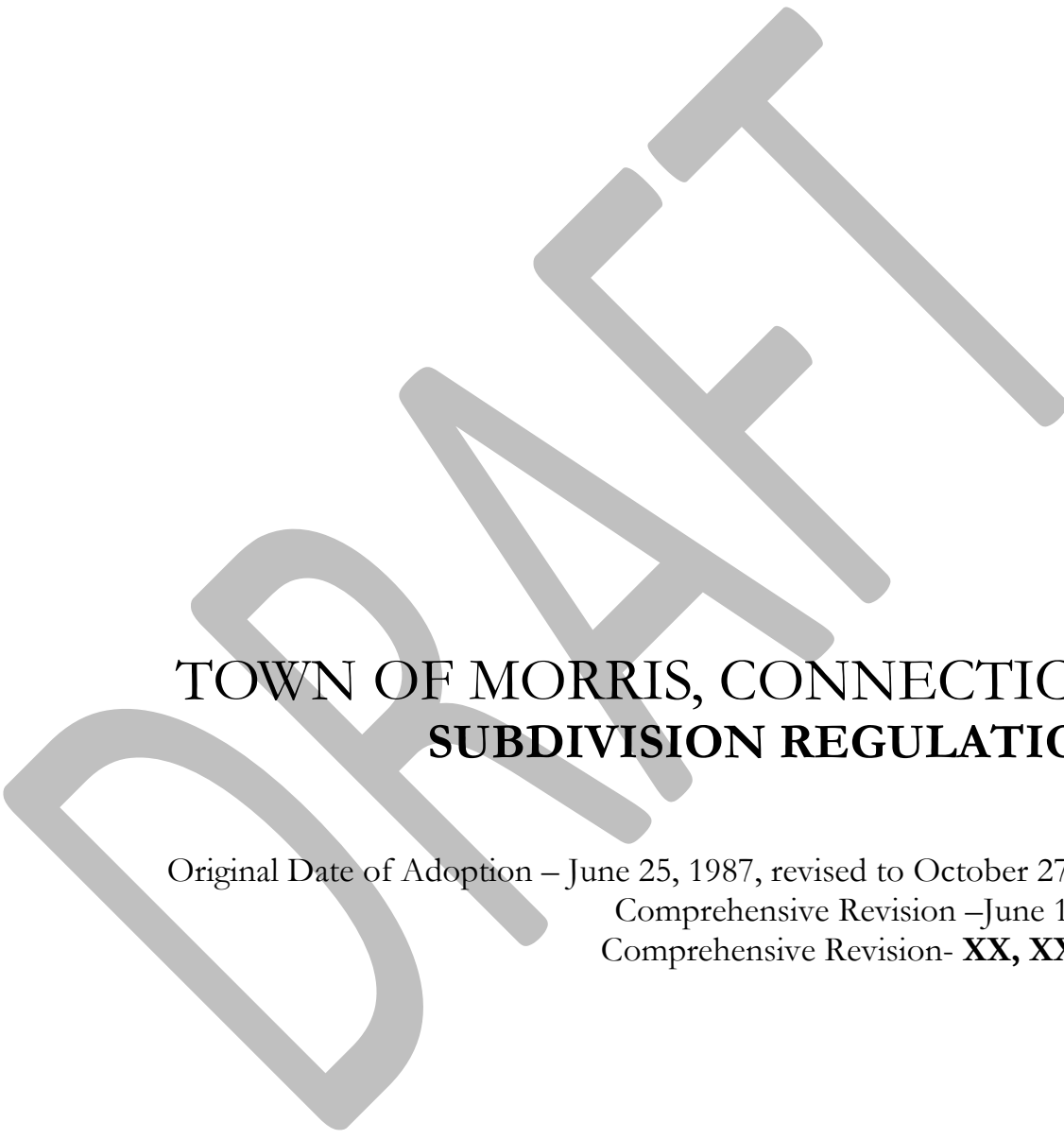




TOWN OF MORRIS, CONNECTICUT **SUBDIVISION REGULATIONS**

Original Date of Adoption – June 25, 1987, revised to October 27, 1987

Comprehensive Revision –June 1, 2010

Comprehensive Revision- **XX, XX** 2026

SECTION 1

AUTHORITY, PURPOSE, APPLICABILITY, AND RELATIONSHIP TO THE PLAN OF CONSERVATION AND DEVELOPMENT

1.1 Authority

These Regulations are adopted by the Town of Morris Planning and Zoning Commission pursuant to the authority granted under Chapter 126 of the Connecticut General Statutes, including §8-25, as amended.

1.2 Purpose

The purpose of these Regulations is to provide for the orderly subdivision and development of land in a manner that protects the public health, safety, convenience, and general welfare while implementing the goals and recommendations of the Town of Morris Plan of Conservation and Development.

These Regulations are intended to:

- A. Promote orderly growth that is consistent with the Town's rural development pattern and long-term planning objectives.
- B. Ensure that land proposed for subdivision is suitable for development without creating hazards to public health, safety, or the environment.
- C. Protect natural resources, including wetlands, watercourses, aquifers, groundwater, forests, wildlife habitat, ridgelines, scenic views, and significant environmental features.
- D. Protect the water quality of Bantam Lake, important watersheds like the **Shepaug River and Wigwam Reservoir**, and other surface and groundwater resources through sound site planning and stormwater management practices.
- E. Preserve farmland, open space, scenic roads, stone walls, and other natural and cultural resources that contribute to the Town's identity and quality of life.
- F. Promote subdivision design that minimizes land disturbance, protects environmental resources, and incorporates Low Impact Development (LID) techniques to the maximum extent practicable.
- G. Ensure that roads, drainage systems, utilities, and other required improvements are designed and constructed to protect public safety and serve future development.
- H. Encourage efficient use of land and municipal infrastructure while minimizing long-term public costs associated with development.

I. Promote coordinated review among municipal boards, commissions, and agencies having jurisdiction over subdivision development.

1.3 Applicability

No land shall be subdivided or re-subdivided, and no subdivision plan shall be approved or filed, except in accordance with these Regulations and the applicable provisions of the Connecticut General Statutes.

Approval of a subdivision under these Regulations shall not relieve an applicant from obtaining any permit or approval required under the Town of Morris Zoning Regulations, Inland Wetlands and Watercourses Regulations, or any other applicable federal, state, or local law or regulation.

1.4 Relationship to the Plan of Conservation and Development

These Regulations are intended to implement the goals, policies, and recommendations of the Town of Morris Plan of Conservation and Development.

In reviewing subdivision applications, the Commission shall consider the extent to which a proposed subdivision advances the Plan's objectives relating to:

- A. Protection of Bantam Lake, its watershed, **other important watersheds like the Shepaug River and the Wigwam Reservoir**, and the Town's surface and groundwater resources.
- B. Preservation of the rural landscape, scenic roads, forests, farmland, ridgelines, and significant viewsheds.
- C. Conservation of wildlife habitat, ecological resources, and interconnected open space.
- D. Efficient use of existing public infrastructure and municipal services.
- E. Sustainable stormwater management through Low Impact Development techniques.
- F. Preservation of natural resources while accommodating appropriate residential growth.

1.5 Relationship to Other Regulations

Subdivision approval shall not exempt an applicant from compliance with any applicable provision of the:

- 1. Town of Morris Zoning Regulations;
- 2. Town of Morris Inland Wetlands and Watercourses Regulations;
- 3. Town Ordinances;
- 4. Connecticut General Statutes; or
- 5. Any applicable federal or state law or permit.

Where the provisions of these Regulations conflict with another applicable regulation or law, the more restrictive requirement shall govern unless otherwise required by statute.

SECTION 2 – DEFINITIONS

2.1 General Interpretation

A. These Regulations shall be interpreted and applied to achieve the purposes stated herein and the objectives of the Town of Morris Plan of Conservation and Development.

B. The provisions of these Regulations establish minimum requirements unless a more restrictive standard is expressly required.

C. Where these Regulations conflict with another applicable law, regulation, ordinance, permit, easement, covenant, or restriction, the more restrictive requirement shall govern unless otherwise provided by law.

D. Words not defined in these Regulations shall have the meaning assigned in the Town of Morris Zoning Regulations. Where a term is not defined therein, the Commission shall interpret the term consistent with the Connecticut General Statutes, accepted planning practice, and the ordinary dictionary meaning of the word.

2.2 Interpretation of Terms

A. Words used in the singular include the plural and words in the plural include the singular.

B. Words used in the present tense include the future.

C. The word "**shall**" is mandatory; the word "**may**" is permissive.

E. References to a Section shall mean a section of these Regulations unless otherwise specified.

F. The term "**these Regulations**" means the Town of Morris Subdivision Regulations.

3.3 Definitions

A

A-2 Survey

Survey information meeting the standards for an A-2 Survey established by the Connecticut Association of Land Surveyors and the State of Connecticut, as amended.

Applicant

The owner of record of the property proposed for subdivision or the owner's duly authorized agent.

B

Bond

A financial guarantee acceptable to the Commission, including a performance bond, irrevocable letter of credit, passbook savings account, escrow account, or other form of security approved by the Commission, ensuring completion of required improvements. This definition should be retained but broadened beyond only two forms of security.

Buildable Area

A contiguous portion of a lot suitable for the construction of principal buildings, accessory structures, utilities, and on-site sewage disposal systems that complies with the Town of Morris Zoning Regulations. Buildable Area shall exclude wetlands, watercourses, required setbacks, easements, regulated flood hazard areas, and slopes exceeding twenty percent (20%).

C

Commission

The Planning and Zoning Commission of the Town of Morris.

Conservation Easement

A perpetual legal restriction placed upon land for the purpose of protecting natural, scenic, agricultural, historic, or open space resources that is recorded on the Town Land Records and enforceable by a governmental entity or qualified conservation organization.

~~Conservation Subdivision~~

~~A subdivision designed to preserve significant natural, agricultural, scenic, or cultural resources through the permanent protection of open space while permitting residential development on the remaining portions of the property.~~

Cultural and Community Resources

Scenic roads, scenic views, parks, trails, greenways, open space, agricultural lands, historic buildings, historic sites, archaeological resources, stone walls, ridgelines, significant trees, and other features identified by the Commission as contributing to Morris' rural landscape.

D

Date of Receipt

As defined in Connecticut General Statutes §8-7d, the day of the next regularly scheduled meeting of the Commission following the day it was submitted or 35 days, whichever is sooner.

Disturbed Area

Any area where vegetation, topsoil, or ground cover has been removed, graded, excavated, filled, or otherwise altered. This clarifies the existing definition.

Driveway

An accessway connecting a public or private street to **no more than four (4) individual building lots**.

E

Easement

A legal right to use another person's property for a specific purpose.

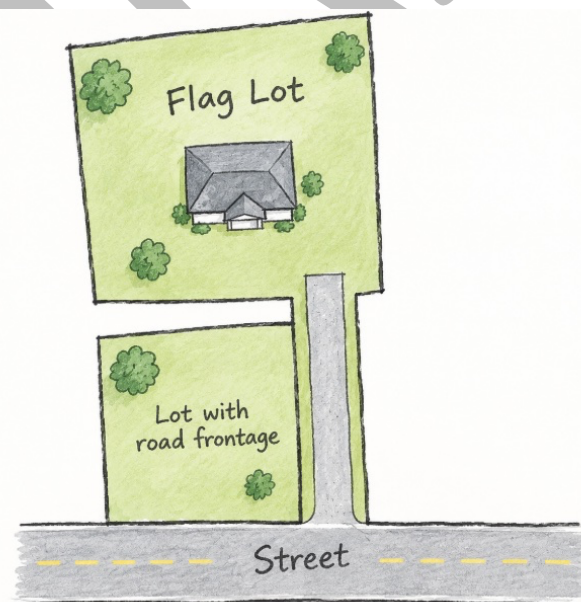
Erosion and Sediment Control Plan

A plan prepared in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, describing measures necessary to minimize erosion and sedimentation resulting from land disturbance.

F

Flag Lot

Also known as an “Interior Lot”. A land parcel shaped like a flag on a pole, that obtains frontage through a narrow access strip of land (“the pole”) connected to the main area of the lot (“the flag”).



Flood Hazard Area

Land identified by FEMA as subject to inundation by the one-percent annual chance flood, as shown on the currently effective Flood Insurance Rate Maps.

L

Low Impact Development (LID)

A site planning and engineering approach that minimizes land disturbance, reduces impervious surfaces, promotes infiltration and groundwater recharge, preserves natural drainage systems, and manages stormwater runoff close to its source.

Lot

A parcel of land created in accordance with these Regulations for the purpose of sale or development, excluding land dedicated for municipal, conservation, or agricultural purposes, consistent with the existing definition.

N

Natural Features

Landforms, water resources, vegetation, wildlife habitat, forests, wetlands, watercourses, floodplains, rock outcroppings, steep slopes, ridgelines, significant trees, prime and important agricultural soils, and other environmentally sensitive resources.

O

Open Space

Land permanently protected from future development for the purpose of preserving natural resources, agriculture, forestry, wildlife habitat, scenic resources, recreation, water quality, or other public benefits through fee ownership, conservation easement, deed restriction, or other legally enforceable instrument. This expands the existing definition to encompass modern conservation tools.

P

Plan of Conservation and Development (POCAD)

The currently adopted Town of Morris Plan of Conservation and Development, as amended. This replaces separate references to "Town Plan."

R

Resubdivision

As defined in Connecticut General Statutes §8-18, a change to a subdivision that meets one of the following conditions:

- A. Street layout: It affects any street layout.
- B. Public use: It affects any area reserved for public use.
- C. Lot size and count: It diminishes the size of any lot shown on the map and/or creates an additional building lot.

Resource Conservation Area

Areas containing significant environmental, agricultural, scenic, historic, or ecological resources, including wetlands, watercourses, floodplains, steep slopes, ridgelines, forest blocks, prime farmland soils, aquifer recharge areas, wildlife habitat, scenic roads, and existing protected open space.

Ridgeline

Also known as horizon-line. The line of maximum elevation along the crest of a hill or mountain where slopes drop downward in opposite directions. This term is used to limit building heights, grading, and/or tree removal to preserve scenic views and natural hillsides.

Right-of-Way

Land or an interest in land dedicated or reserved for transportation, utility, drainage, pedestrian access, or similar public or private purposes. This is broader and more useful than the current definition.

S

Significant Tree

A healthy specimen tree identified by a qualified arborist, landscape architect, forester, or the Commission as possessing exceptional ecological, scenic, historic, or aesthetic value because of its size, species, age, condition, or location. This is preferable to relying solely on a 12-inch diameter threshold. **This definition shall include heritage trees which are a legally protected or formally recognized tree designated by a community, state, or conservation organization because of its exceptional age, size, historical significance, or ecological value.**

Soil Scientist

A professional who studies the physical, chemical, and biological properties of soil, classifying maps types and advising on land use and wetland delineations certified in accordance with Connecticut law.

Steep slopes

A ground surface with an inclinational grade greater than 20% (a rise of more than 20 feet over a horizontal distance of 100 feet). This 20% threshold is a critical benchmark for land use planning due to:

A. Erosion risk – Slopes above 20% experience significantly accelerated water runoff, which rapidly strips away topsoil if vegetation cover is disturbed; and

B. Structural limitations- Standard construction practices, heavy machinery operation, and traditional septic system installations become heavily restricted or unsafe on grades exceeding this limit.

Street

A public or private right-of-way providing vehicular access to lots and accepted or approved in accordance with these Regulations. This broadens the current definition to recognize approved private roads where permitted.

Subdivision

As defined in Connecticut General Statutes §8-18, a division of a single tract of land into two or more lots for the purpose of sale, lease, or immediate or future development.

Subdivider

The owner of record or authorized applicant proposing a subdivision or re-subdivision.

W

Walkway

A sidewalk, trail, path, or easement intended for pedestrian or other non-motorized travel.

Watercourses

As defined in the Town of Morris Inland Wetlands and Watercourses Regulations.

Wetlands

As defined in the Town of Morris Inland Wetlands and Watercourses Regulations.

Wildlife Corridor

A continuous area of natural habitat that facilitates the movement of wildlife between larger habitat areas or protected open space.

SECTION 3 – APPLICATION PROCEDURES

3.1 Purpose

The purpose of this Section is to establish uniform procedures for the submission, review, and approval of subdivision and resubdivision applications in accordance with these Regulations and the Connecticut General Statutes.

Applications shall provide sufficient information to enable the Commission to determine compliance with these Regulations, the Town of Morris Zoning Regulations, and the goals and recommendations of the Town of Morris Plan of Conservation and Development.

3.2 Pre-Application Review

Applicants are encouraged to request a pre-application meeting with the Commission prior to preparing a formal subdivision application.

The purpose of the pre-application review is to:

1. Review the applicable provisions of these Regulations and the Zoning Regulations.
2. Identify significant site characteristics and environmental constraints.
3. Discuss opportunities for conservation design and open space preservation.
4. Review access, utilities, drainage, and infrastructure considerations.
5. Identify additional permits or approvals that may be required.

A pre-application meeting shall not require a fee, shall not constitute the filing of an application, shall not involve a public hearing, and shall not result in a formal decision by the Commission.

Comments made during a pre-application conference are advisory only and shall not bind the Commission during formal review.

3.3 Conservation Analysis

Prior to preparing a subdivision layout, applicants for subdivisions shall prepare a Conservation Analysis identifying the natural, agricultural, scenic, and cultural resources located on the property.

The Conservation Analysis shall identify, where applicable:

1. Wetlands and watercourses
2. Flood Hazard Areas
3. Aquifer recharge areas
4. Prime and important agricultural soils
5. Existing farmland
6. Forest blocks
7. Significant trees

8. Wildlife habitat and wildlife corridors
9. Ridgelines and scenic views
10. Stone walls
11. Historic resources
12. Existing trails and greenways
13. Steep slopes
14. Existing protected open space on adjoining properties

The proposed subdivision shall demonstrate how these resources have been incorporated into the overall design.

3.4 Application Requirements

Applications shall include all forms, plans, reports, and supporting information necessary for the Commission to determine compliance with these Regulations.

As applicable, submissions shall include:

1. Application forms
2. Boundary survey
3. Existing conditions survey
4. Topographic mapping
5. Subdivision layout
6. Zoning compliance table
7. Conservation Analysis
8. Soil testing
9. Septic feasibility
10. Stormwater Management Report
11. Low Impact Development Plan
12. Soil Erosion and Sediment Control Plan
13. Utility plans
14. Road construction plans
15. Open Space Plan
16. Draft conservation easements or deed restrictions
17. Proposed homeowners' association documents, where applicable
18. Any other information reasonably required by the Commission

3.5 Determination of Completeness

The Commission shall determine whether an application is complete prior to commencing formal review.

An application shall not be considered complete unless all required information has been submitted.

The Commission may waive submission of specific materials where it determines such information is unnecessary due to the nature or scale of the proposed subdivision.

3.6 Professional Review

The Commission may retain qualified professional consultants to review subdivision applications, including:

1. Engineers
2. Soil Scientists
3. Landscape Architects
4. Environmental Professionals
5. Traffic Engineers
6. Hydrologists
7. Foresters
8. Other specialists as necessary

In accordance with §8-1c(b), technical review costs may be passed to the applicant.

3.7 Referral to Other Agencies

The Commission may refer applications to any municipal, regional, or state agency having jurisdiction or expertise relevant to the proposed subdivision.

Such agencies may include:

1. Inland Wetlands Commission – if an application for a subdivision involves land regulated as inland wetland soils or a watercourse, the applicant is required to acquire approvals from the Morris Inland Wetlands and Watercourse Commission prior to the submission of the subdivision application to the Town of Morris Planning & Zoning Commission
2. Conservation Commission
3. Torrington Area Health District
4. Town Engineer
5. Fire Marshal
6. Public Works
7. Connecticut Department of Energy and Environmental Protection
8. Connecticut Department of Transportation
9. Northwest Hills Council of Governments
10. Adjacent municipalities when required by statute

3.8 Public Hearing

Public hearings shall be held in accordance with §8-7d, when required, (ie all re-subdivisions) or when otherwise determined appropriate by the Commission.

3.9 Commission Review

In evaluating an application, the Commission shall consider whether the proposed subdivision:

1. Complies with the **Subdivision Regulations (“these Regulations”)**.
2. Complies with the Town of Morris Zoning Regulations.
3. Implements the objectives of the Plan of Conservation and Development.
4. Protects significant natural, historic, and/or cultural resources.
5. Preserves the rural and scenic landscape of Morris.
6. Provides safe and adequate access.
7. Minimizes environmental impacts.
8. Provides adequate drainage and stormwater management.
9. Incorporates Low Impact Development practices.
10. Provides suitable open space where required.
11. Is consistent with sound planning and engineering principles.

3.10 Conditions of Approval

The Commission may impose reasonable conditions necessary to ensure compliance with these Regulations, including but not limited to:

1. Construction sequencing
2. Open space dedication
3. Conservation easements
4. Performance guarantees
5. Utility improvements
6. Stormwater management
7. Road improvements
8. Landscaping
9. Resource protection measures

3.11 Commission Action

The Commission shall approve, approve with conditions, approve with modifications, or deny an application within the time prescribed by §8-7d.

The Commission shall state the basis for its decision in the record.

SECTION 4 – SUBDIVISION REQUIREMENTS

4.1 General Requirements

All subdivision and resubdivision shall be designed and developed in accordance with these Regulations, The Town of Morris Zoning Regulations, applicable Inland Wetlands and Watercourses Regulations, the Connecticut General Statutes, and other applicable federal, state, and local requirements.

The design of a subdivision shall:

- A. Provide the orderly and coordinated development of land;
- B. Protect public health, safety, and welfare;
- C. Be compatible with the existing development pattern and rural landscape of Morris;
- D. Protect significant natural, agricultural, scenic, historic, and cultural resources;
- E. Provide safe and adequate access to each lot;
- F. Provide adequate water supply, sewage disposal, drainage, utilities, and other necessary infrastructure;
- G. Minimize unnecessary clearing, grading, filling, and alteration of natural terrain;
- H. Incorporate Low Impact Development practices where practicable;
- I. Provide for the permanent protection of required open space; and
- J. Implement the applicable goals and recommendations of the Town of Morris Plan of Conservation and Development.

4.2 Compliance with Zoning Regulations

Each proposed lot shall comply with the applicable dimensional, use, setback, frontage, density, and other requirements of the Town of Morris Zoning Regulations.

Subdivision approval shall not authorize a use or development that is prohibited by the Zoning Regulations.

Where a proposed subdivision creates lots intended for residential development, each lot shall contain a sufficient Buildable Area, as defined in **Section 2**, to accommodate the proposed development while complying with applicable zoning requirements and other regulatory constraints.

The subdivision plan shall identify applicable zoning districts and demonstrate compliance with the dimensional requirements applicable to each proposed lot.

4.3 Suitability of Land

Land proposed for subdivision shall be of such physical characteristics that it can be developed without unreasonable risk to public health, safety, or the environment.

The Commission may determine that portions of a property are unsuitable for development because of:

1. Wetlands or watercourses;
2. Flood hazard areas;
3. Excessive slopes;
4. Poor, **contaminated and/or unstable soils**;
5. Inadequate septic suitability;
6. Inadequate water supply;
7. Significant drainage limitations;
8. Hazardous conditions;
9. Lack of safe access;
10. Significant environmental constraints; or
11. Other conditions that would prevent the lot from being reasonably developed in accordance with applicable regulations.

The presence of constrained land shall be considered in determining the appropriate location and configuration of building lots, roads, open space, and other improvements.

4.4 Conservation-Based Design

Subdivision design shall follow a conservation-first approach.

The applicant shall identify significant natural, agricultural, scenic, cultural, and community resources before establishing the final location of lots, roads, and other improvements.

The subdivision shall be designed to:

- A. Avoid unnecessary disturbance to significant **natural, historical, and/or cultural features**;
- B. Preserve contiguous areas of forest and wildlife habitat;
- C. Avoid unnecessary fragmentation of agricultural land;
- D. Protect wetlands, watercourses, groundwater resources, and watershed areas;
- E. Preserve significant views, ridgelines, scenic road corridors, stone walls, and significant trees where practicable;
- F. Maintain connections between existing and proposed open space;
- G. **Avoid** unnecessary road construction and land disturbance; and

H. Locate development in areas that are most suitable for development based upon existing site conditions.

4.5 Lot Layout

Lots shall be arranged to provide safe access, adequate buildable areas, appropriate setbacks, and efficient provision of utilities and other improvements.

Lot lines shall, where practicable:

- A. Follow existing property boundaries, natural features, or other logical divisions of land;
- B. Avoid unnecessary fragmentation of natural or agricultural resources;
- C. Avoid creating irregular or impractical lots;
- D. Avoid placing development envelopes within environmentally sensitive areas;
- E. Provide sufficient area for required stormwater management facilities and on-site sewage disposal systems; and
- F. Allow reasonable use of each lot without requiring substantial alteration of natural terrain.

Lots shall not be created solely for the purpose of achieving minimum dimensional requirements where the resulting lot would be impractical to develop or would require substantial disturbance of significant natural resources.

4.6 Buildable Area

Each proposed lot shall contain a contiguous Buildable Area sufficient to accommodate the proposed principal use and required improvements.

The Buildable Area shall consider, as applicable:

1. Required zoning setbacks;
2. Wetlands and watercourses;
3. Flood hazard areas;
4. Steep slopes;
5. Soil limitations;
6. Septic disposal areas;
7. Wells and water supply areas;
8. Stormwater management facilities;
9. Access and driveway requirements;
10. Utility easements; and
11. Other regulatory constraints.

The Commission shall require the Buildable Area to be shown on the subdivision plan to demonstrate that each lot is suitable for development.

4.7 Density and Development Pattern

The number, size, and arrangement of lots shall be consistent with the applicable zoning requirements and shall reflect the physical characteristics of the property.

Where site conditions permit, development shall be arranged to:

- A. Preserve larger contiguous areas of open space;
- B. Minimize fragmentation of farmland and forest;
- C. Protect significant **natural, historical, and/or cultural features**;
- D. Avoid unnecessary extension of roads and utilities; and
- E. Maintain the rural development pattern identified in the POCAD.

The Commission shall not require a development pattern that results in a greater number of lots than permitted by the applicable Zoning Regulations.

4.8 Access

Each lot shall have safe and adequate access to a public street or an approved private street.

Driveways and access points shall be designed to:

- A. Provide adequate sight distance;
- B. Protect traffic safety;
- C. Avoid disturbance of wetlands, watercourses, stone walls, mature vegetation, and other significant resources;
- D. Minimize the number of curb cuts where shared access is practical; yet as established in **Section 2** an accessway shall serve no more than four (4) lots;
- E. Comply with applicable Town and State requirements.

4.9 Streets and Road Layout

Proposed streets shall:

- A. Provide safe and convenient access to all lots;

- B. Protect traffic safety;
- C. Be consistent with applicable road standards;
- D. ~~Follow existing topography to the maximum extent practicable~~ Minimize overall site disturbance and topographical alterations;
- E. Minimize **unnecessary** cuts, fills, retaining walls, and grading;
- F. Avoid unnecessary disturbance of significant **natural, historical, and/or cultural features**;
- G. Be designed to accommodate present and reasonably anticipated traffic generated by the subdivision.

Street layout shall be consistent with the applicable provisions of the Morris Zoning Regulations, the Town's adopted plans, and the technical standards established in **Section 6** of these Regulations.

This also directly addresses the statutory requirement that subdivision streets be arranged to provide an adequate and convenient system for present and prospective traffic and be harmonious with principal thoroughfares shown in the POCAD.

4.10 Utilities and Public Services

Each subdivision shall provide adequate facilities for:

1. Water supply;
2. Sewage disposal;
3. Stormwater management;
4. Electric and telecommunications service;
5. Fire protection; and
6. Other utilities and services required by applicable law.

Utilities shall be designed and located to minimize unnecessary disturbance of natural resources and to allow reasonable maintenance and future access. **Where appropriate, buried utilities are preferred.**

Where public utilities are not available, the applicant shall demonstrate that each lot can reasonably support an adequate private water supply and on-site sewage disposal system.

4.11 Drainage and Stormwater

Subdivision design shall provide adequate drainage without creating flooding, erosion, sedimentation, or other adverse impacts on the subject property, neighboring properties, public roads, wetlands, watercourses, or downstream drainage systems.

Stormwater management shall prioritize the preservation of natural drainage patterns and the use of Low Impact Development techniques as outlined in **Low Impact Sustainable Development (LISD) Design Manual**.

The applicant shall demonstrate that proposed development will not create or worsen drainage conditions downstream.

Where subdivision development would increase runoff to an undersized downstream ditch, culvert, or other drainage structure and thereby create a potential flooding condition, the applicant shall provide appropriate improvements as required by applicable law.

Detailed stormwater requirements will be addressed in **Section 7 – Environmental Protection and Stormwater Management**.

4.12 Energy-Conscious Site Design

Subdivision design shall consider energy-efficient patterns of development and land use, renewable energy opportunities, and energy conservation.

Applicants shall demonstrate consideration of passive solar design techniques, including:

1. Building orientation;
2. Street and lot layout;
3. Existing and proposed vegetation;
4. Natural and man-made topography; and
5. Protection of solar access.

This is not merely a policy preference; Connecticut subdivision regulations are required to encourage energy-efficient development, renewable energy, and energy conservation and to require consideration of passive solar techniques in subdivision design.

4.13 Cultural and Community Resources

Subdivision design shall identify and preserve significant **natural, historical, and/or cultural features** and community resources located on the property, including:

1. Historic structures and sites;
2. Archaeological resources;
3. Stone walls;
4. Scenic roads;
5. Significant trees;
6. Scenic views;
7. Existing trails;
8. Agricultural landscapes; and
9. Other resources identified in the POCAD.

The Commission may require reasonable modifications to the location of lots, roads, driveways, or other improvements to avoid impacts to such resources where authorized by these Regulations.

4.14 Phased Development

Where a subdivision is proposed to be developed in phases, each phase shall:

- A. Constitute a logical and independently functional stage of development;
- B. Provide adequate access and utilities;
- C. Provide required drainage and stormwater management;
- D. Provide or contribute its proportionate share of required improvements; and
- E. Be consistent with the overall approved subdivision plan.

Open space and other conservation measures shall not be deferred in a manner that could compromise their intended protection.

4.15 Subdivision Design and the POCAD

The Commission shall use the subdivision review process to implement the applicable goals and recommendations of the Town of Morris Plan of Conservation and Development.

The Commission shall consider whether the subdivision:

- A. Protects the Town's rural and scenic landscape and development pattern;
- B. Protects Bantam Lake and other water resources including, **but not limited to**, the Shepaug River and the Wigwam Reservoir;
- C. Preserves agricultural land and significant forest resources;
- D. Protects wildlife habitat and ecological connections;
- E. Preserves scenic roads, ridgelines, and significant views;
- F. Provides meaningful and appropriately located open space;
- G. Avoid excessive unnecessary infrastructure and land disturbance;
- H. Incorporates sustainable stormwater practices; and
- I. Promotes development in locations and at a scale appropriate to the land's physical characteristics.

These considerations shall be applied in conjunction with the specific standards of these Subdivision Regulations and shall not be interpreted as creating an independent density or dimensional standard beyond those otherwise authorized by law.

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SECTION 5 – OPEN SPACE AND CONSERVATION DESIGN

5.1 Purpose

The purpose of this Section is to ensure that open space provided through subdivision is meaningful, functional, and permanently protected. Open space shall be located and designed to protect natural resources, maintain the rural landscape of Morris, preserve agricultural land, protect water resources, provide recreational opportunities, and connect existing and proposed areas of conservation.

Open space shall be considered as part of the overall subdivision design and shall not be treated solely as land remaining after lots, roads, and other improvements have been designed.

5.2 Minimum Open Space Requirement

Every subdivision shall provide and permanently preserve open space equal to at least fifteen percent (15%) of the total area of the subdivision, except where an exemption is provided by Connecticut General Statutes §8-25.

The Family Transfer Exemption: the open space requirement does not apply if the subdivision consists of less than five parcels and the transfer of all lots is made to a direct family member for no consideration (no money changing hands). Eligible family members include: Parents, children, siblings, grandparents, grandchildren, aunts, uncles, or first cousins.

The Affordable Housing Exemption: The open space requirements are waived if the proposed subdivision will contain 20% or more affordable housing units (as defined under CGS §8-39a).

5.3 Open Space Objectives

The required open space shall be shown on the subdivision plan and shall be clearly identified by metes and bounds or other information sufficient to establish its location and extent.

Open space shall be located and designed to:

- A. Protect and conserve natural features and environmentally sensitive areas;
- B. Protect wetlands, watercourses, groundwater resources, aquifer recharge areas, and areas contributing to the water quality of Bantam Lake, its watershed, and important watersheds like the **Shepaug River and Wigwam Reservoir**;
- C. Preserve prime and important agricultural soils, active farmland, and significant agricultural landscapes;
- D. Protect significant forest areas, wildlife habitat, and wildlife corridors;

- E. Establish or extend open space and create connections between existing and proposed conservation lands;
- F. Protect scenic roads, ridgelines, significant views, stone walls, and other important rural landscape features;
- G. Provide or enhance pedestrian trails, greenways, and passive or active recreational opportunities where appropriate;
- H. Supplement existing public or private open space and create contiguous areas of conservation land rather than isolated parcels;
- J. Protect historic, cultural, and community resources identified in the Plan of Conservation and Development (POCAD) and the Natural Resources Inventory; and
- j. Implement the open-space, natural-resource, agricultural, recreational, and conservation objectives of the adopted Plan of Conservation and Development (POCAD).

5.4 Location and Configuration of Open Space

Required open space shall be located to maximize its conservation value and shall:

- A. Form contiguous areas rather than fragmented or isolated parcels;
- B. Connect with existing open space on or adjoining the property;
- C. Extend or reinforce existing preserves, wildlife corridors, trails, or other conservation linkages;
- D. Protect significant natural or agricultural resources in their entirety rather than dividing them among multiple small parcels;
- E. Avoid unnecessary fragmentation of farmland and forestland, which leads to residential sprawl;
- F. Be configured so that the land remains reasonably usable for its intended conservation, agricultural, recreational, or other approved purpose; and
- G. Be located outside areas primarily required for roads, drainage facilities, utility infrastructure, or other development improvements.

Where a subdivision abuts existing open space, the Commission may require the proposed open space to be configured to create a contiguous and unified area of conservation land.

5.5 Open Space and Conservation Analysis

For a subdivision requiring open space, the applicant shall identify on the plans and supporting materials the natural, agricultural, scenic, recreational, and cultural resources located on or adjacent to the property that may reasonably be incorporated into the open-space design.

The application shall demonstrate how the proposed open space responds to those resources and to the objectives of this Section and the Plan of Conservation and Development.

The Commission may require additional information, including mapping, photographs, field investigations, or professional analysis, when reasonably necessary to evaluate the conservation value of proposed open space.

5.6 Acceptable Methods of Providing Open Space

Subject to approval by the Commission and applicable statutory requirements, the required open space may be provided by one or more of the following methods:

- A. Dedication of land within the subdivision;
- B. Dedication of land elsewhere in Morris when determined by the Commission to provide equal or greater conservation benefit;
- C. A fee-in-lieu of open space, when permitted by Connecticut General Statutes;
- D. A combination of land dedication and a fee-in-lieu; or
- E. Another permanent conservation arrangement acceptable to the Commission, including a conservation easement, trail easement, agricultural preservation easement, or similar instrument.

The Commission may determine that a proposed fee-in-lieu is not appropriate when land within the subdivision has significant conservation, agricultural, recreational, scenic, or community value that should be permanently protected.

5.7 Land Eligible as Required Open Space

Open space shall provide a meaningful conservation, agricultural, recreational, scenic, or community benefit.

Required open space shall not consist primarily of land that is unsuitable or unavailable for the intended purpose because of its configuration, location, access, or development constraints.

Wetlands, watercourses, steep slopes, flood hazard areas, and other constrained land may be included within required open space when their inclusion advances the purposes of this Section. The Commission may require that additional unconstrained or otherwise usable land be included when necessary to ensure that the required open space provides a meaningful conservation or recreational benefit.

The following shall not be counted as required open space unless specifically authorized by the Commission and permitted by law:

- A. Public or private streets and rights-of-way;

- B. Access easements serving individual lots;
- C. Utility easements that substantially limit the conservation use of the land;
- D. Stormwater detention or treatment facilities;
- E. Drainage structures or drainage easements;
- F. Land required for other development improvements; or
- G. Other areas that do not provide a substantial conservation, agricultural, recreational, scenic, or community benefit.

5.8 Open Space Ownership and Protection

Required open space shall be permanently protected before or concurrently with the filing of the final subdivision plan, unless an alternative schedule is specifically authorized by the Commission and permitted by law.

Open space may be conveyed in fee or protected by a permanent conservation easement or other legally enforceable instrument acceptable to the Commission.

Open space may be owned or held by:

- A. The Town of Morris;
- B. The State of Connecticut;
- C. The Morris Land Trust or another qualified nonprofit land conservation organization;
- D. A homeowners association or other common-interest community, when authorized and appropriately structured; or
- E. Another qualified entity acceptable to the Commission.

The applicant shall provide evidence that the proposed grantee is willing and legally authorized to accept the property or conservation easement.

5.9 Conservation Easements and Deed Restrictions

Proposed conservation easements, deeds, declarations, or other legal instruments establishing permanent protection of open space shall be submitted as part of the subdivision application.

Such instruments shall be subject to review and approval by the Commission or its legal counsel, as appropriate, and shall include provisions sufficient to ensure:

- A. Permanent protection of the land for its approved purpose;

- B. Continued use of the land consistent with the approved subdivision plan;
- C. Restrictions against future subdivision or development inconsistent with the approved conservation purpose;
- D. Responsibility for maintenance of portions of the property requiring maintenance; and
- E. Continued enforceability of the restrictions following transfer of ownership.

The final subdivision plan shall identify the entity responsible for ownership, stewardship, and enforcement of the protected open space.

5.10 Open Space Management

Open space shall be maintained in a manner consistent with its approved purpose.

Unless otherwise approved by the Commission, open space shall remain substantially in its natural condition. No clearing, grading, filling, dumping, storage of materials, or other alteration shall occur within required open space except as permitted by the approved subdivision plan or by applicable federal, state, or local permits.

Where open space is intended for agricultural use, forestry, trails, recreation, habitat management, or other active stewardship, the approved management activities may be identified in a conservation or management plan submitted with the subdivision application.

5.11 Homeowners Associations

Where required open space is owned by a homeowners association or common-interest community, the applicant shall establish the association and provide governing documents acceptable to the Commission prior to endorsement of the final subdivision plan.

The governing documents shall:

- A. Require membership by all owners of lots benefiting from or subject to the common ownership;
- B. Establish responsibility for taxes, insurance, maintenance, and management of common property;
- C. Provide the association with authority to assess and collect funds necessary for maintenance and management;
- D. Provide for continuing ownership and management of the open space;
- E. Prohibit the transfer, alteration, development, or use of the open space in a manner inconsistent with the approved subdivision plan; and
- F. Provide for the enforcement of the open-space restrictions against subsequent owners.

The Commission may require establishment of a maintenance reserve or other financial mechanism when reasonably necessary to ensure the continued maintenance of common facilities or areas.

5.12 Fee in Lieu of Open Space

A fee-in-lieu of open space may be accepted only when the Commission determines that payment of the fee is consistent with the purposes of this Section.

Any fee shall be calculated, collected, administered, and used in accordance with the requirements of Connecticut General Statutes §8-25, as amended.

Funds received in lieu of open space shall be used for purposes authorized by law, including the acquisition or preservation of land for open space, recreation, agricultural preservation, conservation easements, or development rights.

The Commission may require the applicant to provide appropriate documentation, security, or payment arrangements when a fee-in-lieu is to be paid in installments, to the extent permitted by law.

5.13 Statutory Exemptions

The open-space reservation requirement shall not apply where an exemption is provided by Connecticut General Statutes, including applicable exemptions for qualifying transfers of land and affordable housing developments.

The applicant shall identify the statutory basis for any claimed exemption as part of the subdivision application.

5.14 Commission Review of Proposed Open Space

The Commission may solicit comments regarding proposed open space from other Town Boards or Commissions, Town officials, land trusts, conservation organizations, qualified consultants, or other persons or entities with relevant expertise.

In reviewing proposed open space, the Commission shall consider:

- A. The conservation objectives identified in this Section;
- B. The relationship of the proposed open space to existing protected land;
- C. Opportunities to establish or maintain contiguous conservation areas;
- D. Protection of agricultural soils and active farmland;
- E. Protection of water resources and the Bantam Lake watershed;
- F. Protection of wildlife habitat and corridors;

- G. Protection of scenic and rural landscape resources;
- H. Opportunities for trails and passive recreation;
- I. The long-term stewardship and management of the property; and
- J. Consistency with the adopted Plan of Conservation and Development (POCAD).

5.15 Open Space as Part of Subdivision Design

Required open space shall be considered during the initial layout of the subdivision and shall not be established solely from land remaining after lots, streets, utilities, and other improvements have been located.

The applicant shall demonstrate that the proposed subdivision has been designed to avoid or minimize fragmentation of important natural, agricultural, scenic, and cultural resources and to retain the highest-value portions of the property as open space.

Where appropriate, the Commission may require reasonable modifications to the configuration of lots, streets, drainage systems, or other improvements to improve the location, continuity, or conservation value of required open space, provided that such modifications are authorized by these Regulations and applicable law.

SECTION 6 – STREETS, ROADS, UTILITIES AND PUBLIC IMPROVEMENTS

This will contain the detailed engineering standards.

SECTION 7 – ENVIRONMENTAL PROTECTION AND STORMWATER MANAGEMENT

This will contain wetlands/watercourses coordination, LID, erosion and sediment control, drainage, groundwater, steep slopes, and related requirements.

SECTION 8 – REVIEW, FINDINGS AND COMMISSION ACTION