

SUBDIVISION REGULATIONS
FOR THE TOWN OF KENT, CONNECTICUT

KENT PLANNING & ZONING COMMISSION

JUNE 1, 1995

ORIGINAL ADOPTED 1969

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SECTION 1

PURPOSE AND AUTHORITY

1.1. The Town of Kent, through its Planning and Zoning Commission, for the purpose of providing for orderly growth and to establish proper standards for the designs of subdivisions and construction of streets and other related improvements has adopted the following regulations in accordance with Section 8-25 of the General Statutes of the State of Connecticut.

1.2. The Planning and Zoning Commission may approve or disapprove a Subdivision Plan after applying these Regulations in order to reasonably protect the rights of individuals, property values, public health, public safety and public welfare and after considering the following:

1.2.1. Land to be subdivided shall be suitable for building purposes without danger to health or the public safety, water or air pollution, excessive noise, or other menace;

1.2.2. Proper provision shall be made for water supply, drainage, sewage disposal, fire protection, and other appropriate utility services;

1.2.3. Proper provision shall be made for protection of water supplies. In areas subject to flooding, proper provision

shall be made for protective flood control measures;

1.2.4. Proposed roads shall be located in accordance with the Town road system as recommended in the Town Plan of Development. Existing and proposed roads and related improvements shall be of such width, grade, locations, and design as to provide safe and convenient system for present and prospective traffic;

1.2.5. Proper provision shall be made for the conservation of natural and cultural resources and the preservation of open space, scenic values, streambelts, agricultural lands and recreation areas as identified in the Town Plan of Development;

1.2.6. Proper provision shall be made to control soil erosion and prevent sedimentation of wetlands and waterbodies;

1.2.7. Provision shall be made to permit land to be developed in an energy efficient manner, accommodating solar and other renewable forms of energy; and,

1.2.8. Proper provision shall be made for securing the construction of required improvements and utilities.

SECTION 2

RULES AND DEFINITIONS

2.1. RULES . In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

2.1.1. Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.

2.1.2. The word "shall" is mandatory and not discretionary.

2.1.3. The word "may" is permissive.

2.1.4. The word "lot" shall include the words "piece", "plot" and "parcel".

2.1.5. The words "zone", "zoning district", and "district" shall have the same meaning.

2.1.6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.

2.1.7. The phrase "these Regulations" shall refer to the entire Subdivision Regulations of the Town of Kent.

- 2.1.8. The word "Section" shall refer to a section of these Subdivision Regulations, unless otherwise specified.
- 2.1.9. The word "person" or "applicant" shall include any individual, firm, partnership, corporation, association, organization or other legal entity.
- 2.1.10. The word "building" shall include the word "structure", and any part thereof.
- 2.1.11. The word "built" shall include the words "erected", "constructed", "reconstructed", "altered", "enlarged", or "occupied".
- 2.1.12. The "Town" means the Town of Kent, Connecticut.
- 2.1.13. The "State" means the State of Connecticut.
- 2.1.14. The "Commission" means the Planning and Zoning Commission of the Town of Kent, unless otherwise specified.
- 2.1.15. Any official, agency, commission, board or department is that of the Town of Kent, unless otherwise specified.
- 2.1.16. The "Plan of Development" shall refer to the latest officially adopted Plan of Development of the Town of Kent.
- 2.1.17. The "Zoning Regulations" shall refer to the latest officially adopted Zoning Regulations of the Town of Kent.
- 2.1.18. The "Zoning Map" means the latest officially adopted Zoning Map of the Town of Kent.
- 2.1.19. Words which are specifically masculine or feminine shall be interpreted as interchangeable.
- 2.1.20. Unless a term is specifically defined herein, the definition of such term which appears in the Kent Zoning Regulations shall prevail.

2.2. DEFINITIONS

ACRE: 43,560 square feet

BASE FLOOD: The flood having a one percent chance of being equalled or exceeded in any given year.

BUFFER, BUFFER AREA OR BUFFER STRIP: A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening, designed to shield or block noise, lights or other annoyances.

BUILDING: A structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods or materials.

BUILDING LINE: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the Town.

CUL-DE-SAC, PERMANENT: A dead-end street ending in a circular turnaround entirely surrounded on its frontage with one or more separate lots.

CUL-DE-SAC, TEMPORARY: A dead-end street ending in a circular turnaround and designed to be extended into adjoining undeveloped land.

CURB CUT: The opening along the curb line of a street where vehicles may enter or leave the roadway.

DISTRICT: A zoning district established by the provisions of Section 3 of the Kent Zoning Regulations.

DRAINAGE: The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRIVEWAY: A private roadway providing access to not more than two dwellings or four dwelling units, or a single commercial, agricultural or industrial enterprise.

EARTH: Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.

EROSION: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

EXCAVATION: The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its contour.

FILLING: The process of depositing fill such as soil, sand, gravel, rock or clay.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land susceptible to being partially or completely inundated by water from a river, stream, or body of water.

FRONTAGE: The length measured along that side of a lot abutting on a street.

GENERAL STATUTES: The General Statutes of the State of Connecticut, as amended.

GRADE, FINISHED: The final elevation of the ground surface after development compared to a given reference datum.

GRADING: Any excavating, stripping, cutting, grubbing, filling (including hydraulic fill) or stockpiling of earth, or any combination thereof, which results in a change of contour or elevation.

LAND SURVEYOR: A surveyor licensed to practice in the State of Connecticut.

LOT: A parcel of land occupied or capable of being occupied by a principal building, structure or use and the accessory buildings or uses customarily incidental thereto. In the case of multiple dwellings and public, institutional, commercial, industrial or agricultural buildings, a contiguous group of buildings under the same ownership may be considered as occupying the same lot.

LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT LINE: A line bounding the area of a lot.

OPEN SPACE: A space not occupied by a building or other roofed structures on the same lot as the principal building or use.

OPEN SPACE, PUBLIC: Any land in a subdivision proposed for public acceptance by the Town of Kent for park or playground purposes in a location approved by the Kent Planning and Zoning Commission.

ORIGINAL: The conditions existing at the effective date of an application to the Kent Planning and Zoning Commission for permission to change conditions on a piece of property.

PREMISES: A lot together with any structures thereon.

PROFESSIONAL ENGINEER: An engineer licensed to practice in the State of Connecticut.

RESUBDIVISION: A change in a map of an approved or recorded subdivision or resubdivision, if such change:

- a. Affects any street layout on such map;
- b. Affects any area reserved thereon for public or common use;
- c. Diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots thereon

have been conveyed after the approval or recording of such map; or substantially alters the shape of any lot so as to eliminate the septic and/or septic system reserve area without substituting another approved by the Town Sanitarian.

SCENIC ROAD: A road so designated by the Planning and Zoning Commission in accordance with the provisions of the Kent Scenic Road Ordinance.

SETBACK LINE: The line parallel to a street or lot line at a distance established by the minimum yard requirements of the Kent Zoning Regulations, behind which buildings and structures may be legally erected.

SOIL: Any unconsolidated mineral or organic material of whatever origin.

SOIL EROSION AND SEDIMENTATION - CERTIFICATION: Approval by the Kent Planning and Zoning Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

SOIL EROSION AND SEDIMENTATION - DISTURBED AREA: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

SOIL EROSION AND SEDIMENTATION - INSPECTION: The review of sediment and erosion control measures shown on the certified plan.

SOIL EROSION AND SEDIMENTATION - REGULATIONS: Any regulations adopted by a municipality pursuant to Sections 8-2, 8-13d and 8-25 of the Connecticut General Statutes.

SOIL EROSION AND SEDIMENTATION - SEDIMENT: Solid material, either mineral or organic that is in suspension, is transported, or has been moved from its site of origin by erosion.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A plan that indicates necessary treatment measures to minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

SOIL SCIENTIST: A soil scientist accredited to practice in the State of Connecticut.

STREET: A road, highway, lane, avenue, boulevard, or any other public or private way, or a way opened to the public or private use, which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

STREET, ACCEPTED: A street which has become public by virtue of dedication to and formal acceptance by the Town of Kent.

STREET, COLLECTOR: A street which carries automotive traffic from local streets to primary streets, including the principal entrances to developments and streets for circulation within such developments.

STREET, LINE: A common line between a lot and a street right-of-way.

STREET, LOCAL: A street used primarily for access to abutting property.

STREET, PRIMARY: A street used primarily for heavier volumes of traffic.

STREET, PRIVATE: A street shown on an approved subdivision plan which is labeled "private

street" or "private road".

STREET PROFILES: A plan-profile of new streets, showing existing grades and new street profiles, cross-sections, center line data, vertical curves, and drainage and utilities data, coordinated by stations, together with such additional information as may be required.

STREET RIGHT-OF-WAY: The area of a street, between the boundary lines of that street.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or water or attachment to something having location on the ground or water. A structure shall be deemed to include, but not be limited to; buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than six feet in height, other than retaining walls.

SUBDIVISION: The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

SUBDIVIDER: An applicant for approval of a subdivision or resubdivision plan, who shall be the owner of record of the premises to be subdivided or resubdivided, or who shall have a legal or equitable interest therein, at the time of the application for approval of such plan.

WALKWAY: A sidewalk, path, trail or any other easement which provides for the movement of pedestrian or other non-motorized traffic.

WATERCOURSE: As defined in Section 22a-38.16 of the Connecticut General Statutes.

WETLAND: Any land area, including submerged land, which consists of any of the soil types generally designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended, of the Soil Conservation Service of the U.S. Department of Agriculture. In the event of reasonable doubt as to any particular body of water's or area of land's classification as "wetland", the Town Conservation-Inland Wetlands Commission shall determine whether the area in question is a wetland.

YARD: An open space between the facing wall of a structure and the nearest lot line and which is unoccupied except as may be specifically authorized by the Kent Zoning Regulations.

SECTION 3

GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

3.1. GENERAL . No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm, or corporation making any subdivision of land without approval of the Commission shall be fined in accordance with the provisions of the General Statutes for each lot sold or offered for sale or so subdivided. Nothing in this Section shall prevent the subdivider from entering into a contract for sale conditional upon Subdivision Plan approval.

3.2. APPROVAL REQUIRED . No Subdivision map or plan shall be filed with, or recorded by, the Town Clerk until its approval by the Commission has been indicated upon the map or plan, and any recording of a subdivision map or plan without such approval shall be void. The record subdivision or resubdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2 Survey" of the Connecticut Association of Land Surveyors, Inc. The Commission may, in its discretion waive this requirement by a positive 3/4 vote of all the members of the Commission, provided that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The Commission must state upon its records the reasons for granting any waiver.

3.3. SUBDIVIDER'S OBLIGATIONS. Every subdivider shall be required to follow these Regulations. The subdivider should also familiarize himself in advance with current State and Town regulations relative to health, buildings, roads, and other pertinent data in order to be thoroughly aware of the obligations and standards expected.

3.4. CHARACTER OF LAND. The land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; proper provision shall be made for water supply, drainage, and 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.

3.5. ZONING REQUIREMENTS. All proposed lots in a Subdivision Plan shall comply with the minimum lot and other dimensional requirements specified in the Zoning Regulations.

3.6. UTILITIES. All utilities, convenience and other necessary or desirable lines shall be located underground except that the commission may approve overhead lines where physical conditions make underground installation impractical.

3.6.1. Water supply and distribution systems shall be installed in accordance with the specifications of the Connecticut Department of Health.

3.6.2. The Commission may require that capped sewers be installed in a subdivision which is located within or abuts an area that can reasonably be expected to be served by public sewers within five years of the submission of the Subdivision Plan and "as-built" plans shall show exact locations and elevations so that capped ends can be readily located.

3.7. IMPROVEMENT REQUIREMENTS. Each Subdivision Plan shall provide for adequate:

3.7.1. Surface and storm water drainage;

3.7.2. Sanitary water disposal;

3.7.3. Utilities; and

3.7.4. Any other improvements in amounts and locations considered necessary by the Commission to protect health, safety, and the general welfare.

3.7.5. No natural watercourse shall be disturbed, obstructed or otherwise altered unless approved by the Commission and any other local or State requirements are satisfied, and substitute means of runoff are provided and so approved. The Commission may require sufficient easements for storm water drainage including easements required beyond the limits of the subdivision. All drainage pipes and ditches shall be designed for a capacity sufficient to carry safely all storm water from the subdivision tract. The subdivider shall construct and install all ditches, pipes, culverts, and other storm water drainage structures as required by the Commission and shall maintain them until the streets in the subdivision are approved by the Commission or accepted by the Town.

3.7.6. In those cases where the Commission deems it necessary due to the possibility of difficult soils conditions, the applicant shall submit a report from a soils scientist acceptable to the Commission, which report shall evaluate the soils of the subject site for the proposed use.

3.8. PUBLIC OPEN SPACE. The Commission may require the provision of open spaces, parks, and playgrounds when, and in places, deemed proper by the Commission, which open spaces, parks and playgrounds shall be shown on the Subdivision Plan. In lieu thereof, the Commission may require the payment of a fee in accordance with Section 3.8.6.

3.8.1. Each area reserved for such purpose shall be conveniently accessible to all lots from public ways, and shall be so located as to serve adequately all parts of the subdivision, as approved by the Commission. The Commission may require that the area so reserved be located or laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. All areas reserved for open space purposes, shall contain not less than one acre, unless otherwise approved by the Commission. The Commission shall not require more than 15% of the gross area of the subdivision to be reserved for such open space purposes. The open space area shall be shown and shall be noted on the Subdivision Plan as "Reserved for Open Space Purposes".

- 3.8.2. In determining whether or not to require public open space and the size and location of such areas, the Commission shall consider but not be limited to the recommendations of the Town's Plan of Development and/or Open Space Plan as well as the following criteria:
- a. Important natural areas identified in the Town's Open Space Plan;
 - b. Buffer areas between adjoining land uses;
 - c. Flood plains, legally defined wetlands, streambelts and prime and important farmland soils as defined by the Soil Conservation Service;
 - d. Important features such as scenic vistas and roads, ridge tops, streams, rock outcroppings, waterfalls, and other unique and fragile features;
 - e. Linkages connecting open spaces;
 - f. Land suitable for active recreation.
- 3.8.3. Land marked "Reserved for Public Open Space Purposes" on the Subdivision Plan shall be owned and maintained by an association of property owners within the subdivision or shall be donated to a non-profit conservation organization and the land shall be maintained as open space in perpetuity. The donation of open space land to said organization shall not require the consent of adjacent property owners. Lot owners in the subdivision within which the open space is located shall have right of access for the purposes of passive recreation.
- 3.8.4. If evidence acceptable to the Commission is not submitted confirming acceptance of the open space by a non-profit conservation organization as a condition of approval of the Subdivision Plan by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the office of the Town Clerk, which document shall:
- a. Establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;
 - b. Be binding on all future owners;
 - c. Be perpetual;
 - d. Not be affected by any change in zoning or land use designation;
 - e. Assure appropriate maintenance of the reserved land;
 - f. Permit enforcement by adjoining property owners or the Town by appropriate court action; and
 - g. Provide that if maintenance, preservation or use of the reservation no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.
- 3.8.5. After approval by the Commission, the document shall be filed by the applicant in the Office of the Town Clerk.
- 3.8.6. The Commission, solely at its option, may authorize the applicant to pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than 10% of the fair market value of land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision and

placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. The open space requirements of this Section shall not apply if the transfer of all land in a subdivision of less than five parcels shall be to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision shall contain affordable housing, as defined in section 8-39a of the General Statutes, equal to 20% or more of the total housing to be constructed in such subdivision.

- 3.9. SOIL CONSERVATION REPORT.** Depending upon the scope of the proposed subdivision, the Commission may require a study of the proposed changes in topography, drainage, stream lines, soil cover, and natural vegetation in relation to soil conservation and watershed development including water flow retardation and erosion control.
- 3.10. ENVIRONMENTAL ASSESSMENT.** If deemed necessary, the Commission may require an environmental assessment by one or more qualified environmental specialists.
- 3.11. APPROVAL BY COMMISSION'S ENGINEER.** If deemed necessary, a Subdivision Plan may not receive final action by the Commission until after it has received a report from an engineer designated by the Commission.
- 3.12. PRIVATELY-OWNED RESERVE STRIPS.** No privately-owned reserve strips shall be permitted which control access to land dedicated or proposed to be dedicated to the Town or to any land trust or similar organization approved by the Commission.
- 3.13. PUBLIC WATER SUPPLY.** In the case of a subdivision served by public water supply, all necessary mains, branch offsets, fire hydrants, and other necessary water installations shall be installed in accordance with applicable regulations.
- 3.14. SITE GRADING PLAN.** No land shall be graded except as shown on the Subdivision Plan approved by the Commission. Where site grading or filling is necessary, the Commission may require a Site Grading Plan.
- 3.15. HYDROLOGIC STUDY.** If deemed necessary, the Commission may require a hydrologic study to determine the presence of adequate water on the site to service the proposed subdivision.
- 3.16. PRESERVATION OF NATURAL BEAUTY.**
- 3.16.1. The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings, and shall preserve public scenic views and historically significant features.
 - 3.16.2. Major trees shall include any of the appropriate varieties of shade trees, flowering trees or evergreens.
 - 3.16.3. Shrubs shall include any of the appropriate varieties of evergreen or deciduous bushes.
 - 3.16.4. All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.
 - 3.16.5. At the time of planting, trees shall be balled and burlapped and shall be of the following minimum size (caliper measurements to be taken four feet above ground level):
 - a. Shade trees: 2 1/2 inch caliper
 - b. Evergreen trees: 6 foot height
 - c. Flowering trees: single stem - 2 inch caliper, clump form - 8 foot height

- 3.16.6. Trees and shrubs within five feet of any paved areas shall be of such varieties capable of withstanding damage from salt.
- 3.16.7. Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Acceptable mulching material shall be shredded bark, woodchips or other organic substitute, at least four inches in depth.
- 3.16.8. Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees and shrubs. Suitable ground cover shall be grass, turf, myrtle, pachysandra, stone, gravel or an appropriate substitute.
- 3.16.9. No stone or gravel shall be used for ground cover within four feet of walkways unless the material is suitably contained within its area.
- 3.16.10. Where feasible, existing trees shall be saved; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from damage.
- 3.16.11. No trees five inches or greater in caliper as measured four feet above ground level shall be removed unless so approved by the Commission.
- 3.16.12. Scenic roads, if present, shall be maintained in their existing condition constant with applicable law.

3.17. SOIL EROSION AND SEDIMENT CONTROL PLAN.

- 3.17.1. A SOIL EROSION AND SEDIMENT CONTROL PLAN (hereinafter called a Control Plan) shall be submitted with any application for subdivision or resubdivision approval when the disturbed area of such subdivision or resubdivision shall cumulatively be more than one-half acre.
- 3.17.2. PROVISIONS. A Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guideline for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. Said plan shall contain, but not be limited to:
 - a. A narrative describing the development project and time schedule for:
 - (1) all major construction activities indicating the anticipated start and completion of development.
 - (2) creating and stabilizing of disturbed areas.
 - (3) grading operations.
 - (4) applying erosion and sediment control measures and facilities onto the land.
 - b. Design criteria, construction details, detailed installation/ application procedures and maintenance program.
 - c. A map showing:
 - (1) existing and proposed topography;
 - (2) proposed area alterations;
 - (3) disturbed areas; identifying the extent of all proposed clearing and grading activities; and,
 - (4) location of and other detailed information concerning erosion and sediment control

measures and facilities.

- 3.17.3. **ISSUANCE OR DENIAL OF CERTIFICATION.** The Commission shall either certify that the Control Plan complies with the requirements and objectives of this Section or deny certification when the subdivision proposal does not comply with this Section. Nothing in this Section shall be construed as extending the time limits for the approval of any application under the provisions of the General Statutes.
- 3.17.4. **INSTALLATION AND MAINTENANCE.** Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.
- 3.17.5. **INSPECTION.** Inspections during development by the Commission or its designated agent, shall ensure compliance with the certified plan and that control measures and facilities have been properly performed, installed and maintained. In the case of a subdivision in which individual lots are to be sold and developed over a period of time, and in which the cumulative effect of developing all lots and related improvements will result in a disturbed area of more than one-half acre, said Control Plan shall be submitted on a lot by lot basis to the Commission for its review and approval prior to the issuance of a Zoning Permit for each lot. In addition, a note shall be added to the map for said subdivision, and in the deed for each lot, stating that no development shall take place on any lot until the Control Plan for said lot has been approved by the Commission.
- 3.18. PASSIVE SOLAR ENERGY.** Each applicant submitting a plan for subdivision shall demonstrate to the Commission that consideration has been given in developing the plan, to using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. Such passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss and provide for natural ventilation during the cooling season. Such techniques shall include, but not be limited to:
- 3.18.1. House orientation;
- 3.18.2. Street and lot layout;
- 3.18.3. Vegetation;
- 3.18.4. Natural and man-made topographical features; and,
- 3.18.5. Protection of solar access within the subdivision.
- 3.19. COMPLIANCE WITH ZONING REGULATIONS AND PLAN OF DEVELOPMENT.** The Subdivision Plan shall conform in general to the Plan of Development, Zoning Regulations, and in particular to these Subdivision Regulations.
- 3.20. DEFACTO SUBDIVISION.** If two or more houses are constructed on a lot for which the Zoning Regulations permit only one house, or a parcel of land is divided into three or more lots, and it seems otherwise evident to the Commission that, in fact, a subdivision is being developed even though no application for such subdivision has been made, the Commission may declare the parcel a subdivision and require the developer to make application as required in these Regulations, unless the developer can reasonably prove to the Commission that his actions do not constitute a subdivision. Failure to follow the action of the Commission shall make the developer liable to appropriate penalties, and no further building permits shall be granted on such parcel until the developer has complied.

SECTION 4

SUBDIVISION PLAN-PROCEDURES

- 4.1. PRE-APPLICATION ADVANCE DISCUSSION.** Whenever a subdivision is proposed involving one or more streets, or an appreciable number of lots or any unusual planning or design problem, the Commission recommends, but does not require, that an advance discussion be requested by the subdivider with the Commission prior to the filing of a Subdivision Plan application.
- 4.2. SUBMISSION OF PRE-APPLICATION LAYOUT.** The subdivider of any proposed subdivision may submit two copies of a pre-application subdivision layout to the Commission at least two weeks prior to the regular Commission meeting. The subdivider shall notify all adjacent landowners that a pre-application layout has been submitted to the Commission, and an affidavit certifying the same shall be presented to the Commission prior to the next regular Commission meeting at which the pre-application layout is to be discussed. The submission of a pre-application layout shall not be considered an application for Subdivision Plan approval, and review of such layout by the Commission shall not constitute action on any subdivision application.
- 4.3. TENTATIVE CHARACTER OF LAYOUT.** A pre-application subdivision layout submitted for advance discussion should contain essentially the information required for a Subdivision Plan, except that bearings, angles and curve data may be omitted, dimensions may be approximate and the layout of proposed streets and road construction plans may be tentative and preliminary. Contours, location of waterways and drainage data shall be sufficiently accurate to make the proposed layout clear.
- 4.4. LAYOUT CONTENT.** A pre-application subdivision layout may be drawn in pencil to a scale of 100 feet or less to the inch, and should contain the following information:
- 4.4.1. The name, location, and boundaries of the proposed subdivision;
 - 4.4.2. The name, and address of the subdivider;
 - 4.4.3. Names of all abutting property owners;

- 4.4.4. Date, scale, and north arrow;
- 4.4.5. Location of watercourses, water areas, marsh and swamp land, and wetlands;
- 4.4.6. Location and use of existing buildings, existing sewers, water mains, culverts, utility lines, wooded areas, and other features that have relation to the use and development of the subdivision;
- 4.4.7. Location and dimensions of proposed parks, proposed lots within the limits of the subdivision; proposed drainage lines for storm and surface water and sewage disposal systems; availability and proposed installation of water, electricity and gas, if any; and
- 4.4.8. The location and dimensions of reserve strips.
- 4.4.9. The location dimensions and condition of any road serving the site and whether any of such roads are donated scenic roads.

4.5. PRE-APPLICATION OPINION. A layout for pre-application discussion shall be studied by the Commission as to whether it complies with these Regulations, and the subdivider shall be informed of the Commission's opinion as to whether or not it does. Such opinion expressed by the Commission shall not be construed as binding upon The Commission. This pre-application opinion is intended only to provide a guide to the subdivider in the preparation of the Subdivision Plan.

4.6. APPLICATION AND SUBDIVISION PLAN. The subdivider of any proposed subdivision shall submit to the Commission at a regular meeting one final record plot and six copies of a proposed Subdivision Plan. Any such material not transmitted at a Commission meeting shall be considered submitted at the next regularly scheduled Commission meeting. A schedule of Commission meetings is on file with the Town Clerk. The proposed Subdivision Plan shall contain all information as required in Section 4.4, and accompanied by the following:

- 4.6.1. An application, written on a form provided by the Commission and signed by the applicant or his lawful agent;
- 4.6.2. A sanitary report as required by Section 8.5;
- 4.6.3. A soil conservation report as required by Section 3.9;
- 4.6.4. A detailed soil survey made by a soil scientist, unless specifically waived by the Commission;
- 4.6.5. An environmental and/or hydrological study assessment by qualified specialists, if required as set forth in Section 3.10 and/or 3.15.
- 4.6.6. Subdivision Fees as established by Town ordinance.
- 4.6.7. Street profiles, showing all information required by Section 4.17.
- 4.6.8. A list of all adjacent or abutting property owners and an affidavit certifying same and certifying that said property owners have been notified by the subdivider or his lawful agent of the filing of said application;
- 4.6.9. If the applicant or the subdivider is not the record owner of the subject property, proof of authority from record owner shall be submitted to the Commission;
- 4.6.10. A statement by the applicant's professional engineer of the estimated cost of construction of subdivision streets, drainage, and other related improvements.

4.7. DISTRIBUTION OF COPIES. The Commission shall transmit one copy of the proposed Subdivision Plan to each of the following for their review and comment: the Board of Selectmen, the Conservation - Inland Wetlands Commission and the Water Pollution Control Authority.

4.8. REFERRAL TO REGIONAL PLANNING AGENCY. Whenever a subdivision of land is proposed, the area

of which will abut or include land in two or more municipalities, one or both of which are within a region or regions having a Regional Planning Agency or Agencies, the Commission shall, before approving the plan, submit it to the Regional Planning Agency or agencies of the region in which it or the other municipality is located. The Regional Planning Agency has 30 days within which to make its report. If such a report is not submitted within 30 days after transmittal, it is presumed that the Regional Planning Agency does not disapprove of the proposed subdivision.

- 4.9. PUBLIC HEARING.** The Commission may hold a public hearing regarding any subdivision proposal if, in its judgement, the specific circumstances require such action. No Resubdivision Plan shall be acted upon without a public hearing.
- 4.10. COMMISSION ACTION.** The Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith, in all cases where no public hearing is held, within 65 days after receipt of such application. If the Commission holds a public hearing on a given subdivision application, the hearing shall commence within 65 days after receipt of the application and shall be completed within 30 days after such hearing commences. All decisions shall be rendered within 65 days after completion of the hearing. For purposes of this Section, the receipt of an application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, request or appeal or 35 days after such submission, whichever is sooner. Failure of the Commission to act shall be considered as an approval. In disapproving a Subdivision Plan, the Commission shall state its reasons for so doing. Notice of the decision of the Commission shall be published in a newspaper having general circulation within the Town within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved together with the date of such action.
- 4.11. APPROVAL OF SUBDIVISION PLAN.** After the applicant's compliance with all of the requirements, including modifications, if needed, final approval shall be endorsed on the original Subdivision Plan by the Chairman or Secretary of the Commission. A copy of the original plan shall also be endorsed at the same time by the Chairman for the Commission's files.
- 4.12. PERFORMANCE BOND.** No Subdivision Plan shall receive approval by the Commission until all improvements have been installed or, in lieu thereof, a performance bond has been posted in accordance with Section 6.6.
- 4.13. FILING OF APPROVED SUBDIVISION PLAN.** Any plan for subdivision shall, upon approval, or when taken as approved by reasons of the failure of the Commission to act, be filed or recorded by the applicant at his expense in the Office of the Town Clerk within 90 days of the date such plan is delivered to the applicant and any plan not so filed or recorded within the prescribed time shall become null and void, except that the Commission may extend the time for such filing for two additional periods of 90 days and the Commission's approval shall remain valid until the expiration of such extended time. All plans shall be delivered to the applicant for filing or recording promptly after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, promptly upon the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant.
- 4.14. REVISION AFTER SIGNATURE: VOID PLAN.** No changes, modifications or revisions shall be made in any Subdivision Plan after approval has been given by the Commission and endorsed, in writing, on the plan. In the event that any Subdivision Plan, when recorded, contains any such changes, the plan shall be considered null and void. The Commission shall institute proceedings to have the plan stricken from the records of the Town Clerk.
- 4.15. RECORD PLOT.** The Subdivision Plan shall include a record plot prepared for filing in the Office of the Town Clerk and such other drawings and statements as prescribed in this Section, or as may be required by the Commission. Four additional blue or black line contact prints of the record plot shall be submitted for the use of the Commission.
- 4.16. RECORD PLOT REQUIREMENTS.** The final record plot shall be drawn by a professional engineer or land surveyor. Maps shall be drawn in ink on a sheet of tracing cloth, mylar or other reproducible polyester film, not larger than 24" x 36", at a scale of 1" = 40' unless, in the sole discretion of the commission, a scale of 1" = 100' is deemed more appropriate in which case such alternative scale may be approved.

- 4.16.1. Name and address of owner, subdivider and registered land surveyor;
- 4.16.2. Proposed name or identifying title under which the subdivision will be recorded, if approved;
- 4.16.3. Names of owners of adjacent land or names of adjacent subdivisions and locations of structures within 100 feet of the proposed subdivision;
- 4.16.4. Names, locations and widths of existing streets, rights-of-way, easements, building lines, buildings, parks, water bodies and water courses within and adjacent to the area to be subdivided;
- 4.16.5. Names, locations, widths and grades of proposed streets, easements for utility lines, walks, and other rights-of-way;
- 4.16.6. All lot lines with accurate dimensions, bearings and angles, lot areas in square feet or acres, including lot numbering system in proposed subdivision for identification;
- 4.16.7. Location of sanitary and storm sewer lines, water mains, catch basins, culverts, observation pits, percolation tests, primary and reserve leaching fields, ledgerrock outcrops, and mature trees;
- 4.16.8. Topography contours at intervals of two feet or less, as determined by accurate field surveys or from aerial surveys with established ground elevations. The Commission may modify such requirement or permit larger contour intervals in those portions of the tract where topography is not deemed critical by the Commission.
- 4.16.9. Accurate layout of proposed land reserved for common or public use;
- 4.16.10. Radii of all curves and lengths of arcs;
- 4.16.11. Certification with date, signature and seal of a land surveyor or professional engineer that the drawing is substantially correct and that the property is in a designated zone or zones under the Zoning Regulations and statement as to whether or not the lots in the proposed subdivision comply with the Zoning Regulations;
- 4.16.12. Accurate location and description of monuments which shall be placed at corners, angles and all points of curvature and points of tangency of curved streets;
- 4.16.13. The following note shall be placed on the record sheet: "Upon approval of this Subdivision Plan, the owner agrees with the Town that unless otherwise specified herein, the areas within at least ten feet of the centerline of any drainage facility, ditch or stream shown hereon, are dedicated for drainage, that no building or other structure shall be located thereon and that the Town shall not be under any obligation to maintain, clean, enclose or otherwise alter or improve such drainage facility";
- 4.16.14. The endorsement block for Commission action required to appear on record plot shall be shown as follows:

Approved by Resolution of the Planning and Zoning Commission, Town of Kent, Connecticut dated:
Signature of Chairman (date)

Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision; the Commission's endorsement of approval on the plan shall state the date on which such five year period expires. Expiration date of approval
- 4.16.15. A note indicating the type of sewage disposal and water supply facilities to be provided including soils characteristics which limit on-site sewage disposal.
- 4.16.16. A guide or location map at a scale of 1"=400', showing adjacent properties and streets, so that the subject subdivision may be accurately located on the Commission's general map of the Town at the above scale;

- 4.16.17. Date, scale, north arrow and block prepared for signatures of the Commission;
- 4.16.18. In land of difficult topography as determined by the Commission, where any of the lots will require filling or grading by the subdivider, the Commission may require a Site Grading Plan. Such plan shall become part of the Subdivision Plan and shall show:
- a. existing and proposed grades;
 - b. lot lines, numbers and tract boundary lines;
 - c. proposed house locations and driveways;
 - d. typical septic system layout on each lot;
 - e. location of storm drainage facilities; and
 - f. observation pits for each lot.
- 4.16.19. The following note shall be placed on the record sheet: "The Kent Planning and Zoning Commission makes no representation as to the quality or quantity of water available on this site."
- 4.17. STREET PROFILES.** Each Subdivision Plan shall be accompanied by street profiles showing the following information at scales 1"=40' horizontal and 1"=4' vertical:
- a. Typical cross-section of the streets with wearing surface shoulders, ditches, and sidewalks as required in Section 7;
 - b. Rate of slope, curve data, elevations of control points and dimensions in accurate figures;
 - c. Connections to existing streets;
 - d. Adequate provision for storm water drainage and surface and sub-surface water drainage, and with accurate locations and sizes of drains, pipes, and catch-basins and like noted;
 - e. Elevations of 50 foot stations;
 - f. Street drainage facilities; and
 - g. Data, scale, title, and certification by a professional engineer.
- 4.18. APPROVALS OF OTHER AGENCIES.** It is recommended that any Subdivision Plan which proposes facilities which require approval by Federal, State, or local regulating agencies have the written recommendations of the appropriate agency prior to the submission of the Subdivision Plan to the Commission. In the absence of any such written recommendations, the Commission may review such subdivision application but shall not approve such application without receipt of written recommendations of the appropriate agency.

SECTION 5

CONSERVATION DEVELOPMENT

- 5.1. PURPOSE.** To permit variation in residential developments which would not otherwise be possible; to permit flexible site design so that development may be constructed in harmony with, and preservation of, natural resources; and to permit residential developments which are sensitive to parcel configuration, topography, natural resources, solar access, and the surrounding area.
- 5.2. LOCATION AND MINIMUM PARCEL SIZE.** A Conservation Development may only be permitted by Special Permit in accordance with Section 5.9 of the Zoning Regulations for parcels containing more than 50 acres in a Rural District subject to the following conditions in addition to conforming to the requirements of the Subdivision Regulations.
- 5.3. APPLICABILITY.** An applicant may apply to the Commission for Conservation Development as an alternative to a conventional subdivision. In those cases where the subject site contains unique natural resources or significant sensitive environmental features, the Commission may require the proposed subdivision to be submitted under Conservation Development regulations.
- 5.4. OPEN SPACE PRESERVATION.** A minimum of 40% of the Conservation Development area and all other open space containing more than one acre shall be preserved as open space, preferably in one continuous parcel. Only areas containing a minimum of one acre with a minimum dimension of 100 feet and free of any man made impervious surfaces shall qualify for the open space requirement.
- 5.4.1. Such open space shall be readily accessible to all dwellings in the development by street or by pedestrian way. It shall have adequate vehicular access for service and maintenance.
 - 5.4.2. If such open space were determined by the Commission not to be left in its natural state, it shall be suitably graded and landscaped and shall have adequate provisions for drainage.
 - 5.4.3. The Commission may require that such open space be located so as to be used in conjunction with similar adjoining areas, either existing or potential.
 - 5.4.4. The open space area shall be noted on the plan as "Reserved for Open Space Purposes".
 - 5.4.5. Land marked "Reserved for Open Space Purposes" on the plan shall be donated to a non-profit conservation organization and the land shall be maintained as open space in perpetuity. The donation of open space land to said organization shall not require the consent of adjacent property owners.

- 5.4.6. If evidence acceptable to the Commission is not submitted confirming acceptance of the open space by a non-profit conservation organization, as a condition of approval of the Conservation Development by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the office of the Town Clerk which document:
- a. Shall establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;
 - b. Shall be binding on all future owners;
 - c. Shall be perpetual;
 - d. Shall not be affected by any change in zoning or land use;
 - e. Shall assure appropriate maintenance of the reserved land;
 - f. May be enforced by adjoining property owners or the Town by appropriate court action; and,
 - g. Shall provide that if maintenance, preservation or use of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

5.5. MAXIMUM DENSITY OF DEVELOPMENT: A sketch layout of a conventional Subdivision Plan shall be submitted by the applicant to the Commission for the sole purpose of establishing the maximum number of building lots that may be permitted. Said plan, in a generalized format, shall meet the requirements of the Town's Subdivision and Zoning Regulations as to the layout of lots and roads for single-family dwellings in accordance with the provisions for Rural District regulations. The maximum number of building lots to be permitted shall not exceed the number of lots shown on the sketch plan and determined by the Commission to represent a reasonable subdivision of the land. The Commission's action in making such determination shall not be construed as approval under the General Statutes for said concept subdivision plan or any other subdivision plan, either in the present or future, which shall be a derivation of said concept subdivision plan.

5.6. REDUCTION IN LOT SIZES AND YARDS. The maximum reduction in lot area, yards and setbacks for individual lots shall not exceed 50 percent of that normally required by Section 7.3 of the Zoning Regulations and shall comply with the following:

- 5.6.1. Lot area: minimum 20,000 square feet; maximum 40,000 square feet.
- 5.6.2. Side or rear yards: minimum 15 feet.
- 5.6.3. Front yard setback: minimum 20 feet.
- 5.6.4. Building coverage: maximum 15 percent.
- 5.6.5. Minimum square requirement: 100 feet each side, with one side along the required front yard setback.
- 5.6.6. Site perimeter setback: structures shall be setback a minimum of 150 feet from any property line on the perimeter of the site except where such property line shall abut another Conservation Development site or shall abut severe topography, water bodies, or other unique physical conditions, in which case the Commission may permit a lesser setback.

5.7. ALTERNATIVE DEVELOPMENT CONCEPT. The Commission may permit a Conservation Development wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no structure shall be within 30 feet of another structure nor closer than 20 feet to a road. The Commission shall determine which of the other requirements and conditions of this section shall be applicable. If a proposal under the Alternate Development Concept shall not constitute a subdivision under the provisions of the General Statutes, said proposal shall also comply with the provisions

for a Special Permit in accordance with Section 5.9 of the Zoning Regulations.

5.8. WATER SUPPLY/SEWAGE DISPOSAL. All water supply and sewage disposal systems shall be designed and constructed in accordance with procedures set forth in these Regulations, applicable State laws and local ordinances. Documentation shall be submitted by the applicant regarding the quality and quantity of the proposed water supply. The design and construction of the proposed water supply and sewage disposal systems shall be subject to approval by the Town Sanitarian. Where individual on-site septic systems are not deemed feasible, a community sewerage system may be utilized.

5.9. FIRE PONDS. Fire ponds shall be provided in accordance with Section 16.4 of the Zoning Regulations.

5.10. ROAD AND DRAINAGE STANDARDS. Roads and drainage shall be constructed to conform with the latest Town specifications and requirements.

5.11. SITE LAYOUT/ARCHITECTURAL STYLE: All buildings shall be located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. An overall architectural theme or style shall be established for all dwellings and accessory structures to assure an overall harmony of roof lines, sizes, facades, materials, and colors.

SECTION 6

STREET REQUIREMENTS

6.1. GENERAL REQUIREMENTS.

- 6.1.1. The Town is not responsible for road improvements required by intensified usage due to subdivision of any parcel of land. The Commission shall not approve any application for subdivision if it deems any Town road inadequate to safely accommodate increased traffic engendered by a proposed subdivision unless the subdivider, upon request, submits plans for Town road improvement as may be required by the Commission, such plan is approved by the Board of Selectmen and bond for such work is posted.
- 6.1.2. The proposed street layout of a subdivision shall maintain and conform to existing street patterns and policies established in the plan of development and the town character study and open space plan, or any portion therefore, especially with respect to safe intersections with existing streets and roads.*
- 6.1.3 All streets in a proposed subdivision shall have free access to, or shall be a continuation of, existing accepted public streets adjacent to the subdivision.

6.2. STREET CONSTRUCTION. All streets in a subdivision shall be graded, constructed and surfaced as shown on the Subdivision Plan, including all bridges, culverts, catch-basins, manholes and other drainage structures. All streets shall be constructed to a cross-section approved by the Commission. All construction and paving shall be in accordance with specifications of these Regulations and shall be under the immediate inspection, supervision, and approval of the Commission. No subgrades, storm or sanitary sewers, drains, culverts or bridge work shall be covered until inspected and approved by the Commission or its authorized agent.

6.3. STREET NAMES. All proposed streets in a subdivision shall bear tentative names which shall not duplicate or be phonetically similar to any of the existing streets in the Town. The tentative names of all proposed streets shall be subject to the approval of the Commission.

6.4. SUBDIVISION NOT ABUTTING AN ACCEPTED STREET. Since land in a proposed subdivision is not buildable if access thereto from the Town road system is inadequate, developers are advised to make whatever arrangements are necessary with the Board of Selectmen to assure adequate access to their proposed subdivision before submitting such plan to the Commission.

6.5. CONNECTICUT DEPARTMENT OF TRANSPORTATION PERMIT. The Connecticut Department of Transportation requires that a permit be obtained where a proposed street or drain joins with a State Highway. The developer is advised to obtain such permit prior to the submission of a Subdivision Plan and include a copy of such permit with his subdivision application.

6.6. BONDING REQUIREMENTS.

6.6.1. Posting of Performance Bond.

- a. As a condition of Subdivision Plan approval, the Commission may require that the

applicant post with the Town a performance bond to guarantee satisfactory completion of all proposed site improvements (excluding buildings) shown on the approved Subdivision Plan.

- b. An itemized estimate of the cost of the site improvements shall be prepared by the applicant's professional engineer, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.
 - c. The bond shall be posted with the Town for an initial period not to exceed 18 months unless an extension of time shall be requested by the applicant and granted by the Commission.
- 6.6.2. Reduction of Performance Bond. Upon the completion of at least 25%, 50% and/or 75% of the cost of the bonded site improvements, the applicant may request in writing a reduction of the bond. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Commission's Engineer, and/or other appropriate Town officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Subdivision Plan. Based upon these findings, the Commission may authorize the reduction of such bond.
- 6.6.3. Release of Performance Bond/Posting of Maintenance Bond. Before the release of a performance bond, the Commission:
 - a. Shall require the applicant to submit "as-built" drawings in accordance with Section 6.6.9.; and,
 - b. May require that the applicant post a maintenance bond to be retained for a period of two years after vegetative cover and plantings have been installed in order to guarantee the survival of landscaping and to ensure any other relevant improvements.
 - c. Shall require the applicant to provide evidence that he has made an irrevocable request to the Board of Selectmen to accept any roads within the subdivision as Town roads. If the Town does not accept the subject road(s) within one year from the time of the irrevocable offer, the Commission shall release the bond, provided that all required work has been done satisfactorily.
- 6.6.4. Form of Bond. Performance and maintenance bonds required under this Section shall:
 - a. Be in a form and with security satisfactory to the Commission; and,
 - b. Be in the form of cash; a certified check payable to the Town; a savings passbook in the name of the Town to be held in escrow by the Town, together with a letter from the applicant stating that the passbook is being provided in accordance with the approved Subdivision Plan and may be drawn against by the Town, if necessary; or an irrevocable letter of credit from a bank chartered to conduct business in Connecticut.
- 6.6.5. Expiration of Subdivision Plan Approval. All site improvements in connection with an approved Subdivision Plan shall be completed within five years after the Commission's approval of said plan. Failure to complete all site improvements within such period shall result in automatic expiration of the approval of such plan provided the Commission shall file on the land records of the Town notice of such expiration and shall state such expiration on the Subdivision Plan on file in the Office of the Town Clerk.
- 6.6.6. Amendments. All site improvements shall be carried out in strict compliance with the Subdivision Plan approved by the Commission. Minor amendments to the approved Subdivision Plan may be approved only in writing by the Zoning Enforcement Officer and/or Commission's Engineer upon the written request of the applicant. All other amendments or modifications to the Subdivision Plan shall require the approval of the Commission.
- 6.6.7. Continuance. All conditions and improvements shown on the approved Subdivision Plan shall continue in force until completed to the Commission's satisfaction and the total bond released,

regardless of any change in ownership of the property.

6.6.8. Certificate of Occupancy. A Certificate of Occupancy shall not be issued by the Building Official until the Zoning Enforcement Officer has determined that the site improvements have been completed in accordance with the approved Subdivision Plan.

6.6.9. As-Built Drawings.

a. No Certificate of Occupancy shall be issued until "as-built" drawings have been submitted to the Zoning Enforcement Officer and are determined by him to be in substantial compliance with the approved Subdivision Plan.

b. The "as-built" drawings shall:

(1) Be prepared at the same scale as the Subdivision Plan by a professional engineer;

(2) Show the actual installation of all site improvements and other required items at a level of detail at or exceeding that of the approved Subdivision Plan;

(3) Include a certification by the applicant's professional engineer as to substantial compliance with the approved Subdivision Plan; and,

(4) List or show all deviations from the approved Subdivision Plan. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Subdivision Plan to the Commission for its determination of acceptance or need for plan amendment.

6.7. ACCEPTANCE OF STREETS BY THE TOWN. Approval of a Subdivision Plan shall not constitute an acceptance by the Town of any street included in the plan.

SECTION 7

SUBDIVISION STREET AND DRAINAGE SPECIFICATIONS

7.1. DEFINITIONS.

- 7.1.1. AGGREGATE: Inert material such as sand, stone, gravel, broken stone, crushed stone, slag, or combination thereof.
- 7.1.2. GRAVEL: The coarse granular material larger than sand resulting from the natural erosion of rock.
- 7.1.3. BANK GRAVEL: Gravel found in natural deposits usually more or less intermixed with fine material such as sand or clay or combination thereof.
- 7.1.4. BROKEN OR CRUSHED STONE: The product resulting from the artificial crushing of rocks, boulders, or large cobblestones, substantially all faces of which have resulted from the crushing operation.
- 7.1.5. CRUSHED GRAVEL: A manufactured product resulting from the deliberate mechanical crushing of gravel with at least 50% of gravel retained on the No. 4 sieve having at least one fractured face.
- 7.1.6. PROCESSED AGGREGATE. Coarse and fine aggregate combined and mixed by standard commercial methods so that the resulting material shall conform to the following graduation requirements:

SQUARE MESH SIEVES PERCENT PASSING BY WEIGHT

Pass 2-1/4"	-100
Pass 1-3/4"	95 -100
Pass 3/4"	60 - 75
Pass 4"	25 - 45
Pass #40	10 - 25
Pass #100	2 - 12

- 7.1.7. SUBBASE. Specified or selected material placed upon the floor of cuts or upon embankments, the top surface of which supports components of pavements, shoulder and related appurtenances.
- 7.1.8. SUBGRADE. The top surface of the roadbed upon which the pavement structure and shoulders are constructed.
- 7.1.9. BASE COURSE(S). One or more courses constructed of specified or selected material on the prepared subbase.
- 7.1.10. WEARING SURFACE. The top or final course of the roadway construction.
- 7.1.11. LOCAL ROAD. A facility which provides, as its primary function, direct access to abutting land and connections to the higher order system. It generally offers the lowest level of mobility of the functional classifications.
- 7.1.12. COLLECTOR ROAD. A route which provides both land access service and traffic mobility in relative balance. A collector serves as the link between through and local routes.
- 7.1.13. THROUGH ROAD (Arterials). A route primarily for through traffic, usually continuous, providing for higher travel speeds and minimum interference to through movement.

NOTE: Where questions arise as to the definition or suitability of construction materials, equipment or methods, final decisions shall be made by the Commission or its designated agent.

7.2. INSPECTION AND APPROVAL OF WORK. All subdivision streets shall be inspected and approved by the Commission which shall decide on all questions regarding the interpretation of plans and specifications. The Commission may require additional working drawings from the applicant to facilitate inspection at any time during construction of improvements.

7.2.1. The subdivider shall place easily identifiable stakes at even 50 foot stations along the centerline of proposed streets prior to submission of the Subdivision Plan to facilitate evaluation of the plan by the Commission. The Commission shall be notified at least 48 hours in advance of the following stages of construction, none of which shall be commenced prior to on-site inspection and approval, by the Commission or its designated agent:

- a. Completion of the preparation of the subgrade.
- b. Completion of, but before covering, drainage structures and pipe.
- c. Completion of gravel subbase.
- d. Beginning of construction of base course.
- e. Beginning of construction of wearing surface.

7.2.2. Streets shall be constructed as follows:

- a. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or which contain organic or man-made material shall be removed and all loose rock or boulders shall be removed or broken to a depth of one foot below the subgrade. All holes or depressions made by the removal of unsuitable material shall be filled and rolled uniformly with a roller weighing at least ten tons. If the surface of an existing road is two feet or less below the proposed subgrade surface, it shall be scarified for the full width of the roadbed. All ledge rock and boulders shall be removed to a depth of 12 inches below the grade of the existing road. The subgrade shall be constructed the full width of the wearing surface as indicated in Section 7.2.2.d.
- b. The subbase shall consist of bank gravel. Where ledge rock is encountered, it shall be excavated to a depth of 12 inches, and the subbase shall be at least 12 inches thick. Where ledge rock is not encountered, the subbase thickness shall be 12 inches.
- c. The base course shall consist of four inches of processed aggregate.
- d. The wearing surface shall consist of bituminous concrete for all roads.
- e. On completion of the subgrade and on completion of the subbase, each shall be compacted by a roller weighing at least ten tons.
- f. The right-of-way width shall be 50 feet for Local Roads; and 60 feet for Collector and Through Roads.
- g. The wearing surface width shall be 20 feet for Local Roads; 24 feet for Collector Roads; and 30 feet for Through Roads.
- h. The maximum length of a cul-de-sac road shall be 2000 feet for Local Roads; not applicable for Collector Roads or Through Roads.
- i. Bituminous concrete lip curbs may be required on all or any part of roads.

7.3. STREET DESIGN. The street design shall conform to the following requirements:

- 7.3.1. Whenever possible, and as far as practicable, streets shall follow natural contours.
- 7.3.2. All streets shall be required to intersect one another at as near to a right angle as is practicable, and no intersection shall be at an angle of less than 60 degrees or more than 120 degrees for a minimum of 100 feet.
- 7.3.3. Except where impractical because of topography or other conditions, streets shall be at right angle to intersections for a distance of at least 100 feet.
- 7.3.4. Intersecting property lines at street intersections shall be joined by a curve of at least 25 foot radius.
- 7.3.5. Unless necessitated by topographic conditions, minimum curve radius for streets shall be 100 feet. Minimum tangent distance between reverse curves on streets shall be 50 feet.
- 7.3.6. Centerline of any two streets entering on opposite sides of a street shall intersect at the centerline of the intersected street at the same point, or shall be separated by at least 400 feet, measured along the centerline.
- 7.3.7. Streets shall be designed and constructed to continue to the property line between adjacent properties unless the commission determines that such extension:
 - a) Would require substantial blasting of rock
 - b) Would require cutting or filling to depths or heights of four feet or more
 - c) Would require or cause intrusion in, destruction of, or other harmful effects on inland wetlands, watercourses, or other significant natural or historic resources, sites, or features
 - d) Would involve street gradients of ten percent or more
 - e) Would create a traffic hazard*

7.4. GRADES. Grades of all streets shall not exceed 10 percent nor be less than one percent. Grades of up to 12 percent may be permitted by the Commission when unusual conditions of topography are encountered and there is no apparent alternate layout for a street and the length of street subject to increased grade is confined to relatively short distances. Grades shall not be greater than six percent within 50 feet of an intersection. Maximum grade of a cul-de-sac shall not exceed three percent.

7.5. SLOPES. Where the side slope outside the shoulder exceeds a drop of one foot in four feet, guard rails of approved design shall be installed. The tops and bottoms of all slopes shall be properly rounded. To provide for proper slopes adjacent to the street, the following standards shall apply:

- 7.5.1. Slope of 4:1 (H-V) for earth fill not exceeding four foot depth;
- 7.5.2. Slope of 2:1 for earth cut;
- 7.5.3. Slope of 2:1 for earth fill exceeding four foot depth;
- 7.5.4. Slope of 1:6 maximum allowable rock cut.
- 7.5.5. All earth slope surfaces and areas disturbed by grading and construction of streets shall be covered with minimum of four inches of topsoil and suitably seeded and planted or otherwise treated to prevent erosion.

7.6. CUL-DE-SACS. Cul-de-sacs, or deadend streets* may be allowed where necessary for the purpose of good subdivision design. A cul-de-sac shall terminate in a turnaround circle having a right-of-way not less than 150 feet in diameter with a center island at least 40 feet in diameter.* If the turnaround is proposed to be temporary for future extension to adjoining property, it shall be so noted on the Subdivision plan and, if the street is extended, portions of the turnaround area outside the 50 foot right-of-way of the street shall revert to adjoining properties.

7.6.1 VILLAGE CENTER: Cul-de-sacs are not permitted in the village center. When conditions as described in Section 7.3.7 a,b,c,d or e, favor a dead end street rather than a through street, a turnaround shall be

provided for emergency vehicles and no more than two lots shall have entry into the turnaround.

7.6.2 RURAL DISTRICT: A turn around shall be provided at the end of a permanent deadend street. For greater convenience to traffic and more effective police and fire protection, no more than eight building lots, including the two corner lots at the street intersection, shall be created along any deadend street or along any combination of intersecting deadend streets having a single collective outlet onto a through street. No deadend street may be longer than 2,500 feet. The above limitation on the length of a deadend street may be waived by the Commission where it is shown that the additional length of the street will (a) further the goals for development as set forth in the Plan of Development and Town Character Study and Open Space Plan, and (b) will result in the permanent protection of an open space area or natural resource feature that would otherwise not be so protected.*

7.7. **SIGHT DISTANCES.** Wherever a street intersects with a Town or State road, a minimum sight distance of 350 feet shall be required in each direction along the major road.

7.8. **CATCHBASINS.** At the discretion of the Commission, catch basins may be required when the conditions or nature of the drainage area encompassing the proposed subdivision and street system will result in excessive runoff or create unsafe conditions.

7.9. **MONUMENTS AND MARKERS.** Stone or reinforced concrete monuments shall be placed at all points of curvature or tangency, at all angle points on the street lines and at one front corner of each lot. Iron pipes or pins shall be placed at all other lot corners or angle points. The cost of and placing of such monuments, pipes or pins shall be borne by the subdivider.

7.10. **STREET SIGNS.** Before any part or lot of the subdivision shall be sold or offered for sale, the entrance of the proposed street from each public street with which it connects shall be posted with a sign at least two feet by six inches legibly containing only the name of the street. The cost of and the placing of such signs shall be borne by the subdivider.

7.11. **NOTE TO BE ADDED.** The following General Note shall be added to the appropriate Subdivision Map: "Additional improvements and/or modifications may be required by the Commission or its designated agent if field conditions so warrant."

7.12. **STORM DRAINAGE.** A storm drainage system shall provide the streets and adjacent lots with proper drainage. All such drainage systems shall be designed by a professional engineer and, upon completion, a professional engineer shall certify that the drainage as built is in compliance with the approved design.

7.12.1. Downstream drainage effect of each proposed subdivision outside the area of the subdivision shall also be calculated by a professional engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission shall not approve the subdivision until the subdivider has made provision for the improvement of such potential condition as the Commission deems reasonable.

7.12.2. Where a subdivision of land proposes building lots on an existing approved road, or where the tract of land to be subdivided presently receives storm water drainage from an existing road or watercourse, it will be the responsibility of the subdivider to provide an approved storm drainage system suitable to give the existing road and adjacent lots of the proposed subdivision proper drainage.

7.12.3. All drainage pipes, including driveway crossings, shall consist of reinforced concrete pipe at least 15 inches in diameter, not less than 0.5% grade.

7.12.4. Drainage easements to be dedicated to the Town shall be at least 20 feet wide.

7.12.5. The minimum design frequency shall be a 25 year storm.

7.12.6. The maximum design frequency shall be as defined by the ConnDOT Drainage Manual.

7.12.7. The storm sewer system rational shall use ConnDOT Forms for Storm Sewer System Design & Gutter Flow Analysis.

- 7.12.8. Discharge outlet protection shall conform to Connecticut Soil Conservation Service methods.
 - 7.12.9. Detention facilities shall be required for all subdivisions, as applicable. Applicant shall be required to perform necessary studies to determine impact on subdivision and affected properties.
 - 7.12.10. Easements shall be a minimum of 20 feet in width with length sufficient to provide maintenance.
 - 7.12.11. All materials of construction shall be as specified by ConnDOT Form 814.
- 7.13. CLEAN-UP.** Upon suspension or completion of the work or any portion thereof, the subdivider and/or contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. All ditches shall be filled and all unpaved areas within the street lines shall be graded, covered with suitable topsoil or loam, rolled, fertilized (environmentally benign) and seeded.

The subdivider shall submit to the Commission, a plan providing the upkeep, maintenance and repair of the street so long as it remains a private street, including the prevention of water runoff, excessive ice formation or any other condition which would create a hazard to vehicular or pedestrian traffic on any abutting Town road.

SECTION 8

SANITARY REQUIREMENTS AND LOT LAYOUT

8.1. GENERAL. All lots in a subdivision shall comply with the applicable provisions of the Zoning Regulations. In

addition, where a lot is not to be served by public water supply and/or sanitary sewers, such lot shall have sufficient area and suitable dimensions to provide ample space to accommodate a private water supply and/or accommodate the proper layout and installation of a private sewage disposal system, both as needed by the intended use of the lot and both in accordance with good engineering practice and the applicable requirements and recommendations of the State Department of Health and the Town Sanitarian.

8.2. RESERVE LEACHING FIELD. Leaching systems for the disposal of the septic tank effluent shall be laid out in such a manner that a reserve land area of suitable characteristics shall be provided equivalent in area to that occupied by the primary leaching system, for the purpose of enlargement or replacement of the primary leaching system in the event of failure, except that no such reserve area shall be required in connection with replacement or repair of existing leaching systems.

8.3. SEEPAGE TESTS. At least one observation pit per each proposed primary and reserve leaching system, or more if required by the Commission, shall be dug to a depth of at least seven feet within the area of the proposed leaching systems. All seepage tests shall be made in accordance with the recommendations of the State Department of Health.

8.4. PERCOLATION TESTS. Two percolation tests shall be taken on each lot, one at the location of the proposed leaching field and one at the location of the future reserve leaching field of the sanitary waste disposal system. Percolation tests shall not be taken in "fill" material until at least one year has elapsed from the date of the deposition of the "fill" material. The location of the percolation tests, the "depth to bedrock" data and the groundwater level shall be indicated on the Subdivision Plan. A statement showing the results of such tests, certified by a professional engineer shall be submitted with the Subdivision Plan application. The Town Sanitarian shall inspect and witness each percolation test and observation pit seepage test and shall report the results to the Commission.

8.5. SANITARY REPORT. Where individual on-site sewage systems are proposed, the Subdivision Plan shall be accompanied by a Sanitary Report in triplicate prepared by a professional engineer and submitted for approval to the Town Sanitarian. The report shall demonstrate the feasibility of the ground for sub-surface disposal of septic tank effluent. The report shall deal with the entire tract discussing the following points:

- 8.5.1. General nature and development of surrounding area shown on map;
- 8.5.2. Topography and natural drainage pattern;
- 8.5.3. Sub-surface soil absorption characteristics, ground water level conditions, ledgerrock, and general nature of soil;
- 8.5.4. Detailed description of proposed sewage disposal facilities;
- 8.5.5. Flood heights of any streams, brooks, rivers, lakes or ponds on or near the subdivision, based upon a 100 year frequency storm;
- 8.5.6. General description of the type of development contemplated, noting type of dwelling units and structures, number of families per structure and number of bedrooms per dwelling unit;
- 8.5.7. Based on extensive sub-surface investigations and tests, the report shall describe the suitability of soil for the absorption of septic tank effluent, area required for leaching systems, percolation tests results, observation pits, geological data, seepage tests results, and technical standards required.
- 8.5.8. The Sanitary Report shall be a comprehensive and documented study, complying with all of the above requirements. It shall contain a statement by the professional engineer regarding the suitability of the area for the installation of sanitary sewage disposal system(s) and compliance with all requirements of these Regulations, the State Sanitary Code and the accepted standards of the State Department of Environmental Protection.

8.6. SANITARIAN REPORT REQUIREMENT WAIVED. The requirement that the Town Sanitarian's report accompany the application is automatically waived in those situations where regrading of the leach field area is proposed. The Commission shall require a submission of the Town Sanitarian's report after the regrading

has been accomplished and the percolation tests taken.

8.7. WATER BODIES. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to allocate the ownership of the water body among one or more adjacent lots. The Commission may approve an alternate plan whereby the ownership or any responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility.

SECTION 9

VALIDITY, APPEALS, AMENDMENTS, PENALTIES, REPEALER AND EFFECTIVE DATE

9.1. SEPARABILITY. If a court of competent jurisdiction finds any section, subsection or phrase of these Regulations to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portion of these Regulations.

9.2. EFFECT ON OTHER REQUIREMENTS. It is not intended that the requirements of any other law or ordinance except as herein stated be repealed or otherwise made ineffective by these Regulations, and in case

of conflict the strictest of the relevant provisions of this and other laws and ordinances shall apply.

9.3. APPEALS. Appeals may be made in accordance with Section 8-28 and 8-30 of Chapter 126 of the General Statutes, as amended.

9.4. AMENDMENTS. These Regulations may be amended, changed, or repealed in accordance with the procedures specified in Section 8-25 of Chapter 126 of the General Statutes, as amended.

9.5. PENALTIES. Violation of any provision of these Regulations shall be enforced in accordance with Section 8-25 of Chapter 126 of the General Statutes, as amended, or by any other action legally available to the Commission.

9.6. REPEALER. All previous Subdivision Regulations are hereby repealed, but any violations of such Regulations may be prosecuted, corrected or abated as the law may allow.

9.7. EFFECTIVE DATE. These Regulations were adopted by the Kent Planning and Zoning Commission on to be effective at 12:01 AM on June 1, 1995.