protect the town and suggested reaching out to CCM to look for similar ordinances on acquisition and disposition of property. Mr. Knapp asked about language on leases which was trimmed from the Charter draft but likely should be in the ordinance.

Ms. Jacob talked about the history of FFHA and not having a process meant the town would have had to always take the highest bidder. FFHA was a work around that gave some discretionary control, but an ordinance could give more structure.

Mr. Benson said the other thing not clearly addressed is easements.

Ms. Jacob asked for suggested definitions from Planning which they said they would work on.

Mr. Sibley explained the process for determining the value of an easement is the difference in values before and after such as the ability to develop.

Mr. Benson spoke to other cases where the value does not change much.

Mr. Knapp summarized that our suggested language will expand Ch 456, adding detail behind the Charter language, codifying current process and address odd situations like leases and easements. Planning with put together a list of suggestions. Ms. DeStefano will contact CCM and start framing an outline.

Review and recommendation regarding Ad-hoc committee for Policy and Planning for Roads and the roads ordinance language.

Mr. Knapp began by asking Mr. Benson questions from the previous meeting.

Mr. Benson expressed a concern about "all roads" which the committee shared.

Mr. Knapp felt we would only be dealing with public thoroughfares and not roads in private communities or industrial developments. He summarized his conversation with CCM and noted that all of this will not be about to be addressed by an ordinance.

Mr. Chaudhary spoke about our discussion about exempting roads on a case by case basis.

Mr. Sibley said we could be talking about half the roads in Newtown and it is very complicated.

Ms. Jacob said the ordinance should give the town the tools to deal with these issues and the ordinance committee would create those tools. There is a written policy document from decades ago.

Mr. Benson said past policy has been road work on non town owned roads was done on a case by case basis.

Ms. Jacob suggested we further review the work of the roads committee and invite them to our meeting.

Mr. Chaudhary asked land use questions about property owners owning to the middle of the road and if we were to take over the road.

Mr. Benson said that would be done as a group usually.

Mr. Eide had concerns about town right of way if the town does not own the road.

Mr. Knapp will attach the Roads Committee report to the minutes.

Review and recommendation regarding Public Act 14-33.

Mr. Knapp shared information provided from the Finance Director related to the number of farms and how things are currently administered.

PUBLIC COMMENT:

None.

Mr. Eide motioned to adjourn at 7:28. Mr. Chaudhary Seconded.

Respectfully Submitted,

Ryan W. Knapp
Ordinance Committee Chairman



Ryan Knapp <ryan.w.knapp@gmail.com>

Fw: Previous draft of Real Property section

3 messages

Jeffrey Capeci <jeff@thecapecis.com>

Fri, Feb 10, 2017 at 2:56 PM

Reply-To: Jeffrey Capeci <Jeff@thecapecis.com>

To: Ryan Knapp <ryan.w.knapp@gmail.com>

Ryan,

Attached is the email I sent Mary Ann containing the last version of the Real property chapter the CRC accepted before it was abridged.

Jeff

----- Forwarded Message -----

From: Jeffrey Capeci <jeff@thecapecis.com>**To:** Robert Hall <roberthallpc@yahoo.com>; Mary Ann Jacob <mjacob4404@charter.net>; Pat Llodra <first.selectman@newtown-ct.gov>**Cc:** Deborra Zukowski <deborraz@gmail.com>**Sent:** Friday, December 9, 2016 5:02 PM**Subject:** Re: Previous draft of Real Property section

Bob,

Noticing your version of land use contains language I recall being removed from the final version submitted by the commission, I did some digging and found on my computer the draft version that resulted from our meeting on November 11, 2015. Chapter 8 is attached to this email. I believe version is the final one that was approved by the Ordinance Committee for reference. Content in this version that was removed from the final charter should form the basis of a solid ordinance that protects Newtown and her character.

Jeff

From: Robert Hall <roberthallpc@yahoo.com>**To:** Mary Ann Jacob <mjacob4404@charter.net>; Pat Llodra <first.selectman@newtown-ct.gov>**Cc:** Deborra Zukowski <deborraz@gmail.com>; Jeff Capeci <jeff@thecapecis.com>**Sent:** Thursday, December 8, 2016 10:48 AM**Subject:** Previous draft of Real Property section

Dear Mary Ann and Pat:

The attachment is the last version of the real property section before the one approved in November. As you know, it has a lot of detail which will be helpful in drafting a complementary ordinance. There are at least two areas where an ordinance should definitely be written.

Fixing section 8-05(b)(1) relating to the power of the planning and zoning commission to require and/or accept real property or interests in real property is very important. The version in the previous draft, 8-05(c), contained numerous protections for the town. Those protections were all removed in the final version and definitely should be put back in by an ordinance, even though an ordinance can be changed at any time. I remember writing 8-05(c) from my experience as town attorney and practice in the land use area and all of those protections are necessary. I have never understood why protections for the town were taken out.

Another area which should be included in any ordinance is sales under \$20,000. I am guessing that those sales make up more than half of all sales.

In all candor, I am not 100%, absolutely sure that what I have attached is really the last and final draft before the rewrite. It does, however, have all the detail you are looking for to help in drafting an ordinance. Also, although the operative sections had been renumbered into Chapter 8, there were still some cross references in the draft which refer to the old, Chapter 7 paragraph numbers.

Sincerely,

Bob Hall

 Chapter 8_Nov12.docx
47K

Ryan Knapp <ryan.w.knapp@gmail.com>

Fri, Feb 10, 2017 at 3:44 PM

To: Ryan Knapp <ryan.w.knapp@gmail.com>, Neil Chaudhary <nkc@4newtown.com>, Judit DeStefano <juditnewtownlc@gmail.com>, Christopher Eide <chriseide4newtown@gmail.com>, Daniel Honan <danielthonan@gmail.com>, Mary Ann Jacob <mjacob4404@charter.net>

For reference: this should already be on record as part of the Charter Review process, but here is a word copy related to Acquisition and Disposition of Property.

-Ryan Knapp

[Quoted text hidden]



Chapter 8_Nov12.docx

47K

Ryan Knapp <ryan.w.knapp@gmail.com>

Fri, Feb 10, 2017 at 3:45 PM

To: Jeffrey Capeci <Jeff@thecapecis.com>

Thanks Jeff!

Have a great weekend,

-Ryan

[Quoted text hidden]

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Ryan W Knapp

Sr Mechanical Project Engineer

www.macton.com

(203) 232 6394 (c)

NOTE This is a draft from the CRC that was shortened in the final Charter. Information for reference.

CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY

8-01 General Provisions

- (a) The Town shall have all the powers set forth in the General Statutes and in this Charter to acquire and dispose of real property.
- (b) Use of the words “real property” shall be construed to include any definition thereof from any source under Connecticut law and shall include, without limitation, any interest in real property, except that where the interest in real property is a lease then Section 8-20 shall control.

8-05 Acquisition of Real Property

- (a) Prior to consideration of acquisition of real property by purchase or for the nonpayment of taxes, the Finance Director shall submit a Financial Impact Statement to the Board of Finance and the Legislative Council as provided in Section 7-25.
- (b) The Town’s acquisition of real property includes any of the following methods:
 - (1) Required dedication to the Town for open space, highways or other purposes by the Planning and Zoning Commission in connection with approval of the subdivision of land;
 - (2) Non-payment of taxes as provided for in the General Statutes, including without limitation by foreclosure, summary foreclosure or sale by the tax collector to the Town following a public auction which does not produce a bid in excess of the amount of tax, interest and fees due and owing on said parcel;
 - (3) By purchase from the owner or by gift by the owner; and
 - (4) By exercise of the Town’s power of eminent domain.
- (c) In acquiring real property the following procedure shall be used:
 - (1) If the property proposed to be acquired is for purposes for which a mandatory referral is required by Section 8-24 of the General Statutes, said referral shall be made before any action is taken by the Legislative Council.
 - (2) The Legislative Council, subject to appropriations for the specific purpose and following the recommendation of the First Selectman with the approval of the Board of Selectmen, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes. Exceptions include:
 - (i) Real property acquired for non-payment of taxes,
 - (ii) Real property required to be dedicated in connection with the subdivision of real property and
 - (iii) Acquisition of real property for public highways and related purposes.
 - (3) Following a decision by the Legislative Council to acquire real property, the Board of Selectmen shall authorize an officer, board or commission to act on behalf of the Town in such acquisition.
- (d) The Planning and Zoning Commission shall have the power to accept on behalf of the Town all open spaces, parks, playgrounds, real property for the purpose of widening or

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realignment of existing public highways, conservation easements, conservation restrictions, and easements for drainage, slope or similar purposes that it requires to be provided by a subdivider as a condition of subdivision approval. The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Approval by the commission is not subject to any right of appeal. Title to real property shall be conveyed by warranty deed.

8-10 Sale or Disposition of Real Property Acquired for Non-Payment of Taxes

- (a) Real property acquired for non-payment of taxes shall be sold unless the Legislative Council by at least seven (7) affirmative votes to retain said property for potential use.
- (b) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.
- (c) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in Subsection 8-05(c) above as if it were an acquisition of real property rather than a retention.
- (d) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real property, the First Selectman shall sell said property, taking all steps required by Section 8-15 of this Charter.

8-15 Procedure for the Sale of Real Property

The Town shall take the following steps in order to sell or dispose of real property:

- (a) The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town-owned real property. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the First Selectman and the Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land with, an adjacent property owner the impact of the acquisition of the town-owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the town-owned property being sold or exchanged is only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.
- (b) Should the Board of Selectman or the Legislative Council by a majority vote decide to continue the process after receiving the appraisal, the proposal shall be circulated for comment to all boards and commissions having an interest in the sale or disposition of the real property in question, at a minimum the Planning and Zoning, Inland Wetlands, Parks and Recreation, Conservation, and Economic Development Commissions.

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- (c) All dispositions of real property shall require approval of the Legislative Council. Prior to said approval:
 - (1) The Legislative Council shall have received a written report from all the boards and commissions which received a referral or after 35 days have passed from the date the referral was requested and;
 - (2) The Planning and Zoning Commission shall hold a hearing on the proposal as required by Section 8-24 of the General Statutes;
 - (3) The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. Notice of such hearing shall be given by posting a notice in the Town Clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and noticed twice according to Subsection 1-25(b), the first not more than 15 nor less than 10 days prior to the date of the public hearing, and the second not less than 2 days after the first publication and not less than 2 days prior to the hearing.
- (d) Upon meeting said requirements of Subsection 8-15(c), the Legislative Council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:
 - (1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or
 - (2) The sale or disposition of the town-owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned, or
 - (3) In exceptional circumstance fully described in its action, the Legislative Council may recommend the sale or disposition of said property to the Board of Selectmen having considered factors other than obtaining the highest price, such as considering the buyer's binding commitment to use the property for a specific purpose deemed beneficial to the town.

If the Legislative Council votes to sell or otherwise dispose of said real property, the First Selectman is authorized to take all steps necessary to carry out the sale or other disposition in accordance with the procedure set forth herein.
- (e) Where the Legislative Council votes to sell or otherwise dispose of real property having an appraised value of \$1,500,000 or more said action shall require approval of a referendum.
- (f) The First Selectman, with the approval of the Board of Selectmen, shall determine whether a sale by public auction or a private sale, with or without listing the property for sale with a real estate broker, is in the best interest of the Town.
- (g) If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to Subsection 1-25(b), with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.
 - (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) of the successful bid immediately after the auction is ended, with the balance due within 30 days of the close of the auction, which date may be extended for up to an additional 30 days by the Board of Selectmen. If the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and

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his/her agent shall be disqualified from future bidding at any re-auction of said real property. If said deposit is made but the successful bidder does not close within said time limits for any reason, time being of the essence, said deposit shall be retained by the Town as liquidated damages, and the Town shall be free to start the sale process again.

- (2) All other terms under which the sale is conducted shall be determined by the First Selectman with the concurrence of the auctioneer.
- (h) If the decision is made to sell the real property by private sale, the price and terms of the contract of sale, subject to the terms of this subsection, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council. In setting the price the First Selectman shall consider the appraisal required by Subsection 8-15(a). Any such contract of sale shall contain a provision to the effect that if the buyer fails to close on the date set for closing in the contract (or as extended by agreement between the Town and the buyer) the Legislative Council may declare the contract terminated if not closed by a date certain, not more than 14 days from the date of the vote, time being of the essence. If the buyer fails to close by said "time of the essence" date the buyer shall be in breach of the contract and any deposit paid shall be retained by the Town as liquidated damages.
- (i) The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private sales of town-owned land where a written appraisal by an appraiser certified or licensed by the State of Connecticut has been obtained and neither the value of the property being sold or transferred nor the benefit to the purchaser exceeds \$20,000.00.
- (j) If the transfer of town-owned real property provides consideration, in whole or in part, for the acquisition of other real property, said transfer is an in-kind payment, and the value thereof must be included for purposes of making an appropriation as if it were a cash payment.

8-20 Leasing of Real Property

- (a) All leases shall be negotiated by the First Selectman, with the final, written version subject to approval by the Board of Selectmen. The proposed lease shall be executed by the First Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set forth in Subsections 8-20(c) and (d) taking place.
- (b) Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a licensed real estate appraiser of the fair market rent for the real property in question for the proposed term and a financial impact statement from the Finance Director. The opinion of fair market rent shall be confidential. Where the term of the proposed lease and all options to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to obtain an opinion of fair market rent.
- (c) If the Board of Selectmen vote to approve the proposed lease, an outline of the lease including, without limitation, the rent and term, including all options, shall be circulated to the boards and commissions listed in section 8-15(b) for comment. Where the proposed lease is of town-owned real property, and following receipt of said comments or after 35 days without receiving comments, a public hearing on said proposed lease shall be held by the Legislative Council pursuant to Section 7-163e of the General Statutes.
- (d) If the Planning and Zoning Commission approves the lease following the Section 8-24 hearing and the term of the proposed lease, including all options to renew, is for 5 years or

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less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of the close of the public hearing; otherwise the proposed lease shall take effect as written. A majority vote of the Legislative Council to enter into the proposed lease is required if the term of the proposed lease, including all options to renew, is for more than 5 years unless the Planning and Zoning Commission votes to disapprove the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning Commission, any such lease shall require the affirmative vote of at least eight (8) members of the Legislative Council.

- (e) The power to enter into leases of space in the Edmond Town Hall is governed by Special Act 98 of the 1931 session of the Connecticut General Assembly.

OLD DRAFT REFERENCE



Ryan Knapp <ryan.w.knapp@gmail.com>

Your CCM Research Request - PA 14-33 Tax Exemptions CRM:0014045

Robert Tait <robert.tait@newtown-ct.gov>
To: Ryan Knapp <ryan.w.knapp@gmail.com>

Mon, Feb 13, 2017 at 9:22 AM

FYI

----- Forwarded message -----

From: **Penny Mudgett** <penny.mudgett@newtown-ct.gov>

Date: Mon, Feb 13, 2017 at 8:45 AM

Subject: Re: Your CCM Research Request - PA 14-33 Tax Exemptions CRM:0014045

To: Robert Tait <robert.tait@newtown-ct.gov>

Good Morning,

The report I sent is outbuildings for the PA490 Farm Land classification properties ONLY.

Exemption of Farm machinery to the assessed value of \$100,000, exclusively used in farming is currently being implemented per statute 12-91.

Horses and ponies are exempt up to \$1,000 unless used in farming also currently being implemented, per statute 12-91. Livestock is exempt.

On Fri, Feb 10, 2017 at 2:59 PM, Robert Tait <robert.tait@newtown-ct.gov> wrote:

more questions. please cc Ryan

[Quoted text hidden]

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Penny Mudgett, CCMA II
Assessor
3 Primrose Street
Newtown, CT. 06470

ARTICLE III. - PRIVATE ROADS AND STREETS^{[3](#)}

Footnotes:

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Editor's note—An ordinance of Nov. 23, 1982, amended the 1960 Code by repealing §§ 2401—2403, which had been codified herein as Art. III, §§ 17-31—17-33. Said ordinance enacted new §§ 2401—2406, of which 2401, 2403—2406 have been codified, at the editor's discretion, as a new Art. III, §§ 17-31—17-35.

Sec. 17-31. - Purpose.

This article shall govern the manner in which the town may provide certain maintenance to roads that are not accepted public highways.

(Ord. of 11-23-82)

Note— See editor's note for Ch. 17, Art. III, found at the bottom of page CD17:8, for former derivation of Ch. 17, Art. III.

Sec. 17-32. - Private roads approved for maintenance.

- (a) The department of public works is authorized to provide those maintenance services described in section 17-33 of this article for the following private roads, or parts thereof as the case may be, that were in use prior to January 1, 1945:

	<i>Miles</i>
Birch Trail	0.29
Carini Road	0.16
Carter Court	0.10
Chestnut Hill Terrace	0.07
Cotton Hollow Road	0.47
Cross Trail	0.04
East Lake Shore Trail	0.27

Fern Street	0.17
Green Cemetery Road	0.24
Hilltop Trail	0.04
Hopewell Heights	0.17
Lake Shore Trail	0.31
Laurel Trail	0.22
Montano Road	0.08
Owens Lane	0.20
Pearl Street	0.06
Pine Tree Lane	0.19
Roaring Brook Plaza	0.08
Sherbrook Drive	0.14
Springside Trail	0.33
Trymbulak Lane	0.22
Washington Street	0.17

- (b) Maintenance services shall be provided for the private roads listed in this section only if such roads are reasonably safe. The director of public works shall inspect, or cause to be inspected, the listed private roads and shall determine if they are reasonably safe for use by town employees providing the maintenance services. If a private road is not reasonably safe, no maintenance services shall be provided by the town unless the owners of the private road, or owners of property abutting the private road, as the case may be, properly correct the unsafe condition or conditions.
- (c) The private roads, or parts thereof, approved for maintenance shall be shown on a map which shall be available for public inspection in the town clerk's office.

(Ord. of 11-23-82)

Note— See editor's note for Ch. 17, Art. III, found at the bottom of page CD17:8, for former derivation of Ch. 17, Art. III.

Sec. 17-33. - Maintenance services to be provided.

- (a) Notwithstanding maintenance provided to private roads under the former ordinance, maintenance services provided under section 17-32 of this article shall be limited to the following services:
 - (1) Snow plowing and ice sanding;
 - (2) Sweeping;
 - (3) Surface patching;
 - (4) Oiling and incidental sanding;
 - (5) Installation and maintenance of any official traffic-control devices and street signs as defined in G.S. § 14-297, which are approved by the traffic authority.
- (b) If the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to roads approved for maintenance under section 17-32 of this article such work, services or improvements may be provided by the town or its designees provided an agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the work, services or improvements. The town may decline to provide additional work, service or improvements unless the agreement apportions costs among the parties.

(Ord. of 11-23-82)

Note— See editor's note for Ch. 17, Art. III, found at the bottom of page CD17:8, for former derivation of Ch. 17, Art. III.

Sec. 17-34. - Acceptance for maintenance not to be construed as acceptance as public highway.

Approval of a private road for maintenance, improvement or hard-surfacing under section 17-32 of this article and/or approval of additional work, services, or improvements under section 17-33 shall not be considered acceptance of that road as a public highway.

(Ord. of 11-23-82)

Note— See editor's note for Ch. 17, Art. III, found at the bottom of page CD17:8, for former derivation of Ch. 17, Art. III.

Sec. 17-35. - Planning and zoning.

Nothing in this article shall be construed to modify or change any of the requirements laid down by the town plan and zoning commission and approved by the town for the acceptance of new roads as public highways.

(Ord. of 11-23-82)

Cross reference— Plan and zoning commission, § 15-36 et seq.

Note— See editor's note for Ch. 17, Art. III, found at the bottom of page CD17:8, for former derivation of Ch. 17, Art. III.

Secs. 17-36—17-45. - Reserved.

Sec. 18-8. - Maintenance of private easements and rights-of-way.

- (a) *Residential real property.* All residential land and buildings, but does not include property owned by the State of Connecticut or the Town of North Stonington.
- (b) *Benefited property or property that benefits.* Includes residential real property burdened by an easement or right-of-way, the owner of which residential real property uses such easement or right-of-way.
- (c) *Easement or right-of-way.* A right to use adjoining property that transfers with the land.
- (d) The owner of any residential real property that benefits from an easement or right-of-way, the purpose of which is to provide access to such residential real property, shall be responsible for the cost of maintaining such easement or right-of-way in good repair and the cost of repairing or restoring any damaged portion of such easement or right-of-way. Such maintenance shall include, but not be limited to, the removal of snow from such easement or right-of-way.
- (e) If more than one residential real property benefits from such easement or right-of-way, the cost of maintaining and repairing or restoring such easement or right-of-way shall be shared by each owner of a benefited property, pursuant to the terms of any enforceable written agreement entered into for such purpose. In the absence of such agreement, the cost of maintaining and repairing or restoring such easement or right-of-way shall be shared by each owner of a benefited property in proportion to the benefit received by each such property.
- (f) Notwithstanding the provisions of subsections (d) and (e) of this section, any owner of a benefited property who directly or indirectly damages any portion of the easement or right-of-way shall be solely responsible for repairing or restoring the portion damaged by such owner.
- (g) If any owner of a benefited property refuses to repair or restore a damaged portion of an easement or right-of-way in accordance with subsection (f) of this section, or fails, after demand in writing, to pay such owner's proportion of the cost of maintaining or repairing or restoring such easement or right-of-way in accordance with subsection (e) of this section, an action for specific performance or contribution may be brought in the Superior Court against such owner by other owners of benefited properties, either jointly or severally.
- (h) In the event of any conflict between the provisions of this section and an agreement described in subsection (e) of this section, the terms of the agreement shall control.

Sec. 18-9.- Private roads approved for Town maintenance.

- (a) *Private road.* A road on privately-owned property open to public passage that has not been given to or accepted by a government entity
- (b) This section shall govern the manner in which the Town may provide certain maintenance to private roads.
- (c) The Board of Selectmen shall perform a level of maintenance for the following private roads equivalent to that which was previously provided by the Town of North Stonington Highway Department through longstanding past practice, as reflected herein:

<i>Private Road</i>	<i>Miles</i>	<i>Type</i>	<i>Level of Maintenance</i>
Armstrong Pentway	.41	unimproved	occasionally provide material; plow and sand after all accepted roads
Avery Lane	.03	improved	surface patching/paving; regularly plow and sand
Billings Road Ext.	.11	unimproved	grading; regularly plow and sand
Cedars Road	.62	unimproved	regularly plow and sand
Cranberry Bog Rd.	.52	unimproved	grading; regularly plow and sand
Patricia Avenue	.60	unimproved	grading; regularly plow and sand
Princess Lane	.31	improved	surface patching/chip sealing; regularly plow and sand
Wrights Road	.50	unimproved	grading; regularly plow and sand

- (d) Maintenance above and beyond the foregoing, including but not necessarily limited to private road reconstruction, drainage work, and tree and brush removal, shall not be the responsibility of the Town. Owners of property shall continue to be responsible for any maintenance and repairs over and above that provided by the Town under this section.
- (e) Structural deterioration which may cause the said road to cease to be passable will be the responsibility of the owners, and the Town may require that said road be upgraded to passable condition before maintenance may continue.
- (f) Nothing in this section shall be construed to modify or change any requirements established by the Planning and Zoning Commission and/or included in the Town of North Stonington Zoning Regulations.



TOWN OF NEWTOWN

Ad Hoc Committee for Policy and Planning for Roads

RECOMMENDATIONS

I. Remit

The Ad Hoc Committee for Policy and Planning for Roads is charged with making recommendations towards a long-term strategy for maintaining the Town's road infrastructure on an objective and general basis. It is not tasked with making recommendations in regard to particular named roads or individual circumstances.

II. Brief History/Status

- The Town officially accepted roads for the first time in 1749.
- The Town currently categorizes its road network as follows:

Type*	Town	Private
22' and above (paved)	344	5
18' to less than 22' (paved)	61	11
16' to less than 18' (paved)	10	6
Less than 16' (paved)	32	29
22' and above (gravel)	0	0
18' to less than 22' (gravel)	5	2
16' to less than 18' (gravel)	4	3
Less than 16' (gravel)	4	27

*Due to road width variations within a road type as well as roads with sections of different surface types (i.e. paved and gravel), category totals do not match

- Approximately 50% of the Town owned roads meet current standards in terms of Right of Way, appropriate pavement material, and drainage standards.
- Due to a variety of factors including geography, building placement, etc. it is estimated that the Town can perhaps improve the road network to a point where 80% of the Town owned roads meet current standards.
- It is difficult to estimate cost per improvement (such as per linear foot of paving, etc.) due to the variety of physical circumstances present.
- It is estimated that maintaining gravel/dirt roads costs the Town three (3) times more than maintaining a paved road over its working life, including the cost of the initial paving.
- The Private Roads within the Town fall within a variety of categories depending upon the nature and activity level of the owner or private association running from "abandoned" to self-maintaining. Further, there are variances in title to the roads, in some instances the private association owns the roads, and in others

individual homeowners own the proportion of the road abutting their property to the midline.

- Town Ordinance permits the Town to plow and sand Private Roads with more than three homes.
- Town Policy permits the Town to:
 - Conduct emergency repairs on Private Roads at the Town's expense at the First Selectman's discretion
 - Patch holes, grade dirt roads, clear culverts, etc.
 - Install paving, rebuilding, drainage where private association pays 50% of costs of materials.

III. Recommendations

- The Town's Policies regarding roads should be objective and although impacted home and business owners should have some input, the overriding goal of any decision involving treatment of roads, paving, etc. should be with a view to benefitting the entire Town and its residents.
- In light of the costs involved in maintaining unpaved roads, the Town should implement a plan to pave all such roads (subject to the Scenic Roads Ordinance).
- The Town should seek to take control of all roads deemed "abandoned" by private owners where it would to the benefit of the Town as a whole and serve the safety and welfare of the impacted homeowners.
- A Plan should be developed to cover a set time line, such as with the CIP for the Town's bridges, to set annual criteria and goals for paving unpaved roads and moving the Town's current estimate of 50% of fully conforming roads towards the perceived 80% maximum with agreed funding.
 - The Town Public Works and Engineer should be tasked with categorizing roads in a tiered system in furtherance of moving all roads to conformance with current standards
 - The Town Public Works and Engineer should provide such data as possible concerning practical timelines, perhaps over a ten year span, to accomplish this goal and estimated costs regarding same
 - Further categorization of necessary work to accomplish this goal should be made as to prioritizing roads by safety hazard, need, and overall convenience to the Town's residents.
 - A suggested general guideline to pursue the policy from an administrative standpoint is attached hereto as Appendix "C".
- The Town's Ordinances appear to be adequate to address most issues in moving towards Policy goals; however, as to Private Roads
 - The Town's current Ordinances only apply to the Town having authority to plow and sand such roads during the winter.
 - As to other actions currently undertaken by the Town involving Private Roads, such actions are covered by a Policy that has not been updated since 1976; as such an effort should be made to update and codify said Policy through Ordinance and to the extent permitted by law.

LEGISLATIVE COUNCIL

- In light of the above, discussions should be held with all active private associations in terms of moving forward.

IV. Summary

The above is meant as a brief overview of an extensive topic covered in a relatively short period of time by the Committee. It is noted that all such recommendations are subject to legal review. The Committee stands ready to expand upon any of the points above and conduct further research as necessary upon receipt of such guidance.

Anthony R. Filiato, Esq. – Chair
Eva Bermudez – Vice Chair
Anthony Klabonski
Fred Hurley
Rob Sibley
Mary Ann Jacob, *ex officio*

APPENDICES	
A.	Meeting Minutes
B.	Road Lists
C.	Pertinent Newtown Ordinances
D.	Pertinent Ordinances from Similar DRG Towns
E.	Legal Questions/Advices

A

Tony Filiato

From: eva bermudez <evalazu@hotmail.com>
Sent: Friday, July 17, 2015 4:21 PM
To: Susan Marcinek
Cc: Jacob, Mary Ann; Hurley, Fred; Sibley, Rob; Tony Filiato
Subject: Re: meeting - Ad Hoc committee
Attachments: ATT00001.htm

Sue,

Can you post the minutes below on town letter head from the July 15th meeting.

Eva-

Present: Anthony Filiato, Chair

Eva Bermudez, Secretary

Mary Ann Jacob

Also Present: Fred Hurley

Rob Sibley, Deputy Director of Planning and Land use

Fred Hurley, Director of Public Works

Tony Klabonski

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning for Roads

The Ordinance Committee met on Wednesday July 15th, 2015 in Meeting Room 1 of the Municipal Center, 3 Primrose Lane, Newtown.

CALL TO ORDER: 6:30 pm

MINUTES: None.

PUBLIC COMMENT: None.

NEW BUSINESS: Motion made by Mary Ann Jacob to elect Tony Filiato as committee chair. Approved.

Motion made by Tony Filiato to elect Eva Bermudez as secretary. Approved.

Discussion on next steps. Need information on road specifications, standards, scenic road mandates, town mandates and right of ways. Fred Hurley and Rob Sibley will pull information to present at next committee meeting.

PUBLIC COMMENT: None

Adjournment: 7:10pm

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These are draft minutes and as such are subject to correction by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

Anthony Filiato, Chair
Eva Bermudez, Secretary
Mary Ann Jacobs



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TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, August 19, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:00pm.

Present: Anthony Filiato, Eva Bermudez,

Also in attendance: Director of Public Works Fred Hurley, Deputy Director of Planning Rob Sibley, Anthony Klabonski.

Absent: Mary Ann Jacobs

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Ms. Bermudez, unanimous approval.

OIL BUSINESS: Discussion

Mr. Filiato opened the discussion on the first agenda item: Possibly create new objective guidelines of when and how we address problem areas in our ordinance and standards on roads taking into consideration cost effectiveness.

Review of documents sent.

Rob Sibley Presentation of Town Road History-

Mr. Sibley reviewed GIS and recordings for when roads were accepted by town with current subdivision process and the affect it has on projects. Explained when roads are necessary and the multiple ordinances by different committees on streets and sidewalks.

Example given: Private roads with three or more homes need to be plowed due to liability.

Reference to Scenic road ordinance adopted in 97' amended in 99'. Explains how roads come to be.

Each ordinance compliments the other each are constantly being updated ordinance with basic road frame work through zoning. Roads must have a certain pitch, width, right away established etc. all new roads currently follow these regulations. When repairing a road is important to maintain a low impact affect during development. New water regulations and studies show that you want sheet flow instead of underground drainage where ever possible to avoid water recapture in storm drain or sewers.

Further information on how sub-divisions improvements are dependent on status of each division rather than the entirety of the road. One section may be in more disrepair than anther. This section of the presentation leads to questions made by council on transfer of lands to connect the right of ways.

Review of Ordinances- The planning and zoning commission has the right to approve and deny request they could ask a developer to pave a road but by law could not demand the home owners to make improvements. The commission only makes reasonable request. If town choose to abandon a road its only in the section of the right of way, if you release the right of way for the road its released to owners ex: Intersection of Jeremiah Rd. and Filo Curtis Rd. a right of way was abandoned between two homes. Constituents could say no thank you but most accept the additional land. Taxes do go up but when the town gives up the land it comes with the surveying and assessment and any additional documents.

The town can also become the land owner and give up the right way for example prior to Aquarion coming in United Water wanted to take over roads and water systems in Sandy Hook. The water company took over a few roads that had failing water tanks that were creating a health hazard; any remaining roads are currently owned now by the town. This was signed off by PURA the town.

25% percent of the town still is mapped by hand on paper with no toll post and varying widths.

Fred Hurley Discussion on signs, regulations & paving procedure Presentation- DPW does not have the authority to decide to add a stop sign has to go through state DOT and police commission; local police control the speed limit. If a road does not have a speed limit sign posted by town regulations it currently is 25 miles an hour. Police has certain authority for traffic given by our town charter; there is no state standard on roads that we have to adhere to.

The town has paving plans are presented and reviewed in 4 quadrants, each team has a project leader also known as Crew Chief and they create a plan of priority per area and present it to DPW supervisors. At any giving time during the 6 month window they are paving and fixing an area in each quadrant.

Privately Owned Road Areas: Cedarhurst, Rolledge, Potatuck, ShadyRest

Home owners can put together a collection to fix a specific road and make a donation to the town to the GL24 acct for roads. Town has also gone half and half on the cost of a road in the past.

About more than 50% of roads are at standard and would like to get up to at least 80% to standard. Continuing subdivision repairing is important to not lose the good roads we have.

Action items-

Rob- Creating a road map & list of comparable towns

Eva- Information request to CCM

Fred- Request of additional supporting documents and the reconfiguration of rd. width document

Tony K- Look into flow chart formats

Tony F- Reach out to Dave G, next meeting agenda and revision of ordinances that might conflict

NEW BUSSINESS: None

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:50pm Ms. Bermudez seconded.

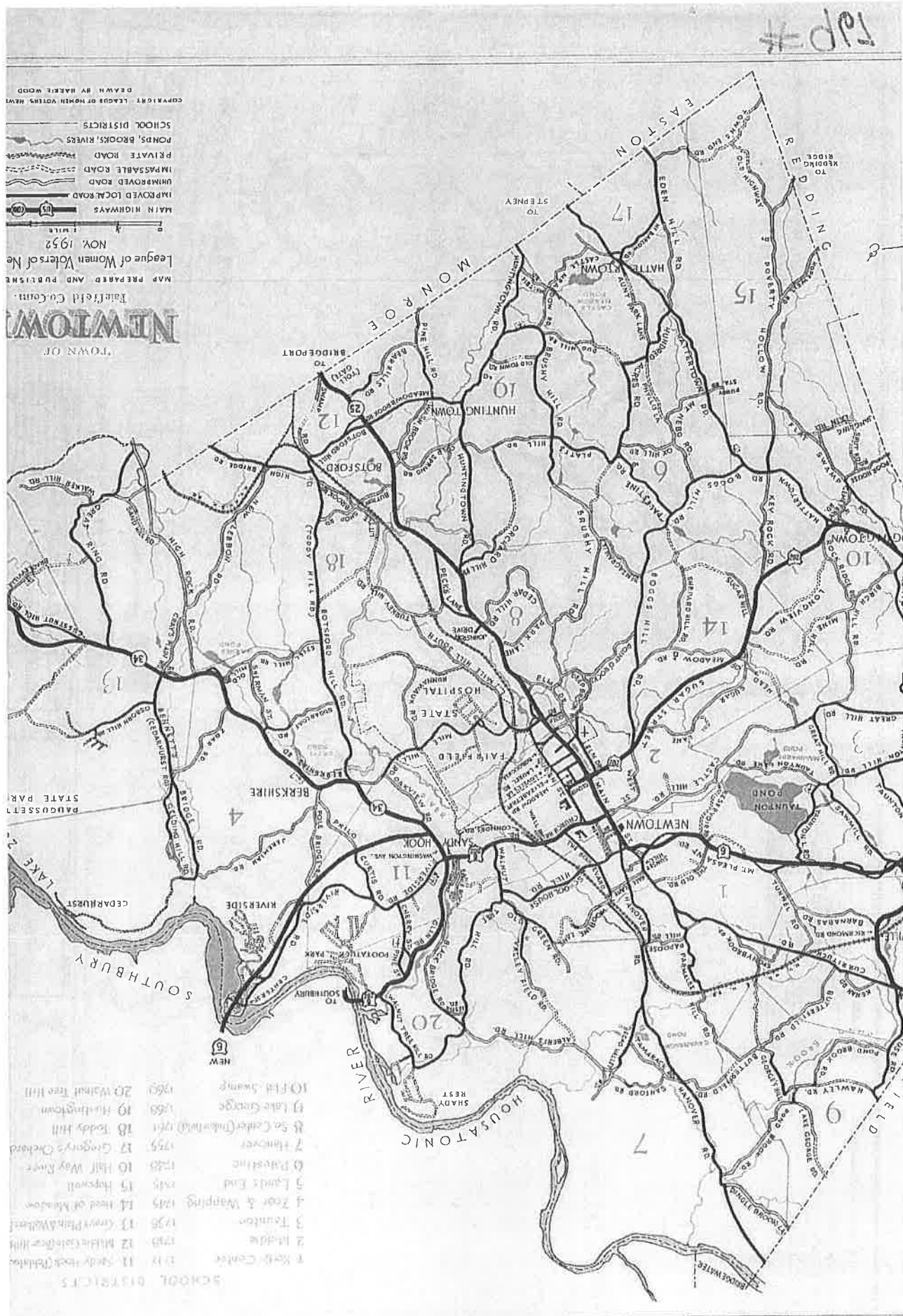
Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.



Town of Newtown, CT
Monday, August 17, 2015

Chapter 191. Scenic Roads

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 6-18-1997 (Ord. No. 76), amended 2-17-1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Road construction — See Ch. 185.
Streets and sidewalks — See Ch. 304.
Subdivision of land — See Ch. 560.

§ 191-1. Findings.

- A. Connecticut General Statutes § 7-149a, enacted in 1981, states that the protection of scenic and historic resources is essential to the welfare of the people of Connecticut.
- B. The scenic and rural roads of the Town of Newtown are irreplaceable resources. The natural landscape and visual quality of a community provide it with a sense of pride and individuality, setting it apart from other places. The protection and preservation of these resources is of immeasurable benefit to the people of the Town of Newtown. It is the purpose of this chapter to provide a balance between the need to provide safe and convenient public transportation as well as other public safety needs along with preserving the scenic and rural values.

§ 191-2. Authority to designate; applicability.

The authority to designate Town roads as scenic roads rests with the Legislative Council. This chapter does not apply to private, state or federal roads.

§ 191-3. Designation criteria.

- A. In order to apply for this designation, a road must be free of intensive commercial development or an area with intensive vehicular traffic. It also must meet at least one of the next six criteria:
 - (1) The road is unpaved.
 - (2) The road is bordered by mature trees and stone walls.
 - (3) The road is no more than 20 feet in width.
 - (4) The road offers scenic views.
 - (5) The road blends naturally into its surrounding terrain.
 - (6) The road parallels or crosses lakes, ponds, rivers or streams.
- B. Other criteria to consider include whether:
 - (1) The section to be designated should have a minimal length of at least 30% of the length of the entire road.

- (3) The Legislative Council shall render a decision within 45 days of the hearing. Notice of the decision shall be posted in a newspaper having substantial circulation in the Town of Newtown. The Legislative Council is the final authoritative body.

§ 191-5. Rescission of designation.

The designation of a Town road or portion of a Town road as a scenic road may be rescinded by the Legislative Council using the same procedure required for designation, i.e., written application by owners of a majority of lot frontage and driveway access abutting the roadway, proof of majority, notification of proof, reports from Town agencies, public hearing and Legislative Council vote.

§ 191-6. Maintenance, repair or alterations.

A. Maintenance, repair and routine alterations.

- (1) The Town shall maintain the road, or any portion of the road, in good and sufficient repair and in passable condition within the requirements of maintaining public safety.
- (2) The Town shall maintain the road, or any portion of the road, without alteration, to ensure public safety and preserve the highest degree of scenic characteristics.
- (3) The Town, in the case of a natural disaster, shall repair the road to its original, pre-emergency condition.
- (4) Routine care and alterations, to be carried out by the Town, shall include trimming vegetation, removal of dead or diseased trees, correcting drainage problems, minimal widening so the road does not exceed 20 feet, plowing, sanding, sweeping and catch basin cleaning.

B. Nonroutine alterations.

- (1) The Public Works Department must seek advance approval from the Legislative Council for any nonroutine alterations. The Board of Selectmen shall review nonroutine alterations to determine if they are in the best interest of the Town and shall pass on its recommendation to the Legislative Council. Improvements or nonroutine alterations such as paving of dirt or gravel roads, widening, change of grade, straightening, removal of structures or mature trees require approval of the Legislative Council. Upon receipt of a request by the Public Works Department to perform nonroutine alterations, the Board of Selectmen shall notify the owners of land with frontage and driveways abutting the road that alterations have been proposed and schedule a public hearing to discuss the alterations. Notification of the hearing also shall be published in a newspaper having a substantial circulation in the Town of Newtown. The Council shall grant such approval if it finds that such alterations are necessary to maintain public safety. Any work performed shall, to the extent possible, be done in a manner to ensure the preservation of the original rural and scenic values.
- (2) Insofar as any alterations are performed, they shall be designed to conform to the following:
 - (a) Speed limits shall be low and posted.
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TOWN OF NEWTOWN

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Present: Anthony Filiato, Eva Bermudez,

Also in attendance: Director of Public Works Fred Hurley, Deputy Director of Planning Rob Sibley, Anthony Klabonski.

Absent: Mary Ann Jacobs

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Ms. Bermudez, unanimous approval.

OIL BUSINESS: Discussion

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NEW BUSSINESS: None

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:50pm Ms. Bermudez seconded.

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

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Copyright League of Women Voters of New
 Hampshire, 1952

MAP PREPARED AND PUBLISHED
 League of Women Voters of New
 Hampshire, 1952

NOV. 1952

NEWTON

TOWN OF

LEGEND

MAIN HIGHWAYS

IMPROVED LOCAL ROAD

UNIMPROVED ROAD

PRIVATE ROAD

PONDS, BROOKS, RIVERS

SCHOOL DISTRICTS

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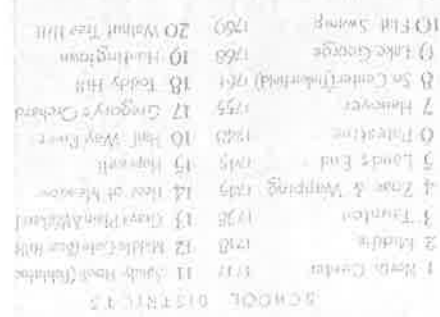
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- SCHOOL DISTRICTS
- 1. North Center 1917
 - 2. Middle 1918
 - 3. Tanton 1920
 - 4. Zone & Whipping 1925
 - 5. Lloyd's End 1925
 - 6. Haverhill 1925
 - 7. Haverhill 1925
 - 8. So. Center (Tinkerfield) 1925
 - 9. Haverhill 1925
 - 10. Half Way River 1925
 - 11. Haverhill 1925
 - 12. Haverhill 1925
 - 13. Haverhill 1925
 - 14. Haverhill 1925
 - 15. Haverhill 1925
 - 16. Haverhill 1925
 - 17. Haverhill 1925
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 - 19. Haverhill 1925
 - 20. Haverhill 1925



Town of Newtown, CT
Monday, August 17, 2015

Chapter 191. Scenic Roads

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 6-18-1997 (Ord. No. 76), amended 2-17-1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

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Subdivision of land — See Ch. 360.

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TOWN OF NEWTOWN

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Also in attendance: Director of Public Works Fred Hurley, Deputy Director of Planning Rob Sibley, Anthony Klabonski.

Absent: Mary Ann Jacobs

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Ms. Bermudez, unanimous approval.

OIL BUSINESS: Discussion

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Example given: Private roads with three or more homes need to be plowed due to liability.

Reference to Scenic road ordinance adopted in 97' amended in 99'. Explains how roads come to be.

Each ordinance compliments the other each are constantly being updated ordinance with basic road frame work through zoning. Roads must have a certain pitch, width, right away established etc. all new roads currently follow these regulations. When repairing a road is important to maintain a low impact affect during development. New water regulations and studies show that you want sheet flow instead of underground drainage where ever possible to avoid water recapture in storm drain or sewers.

Further information on how sub-divisions improvements are dependent on status of each division rather than the entirety of the road. One section may be in more disrepair than anther. This section of the presentation leads to questions made by council on transfer of lands to connect the right of ways.

Review of Ordinances- The planning and zoning commission has the right to approve and deny request they could ask a developer to pave a road but by law could not demand the home owners to make improvements. The commission only makes reasonable request. If town choose to abandon a road its only in the section of the right of way, if you release the right of way for the road its released to owners ex: Intersection of Jeremiah Rd. and Filo Curtis Rd. a right of way was abandoned between two homes. Constituents could say no thank you but most accept the additional land. Taxes do go up but when the town gives up the land it comes with the surveying and assessment and any additional documents.

The town can also become the land owner and give up the right way for example prior to Aquarion coming in United Water wanted to take over roads and water systems in Sandy Hook. The water company took over a few roads that had failing water tanks that were creating a health hazard; any remaining roads are currently owned now by the town. This was signed off by PURA the town.

25% percent of the town still is mapped by hand on paper with no toll post and varying widths.

Fred Hurley Discussion on signs, regulations & paving procedure Presentation- DPW does not have the authority to decide to add a stop sign has to go through state DOT and police commission; local police control the speed limit. If a road does not have a speed limit sign posted by town regulations it currently is 25 miles an hour. Police has certain authority for traffic given by our town charter; there is no state standard on roads that we have to adhere to.

The town has paving plans are presented and reviewed in 4 quadrants, each team has a project leader also known as Crew Chief and they create a plan of priority per area and present it to DPW supervisors. At any giving time during the 6 month window they are paving and fixing an area in each quadrant.

Privately Owned Road Areas: Cedarhurst, Rolledge, Potatuck, ShadyRest

Home owners can put together a collection to fix a specific road and make a donation to the town to the GL24 acct for roads. Town has also gone half and half on the cost of a road in the past.

About more than 50% of roads are at standard and would like to get up to at least 80% to standard. Continuing subdivision repairing is important to not lose the good roads we have.

Action items-

Rob- Creating a road map & list of comparable towns

Eva- Information request to CCM

Fred- Request of additional supporting documents and the reconfiguration of rd. width document

Tony K- Look into flow chart formats

Tony F- Reach out to Dave G, next meeting agenda and revision of ordinances that might conflict

NEW BUSSINESS: None

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:50pm Ms. Bermudez seconded.

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.



TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, September 2, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:05pm.

Present: Anthony Filiato, Eva Bermudez,

Also in attendance: Director of Public Works Fred Hurley, Deputy Director of Planning Rob Sibley and Anthony Klabonski.

Absent: Mary Ann Jacobs

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Mr. Klabonski, unanimous approval.

NEW BUSINESS: Discussion

Mr. Filiato opened the discussion on the first agenda item, flow charts:

Mr. Klabonski presents flow chart examples of how to manage the road development process. Group discusses possible ways to reconfigure chart to condensed version. Global chart needs annual review by crew leaders and a format that could be updated periodically, while still maintaining easy access to the public.

Second agenda item, comparable ordinances:

Mr. Sibley passes roads ordinances from Glastonbury and New Milford. Conveniently Glastonbury recently completed a similar revision process. Comparing ordinances lead to the question what is the scope of the issue in ordinances document management and what do these examples have or do not have that we could learn from. Glastonbury ordinances had interesting details for how to maintain scenic roads and listed all private roads into their ordinances. Mr. Hurley pointed out that Newtown has close to triple the amount of private roads than Glastonbury has.

Third agenda item, further research:

Review of road width variation document. Mr. Hurley suggests we take one section at a time and create a plan around the most problematic areas road by road. For example paved and unpaved Pond Brook Rd., sections of it is soon to collapse into Lake Zoar that restoration is \$200,000.

We should look into our scenic roads and possibly consider giving home owner the option of making their own dirt road into a carriage road like other states and historic towns have already implemented. After it is approved as a carriage road the town could then collect an assessment fee to maintain that historical road. Newtown has two officially approved scenic roads: Zoar Rd. & Sandford Rd.

The Newtown scenic road ordinance does not state that a scenic road could never be paved.

OLD BUSINESS: Discussion

Overview of current road status, further review of current ordinances & Legal research:

- We currently have standards for acres of development or difficult parcels.
- We have some roads that are extremely small and un-used so the town removed them example old route 25 and route 6 a small road off of the intersection was removed.
- The town will not take financial interest on road that is currently not in use.
- Newtown has 275 miles of private and public roads in with an additional 25 miles that are managed by the state and have 1,100 outfalls (storm drains). In any emergency Newtown has to maintain the 25 mile state stretch cleared and clean if the state crew is delayed in doing so. The state of Connecticut does not reimburse the town for the cost incurred. Any permit needs a parcel study.

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:05pm Ms. Bermudez seconded, unanimously passed.

Action items:

Rob- Look into flow chart formats, breakdown into sections.

Eva- Information request to CCM, is pending.

Fred- Site visits of problem roads pick a candidate road to flow chart and collect pictures.

Tony K- Review gravel roads in neighborhood and report back.

Tony F- Meeting agenda, notice and revision of ordinances that might conflict.

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

	Town	Private
22' and above paved	344	5
18' to less than 22' paved	61	11
16' to less than 18' paved	10	6
Less than 16' paved	32	29
22' and above gravel	0	0
18' to less than 22' gravel	5	2
16' to less than 18' gravel	4	3
Less than 16" gravel	4	27

*Due to road width variations within a road type as well as roads that are paved and gravel, category totals are unevenly added

Anthony Filiato, Chair
Eva Bermudez, Secretary
Mary Ann Jacobs



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TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, September 16, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:05pm.

Present: Anthony Filiato, Eva Bermudez.

Also in attendance: Anthony Klabonski.

Absent: Mary Ann Jacobs, Director of Public Works Fred Hurley & Deputy Director of Planning Rob Sibley.

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Mr. Klabonski, unanimous approval.

NEW BUSINESS: Discussion

Mr. Filiato opened the discussion on the first agenda item:

Mr. Filiato presents flow charts examples that Mr. Sibley sent of how to manage the road development process.

Group gave examples of problematic roads to visit. Need to find solution to roads that cannot be paved and solve the contradiction of the town needed to maintain it but not allowed to pave it.

Mr. Filiato Reviews legal questions he listed to assist us in the review process, for example "Are there any Mr. Klabonski reviews Charter in regards to notification requirements, public notice and how long we may have to make a recommendation.

Discussion on next steps: Possibility 5 year and 10 year plan, further flow chart review, continuation of Carriage road and scenic dirt road options & would like to review cost of repair by miles. Is it feasible to pay for paving all roads with our current town budget CIP allocation?

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:05pm Ms. Bermudez seconded, unanimously passed.

Action items:

Fred- Problem rd. site visit, candidate rd. to flow chart and collect pictures & general pricing by projects.
Tony F- Meeting agenda, notice and revision of ordinances that might conflict.

Respectfully Submitted,

Eva Bermudez
Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

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Rob.sibley@newtown-ct.gov

TOWN OF NEWTOWN



Robert Sibley
Deputy Director of Land Use &
Emergency Management

Newtown Town Road Flow Chart

Assumption: All roads will conform and be built to Town Road Ordinance

ROW

1. road is unpaved but conforms to ROW standards
 - Pave road to Town Road Ord. standards (unless Scenic Road Ord designation or privately owned permission and payment is secured – part of Ord?)

PRIVATE

2. road is unpaved but does not conform to ROW standards
 - Acquire road ROW standards then #1.
3. road is paved but does not conform to road standards
 - Acquire road ROW standards

4. road is unpaved but is privately owned
 - Acquire road ROW standards then #1.
5. road is paved but is privately owned
 - Acquire road ROW standards then #1

TOWN-OWNED but not ROW

6. road is unpaved but is town-owned land
 - Then #1.
7. road is paved but is town-owned land
 - Then #1.

Ad Hoc Committee for Policy and Planning for Roads

Suggested Legal Questions

- I. State Constitutional/Statutory Issues
 - A. Is the town under any Constitutional/Statutory impetus or restraints?
 - B. Are there Equal Protection implications in regard to a town's decision to pave a town-owned road or leave it unpaved?
 - C. Are there any duties a town owes to residents in regard to private roads?
 - D. Are there any legal issues raised when a town uses tax monies to plow/repair/pave private roads?
- II. Charter
 - A. Does the Town Charter properly and fully empower the town to act in regard to town-owned and private roads, including point I above?
 - B. Does the Town Charter currently limit the powers of the town to address issues regarding town-owned and private roads?
 - C. In short, are the pertinent Charter sections operative or simply enabling?
- III. Ordinances
 - A. Do the Town's current Ordinances properly and fully empower the town to act in regard to town-owned and private roads, including point I above?
 - B. Do the Town's current Ordinances limit the powers of the town to address issues regarding town-owned and private roads?
 - C. Is there value in consolidating road related Ordinances? (See attached Glastonbury example.)

Anthony Filiato, Chair
Eva Bermudez, Secretary
Mary Ann Jacobs



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TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, October 7, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:05pm.

Present: Anthony Filiato, Eva Bermudez, Mary Ann Jacobs

Also in attendance: Anthony Klabonski & Director of Public Works Fred Hurley

Absent: Deputy Director of Planning Rob Sibley.

PUBLIC COMMENT: The attached list of questions was presented by John Hensel of Shady Rest. Other Shady Rest residents: Gary Gilmore, Adam Zuckerman, Carey Schierloh, and Peter Cloudas participated in a general discussion involving the Town's plans for private roads. The Committee is only to make recommendations, but did not foresee any circumstances that would adversely impact homeowners in any serious manner. Mr. Cloudas is the President of the Shady Rest Association, which has a newly constituted Board, which is considering the question of whether to turn the Association's roads over to the Town. Ms. Jacob commented that the process of the Town acting on any recommendations coming out of the Committee would take at least a year so there would be plenty of time for homeowners to assess their status and comment.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Ms. Jacobs, unanimous approval.

NEW BUSINESS: Discussion on site visits done by group. Gave examples of roads that are currently extremely narrow, Mr. Hurley reviewed width requirements again and gave examples of different scenarios. Mr. Filiato reviewed proposed legal language; the rest of the group did not have any additional examples.

Discussion on policy statement and guidelines, still a work in progress.

OLD BUSINESS:

Discussion of flow charts of road development process, waiting on new templates to be distributed to group.

Mary Ann reviews the charge of the group and what we can and can't do; again the goal of the group is to present a recommendation in regards to private and unpaved roads.

Discussion on next steps: prepare a new revamped draft of flow charts and possible language.

PUBLIC COMMENT: Question by Mr. Hansel in regards to next steps for the Shady Rest area, also present the Gallagher's from 58 Hilldale.

Mr. Filiato motioned to adjourn at 7:12pm Ms. Bermudez seconded, unanimously passed.

Action items:

All: Revision of ordinances that might conflict, revision of draft formats sent by Fred and Rob.

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

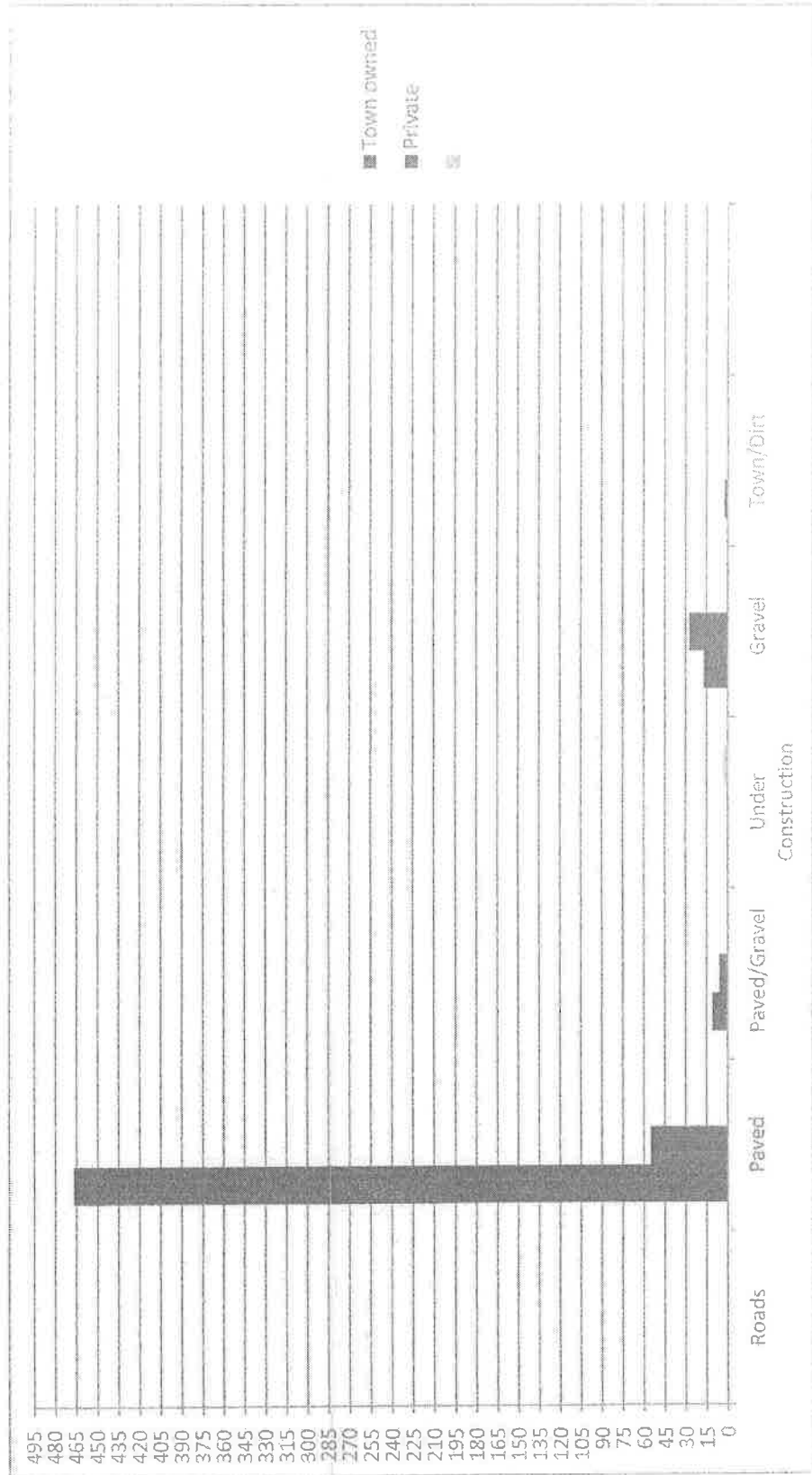
Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

Roads meeting questions

- What are the legal requirements for selling the roads to the town? Do we need to have every owner agree to turn over the roads?
 - We do not know but are being told that the deeds for some of the properties in Shady Rest state that the properties extend to the center of the road and that there is a deeded right of way that allows others to use the roads.
 - How do we determine if this is the case? Has the town already look into this?
 - Does the town need to take ownership of the land under the roads or can the town own and maintain a road without owning the land the road is on?
 - If the town needs to take ownership of the land, can the town do so if the particular owner does not agree to relinquish ownership? Will the town use a doctrine of eminent domain?
- Can the Shady Rest Association have the roads go public and keep the beach, boat ramp, public access areas to water, etc. private?
 - Would the right of the neighborhood association to set rules for the neighborhood be affected by the town ownership of the roads?
 - Will the fact that the town owns the roads mean that the Association has no right to restrict citizens not living in the neighborhood from entering the neighborhood?
- If the town takes ownership of the roads,
 - What will be the roadway design standards that will be used for repair and maintenance of the roads? Specifically, how wide will the travel-way of the roads be required to be? Will there be a shoulder or adjacent land to either side of the travel way that would be subject to the Municipalities authority regarding "Clearing the Right of Way." Will fences, mailboxes, detached structures, etc. need to be relocated if such are encroaching on the "right of way".
 - How would the establishment of municipal right of way effect current and future setback requirements for private owners developing, expanding, or modifying their private dwelling and detached structures on their private property?
 - Can current property setbacks and rights be grandfathered?
 - Has the town reviewed the specific impact these changes would have on the properties?
 - What would the designation of a road as a carriage road do? What are the requirements? What are the benefits and draw backs?
- Will the town ownership of the road improve the police coverage of the neighborhood? Currently some residents have indicated that police officers are reluctant to come into the neighborhood to enforce laws because it is private property. Are these police officers incorrectly interpreting their current duty?
- Are there any tax ramifications for the residents if the town takes ownership of the roads (plus or minus)? Currently are residents of Shady Rest effectively paying twice (once via taxes, and second via association dues) for road maintenance?
- How would the proceeds from a sale of the roads be distributed?
- What would happen to the Shady Rest Association funds currently held by the town for road repair in Shady Rest?
- Should the Shady Rest Association elect to keep the roads private are there any changes being contemplated by the town that would impact the resident of Shady Rest or the agreements they have with the town?
- What is the timing on this? When would decisions Need to be made by?

Newtown Roads			
	Town owned	Private	
Roads			
Paved	467	55	
Paved/Gravel	11	6	
Under Construction			3
Gravel	17	27	
Town/Dirt	2		





TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, November 4, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:00pm.

Present: Anthony Filiato, Mary Ann Jacobs & Eva Bermudez,

Also in attendance: Director of Public Works Fred Hurley, Anthony Klabonski & John Hatedt.

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Motioned made by Mr. Filiato Seconded by Mr. Klabonski, unanimous approval.

NEW BUSINESS: Discussion

Mr. Filiato opened the discussion:

The charge we were given, the topic is extremely large and the best we could do to guide the questions for further inquiry. Mary Ann agreed that we had no authority to act in terms of writing ordinances or drafting policy that would be up to Board of Selectman and Legislative Council.

Three main recommendations:

- a. The Town should pave all the unpaved roads
- b. The Town should assess the current legal status of the private associations and take the "abandoned" roads
- c. Public Works and the Town Engineer should develop a tier categorization of Town roads and develop a long term plan for moving the needle from 50% to 80% of all roads meeting current standings

Overall the Town needs to act objectively in best interest of all residents and economics and roads should be prioritized by Mr. Hurley at DPW by condition and overall convenience to the town and budget availability.

Mr. Filiato mentioned that he will make sure that all the supporting documents and research will be included to the recommendation binder including Mr. Sibley's flow chart example that was presented during a previous Roads committee meeting.

Ms. Bermudez requested that the recommendation include clear next steps to the public and what this recommendation does and doesn't do.

Mr. Hurley assured that land use and engineering will be involved in the process.

Mr. Filiato was able to talk to Jared Schwartz from legal Cohen & Wolfe for draft revision, the requested more time for a comprehensive review of draft recommendation.

Ms. Jacobs discussed next steps, we aim to approve final draft recommendation by November 17, after approval it will then go for approval of the Board of Selectmen. The BOS can either accept and approve, reject or send back to the Ad Hoc Roads committee for modification of the recommendation. Ms. Jacobs reminded the group that we have to make sure we leave the work to the professionals and recommendation should guide the process.

Mr. Filiato inquired about the makeup of the board after the recent elections. Mary Ann responded that since the board is appointed everyone could despite new political appointments until the Board of Selectmen had relived the group of their charge.

OLD BUSINESS: Discussion

There was mention of what will happen to the Bridges and funding, Mr. Hurley explained that the Bridges are no longer bonded. Mary Ann mentioned that neither this group nor Legislative Council has the authority to make bonding decisions.

The roads plans will be done in phases and it may be a long time before the roads are completed and paved.

DPW needs the flexibility to do the work they need to do and whichever ordinance is crafted should allow this.

Mr. Filiato mentioned that other towns do it differently and add roads dirt and private language in there charter for example Glastonbury; our charter is fine and does not create any conflicts.

Mr. Klabonski inquired about the current way roads are prioritized to be worked on he also asked that once this recommendation is in motion how do you prioritize the projects that will be worked on.

Mr. Hurley explained that the department has a master "book of roads" with regulations and ordinances made by the town and the state that he follows and they decide on which projects to work on are always: main drags, bus routes, commuter routes, and connectors. Then there are always the unknowns and emergencies that may come up.

Further conversations of Associations: In regard to Association roads each group will have to review their own bylaws on how they update and pave roads. Some associations own all roads in there designated are others for liability reason request each home owner be in charge of the plot in form of them and other areas are part private part town owned. The town is willing to work with each association individually once they make decisions in regards to what they would like to do. Ms. Jacobs and Mr. Filiato both pointed out that this is costly to the town adding additional roads to service and it wouldn't be a benefit but either was options are available.

PUBLIC COMMENT: None.

Mr. Filiato motioned to adjourn at 7:00pm Ms. Jacobs seconded, unanimously passed.

Action items: After all parties review extensively the draft recommendation and committee completes it the goal is recommendation to be submitted to Board of Selectman by at least November 18th for the possible approval. This includes review for legal Cohen & Wolfe.

Respectfully Submitted,

Eva Bermudez
Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

B

Road Name	Length	Width	Town/Private	Paved/Gravel
Abbey Lane	634.3447		22 Town	Paved
Abbotts Hill Road	2887.7726		22 Town	Paved
Academy Lane	577.2348		20 Town	Paved
Acorn Drive	906.5004		22 Town	Paved
Adahi Trail	854.255		16 Private/Gravel	Paved
Adams Hill Lane	2202.5094		22 Town	Paved
Albert's Hill Road	8098.8599		22 Town	Paved
Alder Lane	1558.976		22 Town	Paved
Algonquin Trail	1614.9764		18 Private	Paved
Alpine Circle	1421.6548		17 Private	Paved
Alpine Drive	3954.0077		22 Town	Paved
Andras Road	1055.7937		16 Private	Paved
Anthe's Avenue	398.0791		12 Private	Paved
Anthony Ridge	1655		Under construction	
Antler Pine Road	1593.644		24 Town	Paved
Appleblossom Lane	4718.9095		23 Town	Paved
Arlyn Ridge Road	1420.4199		22 Town	Paved
Arrowhead Lane	2497.5657		19 Town	Paved
Arthur's Court	1314.0313		22 Town	Paved
Ashford Lane	3136.2812		22 Town	Paved
Aspen Lane	606.7086		22 Town	Paved
Aunt Park Lane	4653.3967		18 Town	Paved
Autumn Ridge	1215.2762		22 Town	Paved
Avalon Way	1504.1722		22 Town	Paved
Baldwin Road	2515.8458		24 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Bancroft Road	1945.9843	34	Town	Paved
Bankside Trail	413.4876	10	Private	Gravel
Bari Drive	1146.0523	24	Town	Paved
Barker Drive	516.8854	22	Private	Paved
Barnabas Road	4218.1342	30	Town	Paved
Bayberry Drive	1055.4024	29	Town	Paved
Beacon Drive	223.3105	10	Private	Gravel
Beagle Trail	480.6542	22	Town	Paved
Bear Hills Road	4264.1812	22	Town	Paved
Beaver Dam Road	3917.9015	18	Town	Gravel
Beckett Village	867.6976	22	Town	Paved
Beechwood Drive	2257.7357	24	Town	Paved
Benjamin Drive	973.7098	24	Town	Paved
Bennett's Bridge Roa	11295.9545	22	Town	Paved
Bentagrass Lane	2464.8409	12	Town	Paved
Birch Hill Road	7817.4486	23	Town	Paved
Birch Rise Drive	1035.4554	23	Town	Paved
Bishops Circle	1306.7353	22	Town	Paved
Black Bridge Road	2868.0267	22	Town	Paved
Black Cherry Lane	1203.8723	21	Town	Paved
Black Walnut Road	976.9486	22	Town	Paved
Blackman Road	1773.1598	21	Town	Paved
Blakeslee Drive	1689.2915	22	Town	Paved
Blanches Walk	1384.7649	22	Town	Paved
Blue Spruce Drive	1460.1511	24	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Bobcat	967.3132		Town	Paved
Boggs Hill	16441.6548		23 Town	Paved
Bonnie Brae Drive	3262.2258		24 Town	Paved
Borough Lane	1787.5278	0.86957	Town	Paved
Botsford Hill Road	6191.7013		30 Town	Paved
Botsford Lane	891.3697		16 Town	Paved
Boulder Creek	1202.6257		Town	Paved
Bradley Lane	5421.7789		22 Town	Paved
Bramble Trail	997.1353		22 Town	Paved
Brandywine Lane	2406.3713		22 Town	Paved
Brassie Drive	695.0842		24 Town	Paved
Brennan Road	1529.3096		21 Town	Paved
Bresson Farms Road	1586.7358		22 Town	Paved
Briarwood Lane	1657.867		22 Town	Paved
Bridge End Farm Lan	2813.6399		22 Town	Paved
Bridle Path Trail	1436.9942		22 Town	Paved
Bristle Lane	1254.5576		22 Town	Paved
Brookbridge	1119.4712		20 Private	Paved
Brookwood Drive	4868.5934		24 Town	Paved
Brushy Hill Road	21411.3211		27 Town	Paved
Bryan Lane	3531.0169		22 Town	Paved/Gravel
Buck Trail	1097.1783		Town	Paved
Budd Drive	1436.6451		21 Town	Paved
Bungalow Terrace	433.9347		18 Private	Paved
Butterfeild (Currituck	10729.9927		19 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Butterfeild Road (Hanover Side)			Town	Paved
Butternut Ridge	1948.6882		Town	Paved
Buttonball Rd	3161.9565	22	Town	Paved
Buttonsop Road	4143.4946		Town	Paved
Cadey Lane	539.8403	22	Town	Paved
Camelot Crest	727.113	24	Town	Paved
Cannon Drive	2270.5794	22	Town	Paved
Canterbury Lane	2410.4991	22	Town	Paved
Capital Drive	1615.3184	14	Private	Paved/Gravel
Carol Ann Drive	1262.8814	24	Town	Paved
Castle Hill	10843.229	22	Town	Paved
Castle Lane	814.0589	22	Town	Paved
Castle Meadow Road	6541.7647	18	Town	Paved
Cedar Circle	839.2821	22	Town	Paved
Cedar Hill Road	6872.5663	21	Town	Paved
Cedarhearst Trail	717.7235	13	Private	Paved
Cemetery Road	1810.813	24	Town	Paved
Center St	666.1036	20	Town	Paved
Charlies Circle	1080.9022	22	Town	Paved
Charter Ridge Road.	6394.0769	22	Town	Paved
Checkerberry Lane	874.1074	12	Private	Paved
Cherry Heights	762.9185	21	Town	Paved
Cherry St	2953.0392	22	Town	Paved
Chestnut Hill	4048.4561	22	Town	Paved
Chestnut Knolls	1451.309	22	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Chimney Swift	1583.4053		25 Town	Paved
Chipmunk Trail	1421.6313		12 Private	Paved
Cider Mill Road	1650.1403		22 Town	Paved
Clapboard Ridge	2339.0938		22 Town	Paved
Clearview Drive	3604.365		22 Town	Paved
Cobblers Mill Road	5630.4652		Town	Paved
Cobblestone Lane	2566.4756		22 Town	Paved
Coldspring Road	3954.7427		22 Town	Paved
Commerce Road	4017.4667		30 Town	Paved
Concord Ridge Road	1481.764		24 Town	Paved
Connors Road	466.6966		12 Town	Paved
Cornfield Ridge Road	514.3434		22 Town	Paved
Cottonwood Trail	492.1384		12 Private	Gravel
Country Club Road	1057.7644		15 Town	Paved
Country Squire Road	1927.1335		22 Town	Paved
Covered Bridge Road	862.1216		44 Town	Paved
Crabapple Lane	1805.712		22 Town	Paved
Crestwood	1067.398		17 Private	Paved
Cricket Trail	1517.2026		12 Private	Gravel
Crossbrook Road	1691.0824		19 Town	Paved
Crosswind Court	937.938		Town	Paved
Crown Hill Road	457.3403		26 Town	Paved
Crown View Road	1002.2753		22 Town	Paved
Crows Nest Lane	691.5748		22 Town	Paved
Currituck Road	14794.2376		24 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Curry Drive	953.3406		23 Town	Paved
Cypress Trail	362.7339		10 Private	Paved
D. G. Beers Blvd.	1076.4002		Town	Paved
Daniels Hill Road	1471.526		22 Town	Paved
Daves Lane	541.8176		24 Town	Paved
Dayton St	1337.0679		15 Town	Paved
Deepbrook Road	4343.4196		1.5 Town	Paved
Deer Trail	363.4064		12 Private	Paved
Deerfield Drive	1283.0669		26 Town	Paved
Diamond Drive	1976.7817		22 Town	Paved
Dickenson Drive	1106.7711		24 Town	Paved
Dinglebrook Lane	3770.0796		24 Town	Paved
Dock Drive	538.8735		15 Private	Paved
Dogwood Terrace			24 Town	paved
Dover Circle	835.4789		22 Town	Paved
Driftway Drive	505.1047		19 Town	Paved
Drummers Lane	1034.9739		22 Town	Paved
Dug Hill Road	1887.8884	15-22	Town	Gravel
Dusty Lane	1564.5521		22 Private	Paved
Dylan Drive	115.56		22 Town	Paved
Eagle Rock Road	299.9838		10 Town	Gravel
East Street	479.8447		16 Town	Paved
Echo Valley Road	4834.1546		22 Town	Paved
Eden Hill	7698.0831		22 Town	Paved
Edge Lake Drive (dirt	2281.9433	12-14	Private	Gravel

Road Name	Length	Width	Town/Private	Paved/Gravel
Edge Lake Drive (off Brookbridge)			Private	Paved
Edgewood	1752.9671	28	Town	Paved
Edmond Road	4828.6717	31	Town	Paved
Elana Lane	1682.1753	22	Town	Paved
Elizabeth Street	1103.8684	24	Town	Paved
Elm Drive	6314.7104	1.04167	Town	Paved
Elmwood Trail	492.8815	12	Private	Paved
Engleside Terrace	1102.6954	12	Private	Paved
Equestrian Ridge Road	4571.8911	22	Town	Paved
Erin Lane	946.9394	22	Town	Paved
Ethan Allen Road	1455.8425	30	Town	Paved
Evergreen Road	2192.3521	20	Town	Paved
Fairchild Road	1786.7161	22	Town	Paved
Fallen Leaf Road	900		Town	
Far Horizon Drive	737.0894	22	Town	Paved
Farm Field Ridge Road	4630.5326	22	Town	Paved
Farm Meadow Road	2850.9061	22	Town	Paved
Farmery Lane	906.2808	22	Town	Paved
Farrell Road	4875.9317	23	Town	Paved
Farview Drive	1840.7495	22	Town	Paved
Fawnwood	3339.8812	22	Town	Paved
Fern Lane	1347.0298	22	Town	Paved
Ferris Road	878.3813	23	Town	Paved
Fieldstone Drive	1569.4823	22	Town	Paved
Firtree Lane	722.8484		Private	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Flat Swamp Road	8319.7004	24	Town	Paved
Fleetwood Road	596.6162	25	Town	Paved
Flintlock Rd	810.0519	22	Town	Paved
Floral Heights	704.465	22	Town	Paved
Ford Road.	875.6696	18	Town	Paved
Forest Drive	1805.5338	15	Private	Paved/Gravel
Forest View Road	656.7273	22	Town	Paved
Founders Road	1633.3147		Town	Paved
Fox Hollow Lane	1518.1653	22	Town	Paved
Fox Run Lane	1302.9175	21	Town	Paved
Fox Run Lane South	1453.5277	24	Town	Paved
Freedom Defenders v	1176-9311		Town	Paved
Frontage Road	1118.8885	30	Town	Paved
Galilee Way	1725.3027	22	Town	Paved
Gelding Hill Road	5235.5371	22	Town	Paved
Georges Hill Road (B	3109.0996	24	Town	Paved
Georges Hill Road (of	2981.3901	20	Town	Paved
Glenmor Drive	1846.4125	22	Town	Paved
Glover Ave	1438.5403	31	Town	Paved
Golden Pond Road	947.891	22	Town	Paved
Goodyear Road	531.0282	14	Private	Gravel
Gopher Road	1738.7745	21	Town	Paved
Grace Moore Road	1010.4572	22	Town	Paved
Grand Place	3526.3665	24	Town	Paved
Grays Plain Road	2521.9608	21	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Great Hill Road	7886.9092	21	Town	Paved
Great Quarter East	6932.2424		Private	Paved
Great Quarter Road.		20	Town	Paved
Great Quarter West			Private	Paved
Great Quarter West			Town	Gravel/Paved
Great Ring Road Ext	1108.5205	12	Town	Paved/Gravel
Great Ring Road.	11028.6633	24	Town	Paved
Green Knolls	861.6494	24	Town	Paved
Greenbriar Lane	2223.2484	24	Town	Paved
Greenleaf Farm	4730.2961	22	Town	Paved
Guneva Drive	339.3628	15	Private	Paved
Hall Lane	2110.7319	21	Town	Paved
Hanover Road	21882.6886	20-22	Town	Paved
Harvest Common Road	1257.6527	22	Town	Paved
Hattertown Road	20474.2449	24	Town	Paved
Hawley Road	566.6668	24	Town	Paved
Hawthorne Hill Road	1425.932	22	Town	Paved
Head O Meadow	10598.148	22/24/23	Town	Paved
Head O Meadow (Off of Boggs Hill and Rt 302			Town	Paved/Gravel
Head-O-Meadow			Town	Paved
Hearthstone Lane	363.608	22	Town	Paved
Hedge Meadow	1084.849	22	Town	Paved
Hemlock Road	908.8015	22	Town	Paved
Hemlock Trail	1456.0853	1.04762	Private	Paved/Gravel
Hi Barlow Road	3331.9215	23	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Hickory Lane	504.0435		20 Town	Paved
High Bridge Road	4942.3471		23 Town	Paved
High Rock Road	10765.946	30-30	Town	Paved
Hillcrest Drive	742.4537		22 Town	Paved
Hilldale Drive	880.4938		12 Private	Gravel
Hillside Lane	570.8606		12 Private	Paved
Hitfeild	1578.9714		22 Town	Paved
Holmes Farm Road	803.8315		Under constructi	Paved
Homer Clark	1449.2318		13 Private	Paved
Homestead Lane	556.5928		10 Town	Paved/Gravel
Honey Lane	2731.9652		20 Town	Paved
Hopewell Road	3023.8914		20 Town	Paved
Horseshoe Ridge Roa	5586.9217		22 Town	Paved
Hoseye Coach	5269.6686		14 Town	Paved
Housatonic Drive	2309.1755		14 Private	Paved
Hucko Trail	271.9367		18 Private	Gravel
Hulls Road.	156.9659		12 Private	Paved
Hundred Acres	8279.6147		30 Town	Paved
Hunting Ridge Road	503.9896		24 Town	Paved
Huntingtown Road	16186.2817		23 Town	Paved
Hyvue	1750.469		23 Town	Paved
Indian Hill Lane	2177.3938		26 Town	Paved
Ironwood Drive	820.5003		22 Town	Paved
Irvin Lane	963.6906		16 Town	Paved
Ivy Brook Lane	830		12 Private	Gravel

Road Name	Length	Width	Town/Private	Paved/Gravel
Jacklin Road	1125.6666		23 Town	Paved
Jacobs Road	1120.0242		22 Town	Paved
Jangling Plains Road	1531.7096		15 Town	Paved
Jeremiah Road	6921.8946		23 Town	Paved
Jet Brook Road	1820.5446		16 Town	Paved
Jo Mar Drive	4212.557		22 Town	Paved
Joan Drive	1586.6403		24 Town	Paved
John Beech Road	3842.7066		24 Town	Paved
Johnnie Cake Lane	1230.1602		22 Town	Paved
Johnny Appleseed Rd	1893.2373		22 Town	Paved
Johnson Drive	559.0999		19 Private	Paved
Jordan Hill Road.	1814.0772		19 Town	Paved
Julia Road			Private	Gravel
Juniper	1986.2353		24 Town	Paved
Kaechele Drive	1524.9633		21 Town	Paved
Kale Davis	1210.7573		22 Town	Paved
Karen Blvd	925.1913		21 Town	Paved
Kay Lane	1098.2684		15 Town	Paved
Keating Farm Road	3140.4491		Town	Paved
Kelly Court	2174.3583		22 Town	paved
Kenan Road-Dirt			21 Town	Gravel
Kenan Road-Paved	1673.1678		Town	Paved
Kent Road	2958.069		22 Town	Paved
Key Rock Road	4498.4756		23 Town	Paved
King Phillip Trail	595.4755		12 Private	Gravel

Road Name	Length	Width	Town/Private	Paved/Gravel
King Street	994.2282	22	Town	Paved
Kip Lane	870.8982	14	Private	Gravel
Knollwood Drive	883.4804	21	Town	Paved
Lafayette Trail	690.7189	22	Town	Paved
Lake Drive	314.6943	11	Private	Gravel
Lake George Road P	1551.2916	15	Town	Paved/Gravel
Lake Road	3706.7127	22	Town	Paved
Lakeview Terrace	8002.5353	18	Private	Paved
Lakeview Terrace Ext			Private	Paved
Lands End	517.8597	22	Town	Paved
Lantern Drive	1150.9299	24	Town	Paved
Laurel Road	442.2284	24	Town	Paved
Laurel Trail	1583.6815	14	Town	Paved/Gravel
Lazy Brook	1466.2172	22	Town	Paved
Leopard Drive	1693.8551	22	Town	Paved
Lester Road	1163.1128	12	Town	Gravel
Liberty Drive	768.9592	22	Town	Paved
Lincoln Road	1773.402	22	Town	Paved
Linden Drive	344.6131	23	Town	Paved
Littlebrook Lane	4572.6839	18	Town	Paved
Locust Lane	479.0891	11	Private	Paved
Lone Oak Meadows	1723.5517	22	Town	Paved
Longview Heights	2596.9756	22	Town	Paved
Longview Road	1166.4977	20	Town	Paved
Longview Terrace	352.0958	11	Private	Paved/Gravel

Road Name	Length	Width	Town/Private	Paved/Gravel
Lookout Drive	758.6606		Private	Gravel
Lori Lynne Circle	468.5918	24	Town	Paved
Lorraine Drive	334.1152	22	Town	Paved
Loveland Drive	886.7515	22	Town	Paved
Lovells Lane	996.6007	24	Town	Paved
Lyrical Lane	2942.9561	23	Town	Paved
Mackenzie Circle	797.7353	14	Private	Paved
Madison Drive	621.7443	23	Town	Paved
Maltbie Road (Lower	4250.0863	20	Town	Paved
Maltbie Road (Upper section)			Town	Paved
Maple Drive	1432.9997	22	Town	Paved
Maplewood Terrace	1268.0098	22	Private	Paved
Marlin Road	10053.1347	22	Town	Paved
Martin Drive	459.7971	25	Town	Paved
Meadow Road	810.3814	22	Town	Paved
Meadowbrook Road	4853.6695	28	Town	Paved
Meadows Woods Lar	638.353	22	Town	Paved
Megan Circle	964.0972	22	Town	Paved
Melody Lane	656.2673	25	Town	Paved
Meridian Ridge Drive	3073.0259		Town	Paved
Merlins Lane	2607.4222	22	Town	Paved
Middleton Road	1926.3182	22	Town	Paved
Mile Hill Road South	8083.4801	20	Town	Paved
Misty Vale Road	2123.4078	22	Town	Paved
Miya Lane	1250.1007	22	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Moccasin Trail	908.1845	12	Private	Paved
Mohawk Trail	1082.9958	12	Private	Paved
Monitor Hill	2135.9273	22	Town	Paved
Morgan Drive	461.4956	20	Town	Paved
Morris Road	1917.4664	20	Town	Paved/Gravel
Mountain Laurel Lane	2084.912	22	Town	Paved
Mountain Manor Road	3874.287	22	Town	Paved
Mountain View Drive	1220.5161	16	Private	Paved
Mt Nebo	5928	24	Town	Paved
Mt Pleasant Terr	749.6864	20	Town	Paved
Narragansett Trail	2941.9059	22	Town	Paved
Nearbrook Drive	1264.3003	15	Private	Paved
Nelson Lane	1397.735	22	Town	Paved
Nettleton Ave	845.743	15	Private	Gravel
New Lebbon Road	9069.3156	25	Town	Paved
Newbury Road	1811.9414	20	Town	Paved
Newbury Road 2		15	Town	Paved
Newfield Road	1006.9675	22	Town	Paved
Nicholina Way	585		Town	Paved
Nighthawk Lane	1506.3616		Town	Paved
North Branch	2133.9418	21	Town	Paved
North Ridge Drive	1729.6535	22	Town	Paved
Nunnawauk Road	3694.9229	18	Town	Paved
Nutmeg Lane	1880.2286	26	Town	Paved
Oak Drive	677.8861	26	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Oak Ridge Drive	5606.0808		22 Town	Paved
Oak Trail	259.0491		14 Private	Gravel
Oakview Road	3317.4778		20 Town	Paved
Obtuse Road	6135.8306		30 Town	Paved
Old Bethel Road	5259.6755		21 Town	Paved
Old Bridge Road	1195.1096		16 Town	Paved
Old Castle Drive	1782.5282		Town	Paved
Old Castle Hill	1111.6905		16 Town	Paved
Old Currituck Road	443.0916		Town	Paved
Old Echo Valley	392		11 Town	Dirt
Old Farm Hill Road	4396.0334		22 Town	Paved
Old Farm Road	1657.2725		26 Town	Paved
Old Gate Lane	866.4989		22 Town	Paved
Old Green Road	4778.9242		22 Town	Paved
Old Hawleyville	6103.1092		24 Town	Paved
Old Mill Road	1652.4502		14 Town	Gravel
Old Parmalee Hill	174		20 Town	Paved
Old Purdy Station Ro	1378.0437		22 Town	Paved
Old Rt 34 (Junk Yard Road)			12 Town	Gravel
Old Station House Road			14 Town	Paved
Old Stream	1020.6041		22 Town	Paved
Old Tavern Road	958.9486		22 Town	Paved
Old Town Road	1446.3674	14-16	Town	Gravel
Orange Pippin	2590.2439		22 Town	Paved
Orchard Hill Road	7165.4117		23 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Orchard Lane	451.1448		23 Town	Paved
Osborne Hill Ext	872.3143		12 Private	Paved
Osborne Hill Road	6874.596		22 Town	Paved
Overlook Drive	1212.2467		22 Town	Paved
Overlook Knolls	908.6963	18/12	Private	Paved
Owl Ridge	569.8764		22 Town	Paved
Ox Hill Road	2585.7863		16 Town	Gravel
Palestine Road	4022.3074		24 Town	Paved
Papoose Hill	1788.071		14 Town	Paved/Gravel
Park Lane	2460.9418		24 Town	Paved
Parmalee Hill	8505.2783		34 Town	Paved
Parmalee Park Place	697.1057		14 Private	Gravel
Partridge Lane	1159.0116		23 Town	Paved
Pastors Walk	1151.4341		29 Town	Paved
Patricia Lane	1556.1817		22 Town	Paved
Patriot Ridge Road	746.0402		23 Town	Paved
Paugussett	3697.0188		22 Town	Paved
Pearl Street	3426.6541		22 Town	Paved
Pebble Road	2292.6702		26 Town	Paved
Pecks Lane	4244.2742		26 Town	Paved
Pepperidge Road	2447.3767		22 Town	Paved
Pequot Path	484.7164		12 Private	Paved
Pheasant Ridge Road	1768.9282		22 Town	Paved
Philo Curtis Road	6521	22-18	Town	Paved
Phyllis Lane	2821.9515		22 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Pilgrim Lane	1474.494		23 Town	Paved
Pine St	1491.2894		21 Town	Paved
Pine Tree Hill	4807.1755		24 Town	Paved
Pinnacle Drive	631.6315		22 Town	Paved
Platts Hill Road	7860.9961		24 Town	Paved
Pleasant Hill	1685.5719		19 Town	Paved
Plumtrees Road	3212.0298		22 Town	Paved
Pocono Road	3124.6679		25 Town	Paved
Point O Rocks	3418.4753		16 Town	Gravel
Pole Bridge Road	8563.8321		24 Town	Paved
Pomperaug Road	818.7186		16 Private	Paved
Pond Brook (paved p	6499.65	16/22	Town	Paved
Pondbrook (dirt)	5057		Town	Dirt
Pondveiw Drive	781.6179		22 Town	Paved
Poorhouse	2287.1443		23 Town	Paved
Pootatuck Park Road	709.8596		Town	Paved
Pootatuck Trail	764.7219		12 Private	Paved/Gravel
Popular Drive	542.5951		13 Private	Paved
Possum Ridge Road	943.5975		22 Town	Paved
Post Lane	1000		12 Private	Gravel
Poverty Hollow Road	14394.717		24 Town	Paved
Primrose Street	531.6428		Town	Paved
Prospect Drive	734.7199		22 Town	Paved
Pumpkin Lane	490.8203		22 Town	Paved
Purdy Station	1408.2156		22 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Putnam Drive	1156.0478		21 Private	Gravel
Quail Hollow Lane	789.0943		Town	Paved
Quail Trail	742.4288		12 Private	Gravel
Quaker Lane	726.8502		22 Town	Paved
Quarry Ridge	1369.247		22 Town	Paved
Queen Street	55286.9795		30 Town	Paved
Reservoir Road	1096.7191		12 Town	Paved
Richmond Road	655.5169		15 Town	Paved
Ridge Road	3679.1666		24 Town	Paved
Ridge Valley	2721		Town	Paved
River Run Road	1603.4053		24 Town	Paved
Rivers Edge	844.1734		22 Town	Paved
Riverside Road	13853.1232		24 Town	Paved
Robin Hill (off of 302)	2621.0437		16 Town	Paved
Robin Hill (off of Rock Ridge)			15 Town	Paved
Rock Ridge Road	3540.2191		23 Town	Paved
Rocky Wood Road	2018.2425		22 Town	Paved
Rolling Meadows	1019.8759		22 Town	Paved
Roosevelt Drive	877.1617		25 Town	Paved
Rooster Ridge	616.4698		Town	Paved
Rose Lane	2380.4792		22 Town	Paved
Rosemere Drive	594.2426		12 Private	Gravel
Round Hill Road	693.5662		14 Private	Paved
Rowledge Pond	3500.9138		18 Private	Paved
Russett Road	4272.7501		24 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Saddle Ridge Road	1966.4769		22 Town	Paved
Sand Hill Road	1921.4252		23 Town	Paved
Sanford Road	3118.893		11 Town	Gravel
Saw Mill Ridge Road	2060.7765		21 Town	Paved
Sawmill Road	4971.3765		25 Town	Paved
Scenic View Road	1657.8203		22 Town	Paved
School House Hill Ro	6827.8523		22 Town	Paved
Scudder Road	5543.9957		23 Town	Paved
Sealand Drive	857.2329		26 Town	Paved
Sebastian Trail	1713		Under construction	
Serene Way	3171.8037		Town	Paved
Serenity Lane	2281.5078		25 Town	Paved
Settlers Lane	2140.732		22 Town	Paved
Shadblow Trail	378.5059		14 Private	Gravel
Shadow Ridge Circle	1211.8205		22 Town	Paved
Shady Rest Blvd	2169.0879		19 Private	Paved
Shamrock Lane	558.8669		22 Town	Paved
Shelley Road	551.6424		22 Town	Paved
Shepard Hill	6470.9186	15/17	Town	Gravel
Shepaug Road	1750.5171		14 Private	Paved
Sherman Street	3200.4504		18 Town	Paved
Short Hill Road	509.5517		Town	Paved
Shut Road	2541.2429		24 Town	Paved
Signal Post	758.5158		16 Private	Gravel
Silo	429.2804		22 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Silver City	2193.4871		22 Town	Paved
Simpson St	1071.3534		Town	Paved
Skidmore Lane	1313.2601		22 Town	Paved
Sky Top Drive	1108.9805		22 Town	Paved
Sleepy Hollow	2319.2998		22 Town	Paved
Smoke Rise Ridge	974.8776		25 Private	Paved
Somerset	775.7114		22 Town	Paved
South Lake Drive	284.2887		Town	Gravel
Southbrook Lane	640.461		Town	Paved
Split Rock Road	2330.6368		22 Town	Paved
Spring St (Road)	457.9097		24 Town	Paved
Spring Trail	842.402		18 Private	Paved
Spruce Drive	522.7686		21 Town	Paved
Steck Drive	945.3806		16 Private	Gravel
Still Hill	3680.5123		18 Town	Paved
Stone Bridge Trail	2036.6818		11 Town	Gravel
Stone Fence Lane	1077.1827		22 Town	Paved
Stone Gate Drive	1514.5494		22 Town	Paved
Stonewall Ridge Road	1238.053		22 Town	Paved
Stony Brook Road	1111.8175		13 Town	Paved
Storm Ridge Road	630.6907		22 Town	Paved
Strawberry Lane	664.2347		22 Town	Paved
Stuart Drive	1180.6171		22 Town	Paved
Sturges Road (dirt se	3086.9997		21 Town	Gravel
Sturges Road (paved section)			Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Sugar Hill	2622.0546		18 Town	Paved
Sugar Lane	6133.7642		23 Town	Paved
Sugarloaf	3028.9129		18 Town	Paved
Summit Road	360.4774		15 Private	Paved
Sunnyveiw Ter	1304.1532		22 Town	Paved
Sunset Hill	1550.2386		15 Private	Paved
Surrey Trail	2439.2554		22 Town	Paved
Susan Lane	1417.8853		22 Town	Paved
Sutherland Drive.	606.1746		22 Town	Paved
Swamp Road	4602.4265		23 Town	Paved
Sweet Meadow	1911.413		22 Town	Paved
Sweetbriar Road	1809.2973		22 Town	Paved
Sycamore Road	1055.1474		24 Town	Paved
Tamarack Road	3011.0727	16/20	Town	Paved/Gravel
Tanglewood Road	1050.5339		21 Town	Paved
Taunton Hill Road	14843.3146		23 Town	Pave
Taunton Lake Drive	3118.0217	20/21/15	Town	Paved
Taunton Lake Road	8661.2528		22 Town	Paved
Taunton Lane	3733.9755		Town	Paved
Taunton Ridge Road	3856.9056		23 Town	Paved
Teachers Ridge	868.7911		22 Town	Paved
The Boulevard Road	7207.2345		22 Town	Paved
The Old Road	3174.0131	20/24	Town	Paved
The Old Road (Mt Pleasant end)			Town	Paved
Thomas Circle	304.4164		22 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Thunder Ridge	937.3117	22	Town	Paved
Tilson Lane	649.4296	22	Town	Paved
Timber Lane	760.981	24	Town	Paved
Timber Mill	2062.6026	23	Town	Paved
Todds Road	973.2191	18	Private	Paved
Toddy Hill Road	12698.6624	30	Town	Paved
Tomahawk Trail	1106.707	12	Private	Gravel
Topside La	588.1166	15	Private	paved
Tory Lane	1538.6886	20	Town	Paved
Totem Trail	1124.1211	12	Private	Gravel
Tower Road	675.7741		Town	Paved
Towns End	4304.9628	16	Town	Gravel
Trades Lane	1344.8047	30	Town	Paved
Trumbull Drive	474.9658	23	Town	Paved
Tunnel Road	5681.043	22	Town	Paved
Turkey Hill Road	5008.4239	22	Town	Paved
Turkey Hill Terrace	2059.983	15	Private	Paved
Turkey Roost Road	2692.6498	16	Town	Paved
Turnberry Lane	1299.7245		Town	Paved
Twist Hill Lane	1867.1846		Town	Paved
Twist Hill Road	1056	23	Town	Paved
Underhill	2537.161	20	Private	Paved
Valley Field Road No	1136.1972	22	Town	Paved
Valley Field Road Soi	4818.2135	22	Town	Paved
Valley View	3393.3316	22	Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Vining Road	1349.3407		20 Town	Paved
Violette Road	744.1459		24 Town	Paved
Vona Way	817.7066		22 Town	Paved
Walker Hill Road	2694.7023		17 Town	Paved
Walnut Trail	1183.2238		22 Private	Paved
Walnut Tree Hill Road	17152.244		22 Town	Paved
Washbrook	3093.8997		18 Town	Paved/Gravel
Washington Ave	2249.0061		28 Town	Paved
Washington Hill	411.483		13 Private	Gravel
Watch Hill Road	915.8074		22 Town	Paved
Waterveiw Drive	5954.1609		14 Private	Paved
Webster Pl	1904.0436		22 Town	Paved
Wedgewood Court	1798.8918		22 Town	Paved
Wendover Road	1596.9443		20 Town	Paved
Wentworth	651.2174		22 Town	Paved
West Farm Ridge	826.0398		22 Town	Paved
West St.	4734.5399		28 Town	Paved
Westwood Terrace	1206.6613		22 Town	Paved
Whippoorwill Hill	1785.3415		22 Town	Paved
White Oak Farm Road	1945.5069		22 Town	Paved
Whitewood Road	3997.1481		22 Town	Paved
Wildcat Road	1159.2815		14 Town	Paved
Wilderness West	1125.2171		16 Town	Paved
Wiley Road	959.7654		14 Private	Gravel
Williams Lane	1095.1858		22 Town	Paved

Road Name	Length	Width	Town/Private	Paved/Gravel
Willow Brook Lane	1862.6607	22	Town	Paved
Wills Road	2849.1387	19	Town	Paved
Winding Brook Road	2019.0508	22	Town	Paved
Windy Woods Circle	1299.8953	24	Town	Paved
Winesap Road	1030.9872	22	Town	Paved
Winslow Road	857.5463	18	Town	Paved
Winter Ridge Road	1144.1608	22	Town	Paved
Winton Farm Road	4335.1077	22	Town	Paved
Woodbine (Edgewood)	1403.8439	15	Town	Paved
Woodbine (old green side)		20	Town	Paved
Yearling Lane	1539.5757	22	Town	Paved
Yogananda Street	4514.0884	22	Town	Paved
Zoar Road	4316.6811	18	Town	Gravel

LIST OF TOWN ROADS BROKEN IN THE MIDDLE

BENTAGRASS LANE

Short stretch needs grading and a few yards of gravel.

Convenience High.

BLACKBRIDGE ROAD

Good walking trail into the Pootatuck River Gorge.

BRIAN LANE / WASHBROOK ROAD

Short flat stretch undeveloped. Would need grading and a few yards of gravel. Not difficult but Convenience Low.

CHAMBERS ROAD into Paugussett State Forest

Good walking trail.

DAYTON STREET BRIDGE

Walking only - Historical interest

DUG HILL ROAD AND MALTBIE ROAD

One of these roads should be opened to permit travel from Castle Meadow Road to Hundred Acres Road. The road bed from Maltbie to Dug Hill is easily improvable. A significant shortcut. Convenience Very High.

EAST STREET

Someday!

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Leads into Upper Paugussett State Forest. Used to lead a long way north to the Housatonic River at what I understand was a ford. Cut off by Lake Lillinonah. Good walking trail.

HEAD OF MEADOW ROAD

Break in the road is hilly and narrow. Lots of residents on each end of the road so probably some opposition. Would be another access to Taunton area but can use Scudder to Ashford Lane instead. Good walking trail. Too difficult to open for the benefit achieved.

LAKE GEORGE ROAD

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WILDCAT ROAD

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C

Town of Newtown, CT
Monday, August 17, 2015

Chapter 560. Subdivision of Land

Article IV. Substantive Provisions

§ 560-23. Proposed streets.

- A. Proposed streets shall be appropriate to the topography and location, giving due consideration to contours, natural features, historic factors, and existing streets, and shall conform to the objectives of the Plan of Conservation and Development. Proposed streets shall be in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development as amended from time to time, especially in regard to safe intersections with such thoroughfares. When required by the Commission, provision shall be made for future extension of streets into the adjoining land. Construction and layout of proposed streets shall conform to Chapter 185, Road Construction, including, without limitation, a minimum width of 50 feet and adequate storm drainage facilities. All stormwater drainage shall be designed to incorporate best management practices that are consistent with the Connecticut Department of Environmental Protection (DEP) nonpoint source management program and guidelines for pollution controls and shall be consistent with the DEP 2004 Connecticut Stormwater Quality Manual, as amended. If such drainage crosses land not owned by the applicant, easements must be provided to the Commission with the application.

[Amended effective 8-11-2003; effective 4-1-2008]

- B. When a proposed subdivision adjoins undeveloped land capable of being subdivided, street rights-of-way (outlet streets) shall be provided from the streets in the proposed subdivision to the boundary with adjoining property at locations acceptable to the Commission. Outlet streets shall be deemed streets for purposes of establishing setback lines but shall not provide sole frontage for any lot shown in the proposed subdivision, need not contain a temporary turnaround and the improvement thereof shall not be considered a subdivision improvement of the proposed subdivision nor be required as part of the proposed subdivision bond filed for the proposed subdivision.
- C. Where it is possible for a street in a proposed subdivision to connect with a temporary dead-end street in an existing subdivision or to an unimproved street in an existing subdivision left for future improvement as an outlet street to adjoining property, the plan-profiles of the proposed subdivision shall show, and the application for final approval shall include, all work required to connect and complete the outlet street within the existing subdivision and the improvements and utilities between the proposed and the existing subdivisions.
- D. Dead-end streets.
- (1) A permanent dead-end street is a street the end of which is blocked from further extension by lots within the proposed subdivision. Temporary dead-end streets are those which terminate at the boundary of the proposed subdivision or for which an outlet street has been provided from the end of the portion to be improved to the boundary of the proposed subdivision.
 - (2) Dead-end streets shall terminate in a turnaround 100 feet in diameter with a completely paved level area 80 feet in diameter. The segments of the turnaround on a temporary dead-end street outside the normal street right-of-way width shall be dedicated to the Town for highway purposes but with the restriction that said segments shall revert to adjoining lot owners when the temporary dead-end street is extended and the extension is accepted by the Town.

- (3) Permanent dead-end streets shall provide sole access to a minimum of four lots.
- (4) No permanent or temporary dead-end street or series of dead-end streets intersecting with each other shall provide the required street frontage or provide sole access to an existing street for more than 15 dwellings total. This restriction shall apply to a series of streets or a street making a loop with itself, provided that such streets have only one intersection with an existing street. For the purposes of this regulation, the term "existing street" is defined as a roadway which has received all the necessary municipal and state approvals to carry vehicular traffic as a street on or before October 2, 1967, the date of adoption of these regulations. The applicant has the burden of proving that the street existed on October 2, 1967 and that it continues to exist.
[Effective 11-29-1999]
- E. Where the Commission classifies a proposed street pursuant to Chapter **185**, Road Construction, as other than a local residential street, then the right-of-way of that street shall have the width required by Chapter **185**, Road Construction, for the particular classification made. Where a proposed street may now or in the future carry other than neighborhood traffic, and where the location of such a street is shown on the plan of development, a right-of-way greater than 50 feet in width may be required by the Commission.
- F. Proposed subdivision streets shall intersect existing and other proposed streets at right angles for a distance of at least 100 feet from the intersecting street lines unless otherwise approved by the Commission. Street lines at intersections shall be connected by a curve having a minimum radius of 25 feet. Final approval will not be given where streets are shown on the final subdivision plan intersecting with each other at an angle of less than 60°.
- G. Where a proposed street or storm drainage system is to be integrated or connected in any manner with a Connecticut state highway, final approval will not be granted until the Connecticut Highway Department has expressed its approval of said connection in writing to the Commission, and all necessary permits have been secured by the applicant.

§ 560-24. Existing streets.

- A. No land shall be subdivided nor final approval given until or unless:
 - (1) The right-of-way of the existing street or streets which provide frontage to proposed lots or access for proposed streets is one which has been established as a Town street or state highway, and the right of the public to use said street shall not have been lost by abandonment. Subdivision of land on private streets, roads or rights-of-way is prohibited.
 - (2) The final subdivision plan shows a street right-of-way dedicated for public highway purposes at least 25 feet in width, measured at right angles from the center line on either side of the center line of the existing street right-of-way at all points where land in the proposed subdivision abuts said existing street or streets. Unless there is physical evidence such as well-defined stone walls, the center line of the existing traveled portion of the street shall be presumed to be the center of a street right-of-way. Where land on the opposite side of the existing street from the proposed subdivision has been subdivided subsequent to October 2, 1967, the twenty-five-foot measurement shall be taken from the same center line as used by the prior subdivider in showing the existing street right-of-way so that the resulting width of the existing street right-of-way will be at least 50 feet.
 - (3) No steps required by the General Statutes for the discontinuance or realignment of streets or public highways shall have been taken with reference to any existing street which provides frontage to proposed lots or access to proposed streets.
 - (4) Any application that proposes to direct the stormwater discharge to enter the storm drainage disposal facilities on any existing street shall be required to illustrate to the Town Engineer's satisfaction that the storm drainage disposal facilities into which such drainage will flow are adequate to carry the additional storm drainage from the proposed subdivision. Where there are no existing storm drainage facilities or if they are inadequate to carry the additional storm drainage to be created by the

development of said subdivision, the Commission may disapprove the subdivision unless the legislative body of the Town approves the expenditures for the construction or improvement of said storm drainage disposal facilities or construction or improvement of said facilities is included in the application for final approval.

[Amended effective 4-1-2008]

- B. Where a subdivision, in the opinion of the Commission, would require unreasonably large expenditures by the Town to grade and improve existing streets to serve vehicular and pedestrian traffic to be generated by the proposed subdivision in a safe manner, the Commission may disapprove said subdivision unless such expenditure has been approved by the legislative body of the Town, or the grading or improvement of said existing street or streets is included in the application for final approval, or the subdivider has entered into a contract with the Town for a nominal consideration to improve said existing streets to serve the traffic to be generated by the proposed subdivision in a safe manner. In the event that the subdivider intends to enter into such a contract with the Town, a copy thereof and a plan and profile showing the work to be done shall be submitted to the Commission prior to final approval.

*Town of Newtown, CT
Monday, August 17, 2015*

Chapter 204. Streets and Sidewalks

[HISTORY: Adopted by the Town of Newtown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Road construction — See Ch. 185.

Scenic roads — See Ch. 191.

Subdivision of land — See Ch. 560.

Article I. Town Plowing of Private Roads

[Adopted 2-2-1968 STM (Ord. No. 27)]

§ 204-1. Plowing in order to provide emergency services.

The Board of Selectmen is hereby empowered and directed to provide snow removal and sanding services on private roads to the extent necessary to provide residents of the Town of Newtown wherever situated with police, fire, ambulance and other emergency protection throughout those portions of each year that such road services are required to maintain suitable access to such residents by emergency vehicles. The foregoing shall not be construed as authorizing such services for any private road on which there are fewer than three occupied residences or which is in such condition as to create a hazard to Town equipment; nor shall the Board of Selectmen be required to provide such services beyond the last inhabited house on any private road. Such services shall in no way adversely affect the clearing of accepted Town roads and shall be performed on a schedule to be established by the Board of Selectmen in its discretion.

Article II. Burning on Public Highways

[Adopted by the Board of Selectmen 11-4-1969 (Ord. No. 31)]

§ 204-2. Burning on highways prohibited.

No person, partnership or corporation shall burn or cause to be burned any substance whatsoever on the paved portion of any public highway maintained by the Town of Newtown, whether or not said paved portion is part of the traveled portion, or upon the traveled portion of any highway maintained by the Town of Newtown, whether or not said traveled portion is paved.

§ 204-3. Penalties for offenses.

- A. Any person, partnership or corporation which violates this article shall be fined not more than \$100.
- B. Any person, partnership or corporation having violated this article shall be liable to the Town of Newtown for the cost of repairing any damage caused as a result of said violation.

- C. Notwithstanding any language above to the contrary, the maximum fine for each violation under this article shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this article may appeal that fine to the Town hearing officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process.
[Added 9-17-2003]

§ 204-4. Citation hearing officer.

[Added 9-17-2003]

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 204-5.

§ 204-5. Appeals procedure.

[Added 9-17-2003]

- A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:
- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
 - (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
 - (3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
 - (4) That such judgment may issue without further notice.
- B. If the person who is sent notice pursuant to Subsection **A** of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection **A** of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection **D** of this section.
- C. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such

person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

- D. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may issue without further notice to such person.
- E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Article III. Excavations and Openings

[Adopted 5-20-1981 (Ord. No. 58A); amended 11-16-1991]

§ 204-6. Title and purpose.

- A. This article shall be known and may be cited as "Newtown Road Excavation Ordinance."
- B. This article shall be liberally construed and applied to promote its underlying purposes and policies which are:
 - (1) To ensure that all Town roads, streets and highways will be restored to their former condition, in proper and orderly fashion, immediately following any excavation therein:
 - (2) To protect the Town of Newtown against expenses which might be incurred in such restoration in the event of failure or improper performance of such restoration; and
 - (3) To ensure that the proper agents of the Town will have knowledge of all such excavations and the scope and extent thereof.

§ 204-7. Permit required; fee; bond; insurance.

- A. Before making any opening, aperture, or excavation for any purpose in any Town road, street or highway, the person making such excavation shall obtain a permit therefor from the First Selectman. The form of application for the permit and the permit shall be in such style as the First Selectman or his designee shall designate. A fee, as may be established from time to time by the Board of Selectmen, shall be paid to the Town of Newtown for each permit issued hereunder.
- B. Before any such permit may be issued by the First Selectman, the person making such excavation shall file

with said First Selectman a bond, consisting of either a certified check or a letter of credit. Said letter of credit shall be in a form satisfactory to the Town Attorney, issued by a recognized financial institution authorized to do business in the State of Connecticut. The amount of the guarantee will be equal to 100% of the cost of the work to be performed and shall secure to the Town of Newtown the actual cost of the work to be performed necessary to restore the subject road, street or highway to a condition the equivalent of that prior to any such excavation; provided, however, that no bond shall be accepted in an amount less than \$500. The cost of the excavation work shall be estimated by the professional engineer of the applicant for a road excavation permit. Estimates shall be prepared in detail for all phases of the work, and where there is a difference between the professional opinions of the engineer of the applicant and the Town Engineer as to the cost estimate, the opinion of the Town Engineer shall prevail. Said bond shall continue to be held by the Town of Newtown for a period of six months following the restoration of any such road, street or highway, during which time all or any part of said bond shall be paid over to the Town of Newtown in the event that said restoration be not properly and completely performed; provided, however, that no greater amount shall be paid over than as necessary for such Town to expend for such restoration. For the purpose of this section, the aforesaid six-month period shall begin to run upon notification in writing to the First Selectman of completed restoration.

- C. Before any such permit may be issued by the First Selectman, the applicant shall also provide the First Selectman with a certificate of insurance showing minimum liability coverage of \$500,000; provided, however, that the above requirements shall be waived for public utility companies who have filed with the Secretary of State a certificate of solvency. The Town shall be named as a co-insured on the certificate of insurance.

§ 204-8. Protection of excavations; restoration of highway.

- A. Whenever any person shall make any excavation in any Town road, street, or highway, such person shall erect such signs, signals, guard rails and other devices which the First Selectman shall deem necessary to protect the users of such road, street, or highway from the danger occasioned by the existence of such excavation. During the course of such excavation, no person shall cause any road to be closed to traffic without prior permission in writing from the First Selectman.
[Amended 10-16-2002]
- B. Whenever any excavation shall be made in any road, street or highway, the person making such excavation shall, as soon thereafter as practicable, fill in such excavation and stamp and puddle the earth therein so that the same shall not settle, restore the portion of the street so excavated to the condition in which it existed before such excavation was made, and from time to time for a period of six months thereafter make such repairs as may be necessary to maintain the portion of the street so excavated at the level of the roadway. If the excavation is made in a paved road, street or highway, the person making such excavation shall, after filling in such excavation as hereinbefore provided to a point within six inches of the surface of the street, fill in the remaining portion thereof with such paving materials as shall result in a paved surface for such excavation of the same quality and type as theretofore existed, and shall from time to time thereafter make such repairs as may be necessary to maintain the portion of the street so excavated at the level of the roadway for a period of six months. If any such excavation shall not be so repaired and maintained in repair. It shall be the duty of the First Selectman to cause such repairs to be made and to charge the expense thereof against the person making such excavation, which expense shall be collected from the bond posted and filed as aforesaid.

§ 204-9. Enforcement; penalties for offenses.

- A. This article shall be enforced by the First Selectman or his agent. Any person violating any provision of this article shall be fined \$100 for each day that such violation shall continue.
- B. The imposition of a fine shall not be a bar to the enforcement of such other legal or equitable remedies as might exist to enforce compliance with this article.

- C. Notwithstanding any language above to the contrary, the maximum fine for each violation under this article shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this article may appeal that fine to the Town Hearing Officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process.
[Added 9-17-2003]

§ 204-10. Citation hearing officer.

[Added 9-17-2003]

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 204-11.

§ 204-11. Appeals procedure.

[Added 9-17-2003]

- A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:
- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
 - (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
 - (3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
 - (4) That such judgment may issue without further notice.
- B. If the person who is sent notice pursuant to Subsection A of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection A of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection D of this section.
- C. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such

person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

- D. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may issue without further notice to such person.
- E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Article IV. Liability for Ice and Snow on Public Sidewalks

[Adopted by the Legislative Council 12-19-1990 (Ord. No. 70)]

§ 204-12. Purpose.

The purpose of this article is to assure safe public sidewalks, clear of ice and snow.

§ 204-13. Statutory authority.

The provisions of Connecticut General Statutes § 7-163a are hereby adopted as an ordinance of the Town of Newtown as set forth below.

§ 204-14. Limitations on Town liability.

Notwithstanding the provisions of § 13a-149 of the Connecticut General Statutes or any other General Statute or special act, the Town of Newtown shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Newtown is the owner or in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the Town of Newtown shall be liable for its affirmative acts with respect to such sidewalk.

§ 204-15. Owner's responsibilities.

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting

his/her property as the Town of Newtown had prior to the effective date of this article and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

§ 204-16. Statute of limitations.

No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

Town of Newtown, CT
Monday, August 17, 2015

Chapter 191. Scenic Roads

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 6-18-1997 (Ord. No. 76); amended 2-17-1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Road construction — See Ch. 185.

Streets and sidewalks — See Ch. 204.

Subdivision of land — See Ch. 560.

§ 191-1. Findings.

- A. Connecticut General Statutes § 7-149a, enacted in 1981, states that the protection of scenic and historic resources is essential to the welfare of the people of Connecticut.
- B. The scenic and rural roads of the Town of Newtown are irreplaceable resources. The natural landscape and visual quality of a community provide it with a sense of pride and individuality, setting it apart from other places. The protection and preservation of these resources is of immeasurable benefit to the people of the Town of Newtown. It is the purpose of this chapter to provide a balance between the need to provide safe and convenient public transportation as well as other public safety needs along with preserving the scenic and rural values.

§ 191-2. Authority to designate; applicability.

The authority to designate Town roads as scenic roads rests with the Legislative Council. This chapter does not apply to private, state or federal roads.

§ 191-3. Designation criteria.

- A. In order to apply for this designation, a road must be free of intensive commercial development or an area with intensive vehicular traffic. It also must meet at least one of the next six criteria:
 - (1) The road is unpaved.
 - (2) The road is bordered by mature trees and stone walls.
 - (3) The road is no more than 20 feet in width.
 - (4) The road offers scenic views.
 - (5) The road blends naturally into its surrounding terrain.
 - (6) The road parallels or crosses lakes, ponds, rivers or streams.
- B. Other criteria to consider include whether:
 - (1) The section to be designated should have a minimal length of at least 30% of the length of the entire road.

- (2) The road fronts areas designated as parks, forests or conservation areas.
- (3) The road fronts farmland.
- C. The owners of a majority of lot frontage and driveway access abutting the road to be designated must petition for designation of the road as scenic. This petition must be filed with the Town Clerk. The petitioners must prove to the Legislative Council that they do in fact constitute such a majority. Such proof may include information already maintained by the Town of Newtown, but also may require new information such as surveys. The total responsibility and expense rests with the owners filing the petition.
- D. Meeting one of these six criteria is a threshold requirement to be eligible for scenic road status but does not mean that scenic road status will automatically or necessarily be conferred by the Legislative Council. Further, note that only three of the six criteria are totally objective, and therefore it is possible that the Council may not agree with the petitioner's contention as to which criteria are met.
- E. The Legislative Council shall consider the petition, application, comments received at public hearing, and recommendations of Town agencies in deciding whether to designate a road as scenic. The Council shall be guided by the best interests of the Town.

§ 191-4. Designation procedure.

- A. Once a petition has been filed with and validated by the Town Clerk, the petitioning group must provide an application in duplicate to the Board of Selectmen that includes the following:
 - (1) Signatures and addresses of the abutting landowners and landowners with driveway access abutting the road.
 - (2) The name and description of the road.
 - (3) A written statement providing and describing facts about the road.
 - (4) A written statement providing those characteristics of the road that qualify it for scenic road status.
 - (5) Pictures of the road.
 - (6) The name and address of the circulator of the application, along with a date of application.
 - (7) Written proof, i.e., return receipt, of notification to all owners of land abutting the road and landowners with driveway access abutting the road of the intention to designate the road as scenic.
- B. The following procedure shall take place after the application has been accepted:
 - (1) The Board of Selectmen or First Selectman's office shall notify the Chairman of the Legislative Council and the Chairman of its Ordinance Committee of the date on which it receives any complete application, within three business days of that date. The Board of Selectmen will review any application at one of its next two regular meetings following the date of submission of the application and will notify the applicant of the date, time, and place of that meeting. In addition, within three business days of receiving the application, the Board of Selectmen or First Selectman's office shall submit copies of the application and petition to the Conservation Commission, Planning and Zoning Commission, Police Department and Fire Department and request it be provided with comments or recommendations from each on the application within 45 days of receipt. It is not expected that the applicant make formal presentations to any of these agencies; rather, each agency should provide any comments or recommendations based upon its particular area of expertise.
 - (2) The Legislative Council shall hold a public hearing, which shall take place within 65 days from the date the application has been received by the Board of Selectmen. Legal notice shall be published in a newspaper having substantial circulation in the Town of Newtown at least 10 days prior to the public hearing.

- (3) The Legislative Council shall render a decision within 45 days of the hearing. Notice of the decision shall be posted in a newspaper having substantial circulation in the Town of Newtown. The Legislative Council is the final authoritative body.

§ 191-5. Rescission of designation.

The designation of a Town road or portion of a Town road as a scenic road may be rescinded by the Legislative Council using the same procedure required for designation, i.e., written application by owners of a majority of lot frontage and driveway access abutting the roadway, proof of majority, notification of proof, reports from Town agencies, public hearing and Legislative Council vote.

§ 191-6. Maintenance, repair or alterations.

A. Maintenance, repair and routine alterations.

- (1) The Town shall maintain the road, or any portion of the road, in good and sufficient repair and in passable condition within the requirements of maintaining public safety.
- (2) The Town shall maintain the road, or any portion of the road, without alteration, to ensure public safety and preserve the highest degree of scenic characteristics.
- (3) The Town, in the case of a natural disaster, shall repair the road to its original, pre-emergency condition.
- (4) Routine care and alterations, to be carried out by the Town, shall include trimming vegetation, removal of dead or diseased trees, correcting drainage problems, minimal widening so the road does not exceed 20 feet, plowing, sanding, sweeping and catch basin cleaning.

B. Nonroutine alterations.

- (1) The Public Works Department must seek advance approval from the Legislative Council for any nonroutine alterations. The Board of Selectmen shall review nonroutine alterations to determine if they are in the best interest of the Town and shall pass on its recommendation to the Legislative Council. Improvements or nonroutine alterations such as paving of dirt or gravel roads, widening, change of grade, straightening, removal of structures or mature trees require approval of the Legislative Council. Upon receipt of a request by the Public Works Department to perform nonroutine alterations, the Board of Selectmen shall notify the owners of land with frontage and driveways abutting the road that alterations have been proposed and schedule a public hearing to discuss the alterations. Notification of the hearing also shall be published in a newspaper having a substantial circulation in the Town of Newtown. The Council shall grant such approval if it finds that such alterations are necessary to maintain public safety. Any work performed shall, to the extent possible, be done in a manner to ensure the preservation of the original rural and scenic values.
- (2) Insofar as any alterations are performed, they shall be designed to conform to the following:
 - (a) Speed limits shall be low and posted.
 - (b) Curves shall be correlated with existing curves and would allow for a constant unfolding of new and change in views. Curves should not be eliminated unless unsafe.
 - (c) Grades shall be maintained and only changed if absolutely necessary for safety. The change in grade should not exceed 2°.
 - (d) Widths shall be narrow and preserved. Turnouts and wide sections shall be implemented instead of complete widening to maximize preservation.
 - (e) Side slopes shall be preserved. Existing steep slopes and naturally occurring rock formations are

characteristic with scenic roads and are preferable to extensive removal of soil and rock.

- (f) Vistas shall be preserved and maintained.
- (g) Rock walls shall be preserved.
- (h) Vegetation shall be preserved and managed to preserve the character. Overhanging or overarched trees are characteristic of scenic roads.
- (i) Nonscenic uses and structures, such as billboards and other unsightly visions, shall be prohibited.

§ 191-7. Rights of landowners.

- A. Nothing in this chapter shall be deemed to prohibit a person owning or occupying land abutting or owners with driveway access abutting a scenic road from maintaining or repairing the land which abuts the scenic road if the repair or maintenance occurs on the land not within the right-of-way, paved or unpaved, of the scenic road.
- B. Nothing in this chapter shall be deemed to prohibit a person owning land abutting a scenic road from improving his or her land or gaining access to his or her property in accordance with all other Town regulations and ordinances.

HIGHWAY ACTION RECORDED IN TOWN JOURNAL

Vol. 1 & 2

P. 82 - Jan. 25, 1719/20: Voted to accept highway from Common Road to Castle Meadow Brook, as described on page 86A, in detail.

Vol. 1 P.R.

P. 76 - Dec. 15, 1740: Layout of Walnut Tree Hill Rd.

P. 110 - Mar. 5, 1749: Voted to accept all highways previously laid out, even though not laid out in due form, and if not already encroached upon by any division of land they shall stand good "from this time forward to the end of the world" as to their width as shown in the public records of Newtown or of its proprietors.

P. 124 - Feb. 13, 1758: Voted to lay out highways in the following widths: Town Street 8 rods wide from Eb. Bristol's house to Lt. Heth Peck's; highways on each side of the Ram's Pasture to be 6 rods wide; highway from the Meeting House to Gideon Baldwin's meadow east of his house to be 6 rods; all other designated country roads to be 6 rods; all other roads within 2 miles from Meeting House to be 4 rods, except private roads or roads not much used to be 2 rods wide.

Vol. 4

P. 93 - Jan. 4, 1768: Appointed a committee to represent the town before the County Court at Fairfield for a convenient highway from Newtown to the Narrows at Stevens' Ferry.

P. 97 - Sept. 20, 1768: Appointed Oliver Tousey et al a committee to meet with a Stratford committee and agree on a new road to the Narrows.

P. 100 - Apr. 12, 1784: Voted to build a bridge over Pototook Brook at Mile Hill Rd.

P. 106 - Dec. 18, 1769: Appointed Oliver Tousey a committee to clear new road to Narrows by Abel Booth as far as Barrows Pt.

P. 119 - Dec. 18, 1786: Voted to shift Redding Rd. to south of Cyrus Beers' house (instead of north).

Vol. 5

P. 4 - Dec. 13, 1790: Voted to build a bridge over Pototook Brook.

P. 21 - Dec. 9, 1793: Authorized the Selectmen to build a road thru Huntingtown from Deodate Silliman's to Newtown line near Daniel Sherwood's on Pine Swamp Hill.

P. 51 - Dec. 18, 1797: Authorized Selectmen to make a road from Capt. Morris's at Grays Plain thru Judson's to meet a road from Huntington.

P. 71 - Dec. 14, 1801: Accepted 4 highways for record as follows:

- a. Alteration of highway near Peter Foot's per survey 12/14/1801.
- b. Highway up Gelding Brook per survey 12/24/01.
- c. Alteration of highway from Sandbar Bridge to Newtown Church, per survey 11/24/01.
- d. Alteration of highway from pole bridge to Thomas Sanford's, per survey 10/6/01.

Voted to refer a petition for a road across Gregory's Orchard to the Selectmen for action at their discretion.

Voted to accept and record alteration of highway from George Shepard's towards Flat Swamp per survey 12/15/01.

P. 76 - Dec. 13, 1802: Voted to accept and record the 1/5/02 survey of road from Gregory's Orchard to Peck's Sawmill.

Voted to accept and record the 11/30/02 survey of road east of Lemuel Nichols towards Huntingtown.

Voted to accept and record the 1/21/02 survey of road by Tardis Skidmore's.

Voted to accept and record the 12/27/02 survey of road from Andrew Shepard's barn to Andrew Griffin's house.

P. 80 - Apr/ 11, 1803 Voted to discontinue road back of the burial ground to Lamson Birch house.

P. 71 - Dec. 14, 1801: Voted to accept and record
a. Dec. 24, 1801 survey of road near Peter Foot's.
b. Dec. 24, 1801 survey of road up Gelding Brook.
c. Nov. 24, 1801 survey of road from Sandbar Bridge to Newtown Church.
d. Oct. 6, 1801 survey of road from pole bridge to Thomas Sanford's.

P. 84 - Feb. 6, 1804: Voted to accept and record alteration of road near David Starling's leading from river to Danbury line, per survey of 12/26/1803.

P. 85 - Dec. 10, 1804: Voted to accept and record survey 6/20/1804 of road from Gregory's Orchard to Good Hill.

P. 73 - Dec. 14, 1801: Voted to accept and record alteration of highway from George Shepard's towards Flat Swamp, per survey 12/15/01.

P. 76 - Dec. 13, 1802: Voted to accept and record 1/5/02 survey of road from Gregory's Orchard to Peck's Saw Mill.

Voted to accept and record 11/30/02 survey of road east of Lemuel Nichols towards Huntingtown.

P. 96 - Dec. 15, 1806: Voted to accept and record survey of 12/2/06, alteration of road from Mile Hill to Zoar.

Voted to accept and record survey of 5/20/06 of alteration of highway by Collin Chapman's.

Voted to accept and record survey of about 30 rods thru land of Sherman Botsford from Half Way River, opposite highway on Huntington side of river.

P. 91 - Dec. 9, 1805: Voted to accept and record road laid out by Selectmen from the stone bridge in Hanover to the top of Bear Swamp Hill.

Voted to accept and record road from the top of Bear Swamp Hill to the head of Main Street near the schoolhouse.

P. 94 - Oct. 6, 1806: Voted to accept and record alteration to highway east of Asa Winton's on the Newtown Danbury Rd.

Voted to accept survey of a road from Daniel Hard's, intersecting the Middle Turnpike near Poll Bridge.

P.110 - Dec.12, 1806: Voted to accept and record layout of road from Jonathan Goodsell's, intersecting the Bridgeport-Newtown Turnpike a little north of Widow Phebe Summers'.

P. 113 - Oct. 2, 1809: Voted to accept and record 3/20/09 survey of road near Half Way River thru land of Kneeland Townsend, Henry Tomlinson, Josiah Tomlinson and Beach Tomlinson.

P. 103 - Dec. 7, 1807: Voted to accept and record 4/3/06 survey of road west from Capt. Asa Winton's dwelling to the Danbury line. (See NLR vol. 23, p.603).

P. 114 - Dec. 4, 1809: Voted to accept and record survey of 9/17/09, road "for the use and benefit of Philo Curtis".

P. 117 - Aug. 27, 1810: Voted to discontinue old road from Philo Curtis's dwelling west to intersention with Middle Road Turnpike to Daniel Hard's; also to approve sale of same to Philo Curtis.

Voted to alter (if possible) road laid by County Court Committee from Daniel Hard's by Sherman's Saw Mill to Middle Gate on Bridgeport-Newtown Turnpike, so that road would go over Botsford Hill rather than by the original layout.

P. 120 - Dec. 10, 1810: Voted to discontinue road near Jotham Hawley's new dwelling.

P. 121 - Dec. 23, 1811: Voted to accept and record 4/15/10 survey of road below the dwelling of Daniel Morris.

P. 124 - Dec. 30, 1811: Voted to accept and record 6/15/11 survey of road at Hog Pen Brook.

P. 125 - Apr. 13, 1812: Voted to accept and record 6/15/11 survey of road across Toddy Hill.

P. 126 - Dec. 14, 1812: Voted to accept and record 10/6/12 survey of road near Taunton Hill.

P. 127 - Dec. 28, 1812: Voted to accept and record 12/28/12 survey of road near Miles Brook thru land of Cyrenius Hard.

P. 130 - Dec. 6, 1813: Voted to accept alteration of road near the dwelling of Daniel B. Roberts.

P. 139 - Dec. 12, 1814: Voted to accept and record 4/20/14 survey of road near dwelling of Turney Peck.

P. 142 - Dec. 11, 1815: Voted to accept and record Selectmen's survey of a road from near Benjamin Hard's on Toddy Hill to near the dwelling of Elijah Sherman towards Zoar.

P. 143 - Feb. 26, 1816: Voted to accept and record alteration of highway near Pine Swamp thru land of Ebenezer Beers, per survey 2/26/16.

P. 145 - Nov. 4, 1816: Voted to accept and record survey 11/25/16 of road a little south of Castle Meadow Brook thru land of John French.

P. 142 - Dec. 11, 1815: Voted to accept 12/11/15 survey of road from Amos Shepard's towards Taunton.

Voted to discontinue part of old highway north of Amos Shepard's towards Taunton.

Voted to discontinue old highway from Stephen Shepard's towards Taunton.

Voted to accept and record 11/27/15 survey of road at Job's Falls.

P. 149 - Dec. 1, 1817: Voted to accept 11/12/17 survey of road near Joseph Bennett's dwelling.

P. 163 - Dec. 20, 1819: Voted to accept 12/13/19 survey of road at Ragged Corner.

P. 165 - Jan. 24, 1820: Voted to accept alteration of road back of Gelding Hill.

P. 179 - Dec. 23, 1822: Voted to accept and record 12/23/22 survey of alteration of highway near the dwelling of Lyman Sherman heirs.

P. 208 - Jan. 28, 1828: Voted to accept and record survey altering road in Taunton from Wheeler Fairchild's to Flat Swamp.

P. 217 - Dec. 21, 1829: Voted to accept and record survey 12/12/29 of road from Union Bridge to near the dwelling of Benjamin C. Glover.

P. 226 - Nov. 26, 1831: Voted to accept and record 11/16/31 survey altering highway from Union Bridge thru land of Benjamin C. Glover.

P. 244 - Nov. 25, 1833: Voted to accept survey 11/25/33 altering road beginning near the dwelling of Charles C. Warner.

Vol. 5

P. 255 - Dec. 22, 1834: Voted to accept the Selectmen's report re road from Elias & Lemuel Beers' to intersect old road by Daniel Briscoe's to Monroe line.

P. 259 - Oct. 5, 1835: Accepted 6/20/35 survey by Selectmen of road from near the dwelling of Damon Blackman to near Sanford's factory in Sandy Hook.

P. 302 - Oct. 7, 1839: Voted to discontinue road called "the back side" leading to Taunton Pond.

P. 310 - May 11, 1840: Voted to accept survey of road at Land's End from Tyrus Hawley's to R. R. Depot. Survey dated 12/6/39.

Vol. 6

P. 13 - May 11, 1841: Authorized Selectmen to straighten road at Pappoose (on west side of R. R.) to Hawley's Bridge.

P. 24 - May 23, 1842: Voted to accept and record survey dated 4/1/1842 of road thru land of Benjamin Hawley and S. Blackman in Land's End and Lake George.

Voted to accept alteration dated 5/23/42 of road from Bennett's Bridge to Sandy Hook.

Voted to accept and record alteration dated 5/23/42 of road from Pole Bridge west past Philo Curtis's dwelling.

P. 24 - Oct. 3, 1842: Authorized Selectmen to use their discretion re building a road from Hawleyville Depot to Brookfield, as laid out by the County Court.

P. 62 - May 30, 1846: Voted to accept highway beginning near the dwelling of Joseph Booth and running north to intersect old road near Brick Kiln of Amos G. Peck (near R. R.).

P. 124 - Oct. 1, 1850: Voted to discontinue part of old road in Land's End from dwelling of Lawrence Farrel and running west.

Voted to discontinue part of old road in Head of Meadow from old Norwalk Road southwesterly 15 rods to Hart Shepard's Mill House, intersecting road to Flat Swamp.

Voted to re-route old road from south abutment of stone bridge 4 to 5 rods Northwest from the dwelling of George Beers, 2 1/2 rods wide.

P. 133 - July 7, 1851: Voted to accept new road beginning near dwelling of Bennett Platt and intersecting Newtown & Norwalk Turnpike at Key Hole.

Voted to accept alteration of highway at Hawleyville.

P. 165 - Oct. 3, 1853: Voted to discontinue old road from Merwin house to top of hill to main road to Bethel. Abel Rotsford to pay the town \$50.00 for said land.

P. 160 - May 2, 1853: Voted to accept road at R. R. crossing between Newtown Street and Hanover.

Voted to accept road from Middle Gate District to Huntingtown District.

P. 170 - Nov. 26, 1853: Voted to accept road at Lake George near dwelling of Charles Skidmore.

P. 172 - Dec. 10, 1853: Voted to rescind vote (11/26/53) re road laid out near dwellings of Charles Skidmore and James Blackman.

P. 174 - June 12, 1854: Voted to discontinue old road from Reuben

P. 174 - June 12, 1854 (cont'd):

Shepard's by Zera Judson's to Dodgingtown, - except 4 rods of old road to be reserved from where new road crosses.

P. 185 - Feb. 3, 1855: Voted to accept road near Josiah Booth's house, terminating at Hanover Rd. (full description on pages 185-6).

= Voted to accept road near Robert N. Hawley's (see Vol. 40, page 621).

Voted to accept road near Cyrus D. Fairchild's (see Vol. 40, page 621.)

Voted to discontinue old road in Taunton, from East & West Road to Abijah Road near Cyrus Fairchild's, known as Horsebeat Rd.

Voted to discontinue old road near Stiles S. Smith's house.

Voted to discontinue old road near Julius Sanford's house.

P. 165 - Oct. 3, 1853: Voted to discontinue old road near late residence of William Platt.

P. 192 - Sept. 8, 1855: Voted to accept lay of road laid out by Selectmen 8/29/55 near lower Rubber Factory.

Voted to discontinue old road near Rubber Factory (recorded in Vol. 40, page 642).

P. 230 - Sept. 25, 1858: Voted for Capt. Hart Shepard as agent to build bridge over Pootatuck River near Beecher's factory, at least 18' in the clear, with sidewalks outside the walls of bridge.

P. 238 - June 18, 1859: Voted to discontinue old road near Hubbell's fording place, and to accept lay of new road, provided Lawrence Mitchell, his heirs and assigns furnish a bond.

P. 239 - Sept. 3, 1859: Voted to discontinue old road from David Underhill's to junction of Norwalk Turnpike.

Voted to discontinue old road from Hanover Road past Weldon's to Housatonic R. R.

P. 249 - Oct. 14, 1859: Authorized the Selectmen to lay a road 10' wide from Union Bridge Road near the bridge over Rubber Pond to Pootatuck Road near School House.

P. 268 - Oct. 7, 1861: Voted to discontinue road from R. Hawley's to its intersection with new road about 8 rods south of R. R.

P. 314 - Apr. 1, 1865: Voted to accept alteration of highway near former residence of Charles Warner at Otter Bridge on the Housatonic River, and ordered to be recorded in Newtown Land Records.

P. 330 - Oct. 23, 1865: Voted to permit Trinity Church to occupy as a portion of the site for a new church edifice, the highway running between the old church and the homestead now occupied by Isaac Beers. Also directed the Selectmen to discontinue said highway by metes and bounds and record in N.L.R.

P. 356 - Oct. 5, 1868: Voted to abandon old road to Hubbell's fording place and to accept new road as laid out by the Selectmen.

P. 361 - Nov. 16, 1868: Voted to accept new road beginning near former home of Edward Taylor and ending near house of Lewis H. Fairchild.

Voted to abandon old highway from Boston, Hartford & Erie R. R. to house of Lewis Fairchild. R. R. Co. to build 48.84 rods new road.

Vol. 7

P. 24 - Oct. 3, 1870: Voted to accept new highway from Huntingtown District to Middle Gate, as laid by Selectmen in Sept., 1869.

P. 69 - Oct. 6, 1873: Voted to accept layout of new highway from near brick house of Glover Hawley in Land's End to near Pond Brook.

Voted to abandon that part of Union Bridge Road beginning near Benjamin Glover barn, and ending at new road on west side of river in Hanover District.

P. 78 - Nov. 1, 1873: Voted to accept layout of new highway from old Lebanon Road northeast 400 rods to High Rock Road "a little south of Alonzo Sherman's house".

P. 111 - Oct. 4, 1875: Voted to accept new highway beginning on right side of old highway from Turner Road to Hawleyville Depot, and ending near Shepaug R. R.

Voted to abandon unused portion of Turner Road, running in rear of D. B. Hawley's dwelling in Hawleyville.

P. 152 - Jan. 5, 1878: Voted to accept road from highway to Martin Keating's. See Vol. 49, p. 320 for survey.

Voted to abandon road from corner near James P. Barnum's.

P. 156 - Oct. 7, 1878: Voted to accept new highway past Charles Dayton's house, provided he gives deed to town.

P. 203 - Apr. 28, 1881: Voted to abandon highway from Patrick Ready's west to Turnpike.

P. 316 - Apr. 16, 1887: Voted to open highway in North Center School District or build new one from near John Shannon's to highway leading toward Sandy Hook near William Repka's barn.

P. 493 - Dec. 15, 1894: Voted to build highway from near residence of Mrs. John Clarkin Sandy Hook to near residence of the late George Katzmeyer in Walnut Tree Hill District.

Vol. 8

P. 453 - Mar. 11, 1911: Voted to discontinue portions of Cold Spring Road.

Vol. 9

P. 96 - Aug. 16, 1919: Voted to enter agreement with Conn. Light & Power Co. re roads to be flooded when Stevenson Dam is completed.

P. 154 - Oct. 6, 1924: Voted to name "truck" line from Sandy Hook to Stevenson "Platt's Road" -- State Highway Commissioner and the National Geographical Society in Washington to be notified.

P. 222 - July 22, 1931: Voted to close Mile Hill Road from the Railroad bridge east to the Jones residence, when State shall have conveyed to the Town "ready to use" an approved substitute road.

P. 103 - Aug. 14, 1920: Voted to discontinue old highway from Route 34 past S. Curtis & Son factory to Botsford Hill Road

P. 277 - May 10, 1933: Voted to discontinue highway connecting Hopewell Road at Morgan's Four Corners.

Voted to discontinue a certain piece of highway extending from residence of Thomas Bailey in Dodgingtown, easterly to the State Road near the homestead formerly of Jeremiah Maroney.

Voted to discontinue a certain piece of highway extending from the estate of Margaret Bradley southerly to the present State Highway.

P. 277 - Aug. 19, 1933: Voted to discontinue section of road running from

Vol. 9

P. 277 - Aug. 19, 1933 (cont'd): Route 25 opposite Harry Van Horn residence to Mile Hill Road.

Voted to discontinue old right of way on Shepard Hill known as "highway" or "Crooked Spring Lane".

Voted to close Newtown's half of bridge over Half Way River.

P. 448 - Feb. 4, 1938: Voted to discontinue highway east from Queen St. to former home of Michael J. Keating. - *Borough Lane*

P. 568 - Oct. 6, 1941: Voted to abandon that part of old highway running from old Norwalk Turnpike near Key Hole Rock past property of Stephen Zoltai to Route 202.

Vol. 10

P. 8 - Mar. 13, 1942: Voted that Town would maintain Queen St. - Glover Ave. cut-off after State had constructed macadam pavement 22' wide.

Vol. 11

P. 79 - Feb. 2, 1951: Voted to re-locate portion of Taunton Lake Road adjoining Route 6 (for traffic safety).

P. 105 - Aug. 3, 1951: Voted to accept *Laurel* Elm Road and Johnston *Drive* Terrace.

P. 110 - Sept. 7, 1951: Voted to accept Elizabeth St. & Meadow Road.

P. 172 - Dec. 5, 1952: Voted to accept Button Ball Drive.

P. 173 - Dec. 19, 1952: Voted to abandon certain portions of all branches of Union Bridge Road.

P. 178 - Feb. 20, 1953: Voted to accept Wills Road, Knoll Wood Drive, Vining Road and Long View Road.

Voted to abandon "portion of road extending northerly from Butterfield Road to Hanover Road.

P. 229 - Apr. 30, 1954: Voted to accept the following roads:

Mt. Pleasant Terrace	High Ridge Road
Orchard Lane	Maple Drive
Taunton Lake Drive (part)	Spruce Drive
Birch Drive	Button Ball Drive
Oak Drive	Valley View Road
Spring Road	Ridge Road
Taunton Ridge Road	

P. 247 - Oct. 4, 1954: Voted to abandon old road north from Route 202, (beginning near Key Hole Rock.)

Vol. 12

P. 48 - Dec. 30, 1955: Voted to accept Sunny View Terrace (Sandy Hook) as a public highway.

P. 82 - Sept. 7, 1956: Voted to accept a deed from the State for a road 50 x 2600' thru Paugussett State Forest, as an extension of Great Quarter Road.

Voted to Accept Taunton Lake Drive (extension of) as a public highway.

P. 106 - Oct. 26, 1956: Voted to extend Johnston Drive 150' east and 106' northward.

Vol. 12

P. 162: Voted to accept as town roads -

Diamond Drive

Hillcrest Ave.

Sycamore Drive

Pine Tree Road

Tanglewood Lane

Lisa Drive

Fern Lane

NEWTOWN ROAD ORDINANCE

Adopted December 6, 1989

#48 2-2-51
1-12-56 Amended
Above repealed 10-3-60
#48A 10-3-60
11-24-78
3-16-83 Amended (Sec. 8.02)
10-19-88 Amended (Sec. 8.02)
Above repealed 12-6-89
#48B Effective 1-6-90
Amended 11-6-91
Effective 11-21-91
Town Journal 21
Page 187

(Adopted by Legislative Council
December 6, 1989, effective
January 1, 1990)
Town Journal 20 Page 468

TOWN OF NEWTOWN
STREET CLASSIFICATION AND DESIGN STANDARDS

Highway Type	Local Residential Streets	Minor Collector Streets	Major Collector Streets
Minimum Right of Way	50 ft.	50 ft.	80 ft.
Pavement Width	22 ft.	30 ft.	30 ft. Min.
Pavement Type	Bit. Conc.	Bit. Conc.	Bit. Conc.
First Course	Class 1	Class 1	Class 4
See Note #4	2" Course	2" Course	3" Course
Second Course	Bit. Conc.	Bit. Conc.	Bit. Conc.
See Note #4	Class 2 1 1/2" Course	Class 2 2" Course	Two Courses Class 1 1 1/2" Course Class 2 1 1/2" Course
Subbase			
10" of 1 1/4" Process Stone 2" of 3/4" Process Stone On Top (Total 12")	12" of 1 1/4" Processed Stone; 3" of 3/4" Processed Stone On Top (Total 15")	15" of 1 1/4" Processe Stone; 3" of 3/4" Processed Stone On Top (Total 18")	
OR	OR	SEE NOTE #2 OR	
12" (Min.) Bank Run Gravel, Top 2" of 3/4" Processed Stone	15" (Min) Bank Run Gravel, Top 3" of 3/4" Processed Stone	18" (Min) Bank Run Gravel 3" of 3/4" Processed Stone	
See Note #1			
See Note #3			
Gradient (min.)	1.0%	1.0%	1.0%
Stopping Sight Distance	200' at 25mph	200' at 25 mph	350' at 35 mph
Passing Sight Distance	-0-	-0-	1700' at 35 mph
Turnarounds	50' radius (40' paved)	75' radius temporary only	None allowed
Minimum Radius			
At Centerline	150 ft.	600 ft.	1200 ft.
Minimum Tangent between Curves	100 ft.	200 ft.	200 ft.
Design Speed	30 mph	30 mph	40 mph
Guiderail and/or single posts are to be installed where directed by the Selectman or his Agent or the Town Engineer.			

- Note #1: Subbase thickness in areas where ledge or unsuitable material is encountered at the subgrade shall be increased a minimum of six (6") inches or as directed by the Town Engineer.
- Note #2: Subbase thickness for major collector streets shall be a minimum of eighteen (18") inches and may require stabilization of base materials as directed by the Town Engineer.
- Note #3: Subbase material shall be placed and compacted in five (5") inch maximum layers. At the direction of the Town Engineer, field density tests to determine degree of compaction may be required.
- Note #4: All Paving Courses shown are compacted thicknesses.

NEWTOWN ROAD ORDINANCE

This ordinance shall be known and may be cited as the Newtown Road Ordinance and is enacted pursuant to the powers granted by the General Statutes of Connecticut (rev. 1958), as amended to the present date and particularly, but without limitation, under the authority of Sections 7-118, 7-148, 7-194, 8-27, 8-29, 13a-48 and 13a-71.

ARTICLE ONE

DEFINITIONS

1. As used in this Ordinance the words stated below shall have the meanings given. Said meanings shall extend to the plural.
- 1.01 "COMMISSION" shall mean the Newtown Planning and Zoning Commission.
- 1.02 "OWNER" shall mean a person, partnership or corporation, which holds a Road Permit issued under the provisions of this Ordinance.
- 1.03 "PERSON" shall mean a person, partnership or corporation and shall include persons undertaking a joint venture.
- 1.04 "PRIVATE WAY" shall mean any right of way which has not become a Town Highway.
- 1.05 "ROAD" shall mean that portion of a street surfaced and improved for vehicular traffic.
- 1.06 "ROLLER" shall mean either self powered mechanical roller, vibrating roller or compactor weighing a minimum of ten tons, having a minimum of two wheels.
- 1.07 "SELECTMAN" shall mean the First Selectman and Selectmen shall mean Board of Selectmen.
- 1.08 "SELECTMAN'S AGENT" or "Agent" shall mean a qualified inspector as appointed by the Selectman.
- 1.09 "STREET" shall mean any right of way or portion of land to be developed for vehicular traffic excluding driveways.
- 1.10 "STREET LINE" shall mean the boundary of the street right of way.
- 1.11 "SUBGRADE" shall mean existing ground surface prepared as specified and brought to grades indicated to receive Subbase course.
- 1.12 "TOWN" shall mean the Town of Newtown, Connecticut.
- 1.13 "TOWN ENGINEER" shall mean a professional engineer employed by the Town either on a consulting or a full time basis.
- 1.14 "TOWN HIGHWAY" shall mean any street or right of way maintained by the Town of Newtown over which the general public has the right to pass and repass.

ARTICLE TWO

GENERAL REGULATIONS

- 2.01 No road, drainage structure, bridge, sidewalk or appurtenance to any of the foregoing items shall be constructed by any person other than the Town of Newtown except in accordance with the terms of this Ordinance and after obtaining the permit required by 5.02.
- 2.02 Roads shall have a minimum grade of one percent (1%) with a maximum grade of ten (10%) percent. Upon the written recommendation of the Town Engineer, when special circumstances require, the Selectmen may modify the maximum grade in order to better conform with existing natural ground slopes.
- 2.03 Roads shall have a cross slope of $\frac{3}{8}$ " inch per foot each side of the centerline, except on curves where the design bank shall be as suggested by the Town Engineer or Selectman's Agent.
- 2.04 Where appropriate to the description of materials, methods of construction or design, the State of Connecticut, Department of Transportation Standard Specifications for Roads, Bridges and Incident Construction Form 814, 1989 hereinafter referred to as Form 814, are hereby incorporated by reference, except where inconsistent with the terms of this Ordinance, and its successor, in which event this Ordinance shall govern. A copy of Form 814 and its successor shall be available for inspection in the office of the First Selectman during business hours.
- 2.05 All thicknesses required by this Ordinance are compacted thicknesses.
- 2.06 Curbs shall be installed 6" (six inches) high on both sides of all roads on first course of pavement prior to placing second course of pavement or curbs will be installed after the second course when done simultaneously.
- 2.07 STREET CLASSIFICATION. All proposed streets shall be designated as major collector, minor collector or local residential by the Commission prior to granting of the Road Permit and, where applicable, approving the final subdivision plan. Standards are set forth herein for all such streets.
- 2.07.1 MAJOR COLLECTOR STREET
- 2.07.1.1 The proposed street is a direct and logical continuation of the State and Local Arterial Highway System that carries or can be expected to carry a heavy volume of traffic.
- 2.07.1.2 The proposed street may also provide a shorter or more convenient through route, so that it can be reasonably expected to collect traffic from other streets.
- 2.07.1.3 The proposed street is the particular collector of vehicles from 150 or more potential or existing homes in the area.

- 2.07.1.4 The proposed street could logically be expected to become a major street because of Proposed Development or other foreseeable circumstances.
- 2.07.2 MINOR COLLECTOR STREETS
 - 2.07.2.1 The proposed street is in an area zoned for business or industry, or is near the dividing line between a residential and business or industrial area that it may reasonably be expected to carry substantial volume of commercial or industrial traffic.
 - 2.07.2.2 The proposed street is the particular collector of vehicles from 75 to 150 potential or existing homes in the area.
 - 2.07.2.3 The proposed street creates a shorter or more convenient route between a commercial or industrial area or the area containing 75 or more homes and a major traffic artery.
 - 2.07.2.4 The proposed street for any other reason may reasonably be expected to carry a substantial volume of traffic.
- 2.07.3 LOCAL RESIDENTIAL STREETS.
 - 2.07.3.1 The proposed street will serve only the residential subdivision in which it is laid out and is not reasonably expected to become a major or minor collector street.
- 2.07.4 After classification by the Commission, each street shall have the design and shall be built to the specifications set forth in the table of "Street Classification and Design Standards" found herein and made a part hereof. (See street classification and design standards).
- 2.08 SIDEWALKS shall be constructed on both or either side of all streets where specified by the Selectman and/or the Commission as needed for the public health and safety.
- 2.09 DRAINAGE.
 - 2.09.1 All roads shall be properly drained and shall have sufficient culverts, manholes and catch basins installed as approved. No portion of any road shall drain in one direction more than 300 feet (three hundred) without catch basins on both sides of the road. In cases of extremely steep or flat grades or excessively large drainage areas, the Commission and/or the Selectman may require installation of catch basins at lesser intervals. Wherever water will discharge from a proposed street onto land outside the street whether or not owned by the Owner a drainage easement in favor of the Town will be required. Said drainage easement shall be a minimum of 30' (thirty feet) wide with adequate access provided to the drainage easement. Said easement shall be in a form acceptable to the Town Counsel and where the construction is incidental to a subdivision, shall be clearly delineated on the subdivision plan and be placed on the Land Records following approval.

Where conditions apparent in the field after the start of construction indicate that additional or larger drainage pipes and structures (including, without limitation, underdrains, catch basins and manholes) are necessary in order to drain the street properly and in accordance with the intent of the application then the Selectman or his Agent may order such additional or larger drainage pipes or structures installed. If the Owner objects to such order he may stop work and appeal to the Commission which shall determine whether or not such additional or larger drainage pipes or structures would have been required before issuance of the permit had the circumstances causing the Selectman or his Agent to issue the order originally been known to the Commission.

2.09.2 Where drainage is tributary to a portion of a Connecticut Highway Department drainage system, such drainage shall be approved by the Connecticut Highway Department and such approval shall be submitted to the Commission along with other required documents.

2.09.3 All drainage shall be designed utilizing the following minimum storm frequencies.

- | | |
|---------------------------|-----------|
| (a) In-Road Storm Drains | 10 years |
| (b) Outlet Culverts | 25 years |
| (c) Major Storm Crossings | 100 years |
| (d) Minor Crossings | 100 years |

2.10 DOCUMENTS TO BE SUBMITTED:

2.10.1 Plan and profile drawings of all streets shall be submitted including the following information.

(a) Layout of proposed streets in both plan and profile indicating right of way dimensions as shown on the Final Subdivision Plan, width of right of way and paving. Existing grades at 50' (fifty foot) intervals at centerline and 25' (twenty-five feet) right and left of centerline, and proposed grades every 50' (fifty feet) vertical curve data and percent of grade.

(b) Typical cross-section of the streets with paving, shoulders, curbs and sidewalks in detail.

(c) All utility lines, encroachment lines, easements for utilities, drainage and other rights of way, and the size and location of all existing and new drainage structures required pursuant to 2.09.

2.10.2 Plan and profiles shall be at a scale of 1" equal 40' in plan and 1" (one inch) equal 4' in profile. Elevations shall refer to USGS datum.

Where required in the judgment of the Commission, Town Engineer or Agent, street intersections shall be developed at a larger scale,

showing catch basins, gutter, road centerline, curb and sidewalk elevations.

- 2.10.3 If considered advisable by the Commission, Town Engineer or Agent due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished by the applicant for the road permit at intervals of every fifty (50') feet showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least (40') forty feet left and right of centerline and shall be based upon elevations obtained by field survey.
- 2.10.4 A drainage analysis map shall be submitted showing the watershed area of all culverts, bridges and roadways, the rate of flow which can be expected at the invert of each such culvert and bridge and at each discharge point of the storm drainage system, and the downstream area affected by the run off from the street and subdivision drainage system. All criteria and computations used to determine rates of flow, pipe, culvert and bridge sizes shall be submitted on 8 1/2" x 11" sheets, certified by a Professional Engineer, and be subject to review by Town Engineer. In case of difference between the professional opinions of the engineer of the Applicant for a Road Permit and Town Engineer as to the size of the pipe, culvert or bridge required, the opinion of the Town Engineer shall control.
- 2.10.5 All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
- 2.10.6 The above information and documents shall be submitted to the Commission and shall be referred to the Selectman and Town Engineer by the Commission. Seven (7) copies of the plan profile drawing and drainage analysis map will be submitted except that the commission may increase or decrease said number by amendment to the Newtown Land Subdivision Regulations.
- 2.11 All streets shall be developed to their full width in accordance with the set of plans designated "Typical Street Cross Sections, Town of Newtown". Copies of said plans are on file in the office of the Town Engineer and may be obtained during normal business hours.
- 2.12 The following reference manuals shall govern as the Town's specifications where this Regulation is silent.
1. State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction - Form 814, 1989 (as amended).
 2. State of Connecticut Guidelines for Soil Erosion and Sediment Control (1985, as amended).
 3. Connecticut Department of Transportation Drainage Manual (1973, as amended).

4. A Policy on Geometric Design of Rural Highways, AASHO (1965, as amended).

ARTICLE THREE

- 3.00 The Owner shall provide specifications of the materials to the Selectman and/or his Agent upon request by either one.
- 3.01 PROCESSED STONE/BANK RUN GRAVEL SUBBASE. Form 814, and its successors and the Town of Newtown Street Classification and Design Standards.
- 3.02 BITUMINOUS CONCRETE: Shall be Class 4 Course, Class 1 Binder Course, Class 2 Wearing Surface, Class 3 Asphalt Curb, Form 814 and its successors.
- 3.03 CATCH BASINS AND MANHOLES: Form 814 and its successors, in entirety. Cast iron specialties shall be State of Connecticut standard and shall bear 10-year written guarantee, which shall be turned over to the Town of Newtown at completion of project. Catch basin frames and grates shall be type C or where necessary type CL. Frames shall be appropriate with the type of curb used.
- 3.04 CULVERTS AND UNDERDRAIN PIPE: Form 814 and its successors, in entirety. In general, solid wall pipe will be used. However, at the direction of the Selectman, his Agent or the Town Engineer perforated pipe shall be used in areas where high water table or other problem conditions exist. If metal pipe used, paved inverts are required. Headwalls for culverts shall be constructed of Class A Portland Cement concrete, either reinforced or gravity type, solid concrete block or stone rubble masonry.
- 3.05 CONCRETE:
- 3.05.1 All concrete specified herein shall be Class A concrete Form 814 and its successors, unless otherwise noted. All concrete materials and methods of all concreting operations shall be in conformance with Form 814 and its successors.
- 3.05.2 BAR AND MESH REINFORCING: Form 814, and its successors, in entirety.
- 3.06 GUIDE RAILS, FENCE, AND POSTS: With the exception of bridge railing, all guide rails shall be Two-Cable Guide Railing in accordance with Form 814 and its successors, in entirety. For Bridge railings see Section 9.04 of Form 814 and its successors.
- 3.07 MONUMENTS: Shall be set on all right of way lines of streets, at all intersections, angle points, and points of curvature. There shall be a clear foresight and backsight to adjacent monuments on the right of way line or lines on which a monument is set. Monuments shall be at least (36") thirty-six inches long and shall be at least (4") four inches square. Monuments shall be of concrete with a center reinforcing rod of a type approved by the Selectman or Agent or the Town Engineer. The monuments shall not be set before the final wearing course has been completed nor shall they be set while frost is in the ground. They shall be set so that the top is one inch above the finished grade, and they shall be so set and tamped as to prevent shifting.

The engineer and/or surveyor of the Owner shall certify that the location of all monuments is accurate before acceptance of the street by the Town of Newtown.

- 3.08 STREET SIGNS: Street signs shall identify both intersection streets, shall conform to the Town's standards and be installed by the Owner.
- 3.09 CURBS: Curbs shall be Bituminous Concrete, its equivalent or better and shall conform to Form 814 and its successors. All curbs shall be backed up full height with solidly packed earth.

ARTICLE FOUR

CONSTRUCTION METHODS AND REQUIREMENTS

- 4.01 CLEARING AND GRUBBING: Form 814 and its successors.
- 4.02 ROADWAY EXCAVATION AND FORMATION OF EMBANKMENT: Form 814 and its successors.
- 4.03 TRENCH EXCAVATION: Form 814 and its successors.
- 4.04 PREPARATION OF SUBGRADE: Form 814 and its successors. No processed stone or bank run gravel shall be placed on the prepared subgrade until the Selectman or his Agent has approved the condition of the subgrade.
- 4.05 SLOPES: Form 814 and successors. Earth slopes shall be a minimum of 2:1 ratio and subject to inspection and approval prior to placement of topsoil. Slopes shall be loamed to a minimum depth of four (4) inches, fertilized and seeded with a satisfactory grass seed mixture and mulched.
- 4.06 PROCESSED STONE/BANK RUN GRAVEL: Reference Town of Newtown Street Classification and Design Standards.
- 4.07 GRAVEL FILL: Form 814 and its successors.
- 4.08 WEARING SURFACE: The wearing surface will be Bituminous Concrete Pavement, constructed in two courses to the thicknesses as indicated in the Town of Newtown Street Classification and Design Standards. No surfacing shall be installed until adequate compaction of the subbase and base course has taken place. Where required by the Town Engineer, Field Density Tests of the subbase shall be performed at the Owner's expense. These tests shall be done in locations designated by the Town Engineer or Selectmen's Agent by a qualified testing laboratory or professional engineer. The results of said tests shall indicate percent of maximum dry density achieved and shall be based on modified Proctor density.

The placement of the first course of Bituminous concrete pavement may not be placed until approval has been received from the Town Engineer or Selectmen's Agent. The final wearing surface shall be placed only at the discretion of the Town Engineer or Selectman's Agent and only after all patches and repairs, if necessary have been made to the base course as directed. In no case shall Bituminous concrete be placed after November 15th unless specific written approval is granted by the Town Engineer or Selectmen's Agent.

- 4.09 DRAINAGE: All drainage pipe shall be at least fifteen (15") inches in diameter, except as noted below, and installed with a minimum cover of thirty (30") inches. All installation and construction shall be to the line and grade indicated on the submitted drawings as required elsewhere herein, and in accord with Form 814 and its successors.

Class A Concrete Headwalls approved by Town Engineer shall be located at culvert ends. The under drain must be a minimum of six (6") inches.

Curb Type Catch Basins, various types of Endwalls, CL Type Catch Basins Manholes, Wing Type Endwalls and Underdrain shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut Department of Transportation Standard Sheets Numbers 228-A, 228-D, 228-C, 228-E, 223-A, 221-1, 221-F, 221-H, 217-B and 221-G. A copy of these Standard Sheets, will be kept on file in the Town Engineer's office and may be inspected during normal business hours.

4.10 UTILITIES

4.10.1 Electric, Telephone, and Cable TV, shall be placed between the edge of pavement and the Right of Way Line, placed in conduit, with the proper size being designated by each custodian of their service. The location will be of mutual agreement between the assigned custodian and the Town of Newtown, as the intent is not to interfere with future drainage.

4.10.2 Where Sand Backfill is required, it is necessary to tie into parallel Catch Basins, with perforated pipe and (3/4") three-quarter inch trap rock.

4.10.3 WATER: Public or community water mains shall be laid in accordance with specifications of the local Water Company, not conflicting herewith. In no case shall any pavement of roadways be started until all water mains and laterals are completed under affected portion of the roadway.

HYDRANTS shall be installed on all roadways where water is available at such locations and in such number as the Selectman directs. Cost of provisions and installation of hydrants shall be borne by the Owner.

4.10.4 SANITARY SEWERS

A. MATERIALS: Gravity Flow mains shall be constructed of PVC pipe per specification ASTM D3032 or D3033, D3034, SDR35, ASTM F789 or equivalent material as approved by the Town Engineer. Pressure mains shall be constructed of Mechanical Joint Cast Pipe or equal material as approved by the Town Engineer. Minimum pipe size shall be (8") eight inches for street sewers and six (6") inches for laterals to buildings.

B. LOCATION: Pipeline should lie at centerline of the road. Alternate location must have Town Engineer approval, prior to construction. Depth of the pipe shall be below all other utilities, where possible. Cover over the pipe will be a minimum of six (6') feet.

C. MINIMUM GRADE: The pipe shall be laid at a grade which will insure self-cleaning. This grade shall be a minimum of 0.4 percent.

D. MANHOLES: Manholes shall be spaced at a distance no greater than (300) three hundred feet and at angle points, intersections and grade changes of pipe or where pipe increases in size.

E. DRAWINGS: In all cases proposed, Sanitary Sewer Plans and Profiles shall be submitted to the Selectman or Commission on plan profile paper.

- 4.10.5 Where utilities are installed the Owner shall bear the expense of raising all Manholes, Valve Boxes, etc., up to the final road grade. These utility appurtenances shall be clearly visible and shall be so set that a true line and grade is maintained.
- 4.10.6 In all cases, the installation of all utilities, within the right of way, shall be under the inspection of the Selectman or his Agent. Water, Electric and Telephone lines shall be run to each and every lot at the time of initial installation of the Distribution Main. Said service to extend to a minimum point twenty-four (24") inches inside the lot line and shall be terminated with a valve and curb box. In the case of water service up to the finished grade of the lot.
- 4.10.7 Before the construction of curbs is started, either all service lines for underground utilities, or conduits for underground utilities, shall have been installed to every lot in the proposed subdivision. The intent of the above, is to require that, all underground construction work under the area to be paved be finished prior to the first course of paving.
- 4.11 BRIDGES: Where bridges are to be built, they shall be designed to satisfy the requirements of H-20 wheel loading, and the applicable section of Form 814 and its successors. Drawings and design calculations shall be submitted to the Selectman and shall be certified by a Professional Engineer, registered in the State of Connecticut.
- 4.12 Upon suspension or completion of any work under permit the Owner shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operation. All ditches shall be filled, all sewers, drains, catch basins, manholes cleaned and flushed. Streets, walks, curbs and other structures cleaned, repaired and the entire work area left in a neat and clean condition.
- 4.13 The Owner/Contractor shall establish and clearly mark, on site, centerline of the proposed roadway. The stakes may be an off-set from the centerline. He shall also indicate the location of drainage structures and easements in the same manner.

Line and grade stakes shall be spaced not more than fifty (50') feet apart for road construction. They shall be set and maintained in good order during construction and until the street is approved by the Town Engineer or the Selectman's Agent.

TWO COPIES OF ALL CUTSHEETS SHALL BE SUBMITTED TO TOWN ENGINEER OR
SELECTMAN'S AGENT PRIOR TO THE CONSTRUCTION INVOLVED.

4.14

In case of conflict on any of the specifications contained herein
the ruling of the Selectman shall be deemed final.

ARTICLE V
ADMINISTRATION

5.01 Performance Guaranty.

5.01.1 Before any road permit is issued a Performance Guaranty must be provided for all improvements required by this Ordinance, including without limitation any underground utilities not already secured by the Owner to a recognized public utility, sanitary sewers and water supply systems to be installed and, where the road is to be constructed in a subdivision for which approval is being or has been sought from the Commission, any improvements required by said Commission. Where such approval is being sought, the same Performance Guaranty may be used to satisfy the requirements of both this Ordinance and the subdivision regulations.

5.01.2 Such Performance Guaranty shall assure to the Town the installation and completion of the road and other improvements in accordance with the specifications contained in this Ordinance before an agreed date, not to exceed two years unless otherwise extended by the Town Engineer, and/or the Selectman on recommendation by the Town Engineer or the Selectman's agent, and shall also assure that said road and other improvements still meet the specifications of this Ordinance on the date when the Owner seeks acceptance pursuant to Section 6.01.3 hereof. The aforesaid agreed date for the completion of the road and other improvements may be extended by the Selectmen to a later specific date provided in the case of a letter of credit securing the Performance Guaranty said letter of credit has been amended prior to its original expiration date to cover the period of said extension.

5.01.3 The Performance Guaranty shall consist of certified check or a letter of credit. Said letter of credit shall be in a form satisfactory to the Town Attorney and issued by a recognized financial institution doing business in the State of Connecticut.

5.01.4 The amount of the Guaranty shall be equal to 100 percent of the cost of roads and improvements.

The cost of roads, bridges and drainage structures shall be estimated by the Professional Engineer of the Applicant for a Road Permit. Estimates shall be prepared in detail for all phases of the work. Where there is a difference between the professional opinions of the Engineer of the Applicant for a Road Permit and the Town Engineer as to the cost estimate, the opinion of the Town Engineer shall control.

5.01.5 The Guaranty may be released or returned to the Owner only in accordance with Section 5.05 hereof.

5.01.6 Where a certified check is utilized as the Performance Guaranty said check shall be deposited by the Financial Director of the Town in an account separate from accounts containing funds of the Town. The proceeds of said account shall be returned to the Owner only in accordance with 5.05.3 hereof. When a default has occurred and the Town becomes entitled to payment as set forth in 5.04.4 hereof, the Finance Director shall transfer the amount

required to the general funds of the Town and give written notice of said transfer to the Owner. In the case of a certified check, the Financial Director may, in his sole discretion, invest the funds in a savings or other income producing account. To the extent that income is earned, it shall belong to the Owner and shall be payable to him when the Performance Guarant is entirely released or fully paid to the Town, or earlier at the convenience of the Financial Director.

5.02 Road Permit.

5.02.1 All documents required to be submitted by an Applicant for a Road Permit (See Secs. 2.10.2, 2.11, 2.12 and 5.01) shall be submitted to the Commission. Copies of the documents shall be referred to the Selectman and the Town Engineer for review. After review of the documents referred by the Commission, the Selectman and the Town Engineer shall transmit their suggestions and recommendations to the Commission as to whether or not, or in what respect, the proposed road conforms to the provisions of this Ordinance. Thereafter, the Commission shall act upon the subdivision application and where said Commission determines to issue a road permit it shall direct the Selectman to do so upon payment of the fee set forth in Sec. 5.02.2.

5.02.2 The applicant shall pay a road permit fee which shall be 1% (one percent) of the amount of the Performance Guaranty. The applicant shall also file his mailing address with the Selectman. Any written notice shall be deemed sufficient if it is sent postage prepaid to the Owner at said address. Said one percent may be used to offset and defray the cost of inspections required hereunder.

5.02.3 The road permit shall evidence the agreement by the Owner thereof to abide by all the terms of this Ordinance and shall grant him the right to construct the roadways for which the permit was granted in accordance with the approved documents.

5.03 Inspection.

5.03.1 The road shall be inspected at such intervals as shall be determined by the Town Engineer and/or Selectman's agent. The Town Engineer and the Selectman's Agent shall jointly develop Regulations as to the stages at which the road shall be inspected and the procedures for said inspections.

5.03.2 Any work being performed subject to the provisions of this Ordinance may be halted by the Selectman, his Agent or the Town Engineer, if at any time, he shall find that said work does not comply with the provision of this Ordinance. In case it becomes necessary to halt such work, the Selectman shall notify the Owner in writing certified mail, return receipt requested. Said writing shall briefly set forth the manner in which the work fails to comply with this Ordinance. Construction shall not be recommenced until compliance with the provisions of this Ordinance is accomplished.

Should the Owner desire to close down the project for a length of time exceeding one week, due to weather conditions or other unforeseen circumstances, the Selectman shall be notified in writing by certified mail return receipt requested, of the close down date. When the project is reopened, the Selectman shall be notified at least three (3) days in advance of the proposed starting date.

5.04 Enforcement.

5.04.1 The Owner shall be deemed to be in default on the Performance Guaranty:

(a) If the road and other improvements have not been completed within the agreed period; or

(b) If the Owner does not complete the work listed to be done before acceptance pursuant to 6.01.4 hereof within ninety (90) days during which weather conditions permit the doing of such work.

(c) If the Road Permit is revoked pursuant to Section 5.03 above.

When default occurs and the Owner fails, refuses or is unable to end said default, then the Selectman shall notify the Owner of the default. Such notice shall generally describe the nature of the work which is required to be done.

5.04.2 The Selectman may cause said work to be done at any time after giving notice of the default to the Owner pursuant to Section 5.04.1. Said work shall be done by independent contractors. The cost for the performing of said work shall be paid for out of the Performance Guaranty. The Financial Director shall be directed to withdraw said funds from the account established or the Selectman shall call the letter of credit and deduct said amounts from the proceeds thereof.

5.04.3 For purposes of completing said work following default, contractors hired by the Town may enter upon the property of the Owner even though said proposed street is not a Town Highway, and application for a Road Permit under this Ordinance shall constitute specific and irrevocable

agreement to this provision by the Owner, his successors, assigns and personal representatives.

5.04.4 Where the Road Permit was not sought as part of a subdivision application, the Selectman shall, immediately after default, close and physically block said road pursuant to the General Statutes and shall only cause the work to be completed if the Board of Selectmen votes to lay out the proposed street as a Town Highway or if the proposed street is shown as a proposed street on a pre-existing subdivision plan which is still an effective subdivision plan under the Zoning Regulations and Land Subdivision Regulations then in effect in the Town of Newtown.

5.05.1 Release During Construction. (Note: The Subdivision Regulations do not permit partial releases)

When the drainage, utilities, foundation course, first course of pavement, curbing, sidewalks (if applicable) and shoulder slopes have been completely installed according to this ordinance and so certified by the owner's professional engineer, and inspected by the Town Engineer and/or the Selectman's Agent, and upon recommendation by the Commission; the Selectmen may, upon written request signed by the Owner, release up to seventy (70%) percent of the Performance Guaranty.

When the final wearing surface and all other final construction requirements have been completely installed and so certified by Owner's professional engineer and inspected by the Town Engineer and/or the Selectman's Agent, and upon recommendation by the Commission; the Selectmen may, upon written request signed by the Owner, release up to an additional twenty (20%) percent of the Performance Guaranty.

No part of any Performance Guaranty shall be released unless there are sufficient funds remaining to cover the cost of the remainder of the improvements covered by said Guaranty.

5.05.2 Release Upon Completion. The Performance Guaranty shall not be wholly released following completion of the road until all of the provisions of Section 3.05.3 of the Subdivision Regulations have been complied with, or until the road or roads have been legally accepted as Town Highways by the Town, and the Maintenance Guaranty required by 5.06 has been provided. Application for acceptance of portions of the total road may be made upon completion of such portions. If any such portion is accepted as a Town Highway, a pro rata reduction of the Performance Guaranty based on the number of linear feet accepted will be allowed, except that where the Selectman finds that the cost of completing the remainder of the road and other improvements is not proportionate to the linear footage, he may release the balance obtained by subtracting the Town Engineer's cost estimate of the work to be completed from the original total amount of the Performance Guaranty.

5.05.3 Release of all or any portion of a Performance Guaranty shall be in writing, signed by a majority of Selectmen, state the amount of the Performance Guaranty being released, and mailed to the Owner.

5.06 Maintenance Guaranty and Maintenance Period.

5.06.1 The Owner shall keep and maintain the work in good repair for a period of one (1) year from the date of final acceptance by the Town. Prior to final acceptance of the road by the Town, the Owner shall file with the Selectman a Maintenance Guaranty which shall consist of a certified check or a letter of credit. In the event a letter of credit is utilized, said letter of credit shall be in a form satisfactory to the Town Attorney and issued by a recognized financial institution doing business in the State of Connecticut. Said Maintenance Guaranty shall be in the amount of ten percent (10%) of the original face amount of the Performance Guaranty. Said Maintenance Guaranty shall be held by the Financial Director on the same terms and conditions as the Performance Guaranty is held as set forth in 5.01.6 hereof.

5.06.2 The Maintenance Guaranty shall assure to the Town that the road and other improvements shall remain in a state of good repair under normal usage for a period of one year from the date of acceptance as a Town Highway.

5.06.3 The Owner shall, when notified by the Selectman, promptly and at his own expense repair all failures in the construction and operation of the drains, pipes, mains, conduits, curbs, gutters, sidewalks, road surfacing, land turfing or any other structures or improvements constructed by said Owner occurring from normal usage during said one year period.

5.06.4 Notice of such failures shall be in writing, sent at any time during said year or within thirty days thereafter, shall generally describe the repairs needed and shall state a reasonable time within which such work shall be completed. Danger to persons and property resulting from said failures shall be considered in determining the reasonableness of the period within which the repair is to be accomplished.

5.06.5 The Owner's failure, refusal or inability to complete said repair within the time required shall constitute a default of the Maintenance Guaranty.

5.06.6 Upon default, the Selectman may cause said work to be done and the Selectmen may authorize whatever collection procedures are necessary, including the institution of suit, to recover the reasonable value of said work for the Town.

5.06.7 If no repairs are required at the end of the one year maintenance period, the Selectmen shall release the Maintenance Guaranty as set forth in 5.05.3 hereof.

ARTICLE VI

ACCEPTANCE AS TOWN HIGHWAYS

6.01 The following shall be the method by which streets constructed by persons other than the Town of Newtown may be accepted for public use as a Town Highway.

6.01.1 No street on which all or part of the Performance Guaranty, required by 5.01 of the ordinance, or by any prior Newtown Road Ordinance is still in effect, may be accepted by the Town, until the provisions of ordinance or said prior ordinance, have been met

6.01.2 The proposed street shall be accepted as follows:

1. The street must be constructed in accordance with all provisions of this Ordinance.
2. The Owner is responsible for the proposed street until it is accepted as a Town Highway.

6.01.3 When such a street is ready to be accepted for public use as a Town Highway, the Owner shall notify the Selectman or Selectman's Agent for final inspection.

6.01.4 The Selectman or his Agent shall conduct a semi final inspection and submit to the Owner a list of work to be accomplished, if any, to meet the provisions of this ordinance.

6.01.5 Upon completion of the above as listed by the Selectman the following items shall be delivered to the Selectman:

1. "As Built" Mylar or Linen Drawing showing all above and underground improvements, utilities.
2. Maintenance Guaranty as required by 5.01.
3. Warranty Deed for roads, drainage easements, other easements appurtenant to said street, free of all defects and encumbrances, as provided in the Newtown Charter and in such form as prescribed by Town Attorney.
4. Current Certificate of Title signed by a practicing attorney in the State of Connecticut.
5. Paid Property Tax Statement.
6. Conveyance Tax Statement and Commissioner of Revenue Form.
7. Letter from the Town Engineer or Selectman's Agent that the road meets all the provisions of the Road Ordinance.

6.01.6 Following the submission of the aforesaid documents, the Selectman upon the written recommendation of the Town Attorney, recommend to Legislative Council the acceptance of the street as a Town Highway

- 6.01.7 Following affirmative action by the Legislative Council the Warranty Deeds and Easements, Conveyance Forms, Tax Statements, shall be forwarded to Town Clerk for recording with an approval letter from Town Attorney. Certificate of Title with date of acceptance and Maintenance Guaranty returned to the Selectman's office. "As Built" drawing will be filed with the Town Engineer. The Chairman of the Legislative Council shall notify the Selectman in writing of the acceptance of said Road.
- 6.01.8 The Selectman shall notify Owner of Record, Highway Department, Finance Department, Traffic Division of Police Department, Fire and Ambulance, Assessor's Department, of the acceptance of the street as a Town Highway.
- 6.01.9 Nothing herein shall be construed as lessening the powers of the Commission to lay out proposed highways, order improvements thereon and of existing Town Highways, and to assess the damage and benefits of such action pursuant to Section 8-29 of the Connecticut General Statutes, as amended, shall remain with the Commission, which is authorized to adopt Regulations governing applications made thereunto and the procedures which it will follow in acting on such applications.

ARTICLE VII

(Article Six in Original Ordinance has been separated creating Article Seven.)

7.01 MODIFICATIONS IN ROAD ORDINANCE STANDARDS.

7.01.1 These modified standards apply only to residential private roads to be accepted by the Town which were originally laid out and developed prior to the existence of a Newtown Road Ordinance.

7.01.2 MODIFIED DESIGN STANDARDS

- a. MINIMUM RIGHT OF WAY twenty-five (25') feet.
- b. MINIMUM PAVEMENT WIDTH between curbs shall be determined by the Town Engineer.
- c. SUBBASE COURSE minimum six inches (6") Processed Stone unless more required by Town Engineer.
- d. WEARING SURFACE COURSE (2") two inch Class (1) and (1 1/2") one and one half inch Class (2).
- e. DRAINAGE STRUCTURES: Required only where Town Engineer determines they are needed to prevent destruction of the road from normal surface water.
- f. CURVES: The standard 150' radius is not required, but the desirable radius shall be determined by the Town Engineer considering the design and physical characteristics of the road and all pertinent safety factors.
- g. INTERSECTIONS: Twenty-five (25') feet radius not required, but radius shall permit full size automobiles to turn without crossing the center line of the intersecting roads.
- h. GRADES: Grades shall be determined by the Town Engineer considering all pertinent safety factors.
- i. TURNAROUNDS: In the absence of an ordinary turnaround or loop, an apron shall be provided, adequate to permit emergency vehicles to reverse direction by backing once.
- j. CURBS: Required only where the Town Engineer so determines.

7.02 ACCEPTANCE PROCEDURES

7.02.1 The Selectmen is the Town agency to which a request for take over of a private road shall be directed.

7.02.2 PRIVATE ROAD ACCEPTANCE procedure shall be initiated by filing a signed petition with the Selectmen. Petitions may be filed by a majority of landowners fronting on the road in question.

- 7.02.3 Upon the filing of a petition for private road acceptance, engineering and legal work necessary for take over shall be accomplished within the monies appropriated by the Town for that purpose. The engineering and legal work may be done on the initiative of and at the expense of a private road association, a group of interested landowners. In such a case, the engineer doing the work must be a licensed professional in the State of Connecticut and meet the approval of the Selectmen.
- 7.02.4 Engineering studies relative to Town acceptance shall include and establish:
- a. The location of the existing right of way.
 - b. What land, if any, need be taken to accommodate the traveled way.
 - c. Drainage easements and radii at intersections.
 - d. Present grades and required work in the nature of drainage structures, base course and surface course.
 - e. An estimate of the costs of improvements necessary to take over.
- 7.02.5 LANDOWNERS "benefitted" by Town take over of private roads shall be expected to equitably share the cost of acceptance and improvement of private roads. "Benefitted" landowners include:
- a. Owners fronting on the road in question
 - b. Owners who must travel on the road in question in order to obtain access to their properties and have no other access to a public highway.
- 7.02.6 Benefitted landowners can expect a potential appreciation in property values from Town acceptance of private roads. Benefitted owners shall bear, at a maximum, fifty (50%) percent of the cost of road acceptance and improvement. A proposal for an equitable allocation of costs shall be determined by negotiation between the Selectmen and the landowners. A competent real estate appraiser may assist in the negotiations.
- 7.02.7 UPON AGREEMENT relative to the allocation of acceptance and improvement costs to be borne by the Town and benefitted landowners, the Town shall complete the engineering and legal work and take all steps necessary to take over of the road and completion of the improvements.
- 7.02.8 The Selectmen may seek out and apply for any State or Federal funds available for Town acceptance and improvement of private roads where such funds would be beneficial to the Town in the opinion of the Selectmen.

- 7.02.9 AS AN ALTERNATIVE to the Town doing the improvements, the petitioning landowners may improve the road and present it to the Town for acceptance, without the landowners being charged for any increase in property value. Similarly, if the Town obtained special funding for acceptance and improvements from the Federal State governments, there shall be no need or a reduced need for the Town to obtain special funding to assess benefits.
- 7.02.10 FOLLOWING COMPLETION of the work, and if not already provided, Warranty Deeds to all streets, drainage easements or other easements appurtenant to said streets, free from all defects and encumbrances, shall be submitted, together with a current certificate of title signed by a practicing attorney in the State of Connecticut.
- 7.02.11 FOLLOWING THE SUBMISSION of the aforesaid documents the Selectmen upon finding them in order, shall sign a certificate certifying that the Road Modified Design Standards of the Road Ordinance has been met and they shall recommend to the Legislative Council acceptance of the street as a Town Highway.
- 7.02.12 FOLLOWING AFFIRMATIVE action by the Legislative Council, said deed and certificate shall be recorded in the Newtown Town Clerk's office. Such affirmative action by the Legislative Council shall constitute acceptance of such street as a Town Highway.
- 7.02.13 Pursuant to Sec. 13a-82 of the Connecticut General Statutes, the Selectmen may implement and enforce the acceptance procedure by assessing the benefits accruing to any landowner by Town acceptance and improvement of any road, upon the giving of written notice to the parties to be benefitted of the time, and place of a meeting therefor, and order such benefits to be paid by the parties assessed, within such time as they appoint, such benefits may be collected in the same manner as Town taxes are collected.
- 7.02.14 Where the Town is going to file a lien for acceptance and improvement costs to be borne by benefitted landowners, the Selectmen shall undertake all legal work necessary to the filing of said liens. Liens shall be filed in either the amount agreed upon through negotiation or following appraisal by the appraiser, pursuant to statute.
- 7.02.15 The Selectmen may delegate the acceptance of the residential private roads as hereinbefore set forth to the Commission who may proceed in accordance with Section 8-29 of the Connecticut General Statutes.

ARTICLE EIGHT

DISCHARGE OF WATER AND DAMAGE TO ROADS

- 8.01 No person shall perform any act which creates or increases to any extent the discharge of water or other substance onto Town Highways. No person shall cause any damage to the roadway, drainage structure or any appurtenance of a Town Highway, including without limitation, damage caused by vehicles which are overweight or which have improper treads or tires.
- 8.02 Adherence to 8.01 during construction shall be considered a condition of all building or other permits issued by any agency of the Town. Any act creating or increasing the discharge of water or other substances, or causing damage as set forth in said 8.01 shall be sufficient cause to revoke any permit issued by any agency of the Town for work which was being furthered by said acts.
- 8.03 Where 8.01 has been or is being violated, the Selectman may, at his option:
- a. When the Town Highway or the safety of persons using said highway is threatened, take all measures necessary to protect the Town Highway from said discharge, to remove any accumulated substances, and to repair any damage for the account of the violator and;
 - b. Issue a written order specifying the nature of said violation, the substances to be removed and/or the repair work to be performed, and setting a date by which said violation shall cease and any removal or repair work be accomplished; or
 - c. Take action under both a. and b. above, specifying in said order the measures taken or to be taken by the Town and the action to be taken by the violator.

Said order shall be sent to the violator by certified mail, return receipt requested. If said order is not complied with the Selectman may then, without further notice, take all measures necessary to protect the Town Highway from said discharge, to remove any accumulated substances and to repair any damage for the account of the violator. The Town, acting through the Selectmen, may accept payment for and/or institute suit to recover the costs of any work to protect the Town Highways from said discharge, for removal of accumulated substances, and repair of damage.

- 8.04 If any permits are revoked because of a violation of 8.01 the authority causing such revocation shall, as a condition of the reinstatement of said permits, require full payment for any costs incurred by the Town as a result of said violation, and may require a guaranty in cash or letter of credit to the Town in an amount not to exceed the costs incurred by the Town as a result of the violation for which the permit was revoked, said guaranty to be released when the work under permit has been completed without further cost to the Town as a result of subsequent violations.

- 8.05 Where storm drains exist in the street, all roof and building drains, drainage trenches and other structures, ditches and devices used to affect the natural flow or percolation of water, which are created or constructed subsequent to the effective date of this Ordinance and which would otherwise discharge directly or indirectly into said street, shall be connected with said storm drains in a manner satisfactory to the Selectman.
- 8.06 Where storm drains exist on the effective date of this section or are subsequently installed in any Town Highway, the Selectman may order any person owning and/or controlling any such drain, trench, structure, ditch or device which is capable of discharging water upon said Town Highway to connect with said storm drains in a manner satisfactory to the Town Engineer. Said order shall be in writing, shall be mailed to such person by certified mail, return receipt requested, and shall specify the date, not less than thirty (30) days after mailing, when such connection shall be completed. Upon agreement between the Selectman and the person so ordered, or upon the failure of said person to complete the connection as ordered, the Town may make said connection for the account of said person and, acting by the Selectmen, may accept payment therefor and/or institute suit to recover the costs of said connection from said person.

ARTICLE IX

SIDEWALKS AND DRIVEWAYS

- 9.01 Where any sidewalk has been or is in the future constructed on any existing street or where sidewalks are installed pursuant to the terms of this Ordinance, then it shall be the duty of the owner and the occupant of the land adjacent to said sidewalk to remove snow, ice, sleet, debris or any other obstruction therefrom and to keep it safe for use by all persons lawfully using it. In the event that neither the landowner nor the occupant removes the snow, ice, sleet, debris or other obstructions from said sidewalk, then the Selectmen may cause such removal and the Selectmen may charge the reasonable cost thereof to the landowner. In the event that such charges are not paid by the landowner, then the Selectmen shall, within sixty (60) days from the date of the removal, cause a Certificate of Lien to be recorded in the Town Clerk's office in the name of such landowner and the cost thereof shall become a lien on the property pursuant to the General Statutes.
- 9.02 DRIVEWAYS: No driveway shall be constructed or created intersecting with a Town Highway, street or private way until the person owning the land upon which said driveway is being constructed or created has obtained a driveway permit from the Selectman or his Agent and has filed a cash bond with the Selectmen in the amount of five hundred (\$500.00) dollars or an amount equal to the cost of the improvements required by Section 9.03 whichever is greater. Where the person on whose land the driveway is being created or constructed and the Selectman cannot agree on the amount of the bond, an estimate of the cost of the required improvements shall be obtained from the Town Engineer, and the cash bond filed shall be in that amount. Driveway permits will be issued for a period not to exceed one and one half (1 1/2) years from the date of issuance or one (1) year from the date of the issuance of the certificate of occupancy, whichever date is sooner. The Selectmen shall have the authority to extend the permit for additional periods of six (6) months in the event of exceptional hardship demonstrated by the owner. In the event that the improvements are not completed within such time period said bond shall be forfeited to the Town and a new application and fee must be filed and a permit issued and a new bond filed. Any person who fails to complete the improvements within thirty (30) days of the expiration of the initial driveway permit shall be fined the sum of one hundred (\$100.00) dollars per month until such improvements are completed. After completion of said improvements to the satisfaction of the Selectman or his Agent and upon recommendation of the Selectman, the Selectmen shall release said driveway bond.

- 9.03 Driveways shall enter streets only in locations where a sight distance of one hundred fifty feet (150') in each direction can be obtained along the street or, if a one hundred and fifty foot (150') line of sight cannot be obtained, due to the fact that the person constructing or creating the driveway does not own a sufficient amount of frontage, then said driveway shall enter said street at the point where the maximum sight distance can be obtained. Within the triangle formed by the curb line, the edge of the driveway, and a line from the point where the edge of the driveway and the street line intersects to the point in the curb line to which sight distance is required, the Holder of the driveway permit shall regrade and/or remove trees, brush, stones and any other objects obstructing vision. Driveways, where they meet the roadway, shall flare to a sufficient width so that the vehicles entering and leaving said driveways under normal conditions may do so without crossing to the opposite side of the road, and they shall be paved with bituminous concrete or other equal all-weather surface to at least a point that lies twenty five feet (25') from the centerline of the road, if the roadway itself is paved or proposed to be paved.

ARTICLE X

BUILDING ON UNACCEPTED STREETS

- 10.01 No building or structure shall be erected nor shall any building permit be issued for the erection of any building or structure on any lot abutting or having sole access to any street which has not been accepted for public use or as a town highway in accordance with Article VI except as provided in Article 8.02.100 and 8.02.1 of the Newtown Zoning Ordinance. The Selectman shall certify in writing to the building official when a proposed road meets the requirement of this ordinance for "public use". For the purpose of this paragraph "public use" shall mean that the first course of pavement for a street in an approved subdivision shall have been installed and approved by the Selectman or his Agent.
- 10.02 Any person, firm or corporation which erects a building or structure in violation of section 10.01 above shall be fined not more than two hundred (\$200) dollars for each building or structure so erected in addition to any penalties or relief granted to the municipality which may be provided by any other regulations, ordinances or statute.
- 10.03 Sections 10.01 and 10.02 hereof shall not apply to private street and ways which were laid out prior to February 8, 1956, or to streets shown on maps approved by the Commission (or Newtown Planning Commission) prior to October 2, 1967, where the intention that such streets remain forever private was set forth on the approved subdivision map and/or in the deeds of conveyance of the lots from the subdivider.

ARTICLE XI

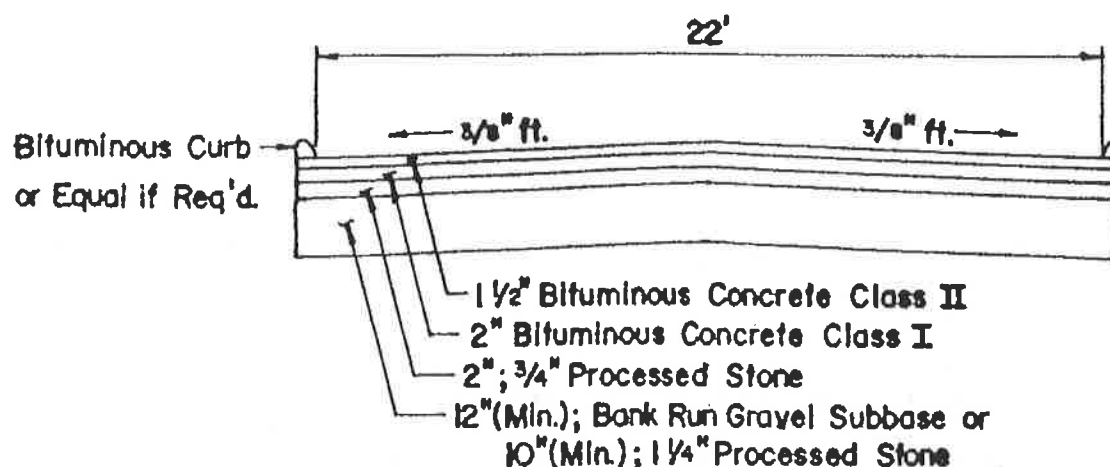
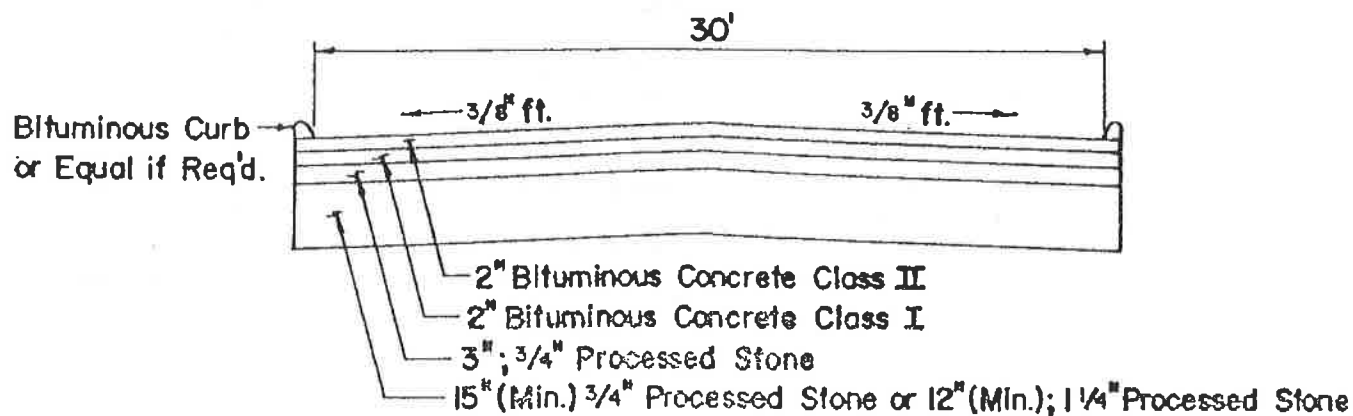
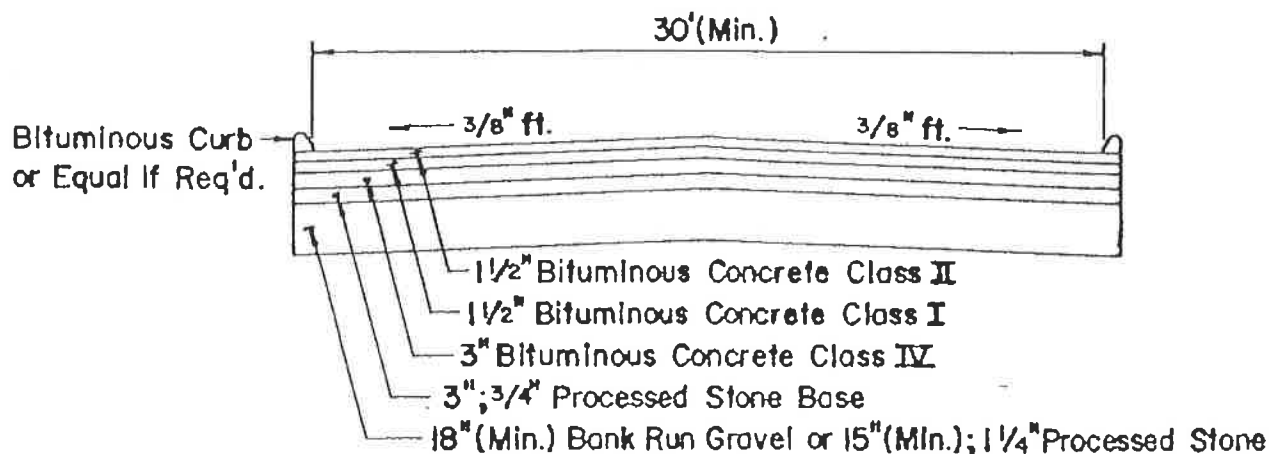
ROAD LAYOUT AND IMPROVEMENT FUND

- 11.01 The procedures established by this Article shall relate solely to the collection of benefits assessed and payment of damages appraised and other expenses incurred as a result of action taken by the Commission pursuant to the powers vested in it by Sec. 8-29 of the General Statutes of Connecticut (rev. 1958).
- 11.02 There is hereby established a revolving account to be held by the Director of Finance separate from the Town General Fund to be known as the "Road Layout and Improvement Fund". All amounts received from the Town from the assessment of benefits for the Layout and Improvement of roads by the Commission pursuant to the powers vested in it by Sec. 8-29 of the General Statutes of Connecticut (rev. 1958) shall be paid into such fund by the Tax Collector. All sums held in such fund shall be used solely for the engineering and legal fees, construction costs, payment of damages and other expenses incurred in action taken or recommended pursuant to said Sec. 8-29. Expenditure of the money held in such fund shall be authorized in the same fashion as any annual or special appropriation, but such appropriation shall be only for the purposes specified in this section. Nothing herein shall be deemed to limit the power of the Town to make additional annual or special appropriations to pay for projects undertaken pursuant to said Sec. 8-29, nor shall this section be a limitation on any powers which the Town or its Boards or Commissions may have to acquire, lay out, maintain or improve streets and highways pursuant to sections of the General Statutes other than Sec. 8-29, or to make appropriations therefor.
- 11.03 If by amendment or repeal of this Ordinance the Road Layout and Improvement Fund ceases to exist for the purposes for which it is created, then all sums held therein not lawfully appropriated shall be added to the General Fund.

ARTICLE XII

MISCELLANEOUS PROVISIONS

- 12.01.1 SEPARABILITY. All articles, sections, paragraphs, clauses and phrases of this ordinance are intended and declared to be separable from each other.
- 12.01.2 If a court of competent jurisdiction finds any such provision to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the article, section, paragraph, clause or phrase expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.
- 12.02 EFFECT ON OTHER REQUIREMENTS: It is not intended that the requirements of any other law or ordinance except as herein stated be repealed or otherwise made ineffective by this ordinance, and in case of conflict the strictest of the relevant provisions of this ordinance and other laws and ordinances shall apply.
- 12.03 APPLICATION TO EXISTING ROAD PERMITS. The provisions of this ordinance shall not apply to any road, bridge, drainage structure or appurtenant facility for which a road construction permit, under bond, has been issued pursuant to any prior road ordinance, provided that construction of said road, bridge, drainage structure or appurtenant facility is substantially completed prior to January 1, 1990.
- 12.04 The articles concerning discharge of water and damage to roads, sidewalks and driveways, and building on unaccepted streets shall apply to all persons as of the effective date of this ordinance.
- 12.05 The provisions of this ordinance supersede and repeal the road ordinance adopted November 24, 1978, except that the provisions of said road ordinance which have been incorporated by reference into the Newtown Land Subdivisions Regulations by the Commission shall remain in effect as part of said regulations until changed by the Commission.
- 12.06 This ordinance shall take effect fifteen (15) days after its publication in full in a newspaper having circulation in the Town of Newtown, provided that a copy has been filed in the Office of the Newtown Town Clerk.

LOCAL STREET**MINOR COLLECTOR****MAJOR COLLECTOR****TYPICAL ROAD SECTIONS**

D

Town of New Milford, CT
Wednesday, September 2, 2015

Chapter 18. Streets and Sidewalks

CROSS REFERENCES

Charter, Section 405
Rules of construction and definitions generally, § 1-2
Planning, Ch. 16
Traffic, Ch. 20
Subdivision regulations, Appendix A
Zoning regulations, Appendix B

STATE LAW REFERENCES

Powers of town regarding streets and sidewalks, General Statutes Section 7-148
Municipal liability for snow and ice on sidewalks, Section 7-163a
Highways and bridges, Section 13a-1 et seq.
Acceptance of roads from state, General Statutes Section 13a-48
Snow emergencies, Sections 14-150 and 7-148(b), (c)(6) and (7)B and (10)

018a Appendix A 

018b Table 1 

018c Images 

ARTICLE I. Snow Emergencies

§ 18-1. Definitions.

[Ord. of 11-21-2006]

As used in this article the following terms shall have the meanings indicated:

Owner

means the owner, registrant or lessee in of a motor vehicle as defined in Connecticut General Statutes Section 14-1(51).

Snow emergency

means any snowfall or ice event that is expected, is in progress or has occurred that will require road plowing, sanding, salting and/or snow and ice

[Ord. of 11-21-2006]

The owner of any motor vehicle parked on a snow emergency route during a declared snow emergency shall be in violation of this article. A police officer discovering such vehicle may issue a notice of violation in accordance with the provisions and procedures set forth in Code of New Milford Chapter 20. The owner of the vehicle shall be fined \$100 for each violation. Additionally, if a police officer determines that a motor vehicle parked in violation of this article is an obstruction to traffic, hindrance to road treatment or a threat to public health and safety, the officer may order such motor vehicle taken to and stored at a suitable place at the expense of the owner pursuant to the provisions of Code of New Milford § 20-6 and Connecticut General Statutes Section 14-150.

§ 18-7. Payment of fines and expenses of removal and storage; hearing.

[Ord. of 11-21-2006]

An owner to whom a notice of violation has been issued shall pay the fine or request a hearing to contest the claimed violation within 10 days of the issuance of the notice. Removed and stored vehicles shall be disposed of and expenses satisfied in accordance with Connecticut General Statutes Section 14-150. In the event a vehicle owner wishes to contest a notice of violation and/or removal authority, a hearing and disposition following hearing, including collection of fines and vehicle removal and storage expenses shall be provided for and conducted in accordance with Code of New Milford Section 20-5 and Connecticut General Statutes Section 14-150.

§ 18-8. Appeal.

[Ord. of 11-21-2006]

Any owner aggrieved by a decision of a hearing officer appointed to hear and dispose of a contested notice of violation may appeal such decision to the Superior Court for the Judicial district of Litchfield within 30 days of the issuance of the hearing officer's decision.

§ 18-9. through § 18-22. (Reserved)

ARTICLE II. Road Acceptance Requirements

§ 18-23. Definitions.

[Ord. of 6-15-1978, § 1]

As used in this article, the following terms shall have the meanings indicated:

Arterial road

shall mean any road which moves a large volume of vehicles from one part of town to another,

Base course

shall mean that material placed directly below the wearing surface.

shall mean the limits of that portion dedicated for highway purposes.

Subbase

shall mean that course of material placed directly above the prepared subgrade as specified.

Subgrade

shall mean existing ground surface prepared as specified and brought to grade as indicated to receive a subbase course.

Surety

shall mean that corporate body which is bound with and for the subdivider or contractor, who is primarily liable to the Town of New Milford and which engages to be responsible for the subdivider or contractor for his payment of all debts covering all materials and labor used or employed in the execution of the contract or proposal and for his acceptable performance of the work for which he has contracted or proposed.

Town

shall mean the Town of New Milford, Litchfield County, Connecticut.

Watercourse

shall mean any channel for the drainage of water, such as a canal, river, brook, stream or swale.

Watershed

shall mean that portion of land surrounding a watercourse or paved road which sheds its ground and/or surface water into or onto the watercourse or paved road. Final decision as to the limits of any given watershed shall rest with the Selectman or his duly appointed agent.

Wearing surface

shall mean that visible section of the roadway which comes in direct contact with vehicular movement.

§ 18-24. General regulations.

[Ord. of 6-15-1978, § 2]

- (a) *Applicability.* This article shall govern the construction of all roads, drainage structures, appurtenances and bridges, presented or designed to be presented for acceptance and maintenance by the Town of New Milford, and excavation, diversion of water runoff and other activities pertaining to town highways and streets. This article specifically exempts work done by the Town of New Milford.

- (b) *Repealer.* All ordinances or parts of ordinances conflicting with the provisions of this article, including the Road Ordinance of the Town of New Milford dated June 1, 1962, as amended, and the Ordinance Governing Certain Activities on Town Roads, Highways and Sidewalks, dated April 1, 1966, are hereby repealed.

- (c) *Standards.* The construction of roads, drainage structures, appurtenances and bridges shall be governed by standards contained in **Table I** following.^[1]

[1] *Editor's Note: Table I is included at the end of this chapter.*

- (d) *Applicable state standards.* Except where the terms of this article may alter them, the latest State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction or revision thereof shall apply and govern and are hereby made part of this

- e. Outlet ditches shall be designed so that the velocity of flow will not scour or erode the material. Where excessive velocity is expected riprap or other energy dissipators may be required.

(i) *Plan-profile drawings.*^[2]

- (1) Plan-profile drawings of all proposed roads shall be submitted on plan profile sheets 24 by 36 inches. Plan-profiles shall be at a scale of one inch equals 40 feet in plan, and one inch equals 40 feet horizontal and one inch equals four feet vertical in profile. Elevations shall refer to approximate United States Coast and Geodetic Survey datum. Drawings shall include the following:
 - a. Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the final subdivision plan, width of right-of-way and paving. Existing field elevations and proposed center line grade lines with stations every 50 feet, vertical curve data and percent of grade. North arrow and monumented control points shall be shown with at least two permanent bench marks with elevations indicated.
 - b. Typical cross section of the streets with paving, shoulders, curbs and sidewalks in detail.
 - c. Plan-profile drawings shall also show all utility lines, encroachment lines and all easements for utilities, drainage and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
 - d. If considered advisable by the Director of Public Works or the Planning Commission due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished indicating the relation of the proposed construction to the adjacent land by the holder of the road permit at intervals of every 50 feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least 40 feet left and right of the center line.
 - e. Where required in the judgment of the Director of Public Works, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
- (2) All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
- (3) The above information shall be submitted for approval to the New Milford Planning Commission in accord with the New Milford Subdivision Regulations and Zoning Regulations.^[3] It shall then be referred to the Director of Public Works by the Planning Commission.
 - [3] *Editor's Note: See Appendix A and Appendix B of this volume.*
- (4) Upon final approval of the above-listed submissions for any proposed roadway and auxiliary structures, seven copies of said documents will be required for filing by the town.
 - [2] *Editor's Note: See also Appendix A at the end of this article.*
- (l) *Tributary drainage to a state system.* Where drainage is tributary to a portion of a Connecticut Department of Transportation drainage system, the holder of the road permit shall obtain the approval of the Connecticut Department of Transportation for such drainage and shall submit the approval to the Planning Commission with the other required documents.
- (k) *Easements.* Permanent easements, of a nature acceptable to the Town Counsel, shall be deeded to the town in all cases where drainage pipes or ditches cross or abut lands other than a street right-of-way. A minimum width of 20 feet shall be required and said easements shall be clearly defined on the final subdivision plan placed on file in the land records.

- (3) Twelve percent perennial rye grass.
- (4) Nine percent Kentucky blue grass.
- (5) Ten percent redtop.
- (6) Two percent white Dutch clover.
- (d) *Gravel subbase for roads.* The subbase shall consist of at least 12 inches of bank-run gravel constructed in accord with state specifications. Where ledge rock is encountered, it shall be excavated a minimum of 18 inches and backfilled with gravel subbase. The holder of the road permit may be required to have a qualified testing laboratory perform at least three tests or one every 250 feet, whichever is greater. Any deficient area shall be corrected and retested at the expense of the holder of the road permit.
- (e) *Base course for roads.* The base course shall be in accordance with the specifications herein.
- (f) *Wearing surface.* The wearing surface of all roads will be bituminous concrete pavement, constructed in two courses to the thicknesses indicated herein. A minimum thickness of pavement shall be three inches after compaction. A higher-type pavement may be constructed with the permission of the Director of Public Works. No pavement may be installed until approval is given by the Director of Public Works. Any area of a road or driveway found to be deficient in compacted thickness by more than 1/2 inch shall be corrected with a one-inch overlay, provided that an acceptable grade and cross section can be achieved. At the ends of the overlay, the original pavement shall be cut back sufficiently to allow placement of the overlay. Feathering shall not be allowed. The Director of Public Works must be notified a minimum of 48 hours prior to the installation of each course of bituminous concrete and approval received before installation.
- (g) *Drainage.* All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of three feet or, if less, as required by the gauge or class of pipe with the approval of the Director of Public Works. All installation and construction shall be to the line and grade indicated on submitted drawings. Underdrain pipe and outlets shall be of a size and location as determined by the Director of Public Works. Drainage pipe shall be laid along the greater cut or shallower fill side of the road. Curb-type catch basins, various types of endwalls, CL-type catch basins, manholes, wing-type endwalls and underdrain shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut Department of Transportation Standard Sheets.
- (h) *Inspections; curbing.*
 - (1) After drainage pipe is installed and prior to any backfilling, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the drainage. The Director of Public Works shall direct that any required changes be made and shall reinspect the drainage system prior to backfilling. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
 - (2) After the fine grading and prior to the application of the first course of bituminous concrete, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the roadway. The Director of Public Works shall direct that any required changes be made and shall reinspect the roadway prior to the application of the first course of bituminous concrete. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
 - (3) Curbing is required on all roads unless otherwise designated. At the time of this inspection those areas not requiring curbing shall be designated by the Director of Public Works. Curb must be installed prior to the second course of bituminous concrete.

[Ord. of 6-15-1978, § 4]

- (a) *Bank-run gravel.* All material shall conform to the latest Connecticut Department of Transportation Specifications.
- (b) *Monuments.* Monuments shall be set on both sides of all right-of-way lines of streets, all intersections, angle points and points of tangency. Monuments shall be at least 48 inches long and shall be at least four inches square. All monuments may be stone or reinforced concrete. The monuments shall not be set before the final wearing course has been completed, nor shall they be set while the frost is in the ground. They shall be set so that the top is five inches above the finished grade and clearly visible, and they shall be so set and tamped as to prevent shifting. The subdivider's surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the town.
- (c) *Street signs.* Street signs shall conform to the town's standard and shall be installed by the subdivider at his expense.

§ 18-27. Administration.

[Ord. of 6-15-1978, § 5; Ord. of 10-13-2006; Ord. of 12-8-2006]

- (a) *Guaranty bonds.*
 - (1) *Town highway or right-of-way.* All road construction or reconstruction and all excavation on or under a town highway or right-of-way shall be guaranteed by the posting of a performance guaranty bond running in favor of the town or by the presentation of a certified check payable to the town in an amount equal to 100% of the cost of the work. The cost of such work shall be estimated by a licensed professional engineer, and reviewed by the Director of Public Works. For any road improvements performed under contract with the town, such performance guaranty bond or certified check shall be filed with the First Selectman.
 - (2) *Subdivisions.* All road construction, including drainage and other improvements, within a proposed subdivision shall be guaranteed by the posting of a performance guaranty bond in an amount equal to 100% of the cost of the work. Cost estimates shall be submitted to the Director of Public Works and to the Planning Commission for review and approval. The performance guaranty bond shall be filed with the Planning Commission prior to final subdivision approval.
 - (3) All performance guaranty bonds shall be written for a term not to exceed two years as shall be determined by either the First Selectman in the case of work performed on or under a town highway or right-of-way; or by the Planning Commission in the case of work performed within a subdivision. The First Selectman and/or Planning Commission may permit an extension of any performance guaranty bond to allow for the completion of the wearing surface of a road, provided that the surety consents and agrees to such extension. All performance guaranty bonds shall be approved by Town Counsel.
 - (4) After certification by the Director of Public Works that drainage has been installed or a section of the road has been completed and upon the request of the principal, performance guaranty bonds may be reduced with the approval of the First Selectman and/or Planning Commission as the case may be.
 - (5) In the case of road construction, reconstruction and/or excavation on or under a town highway or right-of-way, no performance guaranty bond shall be released until such work has been certified complete by a licensed professional engineer and the town highway or right-of-way has been restored to a condition satisfactory to the Director of Public Works.
 - (6) In the case of road construction, including drainage and other improvements, within a proposed subdivision, no performance guaranty bond shall

value of the work accepted. The term of this bond shall be one year from the date of final acceptance.

- (2) During the required one-year maintenance period, the subdivider shall, when notified by the Director of Public Works or his agent, promptly, and at the subdivider's expense, repair all defects and/or failures in the construction and operation of roads, structures and appurtenances which may occur during said period. Should the subdivider fail to remedy such defects within a reasonable time, the town may, upon written notice to the subdivider and surety, cause the required repairs to be made and bill the subdivider or surety company for the cost of such repair work.
- (3) No road bond shall be fully released until the road is accepted by the Town Council and the Planning Commission notified of such acceptance in accordance with the provisions of the Charter. Nothing herein shall impair the right of the Planning Commission to release portions of or reduce the bonds as construction is completed and recommended for acceptance by the Department of Public Works.
- (g) *As-built drawings.* Upon completion of construction and prior to acceptance or release of performance guaranty, as-built drawings certified by a registered land surveyor shall be submitted for approval in accordance with the requirements of this article. Such drawings shall be in accord with Class A-2 (Connecticut Technical Council), shall be entitled "As-Built" and shall note any deviation from the original plans.
- (h) *Warranty deeds.* Upon completion of construction and prior to acceptance or release of the performance guaranty bond, a warranty deed or deeds covering all roads and rights-of-way, drainage or other easements shall be granted to the Town of New Milford and delivered to the First Selectman, together with the as-built drawings. The grantor shall also furnish the town with a certificate of title for the land described in the warranty deed acceptable to Town Counsel and signed by a member of the Bar of the State of Connecticut. The standard title of the Connecticut Bar Association shall govern.
- (i) *Approval and acceptance by the town.*
 - (1) No road shall be accepted by the Town Council unless it has been so inspected, the fees paid and final approval given first by the Department of Public Works and by the Planning Commission. The Department of Public Works shall notify the Planning Commission, Wetlands Officer, Mayor's office and Town Attorney of such final approval before the acceptance is considered by the Town Council.
 - (2) No road shall be accepted into the New Milford road system between November 1 and April 15 of the following year.
- (j) *Penalties for violation.* In addition to all other legal and equitable remedies available to accomplish enforcement of this article, any person, firm, corporation or agent thereof, violating or assisting in the violation of any of the provisions hereof, shall be fined no more than \$100 for each offense. Each day of violation shall be deemed a separate offense.
- (k) *Separability.* In the event that any part of this Road Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such decision shall be limited to those provisions which are expressly stated in the opinion to be invalid or unenforceable and all other provisions of this article shall continue to be separately and fully effective.
- (l) *Applicability.* This article shall apply to all roads which are submitted to the town for acceptance except those which have been approved by the Selectmen for construction or are now under construction in accordance with the Road Ordinance of the Town of New Milford, dated June 1, 1962, as amended; and to activities approved under the Ordinance Governing Certain Activities on Town Road, Highway and Sidewalks, dated April 1, 1966.

§ 18-28. through § 18-38. (Reserved)

[Ord. of 3-28-1969, §§ 6, 7]

- (a) In addition to any other penalty provided by law, if any owner or occupant fails to comply with the provisions of §§ 18-40 and 18-42, the Highway Department and its employees may clear snow and ice from such sidewalks. The expense of such clearing shall be a lien upon the premises adjoining and abutting on such sidewalks and the Board of Selectmen may cause a certificate of lien therefor to be recorded in the Town Clerk's office within 60 days after such clearing as provided by the General Statutes.

- (b) The expense of clearing snow and ice by the Highway Department as provided in Subsection (a) of this section and the cost of the lien therefor may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if the expense and the cost of the lien is paid with such taxes, the lien shall be discharged; if not so paid, the lien may be foreclosed in the manner hereinbefore provided.

§ 18-44. Penalty for failure to clear sidewalks.

[Ord. of 3-28-1969, § 5]

Any person who violates or refuses or neglects to comply with the provisions of §§ 18-40 through 18-42 shall be punished by a fine not exceeding \$5 for each violation, and each day of failure to comply with such provisions shall constitute a separate offense.

§ 18-45. Maintenance of sidewalks by abutting owners required.

[Ord. of 3-28-1969, § 9]

Any person owning or occupying any lands in the town in front of which is a sidewalk, either paved of concrete or cement or otherwise constructed to the approval of the proper authorities of the town, shall keep such sidewalk, at all times, in safe condition and repair for the use of the public and free from obstruction and defects.

§ 18-46. Repair of sidewalks by town; collection of costs.

[Ord. of 3-28-1969, § 10]

- (a) If any sidewalk obstruction or defect or the need of repair exists, the Board of Selectmen shall notify the owner, agent or occupant of the abutting premises to remove such obstruction or defect or make such repairs and, if the same are not made within 30 days after such notice, the town may perform the same.

- (b) The expense of such repairs by the town shall be a lien upon such abutting property in favor of the town, which may be continued if a certificate thereof is filed with the Town Clerk within 60 days of the completion of such work, and the same may be collected by the town by any proper form of legal or equitable action.

§ 18-47. through § 18-54. (Reserved)

benefitted by the improvements, and upon the owners of such land and buildings, according to such resolution as the Town Council adopts, subject to any right of appeal allowed by law and subject to any exemptions mandated by law.

§ 18-59. Determination of cost of improvements.

[Ord. of 11-30-1998, § 2]

The Town Council shall ascertain the cost of the improvements and, in ascertaining the cost, shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, cost connected with financing the project, all engineering and legal expenses especially chargeable to the project and any other costs or expenses needed to complete the project or improvement.

§ 18-60. Criteria for determination of assessment.

[Ord. of 11-30-1998, § 3]

Upon determining the amount to be collected pursuant to the assessment, which amount may be a fraction of, but shall not exceed 50% of the cost of the improvement as determined in § 18-59, the Town Council shall assess the benefits upon the properties the Town Council determines are benefitted by the improvement in proportion to the square footage/area of the improvements fronting or bounding the properties to be assessed. The Town Council may make reasonable allowances whenever, for any reason, the particular situation of any property requires an allowance.

§ 18-61. Use of Tax Assessor Maps for measurements.

[Ord. of 11-30-1998, § 4]

For the purposes of any measurements required under these ordinances, the maps of the Tax Assessor of the Town of New Milford shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.

§ 18-62. Authority of Town Council to provide for installment payments.

[Ord. of 11-30-1998, § 5]

The Town Council may, by resolution, provide for installment method of payment of any assessment levied hereunder, including the number and duration of payments and interest rate to be charged. The interest rate shall not exceed the rate of interest the municipality is obligated to pay to finance the project or would have had to pay if the project were financed.

§ 18-63. Benefit assessment enactment procedure.

[Ord. of 11-30-1998, § 6]

- (a) The Town Council shall fix in the Assessment of Benefits Resolution the due date of assessments made and the manner in which the assessment shall be paid, whether in full or by installment pursuant to § 18-62.

Construct

shall mean the initial building of a driveway.

Driveway

shall mean any area providing for vehicle access to or from a highway.

Reconstruct

shall mean to remove or change the existing surface of a driveway.

Town highway

shall mean any road within the Town of New Milford that has been accepted by the town or may be accepted into the town highway system, regardless of the type of surface of said road.

[1] *Editor's Note: This ordinance also superseded former Article IV, Driveways, derived from Ord. of 5-27-1966.*

§ 18-72. Permit required.

[Ord. of 11-1-1979, § 2]

It shall be unlawful for any person, firm or corporation to hereafter construct, reconstruct or otherwise alter any driveway abutting or intersecting any road which is now or may become part of the town highway before first filing a written application with the office of the First Selectman of the Town of New Milford and receiving a permit therefor. There shall be no charge for said application.

§ 18-73. Contents of application.

[Ord. of 11-1-1979, § 3]

Said application shall contain the property owner's name; the location of the proposed driveway; the materials to be used; the time when the work will commence and the time of completion; and also the party or parties who will perform the work.

§ 18-74. General construction requirements.

[Ord. of 11-1-1979, § 4; Ord. of 7-8-2013]

Any such proposed new driveway abutting a Town highway shall be constructed of a minimum of two inches of bituminous concrete over six inches of gravel or four inches of concrete or of other similar substance in the area from the existing traveled portion of the highway to the property line or to a distance of 30 feet, whichever is greater. The driveway will be constructed in a manner and of materials with sight lines and grade pitch to the satisfaction of the Director of Public Works or his designated representative. The proposed driveway shall be confined between lines projected from the frontage corners of the property perpendicular to the center of the highway, but this requirement may be waived in writing by the Director of Public Works. Notwithstanding the foregoing, bituminous concrete paving shall not be required on a driveway that abuts an unpaved highway that is also designated a scenic road in Code of New Milford § 17A-10, as amended. In all other respects, however, such driveway shall be constructed in conformity to and compliance with the standards and requirements of this article. Should the scenic road that abuts an unpaved driveway be paved at a later date, then and in that event, the owner of the driveway shall, at the owner's expense within 90 days of completion of road paving, pave the abutting driveway area as hereinabove specified and described.

that the permit expires, such cash deposit shall be forfeited to the town. In lieu of requiring a cash deposit, the Director of Public Works may authorize the applicant to post a performance bond with surety in the amount of not less than \$1,000 conditioned upon the completion of the permit work and compliance with this article. When a performance bond is authorized, such performance bond shall be in the form authorized for use by Town Counsel. The surety shall be a company authorized to act as surety by the State of Connecticut and shall be subject to approval by the First Selectman.

§ 18-80. Waiving of deposit or bond.

[Ord. of 11-1-1979, § 10]

The Director of Public Works may waive the cash deposit and/or performance bond requirement for reconstruction or alteration.

§ 18-81. Violations and penalties.

[Ord. of 11-1-1979, § 11]

Any person, firm or corporation who shall violate any of the provisions of this article shall be fined not more than \$25 for each day that said violation exists.

ARTICLE V. Liability for Ice and Snow on Sidewalks

§ 18-82. Adoption of statutory provisions.

[Ord. of 2-8-1988, § 1]

The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in §§ **18-83** and **18-84** hereof.

§ 18-83. Nonliability of town.

[Ord. of 2-8-1988, § 2]

Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other general statute or special act, the Town of New Milford shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of New Milford is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the Town of New Milford shall be liable for its affirmative acts with respect to such sidewalk.

§ 18-84. Responsibilities and liability of adjacent property owner.

[Ord. of 2-8-1988, § 3]

- (a) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this article and

STREETS, SIDEWALKS AND PUBLIC PLACES

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- Sec. 17-181. Hot asphalt concrete pavement.
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- Sec. 17-187. Additional specifications.
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ARTICLE I. IN GENERAL**Sec. 17-1. Duties and responsibilities of town engineer.**

The duties and responsibilities of the town engineer, wherever reference is made to such position within this Code or other rules and regulations adopted by the town council or promulgated as administrative regulations by the town manager or his authorized agents, may be carried out by a civil engineer or engineer licensed in the state and as directed and assigned by the public works director.

(Code 1960, § 2441.0)

Sec. 17-2. Acceptance of streets and highways.

(a) *Definitions.* For the purposes of this section, the following definition shall apply:

"*Improved roads*" shall mean roads that comply with the applicable specifications (according to type of road) prescribed by the town for streets and highways in the town. All roads that do not comply with such specifications shall be designated as "unimproved roads."

(b) *Recommendation of planning and zoning commission.* No street or highway shall be accepted as a public highway of the town unless (1) the town council has received a recommendation for such acceptance from the town planning and zoning commission, (2) such recommendation indicates that all conditions imposed by such commission or by the subdivision regulations have been complied with, and that a deed or deeds of such street or highway acceptable to the town have been received, and (3) the town council has approved such an acceptance by a majority vote of its members present at a meeting called for that purpose.

(c) *Unimproved roads.* Whenever the town council shall receive such a recommendation for acceptance of an "unimproved" street or highway as a public highway, the town council shall conduct a public hearing. Notice of the public hearing shall be published at least five (5) days prior to said public hearing in a newspaper having substantial, continuous circulation in the town.

(d) *Improved roads.* No public hearing shall be required for acceptance of an "improved road."

(Code 1960, §§ 2451—2453; Ord. of 7-11-89)

Sec. 17-3. Obstructions.

No person shall place, permit, maintain or allow any obstruction in any street or highway in the town, whether the same or indirectly. For the purposes of this section, obstruction shall mean any foreign matter in a highway or street causing a hazard to users thereof and shall include, but not be limited to, any collection of sand, fill, debris, or other matter to a depth of three (3) or more inches at any point, and a breadth in any dimension of six (6) or more feet measured within the traveled portion of the highway.

(Code 1960, § 2321)

Sec. 17-19. Specifications for type and location of numbers.

(a) Numerals used to indicate the street identification number of buildings shall be located on the exterior front of the building which they identify or on a post, sign, mailbox or other device located between the building and the street. Such numerals shall be at least three (3) inches in height and shall be of a color contrasting with the color of the background material to which they are affixed. When affixed, they shall be positioned not less than four (4) feet nor more than twelve (12) feet from the surface of the ground directly below them. The location and size of such numerals shall be sufficient to assure their legibility when the building which they identify is viewed from one (1) or more points along the centerline of the street on which it fronts between projections of the sides of such building intersecting perpendicularly with such centerline.

(b) If a building is set back more than one hundred (100) feet from the centerline of the street on which it fronts, or if numerals cannot be made legible from such centerline because of obstruction, the foresaid numerals shall be affixed to a post, sign, mailbox or other device which shall be located within ten (10) feet of the driveway entrance to the premises and which shall otherwise conform to the specification herein.

(c) For buildings containing more than three (3) dwelling units which have entrances from interior passageways, numerals shall be affixed within five (5) feet of every door by which the building may be entered. Otherwise the specifications and locations for such numerals shall be as for other buildings.

(d) Residential dwellings that consist of multiple units having different street numbers shall post the range of house numbers per building at a prominent location thereon, consisting of numerals that are no less than six (6) inches in height and of a color contrasting with the color of the background material to which they are affixed, such that the location be visible at least one hundred (100) feet to approaching emergency personnel. In addition, each individual unit shall have at its front and rear entrances a visible number consisting of three-inch numerals in contrast to the background.

(Ord. of 11-9-88)

Sec. 17-20. Penalty.

Whoever shall refuse or neglect to comply with the provisions of this article for more than thirty (30) days after notice, as required in section 17-18, shall be fined ten dollars (\$10.00).
(Ord. of 11-9-88)

Secs. 17-21—17-30. Reserved.

town employees providing the maintenance services. If a private road is not reasonably safe, no maintenance services shall be provided by the town unless the owners of the private road, or owners of property abutting the private road, as the case may be, properly correct the unsafe condition or conditions.

(c) The private roads, or parts thereof, approved for maintenance shall be shown on a map which shall be available for public inspection in the town clerk's office.

(Ord. of 11-23-82)

Sec. 17-33. Maintenance services to be provided.

(a) Notwithstanding maintenance provided to private roads under the former ordinance, maintenance services provided under section 17-32 of this article shall be limited to the following services:

- (1) Snow plowing and ice sanding;
- (2) Sweeping;
- (3) Surface patching;
- (4) Oiling and incidental sanding;
- (5) Installation and maintenance of any official traffic-control devices and street signs as defined in G.S. § 14-297, which are approved by the traffic authority.

(b) If the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to roads approved for maintenance under section 17-32 of this article such work, services or improvements may be provided by the town or its designees provided an agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the work, services or improvements. The town may decline to provide additional work, service or improvements unless the agreement apportions costs among the parties.

(Ord. of 11-23-82)

Sec. 17-34. Acceptance for maintenance not to be construed as acceptance as public highway.

Approval of a private road for maintenance, improvement or hard-surfacing under section 17-32 of this article and/or approval of additional work, services, or improvements under section 17-33 shall not be considered acceptance of that road as a public highway.

(Ord. of 11-23-82)

Sec. 17-35. Planning and zoning.

Nothing in this article shall be construed to modify or change any of the requirements laid down by the town plan and zoning commission and approved by the town for the acceptance of new roads as public highways.

(Ord. of 11-23-82)

Cross reference—Plan and zoning commission, § 15-36 et seq.

and all work must be performed in strict conformity to such specifications, which shall designate the location, types of materials, width, thickness of the sidewalk and methods of construction.

(Code 1960, § 2307.2)

Sec. 17-48. Grade.

After obtaining a permit to construct, repair or replace a sidewalk and before commencing operations, in the public right-of-way, a grade line shall be obtained from or approved by the town manager or his designated agent, provided that no grade line shall be necessary where minor repairs or slab replacement is performed.

(Code 1960, § 2307.3)

Sec. 17-49. Inspection.

Annually, or at more frequent intervals, the town manager shall cause all existing sidewalks fronting on town roads to be inspected to determine whether any such sidewalk, or any part thereof, is in need of repair or replacement in order to make it safe for public travel.

(Code 1960, § 2351.1; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-50. Repairs.

Whenever the town manager or his agent determines that any such sidewalk described in section 17-49, or any part thereof, is in need of repair or replacement, he shall cause the same to be repaired or replaced as needed.

(Code 1960, § 2351.2; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-51. Construction.

(a) *Order.* The town council may, after hearing as herein provided, upon finding that it will serve public necessity and convenience, order the town manager to install or cause to be installed along all or part of any street or highway in the town sidewalks of such dimensions, styles, kinds, forms, materials, at such grades and in accordance with such other specifications adopted by the town council.

(b) *Notice.* Notice of such order shall be given to the owner or owners of the abutting land within ten (10) days after the same has been made by mailing a copy of the same to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

(c) *Hearing.* Before making such an order, the town council shall cause notice of the time and place of a hearing relative to the same to be given such owner or owners, at least ten (10) days prior to the date of such hearing, by mailing a copy of such notice to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

Sec. 17-52. Removal of snow, ice, debris, vegetative growth and other obstructions.

(a) The owner, agent of the owner, or occupant of any property bordering upon any street, square or public place within the town where there is a paved or concrete sidewalk shall cause to be removed therefrom any and all snow, sleet, ice, debris, vegetative growth and other obstructions. Nothing in this section shall be deemed to remove or alleviate the owner's responsibility and liability for correcting hazardous conditions on their property.

- (1) Removal of snow, sleet and ice shall be done within twenty-four (24) hours after the same shall have fallen, been deposited or found, or in the case of ice that cannot be removed, such ice shall be covered with sand or some other suitable substance to cause such sidewalk to be made safe and convenient within such time period. Removal of snow and ice shall mean the removal of snow and ice to the full width of the sidewalk.
- (2) Removal of debris and other obstructions shall be done within twenty-four (24) hours after the same shall be found or deposited, to make such sidewalk safe and convenient.
- (3) Removal of vegetative growth occurring adjacent to, or overhanging the sidewalk shall be done within fourteen (14) days after receiving notice of violation of this section to make such sidewalk safe and convenient. Vegetative growth shall be removed and maintained to a distance of one (1) foot beyond each exterior edge of the sidewalk to a clear height of seven (7) feet above the sidewalk. Overhanging vegetation shall be removed to establish a clear height of seven (7) feet. Grass or sod overgrowing the sidewalk surface greater than six (6) inches shall be removed.

(b) No private person or entity shall place or cause to be placed, any snow, ice, debris, vegetation or other obstruction from any privately owned property onto or into any street, public way or sidewalk of the town, so as to in any way interfere with, impede or render unsafe any manner of use of or travel on said streets, public ways or sidewalks.

periodic payments over a period of time not to exceed five (5) years. The town council shall give notice of the date or dates when assessments are due and payable by publication in a newspaper having a circulation in the municipality and by mailing copies of such notice to affected property owners. Such notice shall list the streets for which such assessments are due. No assessment shall be due and payable earlier than thirty (30) days after the publication of such notice. Such assessments shall be delivered by the town council to the tax collector of the town for collection and shall be final and conclusive on all parties in interest.

(Code 1960, § 2394; Ord. of 5-10-71)

Sec. 17-80. Collection of assessments.

Payment of an assessment levied under this article may be enforced in a civil action by said town or by foreclosure in the manner of foreclosure of tax liens. Such assessment shall become a lien upon the land assessed from the date it is levied and shall remain a lien in favor of the town until payment; provided no such lien shall continue for a period longer than four (4) months after such assessment was made unless, within such period, a certificate, in writing, signed by the tax collector and describing the premises, the amount claimed as a lien, the date of such final assessment and the nature of the work for which such lien is claimed, is lodged by the town clerk. Each such lien shall bear interest from the date of the billing thereof at the rate of one-half of one per cent per month until paid. Any such lien shall cease to exist when a certificate signed by the tax collector and stating that the claim secured thereby, together with interest, has been paid in full, shall be lodged with the town clerk. The town council may, in its discretion and in accordance with such regulations as it may adopt, defer, in cases of hardship, the payment of assessments under the provisions of this article.

(Code 1960, § 2395; Ord. of 5-10-71)

Sec. 17-81. Exemption.

The provisions of this article shall not apply to property which is located in an industrial or business zone, and shall not apply to streets which are both accepted and paved as town roads. A paved town road shall be deemed to be an accepted town road with any form of pavement including, but not limited to, oiled gravel, armorcoat, penetration, concrete, or bituminous concrete.

(Code 1960, § 2396; Ord. of 5-10-71)

Secs. 17-82—17-95. Reserved.

Sec. 17-100. Same—Insurance prerequisite to issuance and continued validity.

(a) The contractor applying for a license required by section 17-97 shall furnish to the town a valid insurance certificate completed by his agent or insurer for the amounts described as follows: Liability, with bodily injury limits of three hundred thousand dollars (\$300,000.00) each person; five hundred thousand dollars (\$500,000.00) each accident with property damage limits of fifty thousand (\$50,000.00) each accident.

(b) The insurance shall cover the entire contract period as well as the maintenance period and in the event that the insurance expires during this time the contractor shall furnish the town with a renewal certificate at least ten (10) days prior to its expiration or the license and any permits issued pursuant to it shall be null and void. The property damage insurance shall specifically cover damage to underground pipes and conduits damaged while using mechanical equipment to excavate in the public rights-of-way. In the event that a licensee shall fail to renew an insurance policy which expires during the maintenance period, the town manager or his designated agent may renew such policy after written notice to the licensee and to his surety company and upon their failure to furnish a renewal certificate, charge the cost thereof to the licensee.

(Code 1960, § 2301.3; Ord. of 12-10-62)

Sec. 17-101. Same—Transferability.

No contractor licensed pursuant to section 17-97 or abutting property owner shall allow his name to be used by any other person or party either for the purpose of obtaining permits or doing any work under his license.

(Code 1960, § 2301.8; Ord. of 12-10-62)

Sec. 17-102. Same—Revocation.

The town manager or his designated agent may at any time cancel or suspend any license required by section 17-97 for cause. In the event the liability insurance is cancelled, the license issued to the contractor shall automatically become suspended.

(Code 1960, § 2301.6; Ord. of 12-10-62)

Sec. 17-103. Same—Expiration.

All licenses required by section 17-97 shall expire on December 31 next following their date of issue, unless sooner revoked, and a new license obtained before any work can be performed thereafter by the licensee.

(Code 1960, § 2301.5; Ord. of 12-10-62)

Sec. 17-104. Business address.

The applicant for a license required by section 17-97 shall file with the town manager's office his business address, and shall notify such office promptly of any change therein. Any orders

Sec. 17-109. Correcting unsatisfactory work.

(a) The town manager or his designated agent is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued to work within the public rights-of-way.

(b) If, in the opinion of the inspector, the work being performed does not meet the specifications and conditions in connection with it, the permittee shall be required to correct such condition, commencing work within twenty-four (24) hours of notification to make such correction unless a longer period of time is granted by the town manager or his designated agent.

(c) Work that has been completed and from which all men, equipment and material have been removed will be subject to the same conditions as those cited in the foregoing paragraph with the exception that a five-day limit will be imposed for commencement of rework unless a longer period of time is authorized by the town manager or his agent.

(d) If the permittee fails to comply with the requirements of this section, the town manager may cause such work to be done and the permittee shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.
(Code 1960, § 2301.13; Ord. of 12-10-62)

Sec. 17-110. Permittee's period of responsibility.

Unless the period of responsibility is waived, in whole or in part by the town manager, the permittee will guarantee his work for a period of six (6) months from date of completion of work within the public rights-of-way. During this guarantee period, the insurance as herein provided, shall remain in full force and effect. Completion of such work refers to the completion of the permanent pavement replacement.
(Code 1960, § 2301.14; Ord. of 12-10-62)

Sec. 17-111. Exemptions.

(a) The town manager or his designated agent may waive all requirements concerning licensing and insurance in case of any governmental agency or public service company. Nothing herein contained, however, shall be deemed to waive the requirement of obtaining permits.

(b) None of the provisions of this division shall apply to any work performed in connection with the maintenance, repair, replacement or relocation of existing utility poles owned by any public service company, nor to the erection of any temporary protective warning signs or devices.

(c) Nothing in this division shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company in the event of emergency.

Sec. 17-125. Protection from heavy equipment.

Wherever a contractor or person is performing work that requires the moving of heavy equipment over a curb, he shall take adequate steps to bridge, plank, or otherwise protect the curb from damage.

(Code 1960, § 2308.5; Ord. of 12-10-62)

Sec. 17-126. Removing, damaging, etc., without permit prohibited.

It shall be a violation of this division to crack, break, remove or damage any existing curb unless a permit has been issued in accordance with the provisions of this section.

(Code 1960, § 2308.6; Ord. of 12-10-62)

Sec. 17-127. Repair of damaged curbs.

If a curb is unlawfully damaged by any contractor or person the town shall give notice to such contractor or person that such curb must be repaired or replaced to the satisfaction of the town manager. If such repair or replacement is not completed within five (5) days from the mailing of such notice, the town manager may cause such work to be performed, and the contractor or person shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.

(Code 1960, § 2308.7; Ord. of 12-10-62)

Secs. 17-128—17-135. Reserved.**DIVISION 3. DRAINAGE SPECIFICATIONS****Sec. 17-136. Permits—To be issued to licensed contractors only.**

Only a licensed contractor may be issued a permit by the town manager or his designated agent to do any type of surface or cellar drainage work which connects into the town storm drainage system either surface or underground.

(Code 1960, § 2304.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-137. Same—Waiver of claim prerequisite to issuance.

No permits for work described in section 17-136 will be issued until the property owner shall have signed a waiver of claim on forms provided by the town manager or his designated agent, relieving the town of all responsibility for any damage resulting from such connection, specifically relinquishing any claim such property owner may otherwise have against the town caused by the back up of surface water through the town storm drain system.

(Code 1960, § 2304.2; Ord. of 12-10-62)

Sec. 17-152. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to construct, surface, or resurface a driveway, paved or otherwise, within the public rights-of-way of the town.
(Code 1960, § 2303.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-153. Grade.

After obtaining a permit and before commencing operations in the public rights-of-way, a grade line shall be obtained from the town manager or his designated agent.
(Code 1960, § 2303.2; Ord. of 12-10-62)

Sec. 17-154. Width.

(a) No private residential driveway over twelve (12) feet in width shall be permitted without approval from the town manager.

(b) No public or commercial driveway over thirty (30) feet in width shall be permitted without approval from the town manager.
(Code 1960, § 2303.3; Ord. of 12-10-62)

Sec. 17-155. Distance from crosswalk.

No driveway shall be constructed within four (4) feet of a regularly constituted crosswalk.
(Code 1960, § 2303.4; Ord. of 12-10-62)

Sec. 17-156. Number and separation distance.

(a) Approval must be obtained from the town manager to install more than two (2) driveways on one (1) piece of property.

(b) Under no circumstances shall the town manager permit two (2) driveways either on the same or joining property closer than eight (8) feet at the gutter line.
(Code 1960, § 2303.5; Ord. of 12-10-62)

Sec. 17-157. Location of driveway.

No driveway shall be constructed within twenty (20) feet of a street intersection.
(Code 1960, § 2303.6; Ord. of 12-10-62)

Sec. 17-158. Extent of driveway.

No driveway apron shall extend into the street further than the gutter line unless a culvert is placed under the driveway as herein provided.
(Code 1960, § 2303.7; Ord. of 12-10-62)

Secs. 17-172—17-180. Reserved.

DIVISION 6. MATERIALS SPECIFICATIONS

Sec. 17-181. Hot asphalt concrete pavement.

The materials for hot asphalt concrete pavement shall be in accordance with Class I, Section 4.03, Connecticut Highway Specifications.
(Code 1960, § 2310.0; Ord. of 12-10-62)

Sec. 17-182. Concrete payment.

The materials for concrete pavement shall be in accordance with Section 4.01, Connecticut State Highway Specifications.
(Code 1960, § 2310.2; Ord. of 12-10-62)

Sec. 17-183. Bank run gravel.

The materials for bank run gravel shall be in accordance with Section 4.11, Connecticut State Highway Specifications.
(Code 1960, § 2310.3; Ord. of 12-10-62)

Sec. 17-184. Processed gravel.

The materials for processed gravel shall be in accordance with Section 4.15, Connecticut State Highway Specifications.
(Code 1960, § 2310.4; Ord. of 12-10-62)

Sec. 17-185. Culvert pipe.

Culvert pipe shall be reinforced concrete or corrugated metal pipe having a minimum diameter of twelve (12) inches.
(Code 1960, § 2310.5; Ord. of 12-10-62)

Sec. 17-186. Concrete sidewalks.

The materials for concrete sidewalks shall be in accordance with Section 9.21, Connecticut State Highway Specifications.
(Code 1960, § 2310.6; Ord. of 12-10-62)

Sec. 17-187. Additional specifications.

Additional specifications of material, construction methods and details of appurtenances shall be as established by the town and shall be on file with the town manager.
(Code 1960, § 2310.7; Ord. of 12-10-62)

Secs. 17-188—17-195. Reserved.

Sec. 17-201. Not to be left on highway at night; exception.

No building or structure being moved shall be left on the street overnight except in an extreme emergency and then only with the special permission of the town manager and under such special conditions as he may impose.

(Code 1960, § 2305.6; Ord. of 12-10-62)

Secs. 17-202—17-210. Reserved.

DIVISION 8. STREET EXCAVATIONS

Sec. 17-211. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to excavate in a paved street area.

(Code 1960, § 2302.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-212. Notification of police and fire department.

The contractor shall notify the police department and the fire department twenty-four (24) hours in advance of making an excavation which requires blocking more than fifty (50) per cent of the width of the street. The fire department shall be notified through its fire chief.

(Code 1960, § 2302.2; Ord. of 12-10-62)

Sec. 17-213. Tunneling and bracing.

Excavations shall be made in an open cut and no tunneling will be allowed except by special permission of the town manager or his designated agent and under such additional conditions as he may impose. Trenches shall be braced and sheeted whenever in the opinion of the town manager such bracing and sheeting are necessary.

(Code 1960, § 2302.3; Ord. of 12-10-62)

Sec. 17-214. Maximum width of cut.

No contractor shall make a trench cut of over thirty (30) inches width without first obtaining special permission from the town manager or his designated agent.

(Code 1960, § 2302.4; Ord. of 12-10-62)

Sec. 17-215. Public safeguard.

All excavated material shall be compactly piled and not interfere with public travel more than necessary. Suitable barricades must be provided, and warning lights kept burning between sunset and sunrise. If, in the opinion of the town manager or his designated agent, the location and extent of work is such that a traffic director is required, the town manager or his

- (b) The trench area must be excavated to a depth of ten (10) inches. Eight (8) inches of processed stone or processed gravel must be installed and compacted either with a roller of not less than five (5) tons or a power tamper.
- (c) The area immediately adjacent to the edge of the trench must be swept clean so that no loose sand, temporary patch or other debris remains.
- (d) A hot patch material must be placed over the processed gravel or stone so that after compaction a depth of not less than two (2) inches is in place. The material must be so installed that the original cross slope of the road is maintained.
- (e) All joints must be sealed with a bituminous joint sealer.
- (f) If as a result of the contract work performed under the permit which this section specifically pertains to, the pavement outside of the trench area or the shoulders of the road are damaged as a result of this work or the detouring of traffic within the area covered by the permit, these damaged areas must also be repaired to the satisfaction of the town.
 - (1) If the pavement area is damaged, it will be replaced as stipulated in subsections (b) through (f) of this section.
 - (2) If the unpaved shoulder is damaged, it will be restored to the condition which existed prior to the beginning of the work. If the area was grassed, it will be reloomed and reseeded, otherwise it must be regraded with processed gravel.
- (g) If the street in which the excavation is made is a bituminous macadam penetration pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a two and one-half (2½) inch penetration pavement to be installed.
- (h) If the street in which the excavation is made is a concrete pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a new concrete pavement to be installed.
- (i) The town reserves the right to require the contractor to pay to the town, in lieu of installing a permanent pavement replacement as stipulated in this agreement, a cash payment based on a current unit price per square yard of trench area including the cutback area referred to in subsection (b) of this section. A representative of the town and the contractor will measure the trench area, but the final decision as to the area in square yards will rest with the town.
- (j) Materials used in the permanent pavement replacement shall be in conformance with the specifications set forth in division 6 of this article.

(Code 1960, § 2302.8; Ord. of 12-10-62)

Secs. 17-219—17-225. Reserved.

Secs. 17-231—17-240. Reserved.

ARTICLE VII. RESERVED*

***Editor's note**—At the request of the city, Art. VII, §§ 17-241—17-248, which pertained to scenic roads, has been removed inasmuch as same was not reinstated and became void as of Apr. 24, 1994.

to install such sidewalks, in which case no certificate of occupancy for any such building shall be issued until such sidewalks have been constructed to completion. In the event the owner or any other person with a legal interest in the abutting property elects to construct such sidewalks at his expense, such construction shall be done to existing town specifications under supervision of town official, and all expense for such construction shall, on submission of proper affidavits satisfactory to the town, constitute a credit towards any future assessments made under this division.

(b) The owner of any business, commercial, and industrial buildings on property in business, commercial, and industrial zones may request that the requirements of this section for sidewalk construction be waived by the town plan and zoning commission. The commission shall in making its decision, consider such factors as density of commercial structure, traffic and pedestrian volumes, and safety hazards. The decision of the commission shall be made within thirty (30) days from the receipt of such request for waiver and shall be final.
(Code 1960, §§ 2355.1, 2355.2; Ord. of 1-28-63)

Secs. 17-55—17-60. Reserved.

DIVISION 2. RESERVED*

Secs. 17-61—17-75. Reserved.

ARTICLE V. STREET PAVING

Sec. 17-76. Town's power to pave and assess costs.

The town council may cause to be paved with any substantial pavement or any acceptable base, together with drainage and grading where necessary or desirable, such streets or parts of streets in the town as it may determine. The town council shall have the power to apportion and assess the whole or any portion of the cost of such drainage, grading, base and paving, including the portion contiguous to lateral and intersecting streets, upon the land and buildings which in its judgment are especially benefited thereby, whether they abut such streets or not, and upon the owners of such land and buildings in accordance with such rule as the town council adopts. In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the council may give consideration to the area, frontage, grand list valuation, and to present or permitted use or classification of benefited properties and to other relevant factors. The council may make reasonable allowances in the case of properties having a frontage on more than one (1) street and whenever for any reason the particular situation of any property requires an allowance.

(Code 1960, § 2391; Ord. of 5-10-71)

***Editor's note**—An ordinance of Mar. 8, 1983, dissolved the sidewalk evaluation and program committee, deriving from Code 1960, §§ 2357.0, 2357.2—2357.4, which had been codified as Div. 2, §§ 17-61, 17-63—17-65. Said sections had also been amended by an ordinance of Nov. 8, 1965.

