

TOWN OF GLASTONBURY
SUBDIVISION AND RESUBDIVISION REGULATIONS
EFFECTIVE: JUNE 1, 1993
AMENDED: MAY 28, 1996

SUBDIVISION AND RESUBDIVISION REGULATIONS WERE
ORIGINALLY ADOPTED ON NOVEMBER 25, 1953

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1.0 Preamble For the purpose of providing orderly growth in the Town of Glastonbury and establishing standards for the design and construction of streets and public improvements in subdivisions and pursuant to authority conferred on it by the Connecticut General Statutes, the Town Plan and Zoning Commission of the Town of Glastonbury hereby adopts the following regulations for the subdivision of land.

2.0 Definitions

- 2.1 Applicant** shall mean the owner of record or any person, firm, corporation, partnership, association or appointed agent having interest in a parcel of land with written consent by the owner, who applies to the Commission for approval of subdivision or resubdivision of said land.
- 2.2 Bond(s) or Bonding** shall mean a cash bond or a letter of credit. Cash bonds shall be submitted in the form of a check payable to the "Town of Glastonbury."
- 2.3 Building-Zone Regulations** shall mean the adopted Building-Zone Regulations of the Town of Glastonbury, as they are amended from time to time.
- 2.4 Commission** shall mean the Town Plan and Zoning Commission of the Town of Glastonbury.
- 2.5 Community Septic** shall mean a septic system which serves more than one building or as otherwise defined by Connecticut General Statutes and/or the State of Connecticut Public Health Code.
- 2.6 Community Water** shall mean a public water supply which serves at least two (2) residences or twenty-five (25) residents throughout the year or as otherwise defined by Connecticut General Statutes and/or the State of Connecticut Public Health Code.
- 2.7 Community Sewerage System** shall mean a community sewerage system as defined by Connecticut General Statutes and/or the State of Connecticut Public Health Code.
- 2.8 Conditional Subdivision Approval** shall mean subdivision approval granted by the Commission without bonding, in accordance with Section 5.12 of these Regulations which requires the completion and filing of all plans, maps, and documents, with the exception of bonding for construction of public improvements. Such surety bonding shall be required at the time of final subdivision approval.
- 2.9 Conventional Subdivision** shall mean the subdivision of land which conforms

to the underlying zone as set forth in the Town of Glastonbury Building-Zone Regulations.

- 2.10 Connecticut General Statute(s)** shall mean the laws enacted by the Connecticut General Assembly as such law or laws may be amended from time to time; hereinafter referred to as CGS.
- 2.11 Designated Building Areas** shall mean the area within a subdivision lot which is specified for the proposed location of permitted structures.
- 2.12 Director of Community Development** shall mean the Director of Community Development of the Town of Glastonbury or an authorized representative.
- 2.13 Director of Public Works** shall mean the Director of Public Works or Town Engineer of the Town of Glastonbury or an authorized representative.
- 2.14 Final Subdivision Approval** shall mean subdivision approval granted by the Commission with bonding, in accordance with Section 5.11 of these Regulations.
- 2.15 Master Drainage Plan** shall mean the adopted comprehensive drainage plan for the future growth, protection and development of the Town of Glastonbury, as amended from time to time.
- 2.16 Master Sewer Plan** shall mean the most recent water pollution control plan as defined in CGS Section 7-246 and approved by the Glastonbury Water Pollution Control Authority.
- 2.17 Open Space** shall mean land areas which include but are not limited to: areas left in their existing state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.
- 2.18 Open Space Subdivision** shall mean the subdivision of land with a reduction of lot size in return for the preservation of open space which may be accomplished all in a manner and as limited and more particularly set forth in Section 6.7, Open Space Subdivision, of the Building-Zone Regulations and Section 8-25 of the CGS, excluding the provision for fees in lieu of open space.
- 2.19 Public Improvements** shall mean all work located within the public right-of-way and/or within open space areas to be dedicated to the Town or otherwise accessible to the public. Public improvements shall include, but are not limited to, streets and appurtenant drainage, grading, lighting, trees,

signage and the like; public utilities; erosion and sedimentation control measures; the conveyance and improvement of open spaces; and as-built record plans and other drawings required by these Regulations.

- 2.20** **Resubdivision** shall mean 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, or (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.
- 2.21** **Specimen Tree** shall mean a healthy and mature tree with significant size and age for its species.
- 2.22** **Street** shall mean any street, avenue, boulevard, road, lane, alley or other way open or proposed to be open to public vehicular traffic and owned and/or maintained, or proposed to be owned and/or maintained, by the Town.
- 2.23** **Subdivision** shall mean the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of Subdivision Regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision. Subdivision Regulations were adopted by the Commission on November 25, 1953.
- 2.24** **Town** shall mean the Town of Glastonbury, Connecticut.
- 2.25** **Town Staff** shall mean employees and representatives of the Town of Glastonbury.

3.0 General Requirements

- 3.1** **Subdivision Plan Approval Required:** No subdivision of land shall be made, no land in any subdivision shall be sold or offered for sale, and no construction of private structures, utilities or public improvements in a subdivision shall be started until a final or conditional subdivision plan has been approved by the Commission with such approval endorsed thereon by the Chairman or the Secretary of the Commission, and filed by and at the expense of the subdivider in the office of the Town Clerk within the time provided by Statute.
- 3.2** **Site Clearing/Vegetation Removal** There shall be no land clearing or removal of site vegetation pursuant to a subdivision application until after a preconstruction meeting with the appropriate Town Staff and approval by the Town Environmental Planner. This prohibition shall not apply to limited, selective clearing/vegetative removal for the purpose of surveying and/or

sewage disposal test pit work, or other activities deemed necessary and appropriate by the Town Environmental Planner, which do not exceed the scope necessary for such activities; as detailed in Section 15 of these Regulations.

- 3.3 Building-Zone Regulations** No subdivision plan shall be approved unless it conforms to the Building-Zone Regulations, as adopted, and as they are amended from time to time; however, Open Space Subdivision Plans submitted pursuant to Section 6.10 of these regulations may deviate from the requirements of the Building-Zone Regulations to the extent that such deviation is permitted by Section 6.7 of the Building-Zone Regulations.
- 3.4 Protection of Public Health, Safety, and Welfare** No land shall be subdivided unless it shall be of such character that it can be used for building purposes without danger to health or the public safety, and unless it provides adequately for water, drainage, and sewerage, and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, including tidal flooding, provides for protective flood control measures.
- 3.5 Streets** No subdivision plan shall be approved unless the proposed streets are in harmony with existing or proposed principal thoroughfares as shown in the Town's Plan of Development, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs.
- 3.6 Plan of Development** In its review of a proposed subdivision, the Commission shall consult the Plan of Development of the Town, as adopted May 22, 1984, and as amended from time to time with regard to matters including but not limited to schools and municipal facilities, pedestrian and vehicular circulation, open space and recreation, public utilities, and land use patterns.
- 3.7 Energy Planning** The Commission shall encourage energy efficient patterns of land use, energy conservation and the use of solar and other renewable forms of energy. Any person submitting a Plan for Subdivision shall demonstrate that in developing the plan, he has considered the use of passive solar energy techniques which would not significantly increase the cost of housing to the buyer. Site design techniques shall include but not be limited to (1) house orientation, (2) street and lot layout, (3) vegetation utilization, (4) natural and man-made topographic features, and (5) protection of solar access within the subdivision through the use of covenants or deed restrictions. The intent of this section is to promote energy efficient land uses in accordance with CGS Section 8-25 as amended from time to time.
- 3.8 Stages** The Commission may require a subdivision to be developed in stages

to promote the purposes of CGS Section 8-23 and CGS Section 8-25 as amended from time to time.

4.0 Procedure for Preliminary Plans Review

4.1 Preliminary Plans: Information Required Any Applicant who elects to participate in Preliminary Plans Review shall submit a concept plan, or, if the Applicant so chooses, two concept plans for the proposed subdivision, one of which shall depict how the parcel could be developed as a conventional subdivision and another which shall depict how the parcel could be developed as an Open Space Subdivision. The Commission encourages Applicants to consider the open space method of subdivision. The Applicant shall submit, at a minimum, plans incorporating the following:

- (a) North arrow
- (b) Scale (1" = 100' or larger)
- (c) A location map (1" = 1000')
- (d) Name of Applicant
- (e) Name of Subdivision
- (f) Date of plan and plan number or identification
- (g) Existing streets
- (h) Proposed streets, if any
- (I) Proposed lot lines
- (j) Proposed open space, including a description of the uses
- (k) Ledge, wooded areas, inland wetlands and watercourses and the associated 100 foot conservation buffer area, and 100 year flood zone
- (l) Areas with unusual topographical features such as areas with gradient greater than 20%
- (m) Topography, including contour lines which may be based on Town photogrammetric maps
- (n) Existing zoning
- (o) Preliminary septic field and well locations.

Nothing herein shall be construed to require an Applicant to submit to Preliminary Plans Review, or to prevent an Applicant from presenting plans and documentation in greater detail and containing more information to the Commission, its staff, or other public agencies or officials.

4.2 Informal Review of Preliminary Plans The purpose of the informal review of preliminary plans is purely to provide preliminary guidance to the Applicant and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the Applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. The Applicant shall not be required to submit plans for informal review and neither the Applicant nor the Commission shall be in any way bound by any statement

made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the Applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for informal review of preliminary plans, other than referrals to other municipalities, State, or Federal agencies for review and comment if deemed advisable by the Commission.

5.0 Final Plan

5.1 Application The Applicant may submit a Final Subdivision Plan at any time, along with an application for subdivision approval on forms prescribed by the Commission. The name(s) of the equitable owner(s), including any trust beneficiary, of said property shall be clearly stated on the application. No such application shall be accepted unless accompanied by such final plan.

5.2 Application Fee The fee for an application for subdivision or resubdivision approval shall be \$150.00; or \$75 per lot if the number of lots in the subdivision exceeds two (2).

5.3 Public Hearing and Notice

(a) **Public Hearing** The Commission shall hold a Public Hearing regarding any resubdivision proposal and any subdivision proposal containing 6 or more lots, and may hold a Public Hearing for subdivisions containing 5 or fewer lots if, in its judgment, the specific circumstances require such action.

(b) **Notice** Notice of the time and place of Public Hearing shall be given in a manner prescribed by CGS. In addition, not less than 10 days prior to the Public Hearing, Applicants shall post a notice on the property, in a location which is visible from a public street, advising of the time and place of the Commission meeting at which the application is scheduled for action. Signs shall be provided by the Director of Community Development.

5.4 Information Required Information shall be provided as referenced in the following sections.

5.5 Plan Size and Number All plans shall consist of sheets no larger than 24 inches by 36 inches. The Commission may require additional copies. The Applicant shall submit the following:

Prints:

- (a) Ten (10) sets of subdivision plans
- (b) Ten (10) sets of site development plans
- (c) Three (3) sets of soil erosion and sedimentation control plans
- (d) Three (3) sets of construction plans

MyIars: (Following Subdivision Approval)

- (e) Two (2) sets of subdivision plans
- (f) Two (2) sets of site development plans
- (g) Two (2) sets of soil erosion and sedimentation control plans
- (h) One (1) set of construction plans
- (I) One (1) set of plan and profile plans

5.6 Subdivision Plan The subdivision plan shall be at a scale of one inch equals forty feet (1"=40') and shall incorporate at a minimum the following features:

- (a) General information to include:
 - (1) Title box as made available by the Office of Community Development
 - (2) Sheet index map (Title Page) including location map
 - (3) Name of subdivision
 - (4) Name of Applicant
 - (5) Date of map and map number or identification
 - (6) Certificate of Connecticut Registered Land Surveyor, under seal, to the effect that map conforms to Class A2 survey requirements
 - (7) A Licensed Land Surveyor's statement reading, "The Subdivision Regulations of the Town of Glastonbury, Town Plan and Zoning Commission are part of this plan and approval of this plan is contingent on compliance with all requirements of the said Subdivision Regulations."
- (b) Specific information to include:
 - (1) Lot lines and overall boundary survey to accuracy of one one-hundredth of a foot
 - (2) North arrow
 - (3) Zone classification of subdivision
 - (4) Zone classification of abutting property
 - (5) Names of abutting property owners
 - (6) Size of lots in square feet
 - (7) Building lines
 - (8) Existing and proposed streets
 - (9) Existing and proposed merestones
 - (10) Rights of way reserved for future streets
 - (11) Street names
 - (12) All existing and proposed easements and rights of way

- (13) including the ownership or proposed ownership thereof
 - (14) Bearings, angles and curve data with arc lengths
 - (15) Open spaces and the proposed ownership thereof
 - (16) Connecticut State Plan coordinates at not less than four points on the subdivision perimeter.
 - (16) All conditions of approval and associated documentation shall be shown on the final mylars.
- (c) Where development covers only a portion of the land owned by the Applicant, the Applicant shall submit a non-binding Plan (1"=100' Scale, Class "D" Survey) indicating potential development of the entire tract in relation to the tract involved in the current application. Any portion not included in the subdivision shall be labeled "other land of 'owner' not approved for building purposes."

5.7 Site Development Plan The map shall be at a scale of one inch equals forty feet (1" = 40') and shall incorporate the following minimum features:

- (a) General information to include:
- (1) Title box as made available by the Office of Community Development
 - (2) Name of subdivision
 - (3) Name of Applicant
 - (4) Date of map and map number or identification
 - (5) Certification by a Professional Engineer licensed by the State of Connecticut
- (b) Specific information as required for the site development plan and further containing:
- (1) Contours at two foot intervals. These may be based on Town topographic mapping supplemented by field survey data. Field topographic data must be obtained at a minimum, at all proposed roadway intersections with existing roads and along all proposed storm drainage easements, sanitary sewer easements and road centerlines. The sources of topographic data shall be noted.
 - (2) Locations and elevations of existing sanitary sewers. Locations and elevations of future or proposed sanitary sewers if required by the Water Pollution Control Authority.
 - (3) If sanitary sewers are not available, identify test pit locations, boring data, percolation test data, existing soil classifications and location of leaching fields, on site and on adjoining properties, within one hundred and fifty (150) feet of the property line, or within seventy-five (75) feet of the property line if approved by the Director of Health.

- (4) Location of existing and proposed water and/or gas mains, public or private hydrants and community wells if public or community water system is available.
- (5) If public or community water system is not available, location of wells on site; also show wells and septic fields on abutting properties if within one hundred and fifty (150) feet of a proposed septic system, or within seventy-five (75) feet of the proposed septic system if required by the Director of Health.
- (6) Locations and elevations of present and proposed drainage pipes and structures.
- (7) Existing buildings, historic landmarks and other culturally significant man-made features (e.g. stone walls).
- (8) Significant natural and scenic resources such as ledge outcroppings, wooded areas, and rare and unusual flora and fauna and species of special concern.
- (9) Watercourses, ponds and wetlands, and the associated one hundred (100) ft. conservation buffer area on site and on abutting lands within one hundred and fifty (150) feet of the property line.
- (10) Location of trees to be saved or planted, if applicable.
- (11) Location of specimen trees and other unique or unusual vegetation proposed to be removed or that may be impacted.
- (12) Location, width, and type of proposed and existing sidewalks or pedestrian paths.
- (13) Existing and proposed parks, recreation areas, open spaces, and conservation easement areas.
- (14) Finish grades, grading plan and general topography highlighting areas with slopes exceeding 20%. A separate intersection grading plan shall be provided for all street intersections.
- (15) "Designated Building Areas", proposed driveway locations, limits of vegetative clearing, and approximate grading, if applicable.
- (16) Existing driveway location(s) on neighboring properties within one hundred (100) feet of the property line.
- (17) Flood Zone limits corresponding to FEMA "A" Zones shall be delineated.
- (18) Relationship of existing or potential road layouts, drainage and utility systems, wetlands, watercourses, conservation easements, public and private easements and rights-of-way, and open space within the proposed subdivision and on adjacent land.
- (19) Soil Erosion and Sedimentation Control Measures shall be clearly identified on the plans.
- (20) Significant geological features such as eskers, kames, kettles, etc.
- (21) Limits of earthen cuts and fills.

- (c) Soil Erosion and Sediment Control measures in accordance with Section 15 of these regulations shall be incorporated into the Site Development Plan unless separate plan(s) are deemed necessary by the Environmental Planner.

5.8 Construction Plan Construction plans shall consist of plan and profiles, intersection grading plans, detail sheets and general note sheets and shall incorporate the following:

- (a) General information to include:
 - (1) Title box as made available by the Office of Community Development
 - (2) Name of subdivision
 - (3) Name of Applicant
 - (4) Date of map and map number or identification
 - (5) A note stating "All construction shall be in accordance with Town of Glastonbury construction specifications or as approved by the Director of Public Works."

- (b) Plan and Profile

The plan portion shall be at a scale of one inch equals forty feet (1"=40'), certified by a Professional Engineer registered in the State of Connecticut, and contain, at a minimum, the following specific information:

- (1) Existing building and all property lines within fifty (50) feet of the edge of any right-of-way or limit of construction.
- (2) Existing and proposed streets with stationing noted at all points of curves, points of tangent and high or low points.
- (3) Location of all storm drainage pipes and structures. Elevations shall be shown for tops of frames, inverts and flow lines of all structures.
- (4) Location of all sanitary sewer pipes and structures. Elevations shall be shown for tops of frames, inverts and flow lines of all structures.
- (5) Location, width and type of all existing and proposed sidewalks.
- (6) Existing utility corridors subject to the availability of documented "As Built" data. Proposed utility corridors by locations or by note on plans.

- (7) Limits of construction.
- (c) The profile portion shall be, at a horizontal scale of one inch equals forty feet (1"=40'), a vertical scale of one inch equals four feet (1"=4'), certified by a Professional Engineer registered in the State of Connecticut, and contain, at a minimum, the following specific information:
 - (1) Existing profile, based on actual field elevations, and proposed profile along the centerline of all proposed streets.
 - (2) Existing and proposed profiles along the centerline of all storm drainage and sanitary sewers located outside of the street right-of-way.
 - (3) Percent of grade, elevations at all points of vertical curve and tangent, elevations at all high or low points, and length of vertical curves along proposed street centerlines.
 - (4) Percent of grade, size, type and class of pipe, and structure locations and stationing for all storm drainage, underdrains and sanitary sewer.
 - (5) Profiles of proposed utilities with a diameter greater than 2". Profiles of existing utilities shall be shown, subject to the availability of documented "As Built" data.
- (d) A separate intersection grading plan shall be provided for all street intersections. The scale shall be no greater than one inch equals twenty feet (1"=20') and the contours shall be no greater than 0.5' intervals. Spot elevations shall be shown as required by Town Staff.
- (e) Cross-sections, prepared at 50 foot intervals for all proposed and reconstructed streets having cuts/fill greater than four feet (4'), may be required at the discretion of the Director of Public Works, the Commission or its designee. The section shall extend to a point where the proposed finished lines match existing ground lines. The scale shall be one inch equals five feet (1"=5') or one inch equals ten feet (1"=10').

5.9 Required Documentation The Applicant shall submit, along with the subdivision map, site development plans, construction plans, soil erosion and sedimentation control plans and public utilities plans:

- (a) A list of construction items and quantities for all public improvements. This list shall be in a form satisfactory to the Director of Public Works.

It shall be used by the Town to establish a total construction cost for public improvements based on item unit costs established by the Town. This information shall be submitted following subdivision approval, prior to filing of mylars.

- (b) A report from the Town Sanitarian regarding private sewage disposal system where public sanitary sewers are unavailable.
- (c) Reports from the Director of Public Works and the Town's Water Pollution Control Authority, as appropriate, approving improvements that are or will be under their respective jurisdiction. If the Director of Public Works determines that it is necessary to analyze further traffic data, counts and patterns in order to fulfill the reporting requirement to the Town Plan and Zoning Commission, the Director of Public Works may direct the Applicant to prepare such data at the Applicant's expense.
- (d) Statement by the Conservation Commission, both in that capacity and in its capacity as the Inland Wetlands and Watercourses Agency for the Town, on the potential environmental impact of the proposal, including recommendations for Open Space.
- (e) Drainage calculations in accordance with the Town's design criteria. Design flows for the complete drainage system shall be submitted. When inlet control governs, the required head for design flow and height of structures above pipe inverts shall be shown. A map of suitable scale shall be included showing the extent of all drainage areas contributing to the drainage system.
- (f) Easements and Deeds - Warrantee deeds to streets, appurtenant easements, and public open space shall be filed with the necessary plans and documents deemed appropriate by the Director of Community Development and the Director of Public Works, the Commission or any Subcommittee thereof. When applicable, Certificate(s) of Title and/or Subordination Agreements may be required. All easements, deeds, and other legal documents shall be in a form approved by the Town Attorney. This information shall be submitted following subdivision approval, prior to filing of mylars.

5.10 Commission Action The Commission may approve, modify and approve, or disapprove an application and final plan for subdivision. In matters on which a public hearing is held, such hearing shall commence within sixty-five days after receipt of application and final plan and shall be completed within thirty days after such hearing commences. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing.

In matters for which no public hearing is held, a decision shall be rendered within sixty-five days after receipt of application and final plan for subdivision, except to the extent the CGS otherwise require.

The receipt of an application, request or appeal shall be the day of the next regularly scheduled meeting of the Town Plan and Zoning Commission, immediately following the day of submission to the Commission or its agent of such application, request or appeal or thirty-five days after submission, whichever is sooner.

An Applicant may consent to one or more time extensions as permitted in CGS Section 8-26d, or may withdraw such application. Hearings, notices of decisions, time limits, the day on which an application is deemed received, and final plan of subdivision shall be in accordance with CGS Section 8-26d.

5.11 Final Subdivision Approval The Commission may grant final approval of a subdivision plan if it finds that the purposes, procedures, standards, and conditions set forth in these regulations and the requirements of the Building-Zone Regulations have been met. Nothing herein shall be deemed to constitute a waiver of other requirements of final plans for subdivision. The Commission may grant final approval of a subdivision plan contingent upon the filing of bonds; submission of warrantee deeds to streets, appurtenant easements, and public open space; execution of a standard agreement for construction of public improvements by Applicants; and performance of any other actions deemed appropriate by the Commission. The Applicant shall submit any agreement made with the State Department of Transportation for any street intersection with a State Highway.

5.12 Conditional Subdivision Approval In lieu of Final Subdivision Approval as specified within the preceding section, the Commission may authorize the filing of a Subdivision Plan with Conditional Approval endorsed thereon. Conditional Approval requires the completion and submission of all plans, maps, and documents, with the exception of surety, that would be required for Final Subdivision Approval. No lot within the subdivision shall be sold, nor may a building permit be issued for any lot within the subdivision until all conditions set forth in the Conditional Approval have been fulfilled to the Commission's satisfaction. A caveat shall be filed on the land records, at the time of filing mylars, which advises all potential buyers of the existence and meaning of Conditional Approval. Subdivision site work initiated in accordance with Conditional Approval shall be specifically limited to that clearing and grading required for the installation of public improvements.

Any further work shall be conditioned on (1) the actual construction, installation and maintenance of all improvements specified by the Commission, or (2) the provision of bonding as provided for in these

Regulations. Upon the occurrence of either such event, the Commission shall indicate in writing that all conditions set forth in the Conditional Approval have been satisfied. Prior to taking such action, the Commission must receive written reports from the Director of Community Development and the Director of Public Works, verifying the installation and completion of all public improvements. The reports must contain a recommendation for maintenance bonding. The Applicant shall submit any agreement made with the State Department of Transportation for any street intersection with a State Highway. Any Applicant desiring to commence construction prior to completing all public improvements shall provide the Department of Public Works with a Professional Engineer's list of construction items and quantities and items remaining to be constructed. This list shall be in a form satisfactory to the Director of Public Works. It shall be used by the Town to establish a construction cost for public improvements remaining to be constructed, based on item unit costs established by the Town. Any Conditional Approval shall lapse five (5) years from the date it is granted, provided the Applicant may apply for and the Commission may grant a renewal of such Conditional Approval for an additional period of five (5) years, except that the Commission may provide for a shorter period of Conditional Approval renewal. Any person, firm, or corporation who prior to Final Subdivision Approval sells any lot subdivided pursuant to Conditional Approval, shall be fined not more than \$500 for each lot sold or offered for sale.

- 5.13 Endorsement of Plans** In the event of Final Subdivision Approval or Conditional Approval by the Commission, such Final Subdivision Approval or Conditional Approval, together with the date thereof, shall be endorsed on the plans by the Chairman or Secretary of the Commission.
- 5.14 Town Clerk Filing** Once the Final or Conditional Approval has been endorsed on the plan and the plan has been dated, the Applicant shall cause such plan to be filed in the Office of Community Development and Office of the Town Clerk within the time and in the manner provided by Statute. If such filing is not made within said period, the approval of such plan shall become null and void.
- 5.15 Revocation of Approval** Approval of the subdivision plan may be revoked by the Commission, upon notice and Public Hearing, if it finds that any requirements of the Subdivision Regulations or any lawful order of the Commission are violated, or if it finds that the approval of the Subdivision Plan was granted in reliance on any material misstatements. Notice of such revocation shall be placed in the land records and shall be indexed in the name of the record owners.
- 5.16 Preconstruction Meeting** It shall be the responsibility of the Applicant to notify the Director of Public Works of his intention to begin construction.

Prior to any land disturbing activity and the beginning of construction and after mylars have been filed, a preconstruction meeting shall be scheduled with the Department of Public Works. The Applicant shall assure that his contractor attend the preconstruction meeting. The contractor shall notify the Police Department, and any other appropriate local, State or Federal agency or public and private utility companies affected by the subdivision of the purpose, time, and place of the meeting and supply any plans or documentation required. It is the responsibility of the Applicant to assure that his contractor is familiar with the plans, specifications, conditions of approval, and any other requirements or restrictions associated with the project. There shall be no work performed within the subdivision, with the exception of that allowed under Section 3.2 of these regulations, prior to the preconstruction meeting. The Department of Public Works and Office of Community Development shall determine if the project is ready for construction and give notice at the meeting.

The Applicant shall notify the Director of Public Works a minimum of seven days prior to the actual start of construction.

6.0 Open Space Land Dedication and Open Space Subdivisions

6.1 Open Space Land Dedication The Commission may require the provision of open space, parks and playgrounds as part of a subdivision. Such open space, parks and playgrounds shall be shown on the Subdivision Plan.

6.2 Purpose Open space shall be established to promote orderly community development and to benefit the present and future residents of the Town in order to accomplish objectives such as:

- (a) to preserve and provide recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms or other natural features, and scenic and historic resources; to supplement existing open space and recreational areas.
- (b) to promote the development of land in a way that is sensitive to the environment;
- (c) to promote development that is compatible with surrounding residential areas;
- (d) to preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;
- (e) to control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of

development;

- (f) to preserve the town's rural character by providing and preserving compatible streetscapes and other visual amenities along roadways.

6.3 Public Open Space The Commission may accept open space dedicated perpetually to the Town, or Open Space protected by a Conservation Easement, provided that it determines the public interest would be served by such dedication. In making such determination it shall consider, among other things, the objectives of the Plan of Development, access to and use of the open space by the general public, and restrictions and purposes of the open space.

6.4 Open Space Preservation Mechanisms Permanent preservation of each such area of open space shall be accomplished by one or more of the following mechanisms, as deemed proper by the Commission: (1) conveyance of a fee interest to the Town or State; (2) conveyance of a conservation easement with full, limited, or prohibited public access; (3) conveyance of a fee interest to a Connecticut non-stock corporation of which all owners of land within the subdivision are members; (4) conveyance of a fee interest therein, to a tax exempt organization approved by the Commission, or a conservation easement in favor thereof; (5) provision of private open space, such as common land held by an association of homeowners; (6) any other method proposed by the applicant which accomplishes permanent preservation of such open space land.

6.5 Common Open Space If the Commission determines that the dedication of open space to the Town would not be in the public interest, it may require the open space to be transferred to an association of lot owners. The owner of each lot in the subdivision shall own an undivided interest in the open space proportionate to the total number of lots in the subdivision. Such transfer shall be in accordance with the standards established by the Commission to include, but not be limited to, the following:

Creation of the lot owners association before any lots are sold;

- (A) Mandatory membership by the original lot owner and transferred to any subsequent buyer(s);
- (B) Powers to assess and collect from each lot owner a fair share of association costs, and all costs of ownership of the open space, including maintenance, improvements, insurance, taxes and the like;
- (C) Such restrictions on the use and development of this open space as may be required by the Commission;
- (D) Responsibility for providing adequate maintenance;
- (E) Approval of certificate of incorporation, by-laws, restrictions, easements, deeds and other documents to implement the provisions of

this section by the Town Attorney.

- (F) Provision that if the Commission determines that the maintenance or preservation of the open space no longer complies with the terms of the document referenced in subsection (F) above, the Town may take all necessary action, including but not limited to appropriate legal action, to assure compliance and assess against the association all costs thereby incurred by the Town.

- 6.6 Other Lands of Applicant** In determining the total open space to be dedicated, the Commission may, if the Applicant so requests, consider not only the tract or tracts to be subdivided immediately but also any other adjacent tract owned, controlled or under agreement to buy or optioned by the Applicant or corporation controlled or owned by the Applicant.
- 6.7 Referrals** The Commission may refer for comment and review the subdivision plan and proposal for provision of open space to any appropriate local agency or organization which the Commission deems may have an interest in said plan and proposal.
- 6.8 Condition of Open Space** Any land to be dedicated as open space shall be left in its existing state, except for improvements as may be required by the Commission, and shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials, debris, or any other materials.
- 6.9 Exception** The open space preservation requirements of these regulations 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 CGS Section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision. If the Commission determines, based on events subsequent to the approval of such subdivision, that such transfers were temporary, and for the purpose of evading the requirements of these regulations, the Commission may void the subdivision approval in accordance with Section 5.15 of these regulations.
- 6.10 Open Space Subdivision** Upon request by an Applicant, the Commission may permit the development of any proposed subdivision as an Open Space Subdivision in accordance with Section 6.7 of the Building-Zone Regulations and Section 8-25 of the CGS, excluding the provision for fees in lieu of open space.
- 7.0 Bonding** Bond(s) or Bonding shall mean cash bond or letter of credit. Cash bonds shall be submitted in the form of a check payable to the "Town of Glastonbury."
- 7.1 Required Bonding** Bonding shall be required to secure to the Town one hundred percent (100%) of the cost for actual installation and maintenance of public streets, utilities, services, and other improvements specified by subdivision approval and these regulations. The Applicant shall file with the Town's Director of Administrative Services, through the Office of Community Development, an irrevocable letter of credit or cash bond in an amount

approved by the Commission. All bonding shall be in place prior to the recordation of final subdivision plans. Bonding shall be deposited in two parts as follows: ninety-five percent (95%) shall be applied as Construction Bond and five percent (5%) shall be applied as Maintenance Bond.

- (a) **Construction Bond(s)** will insure the cost of the actual construction and installation of public streets, utilities, services and other improvements. The amount, equal to ninety-five percent (95%) of the total bond, shall be covered by a cash bond or an irrevocable letter of credit from a financial institution acceptable to the Commission.
- (b) **Maintenance Bond(s)** will insure the cost of any maintenance to constructed streets, utilities, services and other improvements within one year after the acceptance of said improvements by the Town. The amount, equal to five percent (5%) of the total bond, shall be in cash form only.

7.2 Completion The Commission may prescribe the extent to which, and the manner in which, streets shall be improved and public utilities and services provided. The Town may draw on the bond, after due notice to the Applicant, to defray the costs of any necessary maintenance and repair to such public streets, utilities, services, and other improvement resulting from defects in workmanship or as otherwise deemed by the Commission to be in the public interest. Public improvements in subdivisions shall be completed in accordance with the time frame(s) and specifications of CGS Section 8-26c.

7.3 Bonding Procedures All subdivision bond funds will be deposited into an escrow account that will separately identify the principal and interest for each subdivision bond. Interest shall be paid in accordance with prevailing rates comparable to other Town investment accounts. The Town shall not guarantee a minimum interest rate to be paid on subdivision cash bonds.

7.4 Additional Deposit If such sum should prove insufficient to defray costs incurred by the Town as provided herein at any time during the period covered by the Standard Agreement described in Section 8.1 of these regulations, the Commission may require an additional sum to be deposited with the Town's Director of Administrative Services.

7.5 Partial Release of Construction Bond(s) The Applicant can submit a written request for partial release of the construction bond to the Directors of Community Development and Public Works when the Applicant has completed a substantial portion of the public improvements as called for in the final plan approved by the Commission. The Directors shall review the written request and may approve a partial release. Releases will be considered in increments of approximately 20% to a total maximum of 85%.

7.6 Final Release of Construction Bond(s) The Commission shall authorize further releases of the bonding, up to 95% of the total bonding, upon submission of a written statement to the Commission by the Director of Public Works and Director of Community Development certifying that all public improvements called for in the final plan have been completed.

7.7 Release of Maintenance Bond(s) The Town shall return to the Applicant any balance of the deposit one (1) year after final release of construction bond(s) and after the conclusion of the one (1) year warranty period.

8.0 Standard Agreement

8.1 Authorization The Commission shall require the Applicant to enter into a Standard Agreement with the Commission, in a form prescribed by the Commission, for the construction and installation of public streets, utilities, services, and other improvements, by and at the expense of the Applicant; such construction and installation shall include alteration, construction, or improvement of public streets, utilities, services, or other improvements within or adjacent to the subdivision, all in accordance with the approved subdivision plan.

8.2 Compliance with Plans Such agreement shall provide that the full cost of such construction and installation of public improvements and utilities and all expenses incidental thereto shall be borne by the Applicant, shall make reference to the approved plan, and shall provide for such construction and installation in accordance with said plan and standard specifications of the Town.

8.3 Extension of Completion Date The Commission may extend the completion date for public improvements if written request is made by the Applicant for such extension. As a condition of such extension, the Commission may require a modification to bonding.

8.4 Liability The agreement described in Section 8.1 shall provide that the Applicant shall assume all risks, maintain adequate insurance and hold the Town harmless from any and all claims for damages arising from his operations in connection with the public improvements and utilities until such time as the public improvements and utilities have been accepted by the Town.

8.5 As-Built Record Plans The Applicant shall cause to be prepared, signed and sealed by a Registered Land Surveyor licensed to practice in the State of Connecticut, a record plan showing all public streets, utilities, services, and other improvements as actually constructed and installed. Such plans shall be submitted for review and approval by the Director of Public Works. Upon approval, the Applicant shall submit a mylar to the Director of Public Works.

9.0 Warrantee Deeds

- 9.1 Property Covered** The Applicant shall provide a Warrantee Deed running from the record owner to the Town, free and clear of all encumbrances which would in any way affect public use, for all streets, open space, and other public lands as may be required, together with all required utility, access, and other easements as shown on the final subdivision plan approved by the Commission. When applicable, Certificate(s) of Title and/or Subordination Agreements may be required. All documents must be reviewed and approved by the Director of Public Works prior to filing subdivision plans.
- 9.2 Escrow** The Warrantee Deed must be acceptable to the Town Attorney and shall refer to maps by title and to road stationing where necessary for Town acceptance of public streets. Such deed shall be held in escrow by the Commission to be recorded on the Town land records upon acceptance by the Town of such streets as Town roads, and in no case shall the acceptance of any such deed by any board or commission, official agent, or employee of the Town be deemed an acceptance of such streets by the Town.

10.0 Street and Highway Standards

- 10.1 General** The following criteria shall apply to the planning, layout, and construction of proposed streets in any subdivision.
- 10.2 Streets** Streets shall be laid out in order to provide a safe and efficient network that will accommodate present and future needs of the area in accordance with the Plan of Development of the Town. Street design and layout shall follow the general contours of the land, with a location and grade that preserves to the greatest possible extent the natural terrain, trees, and other significant natural, man-made and scenic features.
- 10.3 Classification of Streets and Highways** The Commission shall classify or reclassify all the streets within or abutting the subdivision. There shall be five (5) classifications of streets:
- (a) **Arterial Street** One which provides for through traffic movement between areas and across the town, direct access to abutting property, and where the projected average daily traffic 20 years after the completion of construction is over 3,000 vehicles.
 - (b) **Collector Street** One which provides for traffic movement between arterials and local streets, direct access to abutting property, and where the projected average daily traffic 20 years after completion of construction is between >1,500 and 3,000 vehicles.

(c) **Local Street** One which provides for direct access to abutting land, where the projected average daily traffic 20 years after completion of construction is between >500 and 1,500 vehicles.

(d) **Light Local Street** One which provides for direct access to abutting land, where the projected average daily traffic 20 years after completion of construction is between >200 and 500 vehicles.

(e) **Limited Local Street** One which provides for direct access to abutting land, where the projected average daily traffic 20 years after completion of construction is under 200 vehicles. Such classification shall be based upon the finding that there is no adjoining property which would be served by the extension of the road or a connection to an existing street in such a way as would exceed 200 vehicle trips per day.

10.4 Minimum Roadway Design Specifications: The following minimum specifications shall be satisfied according to the classification of street:

CLASSIFICATIONS OF STREETS	ARTERIAL	COLLECTOR	LOCAL	LIGHT LOCAL	LIMITED LOCAL
AVERAGE DAILY TRAFFIC	>3000	1500-3000	500-1500	200-500	0-200
DESIGN SPEED	40 MPH	35 MPH	30 MPH	30 MPH	20 MPH
SIGHT LINE	275'	225'	200'	200'	125'
PAVEMENT WIDTH	32'	30'	26'	24'	22'
SNOWSHELF WIDTH					
WITH SIDEWALKS	10'	10'	10'	10'	10'
WITHOUT SIDEWALKS	10'	10'	6'	6'	6'
RIGHT-OF-WAY WIDTH	60'	50'	50'	50'	40'

The Commission shall determine snow shelf width including the amount of vegetative clearing, grading and regrading within the Town right-of-way.

10.5 Cul-de-sac Street

(a) Where permanent cul-de-sac streets are included in a residential subdivision, they shall not

exceed fifteen hundred (1500) feet in length. A permanent cul-de-sac shall contain a turnaround which has a minimum right-of-way radius of fifty-five (55) feet and a minimum outside pavement radius of forty-five (45) feet except where a permanent cul-de-sac has classification "Light Local" or "Limited Local" the Commission may permit a turnaround which has a minimum right-of-way radius of fifty (50) feet and a minimum outside pavement radius of forty-five (45) feet. A twenty-five (25) foot pavement width shall be provided around cul-de-sac islands located on "Light Local" or "Limited Local" streets. Low maintenance cul-de-sac islands may be permitted.

- (b) When a cul-de-sac is proposed as a permanent measure, it shall be determined that there is an inability for future access at or near this location from adjoining properties. The design for permanent cul-de-sacs may be circular or offset circular.
- (c) When a cul-de-sac is proposed as a temporary measure pending future development of adjoining properties, it shall be so designed as to allow feasible continuation in the adjacent tract. When there is a possibility of an extension of a street, all portions of the cul-de-sac, including pavement, grass strip and sidewalk that fall outside the limits of the normal right-of-way width shall occupy the space by virtue of an easement delivered to the Town before acceptance of the subdivision. The design for temporary cul-de-sacs may be circular, offset circular, "T" shaped, or "Y" shaped. Temporary cul-de-sacs shall be constructed with wearing pavement surface.
- (d) The Applicant extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed said area in which pavement has been removed, and install curbs and sidewalks in the original cul-de-sac in accordance with Town requirements all at the Applicant's expense.
- (e) The Commission may require or permit variation from the 1500' maximum cul-de-sac street length upon a three-quarters vote of all Commission members. An Applicant requesting a waiver shall submit its request in writing stating in full the grounds and facts relied upon. In determining the appropriateness of such variation, the Commission shall consider the following:
 - (1) Future roadway access to adjoining undeveloped parcels.
 - (2) Vehicular capacity of the subject roadway and adjoining roadways.
 - (3) Present and projected traffic conditions, including volume, speed and sight lines.
 - (4) Minimization of environmental disturbance, including grading, blasting, disturbance of vegetation, wetlands and watercourses or other natural or man-made features.
 - (5) The adopted Plan of Development.

- (6) Any other safety matters.

Variation to cul-de-sac street length may not be granted if it would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its record(s) the reasons for which a waiver is granted.

10.6 Developments Abutting or With Access on Existing Streets When proposed subdivisions abut or have access to existing Town streets, the following requirements shall be adhered to:

- (a) **Right of-Way** A street line shall be established to provide for future widening of the existing street. The street line shall be set in accordance with the requirements as to width and alignment for the classification assigned to the street by the Commission. The Applicant shall provide the Town with a Warrantee Deed for any additional land between the newly established street line and the edge of the existing street line.
- (b) **Reconstruction or Widening** Upon the determination by the Commission that improvements are needed to maintain safe traffic operations, any portion of the existing street frontage from its centerline to the street line shall be reconstructed in conformance with the requirements of the classification assigned to the street by the Commission with consideration for preserving significant natural, man-made and scenic resources. Additionally, any slope rights necessary to accommodate future modifications shall be provided by the Applicant.

The Commission may vary the minimum roadway design specifications as established by Section 10.4 for the reconstruction of an existing street fronting a subdivision upon a three-quarters vote of all Commission members. In determining the appropriateness of such variation, the Commission shall consider:

- (1) the extent of the environmental disturbance that roadway reconstruction will cause and its potential adverse impact on existing resources including:
 - [a] removal of stone walls, trees, ledge outcroppings or other natural, or man-made features, or
 - [b] grading which requires cut and/or fill, including blasting, within or near areas of steep slopes, wetlands, ponds, watercourses or stands of trees;
- (2) present and projected dwelling unit density and vehicular traffic within the area;
- (3) present and projected road conditions, including seasonal hazards; and
- (4) present and projected traffic conditions, including volume, speed and sight lines.

Variation to roadway standards may not be granted if it would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its record(s) the reasons for which a waiver is granted.

10.7 Preserving the Integrity of the Area In the planning, design, and construction of streets and associated development, existing natural, man-made and scenic resources should be preserved to the greatest possible extent and any disturbance thereof, including the felling of any trees, held to that which is necessary for construction and public safety. The Applicant should demonstrate a diligent effort in the preservation and protection of such resources. The following are guidelines in furtherance of this objective:

(a) Through Traffic Minimization: All streets with local classifications shall be laid out so that their use for through traffic will be discouraged. Particular attention should be given to eliminating possible by-passes around congested areas and major intersections.

(b) Relation to Topography: The streets of a proposed subdivision shall bear a logical relationship to the topography, following to the greatest possible extent the existing contours of the land. Deviations therefrom shall be held to an absolute minimum. All streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets.

(c) Preservation of Existing Resources: All existing natural, man-made, or scenic resources shall be preserved and protected to the greatest possible extent. Such resources include, but are not limited to: stone walls, steep slopes with a gradient greater than 20%, ledge outcroppings, specimen trees and stands of trees, including rare and unusual flora and fauna, endangered species, species of special concern, watercourses, ponds, wetlands, scenic vistas, ridge lines, and any other significant geological features such as eskers, kames, or kettles.

10.8 Street Names Streets shall bear names which do not duplicate or approximate, in spelling or sound, existing street names in Glastonbury. It is the objective to utilize names with geographical or historical significance in the Town of Glastonbury. All street names shall be approved by the Commission.

10.9 Monuments Official Glastonbury highway monuments shall be placed at all angle points, and the points of curves in streets and at such intermediate points as may be necessary. The location of all monuments shall be indicated on the final subdivision plan to the satisfaction of the Commission. Monuments must be installed and their accuracy certified by a Registered Land Surveyor. The type of monuments at each designated location shall be as directed by the Director of Public Works, and set flush with proposed grades. Additionally, all lot corners in a subdivision shall be marked with iron pin or pipe or other permanent markers before a certificate of occupancy can be issued.

10.10 Street Signs Street name signs conforming to Town standards shall be erected by the Applicant at points designated by the Town. They shall be installed at the Applicant's expense after the binder surface has been installed.

10.11 Construction Signs The Applicant shall erect and maintain at each entrance of each new street as it is laid out a secure sign reading as follows:

NAME OF SUBDIVISION

THIS IS NOT A PUBLIC ROAD

Signed: (Applicant)

The above required sign shall be at least 18 inches by 24 inches in size with a 2-inch block lettering and shall be maintained by the Applicant until the streets are accepted by the Town.

11.0 Sidewalks

11.1 Sidewalk Requirements: Sidewalks shall be installed in accordance with the following:

Zone:	Requirement:
Country Residence:	No sidewalks
Rural Residence:	One side of street
Residence AAA:	One side of street
Residence AA:	One side of street
Residence A:	Both sides of street

11.2 Variation from Sidewalk Standards The Commission may require or permit variation from the established sidewalk requirements upon a three-quarters vote of all Commission members. An Applicant requesting a waiver shall submit its request in writing stating in full the grounds and facts relied upon.

In determining the appropriateness of such variation, the Commission shall consider:

- (a) the extent of the environmental disturbance that sidewalk construction will cause and its potential adverse impact on existing resources including:
 - (1) removal of stone walls, trees, ledge outcroppings or other natural, or man-made features; or
 - (2) grading which requires cut and/or fill, including blasting, within or near areas of steep slopes, wetlands, ponds, watercourses or stands of trees;
- (b) proximity to existing sidewalks and present and projected sites for schools, village centers and public facilities and pedestrian traffic;
- (c) present and projected dwelling unit density and pedestrian traffic within the areas;

- (d) present and projected road conditions, including seasonal hazards; and
- (e) present and projected traffic conditions, including volume, speed and sight lines.

Variation to sidewalk standards may not be granted if it would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its record(s) the reasons for which a waiver is granted.

11.3 Sidewalk Location Sidewalks shall be located either within the public rights of way or in public sidewalk easements and shall be designated with due attention to pedestrian safety, sufficient snow shelf, and preservation of street trees.

12.0 Storm Drainage for Streets and Individual Lots

12.1 General Drainage Requirements Storm drainage systems designed and constructed as part of a subdivision shall serve to protect the life and property of area residents, the traveling public, the Town and the State. Specific drainage design shall be in accordance with the Town of Glastonbury Storm Drainage Management Report, as amended from time to time.

12.2 Discharge The discharge of all storm water shall be into suitable streams, active wetlands or rivers, or into Town drains with adequate capacity to carry the additional water. All points of discharge shall be approved by the Town. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the Applicant in favor of the Town before approval of the final map and acceptance of the drainage plan. No storm drain system shall drain into a natural watercourse, whether continually flowing or intermittent, so as to exceed the existing capacity of the watercourse.

12.3 Curtain and Footing Drainage Discharge of footing, foundation or curtain drains, in association with lot development, shall be directed into a street storm drainage system, a dry well or a wetlands or watercourse or in a manner otherwise acceptable to the Commission.

12.4 Permits The Applicant shall be responsible for compliance with all Federal and State requirements. The Applicant shall acquire all necessary permits and obtain all necessary approvals required in conjunction with the subdivision or required as a result of the subdivision. The Applicant shall be responsible for all costs associated with the above process.

13.0 Utilities

13.1 Underground Utilities Electric power, telephone cable systems, CATV (and sanitary sewer and water, where required) shall be placed underground within the street right-of-way. Underground service connections to the front property line of each lot shall be installed before the street is paved, all in accordance with Department of Public Utilities Control Regulations.

13.2 Waiver of Underground Installation The Commission may, by a three-quarters vote of all

Commission members, waive the requirement of underground installation of such utilities in those portions of subdivisions abutting an existing Town street which does not have such installation or if it finds that safe underground installation is not feasible because of soil, ledge, or water conditions or other natural or man-made conditions.

Variation to underground installation of utilities may not be granted if it would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its record(s) the reasons for which a waiver is granted.

- 13.3 Public Water System** In subdivisions where water can be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the Applicant as approved by the public utility or municipal agency having jurisdiction, without expense to the Town, and to the satisfaction of the Town.
- 13.4 Community Water System** If a public water supply is not available to a subdivision, the Applicant may install a community water system subject to the approval of appropriate state and local agencies. Such system shall meet the specifications for and be capable of connection to a public water system if such system should become available at a later date.
- 13.5 Individual Well** Where no public water system is available or community water system proposed, lots shall be served by individual wells in accordance with the provisions of local ordinances, CGS and/or the State of Connecticut Public Health Code.
- 13.6 Sanitary Sewers** Where a connection to the public sanitary sewer system is available to a subdivision, the Applicant shall install a sanitary sewer system in accordance with the provisions of an Ordinance of the Town authorizing the construction of sewers by and at the expense of the Applicant.
- 13.7 Capped Sewers** Capped sanitary sewers shall be installed or designed by an Applicant in accordance with the provisions of an Ordinance of the Town of Glastonbury providing for installation of sewers in subdivisions under certain conditions where the subdivision falls within the scope of said ordinance.
- 13.8 Private Sewage Disposal System** If public sanitary sewers are not available, lots in a subdivision shall be served by individual or community sewage disposal systems in accordance the provisions of local ordinances, CGS and/or the State of Connecticut Public Health Code.
- 14.0 Landscaping and Preservation of Existing Resources** In the planning, design and construction of any subdivision or resubdivision site, existing natural, man-made and scenic resources should be preserved to the greatest possible extent and any disturbance thereof, including the felling of any trees, held to that which is necessary for construction and public safety. The Applicant should demonstrate a diligent effort in the preservation and protection of such resources which include, but are not limited to, the following: stone walls, steep slopes and ledge outcroppings, specimen trees and stands of trees, other vegetation including rare and unusual flora, State declared "protected species", watercourses, ponds, wetlands, scenic vistas, ridge lines, and any other significant geological features such as eskers, kames, or kettles.

14.1 Street Trees Minimum street tree requirements are identified in the chart at the end of this Section.

Site plans shall indicate the approximate location and suitable species for planting based upon site conditions, soil, light and water.

New street trees shall be nursery grown, of specimen quality, balled and burlapped, straight stemmed, free from disease, and treated for bark injuries. The Environmental Planner shall recommend appropriate species to be planted from the list of suitable species provided on the site plan.

Street trees shall be planted not less than ten feet and **no more than 40 feet (effective 5/28/96)** from the curb. Determination of precise locations for trees shall be based upon consideration of future possible locations of driveways, septic systems, sidewalks, sight lines, and utility connections. Trees shall be 2 1/2 inches in caliper (DBH). Trees shall be warranted for one year's growth.

Final location and type of street trees shall be shown on the plot plan submitted for a building permit and approved by the Environmental Planner prior to issuance of a Building Permit.

Minimum Trees: The number of street trees located on each building lot shall equal or exceed the minimum numbers set forth on the following chart:

Building Zone	Minimum Street Trees Required
Residence A	2 trees
Residence AA	2 trees
Residence AAA	3 trees
Rural Residence	3 trees
Country Residence	4 trees

The Commission may require up to an additional 50% of the above required street trees depending on individual lot frontage, topography, existing vegetative cover, or other site specific features.

EFFECTIVE 5/28/96

14.2 Endangered and Threatened Species and Species of Special Concern Certain species of flora and fauna found to exist in Glastonbury are classified by the State Department of Environmental Protection as "Endangered and Threatened Species or Species of Special Concern," or otherwise called "Protected Species." Due to their endangered, threatened or rare status, these species are afforded State protection. The Applicant shall submit written information to the Commission identifying "Protected

Species" which inhabit the land proposed for subdivision or if the land proposed for subdivision is located **all or in part (effective 5/28/96)** within a "Protected Species" habitat range. The Commission may refer an application for comment and review to the Town's Conservation Commission, State Department of Environmental Protection or any other agency or organization which could provide information or an opinion regarding the potential impact from a subdivision on a protected species or its habitat. The Applicant shall be required to notify the State Department of Environmental Protection if a subdivision is proposed within a protected species' habitat range **in accordance with and as identified by the criteria and map entitled: "Glastonbury, Connecticut, State and Federal Listed Species and Natural Communities, Department of Environmental Protection, Natural Resources Center, Connecticut Geological and Natural History Survey, Natural Diversity Data Base, Endangered Species Mapping for Municipalities Project, compiled February 12, 1996", as such map may be amended from time to time. Documentation, for purposes of compliance with this Section 14.2, shall be required only if a subdivision is located all or in part within a "protected species" range as identified by the above-referenced State of Connecticut map, or if other available evidence indicates the presence of protected species within the subdivision. (effective 5/28/96)** The Commission may require that a subdivision plan be modified to provide for the preservation and enhancement of these species and their habitats if the Commission finds that the proposed subdivision would have a detrimental effect on a protected species or its habitat.

15.0 Soil Erosion and Sedimentation Control Measures

Site development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the certified Soil Erosion and Sediment Control Plan which are scheduled for installation prior to site development are installed and functional. If any such site development is begun prior to the time that such pre-development control measures and facilities, as required under such certified plan, are installed and functional, and such site development continues after written notice is provided to the permittee under such certified plan, or such permittee's designated agent, advising of the failure to comply with the certified plan, the Commission may suspend or revoke its certification of such certified plan.

15.1 Definitions

- (a) "Certification" means a signed, written approval by the Commission that the Soil Erosion and Sediment Control Plan as presented complies with this regulation and the minimum acceptable standards established in "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985) as amended from time to time.
- (b) "County Soil and Water Conservation District" means the Hartford County Soil and Water Conservation District established under subsection (a) of CGS Section 22a-315.
- (c) "Development" means any construction on improved or unimproved real property located in the Town of Glastonbury, including but not limited to any grading activities or vegetation removal associated with such construction.

- (d) "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- (e) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (f) "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (g) "Inspection" means the periodic review of the site for compliance with the approved plans.
- (h) "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- (I) "Soil" means any unconsolidated mineral or organic material of any origin.
- (j) "Soil Erosion and Sediment Control Plan" means a written plan detailing measures that minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

15.2 Activities Requiring a Certified Erosion and Sedimentation Control Plan A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

15.3 Exemptions

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

15.4 Soil Erosion and Sediment Control Plan

- (a) To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended from time to time.
- (b) A Soil Erosion and Sediment Control Plan shall contain, but not be limited to:
 - (1) A narrative describing:
 - (a) the development;
 - (b) the schedule for grading and construction activities including:

1. start and completion dates;
 2. sequence of grading and construction activities;
 3. sequence for installation and/or application of soil erosion and sediment control measures;
 4. sequence for final stabilization of the project site;
- (c) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - (d) the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - (e) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - (f) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- (2) A site plan map, also known as "Site Development Plan" according to Section 5.7 of these regulations, at a scale of no less than one inch equals forty feet (1"=40') to show:
- (a) the location of the proposed development and adjacent properties that surround the proposed development for a distance of at least 100 feet;
 - (b) the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - (c) the existing structures on the project site, if any;
 - (d) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - (e) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - (f) the sequence of grading and construction activities;
 - (g) the sequence for installation and/or application of soil erosion and sediment control measures;
 - (h) the sequence for final stabilization of the development site.
- (3) Any other information deemed necessary and appropriate by the Applicant or

requested by the Commission or its designated agent, including but not limited to watershed map(s) and a statement of the project's impact on watershed(s).

15.5 Minimum Acceptable Standards

- (a) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the “Connecticut Guidelines for Soil Erosion and Sediment Control” (1985), as amended from time to time. Soil erosion and sediment control plans shall promote 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 from time to time. The Commission may grant exceptions 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 from time to time, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

15.6 Issuance or Denial of Certification

- (a) The Commission shall either certify that the Soil Erosion and Sediment Control Plan, as submitted, complies with the requirements and objectives of this regulation or deny certification when the Soil Erosion and Sediment Control Plan does not comply with these regulations.
- (b) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under CGS Chapters 124, 124A or 126.
- (c) Prior to certification, any Soil Erosion and Sediment Control Plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- (d) The Commission shall forward a copy of the development proposal including the Soil Erosion and Sediment Control Plan to the Town's Conservation Commission for review and recommendation.

15.7 Conditions Relating to Soil Erosion and Sedimentation Control

- (a) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 7 of these Regulations.

- (b) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Soil Erosion and Sediment Control Plan.
- (c) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified Erosion and Sediment Control Plan.

15.8 Monitoring and Inspection

- (a) Inspections may be made by the Commission or its designated agent during development to ensure compliance with the certified Erosion and Sediment Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission and any agent designated by the Commission to make inspections shall be allowed to access the project site at any time.
- (b) The permittee shall verify through progress reports as required by the Commission that soil erosion and sediment control measures and facilities have been performed or installed according to the certified Soil Erosion and Sediment Control Plan and are being operated and maintained.
- (c) Prior to initiation of development activity, the permittee shall place on file with the Commission a letter identifying designated person(s) responsible for implementation of the certified Erosion and Sediment Control Plan and with whom inspectors representing the Town may communicate routinely.
- (d) The Commission shall designate agents who shall have authority to act in the field in the event of:
 - (1) Unforeseen developments and emergencies which require immediate remedial action.
 - (2) A need for minor amendments or adjustments to a certified Soil Erosion and Sediment Control Plan that will enhance effectiveness of the erosion and sediment control measures.
- (e) It is the permittee's responsibility to anticipate erosion or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of Glastonbury face imminent danger of pollution or obstruction from erosion and sedimentation and the permittee or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of erosion and sedimentation. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified Soil Erosion and Sediment Control Plan.

15.9 Minor Amendments to Certified Soil Erosion and Sediment Control Plan

Minor amendments to a certified Soil Erosion and Sediment Control Plan may be approved by the Commission's designated agents (Community Development staff) provided that the

proposed amendment:

- (a) Involves the replacement of inadequate or failed control materials or devices with those determined to be more effective by the designated agent;
- (b) Does not adversely change an approved restoration schedule;
- (c) Is not a substantial redesign of the Soil Erosion and Sediment Control Plan or narrative, in the agent's opinion.

The permittee or the Commission's agent may petition the Commission for substantive amendments to the certified Soil Erosion and Sediment Control Plan.

16.0 Enforcement These regulations shall be enforced under and violations hereof shall be subject to the penalties set forth in the applicable provisions of the CGS and any ordinance enacted pursuant thereto. The Town's Building Official may withhold Building Permits or Certificates of Occupancy if these regulations and any conditions or requirements set forth in the approval by the Commission are not complied with.

On-site inspection of individual building lots may be necessary to insure compliance with the standards set by the Commission approval including, but not limited to the protection of specimen trees and limits of vegetative clearing.

17.0 Separability If any section, sub-section, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

18.0 Effective Date: These Regulations shall be effective June 1, 1993.