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# **SUBDIVISION REGULATIONS**

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**Town of Bridgewater**



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## ARTICLE I – GENERAL PROVISIONS

### **1.1 – Purpose and Authority**

These Subdivision Regulations for the Town of Bridgewater have been adopted in accordance with, and for the purposes set forth in Chapter 126 of the Connecticut General Statutes.

These Regulations are designed to assure that the division of tracts of land into new and smaller lots is in keeping with the character of Bridgewater’s diverse landscape; to provide pleasant neighborhoods in which to live; and to properly manage the burdens and demands placed by new development on the Town’s infrastructure and its natural, social and economic resources.

These Regulations may, from time to time, be amended, changed or repealed by the Planning and Zoning Commission, as provided in Chapter 126 of the Connecticut General Statutes, as amended.

### **1.2 – Definitions and Common Terms**

For the purposes of these Regulations, certain terms and words shall be interpreted and defined as set forth below.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular and vice versa; the word “herein” means “in these Regulations;” the word “Regulations” means “these Subdivision Regulations;” a “person” includes a corporation, a partnership, or any other legal entity; “shall” is always mandatory; a “building” includes a “structure,” a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Other specific definitions of terms found in these Regulations are as follows:

**“Applicant”** - The landowner of record or a person properly authorized by the owner to seek approval of a subdivision or resubdivision.

**“Application”** - The completed official form by which a subdivision or resubdivision is proposed to the Commission in accordance with these Regulations, together with all required information, data, maps and plans.

**“Area of Special Flood Hazard”** - Land that has a one percent (1%) or greater chance of being flooded in any given year. These lands include all areas designated as Zone A on the most recent Flood Insurance Rate Maps prepared for the Town of Bridgewater by the Federal Emergency Management Agency.

**“Commission”** - The Planning and Zoning Commission of the Town of Bridgewater.

**“Health Officer”** - The official or agency authorized by the Town of Bridgewater to review and approve or disapprove the location and construction of subsurface sewage disposal systems.

**“Subdivision”** - The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the original effective date of subdivision regulations in the Town of Bridgewater for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes, and including resubdivision. Whenever the term “subdivision” is used in these Regulations, it shall be deemed to refer to both subdivision and resubdivision, unless the context is expressly more limited.

**“Resubdivision”** - A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**“Town”** - The Town of Bridgewater, Connecticut.

### **1.3 – Application of Regulations**

No subdivision of land shall be made, nor any subdivision lot sold or offered for sale by any person, until an application for subdivision has been submitted to and given final approval by the Bridgewater Planning and Zoning Commission, **and** a record subdivision map, as described in Article IV of these Regulations, has been endorsed by the Commission **and** recorded by the applicant in the office of the Bridgewater Town Clerk.

The Commission has the authority to determine if an existing or proposed division of any land constitutes a subdivision.

### **1.4 – Penalties for Violation**

Any person making a subdivision of land without the approval of the Commission shall be subject to monetary fines and such other penalties as may be provided by the Connecticut General Statutes.

## **ARTICLE II – SUBDIVISION APPLICATION REQUIREMENTS**

This Article lists the documents (including forms, maps, plans and reports) required as part of a complete subdivision application.

Article III sets forth the procedure for submission, review and decision on an application.

Article IV specifies the required form and content of maps and plans.

Articles V, VI, and VIII establish the design and construction standards that shall apply to subdivision lot layouts and site improvements (e.g., streets, drainage systems, etc.).

### **2.1 – Preparation of the Application**

It is the applicant's responsibility to prepare and present a complete application to the Commission. Applicants are advised to review and be familiar with these Regulations.

### **2.2 – Application Requirements**

The following is a list of the documentation required as part of the application:

#### **2.2.1 – Application Form**

Applications shall be made in writing on the forms provided by the Commission and available at the office of the Town Clerk. The application form shall be signed by the applicant and, if the subdivision is proposed by a person other than the owner of the land to be subdivided, also by the owner of the land.

#### **2.2.2 – Fee**

The fees for a subdivision application shall be in such amount as may be provided by regulation or ordinance. No application shall be processed unless all required fees are paid.

#### **2.2.3 – Record Subdivision Map**

A record subdivision map shall be prepared and submitted in conformance with the requirements of Section 4.2 of these Regulations.

#### **2.2.4 – Sewage Disposal Report**

As part of the subdivision application the applicant shall submit a written sewage disposal report prepared by a qualified engineer (subject to the standards set forth in Section 4.1) and certified as accepted by the Bridgewater Health Officer. In this report the applicant shall show and the Health Officer shall certify that the location for the subsurface sewage disposal system for each lot meets or exceeds the most stringent applicable requirements of the Bridgewater Sanitary Code, as amended, the State Public Health Code, as amended, and the appropriate design criteria of these Regulations. The report shall include the results of percolation tests and deep hole test pits taken at locations and at times approved by the Health Officer. Where there are regulated inland wetlands or

watercourses on a proposed lot, the Commission and/or Health Officer may require that the wetland boundaries and watercourses in the vicinity of the proposed house lot and septic field be properly marked in the field by a certified soil scientist or other appropriate professional prior to taking the percolation and deep hole tests.

It shall be the responsibility of the applicant to notify the Health Officer to arrange for a site inspection for the taking of required tests. The completed sewage disposal report shall be submitted to the Health Officer for review and certification prior to the submission of a subdivision application. Any sewage disposal report submitted to the Commission without the certification of the Health Officer shall be considered incomplete, and the lack of such certification shall constitute sufficient grounds for denial of the application.

### **2.2.5 – Water Supply Report**

When on-site water supply wells are proposed in areas of the Town identified by the Commission or in the Town Groundwater Action Plan as having a questionable groundwater quality, the Commission may require the applicant to provide information to document the quality of the water supply.

When on-site water supply wells are proposed but not established at the time of subdivision approval, the record subdivision map shall include the following statement: “Approval of this subdivision by the Bridgewater Planning and Zoning Commission cannot and does not guarantee the quantity and quality of water supply.”

Where the application involves the creation or expansion of a community water system with a distribution system that supplies water for human consumption to not less than fifteen (15) service connections or twenty-five (25) persons, nor more than two hundred fifty (250) service connections or one thousand (1,000) persons, for at least sixty (60) days in a year, then the following is required:

- a. The applicant shall provide evidence of submission of three (3) copies of an application for the approval of a Certificate of Public Convenience and necessity to the State Department of Public Utility Control (DPUC).
- b. The Commission shall not approve a subdivision involving a water system subject to the approval of the State Department of Public Utility Control (DPUC) unless and until a Certificate of Public Convenience and Necessity has been issued to the water company and a copy of same has been provided to the Commission.

### **2.2.6 – Evidence of Submission to the Bridgewater Conservation and Inland Wetlands Commission**

Whenever an application involves land regulated as an inland wetland or watercourse by the Conservation and Inland Wetlands Commission, the applicant shall file a copy of the subdivision application with the Conservation and Inland Wetlands Commission no later than the day it files the application with the Planning and Zoning Commission. The Planning and Zoning Commission shall give due consideration to any report filed by the Conservation and Inland Wetlands Commission prior to rendering a decision on the subdivision application.

**2.2.7 – Site Development Plan**

A site development plan shall be prepared and submitted for any application for a subdivision proposed for building development, whether immediate or in the future. The site development plan shall conform to the requirements of Sections 4.1 and 4.3 of these Regulations.

**2.2.8 – Construction Plan and Profiles**

Plans, profile drawings and typical cross-sections shall be submitted where a subdivision application involves site improvements, including streets, catch basins, manholes, ditches, watercourses and modifications, headwalls, sidewalks, curbs, bridges, culverts, or any other structures or improvements. The construction plans and profiles shall conform to the requirements of Sections 4.1 and 4.4 of these Regulations.

**2.2.9 – Erosion and Sediment Control and Grading Plan**

An erosion and sediment control and grading plan shall be prepared and submitted for certification by the Commission with any application where the cumulative disturbed area is or would be more than one-half (1/2) acre. The erosion and sediment control plan shall conform to the requirements of Sections 4.1 and 4.5 of these Regulations. Where it is feasible, the information required for the erosion and sediment control plan may be shown on the site development plan and construction plan.

**2.2.10 – Hydrological Reports and Flood Elevation Data**

Where an application involves storm drainage improvements or construction in or within one hundred feet (100') of the 100-year flood hazard area, a hydrological report shall be required. This report shall be prepared by a civil engineer licensed in the State of Connecticut. It shall meet the requirements of Article VII and shall include, at a minimum, a base map prepared in accordance with Section 4.1 showing the drainage watershed, flood plain boundaries and elevations, and drainage patterns. It shall also show the methodology and computations used to calculate stormwater runoff and the recommended pipe sizes.

**2.2.11 – Cost Estimate**

An engineer's estimate of the cost of construction of site improvements shall be submitted on forms provided by the Town Engineer's Office.

**2.2.12 – Easements and Deeds**

Copies of all easements and deeds necessary to carry the subdivision plan into effect shall be submitted, including instruments proposed to be executed or delivered after approval of the application.

**2.2.13 – Permits and Agreements**

Copies of other permits issued by local, state or federal agencies relating to the subdivision application, and copies of proposed agreements with utility companies shall be submitted.



**2.2.14 – Supplemental Data**

The Commission may require the applicant to submit other data and information in order to establish that the proposed subdivision complies with the requirements of these Regulations.

**2.2.15 – Previous Divisions and Transfers of Ownership**

The applicant shall submit an affidavit listing all divisions and transfers of ownership that have affected the property to be subdivided since July 6, 1962. If the property to be subdivided was previously part of a larger lot or parcel that was divided after July 6, 1962, the affidavit must list all divisions and transfers of ownership that affected the larger lot or parcel after that date. The applicant must also state whether any such divisions were approved by the Commission and, if so, on what date.

## **ARTICLE III – SUBDIVISION APPLICATION PROCEDURES (SUBMISSION, REVIEW, DECISION, FILING AND COMPLETION)**

The following are the procedural steps and requirements for processing and effectuating subdivision applications. These steps are listed in a sequential order but some may be carried out concurrently.

### **3.1 – Submission of the Application**

An application meeting all of the requirements of Article II must be submitted to the Planning and Zoning Office at least ten (10) days before a regularly scheduled meeting in order to be assured of consideration at that meeting. The applicant shall submit an original and four (4) copies of all required maps, plans and reports. Additional copies shall be provided by the applicant when requested by the Commission.

### **3.2 – Acceptance of the Application**

At its next regularly scheduled meeting following submission of an application within the time limit specified in Section 3.1 of these Regulations, the Commission shall determine whether the application has been submitted in the required form and whether it is complete. Applications that are not in the proper form, are not properly signed, or are not accompanied by the required fees shall be rejected by the Commission. If the application is incomplete for other reasons, the Commission may nonetheless accept the application for further consideration. The applicant has the burden to submit a complete application. The acceptance of an incomplete application for consideration is intended solely to comply with statutory time requirements and shall not be deemed to be a finding by the Commission that the application is complete. Submission of an incomplete application is sufficient grounds for the Commission to deny the application.

Upon acceptance of an application, the Commission shall set a date for a public hearing, if required (resubdivisions), or if deemed appropriate (subdivisions).

### **3.3 – Referrals**

#### **3.3.1 – Regional Referral**

As required by State law, where a proposed subdivision abuts or includes land in another municipality, the Commission, before deciding upon the application, shall submit it for an advisory report to the regional planning agency for the region in which the other municipality is located. If the regional planning agency does not respond within thirty (30) days after transmittal of the application, the Commission shall presume that that agency does not disapprove of the proposed subdivision.

#### **3.3.2 – Other Referrals**

A copy of the application may be referred to other Town boards and commissions, and to other municipalities and governmental agencies for review and comment. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application for a subdivision

whenever: (1) any portion of the property to be subdivided is within five hundred feet (500') of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the subdivision would use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the subdivision would flow through and significantly impact a drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved subdivision would impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days after receipt of the application.

### **3.3.3 – Record to Include Referral Reports**

Reports and recommendations received from any referrals shall become part of the record of the application.

### **3.3.4 – Effect of Failure to Refer**

These referral provisions are intended in large part to comply with State law. The failure of the Commission to make any such referral in a proper or timely fashion shall not affect the validity of any decision it renders on an application unless otherwise provided or required by State law.

## **3.4 – Field Review**

The Commission may set a date for a special meeting for a field trip review at which the Commission will inspect the subdivision site. The Commission may also require that the site be inspected by Town staff or consultants.

## **3.5 – Assistance in Commission Review**

In its review of any application, the Commission may request the review, comment and assistance of the Fire Marshal; other Town, regional or state agencies, boards, commissions, or officials; or private technical or legal advisors.

## **3.6 – Public Hearing**

### **3.6.1 – Hearing on Resubdivisions Required**

If the Commission determines that an application constitutes a resubdivision, a public hearing shall be held on the application as required by State law.

### **3.6.2 – Hearing on Other Subdivisions - Optional**

If the Commission determines that an application does not involve a resubdivision, but that it would still be in the public interest to hold a public hearing on the application, it may schedule such a hearing.

### **3.6.3 – Public Notice**

Public notice of any public hearing shall be given by the Commission as required by State law. The applicant shall provide a list of names of all current adjoining property owners of record.

**3.7 – Decision**

The Commission shall approve, approve and modify, or disapprove the application, entering into the records its reasons for such action, and shall publish and communicate its decision as required by State law. No approval shall become effective until completion of any required modifications or conditions, as set forth in Section 3.8 of these Regulations.

**3.8 – Completion of Required Modifications and Conditions**

When the Commission modifies and approves an application it shall promptly advise the applicant of the required modifications to the maps, plans or other application documents. No application shall be endorsed for filing until the required modifications have been completed and submitted in the final required form.

All approvals shall be conditioned upon the applicant's presentation and recording of any deeds or easements required by the Commission and upon the applicant's execution and filing of any required performance guarantees in the form prescribed under Article VIII.

All of the above required modifications, information, documents, and performance guarantees shall be submitted within forty-five (45) days after the date of the Commission's approval. **If such materials are not submitted within that time period, the subdivision approval shall be deemed automatically void.**

The subdivision plan shall not be endorsed by the Chairman or Secretary of the Commission nor delivered to the applicant for filing until the performance guarantee has been received, and until the deeds or easements have been received and reviewed by the Commission's attorney, **and** until all required modifications to the subdivision map or other documents have been completed.

**3.9 – Endorsement and Filing of Approved Record Subdivision Map**

Upon the submission of any required easements, deeds, performance guarantees, maps, plans or other materials the Chairman or Secretary of the Commission shall endorse the approved record subdivision map, which may then be filed or recorded by the applicant in the office of the Town Clerk. The date of endorsement and the date upon which the subdivision approval will expire under State law (see also Section 3.11 of these Regulations) shall be noted on the map by the Chairman or Secretary of the Commission. Filing and recording fees shall be paid by the applicant. A subdivision map filed or recorded without such endorsed approval shall be void. The endorsed record subdivision map shall be filed or recorded within ninety (90) days following the expiration of the appeal period on the subdivision approval, or, if an appeal was taken, within ninety (90) days following the termination of the appeal by settlement, withdrawal or judgment in the applicant's favor. If the map is not so filed within such time, it shall become null and void, except that the Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.

The endorsed record subdivision map, and any other maps and plans showing modifications upon which final approval of the application for subdivision was conditioned, shall constitute the approved subdivision. No work included in the subdivision application, including construction, grading, paving,

and so forth, shall be commenced, nor shall permits be issued, including zoning, building, driveway and/or sanitation, for any of the lots until the record subdivision map has been endorsed and filed or recorded.

### **3.10 – Submission of As-Built Plans**

Upon the completion of any improvements included in an approved application for subdivision, the applicant shall file with the Commission construction plans meeting the standards of Article II, showing the streets, drainage and other subdivision improvements **as built** and also showing the location of any water mains, and underground electric and telephone utilities. In lieu of such submission, the applicant's land surveyor and/or engineer may update and certify the mylar construction plans submitted under Section 4.4 and approved by the Commission. Such filing shall also include a certification, signed and sealed by a professional engineer licensed to practice in the State of Connecticut, that such surveyor and/or engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Commission.

### **3.11 – Completion of Improvements and Expiration of Subdivision Approval**

The Commission shall require compliance with Section 8.26c and 8.26g of the Connecticut General Statutes, as follows:

- 3.11.1** Except as provide hereafter, any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of plans for such subdivision. If the subdivision approval involves the construction of four hundred (400) or more dwelling units, all work must be completed within ten (10) years after the approval of the plans for such subdivision. The Commission's endorsement of approval on the plans shall state the date on which such five-year or ten-year period expires.
- 3.11.2** Failure to complete all work within such five-year or ten-year period shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records of the Town of Bridgewater notice of such expiration and shall state such expiration on the record subdivision maps on file in the office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the subdivider or the subdivider's successor in interest except with the approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year or ten-year period, the Town shall call the performance guarantee or other surety on the subdivision to the extent necessary to complete the required improvements and utilities for such lots.
- 3.11.3** "Work" for the purposes of this section shall mean all physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

## ARTICLE IV – SPECIFICATIONS FOR MAPS AND PLANS

This article provides the detailed specifications and information that must be shown on the various maps and plans required as part of a subdivision application. (See also Article II.) Each map or plan serves a different purpose and must provide certain information related to that purpose. The record subdivision map is intended to be suitable for permanent filing in the Town Land Records. The Site Development Plan must show all existing conditions and proposed development so that the Commission can properly evaluate the proposed design and layout of the subdivision. The Erosion and Sediment Control Plans must specify how erosion will be avoided and contained as required by State law. The Construction Plan must specify the location and design of proposed site improvements (streets, drainage systems, etc.).

### **4.1 – Maps and Plans to be Prepared by Professionals**

The maps, plans and reports required by these Regulations shall show and contain the information and shall be prepared in accordance with the standards specified herein. All such maps, plans and reports shall be prepared by and bear the name, seal and signature of a professional engineer, or other appropriate professional, licensed as may be required by State law. Pertinent survey data and computations shall be presented to the Commission for review upon request.

### **4.2 – Record Subdivision Map**

The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a “Class A-2” type of survey as defined in the recommended code of practice for standards of accuracy of surveys and maps, adopted December 10, 1975, by the Connecticut Association of Land Surveyors, Inc., as amended. The Commission may require the map to be prepared to other standards of accuracy to the extent authorized by State law or regulations, but in no case shall the Commission accept a dependent resurvey (i.e., a survey made by a surveyor who is relying on a prior survey). The map shall be clearly and legibly drawn on twenty-four inch by thirty-six inch (24” x 36”) sheets, on good quality material that would be acceptable for filing in the Town Land Records pursuant to Section 7-31 of the Connecticut General Statutes, as amended. The map should be drawn to a scale of one inch equals forty feet (1” = 40’). In the event the entire subdivision cannot be shown on one drawing without exceeding these scale limitations, two (2) or more drawings (referred to collectively in these Regulations as the “map”) with suitable match lines shall be submitted. Six (6) prints of the map shall be submitted to the Commission prior to filing the original map in the Town Land Records. The map shall show the following:

- 4.2.1** Title of subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town of Bridgewater.
- 4.2.2** Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- 4.2.3** Date, scale, and true and magnetic north points.

- 4.2.4** Existing and proposed property and street lines, as well as all other property lines and street lines within a distance of two hundred feet (200') of the proposed subdivision; and the names of all adjacent property owners and, if appropriate, subdivisions.
- 4.2.5** All inland wetlands and watercourses, as defined by State law and as regulated by the Bridgewater Conservation and Inland Wetlands Commission, and all monuments required by that Commission.
- 4.2.6** Areas of Special Flood Hazard. When a subdivision does not include any Area of Special Flood Hazard, the following notation shall be included on the Map: "This subdivision does not include land areas of special flood hazard as defined under the Zoning and Subdivision Regulations."
- 4.2.7** Proposed easements, rights-of-way, encroachment lines, and areas reserved for drainage, watercourses, wetlands, stream protection, and conservation; and the limits of any areas to be reserved or protected from excavation or filling.
- 4.2.8** Proposed lots and lot numbers; existing and proposed open spaces for parks, stream protection and other open spaces; the square footage and acreage of all lots and open spaces; and the total acreage of land included in the subdivision.
- 4.2.9** Existing buildings and structures.
- 4.2.10** Dimensions on all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.
- 4.2.11** The width of all existing and proposed streets, rights-of-way and easements; street names; and existing and proposed monuments.
- 4.2.12** All Town boundary and zoning district boundary lines within a distance of two hundred feet (200') of the subdivision.
- 4.2.13** A location map showing the subdivision in relation to existing streets in the Town at a scale of not less than one inch equals one thousand feet (1" = 1,000').
- 4.2.14** If the proposed subdivision is divided into sections or is of such size that more than one (1) sheet is required, an index map showing the entire subdivision with lots, lot numbers, streets, street names, and delineation of areas covered by each section or sheet.
- 4.2.15** Where practical, the survey relationship of proposed streets to nearby documented Town streets or State highways.
- 4.2.16** The following approval and endorsement blocks, as may be appropriate:
  - a.** The words "Approved by the Board of Selectmen" with a designated place for the signature of the First Selectman and the date of signing, if any new roads are to be constructed.
  - b.** The words "Approved by the Town Health Officer" with a designated place for the signature of the Town Health Officer and the date of signing.



- c. The words “Approved by the Conservation and Inland Wetlands Commission” with a designated place for the signature of the Chairman or Secretary of that commission and the date of signing, when the subdivision requires regulated activities under the jurisdiction of that commission.
- d. The words “Approved by the Planning and Zoning Commission” with a designated place for the signature of the Chairman or Secretary of the Commission and the date of signing.

**4.2.17** The certification, original signature and embossed seal of the registered land surveyor and such other additional requirements as may be specified pursuant to Section 4.2 of these Regulations.

### **4.3 – Site Development Plan**

The Site Development Plan shall be drawn to a scale of not less than one inch equals forty feet (1” = 40’). The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and for all contiguous land of the applicant that may be subdivided in the future, in order to allow the Commission to complete a planning review of the proposed subdivision, including its relationship to the future subdivision of contiguous land of the applicant. The plan shall be clearly and legibly drawn on good quality mylar and shall be submitted for filing in the office of the Commission. Six (6) prints of the plan shall also be submitted to the Commission at the time the mylar is filed. The plan shall show at least the following information:

- 4.3.1** Title of the subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town of Bridgewater.
- 4.3.2** Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- 4.3.3** Date, scale, and true and magnetic north points.
- 4.3.4** Existing and proposed property and street lines within a distance of two hundred feet (200’) of the proposed subdivision; and the names of all adjacent property owners and, if appropriate, subdivisions.
- 4.3.5** Existing and proposed easements, rights-of-way, encroachment lines and reservation areas for drainage, watercourses, wetlands, stream protection, and conservation, and any Areas of Special Flood Hazard.
- 4.3.6** All regulated inland wetlands and watercourses and any stream belt. If wetlands have been delineated by a certified soil scientist, the plan shall show the location and number of the wetland boundary flag or markers.
- 4.3.7** Proposed wetlands and watercourses, including ponds and swamps, and other land that may be subject to potential flooding following completion of the subdivision.
- 4.3.8** The boundaries and classification codes of soil types under the National Cooperative Soils Survey of the Soil Conservation Service, U.S. Department of Agriculture.



- 4.3.9** Proposed lots and lot numbers; existing and proposed open spaces for parks, playgrounds, stream protection and other open spaces.
- 4.3.10** Approximate dimensions on all proposed property and street lines; approximate lot areas and the total acreage of land included in the subdivision.
- 4.3.11** The building area of the lot, including a location for a proposed dwelling or other principal building on each lot, the potential location of the subsurface sewage disposal system including primary and reserve leaching fields, well location and driveway corridors.
- 4.3.12** Existing topographic contours, at an interval not exceeding five feet (5') on steep land and not exceeding two feet (2') on other land, based on field or aerial surveys or other suitable sources and keyed to Town, State or U.S. benchmarks where such are located within one-half (1/2) mile of the subdivision boundary.
- 4.3.13** Location of historic or archeological sites.
- 4.3.14** Principal wooded areas, and any ledge outcrops and existing stone walls and fences within the subdivision.
- 4.3.15** Proposed width of all streets, rights-of-way and easements; the proposed width of all pavement; proposed street names; and existing and proposed monuments.
- 4.3.16** All Town boundary and zoning district boundary lines within a distance of two hundred feet (200') of the subdivision.
- 4.3.17** Existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures.
- 4.3.18** Spot elevations on both existing and proposed roads to indicate tentative grading of roads.
- 4.3.19** The approximate location of any percolation seepage test holes, deep test pits and borings; locations proposed for water supply well sites; and the location and dimensions of the areas suitable for leaching fields for on-site sewage disposal systems and the reserve areas for future fields.
- 4.3.20** The limits of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.
- 4.3.21** The limits of any areas of tree removal that would be necessary to provide effective use of a passive solar energy system on each lot, based on an assumed mature tree height of fifty feet (50').
- 4.3.22** The words "Approved by the Town Health Officer" with a designated place for the signature of the Town Health Officer and the date of signing.
- 4.3.23** The original signature(s) and embossed seal(s) of the registered land surveyor and professional engineer, and the signature of the sanitarian, sanitary inspector, or professional engineer who prepared the test pits and percolation holes.

#### **4.4 – Construction Plans**

Construction plan and profile drawings shall be prepared and submitted for all proposed streets, storm drains, gutters, catch basins, ditches, watercourses, headwalls, sidewalks, curbs, underground utilities, and other structures and improvements. These drawings shall be on polyester film (mylar) having a thickness of three one-thousandths of an inch (0.003”) or more and a sheet size of twenty-four inches by thirty-six inches (24” x 36”), and shall be acceptable for filing in the Town Land Records pursuant to Section 7-31 of the Connecticut General Statutes. The plans and profiles shall be drawn to a horizontal scale of one inch equals forty feet (1” = 40’) and a vertical scale of one inch equals four feet (1” = 4’). Profile drawings and elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be noted on the plan. Four (4) prints of the plans and profiles shall be submitted to the Commission at the time the original mylars are submitted. Construction drawings shall show at least the following information in accordance with good engineering practice as appropriate for the particular subdivision:

- 4.4.1** Title of the subdivision, date, scale, and true and magnetic north points.
- 4.4.2** Location of lot lines intersecting the street line; lot numbers and street names.
- 4.4.3** For streets, all information required by the Ordinance for the Construction and Acceptance of Streets in the Town of Bridgewater, including but not limited to the existing grades at the center line and at both street lines, and the proposed grade at the center line; street lines and edges and widths of pavement; street cross sections at all cross culverts; a typical street cross-section; and station and centerline elevations for the beginning and end of all horizontal and vertical curves.
- 4.4.4** All roadways and easements stationed along their center lines. At intersecting roadways, the “zero” station for the side road shall be the point at which the side road center line intersects the main road center line.
- 4.4.5** Plans and profiles of existing roadways, on each side of their intersections with proposed new streets, for the length of the site distances required under the Ordinance Concerning the Construction and Acceptance of Streets in the Town of Bridgewater. These plans and profiles must show all of the information required under this Section 4.4 for proposed new streets.
- 4.4.6** Depth, invert, slope and size of all pipes, ditches, culverts, catch basins, headwalls and watercourses; and ditch and watercourse cross-sections. The top of frame or rim elevations and station-offsets shall be shown for all structures. The Commission may require additional cross-sections in order to review upstream and downstream hydraulic conditions.
- 4.4.7** Sidewalks, curbs, gutters, and other structures and underground utilities.
- 4.4.8** Detail drawings of any bridges, box culverts, deep manholes, and other special structures.
- 4.4.9** The station-offset for all proposed monuments.

- 4.4.10** The words “For location of underground electric, telephone and other facilities of public utilities, inquire of appropriate utility company.”
- 4.4.11** Methods of erosion control during construction.
- 4.4.12** Sufficient detail so as to be considered suitable for construction.
- 4.4.13** Original signature and embossed seal of a professional engineer registered in Connecticut.
- 4.4.14** The words “Approved by the Bridgewater Planning and Zoning Commission,” with a designated place for the signature of the Chairman and the date of signing.
- 4.4.15** The words “Approved by the Board of Selectmen,” with a designated place for the signature of the First Selectman and the date of signing.

#### **4.5 – Grading Plan**

A grading plan shall be provided to the Commission, depicting all proposed regrading, cuts, fills, and soil and rock removal on the site. The grading plan shall be submitted on good quality material that would be acceptable for filing in the Town Land Records pursuant to Section 7-31 of the Connecticut General Statutes, as amended, to the same size and scale as required for Construction Plans pursuant to Section 4.4 of these Regulations. Contours and elevations shall be based on the same bench marks and elevations as specified in Section 4.3.12 of these Regulations. The grading plan shall show at least the following information:

- 4.5.1** Title of the subdivision.
- 4.5.2** Name and address of the owner of the land to be subdivided, and the name and address of the applicant, if different from that of the owner.
- 4.5.3** Date, scale, north direction, and name of town and state.
- 4.5.4** Layout of existing and proposed lot lines and street lines.
- 4.5.5** Existing and proposed contours at an interval not exceeding two feet (2') based on a field or aerial survey. The datum for all elevations shall be a U.S. Geological Survey datum.
- 4.5.6** Existing and proposed drainage and water courses.
- 4.5.7** Existing and proposed buildings and structures.
- 4.5.8** Locations of all test holes, test pits and borings.
- 4.5.9** The quantities of material, measured in cubic yards, to be cut and filled on the site and the quantities and types of any materials to be brought onto or removed from the site.
- 4.5.10** Methods of erosion control as specified in Section 4.6 of these Regulations.
- 4.5.11** Cross-section drawings covering proposed areas of excavation, if requested by the Commission.

- 4.5.12** Original signature and embossed seal of a registered land surveyor, professional engineer, or landscape architect.

#### **4.6 – Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan shall be submitted for certification by the Commission with any application for a subdivision when the cumulative disturbed area is or will be more than one-half (1/2) acre. The Plan shall be prepared in accordance with the provisions of Section 4.5 of these Regulations and shall contain all of the information required by Section 5.6 of the Bridgewater Zoning Regulations. Where the applicant proposes to sell lots for future building development, the Commission may, in its discretion, require that a detailed erosion and sediment control plan associated with the development of specified subdivision lots be part of the application for any zoning or building permit and be certified by the Commission or its authorized agent prior to issuance of the permit. In such cases, a statement to that effect shall be shown on the record subdivision map.

##### **4.6.1 – Erosion and Sediment Control Plan Definitions**

**“Certification”** - Approval by the Bridgewater Planning and Zoning Commission that a soil erosion and sediment plan complies with the applicable requirements of these Regulations.

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

**“Erosion”** - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**“Inspection”** - The periodic review of sediment and erosion control measures shown on the certified plan.

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

**“Soil”** - Any unconsolidated material or organic material of any origin.

**“Soil Erosion and Sediment Control Plan”** - A scheme that minimizes soil erosion and sedimentation resulting from development, including, but not limited to, a map and narrative.

##### **4.6.2 – Information and Requirements - General**

A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Information as required below shall be shown separately or as a part of the site development plan and construction plan.

##### **4.6.3 – Project Narrative and Time Schedule**

The plan shall include a narrative describing:

- a.** The development project.

- b. The time schedule for the following: all major construction activities indicating the anticipated start and completion of development; creating and stabilizing disturbed areas; grading operations; and applying erosion and sediment control measures and facilities onto the land.
- c. Design criteria, construction details, detailed installation/application procedures and maintenance programs; and all soil erosion and sediment control measures.

#### **4.6.4 – Erosion and Settlement Control Plan**

The following information shall be shown at a scale of one inch equals forty feet (1" = 40') on the site development plan on a separate sheet:

- a. Existing and proposed topography, soil types, wetlands, watercourses and water bodies.
- b. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
- c. Within the disturbed areas, topographic contours at an interval of not less than two feet (2'). When it is determined necessary, the Commission may require that the contour intervals be based upon a field survey.
- d. Location of and design details for all proposed erosion and sediment control measures and facilities.
- e. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.
- f. The words "Certified by the Planning and Zoning Commission" with a designated space for the signature of the Chairman or Secretary of the Commission and the date of signing.

#### **4.6.5 – Minimum Acceptable Standards**

- a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant alternate standards when requested by the applicant, if technically sound reasons are presented.
- c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

**4.6.6 – Issuance or Denial of Certification**

- a.** The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations.
- b.** Nothing in these Regulations shall be construed as extending the relevant time limits for the approval of any application under Chapter 126 of the Connecticut General Statutes.
- c.** Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

**4.6.7 – Conditions Relating to Soil Erosion and Sediment Control**

- a.** Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance guarantee (See Article VIII) to guarantee completion of the proposed erosion and sediment control measures.
- b.** All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan

**4.6.8 – Inspection**

Inspections may be made or directed by the Commission during development to ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

## **ARTICLE V – GENERAL - STANDARDS FOR PLANNING DESIGN AND CONSTRUCTION**

All subdivisions shall be designed according to the design and construction standards of these Regulations and to meet the objectives for conservation and development stated in the Town Plan of Development. The purpose of these standards is to assure that the subdivision and development of land will be designed and constructed:

To protect and promote the public health, safety and welfare; and to preserve Bridgewater's diverse system of open spaces and its rural character;

To avoid development of land that is not suitable for development; and

To encourage subdivision design that protects and conserves unique and fragile natural resource lands.

### **5.1 – General Standards for Subdivision Design**

In order to serve the purposes of subdivision regulations as set forth in Chapter 126 of the Connecticut General Statutes, and especially to insure proper provision for protection of irreplaceable resources and of unique and fragile features of value to the Town of Bridgewater and the State of Connecticut, applicants are encouraged to design subdivisions to avoid development of house sites, septic fields, driveways, streets or other development improvements on the types of land described below and to protect these lands from harmful effects:

**5.1.1** Special flood hazard areas.

**5.1.2** Inland wetlands and watercourses as defined by State law and regulated by the Bridgewater Conservation and Inland Wetlands Commission.

**5.1.3** Streambelt land areas as shown on the Town Plan of Development Streambelt Map.

**5.1.4** Shepaug River designated public water supply watershed.

In order to reduce the adverse impact of a development affecting the lands described above, the Commission may require the redesign of the subdivision including road alignments, lot lines, lot area, location and scale of structures and location of reserved open space.

### **5.2 – Lots and Lot Layout and Building Setback**

**5.2.1** Each lot shall conform to the area, dimensions, frontage and other requirements of the Bridgewater Zoning Regulations.

**5.2.2** Each lot shall be of sufficient area and shall have a shape and terrain that will permit a suitable location for all of the following: a building site, septic system leaching fields and reserve fields including required setbacks, a well-water supply source with required

separating distances, necessary stormwater retention areas and drainage areas, and a driveway corridor.

- 5.2.3** The buildable area on each lot shall be the area of the lot proposed as suitable for the location of the building site, septic leaching fields (including reserve fields), well site and driveway corridor. The buildable area, showing each of these locations, shall be clearly defined.

### **5.3 – Solar Access**

Applicants are encouraged to utilize energy efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation. Applicants shall demonstrate to the Commission that in developing the subdivision plan, consideration has been given to passive solar energy techniques that would not significantly increase the cost of housing to the buyer. Passive solar energy techniques mean site design techniques that maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season.

- 5.3.1** Site design considerations shall include but not be limited to house orientation, street and lot layout, vegetation, natural and man-made topographic features and protection of solar access within the development.

### **5.4 – Driveways and Accessways**

All lots shall have a corridor of land for location of a driveway that is suitable for safe access. The applicant shall demonstrate to the satisfaction of the Commission that the location of the driveway meets the following standards:

- 5.4.1** Maximum driveway travelway gradient shall be twelve percent (12%), except that a travel gradient of up to fifteen percent (15%) may be permitted for not more than one hundred feet (100') in length.
- 5.4.2** Driveway intersections with the street shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Board of Selectmen.
- 5.4.3** All driveways shall meet the requirements of the Bridgewater Driveway Ordinance, effective June 7, 1998, as this ordinance may be amended.

### **5.5 – Fire Ponds**

The Commission may, in its sole discretion, require, for fire protection, the construction of ponds, including dry hydrants, in any subdivision. The ponds shall be constructed in accordance with the standards and practices of the U.S.D.A. Soil Conservation Service and shall have a minimum capacity as determined by the Commission after consulting with the Bridgewater Board of Fire Commissioners. The fire pond shall be accessible from a street via a right-of-way in favor of the Town, and the right-of-way shall have a width of at least thirty (30) feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects.



**5.6 – Flood Hazard Area Regulations**

The applicant shall demonstrate compliance with all applicable provisions of the Town Flood Damage Prevention Ordinance.

**5.7 – Open Space**

The Commission may require the reservation of up to fifteen percent (15%) of the land included within a proposed subdivision for suitable open space, park or playground use. To the extent possible, the land so reserved shall be chosen in accordance with the recommendations of the Town's Plan of Development. Open space land shall be chosen on the basis of its value in protecting and conserving natural resources, especially active farmland, and also to enhance living conditions and protect cultural and historic values, and to create recreational opportunities, including hiking. Such reserved land shall have road access where required by the Commission.

Such land shall be permanently protected, preferably by a conservation easement that prohibits building development, or dedicated to a non-profit land conservation organization, such as the Bridgewater Land Trust.

Where the land to be protected will be used for active recreational purposes by the landowners within the subdivision, permanent protection may be accomplished by dedicating the land to a private association of owners of the lots within the subdivision. Such a homeowner association shall be legally established according to procedures and requirements approved by the Commission's attorney. Where the Town of Bridgewater has expressed an interest in establishing public open space or recreation areas, such land should be offered for dedication to the Town.

In lieu of any requirement to provide open spaces, the applicant may propose, and the Commission may accept, the payment of a fee, or the payment of a fee and the transfer of land, to the Town. Any such payment or combination of payment and the fair market value of the land to be transferred may not exceed ten percent (10%) of the fair market value of the land to be subdivided, measured prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment, the numerator of which is one (1) and the denominator of which is the number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of Section 8-25b of the Connecticut General Statutes.

The applicant may propose the location of the land to be reserved, the uses to which it will be put, and the recipient of the easement or deed to the land, but in all instances the final decision shall be the responsibility of and at the discretion of the Commission.

The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

**5.8 – Rear Lots**

Rear lots, as defined in the Bridgewater Zoning Regulations, shall not be permitted except as otherwise expressly provided in those regulations.

## **ARTICLE VI – STREETS - STANDARDS FOR PLANNING, DESIGN AND CONSTRUCTION**

### **6.1 – Construction Specifications and Requirements**

The construction plans for streets and street drainage required by these Regulations shall be in accordance with the Town Road Ordinance and approved in writing by the Board of Selectmen. All construction of such improvements shall be carried out subject to supervision and inspection by the Board of Selectmen or their authorized agent and shall be built in accordance with the Town Road Ordinance. Where there is a conflict between the Road Ordinance and these Regulations, the more restrictive requirements shall apply.

### **6.2 – Street Classification**

All streets in a subdivision will be classified in accordance with the standards contained in Bridgewater's Plan of Development. Where the Plan of Development proposes future streets that cross or abut the subdivision, the subdivider may be required to construct these streets to the standard proposed.

### **6.3 – Street Planning**

Proposed streets and rights-of-way shall be planned in accordance with the following criteria:

- a. Streets shall provide safe and convenient circulation for both present and prospective traffic within the subdivision and within the neighborhood where the subdivision is located.
- b. Proposed streets shall be appropriate to the topography and location. Street patterns shall give consideration to contours and natural features and shall be designed in a manner capable of public use and maintenance by the Town of Bridgewater. Streets should in general follow the contour of the land, and the applicant should, as far as practical, consider street alignments along an east-west axis within thirty degrees (30°) of either side of true east, to encourage the development of buildings facing true south, and should have a location and grade that accomplishes an attractive layout and development of the land, that preserves natural terrain, large isolated trees and desirable woods and other vegetation, and that will enhance the property value in the subdivision.

### **6.4 – Continuation of Streets into Adjacent Property**

The arrangements of streets shall generally provide for the continuation and construction of such streets to the property line between adjacent properties. The Commission may waive this requirement if it finds that such extension would require unusually extensive grading, blasting, or other site work because of steep topography, shallow-to-bedrock soils, or other natural features; or where it finds that such extension is not necessary to provide an adequate and convenient roadway system for prospective traffic needs. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the street shall be constructed to the property line. A temporary turnaround shall be provided at the end of any such temporary dead-end street, with a notation on the map to be filed on the land records that the

area within the temporary turnaround but outside the normal street right-of-way shall automatically revert to the abutting property owners whenever the street is extended. At the time of extension, the developer proposing the extension shall be fully responsible for the removal and planting in the areas outside the new gutter lines, the replacement or extension of driveways to the new pavement line, and any modifications of paving and drainage made necessary by the extension of the street.

### **6.5 – Dead-End Streets**

Where a street does not extend to the boundary of the subdivision and its continuation will not be required for future access to adjoining property, its terminus shall not be nearer to such boundary than one hundred feet (100') or the minimum lot depth prescribed by the Zoning Regulations, whichever is greater. Reserve strips of land shall not be left between the end of a permanent dead-end street and an adjacent piece of property. However, the Commission may require the provision of a twenty foot (20') wide passageway or easement to accommodate pedestrian traffic or utilities. A turnaround shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall provide access to no more than six (6) building lots (including corner lots) and shall not exceed seven hundred fifty feet (750') in length. For the purposes of this section, if a permanent dead-end street abuts any portion of a lot, or if a lot has a legally enforceable right of access (e.g., easement, right-of-way) to a permanent dead-end street, that street shall be deemed to provide access to the lot regardless of whether the access is actually used or proposed to be used or whether the lot has an alternate means of access from another street.

### **6.6 – Monuments and Pins**

Monuments shall be provided on streets as required by the Town Road Ordinance. In addition to required monuments, iron pins, not less than three-quarters inch (3/4") in diameter and thirty-six inches (36") in length, and consisting of a suitable rod or pipe, shall be placed (a) at each point of intersection of a lot line and the right-of-way line of a street and (b) at all other lot corners, and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. Monuments may be substituted for iron pins. Pins, however, are not required at each change in direction along an irregular lot line, such as along a stream or stone wall.

### **6.7 – Street Trees**

The Commission shall require the planting of street trees in order to maintain the scenic character of the Town. In general, street trees shall be planted approximately fifty feet (50') apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, in locations approved by the Commission. Trees to be planted shall be at least one and three-quarters inches (1 3/4") in diameter at a height of four feet (4') and shall have a minimum height of ten feet (10'). The species of trees shall be subject to the approval of the Commission. Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front ten feet (10') of the proposed lots. Existing trees located along the proposed street and conforming to these regulations may be retained in lieu of planting new trees if the Commission determines that the existing trees are healthy and that they will fit within the overall planting scheme for the street.

**6.8 – Underground Utilities**

Electric and telephone lines and facilities in new streets shall be installed underground unless the Commission has determined that such underground installation is in whole or in part inappropriate or infeasible because of shallow-to-bedrock soils. Where possible, such lines and facilities shall not be located under the street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement.

## ARTICLE VII – DRAINAGE - STANDARDS FOR PLANNING, DESIGN AND CONSTRUCTION

### **7.1 – General**

The storm drainage system shall provide for drainage from the entire area of the subdivision and shall take into account land outside the subdivision that normally drains across the area of the subdivision, as well as the effects of the subdivision upon downstream drainage systems. The drainage system for the subdivision shall make use of and protect, and improve as needed, the natural drainage system. Construction of artificial ditches should be avoided, and no watercourse shall be diverted, filled or enclosed in pipe except as may be necessary to provide a means of vehicular access across such watercourse. The drainage system shall provide for the following:

- a. Adequate drainage of proposed streets, including future extensions thereof into adjoining property;
- b. Interception of existing channeled drainage coming from any adjoining property or street;
- c. Protection of locations necessary for on-site sewage disposal and water supply facilities;
- d. Prevention of flooding and soil erosion, and protection of wetlands and watercourses; and
- e. On-site detention where feasible, in order that runoff from the developed subdivision not exceed the rate of runoff before subdivision (zero incremental increase in runoff).

### **7.2 – Storm Drainage Requirements**

#### **7.2.1 – Storm Drainage Requirements**

Storm drainage requirements related to the construction of streets shall be as provided for in the Town Road Ordinance.

#### **7.2.2 – Runoff Determination**

The method to be used in determining runoff for drainage areas of less than two hundred (200) acres is the Rational Method.

Q	=	AIR
O	=	Rate of runoff in cubic feet per second.
A	=	Area to be drained in acres.
I	=	Percentage of imperviousness of the area.
R	=	Maximum average rate of rainfall over the entire drainage area in inches per hour, which may occur during the time of concentration.

**7.3 – Discharge**

The discharge of all stormwater that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge. There shall be no discharge onto or over private property within or adjoining the subdivision unless (a) proper easement and discharge rights have been secured by the applicant, (b) such easements and rights are transferable to the Town where the discharge includes stormwater from any street, and (c) there will be adequate safeguards against soil erosion and flood danger. No stormwater shall be diverted from one watershed to another. Discharge shall be made in a manner that protects wetlands and watercourses from pollution.

## ARTICLE VIII – IMPROVEMENTS AND GUARANTEES OF COMPLETION AND MAINTENANCE

### **8.1 – Performance Guarantee**

The subdivider may either construct all improvements required in connection with the subdivision, or in lieu of the completion of such work and installation previous to the endorsement of a final plan, the Commission may accept a performance guarantee, in an amount and with security and conditions satisfactory to it, securing to the Town the actual construction and installation of such improvements.

**a. Definition:** For the purposes of this section, a performance guarantee shall mean one of the following:

- A passbook savings account.
- An irrevocable letter of credit.
- Any other form of security satisfactory to the Commission.

All such performance guarantees shall be subject to the approval of the Commission or its attorney.

**b. Submission:** The performance guarantee shall be submitted to the Commission within forty-five (45) days after the Commission's approval of a subdivision plan. If a performance guarantee is not so filed with the Commission, the subdivision approval shall be deemed automatically void

**c. Amounts and Coverage:** The performance guarantee shall be for an amount sufficient to secure to the Town the actual construction and installation of all proposed improvements and utilities. The amount of the performance guarantee shall be set by the Commission. The period of coverage of the guarantee shall be determined by the Commission, but shall not be less than one (1) year from the date of approval of the subdivision plan. The Commission may extend the completion date for public improvements for additional periods. As a condition of such extension, the Commission may require an increase in the amount of the performance guarantee if it determines that the existing amount is no longer sufficient to provide adequate security.

**d. Form:** Performance guarantees shall be duly executed on forms provided or approved by the Town, with proper reference to all maps and plans showing the streets, drainage and other improvements covered by the performance guarantees and shall have attached thereto a copy of a detailed cost estimate. Forms and other data shall be provided as follows:

- Bonds secured by a passbook savings account shall be accompanied by:
  - (i) The savings account passbook;
  - (ii) A withdrawal slip in the amount of the bond, properly endorsed and made payable to the Town; and



- (iii) A letter from the bank acknowledging that the account has been assigned to the Town for the period established for the construction or installation of the required improvements, plus six (6) months.
- Bonds secured by irrevocable letters of credit shall be provided by a bank or other similar reputable institution subject to the approval of the Commission and its attorneys. The letter of credit shall be in such form and accompanied by such documents as may be prescribed by the Commission.

### **8.2 – Inspection of Improvements**

The Board of Selectmen or other inspector designated by the Commission shall be notified by the applicant at least three (3) business days in advance of all relevant construction and may inspect required improvements during construction to assure satisfactory completion. In the case of new streets or changes in existing streets, the work shall be inspected in accordance with the Town ordinance governing road construction. If the Board of Selectmen or the person designated by the Commission finds, upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans, (s)he shall notify the applicant and the Commission in writing and the applicant shall be responsible for completing or repairing the improvements according to specifications.

### **8.3 – Improvements Required by Unforeseen Conditions**

If during the course of construction of any new street, or any other improvements required by the Commission as part of an approved subdivision, additional work is required to complete all improvements or in order to remedy conditions, the Board of Selectmen or the Commission's inspector shall require such additional work to be done by the applicant at no cost to the Town. Such unforeseen conditions may include, but shall not be limited to, springs, existing drains, swampy conditions, side hill drainage from cuts, and bedrock.

### **8.4 – Modification of Design of Improvements**

If at any time before or during the construction of required improvements, it is demonstrated to the satisfaction of the Board of Selectmen or the Commission's inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, such modifications may be authorized upon approval of the Chairman of the Commission, provided the modifications are within the spirit and intent of the Commission's approval and do not constitute a waiver or substantial alteration of the improvements required by the Commission. Any such authorization under this section shall be issued in writing and shall be transmitted to the Commission at its next regular meeting.

### **8.5 – Failure to Complete Improvements**

Where a performance guarantee has been posted and required improvements have not been installed within the terms of such guarantee, the Town may declare the performance guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development.

### **8.6 – Partial Release**

When and if the Commission determines that a substantial portion of the improvements called for in a subdivision plan approved by the Commission has been completed, the Commission may authorize one (1) or more partial releases of a portion of the guarantee, but the balance shall always be sufficient to guarantee completion of the public improvements. Such partial release shall be authorized by the Commission only upon the recommendation of the Board of Selectmen or the Commission's inspector. Releases shall be granted only in amounts in excess of one thousand dollars (\$1,000). In no event shall a guarantee be reduced below twenty-five percent (25%) of the total cost of improvements.

### **8.7 – Final Release**

A performance guarantee will not be finally released until such release has been requested, in writing, by the applicant and the following conditions have been met:

- a. **Certification and Acceptance:** The Board of Selectmen or Commission's inspector has submitted a letter stating that all required improvements have been satisfactorily completed.
- b. **As-Built:** The applicant's engineer or surveyor has certified to the Commission, through submission of detailed "as-built" plans, that all improvements are in accordance with submitted construction plans for the subdivision. "As-built" plans shall include plan and profile maps, and may, at the discretion of the Commission, be required to include grading plans and erosion and sedimentation control plans. Such plans shall show any modifications or changes made during construction. One (1) copy of each shall be provided on polyester film (mylar).
- c. **Maintenance Guarantee:** A maintenance guarantee, as described below, where deemed necessary by the Commission, shall be filed with the Town.
- d. **Documents and Conditions:** The Commission must confirm that all required documents have been furnished and all conditions and requirements of the Commission's approval of the subdivision application, including the placement of lot markers, have been satisfied.

### **8.8 – Maintenance of Improvements**

The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks, if required, until acceptance of the improvements by the Town.

- a. **Maintenance Guarantee:** The applicant shall be required to file a maintenance guarantee with the Town in order to assure the satisfactory condition of the required improvements. In the case of improvements that are not to be offered for acceptance by the Town, the maintenance guarantee must be in effect for a period of twenty-four (24) months from the release of the performance guarantee. In the case of improvements that are to be offered for acceptance by the Town, the maintenance guarantee shall be in effect for a period of twenty-four (24) months from the release of the performance guarantee or until acceptance of the improvements by the Town, whichever period is lesser. The maintenance performance guarantee shall be in an amount set by the Commission, but in no case shall it be less the ten percent (10%) or more than fifty percent (50%) of the amount of the performance guarantee.

- b. Release:** The maintenance guarantee shall not be released by the Commission until requested in writing by the applicant. Such request shall be accompanied by a letter from the Board of Selectmen or Commission's inspector recommending the release and stating that all required improvements have remained in good condition during the maintenance period.