

Subdivision Regulations



**REGULATIONS
PROVIDING FOR
STANDARDS OF
SUBDIVISION
DEVELOPMENT
FOR THE TOWN
OF STONINGTON,
CONNECTICUT**

FIFTH EDITION

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REGULATIONS PROVIDING FOR STANDARDS OF SUBDIVISION DEVELOPMENT FOR THE TOWN OF STONINGTON, CONNECTICUT

INCORPORATION OF AMENDMENTS THROUGH AUGUST 8, 2016

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CHAPTER 1

PURPOSE AND AUTHORITY

1.1 Title.

This document shall be known as the *“Regulations Governing the Subdivision of Land, Town of Stonington, Connecticut”*, which are herein called the *“Subdivision Regulations”* or *“these Regulations.”*

1.2 Enabling Law and Authority.

1.2.1 These Regulations further the purposes set forth in Chapter 126 of the General Statutes of the State of Connecticut, as amended, which govern municipal review and approval of subdivisions and resubdivisions of land.

1.2.2 Stonington’s Subdivision Regulations were first adopted on July 20, 1960. These revised and amended regulations cancel and supersede regulations effective on that date and any amendments thereafter, including the recodification of April 4, 2006. The effective date of these revised and amended regulations is August 8, 2016.

1.2.3 These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, or other provisions of law, or any easement, covenant, or other private agreement or legal relationship. When these Regulations impose restrictions different from those imposed by any other statute, ordinance, covenant, or private agreement or legal relationship, whichever provisions are more restrictive or impose higher standards shall control.

1.3 General Principles.

1.3.1 It is declared to be the policy of the Planning and Zoning Commission to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. Accordingly, land to be subdivided shall be of such character that it can be used for building purposes without danger to public health and safety, proper provision shall be made for water supply, surface drainage and sanitary sewerage, and in areas contiguous to brooks, rivers or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures; proposed roads shall be in harmony with existing roads and existing or proposed principal thoroughfares especially with regard to safe intersections and shall be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; in places deemed proper by the Commission, adequate access to

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properties for fire fighting apparatus shall be provided. The number of lots proposed for any area shall not be greater than the number deemed by the Commission to be the maximum number which can be laid out without substantially impairing the health, safety or welfare of inhabitants, with respect to water, drainage, sewerage, flooding, traffic, parks and playgrounds.

- 1.3.2 These regulations have been developed to be used in concert with the following land use regulations and documents, as amended:
1. Town of Stonington Zoning Regulations. The Zoning Regulations, along with the Town's Zoning Map Atlas, regulate land uses and various bulk requirements in different zoning districts. The Zoning Regulations establish minimum lot sizes and other such requirements necessary for the design of a subdivision plan.
 2. Town of Stonington Technical Standards of Land Development and Road Construction. This document provides many of the details and specific standards for road development, drainage design, utilities and other elements of subdivision design.
 3. Town of Stonington Plan of Conservation and Development. This planning document provides goals and strategies for the long range development of the Town, including land use policies and recommended layouts of transportation networks.
 4. Town of Stonington Open Space Plan. This planning document, which has been adopted as part of the Plan of Conservation and Development, provides goals and strategies for the preservation of open space, including recommended areas for conservation.
- 1.3.3 The Commission shall not approve any subdivision or resubdivision which conflicts with any applicable zoning regulation of the Town of Stonington or results in the creation of a non-conforming building lot, use or activity as defined by the Zoning Regulations.

1.4 Validity.

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court to be invalid, such decision shall not affect or impair the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

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1.5 Penalty for Failure to Comply.

Sale of Unapproved Lots. Pursuant to Section 8-25(a) of the General Statutes, no subdivision of land shall be made until a plan for such subdivision has been approved by the Planning and Zoning Commission. Any person, firm or corporation making any subdivision of land without the approval of the commission, or without full compliance with these Regulations, shall be fined not more than five hundred dollars (\$500.00) for each lot sold or offered for sale or so subdivided. Any person, firm or corporation who, prior to the issuance of Finalization of Conditional Approval, transfers title to any lot subdivided pursuant to a Conditional Approval shall be fined not more than one thousand dollars for each lot transferred.

1.6 Amendments.

These Regulations may be amended by the Commission after a public hearing notice of which shall be given by publication in a newspaper of general circulation in compliance with the requirements of the General Statutes of the State of Connecticut, as amended.

1.7 Enacting Clause, Short Title and Repeal.

The Commission acting under authority of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Standards for Subdivision Development for the Town of Stonington." The provisions of the "Subdivision Regulations for the Town of Stonington" heretofore in force and any amendments thereof, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of said Regulations as originally enacted which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted.

CHAPTER 2

DEFINITIONS

For the purpose of these regulations, certain terms and words used herein shall be used, interpreted and defined as set forth in this Chapter.

A-2 Survey. Survey information meeting the standards for an “A-2” survey as specified in the “Code of Recommended Practice for Standards of Accuracy of Survey and Maps,” as amended, by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

Abutter. The owner(s) of land adjacent to the subject parcel or within a radius of one hundred (100) feet, or a distance prescribed in Connecticut General Statutes Section 8-8(a)(1) as an “aggrieved person”, whichever is greater, including land across any road, street, highway, pentway, river (excluding the Pawcatuck and Mystic Rivers), stream, cove or brook.

Acre. 43,560 square feet.

Agriculture. The primary production of products of the soil, involving the cultivation of the land and the raising and harvesting of these products, including, but not limited to, nurseries, horticulture, forestry, livestock and poultry. Development for Agricultural Purposes includes forestry, but does not include residential use.

Applicant. The owner of the land stated in the application for subdivision or all owners where title is held jointly, in common or in tenancy by the entirety, including corporations. An agent or representative may act for an owner, provided written evidence is submitted with the application (also known as Subdivider).

Application. A formal request for approval of a Subdivision or Resubdivision and submitted to the Commission which consists of all required items listed in these Regulations, and all information required by the *Technical Standards for Land Development and Road Construction*.

Bond. A financial guarantee acceptable in amount, form and substance to the Town for the purpose of ensuring that improvements or obligations required by these Regulations or pledged by the subdivider will be completed.

Buffer. An area within a required yard which contains trees, shrubs, walls, fences, rocks, berms and other landscaping materials and whose primary function is to provide effective visual, noise and odor insulation from adjacent property and roadways.

Class A-2 Survey. A Horizontal Control Survey of a designated property or land area which establishes points on a horizontal coordinate system to a standard of accuracy as defined in

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Section 20-300b-11 of the Regulations of Connecticut State Agencies – Standards for Surveys and Maps, as amended.

Class T-2 Standard. A Topographic Survey which depicts the configuration of the earth's surface and the location of natural and artificial objects thereon to a standard of accuracy as defined in Section 20-300b-11 of the Regulations of Connecticut State Agencies – Standards for Surveys and Maps, as amended.

Commission. The Planning and Zoning Commission of the Town of Stonington.

Common Interest Community. A development wherein the land and common facilities are under single common ownership, as defined under Chapter 828 of Connecticut General Statutes.

Conditional Approval. Subdivision approval conditioned on either 1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission, or 2) the provision of a financial guarantee (bond) as provided in these regulations.

Cul-De-Sac-Street. A local street open at one end and with special provision for turning around (also Dead-End Street).

Cultural Resources. Historic and prehistoric archaeological sites and standing structures; cemeteries, human burials, human skeletal remains, and associated funerary objects; and distributions of cultural remains and artifacts.

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Easement. The authorization by the owner of a property for use of such property by another party, documented via an enforceable restriction recorded in the Stonington Land Records.

Erosion. The process of wearing away and removal of the earth's surface by natural agents including weather, running water, waves, currents, ice, wind or gravity. The initial cause agent may be a man made change or due to natural causes.

Erosion and Sedimentation Control Bond. A bond, furnished to the Town by the applicant, to be used to cover the cost of the Town's installation and maintenance of appropriate erosion and sedimentation control measures if such measures are not properly installed during construction or if construction ceases.

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Finalization of Conditional Approval. Approval granted upon satisfaction of a Conditional Approval granted by the Commission either by 1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission, or 2) the provision of a financial guarantee (bond) as provided in these regulations. This notice is intended to serve as a subdivision's "final approval" per Connecticut General Statutes Section 8-25(a).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Area/Flood Hazard Zone. Those normally dry land areas above mean high tide that are subject to a general or temporary condition of partial or complete inundation from inland or tidal waters, or accumulation of surface waters, as determined by the National Flood Insurance Program (NFIP) and/or Federal Emergency Management Agency (FEMA) and shown on the Flood Insurance Rate Map.

Grading. Any excavating, grubbing, filling (including hydraulic fill), stockpiling of earth materials, or any combination thereof including the land in its excavated or filled condition.

Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Improvement. Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

Lot. The unit or units into which land is divided with the intention of offering such units for sale, lease conveyance or transfer either as developed or undeveloped sites, regardless of how they are conveyed. Lots shall also mean parcel, site or any similar term.

Maintenance Bond. A bond, furnished to the Town by the applicant that guarantees all subdivision improvements against defective workmanship or materials for the period of one year.

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Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Non-Infringement Area. The area designated by the Commission or the Zoning Regulations adjoining a stream, floodway, wetland, tidal area, that may not be disturbed, filled or improved, but may be used with permission from the Planning and Zoning Commission for public trails, greenways, boat access and water quality restoration activities.

Official Date of Receipt . The date of the next regularly scheduled meeting of the Commission or thirty-five (35) days from the date of filing an application with the Planning and Zoning Office, whichever is sooner.

Open Space Development (OSD). A development which conforms to Section 6.6.22 of the Town of Stonington Zoning Regulations. An Open Space Development may include a Subdivision, or Resubdivision of land or may be a Common Interest Community development.

Performance Bond. A bond, furnished to the Town by the applicant, to be used to complete subdivision improvements if the applicant does not complete the improvements as promised, as required, or as indicated on the application.

Plan and Profile. The drawing or drawings depicting respectively the horizontal and vertical design for street construction and drainage.

Preliminary Subdivision Layout. A preliminary drawing and all required supporting data indicating the proposed manner and layout of the subdivision. Preliminary layouts are submitted to the Commission for consideration, enabling the applicant to receive informal comment regarding conformance of the proposed subdivision to these Regulations. Preliminary layouts enjoy no official status, and consent with regard to feasibility on the part of the Commission in no way implies approval of a Final Subdivision Plan.

Resubdivision. A change in 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.

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

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Special Flood Hazard Area (SFHA). The base floodplain delineated on a Flood Insurance Rate Map. The SFHA is mapped as Zone A. In coastal situations, Zone VE is also a part of the SFHA. The SFHA may or may not encompass all of a community's flood problems.

Street. A street, roadway, avenue, lane or any right-of-way (a) dedicated and legally accepted for the purpose of public travel; (b) on a subdivision duly filed or recorded in the Office of the Town Clerk of the Town prior to the grant to the Commission with the power to approve subdivisions, provided that such street shall have been suitably improved to the satisfaction of the Commission, or (c) on a subdivision approved by the Commission.

Subdivider. See "applicant."

Subdivision. 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, for sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes Resubdivision (see definition).

Subdivision Plan. The final map, drawings, and all required supporting data required by these Regulations and by the *Technical Standards for Land Development and Road Construction* to be presented to the Commission for approval and which, if approved, will be submitted to the Town Clerk for recording.

Technical Standards. The Technical Standards for Land Development and Road Construction, *Town of Stonington, Connecticut*, approved by the Stonington Board of Selectmen on September 22, 2011 as amended.

Wetlands. Land defined as tidal or inland wetlands under Connecticut General Statutes Sections 22a-29 and/or 22a-38.

CHAPTER 3

APPLICATION PROCEDURE

This chapter addresses the procedural requirements for subdivision or resubdivision approvals. Please see Chapter 4 for plan and development requirements.

3.1 Requirements for Approval of Subdivision Plan.

All plans for the subdivision or resubdivision of land must be submitted to the Planning and Zoning Commission for approval. No lot resulting from or affected by the division of any tract or parcel of land shall be sold or offered for sale or use for building development prior to Commission approval. No Building Permit for the erection or enlargement of any building on any such lot shall be granted without the prior approval of the subdivision or resubdivision plan by the Commission.

3.2 Pre-Application Meeting.

In order to eliminate conflict or misunderstanding during later stages of the subdivision application process, one or more pre-application meetings with the Town's land use staff is encouraged prior to submission of a Preliminary or Final Subdivision review by the Planning and Zoning Commission. Pre-application meetings allow the applicant to seek advice and discuss pertinent regulations, rules and procedures which may bear upon the proposed subdivision. Pre-application meetings are intended for the guidance of the applicant and shall not be considered approval of a project or any of its elements.

3.3 Informal Preliminary Subdivision Review Process.

3.3.1 An applicant has the option of submitting an application for a Informal Preliminary Subdivision Review with the Commission. An Informal Preliminary Subdivision review with the Commission enables an applicant to receive informal comment regarding conformance of the proposed subdivision to these Regulations. If the applicant fails to submit a Final Subdivision Plan within one year thereafter, the proposal shall be deemed abandoned. A public hearing shall not be required for an Informal Preliminary Subdivision review.

3.3.2 Action by the Commission. The Commission's review of the preliminary layout is conducted with a clear understanding that such plans enjoy no official status, and that consent with regard to feasibility on the part of the Commission in no way implies approval of a Final Subdivision Plan. Disapproval shall not bar submission of a Final Subdivision Plan.

3.4 Subdivision Plan Application Process.

3.4.1 The applicant may at any time file a Subdivision Plan application in accordance with provisions of these Regulations. Said application shall be made on forms

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provided by the Commission and shall be signed by the owner of the land to be subdivided.

3.4.2 Establishing Day of Receipt and Staff Review.

- .1 The official day of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the completed application to the Department of Planning, or thirty-five (35) days after such submission, whichever is sooner.

3.4.3 Public Hearings and Notifications.

- .1 If in the judgment of the Commission, a public hearing is warranted no action shall be taken without a public hearing. A public hearing shall be held for any resubdivision application. Such hearing will commence within sixty-five (65) days of the official date of receipt as specified in paragraph 3.4.2 and shall be closed no later than thirty-five (35) days after its commencement. Extensions to the public hearing timeframes may be granted by the applicant in accordance with Section 8-26d of the Connecticut General Statutes. The total period of time to which the applicant may consent is sixty-five (65) days.
- .2 Notice of the time, date and location of the public hearing shall be published in a newspaper having substantial circulation in the Town of Stonington at least twice at intervals of not less than two (2) days – the first, not more than fifteen (15) days, nor less than ten (10) days prior to the date of such hearing and the last not less than two days before the date set for the hearing. The Town shall also notify the applicant of the date, time and location of the hearing by certified mail.
- .3 The applicant shall send written notices of the time, date and location of such public hearing to abutting property owners via Certified Mail, return receipt requested, not less than fifteen (15) calendar days prior to said hearing. Where said property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
- .4 If no public hearing is scheduled, the applicant shall only send a notification to abutting property owners that the application has been submitted in accordance with the requirements of subsection .3.
- .5 Five (5) calendar days prior to the date of the Commission's initial public hearing regarding the application, the applicant shall submit:

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- .1 Evidence of abutter notification. Such documentation shall be in the form of a notarized statement or in the form of receipts from the Post Office.
 - .2 A list of abutters to whom the notices were sent.
 - .3 A sample copy of the letter and any enclosures sent to the abutters.
- .6 Commission's Receipt of Information.

Documents, plans and exhibits submitted to the Commission intended to constitute any portion of, or all of, the requirements of a complete application shall not be revised or substituted less than fifteen (15) calendar days in advance of the initial public hearing date. Any revised documents, plans or exhibits submitted by the applicant at the public hearing shall cause the public hearing to be continued to a future date in order to permit adequate review by the Commission, staff and members of the public. Additional materials provided by the applicant in advance of a continued public hearing in response to Commission or staff requests for such information shall be submitted not less than five (5) calendar days prior to the continued hearing date.

All correspondence and written materials directed to the Planning and Zoning Commission shall be received prior to or during the public hearing. After a public hearing has been closed, any additional submitted materials are considered *ex-parte*, and shall not be considered by the Commission as part of the decision-making process or made part of the official record of the proceeding except for receipt of materials from Town staff or consultants retained by the Town. If necessary information will not be available at a public hearing, the hearing should be recessed and reconvened when the information is available allowing all parties the opportunity to review and comment on it.

3.5 Other Reviews and Referrals.

- 3.5.1 Inland Wetlands and Watercourses. If an application involves land regulated as an inland wetland or watercourse as defined in Section 22a-38 of the Connecticut General Statutes, or is located within the upland review area as measured within 100 feet horizontally from any wetland or watercourse, the applicant shall submit an application to the Inland Wetlands and Watercourses Commission no later than the day an application is filed for the subdivision. The Planning and Zoning Commission shall not render a decision until the Inland

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Wetlands Commission has submitted a report with its final decision. In making its decision on an application, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission.

- 3.5.2 Coastal Area Management (CAM). The Commission shall conduct a CAM review pursuant to Section 7.3 of the Zoning Regulations when subdivision of land occurs within the designated coastal boundary including properties partly within the coastal boundary. Applications will be referred to the State Department of Energy and Environmental Protection as required by CT General Statute Sec. 22a-105.
- 3.5.3 Groundwater Protection Permit (GPP). The Commission shall conduct a Groundwater Protection review pursuant to Section 7.2 of the Zoning Regulations when a subdivision of land occurs within the designated Groundwater Protection Overlay District including properties partly within the District.
- 3.5.4 Regional Planning Agency. Whenever a subdivision abuts or includes land in another municipality, the Commission shall, pursuant to Section 8-26b of the General Statutes, before approving such plan, submit it to the Southeastern Connecticut Council of Governments (SCCOG), which shall report on its findings on intermunicipal aspects of the proposed subdivision. If such report is not received within 30 days after the initial referral, it shall be presumed that the SCCOG does not disapprove of the proposed subdivision.
- 3.5.5 Inter-Municipal Notices. The Commission shall notify the clerk of any adjoining municipality of the pendency of any subdivision application in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will 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 days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.
- 3.5.6 Other referrals. The Commission, or the applicant where directed by the Commission, shall transmit copies of applications to other officials and agencies

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where required and where appropriate for advisory reports and consultation and/or for approval as required by law. Such officials may include, but are not limited to, the Town Engineer, Town Sanitarian, Water Pollution Control Authority, Building Official, Zoning Official, Fire District, Police Commission, Town Attorney, Conservation Commission, Water Company and the State Departments of Transportation, Energy and Environmental Protection, Historic Preservation Office and Office of Connecticut State Archaeology.

3.6 Technical Reports.

Technical Reports described in Chapter 7 shall be required of all applications at the time of Final Subdivision Plan submission. These reports address water supply, sanitary waste disposal, drainage, stormwater management, soils, erosion and sedimentation control, traffic impacts and cultural resources preservation.

3.7 Waivers.

3.7.1 The Commission may waive certain requirements under these regulations by a three-quarters vote of all the regular members of the Commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area. Such waivers are intended for either procedural requirements listed in these Regulations, such as studies and reports, or physical design standards. Any decision regarding waivers shall not be a precedent for any future waiver and the Commission may attach any reasonable condition to the granting of a waiver. The Commission shall not approve a waiver unless it finds in each specific case that:

- .1 The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety;
- .2 The conditions upon which the request for a waiver are based are unique to the proposed subdivision and are not applicable generally to other potential subdivisions;
- .3 The waiver will not create a conflict with the intent and purpose of these Regulations or any provisions of the Zoning Regulations. The Commission shall not grant a waiver that varies the bulk or use requirements of the Zoning Regulations.

3.7.2 A request for any such waiver shall be presented in writing by the applicant. The request shall include such information as the Commission finds necessary to make a fair determination of the request. The Commission shall state upon its records the reasons for which a waiver is granted in each case.

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3.8 Action by the Commission.

- 3.8.1 There shall be a review period after receipt of a subdivision application providing staff and other governmental agencies an opportunity to comment on the proposed plan and to allow the applicant sufficient time to make revisions such that it complies fully with applicable regulations and ordinances.
- 3.8.2 If an application lacks information required by these Regulations, such deficiencies shall be noted in the Department of Planning's staff report to the Commission, a copy of which shall be provided to the applicant. Incomplete applications risk denial by the Commission.
- 3.8.3 The Commission or its duly authorized representative(s) may inspect the subdivision site to review the suitability of the site and the accuracy of all official submissions. Submission of a formal application confers the right of the Commission or its designated agent(s) to visit the site.
- 3.8.4 In its review of an application, the Commission shall consider the General Principles of the Subdivision Regulations in Section 1.3.1 of these Regulations, as well as the Criteria for Subdivision Approval in Section 5.2.
- 3.8.5 Modifications. In approving an application, the Commission may require modifications of the plans and/or documents submitted as part of the application to preserve the purpose and intent of these Regulations and assure conformance with the Subdivision and Zoning Regulations. Such modifications shall be made by the applicant and submitted for review prior to endorsement of the final subdivision plans by the Commission.
- 3.8.6 The Commission shall approve, modify and approve or disapprove any subdivision application submitted within sixty-five (65) days after completion of the public hearing. The grounds for its action shall be stated in the minutes of the Commission. If in the judgment of the Commission no public hearing is required, the Commission shall approve, modify and approve or disapprove the application within sixty-five (65) days following the official date of receipt.
- 3.8.7 Extensions to these specified timeframes may be granted by the applicant in accordance with Section 8-26d of the Connecticut General Statutes. The total period of additional time to which the applicant may consent is sixty-five (65) days.
- 3.8.8 Financial Guarantees. The Commission may require financial guarantees (bonding) securing to the Town of Stonington the actual construction, maintenance and installation of such improvements, utilities, landscaping or

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erosion and sedimentation controls. Please see Chapter 6 for specific requirements on financial guarantees.

- 3.8.9 Notice of Decision. A notice of the Commission's decision shall be published in newspapers having substantial circulation in the Town of Stonington and sent by certified mail to the applicant and all abutting landowners who have requested such notice within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved, or disapproved, together with the date of such action. Failure of the Commission to act thereon shall be considered as an approval and a certificate to that effect shall be issued by the Commission. The grounds for its action shall be stated in the minutes of the Commission.
- 3.8.10 Appeals. As per Connecticut General Statutes Sec. 8-8, any person aggrieved by the official action of the Commission may take an appeal within fifteen (15) days after publication of such notice as required by Connecticut General Statutes to the Superior Court.
- 3.8.11 Conditional Approvals. In lieu of either the completion of public improvements and utilities or the furnishing of financial guarantees (bonding) prior to approval, the Commission may authorize the filing of a plan on the Town's Land Evidence Records with a Conditional Approval endorsed thereon. Such approval shall be conditioned on either:
1. the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission, or
 2. the provision of a financial guarantee (bond) as provided in this section (See Chapter 6 for more information on financial guarantees).

Upon the occurrence of either of such events, the Commission shall cause a Finalization of Conditional Approval to be endorsed on the Subdivision Plan in the manner provided for in Section 3.8.12.

Subdivision plans that are granted Conditional Approvals shall include the signature block in Appendix 2 on each sheet. The signature block shall read in part, "No lot shall be transferred to a buyer before either 1) any required bonds are posted or 2) the approved public improvements and utilities are completed to the satisfaction of the Town."

Erosion and Sedimentation Control bonds shall be posted prior to any excavation or earth clearing work begins.

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Restrictive Covenants. Any Conditional Approval shall be subject to a Restrictive Covenant, prepared to the satisfaction of the Town Attorney, that prohibits the conveyance of any lots until Final Approval is granted. Upon recording of a Notice of Final Approval on the Town's Land Evidence Records, the Restrictive Covenant shall be released by the Town.

3.8.12 Finalization of Conditional Approval. When the elements of a Conditional Approval have been met to the satisfaction of the Town through either the posting of required bonds or the construction or installation of any improvements or utilities prescribed by the Commission, a Notice of Finalization of Conditional Approval shall be recorded in the Town's Land Evidence Records. Such notice shall be signed by the Commission Chairman or Secretary prior to recording. This notice is intended to serve as a subdivision's "final approval" per Connecticut General Statutes Section 8-25(a). This notice shall serve as a release of the Restrictive Covenant in order to allow lots to be conveyed.

3.9 Filing and Recording an Approved Plan.

3.9.1 Signature on Subdivision Plan. After ensuring that all stipulations imposed by the Commission have been met, the Chairman or Secretary shall endorse the plan on behalf of the Commission. Such plans shall include one complete fixed line photographic mylar set of plans and a minimum of three (3) print copies. Final plans for recording shall conform to the requirements of Connecticut General Statutes Section 7-31, as amended. Final plans shall contain all modifications required by the Commission as part of its approval and shall include the text of any stipulations added by the Planning and Zoning Commission and/or the Inland Wetlands and Watercourses Commission. Final plans shall contain the raised seal and original signature of the engineer and/or surveyor certifying the plan.

The Commission shall not endorse the final plans until the end of the appeal period as set forth in Section 3.8.10 and until all conditions of approval have been met including the submission of executed legal documents for any easements, transfers of open space or lien for a fee in-lieu of open space. Legal documents may be referred to the Town Attorney for review prior to Commission endorsement. A certificate of title is required for any land being deeded to the Town. Board of Selectmen approval is required prior to the transfer of any land or the deeding of any easement to the Town. All expenses for the preparation of such legal documents shall be borne by the applicant.

3.9.2 Prior to recording of an approved plan the applicant shall submit to the Town an AutoCAD (or approved equivalent) drawing of the approved subdivision. In lieu of this requirement, an applicant may submit a fee to cover the cost of the Town

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creating such a digital file. The amount of the fee will be established by the Town and shall be limited to an amount estimated to cover the cost to the Town.

3.9.3 Recording Timeframe. The applicant shall file with the Town Clerk such plan containing signatures of approval and pay any necessary filing fees within ninety (90) days following expiration of an appeal period after approval of a Subdivision Plan. The Commission may extend the time for filing for up to two additional periods of ninety (90) days each, and the plan will remain valid until the expiration of the extended time. Any Subdivision Plan not so filed shall become void and notice thereof shall be published in a local newspaper with a certified copy mailed to the applicant. Such plans shall be submitted for Commission signature with adequate time to allow the maps to be filed within the filing period or approval will be considered expired. The Subdivider should allow at least ten (10) days within the filing period for the Commission Chairman or Secretary to sign the final plans for recording and for the plans to be recorded with the Town Clerk.

3.9.4 Alteration of Subdivision Plan. If a Subdivision Plan is altered, changed, erased or revised in any way between the time of the Commission's approval and the time the Plan is filed with the Town Clerk, its approval shall be void unless such alteration has been approved by the Commission and so indicated on the Plan.

3.10 Expiration.

Any person, firm or corporation making any subdivision or resubdivision of land shall complete all work in connection with such subdivision within five (5) years after the date of the Commission's approval. The Commission's endorsement of approval on the subdivision plan shall include the date on which the five year period expires.

In the case of a Conditional Subdivision, the five year period shall run from the date of the Commission's Conditional Approval. The issuance of a Finalization of Conditional Approval once the conditions are satisfied shall not begin a new five year period.

The Subdivider, or his or her successor in interest, may be granted by the Commission one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed ten (10) years from the date the subdivision was approved. Any such extension granted by the Commission may condition the approval on a determination of the adequacy of the amount of the financial guarantees required under this Chapter.

For the purposes of this section, "work" 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, drainage and stormwater management improvements, water and sewer lines, setting aside of open space and recreation areas, installation of

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utilities, installation of permanent property markers, planting of trees and other landscaping and installation of retaining walls or other structures.

Failure to complete all required work within the time period approved by the Commission shall result in expiration of subdivision approval unless an extension has been granted by the Commission. In such event, the Commission shall file on the Land Records notice of the expiration and no additional lots shall be conveyed by the Subdivider except with the approval by the Commission of a new application for subdivision of subject land. If lots have been conveyed during the five (5) year or other approved period, the Town may call the performance bond to the extent necessary to complete the bonded improvements required to serve those lots.

CHAPTER 4

CONTENTS OF FORMAL APPLICATION SUBMISSION

This chapter details information required for a complete Subdivision or Resubdivision application.

4.1 General Submission Requirements.

- 4.1.1 Any subdivision or resubdivision application shall be accompanied by forms, fees, plans, road profiles and all additional documentation, information and reports as prescribed in these Regulations.
- 4.1.2 Plans shall be submitted on 24" x 36" sheets numbered sequentially. All paper prints shall be folded by the applicant to a size of approximately 8^{1/2}" x 11" prior to submission. The Commission or Department of Planning may require additional prints as necessary for review. All prints shall be clear and legible and shall be bound along the left side with required identifying information on each sheet.
- 4.1.3 If more than one map sheet is required, each sheet shall be sequentially numbered in the form of "Sheet ___ of ___." An index of all map sheets shall be included on the first sheet.
- 4.1.4 Each application shall be signed by the owner of record or his/her duly authorized agent or representative. If the application is signed by an agent or representative, a written instrument evidencing the agent's authority to apply must accompany the application.

4.2 Preliminary Subdivision Application Requirements.

For applicants choosing to submit an application for an informal Preliminary Subdivision review with the Commission per Section 3.3, full engineering details are not required at this stage. Plans submitted for a preliminary review must be prepared by a registered professional land surveyor or professional engineer.

Twelve (12) paper prints of the preliminary layout shall be submitted. In lieu of the twelve (12) complete paper prints, the applicant may provide a minimum of three (3) complete paper prints if plans are submitted digitally in a format acceptable to the Department of Planning for distribution.

Preliminary subdivision plans shall include the following information:

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- 4.2.1 Names of property owner and proposed subdivider, subdivision name, E-911 address, Assessor's Map/Block/Lot of existing properties, north arrow, plan scale, date of drawing with revision block for modifications and name and license number of land surveyor and/or professional engineer.
- 4.2.2 Location and approximate dimensions of all existing property lines within the property to be subdivided. Boundary lines shall be drawn in a heavy weight line easily distinguishable from other lines.
- 4.2.3 Names of present record owners of abutting properties.
- 4.2.4 Locations of all natural features including wooded areas, rock exposures, stonewalls, tidal wetlands as defined in Section 22a-29 of the Connecticut General Statutes, inland wetlands and watercourses as defined as defined in Section 22a-38 and coastal resources as defined in Section 22a-93.
- 4.2.5 Location of any Special Flood Hazard Areas and floodways and base flood elevation data.
- 4.2.6 Locations of man-made features including buildings and structures, existing trails, stone walls, fences and dams. Plans shall show any proposed relocation, removal or demolition of any such features.
- 4.2.7 Location of all known historic or archaeological resources. Plans shall show any proposed relocation, removal or demolition of any such features.
- 4.2.8 General area reference map at the scale of 1" = 1,000' showing the proposed subdivision and its proximity to existing streets and roadways.
- 4.2.9 Zoning District in which the property is located and any Zoning District Boundary within 100 feet of the property.
- 4.2.10 Boundary lines for the Coastal Area Management Overlay District or Groundwater Protection Overlay District as appropriate.
- 4.2.11 Location, width and approximate grade of all proposed roadways.
- 4.2.12 Proposed lot lines with approximate dimensions and area of all proposed lots in acres and square feet.
- 4.2.13 Location, approximate dimensions and area of all land to be set aside for open space use in accordance with Chapter 8 of these Regulations.

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- 4.2.14 Bulk Requirement Table reflecting data for the zoning district contained in Article 5.1.1 or 5.2.1 of the Zoning Regulations. Lots shall depict building setback lines established by the Zoning Regulations.
 - 4.2.15 If future development phases are proposed, or the application covers only a part of the Subdivider's property, a map drawn to a scale of 1" = 100' shall be provided showing undeveloped portions of the tract or each contemplated phase including the proposed road system in its entirety.
 - 4.2.16 Boundaries and dimensions of proposed and existing street rights-of-way and proposed building lots.
 - 4.2.17 Boundaries and dimensions of any existing or proposed rights-of-way and/or easements. Plans shall include notation of all existing restrictions on the use of land including easements and covenants.
 - 4.2.18 Approximate contours of the existing and proposed surface of the land with intervals adequate to indicate drainage and grades.
 - 4.2.19 Proposed limits of clearing and a description of the cutting and removal activities to be undertaken.
- 4.3 Final Subdivision Plan Application Requirements.

The final stage of subdivision review shall include, but not be limited to, plans depicting all aspects of the proposed development. These include a full Class A-2 property survey, engineering plan and profile drawings, drainage and stormwater management plans, public utility layout, landscaping and erosion and sediment control measures developed in full conformance with the *Technical Standards for Land Development and Road Construction*. This is the stage when written comments and/or approvals are received from outside reviewing agencies.

Plans shall be submitted at the same scale as the preliminary layout, if one has been submitted, prepared and certified by a Connecticut Registered Land Surveyor and/or Professional Engineer. The Subdivider shall file fifteen (15) complete paper prints of the Final Subdivision Plan including roadway and drainage plans, profiles and other required information. In lieu of the fifteen (15) complete paper prints, the applicant may provide a minimum of three (3) complete paper prints if plans are submitted digitally in a format acceptable to the Department of Planning for distribution.

The plan shall show the following information on site conditions and land evaluation within the property to be subdivided and within 100 feet thereof:

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- 4.3.1 Names of property owner and proposed Subdivider, subdivision name, E-911 address, Assessor's Map/Block/Lot, north arrow, plan scale, date of drawing with revision block for modifications, name, license number and seal of land surveyor and/or professional engineer.
- 4.3.2 A-2 Property Survey depicting the location and dimensions of all existing and proposed property lines within the property to be subdivided. Boundary lines shall be drawn in a heavy weight line easily distinguishable from other lines.
- 4.3.3 Names of present record owners of abutting properties.
- 4.3.4 Locations of all natural features including wooded areas, rock exposures, stonewalls, tidal wetlands as defined in Section 22a-29 of the Connecticut General Statutes, inland wetlands and watercourses as defined in Section 22a-38 and coastal resources as defined in Section 22a-93.
- 4.3.5 Location of any Special Flood Hazard Areas and floodways and base flood elevation data.
- 4.3.6 Locations of man-made features including buildings and structures, existing trails, stone walls, fences and dams. Plans shall show any proposed relocation, removal or demolition of any such features.
- 4.3.7 Location of any historic or archaeological resources. Plans shall show any proposed relocation, removal or demolition of any such features.
- 4.3.8 General area reference map at the scale of 1" = 1,000' showing the proposed subdivision and its proximity to existing streets and roadways.
- 4.3.9 Zoning District in which the property is located and any Zoning District Boundary within 100 feet of the property.
- 4.3.10 Boundary lines for the Coastal Area Management Overlay District or Groundwater Protection Overlay District as appropriate.
- 4.3.11 Location, width and grade of all proposed roadways. Names of proposed streets which shall not duplicate existing street names.
- 4.3.12 Proposed lot lines with dimensions and area of all proposed lots in acres and square feet.
- 4.3.13 Location, dimensions and area of all land to be set aside for open space in accordance with Chapter 8 of these Regulations.

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- 4.3.14 Bulk Requirement Table reflecting data for the zoning district contained in Article 5.1.1 or 5.2.1 of the Zoning Regulations. Lots shall depict building setback lines established by the Zoning Regulations.
- 4.3.15 If future development phases are proposed, or the application covers only a part of the Subdivider's property, a map drawn to a scale of 1" = 100' shall be provided showing undeveloped portions of the tract or each contemplated phase including the proposed road system in its entirety.
- 4.3.16 Any conditions and revisions as required by local, state and/or federal reviewing agencies.
- 4.3.17 Boundaries and dimensions of proposed and existing street rights-of-way and proposed building lots. Plans shall include any additional data necessary to enable a licensed surveyor to readily determine the location of every street line, lot line, boundary line and to reproduce such lines upon the ground.
- 4.3.18 Boundaries and dimensions of any existing or proposed easements and/or rights-of-way. Plans shall include notation of all existing restrictions on the use of land including easements and covenants.
- 4.3.19 Grading plan showing existing and final grades of all lots in the proposed subdivision. Contours shall be shown at intervals of two (2) feet or less and shall be based upon a T-2 Topographic Survey meeting the State of Connecticut Minimum Standards for Surveys and Maps, as amended. Plans shall depict any major grading, excavation, filling or processing of excavated material proposed. Plans shall indicate the total volume and nature of materials to be excavated or filled. Areas of the property where no grade changes are proposed may use an alternate standard unless the Commission or its agent(s) request greater accuracy.
- 4.3.20 Proposed limits of clearing and a description of the cutting and removal activities to be undertaken.
- 4.3.21 Existing and proposed property markers and monuments.
- 4.3.22 Location of any existing drainage discharge points onto the property from any street or other property.
- 4.3.23 Drainage and Stormwater Management plan as per Section 4.4.4 of these Regulations and Chapter 3 of the Technical Standards document.
- 4.3.24 Shadow plan per Section 5.15.3.

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4.3.25 Location of any existing wells and septic systems on the property and on land within 100 feet of the property.

4.3.26 Compliance with Connecticut Public Health Code, such that building lots not served by public sewers depict suitable primary and reserve leaching areas, pursuant to additional guidance contained in paragraph 7.3.1 of these Regulations. Plans shall include location, dates and results of all percolation test holes, deep test pits and borings.

4.3.27 Erosion and Sedimentation Control Plan per Section 7.6 of these Regulations and Chapter 10 of the Technical Standards for Land Development and Road Construction document.

4.3.28 Reports and plans required per Chapter 7 of these Regulations.

4.4 Roadway Construction and Drainage and Stormwater Management Plans.

Whenever a new street or improvement to an existing street is proposed, Final Subdivision Plans shall contain the following items presented in the order listed, prepared in conformance with the *Technical Standards for Land Development and Road Construction*. A sufficient number of 24" x 36" sheets shall be included to clearly show all of the information required, with said information also submitted in a digital format acceptable to the Commission.

4.4.1 Title Sheet. To include the following:

- .1 Name of the proposed subdivision, including name of owner or applicant, surveyor of record and engineer of record.
- .2 Date of plans with revision block for modifications.
- .3 Index of all drawings.

4.4.2 Plan Sheet. All roadway plans shall be prepared in conformance with Chapter 2 of the *Technical Standards* drawn at a scale not less than 1" = 40', to include the following:

- .1 Location and dimensions of existing and proposed street rights-of-way, edges of pavement, curbs and sidewalks.
- .2 Location, size, material type and inverts of all existing and proposed drainage features, to include, but not be limited to, piping, catch basins, open channels, stormwater management basins, drainage easements, manholes and swales.

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- .3 All structures, including, but not limited to, retaining walls, endwalls, bridges and culverts.
 - .4 Existing and proposed contours at intervals of at least 2 feet, shown to a point 25 feet outside of the right-of-way line or construction limits. Topographic information shall be to T-2 accuracy.
 - .5 All data required for the accurate horizontal layout of roadway center lines and rights-of-way, including stationing, bearings, tangent lengths, arc lengths, radii and central angles of all curves. Construction centerlines shall have station call outs marked off at a maximum of fifty (50) foot intervals.
 - .6 Additional survey information including monuments, tops and toes of all slopes, location of property line intersections with street right-of-way lines, names of abutting property owners and location and description of survey bench marks.
- 4.4.3 Profile Sheet. All roadway profiles shall be prepared in conformance with Chapter 2 of the *Technical Standards*, drawn at a scale of not less than 1" = 4' vertical, 1" inch = 40' horizontal, to include:
- .1 Existing and proposed road profiles along center lines and at each right-of-way line (the right and left right-of way lines are determined by looking up station).
 - .2 Existing and proposed road centerline grades at fifty (50) foot intervals.
 - .3 Elevations at the high and low points of the proposed profile.
 - .4 Vertical curve data for all vertical curves.
 - .5 Existing and proposed drainage features, sanitary sewers, water mains, gas mains, bridges and other proposed improvements, to include locations, sizes, grades and invert elevations.
- 4.4.4 Drainage and Stormwater Management Plan. To be developed in accordance with Chapter 3 of the *Technical Standards*, including the basis of design, detailed design computations, and an analysis of impacts on existing downstream facilities and adjacent properties. This plan shall describe all measures proposed to prevent potentially harmful effects on downstream facilities and adjacent properties. A drainage analysis map to be drawn to an appropriate scale shall depict the following:

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- .1 Boundaries of drainage areas tributary to each proposed drainage feature inlet.
 - .2 Boundaries of drainage areas tributary to existing downstream drainage feature inlets where such facilities may be hydraulically overloaded due to road and drainage facility construction or land altering development activities.
 - .3 Topography of drainage areas, based on best existing topographic maps currently available, in sufficient detail to determine general slopes of existing ground and watercourses.
 - .4 Existing and proposed drainage structures and facilities.
 - .5 Existing and proposed roads within the drainage area.
 - .6 Existing soil types, year-round and intermittent wetlands and watercourses.
 - .7 Existing and proposed impervious and porous surfaces and vegetation including wooded areas, open fields or lawns.
- 4.4.5 Utility Sheet. To include locations of all existing and proposed underground and overhead utilities (including electrical, phone, cable, water and sewer), and all existing and proposed utility easements. Plans for sanitary sewers shall conform to Chapter 6 of the *Technical Standards*.
- 4.4.6 Site Grading & Erosion Control Sheet. To depict all erosion and sedimentation control measures prepared in accordance with Chapter 10 of the *Technical Standards* and with principles outlined in the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended.
- 4.4.7 Sightline Sheet and Intersection Grading Plan. To include sightline distances at all intersections of existing and proposed roads. Required sight line distances and eye and object heights as defined in the *AASHTO Manual on Road and Geometric Standards* (latest edition).
- 4.4.8 Special Structures Sheet. To include detailed drawings for special structures proposed as part of the road and/or drainage construction, including but not limited to: retaining walls, box culverts, bridges, end and head walls, stormwater management basins and other special stormwater structures. Work shall not proceed on these structures until the drawings have been reviewed and approved by the Commission.

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- 4.4.9 Detail Sheet. To depict in detail all items proposed for construction that cannot readily be shown on plan and profile drawings, to include a typical cross-section of the proposed street showing all proposed dimensions, thicknesses and materials that will make up the pavement and subbase structure and locations of drainage piping and other underground facilities. Many of these items can be found in Chapter 12 of the *Technical Standards*, and shall be incorporated as standard details on subdivision plans prepared for work in Stonington.
- 4.4.10 Phasing Sheet. If the subdivision is to be developed in more than one stage a phasing sheet shall include graphical depiction of each phase along with all temporary cul-de-sac turnarounds.
- 4.4.11 Other Plans Required. On a case-by-case basis, the Town may require additional plan sheets, including but not limited to:
 - .1 Landscape Plan prepared by a Connecticut licensed landscape architect in conformance with Chapter 7 of the *Technical Standards*.
 - .2 Roadway Lighting Plan in conformance with Chapter 8 of the *Technical Standards*.
 - .3 Plan for restoration of Town roadways associated with utility installation and for maintenance and protection of traffic during construction, in conformance with Chapter 9 of the *Technical Standards*.
- 4.5 Responsibilities of Professional Engineer and Land Surveyor.
 - 4.5.1 Professional Engineer. Work including the design of roads, both horizontal and vertical alignment; drainage systems, including the design and location of structures and pipe; sanitary sewer systems; sewerage disposal systems; and water supply and distribution shall be sealed by a registered professional engineer. A land surveyor's seal, an architect's seal or seal of other design professionals is not acceptable for this phase of design work.
 - 4.5.2 Land Surveyor. Work including the preparation of topographic maps and the delineation of the boundary lines of the outside perimeter, as well as the interior lots and streets, performed in accordance with the regulations of Connecticut State Agencies Sections 20-300b-1 through Section 20-300b "Minimum Standards for Surveys and Maps in the State of Connecticut as prepared and adopted by the Connecticut Association of Land Surveyors, September 26, 1996," as amended, shall be sealed by a licensed land surveyor. A professional engineer or architect's seal or seal of other design professionals is not acceptable for this phase of design work.

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4.5.3 Certification of Plans. All Final Subdivision Plan sheets, including roadway and stormwater construction plans and profiles, shall be certified that they meet acceptable engineering and surveying standards. This shall include:

- .1 Seal of a Connecticut registered land surveyor certifying that all horizontal and vertical points have been set to A-2 and V-2 Class of Accuracy in accordance with the *Standards for Surveys and Maps in the State of Connecticut* adopted September 26, 1996, as amended.
- .2 Seal of a Connecticut licensed professional engineer affirming that all subdivision improvements including but not limited to roadways, stormwater drainage systems and utilities comply with all regulations and/or ordinances.

CHAPTER 5

SUBDIVISION DESIGN STANDARDS

5.1 General Design Guidance.

Subdivisions shall be planned and designed in accordance with the General Principles in Chapter 1 of these Regulations and the Criteria for Subdivision Approval listed in Section 5.2 of these Regulations.

Subdivisions shall be designed according to the following principles:

- 5.1.1 To make best use of the natural terrain and preserve natural features including substantial trees, woods, rock outcroppings, views and vistas, wetlands and watercourses.
- 5.1.2 To preserve historic and archaeological features.
- 5.1.3 To be capable of development and use without extensive excavation, filling or regrading which would result in potential erosion and sedimentation, excessive vegetation removal or substantial alteration of natural drainage patterns.
- 5.1.4 To be designed to maximize potential use of active or passive solar energy design techniques as per Section 5.15 of these Regulations.
- 5.1.5 To be designed to protect public safety including the health, safety and welfare of the general public, area residents and future residents of the development from natural or man made hazards.
- 5.1.6 To conform to the Town of Stonington Zoning Regulations, as amended.
- 5.1.7 To be in general conformance with the Stonington Plan of Conservation and Development, as amended.

5.2 Criteria for Subdivision Approval.

A subdivision shall be approved if it meets all of the requirements of these Regulations and when the Commission finds:

- 5.2.1 Consistency with land use policies contained in Stonington's Plan of Conservation and Development, as amended.
- 5.2.2 Consistency with Stonington's Zoning Regulations and with the *Technical Standards for Land Development and Road Construction*. The Commission shall

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not approve any subdivision or resubdivision which conflicts with any applicable zoning regulation or results in the creation of a non-conforming building lot, use or activity as defined by the Zoning Regulations.

- 5.2.3 That the existing pattern of settlement of the area in terms of predominant building proportion and form, density and arrangement will not be adversely affected.
- 5.2.4 That the subdivision promotes a pattern of land development that minimizes or eliminates adverse impacts on significant natural features including: freshwater or coastal wetlands, watercourses, slopes, flood plains, wildlife habitat, aquifer recharge areas, cultural resources and public open space.
- 5.2.5 That the subdivision minimizes erosion and sedimentation and does not cause off-site erosion and/or sedimentation either during construction or after completion.
- 5.2.6 That the internal arrangement of streets and access to public roads will not adversely affect traffic patterns of the area, emergency vehicle access or public safety.
- 5.2.7 That proposed water and sewer provisions are adequate and have received written approvals from appropriate local and/or state agencies.

5.3 General Improvements Required.

The following improvements shall be required to be installed by the applicant, as appropriate, in all subdivisions. These improvements shall be done in accordance with the provisions of these Regulations and the Town's *Technical Standards for Land Development and Road Construction*.

- 5.3.1 Pavement, driveway aprons, curbs and stormwater drainage on proposed streets, as well as curb and pavement between edge of the existing pavement and the new curb line on existing streets which bound or intersect the proposed subdivision.
- 5.3.2 Street lights and street signs, all utilities, including underground wire utilities.
- 5.3.3 Street monumentation and property corner markers per Section 5.10.
- 5.3.4 Landscaping, including street trees per Section 5.18.
- 5.3.5 Sidewalks unless specifically waived by the Commission due to site and neighborhood characteristics.

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5.3.6 Fire hydrants where appropriate.

5.4 Building Lots.

5.4.1 All building lots shall conform to minimum dimensions and bulk requirements contained in the Zoning Regulations.

5.4.2 No fragment or remainder of any land within the subdivision shall be withheld by the Subdivider which is not capable of meeting the minimum lot size specified by the Zoning Regulations. Such fragments and remainders shall be incorporated into full-sized building lots or into areas of designated open space.

5.4.3 No lot, regardless of size, which is rendered useless for building due to utility easements, rights-of-way, lack of accessibility, ledge, unsuitable soil, wetlands, watercourses, topography or other adverse conditions shall be shown as a building lot. Such property shall be included in adjoining lots or areas of designated open space.

5.4.4 Wetlands Proration. Subdivision plans must show conformance with the Wetlands Proration regulation in Section 7.5 of the Zoning Regulations. Pursuant to Section 7.5.2 of the Zoning Regulations, land below the State of Connecticut's Coastal Jurisdiction Line of elevation 2' (NAVD 1988) shall not be counted for any density, area, setback or buffer requirement. Plans must prorate any wetlands for the entire parcel to be subdivided, individual building lots and dedicated open space.

5.4.5 On lots located on the outside of sharp curves and cul-de-sacs the Commission may allow frontage requirements contained in Article V of the Zoning Regulations to be applied at the building setback line instead of the street line.

5.4.6 Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines; variations from this rule will be made only where it is impractical to do so.

5.4.7 Space shall be provided on all lots for off-street parking in accordance with the requirements of Article 7.10 of the Zoning Regulations.

5.4.8 Lots shall be capable of accommodating any required on-site wells and septic systems in accordance with the Connecticut Public Health Code or be able to be served by public utilities.

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5.5 Statement of Intended Use for Undeveloped Portions of a Tract.

If submitted plans indicate that only a portion of the tract to be subdivided is proposed for building development, a letter of intent stating the tentative future use of the undeveloped portion shall accompany the application. If it is the intent of the Subdivider to develop a tract in two or more phases, a map of the entire property shall be provided as part of the application. This map shall show the approximate location of future phased resubdivisions, including proposed street locations, approximate lot layouts and the location of areas to be designated as open space. This map is for informational purposes only and shall not be binding on either the Subdivider or the Commission.

5.6 Street Design.

5.6.1 General Standards. Proposed streets shall be planned to provide safe and convenient access to proposed lots, shall be suitably located and adequately constructed to accommodate both present and future anticipated traffic and shall provide access for emergency and maintenance vehicles. Streets shall be designed in an attractive layout which follows the natural contour of the land and shall be located and graded to preserve the natural terrain, substantial trees, stone walls and other natural and man made features which maintain the natural character of the land. If, in the opinion of the Commission, a proposed street requires excessive grading and/or clearing that may have a substantial adverse impact on the natural or historic resources, the Commission may require the applicant to take mitigating measures including, but not limited to, redesign and/or lot reduction.

5.6.2 Street Arrangement. The arrangement of streets shall provide for the coordination of principal streets on adjoining subdivisions. Subdivisions shall provide for proper projection of principal streets into adjoining properties which are not yet developed to allow for necessary fire protection, movement of traffic and the construction or extension, presently, or when later required, of needed public utilities.

5.6.3 Road Names and Street Signs. Proposed road names shall not duplicate any other existing road located in Stonington. Road name signs shall be installed at all intersections and shall be erected in such places as to assure their clear visibility. Size, color, material and physical details shall conform to the Town's standards. Roads which are designed to connect and align directly with existing streets shall bear the same name. Street names shall be appropriate to the character of the Town and wherever possible shall reflect the geographic or historical aspects of the area in which the street is located. All street names are subject to the approval of the Commission as well as the Stonington Police Department and local fire district.

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- 5.6.4 The Commission may require that subdivisions include at least two direct connections to existing streets to provide adequate emergency access.
- 5.6.5 Access from another municipality. Whenever access to the subdivision is required across land in another municipality, the applicant shall demonstrate that the access is legally established and that provisions have been made for municipal services.
- 5.6.6 Roadway Geometric Standards and Functional Classifications. Minimum roadway and intersection geometric standards, including pavement and right-of-way widths are found in Chapter 2 of the *Technical Standards*. Functional classifications listed in Chapter 2 of the *Technical Standards* group Stonington's streets and highways according to the character of traffic they serve, adjacent land uses and the degree of land access that should be allowed. Classification of new streets shall be determined by the Commission based upon its review of the overall road network relative to the property being developed. The design of each proposed street shall be appropriate to its function and classification.
- 5.6.7 Street Extensions and Reserved Rights of Way.
- .1 Where a subdivision adjoins unsubdivided land with future development potential, the Commission shall require the rights-of-way for new streets to be carried to the exterior boundary of the subdivision. Such reserved right-of-way shall be conveyed by deed to the Town and shall include slope rights for necessary cuts and fills outside of the street right-of-way.
 2. When the adjoining property is developed, the developer of said adjoining property shall at his/her own expense be required to build the street over the reserved right-of-way in order to connect to the existing street.
- 5.6.8 Block Dimensions. The maximum length of a block between intersections shall be one thousand two hundred (1,200) feet and the minimum length shall be five hundred (500) feet. Special attention shall be given to blocks in industrial and business areas to provide for access to off-street parking and loading areas.
- 5.6.9 Cul-de-sac Streets.
- .1 Unless a waiver is granted by the Commission, cul-de-sac streets shall not exceed six hundred (600) feet in length. In considering any such waiver the Commission shall consider impacts on emergency access and shall request input from the District Fire Marshal and Police Commission. Such

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streets shall be equipped with a turn-around meeting criteria contained in Section 2.7 of the Technical Standards document.

- .2 When a cul-de-sac is proposed as a temporary measure pending future development of an adjoining tract, its design shall not prevent continuation of the street into such property. The developer who in the future extends a cul-de-sac street shall at his own expense remove all existing pavement outside of the traveled way, loam and seed areas in which the pavement has been removed and install curbs and sidewalks through the original cul-de-sac area in accordance with Town requirements. Surplus portions of the former cul-de-sac shall be conveyed at no cost to the abutting property owner(s). A reverter clause shall be placed on the Final Subdivision Plan and incorporated into the deed for any lot so affected.

5.6.10 Half Streets. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the Subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

5.6.11 Side Slopes. Where new streets abut private property, slope rights shall be obtained by the developer when cut or fill is necessary, and these slope rights shall be shown on the Final Subdivision Plan. The developer shall investigate the effect of cuts and fills on adjacent private property and shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to roadway construction.

5.6.12 Relation to Topography. Proposed streets shall bear a logical relationship to existing topography, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the street. Natural features shall be preserved where so required by the Commission.

5.6.13 Intersection Design. Intersections shall be designed according to Chapter 2 of the *Technical Standards* document. No more than two (2) new streets shall intersect at any one point. Centerlines of all streets entering the intersection shall pass through a single point. Streets intersecting on opposite sides of a street shall intersect exactly opposite to one another or shall have the minimum spacing required in the Technical Standards document.

5.6.14 Driveways and Access Management. Chapter 5 of the *Technical Standards* document provides guidelines for access management, and for commercial and residential driveway location and construction, including driveway aprons.

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- 5.6.15 Dedication of Streets. Commission approval of a Final Subdivision Plan shall not be deemed to constitute acceptance of any street by the Town. Completed streets shall only be accepted by the Board of Selectmen upon recommendation of the Public Works Director and the Planning and Zoning Commission. However, filing an approved Final Subdivision Plan in the Town Clerk's Office shall constitute an irrevocable offer of dedication by the owner of the land to the Town.
- 5.6.16 Maintenance of Unaccepted Subdivision Streets. The Subdivider shall be responsible for any and all maintenance of all subdivision improvements including snow plowing, street sweeping, drainage and general maintenance until such improvements are accepted by the Board of Selectmen. In the event that the developer fails to comply, the town is authorized through the Public Works Director to perform the necessary work, without incurring any liability, and back charge such work to the Subdivider's performance bond.
- 5.6.17 Excessive Cost to the Town. Where, in the opinion of the Commission, a subdivision requires undue expenditure by the Town to improve existing town streets which do not conform to the minimum requirements of grade, alignment, width, and construction set forth in these Regulations and the *Technical Standards*, the Commission may not approve such subdivision until the Board of Selectmen has recommended such expenditures and such expenditures have been approved by the Board of Finance.
- 5.6.18 Standard Detail Drawings. Detailed construction drawings are contained in Chapter 12 of the *Technical Standards*. These items provide guidance for work to be performed by Subdividers and shall be incorporated on subdivision plans submitted to the Commission.
- 5.7 Stormwater Management. All systems designed and constructed for surface and subsurface drainage shall conform to Chapter 3 of the *Technical Standards*. Care shall be taken to protect the life and property of residents and the traveling public, facilities owned or maintained by the Town or the State, with full consideration given to the adverse effects of land development on downstream properties and natural resources.
- 5.7.1 Ownership. Stormwater management features that are designed to handle stormwater generated by a subdivision shall be owned and maintained by a corporation or trust comprised of owners of lots within a subdivision. The Town shall not require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or maintained by the municipality, except that the prohibition of this section shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.

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- 5.8 Erosion and Sedimentation Control. Subdivision plans shall include Erosion and Sedimentation Control Plans per Section 7.6 of these Regulations and Chapter 10 of the Technical Standards document, as amended.
- 5.9 Connection to State Highways and State Drainage Systems.
When a proposed roadway will connect to a state highway, or a proposed stormwater drainage system will connect to a state maintained drainage system, the Subdivider shall obtain an encroachment permit for such connection from the Connecticut Department of Transportation (Conn. DOT). A copy of the approval letter, accompanied by any comments received from Conn. DOT, must be submitted to the Commission.
- 5.10 Street Bound Stones and Property Corner Markers.
- 5.10.1 Street bound stones shall be placed at all block corners, at angle points and the points of curves in streets and at such intermediate points as may be necessary. The location of all street monuments shall be indicated on the Final Subdivision Plan. They shall be installed and their accuracy certified by a registered land surveyor. Monuments shall be made of concrete and shall be thirty (30) inches in length, a minimum of four (4) inches square. The monuments shall be set with the top two (2) inches above finished grade.
- 5.10.2 Markers shall be installed at the corners and boundary angle points of all building lots and open space tracts. Markers must be of permanent material such as iron pins, pipes or concrete monuments with the top at or above the ground surface by two (2) inches or drill holes in ledge or rock. The developer must certify to the Commission through a registered land surveyor that such markers have been installed. No bond release shall be made until this certification is received by the Commission.
- 5.11 Underground Utilities and Street Lights. All wire utilities shall be placed underground, unless a waiver is granted by the Commission as per Section 3.7 of these Regulations. Street light poles shall be furnished at the developer's expense in compliance with standards recommended by the public utility company and as described in Chapter 8 of the *Technical Standards* (Roadway Lighting). The location of all underground utilities and street light poles shall be indicated on the Final Subdivision Plan. Street lights shall be designed and installed to be full cutoff, emitting no light above the horizontal plane of the luminarie.
- 5.12 Fire Protection. Upon review of the District Fire Marshal, the Commission may require modifications to plans to protect public safety by including fire hydrants, supplemental water supply systems, residential sprinkler systems, adequate emergency access or other modifications as appropriate.

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5.13 Gas Pipe Lines.

A gas pipeline shall be deemed a hazard when carrying an internal pressure in excess of two hundred (200) pounds per square inch gauge and/or is located within forty (40) feet of the property line. To lessen such hazard, the following requirements shall be considered a minimum standard:

5.13.1 Forty (40) foot building setback from such lines.

5.13.2 Wells, sewage disposal systems and associated feeder lines shall not cross said gas lines.

5.13.3 Proposed streets shall cross such pipelines at right angles. In such cases, the pipe shall be a vented casing the full width of the right-of-way, and the distance from the top of the casing to grade shall be at least four (4) feet six (6) inches.

5.14 **Cemeteries and Human Burials.** All cemeteries within a proposed subdivision shall be deeded either to the Town of Stonington, an existing cemetery association, a homeowners association or other responsible party, as deemed appropriate by the Commission, along with a minimum twenty (20) foot protective buffer as measured from stone walls surrounding a cemetery or from any identified human burial in the absence of walls or other demarcated boundary. Suitable public access to any cemetery may be required by the Commission.

5.15 Energy Efficiency, Energy Conservation, and Use of Solar Energy.

5.15.1 Pursuant to Section 8-25(b) of the Connecticut General Statutes, the applicant shall demonstrate consideration of passive solar energy techniques in subdivision design which maximize solar heat gain, minimize heat loss during the heating season and provide for natural ventilation during the cooling season, provided that use of such techniques will not significantly increase the cost of housing to the buyer after tax credits, subsidies and exemptions. Additional solar access requirements are contained in Article 7.14 of the Zoning Regulations.

5.15.2 **Passive Solar Orientation.** Subdivisions shall be designed whenever possible so that the long axis of buildings is oriented to maximize solar heat gain, minimize heat loss and provide for thermal storage within the structure during the heating season. Buildings and new vegetation shall be sited with respect to each other and to the topography of the site so that unobstructed sunlight reaches the structure between the hours of 8:00 a.m. and 3:00 p.m.

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- 5.15.3 A "shadow plan" shall be submitted with each subdivision application involving the construction of a building of over three-thousand, five-hundred (3,500) square feet or within fifty (50) feet of a property line. The shadow plan shall depict building locations and the patterns of shadows they cast based upon the proposed building height (see illustration in Section 7.14.7 of Zoning Regulations).
- 5.16 Sidewalks. Sidewalks are required in street rights of way unless waived by the Commission due to site and/or neighborhood characteristics. Where site conditions require sidewalks over private property, an easement shall be required to allow public use and maintenance of the sidewalk.
- 5.17 Walkways and Bicycle Paths. The Commission may require development of either paved or unpaved walking paths to accommodate pedestrian traffic. The Commission may require bikeways to be constructed when deemed necessary or appropriate for public safety and/or when such bikeways will contribute to an integrated system of alternative means of transportation. A bikeway may be either a separate trail or path for the exclusive use of bicycles or a portion of the roadway which has been designated for preferential or exclusive use of bicycles.
- 5.18 Street Trees. Street trees shall be planted on both sides of any street to be dedicated to the Town. Trees shall be spaced approximately fifty (50) feet apart subject to variations made necessary by driveways, street corners and sidewalks or due to interference with sewers, utility poles or overhead wires. Trees shall be located on private property outside of the street right-of-way at a minimum of ten (10) feet from the curb line or sidewalk. The Commission may allow street trees to be placed within the public right-of-way where appropriate due to site conditions. Street trees shall be of a caliper, height and species specified in the *Technical Standards for Land Development and Road Construction* document. Existing healthy trees are encouraged to be preserved and may be counted towards the requirements of this section.

CHAPTER 6

CONSTRUCTION, INSPECTION, FINANCIAL GUARANTEES AND INSURANCE

This chapter addresses bonding and construction requirements of a subdivision once it is approved by the Commission.

6.1 Financial Guarantees (Bonding).

6.1.1 Performance Bond.

- .1 General. The Commission may require the posting of a Performance Bond, in an amount and of duration necessary to assure and guarantee completion of all site improvements such as, but not limited to, installation of roadways, sidewalks, stormwater drainage, public utilities, landscaping, lighting, site grading and the setting of monuments as indicated on a Final Subdivision Plan. In cases where a subdivision will be constructed in phases, the amount of Performance Bond shall specify improvements related to each particular phase.
- .2 Bond Amounts. The performance bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer. The total estimated cost of the Performance Bond shall also include a fifteen percent (15%) addition to cover contingencies and engineering to be incurred by the Town.
- .3 Acceptable Bonds. Performance Bonds shall be in the form a certified check to be deposited in an account fully insured by FDIC or an irrevocable bank letter of credit, with such account or letter appearing in the names of both the applicant and the Town of Stonington. All bonds must be from a bank satisfactory to the Town. These types of bonds enable the Town to gain timely access to secured funds for cause. In no case will an insurance company surety bond or savings passbook be accepted as performance security.
- .4 Timing of Bond Postings. Performance Bonds may, at the discretion of the applicant, be posted at any time before all approved public improvements and utilities are completed. No lot shall be transferred to a buyer before any required bond is posted or before the approved public improvements and utilities are completed to the satisfaction of the Town. Erosion and Sedimentation Control Bonds must be posted prior to any exaction or earth clearing work begins.

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- 6.1.2 Withdrawal of funds. In the event the applicant fails to install all required subdivision improvements within five (5) years from the date of Final Subdivision Plan approval by the Commission, the Commission is empowered to withdraw such funds as determined necessary to complete site improvements. The term of the performance bond may be extended at the Commission's discretion upon approval of a written request from the applicant. The Town is also empowered to withdraw such funds prior to five (5) years from the date of Final Subdivision Plan approval in cases where such action is necessary to remedy a public safety situation caused as a result of construction. See also Section 3.10 for details on Subdivision Expiration.
- 6.1.3 The Town shall not require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or maintained by the municipality, except that the prohibition of this section shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.
- 6.1.4 Record Drawings. Upon completion of all required improvements, and before the Performance Bond is released and the Maintenance Bond is accepted, the applicant shall furnish to the Town one complete set of mylar Record Drawings and three (3) paper drawings of such improvements, at the same scale as the Final Subdivision Plan.
- 6.1.5 Maintenance Bond. Upon completion of all required subdivision improvements to satisfaction of the Commission, the applicant shall post a Maintenance Bond equal to ten (10) percent of the initial Performance Bond. Such bond shall be retained for a period of one (1) year following the date of completion to the reasonable satisfaction of the Commission or acceptance of improvements by the Board of Selectmen. Such maintenance bond shall guarantee workmanship and materials. Maintenance Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC or irrevocable bank letter of credit, with such account or letter appearing in the names of both the applicant and the Town of Stonington. All bonds must be from a bank satisfactory to the Town.
- 6.1.6 Erosion and Sedimentation Control Bond. As a condition of Final Subdivision Plan approval, the applicant shall post a bond in an amount equal to costs deemed necessary by the Commission for installing and maintaining appropriate erosion and sedimentation control measures. If construction work ceases, or if erosion and sedimentation control measures are not properly installed during construction, this bond may be used to cover costs to the Town to restore the site to pre-development conditions as closely as possible. The Erosion and Sediment Control Bond must be posted before any earth excavation or clearing

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work can begin. Erosion and Sedimentation Control Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC or irrevocable bank letter of credit, with such account or letter appearing in the names of both the applicant and the Town of Stonington. All bonds must be from a bank satisfactory to the Town. A bond release will only be considered when a formal request has been submitted in writing. The posting of an Erosion and Sediment Control Bond does not relieve the applicant from requirements governing installation and maintenance of these items.

6.1.7 Other Bonds. The Commission, as a condition of approval, may require submission of other bonds as appropriate including bonds for the installation and maintenance of landscaping and/or other improvements.

6.1.8 Reduction and/or Release of Bonds. The applicant may periodically apply to the Commission for a partial reduction in the amount of posted Performance Bond, reflecting the percentage and cost of completed improvements. A bond release will only be considered when a formal request has been submitted in writing on forms acceptable to the Commission. In determining the percentage of work completed, the Commission shall review cost estimates obtained from Town officials and/or Town consultants who are responsible for the inspection of said improvements. In no case shall the remainder of the bond be less than that determined necessary to complete remaining improvements. Not later than sixty-five (65) days after receiving such a request the Commission shall take either of the following actions:

- .1 Release or authorize the release of any such bond or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such bond or portion thereof was posted have been completed, or
- .2 Provide the person posting such bond with a written explanation as to the additional improvements that must be completed before such bond or portion thereof may be released.

6.2 Insurance.

6.2.1 Prior to the initiation of any construction within the subdivision, the applicant shall file with the Town of Stonington a general liability insurance policy naming the Town as an additional insured. This policy shall be of the same duration as the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.

6.2.2 This policy shall insure the Town and the applicant and shall cover all construction operations and work on the property. Said policy shall have the following minimum limits:

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- .1 General Liability (including automobile)
Each Occurrence: \$1,000,000
- .2 Personal Injury (including automobile)
Each Person: not less than \$300,000
Each Accident: not less than \$500,000

6.3 Commencement of Construction.

All construction, development, grading, installation of roads, drainage, utilities or other improvements shall not be deemed authorized and shall not be commenced until the following have occurred:

- 6.3.1 The appeal period has elapsed; and, in the event of an appeal, termination of such appeal has occurred by dismissal, withdrawal or judgment in favor of the applicant.
- 6.3.2 Any required erosion and sedimentation control bonds and/or inspection fees have been submitted by the applicant per the requirements of these regulations.
- 6.3.3 For projects involving significant public improvements, a pre-construction meeting is held between the developer and Town staff as per Section 11.1 of the Town's Technical Standards for Land Development and Road Construction, as amended.
- 6.3.4 A Zoning Permit has been issued by the Commission or its designated agent to authorize such construction upon finding that the applicant has met all conditions of approval imposed by the Commission.

6.4 Inspection of Improvements.

- 6.4.1 As detailed in Section 11.3 of the Town's Technical Standards for Land Development and Road Construction, each phase of the construction of any public improvement including any street, drainage facility, sanitary sewer facility or other improvement which is part of the approved subdivision plan shall be carried out subject to the supervision and inspection of the Town through its authorized inspector.
- 6.4.2 If the Town finds that any of the required improvements have not been constructed in accordance with approved plans and/or specifications, Town staff shall notify the Commission. The developer, and if necessary the company guaranteeing the bond or financial security, shall be notified and the Town shall

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take all necessary steps to preserve the Town's rights under the terms of the bond or security.

- 6.4.3. Inspection fees. The developer shall pay to the Town a fee for all reasonable costs incurred in the inspection of the development in accordance with the Planning and Zoning Fee Ordinance, as amended. The developer is responsible for any extra costs associated with inspections which exceed this amount. Any unused inspection fees will be returned to the applicant after successful completion of the development.
- 6.5 Modifications During Construction. If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such improvements, the developer shall request the modification in writing along with the reason why the modification is requested. The Commission, or its duly authorized representative, shall determine whether the change is minor in nature or whether the Commission itself must act on the proposed change. If the change is minor and does not materially alter the original approval, the representative may either approve or disapprove the developer's request and shall notify the Commission at its next regular meeting. If it is determined that the change is significant, the developer shall submit a request to the Commission. The Commission may approve or deny the change, may require a public hearing on any request or may require the submission of a complete application. Any change meeting the definition of "resubdivision" in Chapter 2 of these regulations shall require submission of a resubdivision application.
- 6.6 Completion of Work. All work associated with the subdivision shall be completed within five years after the date of the Commission's approval. Please see Section 3.10 for more details on completion of work and expirations of Subdivision approvals.
- 6.7 Acceptance by the Town of Roads and Public Improvements. Please see Section 11.6 of the Technical Standards for Land Development and Road Construction document for an explanation of the Town's road acceptance procedure. The approval by the Commission of a subdivision application shall not constitute evidence of any acceptance by the Town of any street, open space area, easements or rights of way. Acceptance of formal offers of streets, open space areas, easements or rights of way shall rest with the Town. Prior to acceptance of said improvements by the Board of Selectmen, the developer shall be responsible for maintaining all improvements including but not limited to providing for snow removal on streets and sidewalks, maintaining drainage facilities and paying for street lights.
- 6.8 Issuance of Building Permits and Certificates of Occupancy. Completion of the road subgrade and all drainage improvements described herein shall occur prior to the issuance of any building permits for lots on a proposed street. Completion of the Class I binder

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course shall occur prior to the issuance of a Certificate of Zoning Compliance and/or Certificate of Occupancy for any structure accessed by the street.

CHAPTER 7

TECHNICAL REPORTS

The following Technical Reports shall be required of all applications for subdivision and resubdivision. Unless otherwise noted below, the applicant may request the Planning and Zoning Commission to waive preparation of any of the following reports provided a written request for said waiver is presented in writing on the submission date of the application in accordance with Chapter 3.7 of these Regulations.

7.1 Coastal Area Management Site Plan Review.

All subdivisions located partly or completely within the Coastal Area Management Overlay District shall be subject to a CAM Site Plan Review pursuant to standards contained in Article 7.3 of the Zoning Regulations. This requirement cannot be waived per provisions contained in Chapter 3.7. The CAM boundary is defined as:

- 7.1.1 That portion of Stonington covered by FEMA Flood Insurance Rate Maps subject to coastal (saltwater) flooding (i.e., A, AE and VE zones).
- 7.1.2 All areas located within one thousand (1,000) feet of the mean high water mark of coastal waters.
- 7.1.3 All areas located within one thousand (1,000) feet of State-designated tidal wetlands.

7.2 Water Supply Report.

The Water Supply Report shall address the following items as applicable. This requirement cannot be waived per provisions contained in Chapter 3.7.

- 7.2.1 Every proposed building lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or a water supply system operated by a utility that has been issued a certificate of public convenience and necessity pursuant to 16-262m of the Connecticut General Statutes. The applicant shall submit written evidence as to the adequacy, quality and quantity of water supply.
- 7.2.2 If the use of a community water supply system is proposed, the applicant shall submit evidence of suitability by the Connecticut Department of Public Utility Control and the Connecticut Department of Public Health.
- 7.2.3 No permit for a building shall be issued until the water supply system has been approved as noted in 7.2.1 or 7.2.2 above.

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7.3 Sanitary Waste Disposal Report.

The Sanitary Waste Disposal Report shall address the following items as applicable, to be prepared by a professional engineer. This requirement cannot be waived per provisions contained in Chapter 3.7.

7.3.1 Subsurface Sewage Disposal Systems.

- .1 No individual lot septic system for sewage disposal shall be considered by the Commission until the land area in question has been approved by the Town Health Officer or designated agent as suitable for said system pursuant to 19-13-B103 of Connecticut Public Health Code. Percolation tests and soil reports shall be submitted with the application.
- .2 It is the responsibility of the applicant to contact the Town Health Officer to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. Such proof to be submitted by the applicant shall include written approval of the Town Health Officer. The applicant shall provide the necessary equipment and labor for testing. When the Town Health Officer's approval is given subject to conditions, such conditions shall be noted in writing on the subdivision plan.

7.3.2 Sanitary Sewers.

- .1 Applicants requesting extension to an existing sanitary sewer shall submit a detailed set of engineering drawings to the Water Pollution Control Authority (WPCA). Design criteria is found in Chapter 6 of the Technical Standards for Land Development and Road Construction and in Guidelines for the Design of Wastewater Treatment Works (TR-16), as amended, prepared by the New England Interstate Water Pollution Control Commission.
- .2 No person or entity shall uncover, make any connection with, alter, repair or disturb any public sewer, or any private sewer that is connected to a public sewer unless a valid permit has been issued by WPCA.

7.3.3 Permits. No permit for a building shall be issued until the sanitary waste disposal system has been approved as noted in paragraphs 7.3.1 or 7.3.2, and written certification has been submitted to the Commission indicating that sanitary waste disposal will be available at the time of the construction of individual buildings.

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7.4 Stormwater Management Report. A Stormwater Management Report shall be prepared by a professional engineer in conformance with Section 4.4.4 of these Regulations and with Chapter 3 of the Technical Standards. When public or private streets or on-site stormwater management systems are proposed, this requirement cannot be waived per provisions contained in Chapter 3.7.

7.5 Flood Hazard Report.

7.5.1 A Flood Hazard Report shall be prepared for all subdivisions located partly or completely within a designated Flood Hazard Overlay Zone or a Coastal High Hazard Area as indicated on a FEMA Flood Insurance Rate Map (FIRM). This requirement cannot be waived per provisions contained in Chapter 3.7. The Flood Hazard Report shall be prepared by a professional engineer, and contain the following information.

- .1 A map showing Flood Hazard Areas having land which is subject to a one (1) percent or greater chance of flooding in any given year (i.e., A, AE or VE zones). Base Flood Elevations (BFEs) shall also be depicted. This map shall also depict all proposed public utilities and facilities (including roadways and stormwater drainage systems), existing and proposed structures and subsurface sewage disposal systems to be located in Flood Hazard Areas.
- .2 For areas where detailed BFE studies are not available, contour interpolation shall be utilized to account for areas at risk due to flooding utilizing established floodplain elevations and known topography within the development. The Municipal Floodplain Manager or Town Engineer shall make the necessary interpretation.
- .3 For all proposed subdivisions, including manufactured home parks, located in a Special Flood Hazard Area (SFHA) the following requirements shall apply.
 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have any public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 4. The applicant shall provide base flood elevation data for all subdivision proposals, including manufactured home parks. In all

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special flood hazard areas where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates base flood elevations for all subdivision proposals including manufactured home parks.

7.5.2 Required Notification on Final Subdivision Plan. When it is likely that structures will be constructed within a Flood Hazard Area, the following information shall be added to the Final Subdivision Plan:

- .1 Note referencing the appropriate Flood Insurance Rate Map including full title, FEMA map number and effective date.
- .2 Graphic depiction of flood zone boundary line(s).
- .3 Text that reads: "Flood Hazard Notice: All new construction and substantial improvements shall (i) be designed and adequately anchored to prevent flotation, collapse or lateral movement; (ii) be constructed with materials resistant to flood damage; (iii) be constructed by methods and practices that minimize flood damage; and (iv) be constructed with electrical, heating, ventilation, plumbing and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding."

7.6 Erosion and Sediment Control Plan.

When any area disturbed for development is cumulatively greater than one-half (1/2) acre, plans for soil erosion and sediment control shall be developed in accordance with Chapter 10 of the *Technical Standards*, following principles outlined in the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended. This requirement cannot be waived per provisions contained in Chapter 3.7. These 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. Alternative Best Management Practices (BMPs) that promote surface water and groundwater quality are encouraged.

7.6.1 As part of its subdivision plan review, the Commission shall either certify that the soil erosion and sediment control plan complies with requirements and objectives of Chapter 10 of the *Technical Standards* or deny certification when the development proposal does not comply with such requirements. Site construction shall not begin prior to receiving soil erosion and sediment control

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plan approval, and those control measures scheduled for installation prior to start of work are installed and functional.

7.6.2 Prior to certification, any plan may be submitted for review by the New London 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 from the applicant.

7.6.3 Approval of a subdivision by the Commission shall not constitute approval of the removal of soil, topsoil or other excavated material from the premises other than that from the road area and then only to the depths shown on the approved plan.

7.7 Traffic Impact Study.

Any application which will result in the addition of thirty (30) or more dwelling units, construction or extension of a new street, or any subdivision of commercial property which could result in new commercial construction shall include a Traffic Impact Study. The study's conclusions and recommendations shall strive to prevent any reduction in Level of Service (LOS) from existing conditions with LOS being a qualitative measure of traffic flow efficiency based on anticipated vehicle delays. The Commission at its discretion may require the Traffic Impact Study to be conducted during summer weekend peak periods when tourist generated traffic volumes are known to be at their greatest. Traffic Impact Studies may require State Department of Transportation approvals should the project be considered a "Major Traffic Generator" by the State. The Traffic Impact Study shall be prepared by a professional traffic engineer and contain the following information:

7.7.1 Scenarios describing both present day and future No-Build background traffic growth conditions on the surrounding roadway system including a determination of weekday and weekend peak hour AM and PM traffic volumes, intersection turning movement counts and intersection capacity analysis, and LOS.

7.7.2 A scenario detailing impacts of the proposed development based on the Institute of Traffic Engineer's published trip generation rates for the contemplated land use (7th Edition or later). This analysis shall include a forecast of weekday and weekend peak hour AM and PM traffic volumes on new streets, site driveways and the surrounding roadway system, intersection turning movement counts and intersection capacity analysis and LOS. Analysis shall also include estimated traffic from development projects proximate to the subject site that are approved but not yet constructed.

7.7.3 Intersection sight distance analysis based on AASHTO recommended minimum stopping sight distance for the roadway's posted speed limit.

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7.7.4 Motor vehicle accident analysis based on available local and state police reports including a discussion of this data as it relates to the proposed development.

7.8 Archaeological Assessment and Management Plan.

Developments shall be laid out to preserve cemeteries and human burials, significant cultural resources and unique man-made features of historic importance utilizing the following guidelines:

7.8.1 Archaeological Assessment. An on-site archaeological assessment shall be required if there is a likelihood that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. This assessment shall be conducted in accordance with standards contained in the *Environmental Review Primer for Connecticut's Archaeological Resources*. Reference copies are on file at the State Historic Preservation Office and the Stonington Department of Planning.

7.8.2 Determination of Need. The determination of need for an archaeological assessment shall be based on:

- .1 Proximity to identified cemeteries, human burials, archaeological sites, historic sites; and/or
- .2 Natural terrain features such as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters where these factors reflect scientifically documented settlement patterns preferred by Native Americans or European Colonists.
- .3 In making this determination, the Town may seek advice and comment from the Office of State Archaeology and/or the State Historic Preservation Office.

7.8.3 Management Plans. Cultural resource management plans submitted to the Commission by the applicant shall consist of:

- .1 A written investigative report prepared by a professional archaeologist containing appropriate historic documentation, a description of research design methods and techniques and a description of sites, features and artifacts discovered as a result of the archaeological investigation. A list of accredited professional archaeologists is maintained by the State Historic Preservation Office.

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- .2 An evaluation of impact of the proposed development on identified cemeteries, human burials, archaeological sites and historic sites.
- .3 A description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on identified cultural resources. This may include an estimate of mitigation costs and time required for more extensive investigations. Measures may include open space dedication; conservation easements; redesign or relocation of roads, drainage features or buildings so as to minimize adverse impacts; or excavation and removal of cultural remains supervised by a professional archaeologist.
- .4 Copies of all investigative reports and management plans shall be submitted to the Office of State Archaeology and State Historic Preservation Officer for review and comment prior to close of any public hearing. Comments received from state officials shall be incorporated into the public hearing record.

7.9 Natural Diversity Data Base Report.

When any development involves disturbance of greater than one acre in an area shown as having State and Federal Listed Species and Significant Natural Communities on the State of Connecticut's Natural Diversity Data Base Areas Map, as amended, the following information shall be submitted:

- 7.9.1 Information regarding any listed species on the State of Connecticut Natural Diversity Data Base Areas Map as amended within the boundaries of the development or that may be impacted by the development.
- 7.9.2 Mitigating measures to protect any such species. A Natural Diversity Data Base review from the Connecticut Department of Energy and Environmental Protection may also be required.

CHAPTER 8

OPEN SPACE REQUIREMENTS

8.1 Open Space Dedication.

- 8.1.1 All subdivision applications shall provide for fifteen percent (15%) of the entire parcel to be dedicated to open space. This requirement does not apply when a Fee-in-Lieu payment has been approved by the Commission in conformance with Section 8.2 below.
- 8.1.2 Required open spaces shall be evaluated in terms of their ability to provide areas for recreation, public access and/or preservation of fragile environments such as, but not limited to: wildlife habitat and corridors, tidal and inland wetlands, streambelts, greenways, floodplains, significant trees and forested areas, agricultural lands, scenic views, steep slopes, aquifers, open space areas identified in the Plan of Conservation and Development or Stonington Open Space Plan, natural, geologic, historic or archaeological resources worthy of preservation and other such areas which significantly contribute to the rural character of Stonington.
- 8.1.3 The dedicated open space shall include at least seven and one-half percent (7.5%) of the entire parcel of soil types other than specified in Section 22a-38(15) and (16) of the Connecticut General Statutes (i.e., non-wetland soils).
- 8.1.4 Stormwater detention basins or sewerage pumping stations shall not qualify towards the minimum area requirements for open space. The Commission may require that such features shall be located on a separate parcel from open space. If such a basin is surrounded by open space then a right of way shall be incorporated for maintenance access.
- 8.1.5 Each open space area, unless otherwise agreed to by the Commission, shall include an access strip at least twenty (20) feet in width from a Town or State highway to enable access to the property. This strip may be in the form of an access easement where appropriate.
- 8.1.6 The Commission may require a public access easement where appropriate. On waterfront sites a public access component may be required if a non-water dependent use is proposed for the site per the Connecticut Coastal Management Act. Improvements for adequate pedestrian, vehicular or watercraft access may be required.
- 8.1.7 If the proposed open space is not in one contiguous parcel, one parcel of the open space shall be at least fifty percent (50%) of the total proposed open space.

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The Planning and Zoning Commission, at its discretion, may waive this requirement in the public interest or upon the recommendation of the Conservation Commission.

- 8.1.8 When the property line of a subdivision abuts existing open space or areas identified in the Plan of Conservation and Development or Open Space Plan for future preservation, the Commission may require boundaries of the proposed new open space tract to directly abut these areas in order to form a single, larger area of unfragmented natural habitat.
- 8.1.9 The Commission, at its discretion, may require that proposed open space be improved for outdoor recreational purposes. Such areas shall be graded to properly drain surface water, be covered with good topsoil to a depth of four (4) inches and seeded with field grass and have all brush and debris removed. These improvements shall be guaranteed by a performance bond to assure satisfactory and timely completion.

8.2 Fee-In-Lieu of Open Space.

- 8.2.1 The Planning and Zoning Commission may accept a fee, or a combination of a fee and land, from an applicant in lieu of the open space required by these Regulations after due consideration of the open space needs of the community and the factors listed in Section 8.1.2. Such fee, or combination of fee and land, shall be based upon ten percent (10%) of the fair market value of the land to be subdivided prior to approval of the subdivision.
- 8.2.2 Fair market value shall be determined by an appraiser jointly selected by the applicant and the Commission. The applicant is responsible for all costs associated with the appraisal.
- 8.2.3 The fee-in-lieu of open space is payable in accordance with Section 8-25(a) of the Connecticut General Statutes and shall be paid when each lot is sold or otherwise conveyed.
- 8.2.4 For subdivisions for which a fee-in-lieu of open space has been granted, a note shall be placed on the survey map for the subdivision stating: "A fee-in-lieu of open space of \$ "x" was approved by the Planning and Zoning Commission." (where "x" equals the agreed upon dollar amount). An identical statement shall be placed in the deed recorded in the land records of the Town of Stonington for each parcel of the subdivision.
- 8.2.5 A fee-in-lieu of open space lien shall be placed on the property prior to or concurrent with the recording of the final subdivision plan. After an individual

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lot is sold and the fee is paid to the Town, the Town shall file a release of lien on the land evidence records.

8.2.6 The fee shall be made payable to "Treasurer, Town of Stonington," and said fee shall be deposited into an Open Space Land Acquisition Fund administered by the Conservation Commission.

8.3 Open Space Review Process.

8.3.1 The Planning and Zoning Commission shall formally notify the Conservation Commission of each open space tract contained in a subdivision application within five (5) business days of its submission. Notification shall be in the form of a letter from the Planning and Zoning Commission to the Conservation Commission chairman.

8.3.2 The Conservation Commission may, at its discretion, make recommendations regarding the size, location, layout, maintenance and ownership of the open space proposal or proposed fee-in-lieu of open space.

8.3.3 The Conservation Commission shall review the proposal and determine if this proposal conforms to the Stonington Open Space Plan. The Conservation Commission may recommend a payment of fee-in-lieu of open space or a combination of land and a fee.

8.3.4 The Planning and Zoning Commission shall not make a decision concerning open space until a response is received from the Conservation Commission. If the response is not submitted within forty five (45) days after transmittal or prior to the close of the public hearing, it shall be presumed that the Conservation Commission does not disapprove of the proposed open space or fee-in-lieu thereof.

8.3.5 Open space parcels shall be subject to a recorded enforceable deed restriction providing that such land shall be perpetually kept in an open state, that it be preserved exclusively for the purposes set forth herein and that it be maintained in a manner which will ensure its suitability for its intended purposes. The Subdivider shall present to the Commission a proposed warrantee deed for the transfer of open space which must be executed and filed in the municipal land records prior to or concurrent with the recording of the final subdivision plans.

8.4 Ownership of Open Space.

Open space shall be conveyed, at the Planning and Zoning Commission's discretion, in fee simple title to one of the entities listed below:

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- 8.4.1 A legally chartered and/or incorporated non-profit organization whose primary purpose is the preservation of land in a natural state in perpetuity.
- 8.4.2 A corporation or trust comprised of owners of lots within a subdivision. When a corporation or trust is used, ownership shall pass with conveyances of the lots or units. Maintenance of open space shall be permanently guaranteed through mandatory assessments. A statement notifying homebuyers of such mandatory assessments shall be included on the final, recorded subdivision plans. Each individual ownership deed, and the deed or trust or articles of incorporation shall include provisions designed to preserve, maintain, inspect and manage the open space. In the event that such a corporation or trust fails to maintain the open space, the Town may perform any required maintenance and lien the corporation or trust for the cost of the work performed.
- 8.4.3 The Town of Stonington or State of Connecticut for use only as dedicated open space in perpetuity following the provisions of this Section. Deeds transferring land to the Town of Stonington shall be referred to the Town's legal counsel for review.

8.5 Exemptions.

The provisions of this chapter are not required under the circumstances listed below. The Commission shall not grant any waivers for dedication of open space or fee in-lieu of open space that do not fall within the exemptions below.

- 8.5.1 Open Space Developments, as defined in Chapter 10 of these Regulations and Section 6.6.22 of the Zoning Regulations. The open space requirements of such developments are specifically regulated in those sections.
- 8.5.2 Resubdivision of a parcel that was previously subject to an approved open space dedication.
- 8.5.3 Subdivisions in which 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 as per Connecticut General Statutes Section 8-25. No portion of the subdivision will be deemed a buildable lot until all of such transfers have been perfected. The Town may require reasonable evidence of the relationship of the transferee to the transferor and the fact that the transfer was made for no consideration before any portion of the subdivision will be treated as a buildable lot.
- 8.5.4 Subdivisions which include Affordable Housing, as defined in Connecticut General Statutes Section 8-39a, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

CHAPTER 9

PRIVATE DRIVES

9.1 General Criteria. The Planning and Zoning Commission may approve a subdivision plan providing in whole or in part for private drives not to be owned or maintained by the Town of Stonington, if in its opinion, it finds that the following conditions have been or will be satisfied:

9.1.1 The private drive shall not be used by any properties other than those it is specifically constructed to serve. Such private drives shall not be designed to serve public through-traffic. The Commission may make an exception where private drives which are serving existing residences were developed prior to the adoption of Subdivision Regulations in the Town.

9.1.2 The creation of a private drive shall not render land adjoining such subdivision unreasonably inaccessible.

9.1.3 The Final Subdivision Plan shall show the drive clearly labeled "Private Drive."

9.1.4 Before any subdivision lot is sold or offered for sale, the entrance thereto from a public drive shall be posted and kept posted with a sign at least two square feet in size legibly containing the words "Private Drive."

9.1.5 A reasonable plan or arrangement exists and is intended to be kept in effect for the maintenance and snow plowing of the private drive.

9.2 Property Owner Notification.

Lots within the subdivision to be served by a private drive shall be subject to written provisions contained in the deed to be recorded in the Stonington Land Records and on the Final Subdivision Plan as follows:

9.2.1 Deed. "The premises described herein abuts a private drive that is not owned or maintained by the Town of Stonington. In the event that such a drive is offered to the Town of Stonington for acceptance into the public highway system, the lot owner shall be assessed for the benefits accruing to said property and for any improvements necessary in connection therewith."

9.2.2 Final Subdivision Plan. "Lots within this subdivision are served by a private drive that is not maintained by the Town of Stonington. If private drives shown on this subdivision plan are to be accepted for ownership by the Town of Stonington, such drives shall first be improved at the sole cost of the affected property owners so as to comply with applicable specifications contained in the *Technical*

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Standards for Land Development and Road Construction, Town of Stonington, Connecticut.”

- 9.3 Emergency Access. Private drives depicted on a subdivision plan approved in accordance with the provisions of this Chapter shall at all times be open to access by fire, police and other emergency vehicles.
- 9.4 Maintenance. Private drives depicted on a subdivision plan approved in accordance with provisions of this Chapter shall not receive Town maintenance and shall not receive snow plowing services from the Town.
- 9.5 Design Standards. Private drives are not required to be designed to full Town standards. However, such drives must be generally designed and constructed to meet the standards of Chapter 5 of these Regulations and Technical Standards for Land Development and Road Construction document. Road widths and other geometric standards shall ultimately be at the discretion of the Commission.
- 9.6 Acceptance of private drives for ownership by the Town. If the private drive shown on the subdivision plan is to be accepted into the Town of Stonington’s public highway system, it shall first be improved at the sole cost of the affected property owners, so as to comply with applicable specifications contained in the *Technical Standards for Land Development and Road Construction*. After such improvements have been completed to satisfaction of the Commission and Department of Public Works, owners of the private drive may petition the Board of Selectmen for Town acceptance of the drive. No drive shall be considered a Town roadway for purposes of maintenance or snow plowing until after an affirmative vote of the Selectmen.

CHAPTER 10

OPEN SPACE DEVELOPMENTS

10.1 Purpose.

An Open Space Development (OSD) provides flexible location of single family residential units on portions of a property best suited for development while preserving the remaining land as open space. The creation of open space is accomplished by permitting a reduction of normally required lot sizes and setbacks. Open Space Development furthers goals of Stonington's Plan of Conservation and Development by (1) protecting natural streams, water supplies and watershed areas; (2) conserving wildlife, scenic views, prime agricultural soils, wetlands and other significant natural features; (3) enhancing the value of unfragmented forest habitat, wildlife preserves or adjoining open space; (4) enhancing public and private recreation opportunities; (5) preserving historic and archaeological sites; and (6) providing greater design flexibility and efficiency in the siting of infrastructure, including reduced length of streets and utilities, thus limiting the amount of impervious surfaces and stormwater runoff.

10.2 Requirements. All Open Space Developments must conform to the requirements of Section 6.6.22 of the Zoning Regulations.

10.2.1 Subdivisions of Land. Open Space Developments that meet the definition of a "subdivision" or "resubdivision" in Chapter 2 of these Regulations shall be required to obtain subdivision approval.

10.2.2 Common Interest Community. Open Space Developments that consist of a Common Interest Community shall not be required to obtain subdivision approval if they do not meet the definition of a "subdivision" or "resubdivision" in Chapter 2 of these Regulations. Such developments must apply for Special Use Permit approval per Section 6.6.22 of the Zoning Regulations.

10.3 Required Findings. The Planning and Zoning Commission shall, in determining the arrangement of the lots, the dimensions of each lot, the location of open space and/or reserve areas, find the following:

10.3.1 The provisions for lots are in harmony with the topographic configuration of the site and the immediate area and will promote solar energy access.

10.3.2 The nature of the surficial material and soil conditions will not be adversely affected by said modifications.

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- 10.3.3 Hydrologic conditions of the site and surrounding areas will not be adversely affected.
- 10.3.4 Provisions for open space and/or reserve areas for occupant use are adequate and provide private spaces, semi-private and community spaces.
- 10.3.5 The internal arrangement of the streets and access to public roads will not adversely affect the traffic patterns of the area and emergency vehicle access.
- 10.3.6 The number, type and density of dwelling units and the design of the site conforms to this section and other provisions of this Regulation and is in the interests of the public welfare.
- 10.3.7 The ownership provisions for the proposed preservation and natural areas will not result in an undue maintenance burden on the Town.
- 10.3.8 The proposed water and sewer provisions for the site are approved by the Town Health Officer.
- 10.3.9 The existing character of the area in terms of predominant building proportion and form, density and arrangement will not be adversely affected.
- 10.3.10 Any existing inland wetlands, watercourses and tidal wetlands, slopes and floodplains will not be adversely affected.
- 10.3.11 General conformance to the Stonington Plan of Conservation and Development.
- 10.3.12 The proposed Open Space Development subdivision would be more beneficial to the Town of Stonington than development under district zoning regulations.
- 10.3.13 The preservation area resulting from the Open Space Development is of sufficient environmental value to warrant trading permission for Open Space Development in order to acquire such benefit.
- 10.3.14 The applicant has filed with the Planning and Zoning Commission and the Town Attorney a proposed contract for the transfer of the preservation area that must be executed and filed with the Town Clerk prior to the recording of the Final Subdivision Plan.

APPENDIX 1

APPLICATION FEES

Application Fees.

Subdivision fees. Pursuant to Section 8-1c of the Connecticut General Statutes, the Town of Stonington has by ordinance established the following fee schedule to be used for processing submitted subdivision applications. These fees are payable to the Town of Stonington at the time an application is filed.

Preliminary Subdivision	\$200.00	
Subdivision and Resubdivision		
Base Fee	\$500.00	Plus:
2 – 20 lots, plus Base Fee	\$225.00	per lot
21 – 50 lots, plus Base Fee	\$200.00	per lot
51+ lots, plus Base Fee	\$175.00	per lot
Inspection Fee	\$50.00	per lot

Additional fees where applicable:

Coastal Area Management	\$200.00	plus \$100.00 per lot
Groundwater Protection	\$250.00	

Engineering Review and Construction Inspection Fees.

Town Ordinance has established a schedule of fees as follows, payable to the Town of Stonington:

- .1 Engineering Review Fee. Covers approximate administrative costs for reviewing and evaluating subdivision applications, consisting of a flat fee of \$500, plus \$1.00 per linear foot of road, payable at the time a subdivision application is filed.
- .2 Construction Inspection Fee. Covers inspection and supervision of infrastructure construction at five percent (5%) of estimated project cost, payable at the time when land clearing and site work is initiated.
- .3 Additional costs. In addition to fixed fees set forth above, the Town is empowered to collect payment for direct costs of materials and services performed by professionals, other than Town employees, including, but not limited to specialized inspection, third

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party professional certifications, legal, stenographic and transcription services associated with an application or require an applicant to provide certifications, inspections, and/or professional consultant reports at the applicant's expense.

APPENDIX 2

SIGNATURE BLOCK FOR CONDITIONAL APPROVALS

The following signature block shall be included on each sheet of a Conditional Approval to be endorsed by the Commission:

CONDITIONAL APPROVAL
This subdivision received Conditional Approval by the Town of Stonington Planning and Zoning Commission.
Signature _____ (Chairman or Secretary)
Date of Conditional Approval _____
Pursuant to Section 8-25(a) of CT General Statutes as revised and Section 3.10 of the Stonington Subdivision Regulations, all work in connection with this subdivision must be completed within five years of the Conditional Approval unless extended by the Commission, the date of such expiration being _____. No such extension shall exceed ten years from the original Conditional Approval.
No lot shall be transferred to a buyer before either 1) any required bonds are posted, or 2) before the approved public improvements and utilities are completed to the satisfaction of the Town. Upon satisfying either of these two conditions, a Notice Finalization of Conditional Approval shall be recorded in the Land Evidence Records.

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SAMPLE NOTICE OF FINALIZATION OF CONDITIONAL APPROVAL

A document including the following information shall be prepared by the Town, signed by the Commission Chairman or Secretary and recorded in the Town's Land Evidence Records.

**NOTICE OF FINALIZATION OF CONDITIONAL APPROVAL
AND RELEASE OF RESTRICTIVE COVENANT**

The Subdivision Plan known as

_____ which was filed in the Town's

Land Evidence Records on [Date] as Map # _____ Drawer/Folder _____, received Conditional Approval by the Town of Stonington Planning and Zoning Commission on

_____.

To enforce such Conditional Subdivision Approval, a RESTRICTIVE COVENANT dated _____ was filed at Volume _____, Page _____ of the Town's Land Evidence Records, which covenant was in the name of _____ as Grantor.

The conditions of said approval have been satisfied by either the posting of required bonds or the completion of public improvements and utilities to the satisfaction of the Town. Therefore, FINALIZATION OF CONDITIONAL APPROVAL is hereby granted and the RESTRICTIVE COVENANT is now RELEASED.

Pursuant to Section 8-25(a) of CT General Statutes as revised and Section 3.10 of the Stonington Subdivision Regulations, all work in connection with this subdivision must be completed within five years of the original Conditional Approval unless extended by the Commission, the date of such expiration being _____. No such extension shall exceed ten years from the original Conditional Approval.

Signature _____
(Chairman or Secretary)

APPENDIX 3

CHECKLIST FOR THE RECORDING OF SUBDIVISION PLANS

Prior to the Commission's endorsement of approved subdivision plans, the following items shall be provided as applicable.

ITEM	PROVIDED	STAFF COMMENTS
Final mylars including any changes required by the Planning and Zoning Commission and Inland Wetlands and Watercourses Commission		
Printed stipulations of approval issued by Planning and Zoning Commission and Inland Wetlands and Watercourses Commission		
Signature block(s) for Planning and Zoning Commission and Inland Wetlands and Watercourses Commission		
Surveyor / engineer / landscape architect raised seals and original signatures as required		
Review of final plans by any applicable departments or agencies such as the Town Engineer or Fire Marshal		
Inclusion of new Assessor's Map-Block-Lot numbers, street names and address numbers		
Submission of executed legal documents for the transfer of any dedicated open space		
Board of Selectmen approval for the transfer of any dedicated open space to the Town		
Submission of executed legal documents for any required easements		
Submission of executed fee-in-lieu of open space lien as required		
Town Attorney review of legal documents for any land transfers or easements dedicated to the Town		
AutoCAD drawing of final plans or fee-in-lieu to cover Town's cost to create such files (Town will determine amount based on work involved)		
For Conditional Approvals – Executed Restrictive Covenant prohibiting conveyance of any lots until the Finalization of Conditional Approval		

APPENDIX 4

AMENDMENT HISTORY

AMENDMENT DATE	REFERENCE
7/19/1960	Subdivision Regulations Adopted in the Town of Stonington
10/1988	Revision
11/1989	Revision
7/15/2003	PZ0324RA – Regulation Amendment to the Subdivision Regulations Section VII Open Space for the purpose of adding a fee-in-lieu of open space provision.
4/4/2006	PZ0614RA – Subdivision Regulation Amendment to re-codify the Subdivision Regulations to a numerical system. No substantive changes were made.
8/21/2006	PZ0626RA – Subdivision Regulation Amendment to Sections 9 and 10 to remove clustering and replace with Open Space Design. Modification to SR 12 to include private drive provision for Open Space Development.
5/4/2011	PZ1106RA – Subdivision Regulation Amendment to Chapters II and IX to add definitions and standards related to development in flood hazard areas.
8/8/2016	PZ1520RA – Regulation Amendment for the rewrite of the Town’s Subdivision Regulations to provide clarification, conformance to State Statutes, and consistency with the Town’s Technical Standards.



Does not include all amendments that occurred during this timeframe.