

# TOWN OF SOUTH WINDSOR SUBDIVISION REGULATIONS

Updated through January 1, 2002  
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**REVISIONS**

<b>Title</b>	<b>Section</b>	<b>Effective Date</b>
Industrial Cul-de-Sacs	Replace Chapter 4, Section C.3.c(2)	3-24-98
Open Space & Recreation	Replace Chapter 4, Section C.1 to C.1.k	8-1-99
Access Management	4.B., C	8-5-2000
Residential Cul-de-sac	Replace Chapter 4, Ssection C.3.c(1)	1-15-2002



# CHAPTER 1: GENERAL PROVISIONS

## **A. Authority and Purpose**

1. These regulations are adopted pursuant to the authority delegated to the Town of South Windsor under Title 8, Chapter 126 of the General Statutes of Connecticut (CGS), as amended.
2. The purpose of these regulations is to protect the public health, safety, and general welfare while allowing for cost-saving efficiencies, and to promote good planning practice.
3. The provisions in these regulations shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the Town Plan and zoning ordinances.

## **B. Effective Date**

1. Chapters 1, 2, 3 of these regulations became effective on November 15, 1990; Chapter 4 became effective on May 15, 1993.
2. Subdivision regulations have been in effect in the Town of South Windsor since May 2, 1949.

## **C. Fees**

Fees charged for processing of subdivision applications shall be as set forth in CGS 8-1c or CGS 8-26, as amended. The current fee schedule may be obtained at the offices of the Planning Department in the Town Hall.

## **D. Enforcement and Penalties**

It shall be the duty of the Commission or its agent to enforce the provisions of these regulations, pursuant to the provisions of the CGS, Chapter 126, as amended.

## **E. Interpretation, Conflict, and Separability**

1. In their interpretation and application, the provisions and standards of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare. Such more stringent provisions or standards will be made available to applicants at the pre-application conference with Town staff, as described in Chapter 3, Section B.2 hereof. Accordingly, it is suggested that applicants avail themselves of such meetings before presenting a final application so they will be aware of the more stringent provisions and/or standards prior to submission of a formal application.
2. Where conflicts over interpretation of a specific part of these regulations arise, the Commission shall determine the proper interpretation.

3. Where the conditions imposed by any provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of these regulations or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulation, law, ordinance, resolution, or rule which is more restrictive and imposes higher standards or requirements shall govern.
4. The provisions of these regulations are separable. If a section, sentence, clause, or phrase of these regulations is adjudged by a court of law to be invalid, the decision shall not affect the remaining portions of these regulations.

## CHAPTER 2: DEFINITIONS

### A. Purpose

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning herein indicated.

### B. Definitions

ADT - (Average Daily Traffic). The average number of cars per day that pass over a given point.

Aisle - The traveled way by which cars enter and depart parking spaces.

Applicant - The legal or beneficial owner or owners of any land included in a proposed subdivision; or the holder of an option or contract to purchase; or any other person having enforceable proprietary interest in such land submitting an application for development.

Application for Development - The application form and all accompanying documents required by these regulations for approval of a subdivision.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Berm - A mound of soil, either natural or man-made, used to obstruct views or in drainage control.

Buffer - An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation and/or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of the site to adjacent sites or properties.

CGS - The General Statutes of Connecticut, as amended.

Caliper - The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

Capped System - A completed sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

Centerline Offset of Adjacent Intersections - The gap between the centerline of roads adjoining a common road from opposite or same sides.

Channel - The bed and banks of a natural watercourse which convey the constant or intermittent flow of the stream.

Commission - The Planning and Zoning Commission of the Town of South Windsor.

Common Open Space - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common

- use or enjoyment of the residents of the development. It may include complementary structures and improvements.
- Concept Plan - A preliminary presentation and attendant documentation of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion.
- Conditional Approval - - The conferral of certain rights prior to final approval after specific elements of a subdivision plan have been approved by the Planning and Zoning Commission.
- Cul-de-Sac - A local street with only one outlet and having the other end for the reversal of traffic movement.
- Dedication - An act transmitting property or interest thereto by deed.
- Density - The permitted number of dwelling units per gross acre of land to be developed.
- Detention Basin - A man-made or natural stormwater management facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually to minimize downstream impact.
- Developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed subdivision. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
- Development - A planning or construction project involving substantial property improvement and usually, a change of land-use character within the site; the act of using land for building or extractive purposes.
- Development Regulation - Zoning, subdivision, site plan, official map, or other governmental regulation of the use and development of land.
- Drainage - The removal of surface water or groundwater from land by drains, grading, or other means.
- Drainage Assessment Fee - A per-lot fee which is assessed upon a subdivision subsequent to approval by the Commission, and which is deposited in a Downstream Drainage Fund account and utilized for drainage improvement projects within Town drainage systems throughout South Windsor where such drainage systems have been impacted by the cumulative results of upstream developments.
- Drainage Facility - Any component of the drainage system.
- Drainage System - The system through which water flows from the land, including all watercourses, waterbodies and wetlands as well as man-made features.
- Driveway - A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.
- Easement - A right-of-way granted from one party to another for limited use of land for a stated purpose and within which the owner of the property shall be subject to such restrictions as enumerated within the easement document(s).

- Environmental Constraints - Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment; or may require limited development; or in certain instances may preclude development.
- Erosion - The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, or gravity.
- Escrow - A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.
- Final Approval - The official action of the Commission taken on a subdivision after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditional upon the posting of such guarantee.
- Flood Plain, 100-year - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, as depicted on the official Flood Hazard Boundary Map issued by the Federal Emergency Management Agency.
- Ground Cover - A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.
- Historic Site - A structure or place of historical significance. May be designated as such by local, state, or federal government.
- Impervious Surface - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- Improvement - Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.
- Individual Sewage Disposal System - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.
- ITE - Institute of Transportation Engineers.
- Lot - A designated parcel, tract, or area of land established by an approved subdivision plan or otherwise as permitted by law and to be used, developed, or built upon as a unit.
- Lot Area - The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
- Lot Frontage - That portion of a lot extending along a street line.
- Maintenance Guarantee - Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specified period of time.

- Off-site - Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a subdivision application, or on a contiguous portion of a street or right-of-way.
- Off-Street Parking Space - A parking space provided in a parking lot, parking structure, or private driveway.
- Off-Tract - Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.
- On-Site - Located on the subject lot.
- Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
- Perc Test - (Percolation test) A test designed to determine the ability of ground to absorb water, and used to determine the suitability of soil for drainage or for the use of an individual sewage disposal system.
- Performance Guarantee - Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development will be satisfactorily completed.
- Pervious Surface - A surface that permits full or partial absorption of storm water.
- Potable Water Supply - Water suitable for drinking or cooking purposes, per local and state health codes.
- Pre-Application Conference - An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive feedback.
- Public Open Space - An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.
- Resubdivision - A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use 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.
- Retention Basin - A pond, pool, or basin used for the permanent storage of water runoff.
- Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.
- Screen - A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

- Sedimentation - A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.
- Septic Tank - A watertight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system.
- Setback - The distance between any property line on a lot and a structure/building or any projection thereof, excluding uncovered steps.
- Sewer - Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.
- Shade Tree - A tree in a public place, street, special easement, or right-of-way adjoining a street.
- Shoulder - The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curb line.
- Sight Triangle - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- Sketch Plan - A rough plan of a proposed subdivision or other development, for discussion purposes only.
- Storm Water Detention - A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
- Storm Water Retention - A provision for storage of storm water runoff with no release.
- Street Furniture - Man-made, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.
- Street Hardware - The mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines.
- Street Hierarchy - The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.
- Stub Street - A portion of a street, which extends to a property line and for which a future extension is likely.
- 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, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes, and includes resubdivision.

Subdivision, Major - Any subdivision not classified as a minor subdivision. Subdivision, Minor - A subdivision of land of not more than four (4) lots, provided that such subdivision does not involve a planned development; any new street; the extension of a utility or other municipal facility; or any other substantial improvement to a utility or municipal facility.

Subdivision, Open Space - A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Subsurface Sewage Disposal System - A system consisting of a building sewer, a septic tank followed by a leaching system and any necessary pumps and siphons and any groundwater control system on which the operation of the leaching system is dependent.

Town Plan of Development - A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, land use and other appropriate issues.

Trip - A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

## CHAPTER 3: PROCEDURES

### A. Purpose

The purpose of this chapter is to establish the procedure for Commission review and action on subdivision applications. The procedure is intended to provide orderly and expeditious processing of such applications.

### B. Pre-Application; Concept Plan; Staff Informal Meetings

For the purpose of expediting applications and reducing subdivision design and development costs, the subdivider may request a pre-application conference and/or concept plan conference in accordance with the following requirements:

#### 1. *Informal Meeting with Staff*

- a. Applicants may and are encouraged to meet with Town staff early in the formative stages of planning a subdivision, when very preliminary layout sketch plans have been developed. Town staff can provide early input and direction regarding such layout plans. Such input at an early stage in the development may result in future savings of time and engineering expense for the applicant.

#### 2. *Pre-Application Conference with Town Staff*

- a. At the request of the applicant, the Planning Department will schedule a pre-application conference. Applicants are encouraged to request this meeting.
- b. The pre-application conference shall allow the applicant to meet with appropriate municipal representatives. These individuals may include:
  - (1) Director of Planning or designee;
  - (2) Town Engineer or designee;
  - (3) Superintendent of Pollution Control or designee;
  - (4) Public Works Director or designee;
  - (5) Zoning/Wetlands Enforcement Officer;
  - (6) Environmental Health Officer;
  - (7) Other municipal representatives as needed.
- c. Applicants seeking a pre-application conference shall submit the items specified in Section H for pre-application conference at least one week prior to the pre-application conference. (Consult the Planning Department staff for number of copies to submit.)
- d. The applicant shall not be bound by staff recommendations at the pre-application conference, nor shall the Commission be bound by any such

review. Staff recommendations at the pre-application conference do not constitute formal staff review; formal staff review will be made at the time of application and may result in additional recommendations.

- e. At this conference, if more stringent provisions or standards are required due to site conditions, these provisions or standards will be made known to the applicant.

### **3. *Concept Plan - Pre-Application Conference with Commission***

- a. Applicants with large subdivisions may request an informal review by the Commission prior to application submission. The purpose of the concept plan is to provide Commission input in the formative stages of subdivision design.
- b. Applicants seeking concept plan review shall request such review in writing to the Chairman of the Commission. If a concept plan informal review is granted, the applicant shall submit the items stipulated in Section H for concept plan at least seven calendar days in advance of the Commission meeting at which the informal review is scheduled. (Consult Planning Department staff for number of copies to submit.)
- c. The applicant shall not be bound by any concept plan for which review is requested, nor shall the Commission be bound by any such review.

## **C. Application**

### **1. *Content***

An application for subdivision shall include the items specified in Section H of these regulations, which constitutes a checklist of items to be submitted.

### **2. *Application Submission and Official Receipt Time Frames***

Applications shall be officially received only at regular monthly meetings of the Commission (generally once per month -- consult the Planning Department for regular meeting dates). Applicants are encouraged to submit applications at least 14 calendar days prior to regular meeting. Submission of incomplete applications may result in rejection of same.

### **3. *Complete Application***

A subdivision application must be complete for purposes of commencing the applicable time period for action by the Commission. Determination of application completeness shall be made within 14 calendar days of submission. The application shall be deemed complete upon the expiration of the 14 day period for purposes of commencing the applicable time period, unless (1) the application lacks information indicated on the checklist of items to be submitted specified in Section H, and (2) the Planning Department has notified the applicant, in writing, of the deficiencies in

the application within 14 days of submission of the application. The Commission or its agents may subsequently require (1) correction of any information found to be either in error or not in conformance with town regulations and standards, and/or (2) submission of additional information not specified in the regulations, as is reasonably necessary to make an informed decision. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required.

**4. *Public Hearing***

Whenever an application is scheduled for public hearing by the Commission, the applicant shall be responsible for displaying a sign on the property advertising the public hearing. The sign shall be visible from a town street and shall be displayed for at least 10 full days prior to the public hearing. The 10 days shall not include either the day of posting or the day of the hearing. Signs may be obtained in the Planning Department. It is recommended that the sign be posted at least 15 days prior to the public hearing and monitored daily so that in the event the sign should be down temporarily for any reason, the 10-day requirement can still be met.

**5. *Referral of Open Space to Town Council***

Upon receipt of any subdivision application that includes open space to be deeded to the Town of South Windsor under Section 4.C.1.b(2), the Town Council will be advised by the Commission that said application is pending and the date on which the public hearing will be held, for the purpose of obtaining Town Council agreement regarding the proposed open space. If the Town Council's recommendation is unfavorable, the Commission will schedule a meeting with the Council and the applicant prior to the public hearing to discuss the proposed open space. The focus of the meeting will be to obtain maximum consensus among all parties regarding the open space. If the Commission and the Council fail to reach an agreement, the Commission will direct the applicant to seek an alternative entity (per Section 4.C.1.g) to which the open space will be dedicated if the subdivision is approved.

If the Town Council has not forwarded its recommendation prior to or at the scheduled public hearing, it shall be presumed that the Town Council does not disapprove of the proposed open space.

**D. *Subdivision Approval***

**1. *Conditional approval***

- a. A subdivision of land which includes public improvements may be submitted for conditional approval prior to application for final approval.
- b. The applicant seeking conditional approval shall submit to the Planning Department the materials specified in Section H for conditional approval (consult Planning Department staff for number of copies to submit).

- c. The application shall be declared complete within a 14-day period from the date of its submission according to the provisions of Chapter 3, Section C.3 of these regulations.
- d. A complete application for conditional approval shall be acted upon in accordance with the time frames set forth for the approval of subdivision plans in the CGS, Title 8, Chapter 126, as amended.
- e. A conditional approval will allow the subdivider to proceed with the actual construction, maintenance, and installation of any improvements or utilities prescribed by the Commission in lieu of posting subdivision surety.
- f. Conditional approval does not allow the applicant to sell or offer for sale any lot within the subdivision for which conditional approval was granted, and such fact shall be placed on any notice of conditional approval including the plans filed in the Town Clerk's office.
- g. Conditional approval shall be valid for a period of three (3) years from the date of approval. The applicant may apply for a renewal of the conditional approval for a period not to exceed 3 years. The applicant may also apply for final approval (per Section D.2) at any time during the 3-year period.
- h. A subdivision plan for which conditional approval has been granted shall be filed in the office of the Town Clerk, after proper endorsement by the Commission, in accordance with the provisions of the CGS, Title 8, Chapter 126, as amended.

## **2. Final Approval**

- a. An applicant requesting final approval of a subdivision shall submit to the Planning Department materials specified in Section H for final approval (consult Planning Department staff for the number of copies to submit).
- b. If conditional approval has been previously granted, the final plan shall be accompanied by a statement from the Town Engineer that the town is in receipt of as-built plans showing all streets and utilities in exact location and elevation, and identifying those portions already installed and those to be installed. The Town Engineer's bond recommendation for the amount of performance guarantees required to assure completion of those improvements not yet installed, or maintenance of improvements if all have been installed (per Section E) shall also be submitted.
- c. The application for final subdivision approval shall be declared complete within a 14 day period from the date of its submission according to the provisions of Chapter 3, Section C.3 of these regulations.
- d. A complete application for final approval shall be acted upon in accordance with the time frames set forth for the approval of subdivision plans in the CGS, Title 8, Chapter 126, as amended.

- e. A subdivision for which final approval has been granted shall be filed in the office of the Town Clerk, after proper endorsement by the Commission, in accordance with the provisions of CGS, Title 8, Chapter 126, as amended.
- f. The subdivision plan shall not be endorsed by the appropriate Commissioner(s) until the developer has posted the guarantees required pursuant to Section E of these regulations; and until all approval modifications shall have been accomplished or incorporated into the final plans as appropriate.

**E. Improvement Guarantees**

**1. Purpose**

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required subdivision improvements, including but not limited to: streets, utilities, drainage facilities/structures/improvements throughout the entire subdivision, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

**2. Application**

- a. Before the recording of final subdivision plans, the Commission may require and shall accept the following guarantees:
  - (1) The furnishing of a performance guarantee in an amount not to exceed 125% of the Town's cost of installation for improvements;
  - (2) Provision for a maintenance guarantee for a period of one (1) year after final acceptance of all improvements, in the amount of 10% of the cost of the improvements.
- b. The Commission may specify a time period by which installation of all improvements must be completed. In the event no such time period is specified, the time period shall be as set forth in CGS 8-26c, as amended. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Commission; the original time period plus any extension may not exceed the time period contained in CGS 8- 26c, as amended.
- c. Where conditional subdivision approval was granted, the amount of the performance guarantee will be established as if no work had been completed (for the purpose of future maintenance guarantee establishment); and a concurrent reduction (in accordance with Section E.3) will be granted as appropriate.

**3. Interim Reductions**

- a. Requests for reduction of the performance guarantee must be made in writing to the Commission. Upon receipt of a written reduction request, the Town

Engineer will, after inspection, recommend a reduction amount to the Commission, which will then act upon the request in a timely manner.

- b. Requests for bond reductions will be accepted only at the following stages of project completion:
  - (1) Completion of utilities installation
  - (2) Completion of base course of pavement
  - (3) Final completion

#### **4. *Final Acceptance of Improvements/Land***

- a. Improvements
  - (1) Upon completion of all required improvements, the developer shall submit "as-built" record drawings (in accordance with Town requirements) and will request, in writing, Town acceptance of the improvements. Upon receipt of the request (in accordance with the acceptance schedule outlined below), the Town Engineer will inspect all improvements and shall prepare a detailed report, in writing, indicating either approval or rejection of the request, with a statement of reasons for any rejection.
  - (2) If the Town Engineer recommends acceptance of the improvements, a one-year maintenance bond equal to 10% of the initial bond will be established by the Commission.
  - (3) Upon establishment of the maintenance bond, the subject improvements will be presented to the Town Council for acceptance (in accordance with the schedule outlined below). Upon action by the governing body, the developer will be notified in writing of the action.
- b. Land
  - (1) A developer may request acceptance for land to be deeded to the Town (such as open space) at any time, provided that all required improvements upon the land to be accepted have been completed. The procedure outlined for final acceptance of public improvements (Section E. 4-6) shall be followed for acceptance of land.

#### **5. *Performance and Maintenance Mechanisms***

Performance and maintenance guarantees shall be provided by:

- a. Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
- b. Escrow account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value, in escrow with a bank, with the Town of South Windsor as a signatory to the account.

- c. Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in Connecticut.

**6. Final Acceptance Schedule**

Final acceptance of subdivision improvements may be requested in accordance with the following schedule. Requests (including complete as-built drawings) received between September 16 and April 15 will be processed under the Column A schedule; requests received between April 16 and September 15 will be processed under the Column B schedule.

Activity	A	B
Staff review	May	October
PZC review	June	November
Council acceptance	July	December

**F. Liability Insurance**

Any subdivision which includes public improvements shall be subject to the following liability insurance requirement. The subdivider shall secure a policy of liability insurance, satisfactory to the Town Attorney, with a combined single limit for bodily injury and/or property damage in the amount of \$1,000,000, naming the Town of South Windsor as an insured. This insurance is to be maintained until all improvements specified in section E.1 above and required by the approved plans have been completed and accepted by the Town; and certificate of insurance renewals shall be forwarded to the Town on an annual basis.

**G. Conservation Plan**

A conservation plan shall be submitted by the applicant for all proposals and/or activities disturbing an area larger than one-half acre, except conservation plans shall not be required for the construction of a single family home on a lot that is not part of a subdivision or resubdivision. Conservation plans shall be submitted where required by Public Act 83-388, as amended. Conservation plans may be required under the provisions of said public act, where not otherwise required by these regulations, or by other regulations of the Town of South Windsor.

The conservation plan shall set forth the proposals for soil erosion prevention, sediment control and other soil conservation treatments to be taken. The topographic map of Section 3.H.II shall be used to detail and outline the proposed conservation plan. The conservation plan shall function as, and shall conform to, the requirements of an Erosion and Sediment Control Plan as set forth in Public Act 83-388, as amended. The guide for preparation of the conservation plan shall be the "Connecticut Guidelines for Soil Erosion and Sediment Control" of the Connecticut Council on Soil and Water Conservation, January 1985, as amended.

In a proposed subdivision or resubdivision, the conservation plan shall portray and outline typical erosion and sediment control treatments for representative lots within the subdivision or resubdivision. Each plot plan accompanying a building permit application shall be consistent with the typical erosion and sediment control treatments portrayed and outlined in the conservation plan for said subdivision or resubdivision.

The Planning and Zoning Commission hereby delegates its authority for certification of conservation plans to the Inland Wetlands Agency/Conservation Commission. The IWA/CC shall not certify the conservation plan until said plan complies with Public Act 83-388, as amended, and these regulations. The IWA/CC may refer said conservation plan to the Hartford County Soil and Water Conservation District for a report and/or certification. Any and all costs incurred for said report and/or certification from the Hartford County Soil and Water Conservation District shall be borne by the applicant. Commission approval of any application requiring a conservation plan shall not take effect until the application's conservation plan has been certified in compliance with Public Act 83-388, as amended, by the Inland Wetlands Agency/Conservation Commission.

The Planning and Zoning Commission, or its designated agent, may require the applicant's engineer to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. In the event of failure to submit such verification, where required, the Commission may revoke approval of the application.

The Commission may require a bond to ensure implementation of all erosion and sediment control measures outlined in the conservation plan, and to ensure the above-referenced inspection/verification by the applicant's/developer's engineer. Said bond shall be in place prior to commencement of site work. The amount of said bond shall be established by the IWA/CC, based upon a recommendation of the Town Engineer, and shall be released by the Commission upon written recommendation of the IWA/CC.

## **CHAPTER 4: DESIGN AND IMPROVEMENT STANDARDS**

### **A. Purpose**

The purpose of good subdivision design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project that will be an asset to the community. To promote this purpose, the subdivision shall conform to the following standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

### **B. General Design Requirements**

#### ***B.1. Regulations and Zoning***

- a. All portions of any subdivision shall conform to the health and public safety regulations of the Town of South Windsor and the State of Connecticut, the Town Zoning Regulations, and the Public Improvement Specifications manual. All land to be subdivided shall be of such character that it can be used for building/development purposes without danger to health and safety. All portions of any subdivision shall conform to these subdivision regulations. The Commission may grant a waiver to specific sections of these regulations only where such waiver provision is included within these regulations.
- b. Subdivisions should generally be consistent with the Town Plan of Development and other applicable local plans.
- c. Minimum lot area, frontage, or depth may be waived by the Commission in not over 10% of the lots in a subdivision where the shape of the parcel, topography, or other natural features prevent the best subdivision in strict conformance to the lot sizes and areas required.
- d. No privately owned reserved strips that control access to land dedicated to public use, or which may be so dedicated (for example, streets or open space), will be permitted.

#### ***B.2. Natural Features***

- a. Improvements on the site shall be located to preserve the natural features of the site to the maximum extent practicable, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
- b. The following specific areas shall be conserved, either as dedicated open space or via appropriate conservation mechanisms, to the extent consistent with the reasonable utilization of land and in accordance with other applicable local regulations. If it appears that such area(s) may exist on the site, the Commission may seek expert input or may require the applicant to provide expert input regarding the existence and/or relative value of such areas.

- (1) Unique and/or fragile areas;
  - (2) Significant mature trees or significant mature stands of trees;
  - (3) Habitats of endangered wildlife, as identified on federal or state lists;
  - (4) Historically/archaeologically significant structures and sites;
  - (5) Slopes in excess of 15%. Where construction is proposed on slopes in excess of 15%, additional engineering/best management practices may be required for slope stabilization/conservation.
- c. The subdivider shall preserve to the fullest extent possible all trees except those required to be removed by building construction or public improvements. Subsequent to subdivision approval, a waiver (change order) may be requested by the prospective homeowner.
  - d. The development shall be laid out to reduce cuts and fills; to avoid unnecessary impervious cover; to provide adequate access to lots; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

### ***B.3. Solar Design***

Applicants shall demonstrate to the Commission that they have considered, in developing the plan, the use of passive solar energy techniques that would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies, and exemptions. Passive solar energy techniques mean site design techniques that maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to:

- a. House orientation;
- b. Street and lot layout;
- c. Vegetation;
- d. Natural and man-made topographical features; and,
- e. Protection of solar access within the development.

### ***B.4. Residential Development Design***

- a. Residential lots shall generally front on residential access (local) streets, not on collector streets. The Commission may waive this requirement for a very limited number of lots, only upon substantial demonstration that it is impractical and infeasible for lots to front on local streets. Where such a waiver is granted, a turnaround driveway must be provided. Shared driveways must be provided for contiguous lots on the collector street where feasible.

- b. One driveway curb cut will be permitted per residential lot on a local street, unless the distance between them is greater than 50 feet and approval has been granted by the Planning Director and the Town Engineer. Only one driveway curb cut will be permitted per residential lot on a collector street.
- c. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property for its intended use.
- d. The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics. Where appropriate, these items shall be designed in accordance with the Public Improvement Specifications manual.
- e. When open space is required in a subdivision, a concept meeting with the Commission is encouraged so that the location of open space may be agreed upon early in the application process.

***B.5. Commercial and Industrial Development Design***

Commercial and industrial development shall be designed according to the same principles governing the design of residential developments, namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided, and such access shall conform to applicable access management regulations; and adverse impacts buffered.

***B.6. Circulation System Design***

- a. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography, and to present an attractive streetscape. Local streets shall be designed to connect to collector streets in accordance with the street hierarchy system.
- b. Proposed streets and sidewalks shall be in harmony with existing or proposed arterial and collector streets, as shown on the Town Plan of Development, especially with regard to safe intersections with such thoroughfares.
- c. The pedestrian system shall be located as required for safety. Sidewalks shall generally be placed parallel to the street, with exceptions permitted to preserve natural features. Sidewalks shall generally be placed on both sides of new streets, except where waived by the Commission. The Commission may require sidewalks on existing street frontage, depending upon pedestrian circulation patterns and existing site conditions.

**B.7. Landscape Design**

- a. Reasonable landscaping should be provided at subdivision entrances, along streets (but not within street rights-of-way, and in public areas. The type and amount of landscaping shall be suited to the development.
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. Provisions shall be made for long-term maintenance of landscaping.

**C. Specific Design Requirements**

The following design guidelines should be used in conjunction with the design requirements contained in the Public Improvement Specifications manual where applicable and appropriate.

**C.1. Open Space and Recreation****C.1.a. Purpose.**

It is the policy of the Town of South Windsor to preserve open space in accordance with the requirements set forth herein. These open space and recreation requirements have been prepared from a regional perspective in an effort to preserve wildlife habitat, flora and fauna, while preserving for the citizens of the region an area in which to enjoy nature, with an opportunity to walk, jog, cross country ski, bicycle, picnic, fish, wade, sit or otherwise spend time in a natural setting.

In addition to these passive activities these requirements recognize the importance of areas which may be used for active recreational activities which include competitive sports; and the importance of the Town's agricultural areas, which the Town strives to preserve, in an effort to provide locally grown fruits and vegetables, dairy products, trees, shrubbery and similar products.

The Open Space and Recreation requirements outlined herein are based on the Town Plan of Conservation and Development, the Agricultural Land Preservation Master Plan, the Open Space Master Plan, and the Recreation Master Plan. together with areas which can unite or link important open space areas. These "linkages" are formed by joining undeveloped and undevelopable land areas, including existing open spaces, areas with developmental restrictions, such as streams, wetlands and severe slopes and through the identification and plotting of existing trails. Many of these areas are identified on maps contained within each Master Plan.

**C.1.b. Mandatory Open Space Subdivisions.**

In order to meet the goals and objectives for open space preservation contained in the Subdivision and Zoning Regulations as well as the documents noted above, or

when a site proposed for subdivision has been identified in a Master Plan noted above as a desirable site for open space and/or recreation, the Commission may require an Open Space Subdivision rather than a conventional subdivision. All applicants are strongly encouraged to appear before the Commission for a pre-application discussion of their proposed open space plan, prior to the receipt of the complete application. Requests for a pre-application discussion shall be made in writing to the Commission and shall be placed on the earliest possible agenda of the Commission.

Development applications which include areas contained within one of the above-referenced Master Plans shall, where possible, set aside those areas for preservation. As provided within the Subdivision Regulations, Section C.1.c.(1), an area equal to twenty percent (20%) of the combined acreage of the lots shall be preserved for open space, and as outlined within Section 10.3 of the Zoning Regulations, Open space subdivision, fifty percent (50%) of the site shall be preserved for open space. Where applications for development contain areas included within a Master Plan, the required preservation of open space shall closely correspond with those areas outlined within the Master Plan.

All subdivision applications which contain a total of 10 acres or more shall be designed in accordance with the requirements of Section 10.3 of the Zoning Regulations, Open Space Subdivision, where 50% or more of the total area to be subdivided is contained within an above-referenced Master Plan. The Commission may waive this requirement where site conditions clearly prevent a reduction in the minimum lot size.

All subdivision applications which contain a total of 10 acres or more shall be designed in accordance with the requirements of Section 10.3 of the Zoning Regulations, Open Space Subdivision, where 25% or more of the total area to be subdivided is identified as desirable agricultural land in a Master Plan. A minimum of 50% of the required open space shall be within the desirable agricultural land area. The Commission may waive this requirement where site conditions clearly prevent a reduction in the minimum lot size.

**C.1.c. Minimum Requirements**

- (1) Conventional Subdivision. In a subdivision of six (6) or more lots, twenty percent (20%) of the tract proposed for subdivision shall be preserved as open space. The Commission may reduce this requirement where the proposed lot size is 100% larger than the minimum lot size required under Section 10 of the Zoning Regulations. Any land reserved for surface water runoff, such as detention basins, regulated wetlands, waterbodies, brooks and streams, shall not be considered as meeting the requirements of open space, except when in the judgment of the Commission such land is deemed to be of benefit to the recreation areas in town and/or upstream or downstream watersheds. In no case shall

more than one-half of said land be considered for open space requirements.

- (2) **Open Space Subdivision.** In accordance with the provisions of Section 10.3 of the South Windsor Zoning Regulations, Open Space Subdivisions may be allowed by Special Exception. Fifty percent (50%) of the tract proposed for subdivision shall be preserved as open space. In addition to the requirements contained within these regulations, all open space subdivisions must conform to the requirements of section 10.3.
- (3) **All Subdivisions**
  - (a) **Location of open space parcels.** The location of the open space shall be designed in accordance with one or more of the following factors as appropriate to the site, (some do conflict with others).
    - i. Where new roads are proposed, open space is located so as to create a buffer between the existing Town/State road(s) and the proposed lots.
    - ii. The open space is designed as a buffer between the proposed subdivision and abutting properties.
    - iii. The open space is located to preserve such natural features as scenic vistas, ridge tops, significant tree groves, waterfalls and environmentally scenic areas.
    - iv. The open space is located in areas to preserve significant man made features such as stone walls, canals or historic structures.
    - v. The open space is located so as to preserve primary and secondary agricultural lands.
    - vi. The open space is located in areas which connect existing open space or areas with the greatest potential for future open space and facilitates recreational and green space corridors and/or trails.
    - vii. The open space extends beyond the wetland boundary side of a stream or watercourse. Where a proposed subdivision includes an area containing a significant stream or a stream linkage, the applicant shall, where possible, preserve as open space the stream and an area located within two hundred feet from either side of the centerline of the stream. Streams under this section include, but are not limited to: the Podunk River; Plum Gulley Brook; Stoughton Brook; Bancroft Brook. This preservation area will be required as part of the fifty percent (50%) open space subdivision, or twenty percent (20%) conventional subdivision requirement.
    - viii. The open space is suitable for public active recreational use.

- (b) All open space shall abut or have direct access to a street through a right-of-way dedicated to public use. The right-of-way shall not be included in the required open space area, shall be at least fifty (50) feet wide and shall be suitable for foot traffic. In acceptable circumstances the Commission may reduce or waive this requirement. Private open space land that is to be used by selected or limited groups for recreation or other similar purposes shall have access as required above, but such access shall remain part of the private land
- (c) Development applications shall preserve a location for the parking of vehicles within areas that can provide public access to existing and proposed open space, particularly those areas which provide access to new and existing trails and recreational areas. The preservation of these areas will be required as part of the fifty percent (50%) open space subdivision, or twenty percent (20%) conventional subdivision requirement. The Commission may reduce the open space requirement, and thereby permit an equal increase in density, where an application proposes the construction of parking areas, provided the value of the construction is equivalent to the value of the land and the additional lots obtained as a result of open space reduction.
- (d) The Commission may permit a reduction in the fifty percent (50%) open space subdivision, or twenty percent (20%) conventional subdivision open space requirement and thereby permit an equal increase in density, where the application proposes to construct public facilities, such as ball fields, and other recreational facilities, provided the value of the construction is equivalent to the value of the land and the additional lots obtained as a result of open space reduction.
- (e) When a property line of a subdivision abuts existing open space, the Commission may require the new open space lines to form a continuation of the existing area to provide a single, large, unified area.
- (f) Monuments are required at all corners and angles of Town open space, except where land characteristics cannot accept the monuments.
- (g) Any security as outlined in Chapter 3, Section E for the completion of public utilities and improvements shall also be available for completion of public or private open space requirements in the event of a default of performance by the subdivider or his successor.

**C.1.d. Fee in Lieu of Open Space**

- (1) When required. When conditions such as subdivision size, population density, existing municipal facilities, topography, or other site- or

development-specific characteristics are such that on-site open space is not desirable, the Commission may require the applicant to provide a fee in lieu of open space or a combination of land and fee.

- (2) Amount. Such payment or combination of payment and the fair market value of land transferred shall be equal to no more than ten percent of the fair market value of the 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, with the cost to be borne by the applicant.
- (3) Payment. 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.

#### **C.1.e. Exceptions.**

The open space requirements of this section shall not apply if:

- (1) the subdivision contains less than six (6) lots, or
- (2) the subdivision is to contain affordable housing, as defined in CGS Section 8-39a, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

#### **C.1.f. Improvement of Open Space Parcels**

Land to be used as public or private open space shall be left in a condition for the purpose intended. Where directed by the Commission, undesirable growth and debris shall be removed by the developer; and open space to be used for recreation shall be graded to dispose of surface water and shall be seeded. In general, wooded and brook areas shall be left natural.

- (1) Developed open space. The Commission may require the installation of landscaping and/or recreational facilities, taking into consideration:
  - (a) The character of the open space land;
  - (b) The estimated age and the recreational needs of persons likely to reside in the development;
  - (c) Proximity, nature, and excess capacity of existing municipal recreational facilities;
  - (d) The cost of the recreational facilities;
  - (e) Separation/delineation of open space from surrounding land uses; and

- (f) Reports of other Town Commissions or departments regarding the proposed improvements.

Sports field lighting and/or audio speakers are not permitted on subdivision open space acquired under these regulations.

The Commission may at their discretion require a site improvement plan as part of the final plans on public open space land that is reserved for recreation. These plans shall be subject to the approval of the Commission.

- (2) Undeveloped open space. As a general principle, undeveloped open space should be left in its natural state. The Commission may require naturalized planting of open space that has been used for agriculture or disturbed in other ways and is not in a suitable natural condition. The Commission may require certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the Commission may require a developer to make other improvements, such as removing debris and dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, repairing or replacing deteriorating/dysfunctional drainage features/structures, etc. Any such improvements shall be included in an open space improvement site plan and approved by the Commission.

**C.1.g. Exceptions to the Standards**

The Commission may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

**C.1.h. Open Space Ownership**

The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Commission, with the Town having firstright of refusal on all open space. Type of ownership may include, but is not necessarily limited to, the following:

- (1) The Town, subject to acceptance by the Town Council;
- (2) Quasi-public land preservation organizations (for example, a land trust), subject to their acceptance; or
- (3) Homeowner associations or organizations.

**C.1.i. Homeowners Association**

If the open space is owned and maintained by a homeowners association, the developer shall file a declaration of covenants and restrictions that

will govern the association, to be submitted with the application. The provisions shall include, but are not necessarily limited to, the following:

- (1) The homeowners association must be established before the homes are sold;
- (2) Membership must be mandatory for each home buyer and any successive buyer;
- (3) The open space restrictions must be permanent, not just for a period of years;
- (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
- (5) Homeowners must pay their pro rata share of the cost of maintenance, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
- (6) The association must be able to adjust the assessment to meet changed needs.
- (7) The association shall not be dissolved nor shall it dispose of the open space except:
  - (a) the open space may be donated to the Town of South Windsor, which shall have first right of refusal; or
  - (b) the open space may be donated to a quasi-public land preservation organization.

**C.1.j. Deed Restrictions**

Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town-dedicated property) ensuring that:

- (1) The open space area will not be further subdivided in the future;
- (2) The use of the open space will continue in perpetuity for the purpose specified;
- (3) Appropriate provisions will be made for the maintenance of the open space; and
- (4) Open space shall not be converted into a commercial for-profit enterprise.
- (5) Rights of public access to the open space are provided when appropriate.

**C.1.k. Maintenance of Open Space Areas**

The person or entity identified in Section C.1.g as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

**C.2. Landscaping Standards**

a. Purpose

- (1) Landscaping shall be provided as part of subdivision design along streets, at subdivision entrances and within open space, And other areas if appropriate. It shall be conceived in a total pattern or theme throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
- (2) Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculptures, walls, fences, paving material, and street furniture.
- (3) Where a landscaping pattern/theme has been previously approved in a neighborhood, new subdivision lots should generally adhere to the established theme.

b. Landscape Plan

- (1) A landscape plan prepared by a registered landscape architect shall be submitted with each subdivision application which contains five (5) or more lots and/or new road(s). The plan shall identify the existing tree line plus existing mature trees, and proposed trees, shrubs and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located, and planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.
- (2) A waiver to this provision may be granted by the Commission where it is demonstrated that subdivision landscaping is not practical or feasible, or where existing site vegetation to be preserved is sufficient to preclude the need for additional landscaping. If a waiver is granted, the subdivision plan must contain provisions for preservation of existing vegetation (where appropriate), in accordance with Site Protection and General Planting Requirements below.

c. Street Trees

- (1) Location. Shade trees shall be installed on both sides of all streets in accordance with the approved landscape plan, per the specifications in the Public Improvement Specifications manual. Trees shall be either massed or spaced evenly along the street or both, and shall be located within a

street trees easement located adjacent to the street R.O.W., coordinated with utilities companies to ensure no trees are planted above utility lines.

- (2) Street trees easement. All street trees will be located within an easement dedicated to the Town of South Windsor, located directly adjacent to the street right-of-way. Said easement will prohibit removal of street trees without the express written consent of the Public Works Director of the Town. Maintenance of street trees will be the responsibility of the lot owner.
- (3) Street trees waiver. Where topography or site conditions are not suitable for street trees, street trees may be eliminated or may not be designed in strict accordance with the above standards, at the Commission's discretion.

d. Site Protection and General Planting Requirements

- (1) Topsoil preservation. Topsoil shall be redistributed on all regraded surfaces to provide at least 4 inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting in accordance with the conservation plan (Section 3.G).
- (2) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the development without prior approval from the Town Engineer and Wetlands Enforcement Officer; and in no instance shall they be buried in regulated wetlands and/or areas of high groundwater. All dead or dying trees, standing or fallen, shall be removed from all areas except open space. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Town Engineer and Wetlands Enforcement Officer.
- (3) Protection of existing plantings. Maximum effort should be made to save existing vegetation, and relocation of desirable trees on-site is particularly encouraged. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or within the drip line of trees designated on the landscape plan to be retained (unless it can be demonstrated that the drip line area is excessive for specific tree species). Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences are an example of acceptable barriers.
- (4) Slope plantings. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 1 foot

vertically to 3 feet horizontally (1:3 ratio) shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

- (5) Additional landscaping. In residential subdivisions, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for privacy or other reasons in accordance with the landscape plan approved by the Commission and taking into consideration cost constraints (for example, where lots have back yards fronting on a street, the Commission may require screening between the street and the back yard). In nonresidential subdivisions, all disturbed areas of the site not occupied by buildings and other impervious surfaces shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the Commission.
- (6) Planting specifications. Deciduous trees shall have at least a 2-1/2 inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of tree/shrub. All plant materials shall be of nursery stock quality; and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the developer during the following planting season.
- (7) Plant species. The plant species selected should be hardy for this area, and appropriate in terms of function and size.

e. Buffers

Buffers are required wherever a new subdivision abuts a nonresidential zone, in accordance with the provisions of Section 10.4 of the zoning regulations.

**C.3. Streets**

a. General

- (1) The arrangement of streets shall be in harmony with the circulation plan of the Town Plan of Development and any specific plans for the area of the subdivision.
- (2) For streets not shown on the Town Plan, the arrangement shall provide for the appropriate and reasonable provision of new streets or other access or the extension of existing streets.
- (3) Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy and safety.
- (4) Street design details shall conform with the requirements and specifications of the Public Improvement Specifications manual.

- (5) Any street that is to be constructed in phases must make provisions for a temporary cul-de-sac at the location where it is to terminate. This provision may be waived only where the street extension is to occur immediately following completion of the previous section.
- (6) Where a subdivision abuts an existing Town street with no defined street line, a proposed street line shall be shown on plans. Upon acceptance by the Town Council, the street line shall be monumented by the subdivider in accordance with the monumentation standards in the Public Improvement Specifications manual. The newly established street line shall provide a right-of-way width equal to one-half of the required total width, in accordance with the street's classification, along the subdivision property boundary.

Where a subdivision abuts an existing Town street with inadequate right-of-way width, the subdivider shall provide additional right-of-way width equal to one-half of the required R.O.W. width, in accordance with the street's classification, along the subdivision property boundary.

Right-of-way width shall be measured as follows:

- (a) Where the horizontal geometry of the existing street meets Town specifications, and the existing pavement is centered within the existing right-of-way, the right-of-way width shall be measured from the centerline of the existing pavement.
  - (b) Where the existing pavement is offset within the existing right-of-way, and/or where the horizontal geometry of the existing street fails to meet Town standards, a new street centerline that meets Town standards shall be established. The subdivision plan shall demonstrate that the new centerline will meet Town standards when extended past the boundaries of the proposed subdivision. The right-of-way width to be provided to the Town will be measured from the new street centerline.
- (7) The required right-of-way shall be deeded to the Town in accordance with the procedures for acceptance of land/improvements contained elsewhere in these regulations.
- b. Street Hierarchy
- (1) Streets shall be classified in a street hierarchy system with design tailored to function.
  - (2) The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

- (3) Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types defined in Exhibit 1.
- (4) The applicant shall demonstrate to the Commissions' satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated in Exhibit 1 for any proposed street types.

**Exhibit I: Residential  
Street Hierarchy**

1. Local Street: Lowest order of streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. All, or the maximum number of housing units, shall front on this class of street. An east-to-west orientation is considered desirable to allow for maximum solar lot configuration. Expected traffic volume is less than 1,000 vehicles per day.
2. Minor Collector: Provides frontage for access to lots that are unable to access local streets, and carries traffic of adjoining local streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. May interconnect adjoining neighborhoods or subdivisions but should not carry regional through traffic. Expected traffic volumes generally range between 1,000 and 3,000 vehicles per day.
3. Major Collector: Serves both a traffic movement function and a limited land access function. A significant portion of trips are through trips, with both origin and destination outside the neighborhood. Expected traffic volumes generally range between 3,000 and 10,000 vehicles per day.
4. Arterial: Primary function is to move large volumes of traffic quickly. Traffic

c. Cul-de-Sac (Dead End) Streets

(1) Residential Cul-de-Sac Streets

Cul-de-sac streets in all residential zones shall generally not exceed 600 feet in length, measured from the right-of-way line of the intersection street to the centerpoint of the cul-de-sac radius along the street centerline. The Commission may grant a waiver of the length requirement of this section, in residential zones only, if the Commission deems it desirable due to adverse topographic or environmental conditions, difficult site configuration, if such street is likely to be extended in the future to another outlet, if no potential outlet would be available to serve the residential zone area, or if such extension serves the purposes of access management, subject to the following conditions:

- (a) In no case shall a dead end street exceed 1,500 feet in length.
- (b) If a potential outlet is available, the Commission shall conclude that the conceptual routing of such outlet appears reasonable.

- (c) If no potential outlet is available, the Commission shall determine that the subject property cannot be reasonably served by any other public street (existing or future) due to site constraints (environmental or topographic), accepted engineering standards, and/or prohibitive or excessive cost.
- (d) The Commission shall determine that the proposed extension conforms to the goals and objectives of access management.
- (e) The Commission shall conclude that the proposed street extension will function as an residential local street, rather than a collector or arterial highway.
- (f) Underground utilities must be provided.
- (g) Sidewalks are required on both sides of the street.

Said waiver may be considered and acted upon at the request of the subdivider in advance of a formal subdivision application. In such cases, a conceptual layout of the proposed street extension shall be submitted with the written waiver request, accompanied by a narrative statement explaining the proposal and why a waiver is consistent with the requirements of this section.

## (2) Industrial Cul-de-Sac Streets

Cul-de-sac streets in all industrial zones shall generally not exceed 1500 feet in length, measured per Section C.3.c(1) above. The Commission may grant a waiver of the length requirement of this section, in industrial zones only, if the Commission deems it desirable due to adverse topographic or environmental conditions, difficult site configuration, if such street is likely to be extended in the future to another outlet, if no potential outlet would be available to serve the industrial zone area, or if such extension serves the purposes of access management, subject to the following conditions:

- (a) In no case shall a dead end street exceed 2,500 feet in length.
- (b) If a potential outlet is available, the Commission shall conclude that the conceptual routing of such outlet appears reasonable.
- (c) If no potential outlet is available, the Commission shall determine that the subject property cannot be reasonably served by any other public street (existing or future) due to site constraints (environmental or topographic), accepted engineering standards, and/or prohibitive or excessive cost.
- (d) The Commission shall determine that the proposed extension conforms to the goals and objectives of access management.

(e) The Commission shall conclude that the proposed street extension will function as an industrial local street, rather than a collector or arterial highway.

(f) Underground utilities must be provided.

Said waiver may be considered and acted upon at the request of the subdivider in advance of a formal subdivision application. In such cases, a conceptual layout of the proposed street extension shall be submitted with the written waiver request, accompanied by a narrative statement explaining the proposal and why a waiver is consistent with the requirements of this section.

Any such waiver shall be conditional upon the requirement that individual lot development within the industrial subdivision shall, to the extent possible, provide for emergency vehicle access in the event of a street blockage (e.g. fallen tree, ruptured pipe, etc.). This may include an access driveway at each end of the street frontage providing an uninterrupted - on-site vehicle by-pass to the blockage. Such driveways can and should be shared with abutting lots where feasible.

#### d. Future Street Stubs

- (1) Street stubs shall be provided where, in the opinion of the Commission, they are necessary for a coordinated street system connecting a subdivision with adjoining land that may be developed in the future. These street stubs shall not require pavement.
- (2) It shall be the responsibility of the subdivider to rough grade the street stubs as shown on the final plans.
- (3) Ownership of the street stubs shall be transferred to the Town at the time of transfer of all other streets in the subdivision.
- (4) Final construction of street stubs shall be done by the subdivider of the abutting land. In the event two or more abutting subdivisions are being built simultaneously, it shall be the shared responsibility of the subdividers to fulfill these requirements.

#### e. Curbs and Gutters

- (1) Curbing shall be required on all new streets for the purposes of drainage, safety, and delineation and protection of pavement edge. Curbing may be required where existing streets are widened/improved.
- (2) Where curbing is not required, some type of edge definition and stabilization shall be furnished for safety reasons and to prevent unraveling of the pavement.
- (3) Curbing shall be designed to provide a ramp for bicycles and/or wheelchairs as required by State law.

- (4) Curbing and ramps shall be constructed according to the specifications set forth in the Public Improvements Specifications manual.

f. Sidewalks

- (1) Sidewalks shall generally be required on new residential streets depending on road classification and intensity of development. Sidewalks may be required in non-residential subdivisions, and on existing streets in accordance with the Town Sidewalk Plan section of the Town Plan of Development.
- (2) Where sidewalks are optional, they may be required if close to pedestrian generators, to continue a walk on an existing street, to link areas, or depending on probable future development as indicated in the Town Plan of Development.
- (3) Sidewalks and graded areas shall be constructed according to the specifications set forth in the Public Improvements Specifications manual.

g. Utilities

- (1) Utilities shall generally be located within the right-of-way on both sides of and parallel to the street, as shown in the Public Improvements Specifications manual.
- (2) Utility areas shall have a minimum of 4" of topsoil and shall be planted with grass or ground cover; or treated with other suitable cover material.
- (3) Electric power, telephone, and other cable systems shall be placed underground in all residential subdivisions; except that in those portions of a subdivision adjacent to an existing Town road, the existing electric power and telephone/cable system facilities on such road may be used.
- (4) This provision may be waived by the Commission only where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

h. Right-of-Way

- (1) The right-of-way shall conform to the standards in the Public Improvements Specifications manual.
- (2) The right-of-way width of a new street that is a continuation of an existing street shall at least meet the standards in the Public Improvement Specifications manual for that street classification, and shall in no case be continued at a width less than that of the existing street.
- (3) The right-of-way width shall reflect future development as indicated by the Town Plan of Development.

i. Street Grade and Intersections

- (1) Street grade and intersection requirements are specified in the Public Improvements Specifications manual.

j. Pavement Section

- (1) Street pavement thickness shall vary by street hierarchy, subgrade properties, and pavement type.
- (2) Pavement design shall conform to the specifications of the Public Improvement Specifications manual.

k. Street Lighting

- (1) Street lighting shall be provided in accordance with a plan designed by the utility company in conjunction with the Local Traffic Authority policies on street lighting.

l. Street Names

- (1) Street names shall be subject to the approval of the Commission and the Fire Marshal. Street names shall be creative and thoughtful, with consideration given to providing historic names wherever possible.

m. Signs

- (1) Design and placement of traffic signs shall be in accordance with requirements of the Local Traffic Authority and shall conform to the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation.
- (2) Street name signs shall be placed at each intersection and shall conform to the standards of the Public Improvement Specifications manual. Street names shall be subject to the approval of the Fire Marshal.
- (3) Site information signs shall conform to the requirements of the zoning regulations.

***C. 4. Water Supply***

- a. Subdivisions with a property boundary within 200 feet of an existing public water supply must connect to public water in accordance with the State Public Health Code, Sec. 19-13-B51m, unless an exception is granted by the Commissioner of Health Services.
- b. If a public water supply system is to be provided to the area within a five-year period as indicated in an official water company plan, municipal plan, or other official document, the Commission may require installation of a capped system, or dry lines (mains and laterals only) within the road right-of-way.
- c. All proposals for extensions to existing public water systems, or the installation of dry lines, shall be approved by the officially designated water

company and shall be in accordance with the water company's requirements and specifications.

- d. All proposals for installation of private wells, serving individual units exclusively, shall be submitted to the Town's Environmental Health Officer for a determination of the feasibility of such proposed water supply.
- e. If the Commission determines that a subdivision for which individual wells are proposed has a reasonable expectation of well contamination from pesticides or other known contaminants, the subdivider may be required to install dry lines (mains and laterals only) within the road right-of-way.
- f. Fire hydrants shall be installed in a subdivision served by public water. The Fire Marshal shall approve the location of all fire hydrants.

### **C.5. Sanitary Sewers**

#### **a. General**

All installations shall be properly connected to an approved and functioning sanitary sewer system prior to the issuance of a certificate of occupancy.

#### **b. Connection to Public Sanitary Sewer System**

- (1) All subdivisions shall install public sewerage where feasible. All extensions of public sewerage require the approval of the Water Pollution Control Authority. The Superintendent of Pollution Control should be contacted early in the subdivision planning process for determination of feasibility of public sewerage and WPCA approval.
- (2) All sanitary sewerage extensions and connections shall be done in accordance with the rules and regulations of the WPCA and in conformance with the specifications in the Public Improvement Specifications Manual.

#### **c. Subsurface Sewage Disposal Systems**

- (1) If the Superintendent of Pollution Control determines that connection to the public sewerage system is infeasible, all lots shall be served by subsurface sewage disposal systems.
- (2) Subsurface systems shall be designed and installed in accordance with the requirements of the Connecticut Public Health Code Regulations and Technical Standards for Subsurface Sewage Disposal Systems.

When subsurface sewage disposal systems are proposed, the Environmental health Officer should be contacted early in the subdivision planning process for coordination of necessary percolation tests and required data. The applicant is responsible for ensuring that the Director of Health has all the required data needed to make a determination of the

land's suitability for subsurface sewage disposal. Such determination is required prior to the Commission's action on a subdivision application.

**C. 6. Storm Water Management**

a. General

Design of the storm water management system shall be consistent with general and specific concerns, values, and standards of the Town's floodplain management study, the Public Improvement Specifications manual, and the Town Plan of Development. Design shall be based on environmentally sound site planning and engineering techniques.

The best available technology shall be used to minimize offsite filtration, encourage natural filtration functions, simulate material drainage systems, and minimize off-site discharge of pollutants to ground and surface water.

b. System Design

Storm water management system design shall comply with the specifications set forth in the Public Improvements Specifications manual.

**D. Individual Lot Requirements**

1. Building Permit Plot Plan/Topographic Map

Prior to the building of any structure on a lot, a plot plan/topographic map drawn to a scale of 1" = 40', certified Class A-2 and with a Professional Engineer certification, shall be provided. This map shall contain all information indicated on the Building Permit Checklist (available from the Engineering Dept.).

2. Certificate of Occupancy

(a) Prior to issuance of a permanent certificate of occupancy, an as-built plan, at the same scale as the plot plan/topographic map submitted for the building permit, certified Class A-2, must be submitted. The as-built plan must contain all information indicated on the As-built Checklist (available from the Engineering Dept. or Public Improvement Specifications manual).

(b) No permanent certificate of occupancy shall be issued until site/grading plans have been complied with and accepted by the Town Engineer and Zoning Enforcement Officer (per CGS 8-3(f)). If for any reason, finished grading and other site work is not completed, the Town Engineer shall determine the amount of a cash bond to insure final grading and site work. The cash bond shall be submitted to the Engineering Department prior to issuance of a permanent certificate of occupancy.

(c) No permanent certificate of occupancy will be issued unless a roadway base and binder course of bituminous concrete, constructed in accordance

with these regulations, has been completed to the satisfaction of the Town Engineer.

***E. Off-Tract Improvements***

***1. Purpose***

This section is intended to ensure that reasonable off-tract improvements necessitated by a new development are included with approved subdivision plans.

***2. Types of Improvements That May Be Required***

- a. As a condition of final subdivision approval, the Commission may require an applicant to provide reasonable and necessary traffic and pedestrian circulation improvement; sewerage; drainage facilities and other improvements including land and easements, located off-tract of the property limits of the subdivision but necessitated or required by the development. 'Necessary' improvements are those clearly and substantially related to the subject development. The Commission shall indicate in its approval the basis of the required improvements.

- b. Streets. Street improvements may include (but are not limited to): alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements.

Off-tract streets from which the subdivision is directly accessed shall be of such condition that safe, adequate access to the subdivision is provided. The subdivider may be required to correct deficiencies such as horizontal/vertical alignment (inadequate sight line), inadequate drainage, substandard width, substandard pavement condition, where such conditions directly affect the safety of the proposed subdivision.

- c. Drainage. If the existing system functions inadequately or does not have adequate capacity to accommodate the applicant's stormwater runoff given existing and reasonably anticipated peak-hour flows, drainage improvements may include (but are not limited to): installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances.
- d. Sanitary Sewers. If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, sanitary sewer improvements may include (but are not limited to): installation, relocation, or replacement of collector, trunk, and interceptor sewers, pump stations, and associated appurtenances.