

SUBDIVISION REGULATIONS

Town of
Bethany, Connecticut



PLANNING & ZONING COMMISSION
Bethany, Connecticut

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Revised through February 27, 2015

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Section 1 – Preamble

- 1.1 To assure that subdivision and resubdivision of land in the Town of Bethany is planned and executed so as to promote the general welfare and protect public health and safety, protect the water supply, preserve the rural character of the community, provide open space, parks and playgrounds, and encourage energy efficiency and conservation, the Planning and Zoning Commission of the Town of Bethany, pursuant to the authority granted to it by Chapter 126 of the Connecticut General Statutes, adopts the following regulations of subdivisions and resubdivisions, to apply to all zones, except as specifically indicated otherwise.

Section 2 – Definitions

2.1 General.

- a. Words used in the singular include the plural and the plural includes the singular.
- b. Words used in the present tense include the future tense.
- c. The word "shall" is mandatory; the word "may" is permissive.
- d. Use of the masculine gender includes the feminine.

2.2 Specific.

- a. Applicant. Means any person, partnership, corporation or other legal entity submitting a subdivision or resubdivision application.
- b. Commission. The Planning and Zoning Commission of the Town of Bethany, Connecticut.
- c. Date of Receipt. The day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of the application or thirty-five days after such submission, whichever is sooner.
- d. Date of Submission. The day that the application is submitted to the Commission or its agents.
- e. Engineer or Professional Engineer. Shall mean a person who has been licensed as a Professional Engineer by the Connecticut State board of Examiners for Professional Engineers and Land Surveyors, pursuant to Connecticut General Statutes Section 20.299 et seq. as amended from time to time.
- f. Land Surveyor. Means a person licensed as a Land Surveyor by the Connecticut State Board of Examiners for Professional Engineers and Land Surveyors, pursuant to Connecticut General Statutes Section 20.299 et seq, as amended from time to time.
- g. Owner. Means the owner of record as may currently appear in the Land Records in the Town Clerk's Office and the legally qualified representative of such Owner, where applicable.
- h. Resubdivision. Means a change in a map of an approved or recorded subdivision or resubdivision if such change:
 - 1) Affects any street layout shown on such map,
 - 2) Affects any area reserved thereon for public use,
 - 3) 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.

As set forth in the Connecticut General Statutes Section 8-18 and as amended from time to time.

- i. Right of Way. (Other than Road Right of Way) means any physical area subject to the right of any person other than the owner of the fee in said area, to use that area for purposes defined by a recorded easement or for purposes according to law. A right of way may include the air rights above or the ground beneath the surface, if so specified.

- j. Road. A Public or Private way dedicated or to be dedicated to the movement of vehicular traffic and is used by more than two adjoining lots. Includes highway, lane, court, drive or other public way.
 - 1) Access Way. Means a private right-of-way for access to up to three rear lots.
 - 2) Cul-de-sac or Dead-end Road. A road or system of roads where the only access to a through road is at a single controlling intersection. All roads beyond the controlling intersection shall be considered as a single dead end road for planning purposes.
 - 3) Right of Way. Means the distance between property lines reserved for vehicular and pedestrian traffic.
 - 4) Through Road. Means a road which has two means of vehicular access.

- k. Subdivider. Means the applicant or owner, or both, as appropriate.
- l. Soil Scientist. Means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.
- m. Subdivision. Means 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.

As set forth in the Connecticut General Statutes Section 8-18 and as amended from time to time.

- n. Zoning Regulations. Means the Zoning Regulations for the Town of Bethany.

Section 3 - Authority and Intent

3.1 Use of Authority. In accordance with the provisions of Connecticut General Statutes Section 8-25, no subdivision nor resubdivision of land shall be made (nor any lot sold or offered for sale) nor shall any plan of a subdivision or resubdivision be filed or recorded in the office of the Town Clerk until a plan for such subdivision or resubdivision shall have been approved by the Commission.

Any plan for subdivision or resubdivision when approved by the Commission shall be filed or recorded by the applicant in the office of the Town Clerk within 90 days of the date such plan is delivered to the applicant. 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 plan shall remain valid until the expiration of such extended time. All such 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 judgment in favor of the applicant. No such plan shall be recorded or filed until the Commission's approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision or resubdivision plan without such approval shall be void under Connecticut General Statutes Section 8-25.

3.2 Intent. It is the intent of these Regulations that all land approved for subdivision or resubdivision shall be of such character that it can be used for building purposes without danger to health or public safety, that proper provisions shall be made for water, drainage and sewerage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provisions shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of development as described in Connecticut General Statutes Section 8-23, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs. The Commission may require the provisions of open space, parks and playgrounds when and in places deemed proper by the Commission which open spaces, parks and playgrounds shall be shown on the subdivision or resubdivision plan. All applications for subdivision or resubdivision shall provide that proper provisions be made for soil, erosion and sediment control pursuant to Connecticut General Statutes Sections 22a-329 and 8-25.

3.3 Any person submitting a plan for a subdivision or resubdivision to the Commission shall demonstrate to the Commission that he has considered, in developing the plan, using passive solar energy techniques which 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 which 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: 1.) house orientation; 2.) street and lot layout; 3.) vegetation; 4.) natural and man-made topographical features; and 5.) protection of solar access within the development.

Section 4 - Subdivision Applications, Submissions and Review Procedures

RECOMMENDATION

The applicant should familiarize himself in advance with all state and town regulations relative to health, buildings, roads and other pertinent data so that he is thoroughly aware of the obligations and standards expected. He should thoroughly study these regulations and requirements contained therein.

After becoming familiar with the regulations, it is recommended that in the interest of expediting each proposed subdivision or resubdivision that the applicant consults with the Commission prior to the presentation of the application to the Commission. It is further recommended that a preliminary sketch be submitted at this time for review. No application fee will be charged until a formal application is filed for submittal to the Commission. Applicants are encouraged to submit plans for proposed road construction and improvements including public utilities and services, to the Board of Selectmen of the Town of Bethany for preliminary review prior to making application to the Commission.

4.1 Application Submission. All applications for approval of a subdivision or resubdivision shall be submitted on forms provided by the Commission and shall include such maps and other information as may be required for a complete review of the application. All such required information shall be provided by the applicant. All applications shall be submitted at the Town Clerk's Office no later than twenty-four hours prior to a regular Commission meeting.

4.2 Application Deemed Complete.

1. A completed application form including all pertinent information and the signature of the applicant and also the signature of the owner of the property if different from the applicant. The agent or attorney for the applicant, if any, shall also sign the application.
2. Twelve sets of white prints containing the mapping information set forth in Section 5 titled "Map and Plan Requirements".
3. A written approval and copy of the site development map approved by the Town Health Officer or his agent stating that each lot intended for subdivision or resubdivision has been properly tested and meets applicable requirements of State laws and regulations for wells and septic systems. Pertinent data for each lot in the subdivision as required by Section 3 of the Bethany Zoning Regulations shall be submitted with the application.
4. If access onto a State Highway is involved, a written approval from the State Department of Transportation shall also be required.
5. If the subdivision or resubdivision is contained within the boundaries of the West Rock Ridge Conservation Area and therefore is subject to Special Act No. 75-80 as amended, the applicant shall submit proof that the State has waived its rights to acquire the land involved.
6. Drainage or other easements.

7. Payment of the applicable application fee, based on the most recently adopted fee schedule, shall be submitted simultaneously with the application.
8. In cases where all basic information is shown on the plans when submitted but minor additional detail is required for clarification or for review by the Commission, the application may be accepted conditional upon all such additional information being delivered to the Commission at their next regularly scheduled meeting.
9. If an application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440, the applicant shall submit an application to the agency responsible for administration of the Inland Wetland Regulations no later than the day the application is filed for the subdivision or resubdivision per Connecticut General Statutes Section 8-26.
10. Twelve copies of the Sedimentation and Erosion Control Plan if applicable (per Section 13 of the Regulations and Connecticut General Statutes Section 22a-329.)

4.3 Procedures for Submission and Acceptance of Applications. Review of the Same and Final Action by the Commission.

1. When a new application for subdivision, resubdivision or an amendment to a pending application is included in the agenda for the monthly meeting of the Commission, the applicant or his agent is encouraged to appear at the meeting to submit and give a brief overview of the application. The application will then be referred to the Planning Committee of the Commission for a more detailed review.
2. Referrals to Regional Planning Agencies when required by Connecticut General Statutes Section 8-26b.

Whenever a subdivision or resubdivision of land is planned, 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 services of the region in which it or the other municipality is located (refer to Connecticut General Statutes Section 8-26b).

3. All plans for road construction and improvements shall be submitted to the Board of Selectmen for their review and advice to the Commission regarding said plans and the amount of any bond and appropriate surety. Where a proposed subdivision or resubdivision abuts, contains or obtains access from an existing Town road or portion of road, the Commission may refer the subdivision or resubdivision plans to the Board of Selectmen for their advice as to whether or not the Town road or portion of the Town road can adequately serve the proposed subdivision or resubdivision. Non-receipt of comments from the Board of Selectmen within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.

4. The Commission may refer the subdivision or resubdivision plans to the Fire Marshall for comments. Non-receipt of comments from the Fire Marshall within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission. .
5. The application and a copy of the submitted plans shall be referred to the Bethany Conservation Commission for comment. Non-receipt of comments from the Conservation Commission within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.
6. The Commission may also consider comments on any applications from any regional organizations or agencies in adjacent municipalities which may be affected by the proposed activity or other technical agencies or organizations, state, municipal or private, which may undertake additional studies or investigations. Non-receipt of comments from the organizations or agencies described above within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.
7. Field Trip. Upon acceptance of the application the Commission may set a date for a "field trip" at which time Commission members and/or staff will inspect the site of the subdivision or resubdivision. The applicant or his representative is encouraged to be present.
8. A copy of the application and a copy of the submitted plans shall be referred to the Bethany Volunteer Fire Department by the Commission for comment. Non-receipt of comments from the Bethany Volunteer Fire Department within the prescribed period of time for the Commission to act shall neither delay nor prejudice any decision of the Commission.

4.4 Final Action.

1. In all matters wherein a formal application is submitted to the Commission and a hearing is held on such application, such hearing shall commence within 65 days after receipt of the application and shall be completed within 30 days after such hearing commences. All decisions on such matters shall be rendered within 65 days after completion of such hearings. The applicant may consent to one or more extensions of any period specified provided the total extension of any such period shall not be longer than the original period of 65 days or he may withdraw the application.
2. A decision on an application for subdivision approval, on which no hearing is held, shall be rendered within 65 days after the receipt of such application. The applicant may consent to one or more extensions of such period, provided that the total period of any such extension or extensions shall not exceed 65 days. (Connecticut General Statutes Section 8-26d).

3. If an application involves a regulated inland wetland or water course and the time for decision by the Commission established pursuant to Connecticut General Statutes Section 8-26b would elapse prior to the 35 days after a decision by the Inland Wetland Commission, the time period for a decision shall be extended to 35 days after the decision of the Inland Wetlands Commission pursuant to Connecticut General Statutes Section 8-26b.
4. Preconstruction Meeting: Inspection Schedule. It shall be the responsibility of the subdivider to notify the Commission, through its clerk, seven (7) days prior to commencement of work on the site under the approved subdivision or resubdivision plan. An agent of the Commission shall meet with the contractor prior to commencement of site work and define an inspection schedule. This schedule will include initial site inspection prior to any work on the site and inspection at regular intervals of improvements to be made and all work to be performed as required on the subdivision or resubdivision plan. The Commission may request that representatives from private or public utilities servicing the subdivision or resubdivision plan attend the preconstruction meeting. Nothing herein shall prohibit inspection by the Commission or its agent at any time it deems necessary.
5. The Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission or (2) the provision of a bond as provided by these regulations. Upon the occurrence of either (1) or (2), the Commission shall cause a final approval to be endorsed thereon in the manner provided by the Connecticut General Statute 8-25, as amended. Such conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the Commission may, in its discretion, grant a renewal of such conditional approval for an additional period not to exceed five years at the end of the five-year period. Any person, firm or corporation who, prior to such final approval, sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined not more than five hundred dollars for each lot sold or offered for sale.
6. If, as one of its conditions of approval, the Commission requires a bond, the Commission will not sign the record subdivision or resubdivision plan until the bond is filed.

Section 5 - Map and Plan Requirements

5.1 The following maps, plans and documentation shall be part of the subdivision or resubdivision plan: (1) subdivision or resubdivision map, (2) site development map, (3) construction plan for roads and road drainage and underground utilities, (4) soil erosion and sedimentation control plan per section 13 of these Regulations, and any supportive documentation required by the Commission, in accordance with the requirements set forth in this section.

5.2 General.

- a. Subdivision or resubdivision maps shall be drawn to scale not smaller than one hundred feet to an inch. The site development maps shall be drawn to a scale no smaller than one inch equals fifty feet. The overall dimensions of each map to be recorded in the town land records with the Town Clerk is limited by State Statute to a size not greater than 24 inches by 36 inches.
- b. In the case of a project of such size that more than one sheet is required or in cases where the project is presented in sections, a small scale key plan shall be included on each sheet showing the overall project and the location of each section or part. The Key Plan may be combined with the locality sketch hereafter described.
- c. The Locality Sketch. A locality sketch shall be drawn on each map preferably in the upper right hand corner to show the relation of the proposed subdivision to nearby streets. The locality sketch shall generally be drawn to a scale of not more than 2,000 (two thousand) feet to an inch and shall not exceed four inches by four inches in area.
- d. Quality Standards. All maps must be neatly and accurately drawn in a professional manner and all lines, lettering and numerals must be of a quality and character which will be reproduced sharply, clearly and legibly on prints. All prints must be on good quality, durable paper (or cloth where required) and must be fade-resistant. All information must be clearly and sharply reproduced. Prints that are either under-exposed or over-exposed will not be acceptable.
- e. All dimensions shall be shown to the nearest one hundredth of a foot.
- f. All elevations shall be referenced to the U.S.G.S. datum and so noted on the map. All bearings and the north directional arrow shall be referenced to the U.S.G.S. map coordinates and so noted on the map.
- g. All Maps Shall Include the Following:
 1. A title block, in the lower right hand corner, which shall show:
 - a. Name of subdivision or resubdivision, subdivision or resubdivision section number, if any.
 - b. Name of applicant.
 - c. Name of owner.

- d. Scale of Map.
 - e. Date of original preparation.
 - f. Dates of all revisions.
2. A space approximately 7 (seven) inches wide by 4 (four) inches high preferably in the upper left hand corner of each map for the approval stamp and signatures to be affixed by the Commission.
3. A direction arrow showing true North.
- h. Each map shall contain a certification that the accuracy of the information on the map meets the standards for a Class A-2 Survey. Such certificate shall bear the personally endorsed signature of the land surveyor and his seal, generally in the lower left hand corner.
 - i. All maps containing information required to be prepared by a professional engineer shall bear the official seal and the personally endorsed signature of the professional engineer responsible for the preparation of such engineering information.

5.3 Detailed Information To Be Included On All Subdivision Maps.

Subdivision maps shall show the following specific information:

- a) Outline Survey. Show all existing walls, fences, monuments, pins or other boundary identification markers; also all dimension, angles or bearings and complete curve data.
- b) Zoning District Identification. The zoning district or districts in which the property is located shall be indicated. The location of any district boundary crossing or bordering the property shall be shown. The Total area of the subdivision, stated in acres and computed to two decimal places, shall be shown on the map. Where a portion of the land is to be set aside for open space, or similar purpose, the area of such land shall be shown.
- c) Lot Layout. The proposed lot layout shall show exact dimensions and angles or bearings. Iron pins shall be shown in all corners of each lot. Lot areas shall be shown in square feet and shall be correct to within one tenth of one percent. Each lot shall be assigned a serial number. Building setback lines shall be shown and dimensioned.
- d) Areas to be reserved for parks, playgrounds or other open space shall be clearly and distinctively shown and appropriately designated with proposed ownership. Concrete monuments shall be shown at all corners or angles of the subject property. Land being set aside as open space must comply with "The Bethany Land Trust Standards for Open Space".
- e) Abutting Property Owners. Names of all abutting property owners and those on the opposite side of abutting streets shall be shown. Approximate location of property lines between owners shall be shown. The names shall be those currently appearing in the assessor's records.

- f) Roads. Existing and proposed roads and road, including street names. Concrete monuments shall be show at the beginning and end of each curve or angle point.
- g) Easements. Existing and proposed easements and rights of way for public utilities and other public uses.
- h) Non-Building Lots. Any proposed lot which is unsuitable for building shall be marked "This is not an approved building lot".

5.4 Site Development Map

The map shall show existing conditions and the proposed layout of lots, roads, improvements and utilities for the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future. The map shall show the information shown on the subdivision map and the following information:

- a) Existing and proposed property and road lines, adjoining property lines for a distance of two hundred feet and the location and names of owners of record of all abutting property and developments.
- b) Existing and proposed water bodies, swamps, inland wetlands and watercourses, whether intermittent or continuous flowing; existing and proposed easements and rights of way; location and limits of all other land subject to potential flooding as indicated on the Flood Hazard Boundary Map for the Town of Bethany.
- c) Drainage rights granted, or to be granted, to the Town of Bethany on all lots containing watercourses or receiving natural drainage or culvert discharge from surrounding properties.
- d) Proposed grading for all lots, road, driveways, access drives, or any other area in which grading will take place. All lots in the subdivision shall be shown.
- e) Existing contours at an interval not exceeding two feet based on the available U.S.G.S. contours or based on field or aerial survey and using benchmarks as required. Where proposed roads end at a boundary line of a subdivision and do not meet an existing road, contours will be carried out for 200 feet into the adjoining property. Where the proposed subdivision fronts on an existing Town road contours should be extended to the pavement edge on the side nearest the proposed development.
- f) Proposed lots and lot numbers and existing and proposed areas for open space and parks or playgrounds.
- g) Existing permanent buildings and structures; all existing and proposed building setback lines and/or other building restriction lines, location, size and access to any existing or proposed fire-ponds or wells.
- h) Locations of all proposed structures, driveways and parking areas, well and septic systems (reserve and primary). The number of bedrooms anticipated if the structure is a house or the proposed use for a structure other than a house shall be noted.
- i) Approximate dimensions on all proposed property and street lines; approximate lot areas in the total acreage of land included; the names, locations and widths of all existing and proposed road rights-of-way, easements and pavement within two hundred feet of the subdivision.
- j) Key elevations of existing adjoining roads and spot elevations showing tentative grading of proposed roads within the subdivision.

- k) Tentative invert elevations at key points on proposed storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwalls, gutters, curbs and other structures, water and underground utilities.
- l) Location and description of all test holes and percolation test locations.
- m) Locations of all underground utility services and note as to provision of electric power, telephone or cable service if not underground.
- n) Approximate limits of clearing and grading, and proposed and existing vegetation, wooded areas and mechanical measures to be used during construction for temporary erosion and sediment control and for permanent erosion and sediment control. In this respect the subdivider shall be guided by the Guidelines for Soil and Erosion and Sediment Control (1984), as amended, and shall submit a Soil Erosion and Sediment Control Plan in accordance with Section 13 of these Regulations.
- o) All features of the property as listed in 11.2 of these regulations, principal wooded areas, any ledge outcrops and existing stone walls and fences within the subdivision or any other unusual topographic feature as may be present.
- p) A locational map (scale one inch equals one thousand feet) showing the location of the subdivision and proposed streets in relation to existing roads in the Town, and the natural storm drainage areas relating to the proposed subdivision.
- q) Any zone boundary lines, if such extend into the proposed subdivision or conflict with proposed lot lines.
- r) Any trail system (including a rerouted trail system) which may exist on the property.
- s) Any other additional information deemed necessary by the Commission to protect the health, safety and public welfare.

5.5 Construction Plan for Roads and Improvements

This Plan shall conform to all requirements of the Road Specifications of the Town of Bethany, as amended from time to time, and shall also show all plans for installation of underground utilities.

5.6 Required Documentation

The subdivider shall submit, along with the subdivision map, site development plans and construction plans for road and road drainage, the following:

- a) An engineer's estimate of the cost of construction of all public improvements, including roads, road drainage and the installation of utilities in a form satisfactory to the Commission, and, as applicable, in accordance with the Road Specifications of the Town of Bethany.
- b) Any agreement with the State Department of Transportation for any road intersection with a State Highway.
- c) Proposed form of (or existing) easements, deeds, other agreements: Warranty deeds to roads and appurtenant easements, and any deeds, easements, or agreements pertaining to any part of the subdivision or resubdivision, including, without limitation, common driveways and open space land.
- d) Drainage Calculations.

5.7 Optional Documentation

The Commission may require the subdivider to submit additional documentation.

5.8 Map Filing

"As built" maps and plans should be filed with the Commission upon completion of the construction or work. Only one copy of each said map or plan shall be filed. Please note that any changes in the work to be performed, in accordance with the final subdivision plan (including all required maps and plans), requires prior Commission approval.

Section 6 - Roads General

6.1 Specifications

Roads shall be built to conform with the latest Town road specifications (as amended) and shall be laid out to be in harmony with existing roads.

6.2 Future Roads

Roads to be constructed in the future. The Commission shall require, at places where it deems it appropriate, that provisions be made in the road layout of the subdivision plan for the reservation of easements for streets to connect with future streets in adjoining properties. Easements for these future streets shall be given to the Town of Bethany as a condition of the approval. Slope rights for grading of such future streets shall be reserved for future streets. Reservation of slope rights shall be shown on subdivision maps.

6.3 Abutting an existing road

Where a proposed subdivision or resubdivision abuts an existing road which does not comply with the right-of-way width requirements, the Commission may require the dedication of the half of the right-of-way deficit on the side of the road abutting the subdivision.

6.4 Lot Access

Wherever practical, a lot shall derive vehicular access from a road with a lower traffic volume. Where driveway access from a road with a high traffic volume may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined driveway to limit potential traffic hazards on such road.

6.5 Road Names

Roads shall be named, avoiding confusion with existing names and subject to the approval of the Commission and road signs and road markings shall be erected at the subdivider's expense.

6.6 Acceptance

Approval of the subdivision or resubdivision plan shall not constitute acceptance by the Town of any road. However, the filing of an approved subdivision plan shall constitute an irrevocable offer of dedication to the Town by the owner of land laid out as roads.

6.7 Cul-de-sac or Dead End Roads

No more than twenty building lots shall be allowed on any dead end road, temporary or permanent, which was permitted as part of a subdivision or resubdivision approved after the adoption of Subdivision Regulations on June 28, 1957. Dead end roads, temporary or permanent, shall not exceed 2,000 feet in length in an R65000 zone and shall not exceed 3,000 feet in length in an R130000 zone and shall terminate in circular turnarounds as described in the Town Road Specifications.

6.8 Access to Subdivision or Resubdivision

For subdivisions or resubdivisions approved after the adoption of Subdivision Regulations on June 28, 1957, a total of more than twenty building lots shall have at least two (2) approved accesses for vehicular traffic to existing approved public roads which are not dead end roads.

Section 7 – Driveways

- 7.1 Driveways shall not exceed a maximum of 2% grade for the twenty feet of driveway nearest the road right-of-way line, shall not exceed a maximum of 6% grade for the next forty feet of driveway, with any remainder of the driveway not to exceed AN AVERAGE OVERALL GRADE OF 12%. Appropriate drainage shall be provided.

Section 8 – Hearings

- 8.1 The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. The request in writing by five (5) electors of the Town of Bethany for a public hearing shall be deemed to constitute specific circumstances requiring a public hearing.
- 8.2 No plan of resubdivision shall be acted upon by the Commission without a public hearing.
- 8.3 Notice of any public hearing shall be given in accordance with the latest provisions of the General Statutes.

Section 9 – Variance or Waiver of Regulations

- 9.1 Pursuant to Section 8-26 of the Connecticut General Statutes, the Commission may waive the requirements under these regulations in accordance with the following standards:
- a) Where conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these regulations would cause an unnecessary and undue hardship; or
 - b) In the case of the requirements of Section 11.4 for an open space "set aside", if the Commission determines that the purposes of Section 11.4 would not be served by an open space "set aside".
 - c) Where requirements of Section 11.5 for water supply sources for fire fighting would cause an unnecessary and undue hardship, or if the Bethany Volunteer Fire Department determines that the protection of public health and safety would not be served by the requirement for water supply sources for fire fighting, or if the subdivision or resubdivision is for five or fewer lots.
- 9.2 No variance or waiver shall be granted which would have a significant adverse effect on adjacent property or on the public health and safety or which would violate the zoning regulations.
- 9.3 No variance or waiver shall be granted which would interfere with the orderly development of contiguous property, cause a traffic hazard, cause an impairment of land values, or violate the Plan of Development.
- 9.4 No variance or waiver shall be granted except by three-quarters vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon its records the reasons why a waiver is granted in each case.
- 9.5 In granting any variance or waiver of these regulations in accordance with the terms of these sections, the Planning and Zoning Commission shall attach such conditions and safeguards necessary to protect health, safety, welfare and property values and such other conditions as will meet the other legislative standards and purposes of Section 8-25 of the Connecticut General Statutes.
- 9.6 Any application for a variance or waiver of these regulations shall be made, when Applicable, at the same time as any application for subdivision or resubdivision is made. The applicant shall set forth, in writing, the reasons for the request and specific regulation sought to be varied or waived.

Section 10 - Rear Lots.

- 10.1 Rear lots as defined in the Bethany Zoning Regulations may be permitted in a subdivision or resubdivision by the Commission only by issuance of a special exception after holding a public hearing pursuant to Section 4.4 of the Bethany Zoning Regulations as amended from time to time.

Section 11 – General Regulations

11.0 All land to be subdivided or resubdivided shall be of such a character that it can be used for its intended purpose for uses allowed in the zone without danger to health and safety. Proper provision shall be made for drainage, drinking water supply and sewage disposal on building lots.

11.0.a. Number identification of dwelling units and other structures.

Numbers shall be placed in a prominent location and in accordance with an adopted Town Ordinance so as to insure that safety and emergency services personnel are able to locate structures in case of emergencies.

11.1 Proposed subdivisions or resubdivisions shall conform to the adopted Plan of Conservation and Development, the adopted Bethany Open Space Plan and to the Bethany Zoning Regulations, as they may be amended from time to time.

11.2 The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal. Grade changes shall be kept to a minimum and accomplished so as to be in harmony with the general appearance of neighboring areas. The subdivider shall make every reasonable effort, consistent with sound planning in accordance with these regulations to provide for:

- a) the preservation of existing natural features, large trees, scenic views or vistas, historical and archaeological sites, wetlands, ledge outcroppings, streams, ponds, steep slopes, specimen trees, high quality forest land, rare or endangered species, unusual flora, and other natural assets.
- b) The establishment of greenbelts and trails or to add to existing open spaces either within or outside the proposed subdivision.
- c) Parks and playgrounds and other active and passive recreation areas.
- d) The preservation of prime agricultural land and lands presently used for productive agricultural crops, farmland or equestrian purposes.
- e) The planting of trees as may be required.

11.3 Road construction, extensions or improvements shall be subject to the provisions of the Zoning Regulations and any other applicable Town ordinance or regulation.

11.4 The Commission shall require that open space be set aside by a subdivider for the purpose of:

- conserving natural or scenic resources; protecting natural streams, marshes, ponds and aquifers, and the ground water table upon which inhabitants of the Town and other municipalities depend for water supply;
- supplementing existing open space (including recreational) areas;
- meeting recreational needs of present and projected populations in the area;
- protecting historical and archaeological sites, wildlife sanctuaries, distinct habitat and outstanding forests;
- preserving ridges, ravines, ledge outcroppings, and other unusual physical features;
- promoting orderly community development; and
- promoting new and protecting existing farm and equestrian uses.

Open Space Characteristics:

Proposed Open Space shall be evaluated to determine its characteristics with regard to the above stated desirable characteristics. Desirable open space shall be proposed as follows:

- a) The area dedicated to open space shall not consist of a greater percentage of area classified as wetland, watercourse, 100 year floodplain or slopes in excess of twenty five (25) percent than the parcel as a whole. For purposes of this section slopes in excess of 25% shall:
 - be measured prior to any earth disturbance; and
 - be shown on a survey or plan which has been signed, sealed and certified as accurate; and
 - be shown where the rise of the land exceeds 10 feet over any 40 foot horizontal run on the subject property.
- b) The Commission shall require an open space set aside of 20% of the total of all such tracts of land, but may, in its discretion, accept a greater set aside. In determining the total open space to be required, the Commission shall consider not only the tract or tracts to be subdivided or resubdivided immediately but also any other adjacent tract owned, controlled or under agreement to buy or optioned by the subdivider or by a corporation controlled or owned by the subdivider.
- c) Prior to deciding the proposed open space issue on any application, the applicant shall consult with the Bethany Conservation Commission and shall provide the opinion and recommendation of the Conservation Commission to the Planning and Zoning Commission prior to final action on the application.
- d) Open space shall be so located as to add to or to preserve the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. When open space is set aside for recreational purposes, it shall be located so as to be suitable for the designated recreational uses it is intended to serve. All open space and any proposed improvements thereon shall be shown on the subdivision or resubdivision plan.
- e) In any case in which an existing trail system (including a rerouted trail system) crosses land to be subdivided or resubdivided, the subdivider is encouraged to preserve the trail system as it exists or reroute it to assure continued public access. The area covered by any legally valid easement for such a trail system, which adequately protects continued public access to the trail system shall be considered part of the total open space set aside.
- f) The Commission shall require one or more of the following mechanisms be employed in meeting the open space requirement:
 1. Transfer in fee of the open space land to the Town of Bethany.
 2. Transfer in fee of the open space land to a private land trust.
 3. Transfer in fee of land to the State of Connecticut as State Park and forest land.
 4. Transfer in fee of the open space land to a known conservation organization.

5. Provision of a conservation easement with full, limited, or prohibited public access.
6. Provision of private open space, such as land held in common by an association of homeowners.
7. Any other mechanism considered adequate to accomplish the purposes to be served by setting aside open space land.
8. The Commission may, at its discretion and in accordance with CGS § 8-25 authorize the applicant to pay a fee in lieu of open space to the Town of Bethany as follows:
 - (a) Such payment or combination of payment and the fair market value of land transferred (by any mechanism indicated above) shall be equal to not more than ten (10) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision.
 - (b) The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. The fee of the appraiser shall be paid by the applicant.
 - (c) A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund. Such fund shall be used solely for the purpose of preserving open space and the capital improvement of existing open space, including the acquisition of land for open space or for recreational purposes.
 - (d) When fees are provided in lieu of open space, the developer shall execute a consensual lien which shall be recorded on the Bethany land records. Partial releases shall be provided upon the tender of each fractional payment.

The Commission may establish such standards, limitations and conditions on use of any of the above mechanisms as it deems reasonably necessary to assure the proper maintenance, operation and preservation of open space, and where appropriate, public access.

- g) Any land to be set aside as open space shall be left in its existing natural state by the subdivider, and shall not be graded, cleared or improved, except as specifically approved by the Commission, and shall not be used at any time as a repository for stumps, brush, earth, building materials, or debris. Land specifically set aside for recreational purposes may be improved as may be approved by the Commission.
- h) Any provision of this Section 11.4 may be reduced or waived by the Commission upon a vote of three fourths (3/4) of the Commission present and voting.

- i) The open space requirements of these regulations shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent grandchild, aunt, uncle or first cousin for no consideration or if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision. However, if said parcels are transferred within five (5) years to a person not so related, the open space requirements shall pertain and may be enforced by the Commission using one or more of the mechanisms in this section.

11.5 The Commission shall require that water supply sources be provided by a subdivider for the purpose of providing a water source for fire fighting in order to protect health, welfare, and safety. The water supply for fire fighting purposes may be supplied from natural bodies of water or manmade sources of water.

- a) The Commission may waive this requirement in accordance with Section 9.1(c) of these regulations if the subdivider provides a letter from the Bethany Volunteer Fire Department recommending the waiver because:
 - 1) Waiving this requirement would not adversely affect the protection of public health and safety.
 - 2) The subdivision or resubdivision is for five or fewer lots.
- b) Water sources in Residential Zones:
 - 1) All building lots are to be within 2,000 road feet of a Fire Department water source connection.
 - 2) Each water source shall be either a 250,000 gallon natural water source or a 30,000 gallon in-ground tank. This requirement may be waived or modified by written approval of the Bethany Volunteer Fire Department, Water Source Officer.
- c) Water sources in other zones:
 - 1) All building lots are to be within 1,000 road feet of a Fire Department water source connection.
 - 2) Each water source shall be either a 250,000 gallon natural water source or a 40,000 gallon in-ground tank.
 - 3) The standards for fire suppression water source requirements are found in a document of the Bethany Volunteer Fire Department dated February 20, 2014, as it may be modified. See Zoning Regulations-Appendix 4.
- d) Water supply sources shall be provided as part of the subdivision or resubdivision installation of public improvements in order to provide the fire protection for the subject development according to the guidelines provided in the Zoning Regulations-Appendix 4.
- e) The water supply for fire fighting purposes may be supplied from manmade sources of water. Natural sources of water or waterbodies may also be used for this purpose if they have been approved by the Inland Wetlands Commission of the Town of Bethany.
- f) Water source(s) for firefighting purposes shall be installed and tested under the supervision of the Bethany Fire Marshal. The source must be approved for use prior to the issuance of any Certificate of Zoning Compliance.

- g) The Commission may establish such standards, limitation, and conditions on use of any of the following mechanisms as it deems reasonably necessary to assure the proper maintenance, operation, and preservation of water supply sources for fire fighting purposes. The subdivider may employ one of the following mechanisms as deemed proper by the Commission:
- 1) Dedication of land and water rights to the Town of Bethany with proper access to the approved water source.
 - 2) Provision of an easement of access and use granted to the water sources granted to the Town of Bethany.
 - 3) Any other mechanism considered adequate to protect the availability of the water sources for fire fighting purposes.

Section 12 – Guarantee of Performance

12.1 Methods

The Commission shall require anyone of the following methods or any reasonable combination of them for securing the completion of all work and installation of all road(s), public utilities and services required by these regulations:

1. Conditional Approval
2. Provision of a Bond with surety in the form set forth in Section 12.3.

Pursuant to Section 13, a bond for the completion of the Soil Erosion and Sediment Control Plan may also be required.

12.2 Computations of Costs

Following the approval of any subdivision or resubdivision plan and before proceeding with any work or the filing of the approved subdivision or resubdivision plan, the subdivider shall review the scope of the road(s), public utilities and services to be completed to fulfill the conditions of the subdivision or resubdivision plan (herein after referred to collectively as improvements) with the Commission who will review the subdivider's estimates of the cost of construction and will determine the type and amount of the surety to be furnished by the subdivider to guarantee the completion of the improvements. In computing the estimated cost of the improvements the Commission will give due consideration to possible escalation of costs during the surety period.

If upon inspection the Commission determines that the construction costs for the improvements exceeds the estimate or the posted surety has experienced a reduction in value, the Commission shall have the power to require additional surety. The subdivider shall be responsible for overseeing the actual costs of improvements and advising the Commission if costs for such construction shall be in excess of the estimates.

12.3 Form of Surety.

For the purposes of these regulations, the form of surety for a bond which may be provided and accepted by the Commission is as follows:

A bond together with:

- a. The pledge of a passbook savings account, or
- b. An irrevocable letter of credit, or
- c. A cash deposit with the Town of Bethany, or
- d. Such other surety as the Commission may find acceptable.

12.4 Pledge of Savings Account

Bonds secured by a passbook savings account shall be accompanied by:

- a. A savings account passbook.
- b. A withdrawal slip in the amount of the bond properly endorsed and made payable to the Town of Bethany.
- c. A letter from the bank acknowledging that the account has been assigned to the Town for a period established for the construction or installation of the improvements plus six months.

12.5 Irrevocable Letter of Credit

Bonds secured by an irrevocable letter of credit shall be provided by a Connecticut bank subject to the approval of the Commission. The letter of credit shall be in such form and accompanied by such documents as may be prescribed by the Commission. The letter of credit shall contain an expiration date of at least six months greater than the period established for the construction or installation of the improvements.

12.6 Cash Deposit.

Bonds secured by a cash deposit with the Town shall be treated as follows: A certified check, cashiers check or cash shall be delivered to the Treasurer for the Town of Bethany for the amount of the bond. The Town shall deposit said sum in a specific and separate bank account earmarked by the name of the surety to the bond, in the name of the Town of Bethany. The deposit shall be in a savings account drawing standard short-term interest. The surety shall use his, her or its taxpayer I.D. number or Social Security number as the interest creditor for IRS and bank purposes. Within 30 days of the release of the bond by the Commission, the Town shall cause the account to be closed and the proceeds, plus interest less IRS deductions to be paid to the surety.

12.7 Failure to Complete Improvements

Where surety has been posted and required improvements have not been completed within the time required, the Commission may thereupon declare the subdivider to be in default and withdraw the total amount of surety from the pledged bank account or letter of credit and proceed to complete the improvements. All costs the Town may accrue in completing the work, including the value of the time of its public officials, employees and attorney fees, shall be debited against the funds so withdrawn. If for some reason the security is insufficient to pay for all costs to the Town, the subdivider/owner shall remain liable for such costs in excess of the security.

12.8 Partial Releases.

When and if the Commission determines that a substantial portion of the improvements called for in the final plan approved by the Commission has been completed, it may recommend one or more partial releases of a portion of the security. The balance of the security at all times shall be sufficient to guarantee completion of all the remaining improvements. Such partial release shall be authorized by the Commission. Releases granted shall be in amounts in excess of \$10,000.00 (ten thousand dollars).

12.9 Release of Surety.

The surety shall not be released until the following conditions have been met:

- a. All improvements of the subdivision or resubdivision have been approved and/or accepted by the designated Town Official.
- b. All required monuments must have been set and a sworn affidavit filed by the land surveyor employed by the subdivider stating required monuments have been accurately set as required by these regulations.

- c. The applicants' engineer or surveyor has certified to the Town through the Commission and through submission of detailed "as-built" plans, that the improvements are in accordance with the construction plans of the subdivision or resubdivision. "As-built" plans shall include the site development plan, a grading plan and a construction plan as described elsewhere in these regulations. Such plans shall show any modifications or changes made including those made during construction. .
- d. Warranty Deed for new streets and street stubs, also road frontage along existing Town roads where no street line had been established, must have been executed and delivered to the Selectmen with a copy to the Commission. Title to said roads shall be unencumbered.
- e. A maintenance Bond as described in these regulations shall be on file with the Town.
- f. All other documents, transfers or conditions required by the approval of the subdivision or resubdivision shall have been provided (conditions performed) to the appropriate Town Official with copies of said documents to the Commission.

12.10 Maintenance Bond

The applicant shall be required to file a Maintenance Bond with the Town prior to dedication to the Town of public improvements in order to assure the satisfactory condition of the completed improvements until April 30 of the following year, or such late date as shall be necessary to correct any defects that may have developed after the winter season. Said bond may provide for snow removal on roads until acceptance of said public improvements by the Town. The Maintenance Bond shall be in an amount not less than 10% of the costs of public improvements.

12.11 Right of Way of Entry for Correction of Violations

The applicant shall file a written agreement executed by the owner of the premises and the applicant in a form approved by the Town Attorney, which permits the Town of Bethany or its officials and employees or independent contractors, to enter upon the premises and to perform all work necessary to correct and abate any violations of these Regulations, and of stipulations which the applicant has made and failed to execute within the required time - such right of entry to arise upon the certification of such violation(s) by the Commission and shall continue for such time thereafter as is required for the Town to remedy such default.

12.12 Attorney Approval

Any and all bonds with surety, agreements, deeds or such other documents required by these Regulations shall be in such form as may be approved by the Town Attorney.

Section 13 – Soil Erosion and Sediment Control Regulations

13.1 Preamble

The purpose of these regulations is to minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development. Accelerated soil erosion caused by land use changes necessitates costly repairs to gullies, washed-out fills, roads and embankments. In addition, erosion destroys the soil's capabilities to support vegetation. The resulting sediment entering water bodies and wetlands is a major pollutant and reduces water quality and supply. Aesthetic, recreational, and fish and wildlife habitat values are also degraded. Sediment deposition clogs storm sewers and road ditches, reduces channel capacities which can result in flooding, reduces water depth and volume, may cause subsequent erosion and may damage adjoining properties. The expense of sediment removal alone identifies prevention as the cost effective alternative. Therefore, pursuant to Public Act 83-388 of the Connecticut Legislature, these regulations are hereby promulgated.

13.2 Definitions

- a. Agricultural activities means the growing of food or floral crops for animal or human consumption and/or the raising of animals or fowl.
- b. Certification means a signed, written approval by the Bethany Planning and Zoning Commission, its designated agent or the New Haven County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- c. Commission means the Planning and Zoning Commission of the Town of Bethany.
- d. County Soil and Water Conservation District means the New Haven County Soil and Water Conservation District, established under subsection (a) of section 22a-315 of the General Statutes.
- e. Development means any construction or grading activities to improved or unimproved real estate.
- f. Disturbed area means an area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.
- g. Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- h. Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- i. Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.
- j. Regulations mean any regulations adopted by a municipality pursuant to sections 8.2, 8.13d and 8.25 of the General Statutes.
- k. Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- l. Soil means an unconsolidated mineral or organic material of any origin.
- m. Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not

limited to, a map and narrative.

13.3 Activities Requiring a Certified Erosion and Sediment Control Plan.

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

13.4 Exemptions

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

13.5 Erosion and Sediment Control Plan

a. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provision to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run off on the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1984), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

b. Said plan shall contain, but not be limited to:

1. A narrative describing the:

a. Development project

b. Time schedule for:

1. All major construction activities indicating the anticipated start and completion of development.

2. An orderly sequence of creating and stabilizing disturbed areas.

3. Grading operations.

4. Applying erosion and sediment control measures and facilities onto the land.

5. Maintaining said control measures and facilities.

c. Design criteria, construction details, detailed installation/application procedures and maintenance program during and after installation of:

1. Soil erosion and sediment control measures.

2. Any storm water management facilities.

2. A site plan map at a scale sufficient to reveal:

a. Existing and proposed topography including soil types, wetlands, water courses and water bodies.

b. Proposed area alterations including property lines, existing and proposed structures, utilities, driveways and roads.

c. Disturbed areas, identifying the extent of all proposed cleaning and grading activities.

d. Location of and other detailed information concerning erosion and sediment control measures and facilities, including:

1. Design details and/or specifications.

2. Elements 1.b and 1.c required for Section 5 of the narrative.

3. Any special notes or drawings for installation/operation.

4. Any stormwater management facilities.

3. Any other information deemed necessary and appropriate by the applicant or requested by the Commissioner or its designated agent.

13.6 Minimum Acceptable Standards

- a. Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control (1984) as amended. Planning shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. Planning shall consider off-site effects as well as on-site effects.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method as shown in Chapter 9 of the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

13.7 Issuance or Denial of Certification

- a. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these regulations, or deny certification when the development proposal does not comply with these regulations.
- b. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124a or 126 of the General Statutes.
- c. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- d. The Commission may forward a copy of the development proposal to the conservation and/or inland wetlands agency or other review agency or consultant, for review and comment.

13.8 Conditions Relating to Soil Erosion and Sediment Control

- a. The estimated costs of measures required to control soil erosion and sedimentation during and after development may be covered in a performance bond or other assurance acceptable to the Commission.
- b. Site development shall not begin unless the soil erosion and sediment control plan is certified, and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- c. Planned soil erosion and sediment control measures and facilities shall be maintained in effective conditions to ensure the compliance of the certified plan.

13.9 Inspection

Municipal inspections during development shall ensure compliance with the certified plan, and that control measures and facilities are properly performed, installed and maintained. The Commission may require the applicant and/or consultant submitting the soil erosion and sediment control plan to verify through progress reports that control measures and facilities were installed according to the plan.

13.10 Effective

These regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

13.11 Saving Clause

These regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

Section 14 – Miscellaneous

14.1 Disqualifications.

- a. No member of the Commission shall appear for or represent any person, firm or corporation or other entity, except himself or his firm or corporation, in any matter pending before the Commission.
- b. No member of the Commission shall participate in the hearing or decision of the Commission upon any matter in which he is directly or indirectly interested in a personal or financial sense.
- c. In the event of such disqualification, such fact shall be entered on the records of the Commission.

14.2 Penalties.

- a. If any subdivision or resubdivision of land is made in violation of the terms of these regulations, the Commission may institute any appropriate action or proceeding to restrain or abate such violation.
- b. Any violation of these regulations shall subject the violator to all penalties and fines, civil and criminal, provided for violations of planning provisions set forth by Town Ordinance or by the General Statutes of the State of Connecticut.

14.3 Zoning Permit.

No zoning permit shall be issued for a lot in an unapproved or conditionally approved subdivision or resubdivision.

14.4 Saving Clause.

Should any provision of these regulations be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of these regulations as a whole or any other provision thereof.

14.5 Amendment.

These regulations may be amended, changed or repealed by the Commission at any meeting called for that purpose after a public hearing.

14.6 Appeals

Any person affected may appeal, in accordance with Section 8-28 of the General Statutes, as amended from time to time, from the decision of the Commission within 15 days from the date the notice of its decision is published in a newspaper having substantial circulation in the municipality.

14.7 Effective Date

These regulations shall be effective January 1, 1994 and shall supersede all prior subdivision and resubdivision regulations as of that date.

APPENDIX B – DIGITAL MAPPING DATA SUBMISSION REQUIREMENTS

1. Submission of a hardcopy map format, without digital data, will be subject to additional fees.
2. All digital mapping data must be delivered in one of the following formats: (To be verified by Town Engineer of GIS Consultant).
 - a) AutoCAD dwg.
 - b) AutoCAD dxf.
 - c) Arc/Info shape file
 - d) Arc/Info export file (eOO)
 - e) ArcGIS personal geodatabase
3. If delivered as a series of tiled CADD files, the features that cross sheet boundaries must precisely match at the join lines.
4. Line features in CADD files will employ line styles for graphically differentiating features, such as dashed lines for unpaved roads. Continuous lines that have been broken to appear like dashed lines are not acceptable.
5. All text in CADD files will be in separate layers. Map features under test should not be erased in order to make the text clearer, such as contour lines and their associated elevation value text.
6. Features must be thematically organized in the CADD or GIS data structure. For example, there must be separate CADD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CADD layer or GIS file will not be accepted.
7. The submission of data must also include documentation on the method used to gather the data along with an estimation of the horizontal and vertical accuracy and date of data capture.
8. All features represented in a digitally submitted AutoCAD or GIS drawings must be registered to the CT State Plane Coordinate System using NAD 1983 datum.
9. The fee for any revision to the GIS mapping as a result of an approved subdivision plan shall be paid by the applicant. No map shall be deemed complete and ready for recording with the Town Clerk unless this fee has been received from the applicant.