



Town of Westbrook

SUBDIVISION REGULATIONS



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SUBDIVISION REGULATIONS
TOWN OF WESTBROOK
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**SUBDIVISION REGULATIONS
TOWN OF WESTBROOK**

SECTION I – GENERAL PROVISIONS

- 1.1 Authority – Pursuant to the authority conferred by Chapter 126, C.G.S., 1958 Revision as amended, the Planning Commission of the Town of Westbrook adopts the following regulations controlling the subdivision and resubdivision of land in the Town.
- 1.1.1 Waiver – Not withstanding any other provisions of these Regulations, the Commission may, in its sole discretion, by a vote of at least three-quarters (3/4) of all its members, waive any requirement contained herein as it relates to an application for subdivision property before the commission, upon an affirmative finding by the commission of the following:
- (1) The waiver is necessitated by conditions, either geographic, topographic, historic, or otherwise, which are peculiar to the subject parcel, and which are not generally applicable to other parcels in the Town; and
 - (2) The granting of such a waiver by the Commission would not have a significant adverse impact on adjacent property or on the public health and/or safety; and
 - (3) The granting of such a waiver by the Commission would not significantly violate the Master Plan of Development, as adopted and amended from time to time.
- 1.2 Jurisdiction – No subdivision of land shall be made until a plan for such subdivision has been approved by the Planning Commission and such plan has been recorded in the office of the Town Clerk.
- 1.3 Effectivity – Subdivision regulations were first adopted by the Commission effective December 27, 1956 and have been in force continuously since that time, as variously amended and as revised effective: June 8, 1981; September 1, 1983; February 11, 1985; February 1, 1986; April 1, 1987; November 9, 1987; January 8, 1988; May 31, 1989; January 7, 1994; August 15, 1995; September 1, 1997; September 9, 1997; April 17,2000; September 15, 2003; October 20, 2008; April 15, 2011.
- 1.4 Purpose – The purpose of these Regulations is to promote the orderly development of land within the town and to insure: that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision shall be made for water, drainage, and sewage disposal; 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 especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, provide an adequate and convenient system for present and prospective traffic needs; that proper provision shall be made for sedimentation and erosion control; that energy efficient patterns of development be encouraged; and that the general safety, convenience, and welfare of the Town be maintained.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, or other provision of law, or any easement, covenant, or other private agreement or legal relationship. With regard to any easement, covenant, or other private agreement or legal relationship, however, it is not the purpose of these Regulations to interfere with, resolve, or arbitrate any private civil dispute. When these Regulations impose restrictions different from those imposed by any other statute, ordinance, or other requirement imposed by any level of government, whichever provisions are more restrictive or impose higher standards, shall control.

1.5 Definitions

ACCESSWAY – That portion of a rear lot lying between the street line (front lot line) and the line from which the minimum front yard setback is measured in accordance with the Westbrook Zoning Regulations.

ADVERSE IMPACT STATEMENT – Evidence provided by the person submitting a coastal site plan, that the adverse impacts of such a plan are acceptable consistent with Section 22a-92, C.G.S. as amended.

AMENDED SUBDIVISION – Any change in a property line or improvement shown on a Subdivision or Re-subdivision map which has been approved and filed with the Town Clerk pursuant to these Regulations, other than a new subdivision or a resubdivision.

APPLICANT – Person, or the successor of the person, signing an application for approval of a subdivision or resubdivision plan as the owner of the land which is the subject of such application, or the agent of such owner.

APPLICATION – The totality of documents submitted to the Commission by the applicant which define and describe the proposed subdivision or resubdivision as required by applicable provisions of these Regulations. Such documents may include, without limitations, application cover sheet, maps, drawings, deeds, corporate by-laws, and restrictive covenants.

BASE FLOOD – The flood having a one per cent chance of being equaled or exceeded in a given year.

BASE FLOOD ELEVATIONS – The particular elevation of the base flood as specified on the Flood Insurance Rate map for Zone A1-A30 and Zone V1-V30.

BIO-RETENTION – A practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression. The areas consist of a mix of elements each designed to perform different functions in the removal of pollutants and attenuation of stormwater runoff.

CATCHMENT – The area contributing surface water flow to a point on a drainage or river system. Can be divided into sub-catchments.

COASTAL SITE PLAN – Applications involving subdivision fully or partially within the coastal boundaries as defined in Chapter 444, C.G.S. (The Coastal Management Act).

COMMON DRIVEWAY – A driveway serving more than one (1) lot.

COMMISSION – The Planning Commission of the Town of Westbrook.

CUL-DE-SAC – The turnaround at the end of a Dead End Street, as defined in these Regulations. See Appendix A.2.

DEAD END STREET – A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof, having only one outlet to a through State or Town Street.

DESIGN STORM – A hypothetical storm event, of a given frequency interval and duration, used in the analysis of a storm water management measure (e.g. 2, 10, 25, 50 or 100 yr.)

DEVELOPER – Person making a subdivision of land according to an application or an approved plan.

DEVELOPMENT FOR AGRICULTURAL PURPOSES – Development exclusively for use as "agricultural land", as that term is defined in C.G.S. Section 22-26bb. (See definition of "Subdivision").

DISTURBED AREA – Area where vegetation, topsoil, or overburden is removed, or where topsoil, spoil, or other material is placed, including stockpiles.

DRAINAGE EASEMENT – The right, at any time, to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch or trench, or direction by enclosed conduits. Said right also includes the right to enter upon the property and to maintain said direction of the flow of water in perpetuity.

EASEMENT – A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.

EMERGENCY SPILLWAY – Auxiliary outlet to a water impoundment that is designed to convey stormwater that exceeds the capacity of the primary outlet.

ENGINEER OR TOWN ENGINEER – The consulting Engineer of the Town of Westbrook acting personally or through any assistants authorized in writing for such acts by the Engineer.

FILTRATION MEASURE – Stormwater treatment improvement designed to capture and store stormwater runoff and pass it through a filtering media such as sand, synthetic or organic material, or soil for pollutant removal.

FLOODPLAINS – Floodplains consist of the "Special Flood Hazard Areas" delineated on a map entitled "Flood Insurance Rate Map; Town of Westbrook, Connecticut, Middlesex County, Community Panel No. 090070A, effective December 1, 1982" (hereinafter referred to as "Flood Insurance Rate Map") prepared by the Federal Emergency Management Agency. Floodplains are areas shown as Zone A, Zones A1-A30 and Zones V1-V30 on the Rate Maps.

FLOODWAY – The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town; the regulated floodway consists of Zone A and Zones A1-A30 on the Flood Insurance Rate Map.

HALF STREET – A proposed street, or any extension of an existing street, along and roughly parallel to a property line, such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property.

IMPROVEMENT – Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements may include but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, street lights, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading.

IMPROVED STREET – Any street which meets the design and construction standards of these Regulations or the design and construction of which has been approved by the Board of Selectmen.

IMPROVED TOWN ROAD – A road, street, avenue, lane, or any right-of-way: (a) dedicated and legally accepted by the Town or the State of Connecticut for the purpose of public travel; or (b) shown on a subdivision duly approved by the Commission and complying with all requirements of these Regulations, recorded in the Office of the Town Clerk, and bonded or constructed in accordance with these Regulations.

INFILTRATION MEASURE – Stormwater treatment improvement designed to capture stormwater runoff and infiltrate it into the ground.

INLAND WETLANDS – Land, including submerged land, regulated pursuant to Section 22a-36 to 22a-45 inclusive, C.G.S., which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soil Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

IN-SITU – In place; undisturbed.

LOOP STREET – A proposed Dead End Street, or any extension of an existing Dead End Street, that curves back to intersect with itself.

LOT – A plot or parcel of land occupied or legally capable of being occupied by principal and accessory buildings, and uses as permitted by Zoning Regulations.

LOW IMPACT DEVELOPMENT – Site design strategy intended to maintain or replicate predevelopment hydrology and manage runoff as close to its source as possible, through the use of small-scale controls integrated throughout the site.

MASTER PLAN OF DEVELOPMENT – That statement of policies, goals and standards for physical and economic development of the Town which is known as, "Master Plan of Development with Municipal Coastal Program of the Town of Westbrook," adopted April 23, 1990, as it may be re-adopted and amended from time to time, in accordance with Section 8-23 of the C.G.S., as amended; and including, without limitation, maps, explanatory material and other pertinent data.

MODIFICATION – The following situations constitute a modification.

1. The phasing or sectioning of any approved subdivision which has been filed and recorded with the Town Clerk so that only a portion of the total approved subdivision is to be developed as a single project, must be reviewed by the Planning Commission. A map showing the revision as approved by the Commission must be signed by the Commission chairman and filed by the applicant with the Town Clerk.
2. Any subsequent change in a lot's geometric configuration which may or may not affect the size of the lot but does not create a new lot, and which differs from the approved subdivision map which has been filed and recorded with the Town Clerk, must be reviewed by the Planning Commission for compliance with applicable zoning and subdivision regulations and must be approved by the Commission. A map showing the revision as approved by the Commission must be signed by the Commission Chairman and filed by the applicant with the Town Clerk.
3. Any change in subdivision improvements which have previously been conditionally approved by the Planning Commission. A subdivision which has been given final approval may be subject to the Re-subdivision

guidelines. These changes must be approved by the Commission and a map showing the revision as approved by the Commission must be signed by the Commission Chairman.

MEASURE – An improvement that is designed to control the quality or quantity of stormwater.

NON-COMMERCIAL CUTTINGS – The cutting and removing of standing trees for any purpose other than for the sale of such trees for timber, wood or the by-products of such cuttings.

OPEN SPACE – That portion of a subdivision which is reserved for preservation in substantially its natural state and/or for recreation, for the use and enjoyment in common of all building lot owners in the subdivision or the general public.

PEAK FLOW CONTROL – Stormwater management measures designed to maintain peak rate of flow from a development at pre-development values.

PERSON – Any individual, firm, partnership, association, corporation, organization or entity of any kind.

PHASED SUBDIVISION – The subdivision of a parcel of land in sections whereby each section constitutes a separate and distinct subdivision with its own subdivision plan.

PLAN – The map or maps associated with an application and depicting the layout on the ground of a proposed subdivision, which maps are to be filed in the Office of the Town Clerk in the event the application is approved by the Commission.

RAIN GARDEN – Functional landscape elements that combine plantings in depressions that are designed to allow the volume of water from small frequent storms to pool for only a few days after a rainfall then be slowly absorbed by the soil and plantings.

REAR LOT – A lot connected to a street by a continuous, contiguous strip of land of specific width, but without the required minimum frontage of the zone in which it is located.

RESERVE STRIP – Land controlling public access to an area dedicated or to be dedicated to public use, including streets street connections, pedestrian ways, parks, or other land dedicated to public use.

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.

RUNOFF – Rain or other natural precipitation that neither sinks into the ground nor evaporates into the air but flows downhill on the surface.

SEDIMENTATION – The process of depositing soil and other particles transported by water.

SEDIMENT FOREBAY – A separate cell within a pond formed by a barrier such as an earthen berm, concrete weir or gabion baskets designed to remove sediment and floatables prior to a primary or other secondary stormwater treatment practice.

SELECTMEN – The Board of Selectmen of the Town of Westbrook.

STORMWATER – Surface flow from precipitation that accumulates in and flows through natural or man-made conveyance systems during and immediately after a storm event or upon snowmelt.

STREET – A parcel of land subject to the rights of passage for motor vehicles in favor of persons other than the owner. This term includes, without limitations but both privately and publicly owned, road, passageway, thoroughfare and town road; but shall not include driveways or alleyways.

SUB-CATCHMENT – A division of a catchment, allowing runoff management as near to the source as is reasonable; also the area contributing runoff to, and therefore used to design, a specific stormwater treatment or conveyance measure.

SUBDIVISION – The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The term includes resubdivision.

SWALE – A channel with gently sloped sides designed to convey and retain water. Swale may also be designed to permit infiltration; vegetated swales include vegetation, which is maintained to filter particulate matter.

TIDAL WETLANDS – Those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other lowlands subject to tidal action as further defined in Section 22a-29, C.G.S.

TIME OF CONCENTRATION – The time required for water to flow from the most distant point to the downstream point of a site. Runoff flow paths, ground surface slope and roughness, and channel characteristics affect the time of concentration.

VEGETATED BUFFER – An area or strip of land in permanent undisturbed vegetation [enhanced, restored or re-established] adjacent to a water body or other resource that is designed to protect resources from adjacent development

during construction and after development by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreation.

WATERSHED – the land area that contributes runoff to a particular point along a waterway [used interchangeably with catchment]

TOWN – The Town of Westbrook, Connecticut.

1.6 Implementing and Advisory Agencies - The following are some of the agencies at various levels of government which may have advisory or regulatory powers with respect to an application. It is the responsibility of the applicant to determine which, if any, of these or other agencies may be involved with the proposal which is the subject of an application.

- 1) Westbrook Conservation Commission;
- 2) Westbrook Harbor Commission;
- 3) Westbrook Inland Wetlands and Watercourses Commission;
- 4) Westbrook Zoning Commission;
- 5) Connecticut River Estuary Regional Planning Agency;
- 6) Middlesex County Soil and Water Conservation District;
- 7) Connecticut Department of Environmental Protection;
- 8) Connecticut Department of Transportation;
- 9) United States Army Corps of Engineers;
- 10) Eastern Connecticut Recreation, Conservation and Development Council, Inc. Environmental Review Team.

1.7 Enforcement and Penalties – Any person making any subdivision of land without the approval of the Planning Commission of the Town of Westbrook shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided, and in addition may be subject to such additional sanctions as are available at law or in equity. In addition, in the event that any Developer shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records of the Town of Westbrook.

1.8 Severability – If any section, subsection, sentence or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Regulations.

1.9 Minimum Standards – Unless otherwise specifically provided, all standards established in these Regulations are minimum standards for the approval of applications.

SECTION II - PROCEDURES

- 2.0 **Subdivision Plan Approved and the Sale of Lots** – All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval and no lot resulting from or affected by the subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or use for building development and no Zoning Permit (Certificate of Zoning Compliance) for any use, nor any building permit for the erection or enlargement of any building on such lot shall be granted without the prior approval of the subdivision or re-subdivision plan, or any amendment thereof, by the Commission, and the filing of the endorsed Final Subdivision Plan in the Office of the Town Clerk.
- 2.1 **Informal Consideration** – An applicant may, prior to submission of an application, submit an informal plan for review by the Commission. This procedure is encouraged to permit both the applicant and the Commission an opportunity to anticipate, understand and resolve any problems arising from the proposal. Such informal review is not binding on either the applicant or the Commission and in no way affects the rights of an applicant which arise upon submission of the application itself.
- 2.1.1 **Purpose of Recommended Preliminary Procedure** – Before submitting an application which must comply with the requirements of these Regulations including requirements for a Final Subdivision Plan, the preliminary procedure recommended in this Section should be followed to save time and expense. This is a recommendation and not a requirement. A letter requesting consideration of the application under "Preliminary Layout" shall be submitted by the applicant with the application.
- 2.1.2 **Application** – The developer, hereinafter sometimes called the applicant, may present to the Commission a request for the consideration of a Preliminary Layout. Three (3) paper prints of the Preliminary Layout shall be submitted with the request.
- 2.1.3 **Technical Report** – The applicant shall obtain from a licensed professional engineer a written report or reports as to the general feasibility of the following: The proposed water supply, and the proposed drainage plan and sewage disposal in the area to be subdivided, and shall deliver said report(s) to the Commission. The applicant shall cause to be performed, at his expense, such seepage and other tests as the appropriate Town officer or officers may request. The Commission may request such other report(s) as are deemed advisable, including, but not limited to, traffic studies and environmental impact statements.
- 2.1.4 **Check by Commission** – At the time of the filing of a request for the consideration of a Preliminary Layout, the Commission or its designee shall check such request and layout and when the information contained in said request is substantially complete to allow an informed response from the Commission, the matter shall be placed on the agenda for a public meeting of the Commission. The applicant shall certify that the

information contained in the request and layout is true and correct and meets the requirements of these Regulations and any other applicable town or state regulations. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision with the applicant or his authorized representative(s), prior to said meeting, and the applicant, by making a request under this Section, shall be deemed to consent to such site examination.

2.1.5 Consideration of Preliminary Layout – The Preliminary Layout will be considered at a regular or special public meeting of the Commission at which it is on the agenda. The Commission may hold a public hearing on any such request, and even in the absence of a public hearing, may, in its sole discretion, permit persons to be heard and written communications received at such meeting.

2.1.6 Effect of Consideration of Preliminary Layout – The purpose of the consideration of the Preliminary Layout is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission.

2.2 Formal Application – All applications for subdivision or resubdivision, together with maps, plans, reports, legal documents and any other information required by these regulations shall be submitted by mail or by hand to the Commission at a meeting or at its office in Westbrook Town Hall. All plans and papers shall be submitted in triplicate unless more copies are requested by staff or the Commission. An application will be considered complete when an application form, fee, plans and other required materials have been received. Failure to submit a complete application shall be cause for disapproval of an application. Applications shall be deemed received by the Commission on the day of its next regularly scheduled meeting immediately following the day of submission, or 35 days after submission, whichever is sooner. An application shall be considered complete when it includes the following as applicable:

2.2.1 Application Cover Sheet – Application shall be made to the Commission in writing in triplicate on a form designated by the Commission. (See Appendix C.1 and C.2)

- 2.2.2 Fees – A fee shall be paid at the time of submittal of the formal application in accordance with the Town Ordinance entitled "An Ordinance Concerning the Adoption of a Schedule of Fees for the Processing of Land Use Applications," as amended.
- 2.2.3 Subdivision Plans – Plans shall be submitted with each copy of the application and shall conform to all, the requirements of Section 3.2 of these Regulations. Applicant shall supply additional plans and documents if requested by the Commission or staff. (See Appendix D.1)
- 2.2.4 Construction Plans – Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, water mains and appurtenances, community wells and pump houses, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, bridges, culverts, and other structures and improvements required by these Regulations shall be submitted with the application and shall conform to all of the requirements of Section 3.3 of these Regulations. (see Appendix D-2)
- 2.2.5 Grading Plan – In the event that any major regrading, cuts, fills or soil or rock removal is proposed in the area of the subdivision, a grading plan including sediment and erosion control measures shall be submitted with the application and shall conform to all of the requirements of Section 3.4 of these Regulations. Where existing topography is proposed to be altered, the developer shall include information about the volumes of material to be removed from, or brought onto, the site; areas of proposed blasting, and the estimated volume thereof; the location to which excavated material being removed from the site will be deposited, if known, and the time within which such removal is anticipated to occur. In the event that no grading plan is submitted, there shall be no change in the existing grades as depicted on the Subdivision Plan as described in Section 3.2, except as depicted on such Subdivision Plan. (See Appendix D-3)
- 2.2.6 Stormwater Management Plan – The Stormwater Management Plan shall include a narrative of the design objectives including potential impacts resulting from the proposal or activity and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts. It shall provide, at a minimum, the following information and shall be prepared by an engineer licensed to practice in the State of Connecticut. Reference to the latest edition of the Connecticut Department of Environmental Protection Stormwater Quality Manual (DEP Stormwater Quality Manual), or other design standards, shall be made as appropriate.
- (1) Existing Site Conditions narrative inclusive of soil characteristics based on USDA soil surveys including soil names, map unit, erodibility, permeability, depth, texture and soil structure, and results of any on-site testing for the proposed development site.
 - (2) Proposed Site Conditions narrative including description of proposed stormwater management system for construction and post-construction phases, total disturbed area, proposed groundcover conditions, the

increase in impervious surface area, and identification of the potential impacts to wetlands, watercourses, and groundwater on or off site. The Commission may request information relative to the impact on downstream waterbodies and wetlands.

- (3) Existing Drainage Area Plan showing sub-catchment drainage areas and analysis points with total area, groundcover, time of concentration flow paths including identification of presumed types of flow along the path, impervious surface area and runoff coefficients used to calculate pre-development peak runoff rates and volumes for the proposed development parcel. In addition to drainage related features, wells, topography, soil types, vegetation, wetlands and watercourses, and floodplains and floodways shall also be shown.
- (4) Proposed Drainage Area Plan showing sub-catchment drainage areas and analysis points with total area, groundcover, including impervious surface areas, time of concentration flow paths including identification of presumed types of flow, and runoff coefficients used to calculate post-development peak runoff rates and volumes, location and description of receiving stormwater conveyance systems, surface waters, wetlands and other sensitive receptors for the proposed development site. Proposed wells, on-site wastewater disposal systems, topography, vegetation, easements, and maintenance access locations shall also be shown.
- (5) A description of design methodologies, hydrologic, hydraulic, and water quality computations for all practices and techniques, and structures and facilities as prescribed in Sect. 4.12.
- (6) Drawings including plan views, profiles, cross-sections, typical details, and calculated water elevations for each design storm, for all stormwater management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design; details, including any phasing requirements for construction and/or installation, dimensions and materials including planting and landscape plans and details associated with stormwater management system components.
- (7) Structural design, geotechnical design and supporting information, as required by the Town Engineer for stormwater management system components including but not limited to, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways, outlet weirs, and other structures.
- (8) Location of all easements stating the specific responsibilities of the grantor and grantee as to the access and maintenance of the stormwater system. Easements shall be a minimum of 20' wide (10' each side of buried pipes), and shall extend 10' beyond outfalls and 10' outside both sides of open drainageways and 10' beyond buried and unburied non-linear stormwater management features.
- (9) Proposed operation, inspection and maintenance program for the stormwater management system. The program shall include a general

schematic of the stormwater management system, inspection and maintenance schedules, and checklists for each proposed stormwater management measure and the designation of the proposed responsible party for the operation, inspection and maintenance of the stormwater management system. The following entities may be designated as a responsible party:

- a. A homeowner's association comprised of the owners of all the lots in the subdivision.
 - b. The owner(s) of each lot in the subdivision, who shall be jointly and severally responsible for the stormwater management system.
 - c. Any suitable alternative approved by the Commission.
- (10) If applicable, properly executed legal documents, including warranty deeds for any transfers of title to the responsible party for maintenance and operation of the stormwater management system, shall be submitted with the final subdivision plan to be filed. All such documents shall be acceptable to the Commission Attorney and the Commission and shall be filed with the Westbrook Town Clerk simultaneously with the filing of the approved final subdivision plans.

2.2.7 Sanitary Certification – When a subdivision is not to be served by a sanitary sewer system and/or public water supply, a statement from the Town Health officer shall be obtained and submitted by the applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for private sewage disposal and/or water supply systems. If the statement of the Town Health Officer indicates that the nature of the land will require engineered septic systems, such requirement will be stated on the final plan presented for approval by the Commission.

If the developer proposes to utilize a community sewerage system, as defined in C.G.S. Section 7-245, the application shall include a report from the Westbrook Water Pollution Control Commission indicating that all requirements of C.G.S. Section 7-246f have been satisfied. In accordance with Section 8-25a of the C.G.S., as amended by Public Act 84-330, any subdivision providing water by means of a "water company", as that term is defined in C.G.S. Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or in the alternative, a certified copy of the resolution from the Board of Selectmen waiving such Certificate and agreeing that the Town of Westbrook shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

2.2.8 Parcel History Map – A parcel history map, depicting the tract as of the effective date of the adoption of subdivision regulations for the Town of Westbrook (December 27, 1956). Such map shall be at a scale of 1"=200',

more or less, and shall indicate all divisions of the property, or any property of which was formerly a part, since the said effective date of subdivision regulation in Westbrook and a table containing the dates of such divisions and the grantors and grantees of any parcels or approved subdivisions so created.

- 2.2.9 Mortgage Information – The name, address, responsible loan officer of the holder, and volume and page of recording, of any mortgage deed secured by the property to be subdivided.
- 2.2.10 Application Check Lists – A check list, in a form provided by the Commission, will be included with each copy of the application as a means of itemizing detailed requirements and to aid the applicant and the Commission in verifying the completeness of an application.
- 2.2.11 Plan for Relationship of Subdivision to Adjoining Parcel – Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the developer's property, a preliminary plan of the future street and lot pattern for the remainder of the tract or property shall be submitted. In addition, the Commission may require similar information for surrounding parcel(s), regardless of ownership, where necessary to determine that the proposed subdivision will provide for orderly development of the area in question.
- 2.2.12 Existing Easements, Restrictions, and Covenants – A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances which run with the land, including the identity of the dominant and servient estates, the volume and page of the Westbrook Land Records where the same are recorded, and the date upon which they will expire, if any.
- 2.2.13 Association Documents – When a property owner association is to be formed to hold open space land or common elements or perform any other function in the subdivision, the subdivision application shall include a copy of the proposed Certificate of Incorporation, bylaws, and the declaration instrument by which the association will be imposed on the subdivision.
- 2.2.14 Deeds to Town and Town Agencies – Prior to final approval the applicant shall submit road deeds, conservation and drainage easements, and the like. All land conveyances and street interests in real property to the Town of Westbrook or any of its agencies, shall be by warranty deed and accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance.
- 2.2.15 Connecticut State Department of Transportation Permit – Where a proposed street or storm drain intersects with a State Highway, the

applicant shall append a copy of his application for a permit from the Connecticut State Department of Transportation.

- 2.2.16 Inland Wetlands and Watercourses Approval – A report from, and evidence of approval by, the Inland Wetlands and Watercourses Commission of any permits required pursuant to the Westbrook Inland Wetlands and Watercourses Regulations for the Final Subdivision Plan as submitted.
- 2.2.17 Tidal Wetlands and U.S. Army Corps of Engineers Approvals – Written evidence of approval of the activities depicted on the Final Subdivision Plan by the U.S. Army Corps of Engineers (Federal 208 review) and the Connecticut Department of Environmental Protection (Tidal Wetlands review), where required by applicable law; and unless such agencies provide a written report to the effect that such review and approval must await action by the Commission.
- 2.2.18 Application for Coastal Site Plan Review – If the application involves a subdivision fully or partially within the coastal boundary as defined in Chapter 444, C.G.S. (The Coastal Management Act), an Application for Review of Coastal Site Plan, Appendix B hereto, must be completed and included with each copy of the application. Said Application for Review makes provision for a statement of any adverse impact of the proposed subdivision upon the coastal zone, which statement must be specific and complete.
- 2.2.19 Soil Erosion and Sediment Control Plan – Where the proposed subdivision will result in development activity which will create disturbed areas in excess of one-half acre in the aggregate, a soil erosion and sediment control plan will be submitted as provided in Section VII hereof.
- 2.2.20 Notice to Adjacent Owners – A list of the names and mailing addresses of all current owners of property, as such ownership is indicated in the records of the Town Assessor, for those properties which are within 200 feet in all directions of the property which is the subject of the application. Whenever a public hearing is required by these Regulations, or whenever the Commission otherwise determines that a public hearing will be held on any application, the applicant shall provide to the Commission, at least two (2) weeks prior to such public hearing, addressed envelopes to each such owner, first class postage prepaid.
- 2.2.21 Passive Solar Energy Scheme – A written statement, supported and elaborated on by the plan as appropriate, indicating passive solar energy techniques considered in developing the plan which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. "Passive solar energy techniques" means 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, including without limitation house orientation, street and lot layout, vegetation, natural and man-made topographical features, and protection of solar access.

2.2.22 Additional Technical Information or Reports – In addition to the above, the applicant shall, upon request from the Commission, provide from a licensed professional engineer a written report of the adequacy of the water supply and sewerage arrangements, and/or from a licensed professional engineer and land surveyor of the proposed grades, drainage arrangements and drainage easements as shown on the Plan-Profiles and the Final Subdivision Plan. The applicant shall also obtain from its own consultants or from the appropriate Town or State officers such other reports as the Commission may require. Where significant environmental impact may be involved, the Commission may request a review of the application by the Connecticut Conservation and Development Area Environmental Review Team.

2.3 Multiple Application – The Commission shall not consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.

2.4 Referrals – If the property, which is the subject of the application, includes or abuts land in an adjacent town, the Commission will refer the application to the Connecticut River Estuary Regional Planning Agency for consideration pursuant to Section 8-26b, C.G.S., and may refer an application to said Agency where it appears that the proximity of such property to an adjacent town may have an effect on land in such town. Referrals may also be made by the Commission to any other agency it deems appropriate, and will be made to any agency to whom such referral is required by law.

2.4.1 Notice to Adjacent Towns – The Commission shall notify the clerk of any adjoining town of the receipt of any application in which:

- (1) any portion of the property which is the subject of such application is within 500 feet of the boundary of such adjoining town;
- (2) a significant portion of the traffic to the completed project which is the subject of such application will use streets within such adjoining town to enter or exit said property;
- (3) a significant portion of the sewer or water drainage from said project will flow through and significantly affect the drainage or sewerage system within such adjoining town;
- (4) water run-off from said property as a result of said project will affect streets or other municipal or private property within said adjoining town.

Such notice shall be mailed, by registered mail within 7 days after receipt of such application, and no hearing may be conducted thereon unless such adjoining town has received said notice. Such adjoining town may, through a representative, appear and be heard at any hearing on such application.

2.4.2 Notice to Water Company – In accordance with C.G.S. 8-3i, in any subdivision application for any property which is within the watershed of a water company, as defined in C.G.S. 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of watershed on the land records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

2.5 Review – In reviewing the application, the Commission shall determine whether the plans and documents conform to the requirements of these Regulations. In the review process the Commission may request the applicant to submit additional information that it deems necessary to make a reasonable review of the proposed plan in accordance with these Regulations.

It is the burden of the applicant to submit a complete application, and to demonstrate compliance with all criteria and requirements of these Regulations and, accordingly, the applicant may submit such additional reports or information as may be required to satisfy that burden. Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application. The filing of an application with the Commission shall be deemed to constitute permission by the applicant for the Commission or its agents to enter onto the subject property for the purpose of inspections and tests; and, if the Commission designates a formal site walk, such permission shall allow the general public, in company with the Commission only, to inspect such property.

2.6 Hearings – The Commission may hold a public hearing regarding any subdivision application if, in its judgment, the specific circumstances require such action. No application for resubdivision shall be acted upon by the Commission without public hearing. Applications to be submitted for a public hearing shall be filed in the Office of the Town Planner at least 14 days before the public hearing, and may not be amended subsequent to such filing.

2.6.1 Notification – Notice of the time, place and subject of such a public hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing. A copy of each such notice shall be sent by registered or certified mail to the applicant.

- 2.6.2 Time Limits – A public hearing must commence within 65 days after receipt of the application, and must be completed within 30 days after it has commenced. A decision on an application shall be rendered within 65 days after completion of the public hearing or, if no public hearing is held, within 65 days after receipt of application, provided, however, that where an applicant has submitted an application to the inland wetlands agency as set forth in Section 2.2.16 hereof, and if said 65-day time period for a decision by the Commission would elapse prior to the 35th day after a decision by said inland wetlands agency on the application submitted to it then the time period for a decision by the Commission shall be extended to 35 days after the decision of said inland wetlands agency.
- 2.7 Decision – The Commission may approve, modify and approve, or disapprove, the application. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant, by its Secretary or Clerk, under his or her signature in any written, printed, typewritten or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved, together with the date of such action. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. Where an application to the inland wetlands agency has been submitted as set forth in Section 2.2.16 hereof, the Commission shall not render its decision until it has received from that agency a report with its final decision on such application, [provided said report and decision has been received within the time limited therefor by] in accordance with Section 2.6.2 hereof.
- 2.8 Approval – The Commission shall give approval to the application if it finds it conforms to the requirements of these regulations. In accordance with Section 4.5 and other applicable provisions of these Regulations, the Commission may prescribe the extent to which and the manner in which streets shall be graded and improved and public services and utilities provided and, if such work and installations are not completed previous to approval, the Commission may require a bond or other assurance, as provided in Section 2.11 hereof, to be delivered to the Commission prior to expiration of the time limited for such approval, securing to the Town of Westbrook the actual construction, maintenance and installation of such improvements and utilities within the period provided in Section 2.11.2 hereof. In lieu of either the completion of such work or the furnishing of a bond or assurance prior to approval, the Commission may deliver to the applicant for filing, under Section 2.10 hereof, a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the completion of construction, maintenance and installation of any improvements or utilities prescribed by the Commission, or (2) the furnishing of bond or other assurance as provided in Section 2.11 hereof. Upon the occurrence of either of such events, the Commission shall cause a final approval to be endorsed on said plan, said endorsement to be implemented by the filing of a new set of signed mylars in the office of the Town Clerk, signed by the Commission Chairman or Secretary, containing the date of the conditional

approval, the name of the subdivision, the name of the record owner at the time of final approval, the map title(s) involved, and the date upon which the conditional approval became a final approval. Unless and until such final approval has been granted, no lots shall be conveyed to consumer purchasers, and a restrictive covenant, to the satisfaction of the Commission's counsel shall be filed in the Land Records of the Town in order to implement this prohibition. See Section 2.11 of these Regulations. Any such conditional approval shall lapse on the date, not more than five (5) years from the date the conditional approval was granted, selected by the Commission; provided, however, that the conditional approval may, upon request by the applicant, be renewed by the Commission at its discretion for not more than five (5) years from expiration of the initial approval period. No lot subdivided pursuant to a conditional approval shall be sold or offered for sale prior to final approval, subject to the penalties set forth in Section 1.7 hereof.

- 2.9 Endorsement of Final Subdivision Plan – Upon approval of an application, the applicant shall, within sixty-five (65) days of approval, provide a Final Subdivision Plan on a material suitable for filing in the office of the Westbrook Town Clerk, which Plan shall incorporate any modification(s) attached to such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, road deeds, liens, conservation and drainage easements, and the like. Any conveyance to the Town of Westbrook shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage lien, restriction, or other encumbrance.

The final Plan shall contain a statement, pursuant to C.G.S. 8-26c, of the date when approval of the subdivision shall expire for failure to complete all work. If the Commission shall grant a conditional approval, it shall likewise so set forth on the Plan, and such endorsement shall state the conditions of approval and the expiration date of the conditional approval.

The Plan for filing shall include, reproduced on the face thereof, a copy of the motions of approval (including any conditions or modifications made a part thereof) from both the Commission's subdivision approval and any Inland Wetlands Permit approved by the Westbrook Inland Wetlands and Watercourses Commission. Not less than thirty (30) days after the expiration of the time for taking an appeal from the approval of the subdivision has lapsed, or, in the event of an appeal, not less than thirty (30) days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant, the Commission shall designate the Chairman or Secretary to endorse the Plan and the date thereof upon the Plan in its behalf.

- 2.10 Filing of Plan – At such time as the Commission Chairman or Secretary endorse the Final Subdivision Plan in accordance with the preceding paragraph, the Commission shall cause the applicant to be notified, by certified mail, that such endorsement has occurred. Such notice shall constitute "delivery" for the purposes of C.G.S. 8-25. Within ninety (90) days following the date of such

notice, the applicant shall file the endorsed Final Plan with the Town Clerk and pay any necessary filing fees. The Commission may, upon request of the applicant, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Final Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Final Subdivision Plans rendered void by operation of this provision.

2.10.1 Alteration of Final Subdivision Plan Prior to Filing with Town Clerk – If the Final Subdivision Plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the Plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the Plan.

2.10.2 Alteration of Final Subdivision Plan After Filing with Town Clerk – If the Final Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, the approval shall be void unless the Amended Subdivision has been approved by the Commission and a new Final Plan endorsed and filed with the Town Clerk.

2.11 Insurance, Bond Requirements: Certificate of Use, Bond Release, and Agreement for Installation of Improvements

2.11.1 Insurance

- a) The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall be of the same term as the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.
- b) The policy shall insure the Town of Westbrook and its agents, and the subdivider and shall cover all his operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature including all public improvements. Said policy shall have the following limits:

Property Damage (including automobile)
Each Accident: Not less than \$250,000
Aggregate: Not less than \$750,000

Bodily Injury (including automobile)
Each Person: Not less than \$1,000,000
Each Accident: not less than \$3,000,000

2.11.2 Performance Bond

- a) A Performance Bond shall be posted by the subdivider prior to the commencement of construction of any improvement or work on any

lot to insure the completion of required improvements and utilities in the event the subdivider shall fail to install the same within the term of such Bond or any extension thereof. The term of the Performance Bond may be extended by the Commission upon approval of a petition from the developer to the Commission requesting an extension subject to agreement of such extension by the party issuing such bond. If the subdivider shall fail to complete all improvements in accordance with these Regulations and the approved plans, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, supervision and inspection of work, legal fees, and the like.

- b) In computing the amount of the Bond, the Commission shall include the construction cost of the following items:
- 1) The construction cost of all required improvements, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final Subdivision Plan, Plan and Profile, Erosion and Sedimentation Control Plan, or any other plan as approved by the Commission. The cost of erosion and sedimentation control measures shall be stated separately, and may be reduced by the amount of any cash bond required by the Westbrook Inland Wetlands and Watercourses Commission at such time as such bond is posted. In the case of water mains, electric lines or other utilities to be installed by a public utility, a written statement from such utility that the work will be done within the period required for other Improvements in such subdivision, and at no expense to the Town of Westbrook, will be accepted in lieu of the requirements of this Section.
 - 2) Estimated costs shall be those that would allow for the Town advertising and awarding a contract for construction of the improvements.
 - 3) Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.
 - 4) The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering.
 - 5) Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (b)

1 through 4 above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this paragraph, no improvement, as that term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted.

- c) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:
- 1) Cash in the form of a certified check, or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in New Haven, New London, or Middlesex Counties. This shall be the only method of bonding permitted for erosion and sedimentation control measures;
 - 2) A Letter of Credit in favor of the Town in the form prescribed by the Commission's legal counsel. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut. The issuing bank ("Surety") shall be one maintaining offices in New Haven, New London, or Middlesex Counties;
 - 3) A restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the land records of the Town of Westbrook, prohibiting the sale of any subdivision lot(s) until such time as all improvements are completed in accordance with these Regulations, or until the incomplete portions of such improvements are bonded by one of the methods in the preceding two (2) paragraphs. See Section 2.8.

The above-referenced forms shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the Bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be the end of the term of the Bond or any extension thereof, but, in no event, longer than the period set forth in Chapter 126 of the C.G.S.

- d) For all Performance Bond documents: If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the

partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

- e) If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the subdivision in accordance with the provisions of Section 1.7 of these Regulations.

2.11.3 Certificate of Zoning Compliance – Before any Zoning Permit (Certificate of Zoning Compliance) is issued for the construction of any building in such subdivision on a lot which fronts on a subdivision road which has not been accepted by the Town as a public road, the subdivider shall complete such road, in accordance with the specifications 2.11 up to the farther side line of such lot, to a stage in construction at which only final surfacing of the road remains to be done before completion of the road; the foregoing shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, shall be bonded in accordance with the provisions of this Section 2.11. In addition, water and effluent disposal, be it by individual on-site systems or community systems, shall be operational and accepted by the appropriate Town or State agencies prior to the issuance of a Certificate of Zoning Compliance allowing the occupancy of the dwelling on any lot.

2.11.4 Bond Release

- a) Prior to the release of the Performance Bond the subdivider shall present a Maintenance Bond equal to twenty (20%) percent of his Performance Bond. Such Bond shall be for the period of one (1) year and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The said one-year period shall commence upon the effective date of the acceptance of any road or other public improvements by that agency having authority for such acceptance.
- b) Application for the release of any Bond upon completion of all required improvements shall include the submission of scale as-built drawings which shall include all changes in the plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall be signed and sealed by both a

Connecticut Registered Professional Engineer and a Land Surveyor licensed in the State of Connecticut.

- c) Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the applicant may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission shall grant no more than three (3) such reductions prior to the final release of bonds, and the Commission may refuse such reductions if it finds that the construction of any improvements are in violation of any provision of these Regulations or the plans or conditions for any subdivision approved hereunder.

2.11.5 Agreement for Installation of Improvements – For any subdivision involving the installation of public improvements, the subdivider shall, prior to the endorsement of the Final Plans, enter into a written agreement with the Town to perform such improvements, which agreement shall be in the form specified by the Commission’s legal counsel.

2.11.6 Guarantee of Maintenance of Improved Town Roads – Improved streets which are accepted by the Town shall be maintained in good repair by the applicant for a period of one year from the date of such acceptance. Prior to acceptance by the Town, the applicant will furnish to the Selectmen an acceptable surety bond (or cash or certified check) in the amount to be established by the Selectmen, upon recommendation of the Planning Commission, sufficient to secure to the Town of maintenance above specified.

2.11.7 Warranty of Improved Town Roads – The applicant shall, when notified by the Selectmen promptly and at his own expense, repair all defects, settlements and irregularities in the construction and operation of any improvements [an improved town road and its appurtenant structures, including drainage system pipes, mains or conduits, curbs, gutters, sidewalks, road surfaces, land turfing and bridges] which may arise during a period of one year after acceptance by the Town.

2.12 Certificate of Compliance – Before release of any bond, the applicant shall present a statement and a copy of the "as built" construction plans, each signed and sealed by a professional engineer licensed to practice in the State of Connecticut, which statement shall certify that the streets, ditches, watercourses, headwalls, storm drains, sanitary sewers, catch basins manholes, sidewalks, gutters, curbs, bridges, culverts and other structures and improvements have been installed in the location and at the elevation or grade shown on the construction plans. Any revisions of the approved construction plan must be approved and initialed by the Selectmen or their agent. Such revision shall be incorporated on the "as built" construction plans.

- 2.13 Time Limitation – Any person making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision, pursuant to the provisions of Section 8-26c, C.G.S..
- 2.14 Amendments – These Regulations may be amended by the Commission at any meeting called for the purpose after a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Town of Westbrook at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearings.
- 2.14.1 Compliance with Amendments – When a change in the subdivision regulations is adopted by the Commission, no subdivision plan which has been approved by the Commission prior to the effective date of such change and filed or recorded with the Town Clerk, shall be required to conform to such change.

SECTION III – STANDARDS FOR MAPS AND PLANS

- 3.1 **General** – The maps and plans required by these Regulations shall meet Class A-2 standards of the Connecticut Association of Land Surveyors, Inc. and shall show the information and be prepared in accordance with the standards hereinafter specified. In accordance with the provisions of the General Statutes of the State of Connecticut which define "Professional Engineer" and "Land Surveyor" and which limit practice to the field of registration, all required maps and plans that involve the design of roads (both horizontal and vertical alignment), drainage systems (including the design and location of structures and pipe), sanitary sewer systems, sewage disposal systems and water supply and distribution systems constitute professional engineering and as such must bear the name and seal of a Connecticut-licensed Professional Engineer; a Land Surveyor's seal or an Architect's seal is not acceptable for this phase of land subdivision. All required maps and plans which relate to topography and the delineation of the boundary lines of the perimeter of the subdivision as well as the interior lots and streets constitutes land surveying within the meaning of the General Statutes and as such must bear the name and seal of a Connecticut-licensed Land Surveyor; a Professional Engineer's seal or an Architect's seal is not acceptable for this phase of land subdivision. Pertinent survey data and computations shall be presented on request to the Commission for review.
- 3.1.1 **Key Map** – A Key Map showing the relationship of the proposed subdivision to the surrounding neighborhood shall be provided, and shall show all public streets, lands reserved for special use, and major subdivisions located within one-half mile of the boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided shall be shown on the Key Map in sufficient detail to allow for transfer of information to the Commission's base map. The scale of the Key Map shall be 1"=1000'. The Key Map may be included as an insert on the Boundary Survey Map.
- 3.1.2 **Boundary Survey Map** – A Boundary Survey Map of the entire tract to be subdivided shall be provided, prepared as specified above. The error of closure for the survey shall be specified. The Boundary Survey Map shall show names of all abutting land owners as indicated in the records of the Town Assessor and public streets, the layout of all lots and streets within the tract to be subdivided, lot acreage, and all lands to be dedicated as open space, parks or playgrounds. The scale of the Boundary Survey Map shall be at 1"=100'. The Boundary Survey Map shall contain the name of the subdivision, the date prepared, north arrow, and graphic scale.
- 3.2 **Subdivision Plan** – Maps and plans shall have an overall dimension of 24" x 36" and shall be at a scale of one inch equals 40 feet (1"=40') unless otherwise approved by the Commission. Where it is not possible to fit the entire subdivision plan on one sheet, more than one sheet may be used, provided that match lines are indicated. If more than one sheet is used, an index

map shall be provided showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by the section or sheet and match lines between sections.

Final maps presented for endorsement and filing shall include a raised seal and original signature of the land surveyor or engineer, or both, and shall be a print on polyester film or linen meeting the filing requirements for maps specified by the state public records administrator. All plans shall show the following information to the extent that the information occurs in or is applicable to the particular subdivision.

- 3.2.1 Identifiers – These include the title of the subdivision, the name and address of the owner of the land to be subdivided, which shall not duplicate or too closely approximate the Title of any previous subdivision in the Town, name of the applicant if different from the owner, the certification of a registered professional engineer or surveyor that the plan meets the standards of Class A-2 of the Connecticut Association of Land Surveyors, Inc., the date, scale, and north arrow, Town and State.
- 3.2.2 Property and Street Lines – Existing and proposed property and street lines with dimensions, adjoining property lines for a distance of 200 feet from the subject tract, and the names of adjacent property owners from current Assessor's Records.
- 3.2.3 Zoning District – The zoning district or districts in which the subdivision is located and any zoning district boundary lines. The bulk requirements of each district shall be shown in table form.
- 3.2.4 Proposed Lot Lines – Accurate layout of all lots with lot numbers conforming to the Town numbering system; open space reserved for parks, playgrounds, conservation purposes, or other common or public use with dimensions, angles, bearings and curve data; square footage of all lots included in the subdivision. The total area within each lot designated tidal or inland wetlands watercourses, bodies of water and land below mean high water shall be shown in square feet. Accessways of rear lots shall be indicated and the lot area of rear lots shall be calculated in total and shown also "exclusive of accessway."
- 3.2.5 Proposed and Existing Monuments – The location of all proposed and existing monuments.
- 3.2.6 Regulated Lands – The location of regulated land, such as, but not limited to wetlands, watercourses, flood zones, water resource districts, and coastal area zones.
- 3.2.7 Soil Types – Soil types and the location of rock outcroppings.
- 3.2.8 Proposed Street Lines – An accurate layout of existing and proposed streets, easements or rights-of-way including those for utilities and

drainage either on or off site, with accurate bearings and dimensions, including arc length, radii and central angle of all curves. The names of proposed streets should be shown.

- 3.2.9 Wells and Septic Systems – The location of all private wells, community wells and septic systems currently existing within the subdivision or on adjacent lots, and the proposed or design location of wells and septic systems to serve each lot in the subdivision.
 - 3.2.10 Test Holes – The location and results of all test holes and the soil classification findings for each such test hole. Sufficient test holes shall be dug to obtain a representative sampling, as determined by the Town Sanitarian, within the perimeters of the proposed or design location of each septic system.
 - 3.2.11 Other Improvements – The location and sizes of existing and proposed water mains and appurtenances, community wells and pump houses, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, curbs, gutters, street lights, and other structures.
 - 3.2.12 Key Elevations – Key elevations of existing and adjoining roads and spot elevations showing tentative grading of proposed roads within the subdivision.
 - 3.2.13 Existing and Proposed Contours – Existing and proposed contours shown at intervals not to exceed two feet.
 - 3.2.14 Location Map – A location map with a suitable scale showing the location of the subdivision in relation to the main town roads and other topographical features.
 - 3.2.15 House Location – The proposed or design location of a house or principal building on each building lot in the subdivision.
 - 3.2.16 General Note – Each sheet of the subdivision plan shall bear the following notation: "Proposed house, well, septic system and driveway locations are general in nature. Actual size and location may vary at the time of construction. Any change in house, well or septic system location is subject to prior approval by the Zoning Enforcement officer and/or the Town Sanitarian. It is important to note that due to the separation requirements of the Public Health Code for wells, septic systems and structures, the locations of these improvements are interrelated and changes on one lot could adversely affect the layout on surrounding lots."
- 3.3 Construction Plans – Plans and profile drawings of all proposed streets, storm drains, water mains and appurtenances, basins, manholes, ditches, watercourses, headwalls, gutters, curbs and other structures shall be submitted on polyester sheets 24 inches wide and 36 inches long and shall

- be drawn to a horizontal scale of 1"=40' and a vertical scale of 1"=4'. The original and three (3) copies unless more are required by the Commission reproduced by black and white or similar contact process shall be submitted. Profile drawings and elevations shall be based on town, state, or U.S. bench marks or other permanent bench mark approved by the Commission; the bench mark used shall be noted on the plan. Plan profile drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:
- 3.3.1 Identifiers – The title of the subdivision, date, scale, north arrow.
 - 3.3.2 Street and Grade Sections – For streets, the existing and proposed grades at the center line of the road, including delineation of all vertical curves and typical road sections shall be shown. Additional perpendicular road sections shall be provided at intervals deemed appropriate by the Commission.
 - 3.3.3 Water Mains and Sewer Lines – The location and size of existing water mains and appurtenances, community wells and pump houses, sanitary sewers and proposed extensions of the water supply and sanitary sewer lines, including connections to the existing mains.
 - 3.3.4 Drainage Calculations – Drainage calculations supporting design of all drainage structures shall be appended to the plan.
 - 3.3.5 Drainage Structures – The depth, invert slope and size of all pipes, ditches, culverts, manholes, catch basins including top of grade elevations, headwalls and water courses, typical ditch and water course cross section.
 - 3.3.6 Adjacent Property Lines – The approximate location of structures and property lines of lots on a street line which abuts the proposed subdivision.
 - 3.3.7 Sidewalks and Curbs – The location and composition of existing and proposed sidewalks, curbs, gutters and special structures.
 - 3.3.8 Bridges and Culverts – Detail drawings of any bridges, box culverts, deep manholes and other special structures.
 - 3.3.9 Street Lighting – The location and type of street light installation.
 - 3.3.10 Proposed and Existing Contours – Existing and proposed contours shown at intervals not exceeding two (2) feet.
- 3.4 Grading Plan – The area shown on the grading plan may be limited to the portions of the subdivision affected by the proposed major regrading, cuts, fills or soil or rock removal. The grading plan shall be drawn on mylar sheets 24 inches wide by 36 inches long and to the same scale as the subdivision plan. Contours and elevations shall be based on the same

bench marks as provided in Section 3.3. With the permission of the Commission, the grading plan may be combined with, and incorporated into, the construction plan. In addition to the polyester, three (3) copies, unless more are required by the Commission, reproduced by black and white or similar process, shall be submitted. The grading plan shall show at least the following information:

- 3.4.1 Identifiers – The title of subdivision, the name and address of the owner of the land to be subdivided, name and address of the applicant if different from the owner, the date, scale and north arrow.
- 3.4.2 Lot and Street Lines – The layout of existing and proposed lot lines and street lines.
- 3.4.3 Contours – Existing and proposed contours shown at intervals not exceeding two (2) feet.
- 3.4.4 Drainage and Watercourses – Existing and proposed drainage and watercourses.
- 3.4.5 Buildings and Structures – Existing and proposed buildings and structures.
- 3.4.6 Test Pits and Holes – The locations, elevations and profiles of all test holes, test pits or borings.
- 3.4.7 Cut and Fill Calculations – A columnar listing of land cutting and filling, in cubic yards, indicating the combined net result (fill offsetting cut), with a design objective of net zero.
- 3.4.8 Truck Traffic – Traffic control and safety measures to be observed by the applicant at the site in connection with truck traffic generated by the transport of cut or -fill material.

SECTION IV – DESIGN STANDARDS

4.1 Suitability of Land – Each building lot to be created by the subdivision shall be of such character that it can be used for building purposes without danger to the public health and safety, and so that the general safety, convenience and welfare of the inhabitants of the Town may be maintained. Building lots shall either be suitable for the installation of a sewage disposal system, in accordance with applicable state and local regulations, or they shall be of such nature that they may be made suitable by some site preparation. Details of all proposed site preparation for this purpose shall be indicated on the plan, and all lots requiring such site preparation in order to meet suitability requirements shall be identified on the plan.

4.1.1 Flood Hazard – Floodplain shall not be subdivided unless the following conditions are met:

4.1.1.1 Flood Zone – The boundaries of any Special Flood Hazard Areas and floodways, and the lowest floor elevations that would be applicable for a building on any lot in a Special Flood Hazard area shall be shown on the subdivision plan. New residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.

4.1.1.2 Standards to Minimize Flood Hazards – The Commission shall determine whether proposed subdivisions are reasonably safe from flooding and when any part of a proposed subdivision lies within a Special Flood Hazard Area on the Flood Insurance Rate Map, it shall be reviewed to assure that:

- (1) All proposals are consistent with the need to minimize flood damage within the flood-prone area;
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are to be located and constructed to minimize or eliminate the possibility of flood damage;
- (3) Adequate drainage is provided to reduce exposure to flood hazards;
- (4) New and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into system;
- (5) New and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(6) On-site disposal systems are to be located to avoid impairment of them or contamination from them during flooding.

4.1.1.3 Assurances of Watercourse Flood Capacity – Applications for subdivisions within a Special Flood Hazard Area on the Flood Insurance Rate Map must include evidence that the flood-carrying capacity of any portion of a watercourse which is to be altered or relocated is not reduced.

4.1.1.4 DEP Notification – Where an application involves the alteration or relocation of a watercourse which is a boundary of, or flows through, another municipality, the commission shall notify such other municipalities and the Connecticut Department of Environmental Protection prior to approving any such alteration or relocation, and shall submit copies of such notices to the Federal Insurance Administrator.

4.1.1.5 Flood Hazard Boundary Lines – Boundary lines of the Special Flood Hazard Area on the Flood Insurance Rate map shall be shown on the plan where applicable.

4.2 Lots - Lots shall have the following characteristics:

4.2.1 Lot Size/Minimum Buildable Area – To ensure that all proposed subdivision lots have an adequate area for on-site water and sewerage systems, house and accessory building locations, driveways and parking area and usable recreation space; to minimize drainage problems and facilitate ground water recharge; and to minimize potentially detrimental encroachments upon watercourses, waterbodies, wetland soils and flood plain areas; all proposed subdivision lots, except for Open Space Subdivisions (if and when authorized by the Westbrook Zoning Regulations), shall comply with the following Minimum Buildable Area requirements:

1) The area and width of the proposed lots shall conform to the Westbrook Zoning Regulations and shall be of such shape, size, location and character that buildings can be constructed in conformity with the requirements of such Regulations. Lots shall be able to contain an area as nearly rectangular as possible of fifteen thousand (15,000') square feet, such rectangle having no side less than eighty (80') feet, with no part of that rectangle containing a slope in excess of twenty (20%) percent; nor any part of such rectangle to be classified as a Floodway or Flood Hazard Zones A (numbered and unnumbered), AE, and V-9 as shown on the current Federal Emergency Management Agency's (FEMA) Federal Insurance Rate Maps on file in the office of the Town Clerk; nor any part of such rectangle to be in soils classified as poorly or very poorly drained by the United States Department of Agriculture,

Soil Conservation Service; and area identified by a certified soil scientist as the same may be amended from time to time. Applications to amend said map shall be made to the Westbrook Inland Wetlands and Watercourses Commission in accordance with the Regulations of that Commission.

2) The lots shall be as nearly rectangular as is practical and of such character that they can be used for building purposes without danger to the health and safety of the public or the occupants. Any lot which is found to be unsuitable for buildings by reason of water or flooding conditions shall be combined with another lot that is suitable.

4.2.2 Compliance with Zoning – Lots shall conform in every respect to the requirements of the Westbrook Zoning Regulations except as the same may be varied by the Westbrook Zoning Board of Appeals, but the Commission, in its discretion, may require lots of larger size if necessary to carry out the purposes of these regulations.

4.2.3 Preserve Natural Terrain – Building lots shall be designed and arranged to make best use of the natural terrain to preserve important natural features, including trees, and avoid unnecessary regrading.

4.2.4 Lot Lines – Where practical, the side lines of building lots shall intersect at right angles to the street line on which the lot fronts.

4.2.5 Retaining Walls – Land grades within the subdivision shall not be changed by grading to a slope greater than 2 to 1, unless a retaining wall of a design acceptable to the Commission is to be used.

4.2.6 Street Frontage – Every building lot shall abut an improved street in accordance with regulations set forth by the Town's Zoning Commission.

4.2.7 Lot Numbers – All lots shall be numbered beginning with number "1" and shall continue consecutively throughout the entire subdivision with no duplication and no omissions. Subdivisions which are phased shall continue the numbering pattern throughout all phases, however lots shall also show phase notation (i.e. I-1, IV-23).

4.2.8 All Land to be in Lots – No land owned by the subdivider adjacent to the subdivision which is not capable of satisfactory independent subdivision into lots of the size specified shall be withheld by the subdivider. Nor shall there be any fragment of a lot or remainder in the subdivision area of less than specified for lot dimensions. Fragments and remainders must be incorporated into full size lots complying with all provisions of these Regulations and the Westbrook Zoning Regulations.

4.2.9 No Unapproved Lots – No lot, regardless of size which is rendered useless for building due to utility easements, right-of-way, watercourses,

topography, or lack of compliance with the Public Health Code, shall be shown as a building lot on any subdivision. Such property shall be included in adjoining lots.

4.2.10 Underground Petroleum Storage Tanks Prohibited – There shall be no underground tanks on any lot for the storage of any petroleum product.

4.3 Open Space or Recreational Areas

4.3.1 Disposition – For any subdivision of land under these Regulations, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Section 4.3, "open space or recreation areas" shall be defined to include, but not be limited to: areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, ledge outcroppings and other unusual physical features; the protection of historic or archeological sites; the expansion of existing open space and recreational areas and the meeting of neighborhood and/or community-wide recreational needs. In determining the location of open space, the Commission may consider potential for combination with existing or proposed open space on adjoining properties owned by any public or private institution.

4.3.2 Size – Where open space and/or recreation area disposition is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Section 4.3.1 and the scope of the subdivision proposal. Required open space and/or recreation areas shall be no less than 10 percent of the property under consideration. In determining the total land to be reserved as open space or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map. This provision shall apply to subdivisions of more than three (3) lots or twenty (20) acres, irrespective of the number of lots.

4.3.3 Sites of Archaeological Significance – In all subdivisions of five (5) acres or more, all applicants shall make written inquiry of the State Archaeologist to determine if there is evidence of sites of archaeological significance

within the subdivision. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of this Chapter.

4.3.4 Method of Disposition – The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 4.3.1, the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- a) Perpetual dedication to the Town.
- b) Perpetual dedication to the State of Connecticut.
- c) Perpetual dedication to a land trust (at the option of the subdivider)
- d) Dedication to a homeowners' association.
- e) Utilization of conservation easement(s), with or without public access.
- f) Utilization of a recreation easement.
- g) Private ownership with the appropriate taking of development rights.
- h) Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

4.3.5 Referrals – The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Conservation Commission, Recreation Commission, Middlesex County Soil and Water Conservation District, or any other appropriate agency.

4.3.6 Condition of Open Spaces and/or Recreation – Open space and/or recreation areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. All such areas shall include access roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be twenty (20') feet wide and have a slope no greater than twelve (12%) percent.

Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the subdivider. Except for improvement as may be required by the Commission, open space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris. The Commission may require that any land to be dedicated for recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four inches to be seeded with low maintenance grass seed and be otherwise improved so that the land is left in a condition appropriate to the intended use. The Commission need not accept land composed entirely or substantially of inland wetlands in satisfaction of the requirements of this Section, unless it considers such areas to have special habitat or other environmental value. When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.

- 4.3.7 Enforcement Bonding – To ensure proper construction of any required improvements, the Commission shall require the subdivider to post a performance bond in an amount and with terms acceptable to the Commission. Unless modified by the Commission in accordance with Section 1.1.1 of these Regulations, all required improvements of open space and/or recreation land shall be completed prior to the occupancy of fifty (50%) percent of the dwellings within the subdivision.
- 4.3.8 Homeowners' Association – The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners. Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to, the following which:
- a) Establishes a mandatory participation in an association of property owners to maintain the land reservation for open space park and playground purposes, with power to assess all members for all necessary costs;
 - b) Will be binding on all future property owners;
 - c) Will be perpetual;
 - d) Will not be affected by any change in zoning or land use;
 - e) Will assure adequate maintenance;
 - f) May be enforced by the Town by appropriate legal action;
 - g) Shall provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Town may

take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

After approval by the Commission Attorney and Commission, said document shall be filed by the subdivider in the Office of the Town Clerk.

- 4.3.9 Legal Transferal – Properly executed legal documents, including warranty deeds for any title transferals, shall be prepared in accordance with the provision of this section and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Planning Staff and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen. In the event that acceptance is rejected by the Board of Selectmen, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the open space and/or recreation area by the Town.
- 4.3.10 Dedication for other Municipal Purposes – In the event the subdivider desires to transfer to the Town land for other municipal purposes such as future schools, fire houses, etc., the dedication provisions of this Regulation shall be complied with. The Commission may consider such a municipal dedication as a credit toward any open space and/or recreational area disposition requirements.
- 4.3.11 Payment of Fee in Lieu of Open Space – In accordance with C.G.S. 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee to the Town in lieu of the disposition of land by one of the methods set forth in Section 4.3.4 herein above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas in the subdivision which merit preservation by one of the methods set forth in Section 4.3.4, or that there are other areas in the Town of Westbrook where preservation would be more beneficial to the public health, safety and welfare. In the event that such authorization is granted by the Commission, such payment or combination of payment and the fair market value of land transferred 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. The fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider. 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 or acquiring additional land for open space or for recreational or agricultural purposes. The said payment obligation shall be secured by a lien against each lot in

the subdivision which shall be filed at the time that the final subdivision plans are filed in the Office of the Town Clerk, in accordance with Section 2.10 of these Regulations. The said lien shall be in a form approved by the Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title, in accordance with Section 4.10 of these Regulations.

4.3.12 Exemptions from Fee in Lieu of Open Space Disposition Requirements – In accordance with Public Act 90-239, Section 1, the provisions of Section 4.3.11 shall not apply if:

- a) The transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the Land Records in accordance with the procedure and other requirements of Section 2.10 of these Regulations. If the Commission determines, based on events subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section 4.3, the Commission may void the subdivision in accordance with Section 2.13 of these Regulations.
- b) The subdivision is to contain affordable housing, as defined in Section 8 of the C.G.S., equal to twenty (20%) percent or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may void those subdivision lots in accordance with Section 2.13 of these Regulations.

4.4 Rear Lots – Rear lots shall be approved only where such lot will not endanger health and public safety, and is in accord with the purposes of these Regulations. Particular consideration will be given to potentially hazardous traffic conditions at private street entrances.

4.4.1 Number Allowed – The maximum number of rear lots allowable in a subdivision shall be that shown in the following table:

If total number of building lots in subdivision =	3	4-6	7-10	11-20	21-30	31-40
then maximum number of rear lots =	1	2	3	4	5	6

Where total number of building lots exceeds 40, then maximum number of rear lots is increased by 1 rear lot for every additional 10 building lots or portion thereof.

4.4.2 Size – Rear lots shall be at least one and one half times the minimum area required for the district, exclusive of the area of the accessway as prescribed by zoning.

4.5 Streets – Streets intended for acceptance by the Town as improved town roads shall be in harmony with existing or proposed streets as shown on the Plan of Development adopted by the Commission, especially with regard to safe intersections with such streets. All proposed streets shall be planned in such a way as to provide a safe and convenient system for present and prospective traffic. Every effort shall be made to avoid dead-end streets.

4.5.1 Professional Design – The design drawings of streets, both horizontal and vertical alignment, drainage systems including the design and location of structures and pipe, sanitary sewer systems, sewage disposal systems and water supply and distribution systems shall be sealed by a Connecticut Licensed Professional Engineer. The Land Surveyor's seal or Architect's seal will not be acceptable.

4.5.2 Street Access – All streets in a subdivision shall connect with or shall be a continuation of one or more state highways or improved town roads. Permanent dead-end streets shall be avoided unless connecting streets are impractical. Proposed streets which may be projected into adjoining properties shall be carried to the boundary line; NO Reserved Strips Will Be Permitted.

4.5.3 Natural Contours – As far as practicable, streets shall follow natural contours and should have a location and grade which preserves natural terrain, substantial trees, woods and other natural features and enhances property values in the subdivision.

4.5.4 Width of Street – Streets intended to accommodate presently, or at any future time, traffic other than that of the immediate neighborhood shall be indicated on the plan as collector streets, and if required by the Commission, shall have a width of not less than sixty (60) feet. A street which is intended to serve primarily as an access to abutting collector streets shall not be less than fifty (50) feet in width.

4.5.4.1 Existing Street Improvements –

- 1) Access – Whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved

where it fronts the proposed subdivision or beyond the limits of the proposed subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street by and at the expense of the subdivider, or may disapprove such plan until the Board of Selectmen has authorized expenditures for such improvements.

- 2) Frontage Improvements – Whenever any subdivision is proposed for land which fronts on an existing Town street which does not conform with the minimum requirements of width and construction set forth in these Regulations, the subdivider shall improve such frontage from the centerline of the street to the required street line, in accordance with Appendix 2 to these Regulations. Where such improvement from the centerline is impractical, the Commission may require improvements of comparable value to be performed along the existing road frontage of the subdivision, or adjacent frontage impacted by the subdivision. In the alternative, the Commission may require that the cost of such improvements shall be paid to the Board of Selectmen, or its designated agent, in lieu of completion of such improvements by the applicant. Such payment shall be held in a separate fund to be used exclusively for the improvement of the subject street in ways which directly benefit the future owners of lots in the subdivision.
- 3) Right of Way Extension – When the proposed subdivision abuts an existing improved town road, the right of way width of which does not comply with the requirements of these Regulations, the subdivision shall provide for the dedication to the Town, in the manner required by the Commission, of sufficient land to permit the widening of such road right of way as will comply with the requirements of these Regulations.

In making the determinations set forth in the preceding paragraphs, the Commission shall take into account the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, any traffic or safety conditions created by the subdivision or its related alterations or improvements, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and generally the ability of any vehicle to use the street safely.

4.5.5 Intersections – No more than two streets shall intersect at one location.

4.5.5.1 Separation – Center lines of alternate side streets shall not be closer than 125 feet as measured along the center line of the principal street.

4.5.5.2 Angle Intersections – Except where impracticable because of topography or other conditions, all streets shall join each other so that for a distance of at least 100 feet the street is at right angles to the street it joins. The Commission may approve a variance of up to 30 degrees from this requirement; further variance will require approval of the Selectmen. An applicant seeking such variance must submit design drawings indicating proposed safety features for an intersection of this type, including dividing islands, rotaries or such other improvements as may be required by the Selectmen. (See Appendix A.3)

4.5.5.3 Corners – Corners shall be rounded with a radius of not less than 25 feet at the property line if the intersection occurs at a right angle. Where a less than right angle intersection occurs a greater radius may be required.

4.5.6 Dead End Streets – Dead end streets are permitted only where a closed loop is not possible. Dead end streets shall terminate in a cul-de-sac with a minimum radius of 50 feet to the street line and shall extend to a subdivision tract property line to facilitate possible continuation. Dead end streets shall not exceed 1,000 feet in length. (See Appendix A.2)

Permanent Dead End Streets – Where a permanent dead end street is included in a subdivision, it shall not extend more than one thousand (1,000') feet nor serve more than twelve (12) lots unless a greater distance or number of lots is permitted pursuant to Section 1.1.1 of these Regulations. A permanent dead end street shall be one which is not proposed to, or is not reasonably capable of, future extension into adjoining property.

Temporary Dead End Streets – Where the applicant proposes, or the Commission requires, that a turnaround shall be a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract, and the applicant shall provide evidence of such feasibility based on topography, parcel shape, probable future development patterns, and other similar information. A temporary dead end street shall not extend more than one thousand (1,000') feet nor serve more than twelve (12) lots, unless a greater distance or number of lots is permitted pursuant to Section 1.1.1 of these Regulations; provided, however, that the Commission may require a temporary emergency access driveway, or may limit the length of a temporary dead end street, or may require other provisions to limit the risks to life and property which are inherent in single access subdivision streets.

For any such temporary dead end street, all portions of the turnaround, including pavement, grass strip and sidewalk that fall outside of the limits of the normal right-of-way width, shall occupy the

space by virtue of an easement delivered to the Town before acceptance of the street, which easement shall provide for its automatic termination upon extension and acceptance of the street extension.

The developer extending a street from a temporary dead end street shall be required to remove the existing pavement outside of the standard traveled way, loam and seed said area in which pavement has been removed and install curbs and sidewalks in the original turnaround area in accordance with Town requirements and all at his own expense.

- 4.5.7 Future Extension – The Commission may require any plan which contains closed-loop streets and/or streets opening from and returning to a primary entrance street, to make provisions for access to such streets from properties adjoining the subdivision tract. if required by the Commission, such means of entrance and/or egress will be shown as a future street on the plan to be completed within the time limited by Section 8-26c, C.G.S. Plans of phased subdivisions shall indicate the proposed locations of streets in all sections to be developed subsequently to the section under consideration.
- 4.5.8 Gradient – The maximum allowable gradient shall be 8% for collector streets and 10% for local streets and 3% for turnarounds (see Section 4.5.4) and the minimum allowable gradient shall be 1%.
- 4.5.9 Vertical Curves – Changes in street grade shall be connected by vertical curves. The minimum length of a vertical curve shall be 15 times the algebraic difference in the rates of the tangent grades.
- 4.5.10 Horizontal Curves – The minimum radius for horizontal curves shall be 450 feet at the center line for collector streets and 250 feet at the center line for local streets. (See Section 4.5.4)
- 4.5.11 Tangent Distance – There shall be a tangent distance of at least 200 feet provided between reversed curves.
- 4.5.12 Visibility – Clear visibility as measured along the center line of a street shall be at all points 300 feet for collector streets and 200 feet for local streets. Intersecting streets shall be situated in such a manner so as to provide a sight distance of 200 feet. Appropriate vertical curves shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street and good engineering practice. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersected.

- 4.5.13 Slope Rights or Easements – No proposed street shall be designed so as to slope, fill, excavate, or regrade onto land of others unless slope rights are acquired from the owners of such land.
- 4.5.14 Street Names – A proposed street which is an extension of an existing named street shall bear the same name, otherwise, no duplication of street names shall be permitted, and all street names shall be subject to approval by the Commission.
- 4.5.15 Driveways and Aprons – A paved apron shall be provided to the property line where driveways access onto the paved surface of improved town roads. Unless a waiver is authorized as provided in these Regulations, driveways and aprons shall comply with the following requirements:
- 1) Driveways shall conform with any curb cut and driveway standards established by the Zoning Regulations, the Board of Selectmen and the Engineer and, as appropriate, the State Department of Transportation.
 - 2) Unpaved driveways shall not exceed a slope of eight (8%) percent, paved driveways shall not exceed a slope of fifteen (15%) percent.
 - 3) Driveways shall be designed to prevent stormwater flows from entering an improved town road and, wherever possible, the Town right-of-way. Privately owned and maintained drainage diversion swales, detention areas and/or dry wells shall be utilized to the greatest extent possible. Culverts fifteen (15") inches in diameter, at a minimum, shall be used when crossing Town drainageways.

Whenever a private drainage swale or private detention area is utilized in diverting driveway water from the Town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the depicted swale or detention area and any culverts in accordance with the approved design. To ensure proper maintenance, no Certificate of Use and Compliance shall be issued on the subject lot until a deed restriction, approved by the Planning Staff, is filed on the Land Records. Said deed restriction shall clearly note the maintenance responsibility, and subject to proper notification by the Town, it shall allow the Town to undertake any necessary maintenance activity and charge the property owner for expenses.

- 4) Driveways shall have a level area at the intersection with the street of at least one car length.
- 5) Driveway aprons shall be at least fifteen (15') feet in depth and intersect with the street with a twenty-five (25') foot radius.
- 6) All streets shall be constructed with a driveway curb cut for each lot.

- 7) Common driveways and loop driveways shall be permitted.
- 8) Driveway side slopes shall not exceed a slope of 3 to 1 unless retaining walls or other suitable stabilizing provisions are utilized. Guard rails, guide posts, headwalls, flared ends or wider driveway widths shall be used when steep side slopes or culvert crossings present a safety hazard or future maintenance problem. Driveway culverts in the Town right-of-way shall be maintained by the private property owner.
- 9) Driveway openings shall be located as far as possible from roadway intersections and no closer than seventy-five (75') feet from any roadway intersection, unless some less distance is required to meet the sight line requirements of these Regulations or to comply with the provisions of any permit issued pursuant to the Westbrook Inland Wetlands and Watercourses Regulations.

4.5.16 Half Streets – The dedication of half streets at the perimeter of a new subdivision is prohibited.

4.6 Sidewalks – Sidewalks shall be provided as follows:

- (1) On both sides of all streets in the following Districts as defined by the Westbrook Zoning Regulations: High Density Residential (HDR), Medium Density Residential (MDR), Neighborhood Commercial District (NCD), Commercial District (CD), Commercial Town Center District (CTC), Commercial Boating District (CBD), and Turnpike Interchange District - 65 (TIC-65);
- (2) on both sides of any street classified as a collector street;
- (3) on any street extending an existing sidewalk on any street provided with sidewalks or recognized in the sidewalk study report of 1994.
- (4) on one side of all streets in the following Districts as defined by the Westbrook Zoning Regulations: Low Density Residential (LDR), Rural Residential (RR), Industrial District (ID), Light Industrial (LI), Turnpike Interchange District - 64 (TIC-64).

When sidewalks are required, plans for the sidewalks shall be shown on the construction plans.

4.6.1 Width – Sidewalks shall be paved to a minimum width of four feet, with a minimum grassed area of four feet in width on each side of the pavement.

4.6.2 Location – Sidewalks shall be located within the street lines with one edge abutting the property line to the extent feasible consistent with the configuration of the terrain and the provisions of Section 4.11 hereof.

- 4.7 Street Lighting – Street lighting systems shall be furnished and installed by the electric power utility company servicing the area of the proposed subdivision. All poles erected for street lights shall be located 12 inches in back of the street curbing and shall be lamped with high pressure sodium fixtures, with an output of no less than 6,300 lumens at 70 watts for residential development and 27,000 lumens at 150 watts or equivalent for commercial and industrial developments. Installation fees for street lights charged by the utility company shall be borne by the applicant.
- 4.8 Street Signs – Street name signs shall be installed at all street intersections, whether public or private, in locations approved by the Commission. (See Section 5.7.)
- 4.9 Trees and Shrubs – Depending upon the extent of existing tree cover, the commission may require that streets to be conveyed to the Town be planted with trees on both sides, spaced approximately fifty (50) feet apart. Existing desirable trees and shrubs shall be retained in the subdivision whenever possible.
- 4.9.1 Clear Cutting – No lot shall be clear cut or stripped of trees except in the area required for building, services, sub-surface sewerage systems, access, or for agricultural purposes.
- 4.10 Utilities/Underground Utility Service Lines – Electric, telephone and cable television service lines shall be installed underground within the subdivision, unless the Commission shall deem such installation unfeasible by virtue of the physical characteristics or configuration of the site. In determining the feasibility of underground installation, the Commission shall consider economic cost, applicable United States Department of Agriculture soils surveys, information shown on the subdivision plan, site investigation by the Commission and consultation with appropriate representatives of the utilities.
- 4.11 Public Water Supply – When public water is within 1,500 feet of the proposed subdivision, the plans shall show a connection with such water main and shall include the design of water lines and individual laterals for each lot, and such water utility system shall be considered a public improvement and shall be bonded in accordance with these Regulations. The subdivider shall install a fire hydrant for each 1,000 feet of water main or major fraction thereof in the subdivision. To insure an adequate and potable water supply, no subdivision having lots less than one acre in area shall be approved unless suitable provision is made for the furnishing of a public water supply instead of individual, privately owned wells.

Any subdivision containing 10 or more building lots which is within 1,500 feet of a public water supply system shall be furnished with a piped water distribution system to serve the entire subdivision and extended to the subdivision boundaries at points required by the Commission where the pipes will be provided with valved and capped or plugged end(s) for future connection.

4.12 Drainage

4.12.1 Stormwater Management – Stormwater management systems shall be designed to manage site runoff to minimize or eliminate surface and groundwater pollution, prevent or mitigate flooding, and control peak discharges from the site and at critical downstream locations. Design of a stormwater management system shall be in accordance with the Connecticut Department of Transportation (ConnDOT) Drainage Manual and the DEP Stormwater Quality Manual, as amended. In addition, all designs shall meet the criteria as herein specified. This section, (4.12) shall prevail when conflicts arise between the requirements of this section and the above referenced documents. Additionally, when conflicts arise between ConnDOT and DEP reference documents, the stricter standard shall apply.

4.12.2 Peak Flow Control – The peak flow rates and stormwater volumes shall be calculated for both pre- and post-construction conditions using the most appropriate of the United States Department of Agriculture, Natural Resource Conservation Service (NRCS), Technical Release (TR) including updated extreme precipitation climate data as available, and U.S. Army Corps of Engineering Hydrologic Engineering Center (HEC) series or other hydrologic and hydraulic programs approved by the Town Engineer. The standard for characterizing pre-development land use for on-site areas shall be woods in good condition. The calculation shall assume full build-out of the subdivision using theoretical yields unless land is set aside as buffer areas and protected in perpetuity through a conservation easement or other land use restriction.

The post-development peak rate of runoff shall not exceed the pre-development rate of runoff at any discharge from the site. The peak rate of runoff shall be calculated using the 2-, 10-, 25-, and 50-year, 24-hour storm events.

4.12.3 Groundwater Recharge Volume (GRV) – The groundwater recharge volume is the volume of stormwater that shall be captured and infiltrated for each storm. The GRV shall be calculated as described in Sect. 7.5.1 of the DEP Stormwater Manual. The GRV requirement may be met in part through infiltration of the Water Quality Volume (WQV). In locations where the GRV cannot be infiltrated on-site due to the potential for high pollutant loads from the activities in or adjacent to the development, contaminated soils, water supply protection, or high ground water it shall be temporarily retained on site for a minimum of 24 hours after the end of the storm. The temporary storage of the GRV in such instances shall be designed to protect groundwater resources.

The post-development volume of runoff from the site shall not exceed the pre-development volume of runoff from the site, to the extent possible based on site conditions. If the subdivision contributes stormwater runoff to more than one watershed, the pre- and post-development volumes of runoff shall be calculated for each watershed.

4.12.4 Water Quality Volume (WQV) – The Water Quality Volume (WQV) shall be calculated as described in Section 7.4.1 of the DEP Stormwater Manual. The WQV shall be retained on-site in an off-line structure and treated by either infiltration or

filtration or a combination thereof for each sub-drainage area of the site or as approved by the Town Engineer.

- (1) The WQV may be reduced by the following methods:
 - a. Decreasing the impervious area of the site using Low Impact Development design.
 - b. Subtracting the area of land dedicated as Open Space in accordance with Section 10 of the Westbrook Subdivision Regulations or Section 9.12 of the Westbrook Zoning Regulations from the total area of the site in the calculation of the WQV, provided the area is to remain in an undisturbed natural state in perpetuity and is protected during construction and does not discharge to downstream WQV treatment structures.
 - c. Subtracting the GRV from the WQV if the GRV is infiltrated separately in each sub-drainage area from the WQV and there is equivalent treatment of pollutants.
 - d. Subtracting the area of land from the WQV calculation that drains by overland sheet flow and then across a vegetated buffer prior to entering a wetland or adjacent property that meets all the following conditions:
 1. The slope of the overland sheet flow is less than 15%.
 2. The length of the overland flow upgradient of the vegetated buffer used in this calculation is limited to a maximum of 150 feet for pervious surfaces and 75 feet for impervious surfaces. The WQV from overland flow exceeding these limits must be intercepted and treated accordingly.
 3. The vegetated buffer is a minimum of 50 feet wide.
 4. The vegetated buffer remains undisturbed and is protected in perpetuity as open space, conservation easement or other land use restriction.
 5. The calculated runoff velocity across the vegetated buffer is less than 2 feet per second.
 6. The average slope of the vegetated buffer is 6% or less.
- (2) Structures including swales, basins, bio-retention areas, rain gardens, and gravel based vegetated wet basins constructed to capture the WQV shall meet the following requirements:
 - a. Structures shall be designed with the WQV off-line unless approved by the Town Engineer.
 - b. Unless designed to maintain a minimum water level, such structures shall be designed to drain within 12 to 72 hours.
 - c. WQV structures must be designed with a suitable overflow and/or outfall structure.

4.12.5 Requirements for Infiltration Measures – There are multiple measures that can be designed and implemented to control stormwater in compliance with the previous Sections 4.12.1, 4.12.2 and 4.12.3. Measures that utilize infiltration shall meet the following minimum requirements:

- (1) Infiltration measures shall be sized to drain within a 72-hour period using the following formula: $tp=D/K$, where tp is the ponding time in days, D is the depth of the measure in feet, and K is the infiltration rate in feet per day. The infiltration rates for each soil group shall be as follows:

<u>Soil Group</u>	<u>K (ft/day)</u>
A	0.6
B	0.3
C	0.1
D	0.0

Infiltration rates determined from field-testing using the ASTM D 3385 Standard Test Method for Infiltration Rate of Soils in Field Using Double-Ring Infiltrometer may be used in lieu of those listed above subject to a factor of safety of 2 (use 50 percent of the measured infiltration rate) to account for clogging over time. Field tests to determine infiltration rates shall be made within the footprint of each proposed infiltration area. The Town Engineer or Commission may request more than one field test per area.

- (2) Infiltration measures shall be protected from the accumulation of sediment and debris that adversely affect the infiltration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)
- (3) Access to areas proposed for infiltration shall be controlled during construction to protect these areas from compaction by construction equipment.
- (4) Infiltration basins shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.
- (5) Infiltration measures shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.
- (6) Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing ground water table adjacent to the infiltration basin. Underdrains shall not be placed under infiltration measures.
- (7) Infiltration measures must be constructed on in-situ soils unless otherwise approved by the Town Engineer.
- (8) The bottom of an infiltration measure shall be a minimum of 1.5 feet above the maximum ground water level and a minimum of 3 feet above ledge. For the purposes of these regulations the term "maximum ground water level" shall be synonymous with the term "ground water table." Field tests to determine depths to maximum ground water table and ledge shall be made within the footprint of each proposed infiltration area. The Town Engineer or Commission may request more than one field test per area.
- (9) It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the Connecticut Department of Environmental Protection Dam Safety Unit (DEP Dam Safety Unit) review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEP Dam Safety Unit's determination shall be submitted with the formal subdivision application.

4.12.6 Requirements for Filtration Measures – There are multiple measures that can be designed and implemented to provide stormwater control in compliance with

Sections 4.12.1 and 4.12.3. Measures that utilize filtration shall meet the following minimum requirements:

Filtration measures shall be protected from the accumulation of sediment and debris that adversely affect the filtration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)

- (1) Filtration measures shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.
- (2) Filtration measures shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates that the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.
- (3) Underdrains may be used adjacent to filtration measures above the maximum ground water table. The discharge from the structures shall be considered in the calculation of flow and volume. Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing ground water table adjacent to the filtration measure. Underdrains shall be used under lined filtration measures that are located in contaminated soils. Underdrains may be used to drain other filtration measures, as long as they do not lower the ground water table adjacent to the measure.
- (4) It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the DEP Dam Safety Unit review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEP's determination shall be submitted with the formal subdivision application.
- (5) All structures with a submerged primary outlet shall be designed with an emergency spillway. The emergency spillway shall be designed to convey the 100-year design flow without overtopping another portion of the filtration measure. Emergency spillway design shall assume other outlets from the structure are inoperable (frozen, blocked, etc.).

4.12.7 General Requirements – The applicant shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of stormwater, other surface water and subsurface water, whether originating within the subdivision area or in a tributary drainage area. All drainage facilities shall be designed by an Engineer licensed as a professional engineer in the State of Connecticut and shall be subject to the approval and final acceptance of the Town Engineer.

- (1) The storm drainage system shall be separate and independent of the sanitary sewer system.
- (2) Storm drain pipes shall have a minimum slope of 0.5%, and otherwise meet the requirements of the ConnDOT Drainage Manual unless otherwise approved by the Town Engineer.

- (3) Catch basins shall be located on both sides of the street on continuous grades, at all sags in the roadway, and near the corners of the roadway at intersecting streets unless otherwise approved by the Town Engineer. Catch basins shall have deep sumps and shall otherwise meet the recommended standards of the DEP Stormwater Quality Manual.
- (4) When a proposed drainage system is located on private land, either within or outside the subdivision, drainage easements, as defined in Section 2.2.6(8) of these Regulations, shall be secured and indicated on the subdivision plan.
- (5) When the applicant proposes to connect the storm sewer to an existing storm sewer, calculations shall be submitted to demonstrate the adequacy of the existing sewer to accept the additional flow.
- (6) Stormwater shall not be permitted to cross the surface of any street but must be diverted away from the road or piped underground. The developer shall demonstrate that the conveyances have adequate capacity.
- (7) Drainage systems shall have the minimum capacity to manage runoff from the 25-year design storm. Major ditches, channels and control structures shall be designed with the minimum capacity to manage runoff from the 50-year design storm, and conveyances, or other structures to accommodate existing streams, shall be designed to manage runoff from the 100-year design storm.
- (8) If in the judgment of the Commission the runoff from the subdivision will adversely affect the receiving stream or natural waterway, other means of stormwater runoff disposal shall be required.
- (9) No unnatural depressions shall be allowed on lots, rights-of-way or recreation and open space area unless properly drained or approved as part of the Stormwater Management Plan.
- (10) The proposed stormwater management measures shall be designed in accordance with any town drainage plan and with due regard for the ultimate development within the watershed.
- (11) Any work to be performed in an area regulated by the Westbrook Inland Wetlands and Watercourses Commission must be approved by the Westbrook Inland Wetlands and Watercourses Commission and any proposed work within the tidal wetlands must be approved by the Connecticut Department of Environmental Protection. Work in or within the Coastal Area Management boundary must be consistent with the policies of the Connecticut Coastal Management Act. Work in inland or tidal wetlands may also require a permit from the U.S. Army Corps of Engineers.

4.12.8 Exemptions

- (1) Subdivisions consisting of 3 lots or less may request waivers, in accordance with Section 1.1, of specific sections of 4.12 with the approval of the Planning Commission provided all of the following conditions are met:
 - a. The applicant can demonstrate that the water quality of the receiving aquifer, wetland or watercourse is not adversely affected, or that

- b. There is no previously degraded receiving water body or wetland downgradient from the proposed subdivision.
- c. The proposed development will not cause or exacerbate downstream flooding.

SECTION V – SUBDIVISION IMPROVEMENTS

- 5.1 General – All subdivision improvements required by an approved plan or carried out by the developer prior to approval of the plan shall conform to the specifications set forth in this Section, as applicable. The developer shall be responsible for all costs, direct and indirect, of such improvements. References herein to "Standard Specifications" refer to State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction, Form 812, as amended, or portions thereof.
- 5.2 Street Inspections – The developer shall notify the Selectmen and the Commission in writing of his intention to start construction on any street at least fourteen days prior to starting such work, and the developer shall give not less than three days written notice to the Selectmen for inspection purposes during the following stages of the work:
- (1) at completion of installing drainage structures but before backfill is placed.
 - (2) at completion of preparation of subgrade.
 - (3) during construction of gravel strata of sub-base course,
 - (4) during construction of stone strata of base course, and
 - (5) during construction of wearing surface.

No work shall be started on succeeding stages of construction until inspection has been made and approval of the Selectmen has been given.

The Commission and other authorized Town Officials shall have free access to the construction work at all times and shall be authorized to take material samples, cores and other tests as deemed necessary to determine compliance with these Regulations. The Commission may require the applicant, at his own expense, to have such tests made and certified by a professional engineer licensed in the State of Connecticut.

- 5.3 Monuments – Monuments shall be of stone or reinforced concrete 36" in length and 4" square at the top and shall contain a cross or other measuring point in the top center. Street monuments shall be set to a depth of 28" after all grading has been completed. If ledge is encountered a brass plug 1/4" x 3" shall be set in the ledge and secured with a Portland cement mortar. Monuments shall be set at the beginnings and ends of all curves and roundings and all changes in alignment. Additional monuments shall be installed in sufficient number so that in no instance will the distance between monuments on the same side of a street exceed 500 feet. Where it is impracticable to install monuments or markers at the mentioned control points, the monuments or markers may be offset and referenced to the point being identified on the plan. Prior to offering an improved street for acceptance by the Town, the developer shall have installed all the monuments required by these Regulations along such street, and shall provide to the Commission a certificate by a Connecticut Licensed Surveyor that the monuments have been set according to the plan.

5.3.1 Lot Markers – Stone or concrete monuments shall be installed at street corners of all lots. Rear corners of regularly shaped lots shall be marked with iron pins; additional iron pins shall be used to accurately define the boundary of irregularly shaped lots. Brass plugs as described above may be used when placement of monuments or pins is impossible. The accurate placement and location of markers and monuments shall be certified by a land surveyor and the cost of such shall be included in the construction bond.

5.4 Sidewalks – Sidewalks shall be constructed as follows (districts referred to are defined in Section 4.7):

- (1) Sidewalks shall be constructed of Portland cement concrete using a mix with a strength of 4,000 pounds per square inch, and shall be 4 feet in width unless otherwise directed by the Commission. Edges of sidewalk slabs shall be tooled and slabs shall be divided by dummy joints spaced 5 feet apart on center. Full-depth expansion joints shall be placed at 20-foot intervals.
- (2) All concrete sidewalks and ramps shall be constructed with a slab thickness of 4 inches. Slabs shall be placed on a 2-inch thick base of processed gravel and a 4-inch thick sub-base of bank run gravel, tamped and rolled.
- (3) Ramps shall be provided wherever sidewalks intersect streets. Ramp slopes shall not exceed 1 foot in every 10 feet, pitched to the street line.
- (4) The edges of sidewalks and ramps shall be hand-tamped at a 45-degree angle and topsoil shall be backfilled flush with the sidewalk grades on both sides.

5.5 Streets

5.5.1 Width – The width of pavement on local streets shall be 24 feet and that of collector streets 34 feet. (See Section 4.5.4) The street shall be graded to attain a cross slope of 1/4" per foot from either side of the street centerline. (See Appendix A.1)

5.5.2 Clearing – The entire area of the street shall be cleared of trees, roots, boulders, ledge and any other unsuitable materials, except that the Commission may direct that certain existing trees be left standing. All overhanging branches shall be trimmed to a 14 foot clearance above finished grade of the street. The trees along the street area shall be trimmed properly in order to provide adequate visibility.

5.5.2.1 Stump Removal – Trees, stumps, roots and brush shall be removed within the fill lines where an embankment not exceeding 3 feet in depth is to be made. Where the embankment to be constructed exceeds 3 feet in depth, trees shall be cut to within 6 inches of the ground surface.

- 5.5.2.2 Stump Covering – Within the street limits, but outside of the pavement limits, all stumps shall be cut flush with the ground.
- 5.5.2.3 Construction Debris – All felled trees, stumps, brush and debris within the street limits shall be removed from the street. Upon completion of the work on a street or any portion thereof, the developer shall remove from the completed portion and land adjacent thereto all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. All ditches shall be filled, all sewers, drains, catch basins and manholes shall be cleaned and flushed, all streets, walks, curbs, and other structures shall be cleaned and repaired and the whole work left in a neat and clean condition.
- 5.5.3 Shoulders and Slopes – All shoulders and slopes must be cleared of large rocks, boulders, felled trees and brush and shall be stabilized by seeding or other manner satisfactory to the Selectmen so as to prevent erosion. Shoulders and slopes shall be constructed in accordance with the drawing entitled "Typical Roadway Section" attached hereto as Appendix A.
- 5.5.4 Construction Survey – The center line of the street shall be located and identified on the ground and suitable construction ties established to all control points. Stations shall be established at 50 foot intervals and all points of tangency. The beginning of this line shall be designated as Station 0 plus 0. A construction stake shall be placed perpendicular to the centerline (or radially thereto in the case of curves) at each station on both sides of the street and clear of all construction. The construction stake shall be marked with the station, offset to center line and cut or filled to profile grade as measured from the top of the stake. A stake sheet showing the station, profile grade, stake offsets and grades, and cuts or fills shall be prepared and presented to the Selectmen before construction starts. Permanent bench marks shall be established and recorded with the Selectmen throughout the length of the project at 1,000 foot intervals. The datum for bench marks shall be USGS datum. An assumed datum may be used only with the written permission of the Selectmen or their designated agent. Changes in horizontal or vertical alignment of the street after approval of the plan will not be allowed unless written permission is given by the Selectmen or the designated agent. Grade stakes shall be protected and preserved until the street is accepted by the Town.
- 5.5.5 Street Base Preparation
- 5.5.5.1 Grading – All streets shall be graded to., their full width.
- 5.5.5.2 Subgrade – The subgrade of the paved area shall be thoroughly compacted to grade.

- 5.5.5.3 Subgrade Stability – Whenever the subgrade is unstable, the material should be removed to necessary depth to insure stability and subgrade shall then be re-established with gravel or other suitable material.
- 5.5.5.4 Ledge – All rock or ledge excavation shall be removed to minimum depth of 24 inches below finished grade and backfilled to subgrade with acceptable gravel.
- 5.5.5.5 Fill – No boulders or broken ledge one cubic yard or greater in size shall be used for fill within the street line of all streets; however, such rock may be used as fill and in the slopes outside of the street lines if covered to a depth of 12 feet.
- 5.5.5.6 Subdrainage – Additional subdrainage shall be installed when and where deemed necessary by the Commission at the time of construction.

5.5.6 Construction

- 5.5.6.1 Street Bed – The street bed shall consist of the following:

gravel 12” in depth laid in two layers;

3 1/2" compacted thickness of bituminous concrete installed in two layers.

- 5.5.6.2 Gravel – Gravel shall consist of sound, tough, durable particles of crushed or uncrushed gravel free from soft, thin, elongated or laminated pieces of vegetable or other deleterious substances. It shall be hard and durable enough to resist weathering, traffic abrasion and crushing. It shall meet the following gradation:

Sieve Size	2”	1-3/4”	4/3”	1/4”	No. 40	No. 100
% Passing	100	95-100	60-75	25-45	10-25	3/12

Gravel shall be obtained from a source provided by the developer. If requested, the developer shall have gradation tests run on the gravel by a laboratory acceptable to the Selectmen and shall submit the results to them.

- 5.5.6.3 Gravel Placement – Prior to the placement of gravel, the foundation for the gravel shall be shaped and rolled with a 10-ton roller to provide a suitable base for the placement of gravel. The gravel shall be laid in two layers 6” in depth and each layer shall be thoroughly compacted with a 10-ton roller. Soft or yielding material shall be removed, backfilled with suitable material and compacted. If areas become impervious due to a concentration of fine material, such areas shall be scarified and recompacted.

Prior to surfacing, the developer shall obtain from the Director of Public Works their approval of the gravel subgrade. The materials and construction methods used shall conform to the Standard Specifications, Section 4.03 and the "Typical Roadway Section", Appendix A hereto.

5.5.6.4 Gravel Substitute – In the event that the gravel conforming to Section 5.5.6.2 is not available, the developer may apply to the Selectmen for approval of a suitable substitute.

5.5.6.5 Street Surfacing – The paved surface shall be constructed of hot asphalt concrete (Bituminous Concrete-Surface Course Grading 1 or approved equal) placed in accordance with the Standard Specifications. The first layer shall be a compacted 2" thick bituminous concrete binder course and the second layer shall be a compacted 1 1/2" thick dense graded bituminous concrete pavement. The pavements shall be placed in such a manner as to create a crown with a cross slope of 1/4 inches per foot.

5.5.7 Shoulders – On each side of the street a shoulder shall be constructed having a minimum width of 4 feet. The shoulder shall slope toward the roadway at a grade of 1 inch per foot, all in accordance with "Typical Roadway Section" Appendix A hereto.

5.5.8 Bituminous Concrete Lip Curb – After surfacing, a lip curbing shall be installed wherever guidance is needed for proper water drainage to a catch basin or where it is deemed necessary by the Selectmen. Six-inch, machine-formed bituminous curbing shall be laid on finished road surface with a distance between faces or opposite curbing of 24 feet on local streets and 34 feet on collector streets. Lip curbing shall be machine-made, 6" in height, in a shape approved by the Selectmen. Materials shall conform to requirements for Hot Asphalt Concrete or Dense Grade Bituminous Concrete set forth in the Standard Specifications.

5.5.8.1 Backfill – Areas between curbing and property lines shall be loamed to a depth of four (4) inches from top of curbing and graded toward the street at a slope of 1/2 inch to one foot.

5.5.8.2 Driveway Aprons – Where a driveway meets the street pavement a lip shall be installed which continues into the curbing. Aprons shall have a minimum width of 15 feet at the curb line narrowing to a minimum width of 10 feet. The apron shall extend from the paved portion of the street to the property line or have a minimum length of 10 feet, whichever is greater. A minimum turning radius of 15 feet shall be used at the street intersection.

Each apron shall be constructed to meet the following specification.

- (1.) Subbase – minimum of 8 inches of compacted gravel placed in two lifts.
- (2.) Surface Pavement – 2 inches of class 2 bituminous concrete compacted or 4.5 inches of portland cement concrete reinforced with welded wire.

5.5.9 Seeding – All disturbed soil shall be seeded to the street line.

5.5.10 Guide Railing, Anchorages and Single Posts – Guide railing shall be placed on fills of six feet or over and at such other locations deemed necessary by the Selectmen. The specifications for materials and construction methods set forth in the Standard Specifications for two-cable guide railing, anchorages and single posts, shall be adhered to. If another type of railing is desired by the developer, he may submit the design and specifications governing the materials and construction methods to the Selectmen for approval.

5.6 Drainage – The construction of the subdivision drainage system shall conform to the Standard Specifications, provided that metal pipe shall not be used. The installations shall be approved by the Commission prior to back filling.

5.6.1 Open Channels – Earth drainage channels shall be planted with suitable vegetation. If required by the Commission, drainage channels shall be covered with riprap or paved.

5.6.2 Piping

5.6.2.1 Size – Storm drain pipes shall be no less than 15 inches in diameter and shall be of reinforced concrete pipe or equivalent as approved by the Commission.

5.6.2.2 Coverage – All storm drain pipes shall be covered with soil to a depth of 24 inches.

5.6.3 Piping Specifications

5.6.3.1 Reinforced Concrete Pipe – The material for this item shall conform to the Standard Specifications Section M.08.01-6. Wherever this pipe is used, it shall be Class IV reinforced concrete pipe.

5.6.4 Drainage Construction Methods – Prior to laying pipe, the trench shall be excavated to the required depth and the bottom of the trench shall be graded to afford a uniformly firm bearing for the pipe throughout its length. Where rock is encountered, it shall be excavated to not less than 6” below the bottom of the trench and this depth shall be refilled with gravel fill approved by the Commission and thoroughly tamped and shaped. Where the nature of the foundation material is poor, it shall be

removed and backfilled with gravel as above. All pipes shall be laid true to the lines and grades given, hubs upgrade and with the spigot ends fully entered into adjacent hubs. Joints in concrete pipe shall be caulked and filled with Portland cement mortar. The joints in concrete pipe shall be thoroughly wetted before making the mortar joint. Drainage pipe shall extend to a minimum distance of 6 feet to a headwall on either side of roadway.

- 5.6.5 Catch Basins, Manholes, Drop Inlets, Endwalls – The design, materials, and construction methods applicable to catch basins, manholes and drop inlets shall be as described in the Standard Specifications. Open ends of all drainage installations shall be protected by poured concrete endwalls or other approved structures. Pre-cast catch basin tops shall be used over solid concrete block wall construction. A developer desiring to employ different types of catch basins, manholes, drop inlets or endwalls, must obtain the approval of the Commission.
- 5.6.6 Culverts and Bridges – Culverts and bridges shall be designed, installed and constructed in accordance with Standard Specifications.
- 5.6.7 Settling Basin – A settling basin may be required by the Commission if it is deemed necessary to prevent silting of streams, marshes, or other areas contiguous to the drainage outfall.
- 5.7 Street Signs – All street signs shall be installed according to the following standards.
 - 5.7.1 Posts – Posts shall be a minimum of 9 feet long, of 2 inch IPS steel standard weight pipe which shall be set in a concrete block 16 inches square by 12 inches deep. The post shall be covered with a post cap for a 2 1/2 inch (I.D.) pipe. Posts shall be painted green.
 - 5.7.2 Street Signs – Street signs shall be 6 inches wide by 24, 30, or 36 inches, depending upon the length of the name, 7 feet above grade. The material used shall be .080, 6061-T6 aluminum mounted in a crisscross assembly.
 - 5.7.3 Letters – The size of primary copy shall be 4 inches. The size of the suffix copy shall be 2 inches. The letters shall be colored reflector white on a green background.
 - 5.7.4 Construction Signs – The subdivider shall erect and maintain at each terminus of each street, as it is laid out, a secure sign reading as follows:

THIS IS NOT A PUBLIC ROAD

[NAME OF SUBDIVIDER]

The above required sign shall be at least eighteen (18") inches by twenty-four (24") inches with two-inch (2") block lettering and shall be

maintained by the subdivided until the road [make provision for] shall include the design of water lines and individual laterals for [with] each lot, and such water utility system shall be considered a public improvement and shall be bonded in accordance with these Regulations is accepted by the Town.

5.8 Street Lighting – Street lights, in conformity with Section 4.7 hereof, shall be located along streets and at each street intersection and cul-de-sac, at intervals of not more than 300 feet, precise locations to be determined by the Commission.

5.9 Water System – Where water is to be furnished from a public water supply, the system installation shall comply with the Connecticut Water Company specifications. The principal water main or mains in any subdivision shall be of such size as to provide for future expansion. The size of all mains shall comply with the specifications of the Connecticut Water Company.

5.10 Sewer System – Sewer systems, whether public or private, shall be in conformity with these Regulations and the Public Health Code of the State of Connecticut.

5.10.1 On-Site Sewerage Disposal Tests – At least one deep test pit and percolation test is required on each lot of the subdivision where a private sewer disposal system will be installed. Additional pits and tests may be required by the Town Health Officer. Test pits and percolation tests shall be made in the area of the proposed sewer and shall be shown on the plan. The following information shall be submitted on the plan for each pit dug:

- (1) soil types encountered including the depth of each horizon. Hardpan, compacted or impermeable layers shall be noted;
- (2) date of testing;
- (3) depth to ground water;
- (4) depth to ledge rock;
- (5) any other information which may affect the operation or installation of a subsurface sewage disposal system.

Multiple percolation tests may be required if the proposed system spans different soil textures or horizons which may adversely affect the design seepage rate. The seepage rate of the slower soil layer shall be utilized as the basis of design for the system. Percolation tests shall be conducted according to State of Connecticut Public Health Code, and the following information shall be submitted with the plan for each test performed:

- (1) Date of testing;
- (2) Stabilized percolation rate (i.e. minimum uniform rate rather than average rate of drop).

5.11 Utilities/Underground Electric Transmission and Telephone Lines – Underground electric transmission and telephone lines shall be installed by the utility and telephone companies in cooperation with the developer and in accordance with

the specifications of the utility and telephone companies. All underground utilities located within street lines shall be installed prior to paving the streets.

- 5.12 As-Built Drawings – At the completion of construction and as a condition of release of any construction assurance furnished by the developer, the developer shall submit to the Commission an "As-Built Drawing" of the improvements made.
- 5.13 Parking Areas – The paving requirements for parking areas shall be the same as that for streets.

SECTION VI – COASTAL SITE PLAN REVIEW

- 6.1 **General** – All Coastal Site Plans require review by the Commission pursuant to the provisions of Chapter 444, C.G.S. (The Coastal Management Act). Reference may be made to maps prepared by the Connecticut Department of Environmental Protection, and on file in the Office of the Westbrook Town Clerk, showing the location of coastal boundaries.
- 6.2 **Purpose** – The purpose of a Coastal Site Plan Review is to determine if 1) the plan submitted is consistent with all coastal policies established in said Act; 2) inconsistencies, if any, with said policies will cause unacceptable adverse impacts an coastal resources as defined in said Act.
- 6.3 **Conformance to Master Plan of Development** – Upon adoption by the Town of a Municipal Coastal Program as defined in said Act, the use of coastal resources by the proposed project shall be consistent with the Westbrook Master Plan of Development.
- 6.4 **Coastal Policies** – Policies governing coastal resources and their use have been established by Public Act 79-535. These policies include but are not limited to:
- 6.4.1 **Water-related Uses** – High priority and preference shall be given to uses and facilities which are dependent upon proximity to the water or the shore lands immediately adjacent to marine and tidal waters.
- 6.4.2 **Impact on Coastal Resources** – Preferences shall be given to uses that minimize adverse impacts on coastal resources while providing long term and stable economic benefits.
- 6.4.3 **Flooding** – Development in coastal hazard areas shall minimize the risk and hazard of flooding.
- 6.5 **Coastal Resources** – Coastal site plans submitted to the commission for review shall identify and locate coastal resources on and contiguous to the subdivision, and shall include a description of the entire project indicating its location, design, timing and methods of construction, an assessment of the capability of the coastal resources to accommodate the proposed use, an assessment of the suitability of the project for the proposed site, an evaluation of the potential beneficial and adverse impacts' of the project and a description of any proposed methods to mitigate adverse effects on coastal resources. Coastal resources include, but are not limited to, bluffs and escarpments, rocky shorefronts, beaches and dunes, intertidal flats, tidal wetlands, freshwater wetlands and watercourses, islands and shellfish concentration areas. The narrative information required by this paragraph shall be submitted on the form entitled "Application for Review of Coastal Site Plans," attached hereto as Appendix B.
- 6.6 **Vistas and Views** – All natural features providing vistas and viewpoints at or contiguous to the project shall be identified in the application. .

- 6.7 Historical Resources – Historical, archeological or paleontological resources designated by the State Historic Preservation Officer which are at or contiguous to the project shall be identified in the application.
- 6.8 Adverse Impacts – The applicant shall have the burden of demonstrating to the Commission that any adverse impacts of the proposed project are acceptable and consistent with the goals and policies of said Act.
- 6.9 Decision – The Commission shall: (1) consider the characteristics of the subdivision site, including the location and condition of any coastal resources; (2) consider the potential effects, both beneficial and adverse, of the proposal on coastal resources and future water-dependent development opportunities; and (3) follow all applicable goals and policies stated in the Act and identify any conflicts between the proposal and any such goal or policy. The Commission shall then approve, modify, condition or deny the application and shall state in writing the findings and reasons for its action. Notice of its decision shall be provided in accordance with Section 2.7 hereof.

SECTION VII – SOIL EROSION AND SEDIMENT CONTROL

7.1 **Definitions** – For the purposes of this Section VII, the following definitions apply:

CERTIFICATION: A written certificate by the Commission, signed by its Chairman or Secretary, that a soil erosion and sediment control plan complies with these regulations.

COUNTY SOIL AND WATER CONSERVATION DISTRICT: The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

DEVELOPMENT: Any construction or grading activities to improved or unimproved real estate.

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

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING: 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.

INSPECTION: The periodic review of sediment and erosion control measures shown on the certified plan.

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

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

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

7.2 **Applicability** – A soil erosion and sediment control plan shall be submitted to the Commission with the application in accordance with Section 2.2 hereof, whenever the subdivision which is the subject of the application will result in development activity creating disturbed areas in excess of one-half acre in the aggregate. Such submission shall be accompanied by a receipt, or other evidence satisfactory to the Commission of the receipt, by the County Soil and Water Conservation District, of a copy of such plan.

7.3 **Contents of Plan** – A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the

best available technology. The principles, methods and practices necessary for certification of the plan are found in "Connecticut Guidelines for Soil Erosion and Sediment Control" (January 1988), as may be amended from time to time, published by the Connecticut Council on Soil and Water Conservation, which publication is hereinafter referred to as "the Guidelines". Alternatives principles, methods and practices may be used with prior approval of the Commission.

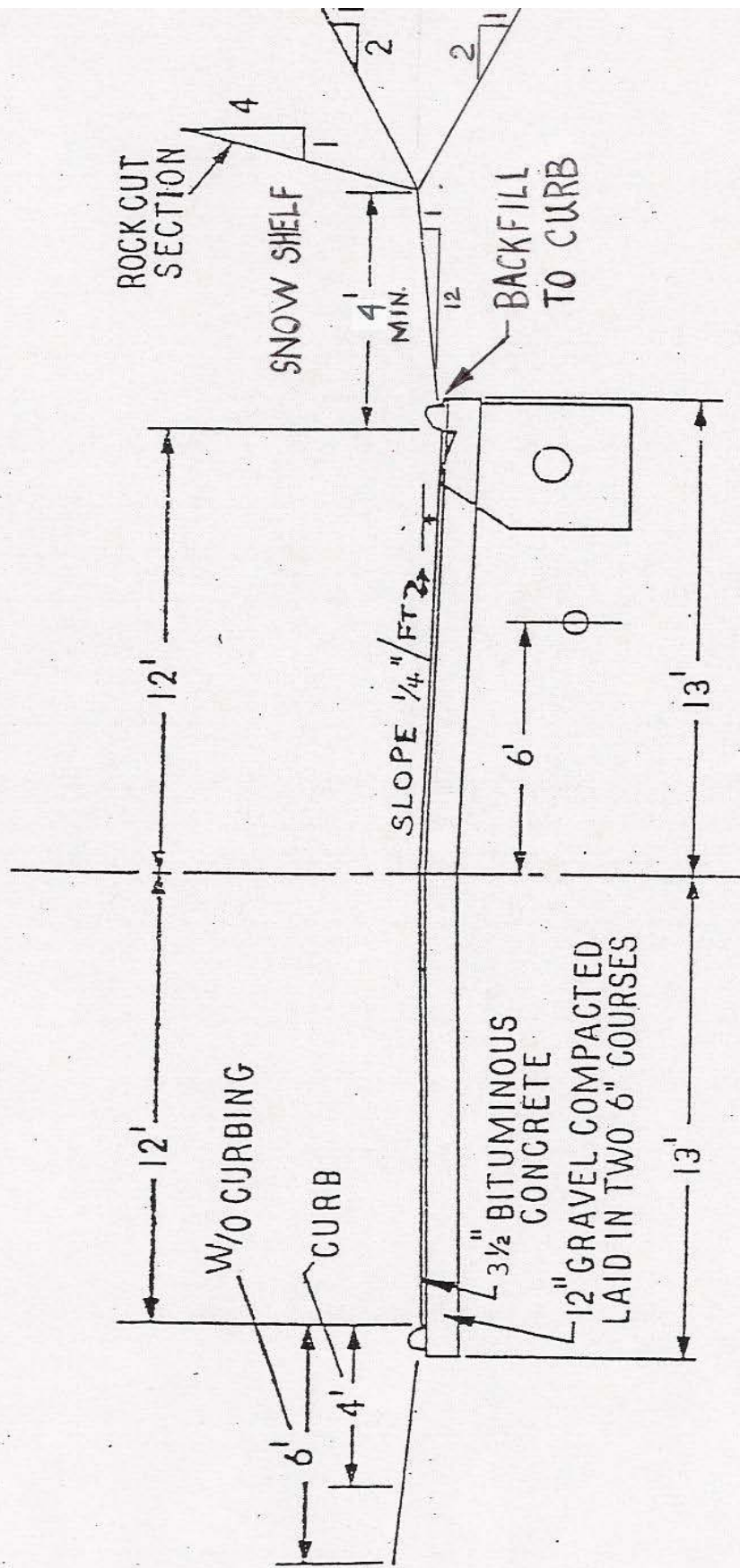
Said plan shall contain, but not be limited to:

- A. A narrative describing:
 - 1. the proposed developments;
 - 2. the schedule for grading and construction activities including:
 - a) start and completion dates;
 - b) sequence of grading and construction activities;
 - c) sequence for installation and/or application of soil erosion and sediment control measures;
 - d) sequence for final stabilization of the project site.
 - 3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - 4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - 5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - 6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan map at a sufficient scale to show:
 - 1. the location of the proposed development and adjacent properties;
 - 2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - 3. the existing structures on the project site, if any;
 - 4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - 5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

6. the sequence of grading and construction activities;
 7. the sequence for installation and/or application of soil erosion and sediment control measures;
 8. the sequence for final stabilization of the development site.
- C. Any other pertinent information deemed necessary and appropriate by the applicant or requested by the Commission.
- 7.4 Standards – Soil and erosion control standards shall be prepared in accordance with these regulations using the principles set forth in Chapters 3 and 4 of the Guidelines. Soil erosion and sediment control plans shall provide for development that : minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; does not cause off-site erosion and/or sedimentation. The minimum standards for individual measures are set forth in the Guidelines. The Commission may grant exceptions for technically sound reasons. The appropriate method set forth in Chapter 9 of the Guidelines shall be used for determining peak flow rates and volumes of run-off unless an alternate method is approved by the Commission.
- 7.5 Certification – The Commission shall either grant or deny certification of a submitted soil erosion and sediment control plan within the time limited for the approval of the application of which it is a part under these regulations and Chapter 126, C.G.S., and nothing in these regulations shall be construed as extending such time limits. Failure of the Commission to act thereon shall be considered as a grant of certification, and a certificate shall be issued by the Commission on demand. Denial of certification shall be sufficient cause for disapproval of the application.
- 7.6 Review – Any soil erosion and sediment control plan submitted to the Commission 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 30 days of the receipt of such plan by the Commission.
- 7.7 Guarantee of Performance – The Commission may require bond or other assurance to guarantee the completion of measures specified for the control of soil erosion and sediment in a certified plan, pursuant to the provisions of Section 2.11 hereof.
- 7.8 Inspection – Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the developer 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.

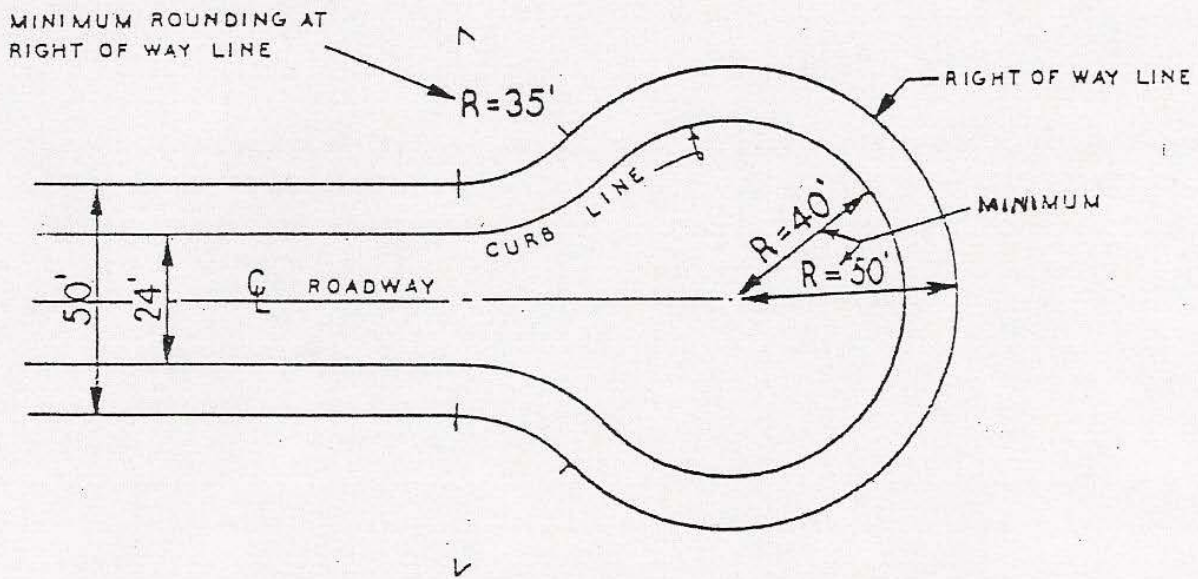
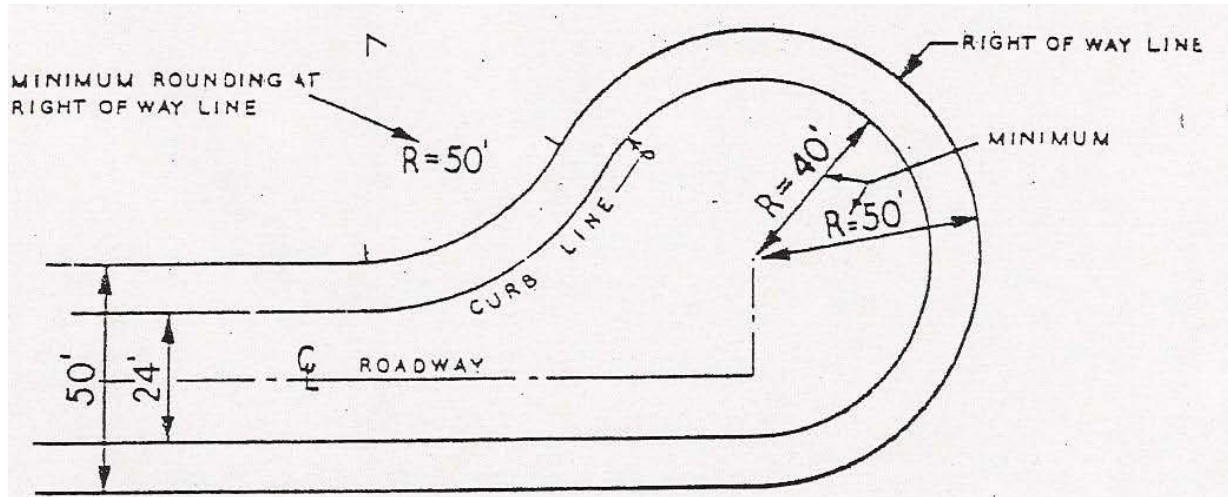
APPENDICES

- A.1. Typical Roadway Section
- A.2. Typical Cul-de-sac Arrangements
- A.3. Maximum Angle Intersection
- A.4. Driveway Apron Detail
- A.5. Dry Hydrant Detail



TYPICAL ROADWAY SECTION

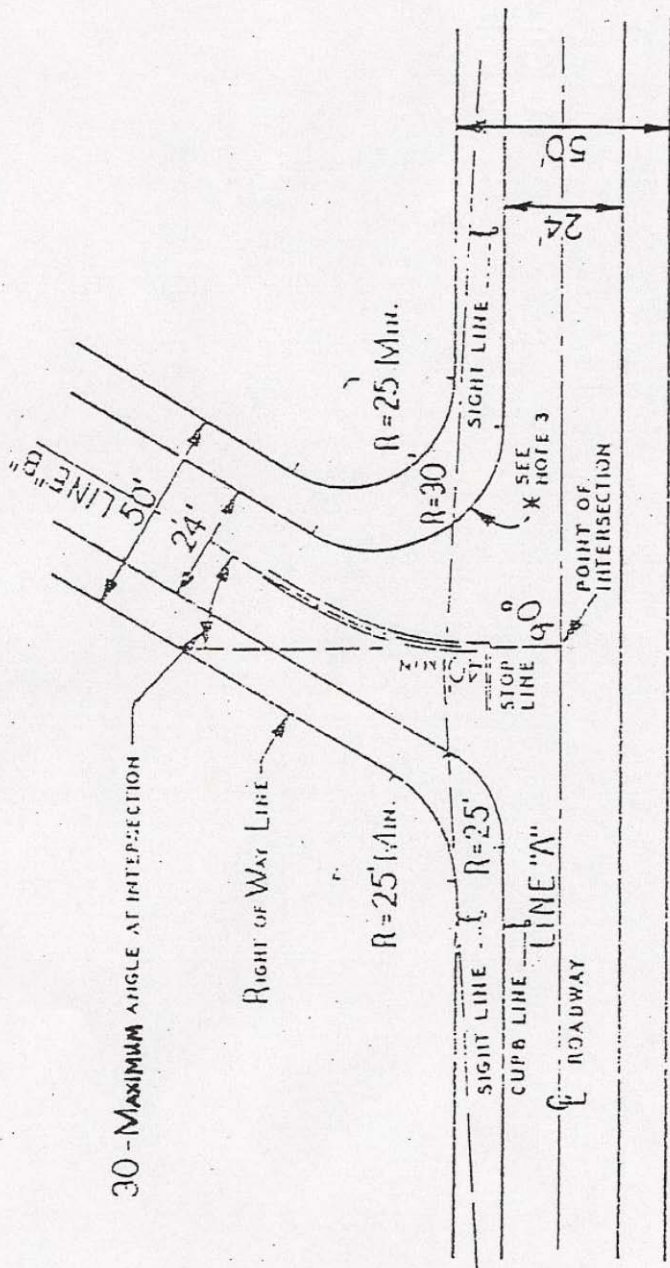
Appendix A.1 (5/31/89)



TYPICAL CUL-DE-SAC ARRANGEMENTS

Appendix A.2

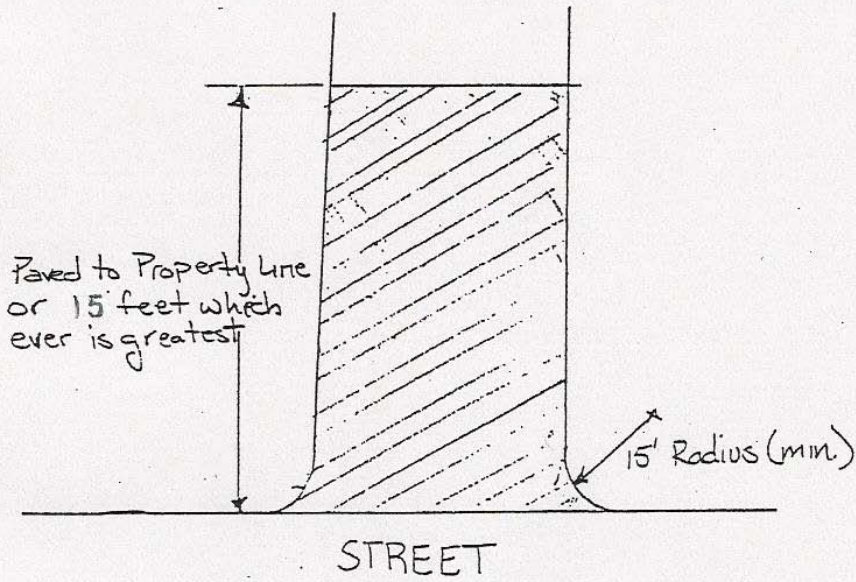
NOTE: THE CUL-DE-SACS SHOWN ARE ONLY TWO MINIMUM ARRANGEMENTS OUT OF MANY POSSIBILITIES. CUL DE SACS SHALL BE DESIGNED SO AS TO PROPERLY HANDLE THE TYPE AND AMOUNT OF TRAFFIC INVOLVED.



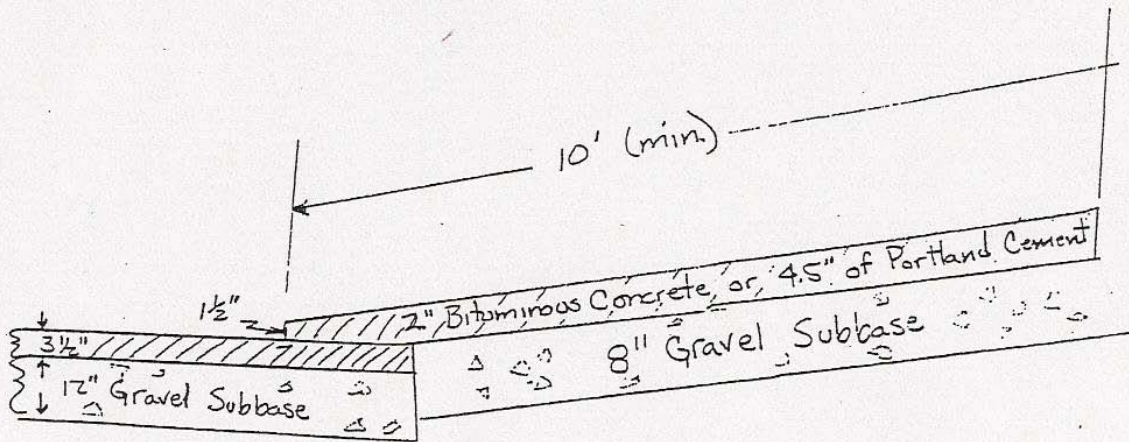
MAXIMUM ANGLE INTERSECTION - CASE II

Appendix A. 3

SEE NOTES 1, 2 & 3 PERTAINING TO
MAXIMUM ANGLE INTERSECTION-CASE I



Plan View of Driveway Apron



Cross Section of Driveway Apron

