

SUBDIVISION REGULATIONS
FOR
THE TOWN OF WILLINGTON

Planning and Zoning Commission
Willington, Connecticut

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Chapter I. PURPOSE

1. These Regulations have been adopted by the Willington Planning and Zoning Commission (hereinafter called "the Commission") pursuant to the authority granted in Chapter 126 of the General Statutes of the State of Connecticut. It is declared to be the policy of the Commission to consider land subdivision as part of a plan for the orderly, efficient and economic development of the Town so as to further the general welfare and prosperity of its people. Accordingly, it is the purpose of these Regulations to insure that land to be subdivided shall be compatible with adopted conservation and development policies and shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water supply, surface drainage and sanitary sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed roads are in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, as the same may be amended from time to time, especially with regard to safe intersections with such thoroughfares; that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, and that roads and driveways provide adequate access to properties for fire-fighting apparatus and other emergency services; that open spaces, parks and playgrounds are provided in places deemed proper by the Commission; that proper provision is made for soil erosion and sediment control pursuant to Section 22a-329 of the General Statutes of the State of Connecticut; and that provisions are made for energy efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
2. 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, it is not the purpose of these Regulations to intercede in, 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.

Chapter II. DEFINITIONS

Certain terms and words used in these Regulations shall be interpreted and defined as set forth in this section:

Abutter: The owner of record of any property adjacent to the subject property including properties across a street or other right-of-way.

Active Recreation: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

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 re-subdivision.

Applicant: See 'subdivider'

Application: A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these Regulations.

Board of Selectmen: The Board of Selectmen of the Town of Willington.

Buildable Area: No building shall be erected or expanded on any lot, nor shall any use be established or expanded on any lot, nor shall any subdivision or resubdivision lot be created, which does not comply with the following Minimum Buildable Land Criteria: Every lot shall contain at least one contiguous area as nearly rectangular as possible of at least 40,000 square feet, such rectangle having no sides less than one hundred fifty (150') feet, every part of which rectangle complies with the requirements of this section (hereinafter, "Minimum Buildable Land Area"). Each lot submitted for review under the Willington Subdivision Regulations, and any site plan submitted pursuant to the Willington Regulations, shall bear the certification by a Connecticut Registered Professional Engineer and Connecticut Licensed Land Surveyor that such Minimum Buildable Land Area complies with the requirements of this section. Any principal building and its associated septic system, if any, shall be located entirely within the Minimum Buildable Land Area; the well, if any, serving such principal building need not be located within the Minimum Buildable Land Area. All land within the Minimum Buildable Land Area shall meet the following requirements:

No slope shall exceed twenty (20%) percent in the area of the designated proposed primary and reserve septic systems.

1. Soils shall have a percolation rate of no slower than thirty (30) minutes per inch as indicated by representative percolation tests on the site located within the Minimum Buildable Land Area.
2. Ground water shall be no higher than eighteen (18") inches below the existing, undisturbed ground surface as determined by mottling or seasonal high ground water, whichever is higher. Groundwater observation test pit results shall only be acceptable when observed during the period between February 1 through April 30, unless the Sanitarian considers the test to have been performed during a period of unseasonably low ground water.

Paragraphs 1, 2 and 3 shall not apply to lots to be served by public sanitary sewers

3. There shall be no inland wetland or watercourse as defined by the Willington Inland Wetlands and Watercourses Regulations. The presence of such wetlands soil types shall be determined by a detailed, field survey only, conducted by a soils scientist certified as meeting the Basic Qualification of The Society of Soil Scientists of Southern New England.

4. There shall be no areas within Special Flood Hazard Areas as defined in Section 4.17 of the Zoning Regulations for The Town of Willington, Connecticut, and as indicated on the current Flood Insurance Rate Maps of the Federal Emergency Management Agency.

Clerk of the Works: The Commission's on-site inspector and representative for public improvements designated in accordance with Chapter VII, Section 7.07 of these Regulations.

Commission: The Planning and Zoning Commission of the Town of Willington.

Common Driveway: A driveway providing vehicular access to more than one (1) lot.

Conventional Subdivision: A subdivision design that is consistent with the provisions of the Willington Zoning and Subdivision Regulations, without the use of Chapter VI of these Regulations. Compare to "Open Space Subdivision.

Date of Receipt: The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or thirty-five (35) days after such submission, whichever is sooner.

Disturbed Area: An area where the natural vegetative ground cover is destroyed, moved or removed or earth is moved.

Developer: See 'subdivider'

Development for Agricultural Purposes: Development exclusively for use as agricultural land, as that term is defined in Connecticut General Statutes Section 22-26bb.

Development Restriction: A restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement, conservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit active recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent or inimical to the conservation and protection of the restricted area.

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.

Driveway, Common: A driveway serving more than one lot.

Driveway, Private: A driveway serving one lot.

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

Engineer or Town Engineer: That Connecticut Registered Professional Engineer designated by the Commission, acting personally or through any assistants authorized for such acts by the Engineer.

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

Final Subdivision Plan: The final map, drawings, and all supporting data required by these Regulations upon which the subdivider's plan of subdivision is presented to the Commission for action and which, if approved without modifications, would be submitted to the Town Clerk for recording, where such recording is required by these Regulations; or, where there are modifications, which reflects those modifications.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: a.) The overflow of inland or tidal water; b.) The unusual and rapid accumulation or runoff of surface waters from any source.

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 include but are not limited to: earth filling or removal, seeding and grading, stormwater management control measures, erosion and sedimentation control measures, buildings, utilities, fire protection measures, construction and installation of streets and common driveways, street signs, monuments, and shade trees.

Inland Wetlands and Watercourses Commission: The Inland Wetlands and Watercourses Agency of the Town of Willington.

Lot: The unit or units into which land is divided or proposed to be divided with the intention whether now or in the future, of building on such units or offering such units for sale either as developed or undeveloped sites.

Open Space: Land within a subdivision, re-subdivision, or open space subdivision, which is subject to a Development Restriction, or conveyed to the Town of Willington.

Open Space Subdivision: A development, as defined by Section 8-18 of the Connecticut General Statutes, and as described in Chapter VI of these Regulations.

Passive Recreation: Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

PoCD: The Plan of Conservation and Development of the Town of Willington, as it may be adopted and amended from time to time, in accordance with Chapter 126 of the Connecticut General Statutes, as amended.

Road Plan and Profile: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by section 4.03 of these Regulations.

Pre-application Conference: An optional but strongly encouraged preliminary step in the subdivision process. The Pre-application Conference is outlined in Section 3.02.

Preliminary Layout: The preliminary map, drawing(s) and all required supporting data as required by section 4.01 of these Regulations, indicating the proposed manner and layout of the subdivision to be submitted to the Commission for consideration.

Print: A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing(s) from which it is made.

Public Improvement: Any improvement as defined by these regulations that, once installed and approved, becomes a town owned and maintained facility (e.g. a public street).

Rear Lot: A lot or parcel of land with less than the required frontage for a particular zone and having a permanent access way to an accepted Town or State street. [See Section 4.18 of the Zoning Regulations, and Section 5.03 #7 of these Regulations].

Reserve Public Right-of-Way: Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be used for 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 open space; 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 of recording of such map.

Right-of-Way, Street: The distance between property lines measured across and perpendicular to a street, or where no Right-of-Way has been established, twenty-five feet on either side of the centerline of the Street Pavement.

Road: A term used interchangeably with "street".

Sediment: Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin.

Standard Specifications and Details: The Standard Specifications and Details for construction and materials, which are incorporated by reference into these regulations (available at the Willington Land Use Department).

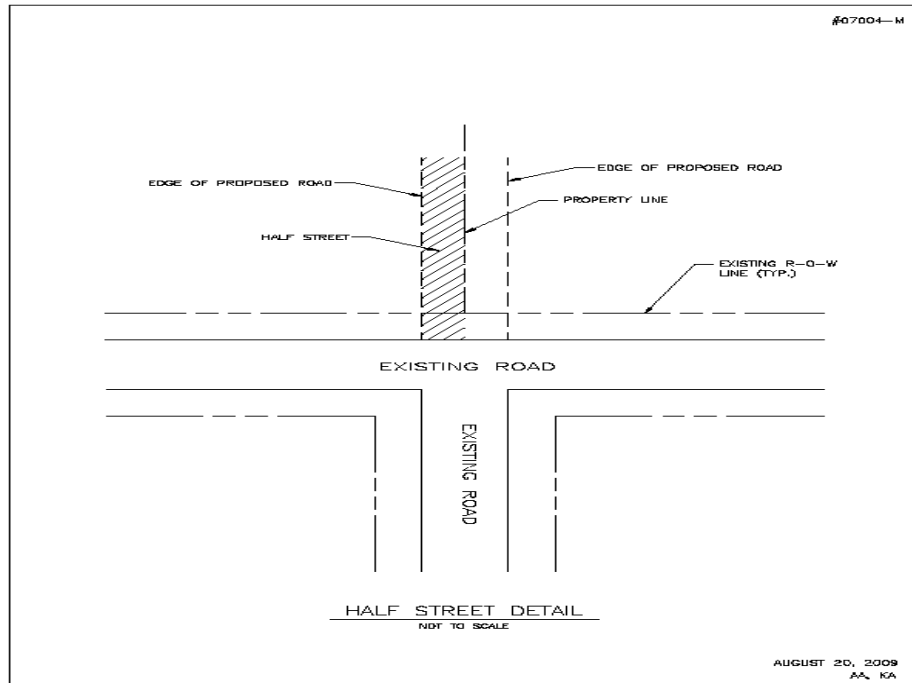
Street: A street, road, avenue, lane, or other right-of-way either: (a) dedicated and legally accepted by the Town or the State of Connecticut for the purpose of public travel; or (b) shown on a subdivision plan duly approved by the Commission, and filed or recorded in the Office of the Town Clerk, and bonded in accordance with these Regulations.

Street, Commercial: A street built as part of a commercial subdivision in either a commercial or industrial zone as depicted on the Town of Willington Zoning Map (For the purposes of this definition Designed Neighborhood Commercial, Designed Commercial, Designed Industrial and Designed

Recreation shall be considered commercial and/or industrial zones.) Design Criteria are located in Appendix A.

Street, Cul-de-sac: A dead-end 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 Street.

Street, Half: 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. (A street split longitudinally, down the middle of the street, by a property line.)



Street, Collector: A through street, or a cul-de-sac street with potential for future interconnection with other streets. Minor Local Streets are ones anticipated to carry substantial through traffic in the present or in the future. Design criteria are located in Appendix A.

Street, Neighborhood: Streets that provide access only to homes within a single neighborhood. They may include cul-sac-streets without future interconnection potential, and through streets roads that will carry only incidental through traffic. Design criteria are located in Appendix A.

Street Line: That line separating the public right-of-way of a Street from adjoining properties.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The distance between curb faces, (i.e., the width of the Street Pavement, measured in a direction perpendicular to the street).

Subdivider: Any person, firm, corporation, partnership, or other legally recognized entity who shall apply to the Commission for approval of a subdivision, either on the applicant's own behalf or as an agent for one or more others; and who, following subdivision approval, is responsible for endorsement and recording with the Town Clerk; and who is responsible for completion of the public improvements within the subdivision; or the successor in interest to any such person, firm, corporation, partnership, or other legally recognized entity.

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 “subdivision” includes resubdivision.

Subdivision Plan: The map, drawings, and all supporting data required by these Regulations upon which a plan of subdivision is presented to the Commission for action and which, if approved (including all modification or revisions required by such approval), would be endorsed by the Commission and submitted to the Town Clerk for recording pursuant to Connecticut General Statutes Section 8-25.

Subdivision Plan, endorsed: A subdivision map, drawings, and all supporting data required by these Regulations that has been approved (including all modification or revisions required by such approval) by the Commission and submitted to the Town Clerk for recording.

Total Area: The total area of the proposed subdivision or re-subdivision expressed in acres.

Town: The Town of Willington, County of Tolland, Connecticut.

Traveled Width: See street width.

Unbuildable Area: The area, expressed in square feet, within the proposed subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, exposed ledge, existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities, and slopes that exceed 20%. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width.

Watercourse(s): Those areas defined as watercourses by the Willington Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Wetland(s): Those areas defined as wetlands by the Willington Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Yield Plan: A conceptual subdivision plan depicting conventional subdivision lots that is used to determine the lot yield for an open space subdivision. A yield plan is not intended to involve significant engineering costs; however, it must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours at an interval of no more than five (5) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty percent (20%); exposed ledge; and easements and rights-of-way affecting the parcel.

Section 3.01 Requirement of Approval of Subdivision Plan

1. Recommended Pre-application Conference. To improve the proposed Subdivision plan and assist the subdivider, the Commission strongly recommends that, prior to the submission of a subdivision application, the subdivider initiate a pre-application conference, as specified in Section 3.02, with the Town Planner and the Commission to discuss conceptual aspects of the proposed subdivision and present a preliminary layout.
2. Subdivision Plan Approval and the Sale of Lots. All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval. No lot resulting from the subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for building development and no Certificate of Zoning Compliance (Zoning Permit) 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 resubdivision plan, or any amendment thereof, by the Commission, and the filing of the endorsed Subdivision Plan in the Office of the Town Clerk. Every subdivision submitted must comply with Section 6.02 of these regulations as authorized under Connecticut General Statutes Section 8-25(c), every subdivider proposing to subdivide a parcel (or portion of a parcel of land) completely within the Town of Willington that on the date 06/01/2011 was equal to or larger than 25 acres in any zoning district allowing residential development, must submit an open space subdivision plan that meets the requirements of Chapter VI and the other relevant provisions of these Regulations and Willington's Zoning Regulations.
3. Amended Subdivision. Amendments and/or modifications to an approved subdivision plan that do not constitute a resubdivision and that involve any change in an improvement, property line, or other physical feature shown on the approved Subdivision Plan, must be reviewed and approved by the Commission. The subdivider shall submit fifteen (15) copies of a proposed amended Subdivision Plan and one set of plans in the digital format specified by the Commission. For each application, the subdivider shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification or amendment. All provisions of the original approved subdivision or resubdivision shall be complied with, except as specifically approved by the Commission. No amended subdivision shall be deemed approved until an endorsed Subdivision Plan showing all approved changes from the originally approved Subdivision Plan has been filed in the Office of the Town Clerk.

Section 3.02 Pre-application Conference

1. Purpose. The purpose of the pre-application conference is to provide initial guidance to the subdivider on the compatibility of the proposal with adopted growth management policies such as the Willington Plan of Conservation and Development prior to developing the subdivision plan and to identify areas of concern, so as to minimize delay, expense and inconvenience to the subdivider, the public, and the Commission upon the future receipt, if any, of an application for subdivision.
2. Pre-application Conference Materials. The subdivider *may* submit to the Commission a brief letter requesting a pre-application conference regarding the development of the subject site as well as fifteen (15) paper prints of the Preliminary Layout, prepared in accordance with section 4.01 of these Regulations but this is not required.

3. Technical Reports. It is recommended that the subdivider obtain from a licensed professional engineer a written report or reports as to the general feasibility of the proposed water supply and the proposed drainage plan and sewage disposal in the area to be subdivided, and provide such report(s) to the Commission in paper as well as electronic forms. The Commission may suggest the subdivider perform seepage or other tests, as it deems advisable to evaluate compliance with these Regulations.
4. Scheduling a Meeting. At the time of the filing of a request for the consideration of a Preliminary Layout, the matter shall be placed on the agenda for a public meeting of the Commission. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision prior to the meeting, and the subdivider, by making a request under this section, shall be deemed to consent to such site examination and if the Commission designates a site walk, such permission shall allow general public, in company with the Commission only to inspect such property. The Commission shall give reasonable notice to the subdivider of any proposed site inspections and the subdivider shall be entitled and encouraged to attend any such inspections.
5. Referral to Relevant Municipal Commissions, Regional or State Agencies. The Commission may refer the preliminary layout to the Inland Wetlands and Watercourses Commission (if not already in receipt of an application), the Conservation Commission, and any other board or agency from which the Commission desires preliminary input for review and comment. These comments shall be purely advisory.
6. Notice of the Meeting of Commission. The Commission shall notify the subdivider, prior to the meeting, of the date, time and place of the meeting of the Commission at which the Preliminary Layout is to be considered. The subdivider or a fully authorized representative should attend the meeting unless unable to do so, and should notify the Commission at least one day prior to the meeting if unable to attend.
7. Consideration of Preliminary Layout. Neither the subdivider nor the Commission shall be in any way bound by any statement made during the consideration of the Preliminary Layout. The Commission's comments during the Pre-application Conference are preliminary and subject to future change and refinement. There shall be no vote or other action during the Pre-application Conference.

Section 3.03 Subdivision Application

It is the subdivider's responsibility to submit a complete application, and to demonstrate compliance with all criteria and requirements of these Regulations and, accordingly, the subdivider may submit such additional reports or information as may be required to satisfy that responsibility. Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application. All materials submitted by the applicant in accordance with these Regulations shall include, in addition to any hard copy, the same materials in that digital format which the Commission shall designate.

The filing of an application with the Commission shall be deemed to constitute permission by the subdivider 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 site walk, such permission shall allow the general public, in company with the Commission only, to inspect such property. The Commission shall give reasonable notice to the subdivider of any proposed site inspection and the subdivider shall be entitled and encouraged to attend such inspections.

1. Filing of Subdivision Application. Any subdivider seeking Subdivision approval shall file in the office of the Commission no fewer than fifteen (15) copies and one digital copy of the following:
 - a. An application on forms provided by the Commission, signed by both the subdivider and the owner(s) of the land to be subdivided or their respective authorized agents;
 - b. A non-refundable application fee, in the form of a check made payable to the Town of Willington. The fee shall be calculated based on the Ordinances of the Town of Willington, "An Ordinance Establishing Fees for Planning and Zoning" as filed in the Town Clerks office and as may be amended from time to time.
 - c. A parcel history map, depicting the tract as of the effective date of the adoption of subdivision regulations for the Town of Willington (March 3, 1969). 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 Willington and a table containing the dates of such divisions and the grantors and grantees of any parcels or approved subdivisions so created;
 - d. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Willington Land Records where the same are recorded, and the date upon which they will expire, if any.
 - e. A subdivision plan conforming to section 4.02 of these Regulations;
 - f. A road plan and profile conforming to section 4.03 of these Regulations;
 - g. A report from a licensed professional engineer of the adequacy of water supply and distribution, sanitary sewer systems and sewage disposal systems, roads and driveways, drainage and stormwater management systems, soil and erosion control measures, grading, and easements as shown on the subdivision plan and road plan and profile, as well as any other feature or element included in or affecting the proposed subdivision that falls within their professional purview;
 - h. A report from the Town Sanitarian or Director of Health or their respective designees indicating compliance with the Public Health Code for every lot depicted upon the subdivision plan; or, if the subdivider proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Willington Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied;
 - i. A report from, and evidence of approval by, the Willington Inland Wetlands and Watercourses Commission of any permits required pursuant to the Willington Inland Wetlands and Watercourses Regulations for the Subdivision Plan as submitted; and, in addition, written evidence of approval of the activities depicted on the Subdivision Plan by the U.S. Army Corps of Engineers.
 - j. Proof of mailing of written notice of the application to the water company and to the Commissioner of Public Health for any subdivision application including land that is within an aquifer protection area and/or within the watershed of a water company, as required in C.G.S. §8-3i, provided such water company has filed a map showing the boundaries of the 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 subdivider shall submit evidence of such notice to the Commission at the time of application.

- k. For subdivisions of five (5) acres or more, proof of mailing of written inquiry to the State Archaeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archaeological significance within the subdivision. Such inquiry shall be made by certified mail, return receipt requested. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance. The Commission may require an archaeological assessment where it determines that the subdivision may contain significant cultural resources, based on the Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.
 - l. Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the subdivider's property, a preliminary plan of the future street and lot pattern for the remainder of the tract or property may be required by the Commission.
 - m. In accordance with Section 8-25a of the Connecticut General Statutes, any subdivision providing water by means of a "water company", as that term is defined in Connecticut General Statutes 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 a resolution from the Town of Willington Board of Selectman waiving such Certificate and agreeing that the Town of Willington 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. The Commission may approve a subdivision subject to the condition that a Certificate of Public Convenience and Necessity be issued prior to the issuance of any Building Permit, provided that a Phase I approval has been granted by the Connecticut Department of Public Health.
 - n. A written estimate, prepared and sealed by a licensed professional engineer, of the cost of installation of any and all improvements depicted on the subdivision plans or required by these Regulations. Such written estimate shall contain a detailed analysis of the materials and services required, the cost per unit, and such other information as the Town Engineer may require to facilitate his/her review of the estimate. The Town Engineer shall review the estimate, and make a recommendation to the Commission that it be accepted with or without modifications.
 - o. Such other reports as the Commission may require in order to evaluate compliance with these Regulations. Where a significant environmental impact may be involved, the Commission may request a review of the application by the Eastern Connecticut Resource Conservation and Development Area Environmental Review Team or other public or private consultant. The Commission may also require an Impact Statement in accordance with section 9.04 of these Regulations.
2. Receipt by Commission. Following the Date of Receipt of the application for Subdivision in the Planning Office, the Commission shall place the matter on the agenda of its next regular meeting for acknowledgement, provided the complete application is received in the proper form at least one (1) week prior to such meeting. If the aforesaid time requirement is not met, the Plan shall be held for the following public meeting of the Commission. Regardless of the appearance on the Commission's agenda for acknowledgement, the legal date for the receipt of the application shall be in accordance

with the Connecticut General Statutes.

3. Referral to Relevant Municipal Commissions, Regional or State Agencies. The Commission shall refer the subdivision plan to the Conservation Commission and any other board or agency from which the Commission desires input for review and comment. These comments shall be purely advisory.
4. Public Hearing. The Commission may, in its discretion, schedule a public hearing on any Subdivision application, and may, even in the absence of such public hearing, allow interested persons to be heard at the Commission's sole discretion. A public hearing shall always be scheduled for any application for resubdivision. Any such public hearing shall commence no later than sixty-five (65) days following the Date of Receipt of the application, and shall be completed no later than thirty-five (35) days following its commencement, except that, upon written consent of the subdivider, either time limitation may be extended one or more times, so long as the total period of all such extension or extensions does not exceed sixty-five (65) days. The subdivider or an authorized representative should attend any public hearing.
5. Required Hearing Notices/Signage. The following meeting notices are required:
 - a. In situations where a pending application submitted to the Commission involves any of the criteria noted below, the Commission shall notify by certified mail, return receipt requested, within 7 days of the receipt of the application, the Clerk of any adjoining municipality of the pending application pursuant to Chapter 124, Section 8-7d(f) of the Connecticut General Statutes as amended. No hearing shall be conducted unless the adjoining municipality has received said notice. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.
 - (i) Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of the adjoining municipality;
 - (ii) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (iii) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - (iv) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - b. For any proposed subdivision which will abut or include land in another municipality, the Commission shall notify the regional planning agency or agencies of the region in which the other municipality or municipalities is/are located, by certified mail, return receipt requested, not later than thirty (30) days before the public hearing to be held in relation thereto.
 - c. Pursuant to Chapter 124, Section 8-7d (f) of the Connecticut General Statutes as amended, the Commission shall publish notice of the hearing in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing.
 - d. No less than ten (10) days preceding the date of the hearing, the subdivider must mail written notice by certificate of mailing, to all land-owners as indicated in the records of the Town Tax Assessor whose property abuts any boundary (including properties across the street or adjacent to) of the property that is proposed for subdivision or resubdivision. Notice shall include the date, time and place of commencement of the public hearing of the Commission at

which the Subdivision is to be considered, and shall also notify them of any continuance of the hearing due to inability of the subdivider to be present and shall submit proof to the Planning Office of such notification.

- e. No less than seven (7) days prior to the opening of any public hearing, the subdivider shall post signs on the property which is the subject of any application for subdivision for which a public hearing is scheduled or for a resubdivision. The face of such signs shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the subdivider to post such signs on the property in locations, which are plainly visible from the nearest public street, and to maintain the sign until the opening of the public hearing. Said sign shall be placed at intervals of one sign every 200 feet along all street(s) upon which the subject parcel has frontage. No sign need be posted for the continuation of a public hearing once it has opened.
6. Consideration of Subdivision Application. The Commission will review the subdivision application and all accompanying reports and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commission's decision thereon, provided, however, that, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, Town, State, Federal agencies, advisors, or officials.

Section 3.04 Subdivision Approval, Modification, or Denial

1. Commission Action. Except as otherwise provided herein, the Commission shall take action on the Subdivision application within sixty-five (65) days from the Date of Receipt of the application if no public hearing is held, or within sixty-five (65) days from the close of the public hearing, except that, upon written consent of the subdivider, either time limitation may be extended one or more times, so long as the total period of all such extension or extensions does not exceed sixty-five (65) days. Such action shall consist of approval, modification and approval, or denial of the application. "Modification", as used in this section, may include conditions that must be satisfied prior to endorsement and filing of the subdivision plan, prior to the issuance of Certificates of Zoning Compliance, prior to the release of bonds, or at other appropriate points in time. In addition, in the case of any application involving an activity regulated under the Willington Inland Wetlands and Watercourses Regulations, the time limit for action shall be extended to thirty-five (35) days following a decision on such activity by the Willington Inland Wetlands and Watercourses Commission if for any reason the report of the said Commission was not received at the time of application, or required updating due to changes in the application during its pendency.
2. Notification of Action. Within fifteen (15) days after action by the Commission, the Commission shall notify the subdivider by registered or certified mail of the action taken by the Commission, and shall also cause a notice to be published in a newspaper of general circulation in the Town of Willington. Such notice shall be a simple statement that such application was approved, modified and approved, or disapproved, together with the date of such action.
3. Endorsement of Subdivision Plan. Following approval of a subdivision application, the subdivider shall promptly provide a Subdivision Plan on mylar and in digital format (as described under Section 4.02.1) and any other documents necessary for filing in the Office of the Town Clerk. The Subdivision Plan shall incorporate any modification attached to such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance to the Town of Willington

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 Plan on mylar shall include, reproduced on the face thereof, a copy of both the Commission's subdivision approval and any Inland Wetlands Permit approved by the Willington Inland Wetlands and Watercourses Commission, including any conditions or modifications thereof. Upon determining, that the Subdivision Plan properly incorporates all matters required by the Commission's decision and by these Regulations the Commission Chairman or other authorized official shall endorse the Commission's approval on the Plan and the date thereof upon the Plan.

4. Filing of Plan. Following the endorsement of the subdivision plan in accordance with the preceding paragraph, the subdivider shall file the endorsed mylar and Digital Format of the Plan with the Town Clerk and pay any necessary filing fees. Such filing must be made within ninety (90) days after the expiration of the appeal period as set forth in Connecticut General Statutes Section 8-8 or, if an appeal is taken under that statute, within ninety (90) days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the subdivider. The Commission may, upon request of the subdivider, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Subdivision Plans rendered void by operation of this provision.
5. Alteration of Subdivision Plan Prior to Filing with Town Clerk. If the 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.
6. Alteration of Subdivision Plan After Filing with Town Clerk. If the Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new mylar and Digital Format showing such changes has been endorsed and filed with the Town Clerk. Changes shall also be submitted in digital format (as described under Section 4.02.1). If the Commission finds that any such changes were made by the subdivider or the subdivider's successor in interest, the Commission may, after a hearing at which the subdivider or subdivider's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the Subdivision Plan.

Chapter IV. SPECIFICATIONS FOR LAYOUTS, PLANS AND PROFILES

Section 4.01 Preliminary Layout

1. In developing the preliminary layout, the subdivider shall be guided by the goals and policies contained in the Willington Plan of Conservation and Development.
2. Preliminary Layouts submitted to the Commission shall be drawings or prints of drawings at a scale of one inch equals forty feet (1" = 40') or one hundred (1" = 100') feet on sheets twenty-four by thirty-six inches (24" x 36") in size (where practical a different scale shall be allowed at the discretion of the commission), and shall contain the following information:
 - a. Names of owner(s) and subdivider, proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale (numeric and graphic) and date of drawing.
 - b. Location and dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers.
 - c. All physical features, such as existing structures, stone walls, easements, wetlands, watercourses, wooded areas, rights-of-way and slopes greater than 20% properly labeled.
 - d. Contours of the existing surface of land at 2-foot intervals, to indicate drainage and grades.
 - e. Proposed lot lines with dimensions and area of all proposed lots.
 - f. Location and approximate dimensions and area of all property proposed to be set aside for open space, playground, park or other public use.
 - g. A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection. If the application submitted covers only a part of the subdivider's holdings, an index map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.
 - h. Where the subdivider anticipates that the subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.
 - i. Schematic of storm drainage system layout.

Section 4.02 Subdivision Plan

1. The subdivision plan submitted to the Commission for approval shall be clear and legible prints at a scale of one inch equal forty feet (1" = 40') feet on sheets twenty-four by thirty-six inches (24" x 36"). It may be composed of multiple sheets or sets of sheets.
2. The subdivision plan must also be submitted in digital form and shall be delivered in the Connecticut State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NAVD88, which can be utilized in the Towns Geographic Information Systems (GIS). All units shall be in feet. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Layer names must be understandable by the Town.

The subdivision plan shall show the following information:

- a. Names and addresses of subdivider and owner, proposed subdivision name and identifying title and location, scale of drawing (numeric and graphic), with north arrow, date of drawing and name.
- b. Certification by seal of a Connecticut professional engineer licensed pursuant to the Regulations of Connecticut State Agencies Sections 20-300-1 through 20-300-15, as amended. The technical responsibilities of the licensed professional engineer in regard to subdivision work shall include but are not limited to:
 - (i) phase of property development work requiring evaluation, planning and design of drainage systems, proposed major changes in ground contours affecting surface water runoff, sanitary sewer systems, sewage disposal systems, water supply and distribution and proposed buildings, structures or other improvements; and
 - (ii) the evaluation, planning and design of roads in general.
- c. Certification by seal of a Connecticut land surveyor licensed pursuant to the Regulations of Connecticut State Agencies Sections 20-300-1 through 20-300-15, as amended. The technical responsibilities of the licensed land surveyor in regard to subdivision work shall include but are not limited to:
 - (i) phase of property development work requiring measuring, evaluating and mapping of topographic conditions, boundary lines, interior lot and street lines, including their monumentation, the horizontal and vertical location of all existing and proposed buildings, structures or other improvements to determine their compliance with any specified location requirements set forth in architectural and/or engineering plans or building and zoning regulations; and
 - (ii) the alignment and grades of a road incidental to planning the layout and mapping of a subdivision.

The surveyor shall attest that the Subdivision Map has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20, as amended, and is accurate to class A-2 and T-3 standards. A standard less than T-3 shall be allowed at the discretion of the commission.

- d. For all subdivisions that include a new street, certification by seal of a Connecticut

landscape architect licensed pursuant to the State of Connecticut Regulations Sections 20-368-1 through 20-368-16a, as amended. The technical responsibilities of the licensed landscape architect in regard to subdivision work shall include but are not limited to:

- (i) the investigation and allocation of land and water resources for appropriate uses;
 - (ii) formulation of graphic and written criteria to govern the planning and design of land construction programs;
 - (iii) production of overall site plans, grading and incidental drainage plans, irrigation plans, planting plans, sediment and erosion control plans, and related construction details and specifications; and
 - (iv) collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed.
- e. A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection; and also an index map of the subdivision at a scale of one inch equals two hundred feet (1" = 200'). If the application submitted covers only a part of the subdivider's holdings, the Commission may require a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.
- f. Where the subdivision is proposed to be developed in phases, such phases shall be clearly delineated on the plan.
- g. Names and addresses of present record owners of abutting properties, as indicated in the current records of the Town Assessor and names and approval dates of abutting subdivisions. If the abutting properties are protected as open space either in fee or in conservation easements, this shall be noted on the plans.
- h. Location and dimensions of all existing property lines of the subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi permanent nature; Assessor's map, block and parcel numbers; utility poles and numbers.
- i. All relevant existing features such as but not limited to roads, structures, stone walls, fences, easements of record, and wooded and open areas.
- j. Soil types and inland wetlands and watercourses, as defined in the Willington Inland Wetlands and Watercourses Regulations, and delineated in the field by a soils scientist registered with the Society of Soil Scientists of Southern New England; Flood Zone boundaries and elevations, in accordance with the most current FEMA Flood Insurance Rate Map; any areas likely to be affected by the failure of a High Hazard or Significant Hazard Dam as indicated on maps prepared pursuant to C.G.S. 22a-409(a), as amended; drainage basin boundaries; existing wells, public water supply watersheds, and other public or private water supplies.
- k. Area of all proposed lots in square feet and acres. Each lot shall be numbered and its dimensions on all sides given. If a side is a curved line, a single dimension shall,

nevertheless, be given in addition to any subordinate dimensions.

- l. Proposed future house and driveway locations with all associated grading, clearing, drainage and sightline information. All re-grading necessary to address the installation of any and all improvements and establish sightlines shall be depicted on the subdivision plans.
- m. Area of all land to be set aside for community wells and community sewerage (if any), recreation, park, open space, easement, or other use including lengths and bearings of all straight lines and adequate data for all curves.
- n. Lines and names of proposed streets including lengths and bearings of all straight lines and adequate data for all curves and any additional data necessary to enable a licensed surveyor to determine readily the location of every street line, lot line, and easement and to reproduce such lines upon the ground to the class A-2 standard.
- o. Existing and proposed contours at intervals of two (2') feet to a minimum accuracy of class T-3 or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented; 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.
- p. A soil erosion and sediment control plan consistent with the standards outlined in Section 5.07 of these regulations, shall be submitted with all subdivision applications when the disturbed area of development is more than one-half ($\frac{1}{2}$) acre.
- q. A stormwater management plan consistent with the standards outlined in Section 5.08 of these regulations shall be submitted with all subdivision applications when the disturbed area of development is more than one (1) acre.
- r. A groundwater management plan consistent with the standards outlined in Section 5.10 of these regulations.
- s. The location of any subdivision identification or entrance signs as per the Zoning Regulations.
- t. The location of any proposed highway right-of-way, as on file in the Office of the Town Clerk.
- u. The approximate location and outfall of any footing or curtain drains, where required.
- v. The location of all septic system primary and reserve leaching fields; the location of deep observation hole and percolation tests located in each such field; the results of all such tests, in tabular form; and the designation of any lot for which an engineered system is required pursuant to these Regulations.
- w. The location of all proposed fire protection measures including but not limited to fire hydrants, fire ponds, dry hydrants, and cisterns.
- x. A table outlining the proposed sequence of construction including required inspections.

- y. The limit of the construction area including but not limited to the location of any fences, staging areas, material storage areas, construction drives and parking required by the proposed improvements.
- z. A signature block for approval by the Wellington Inland Wetlands and Watercourses Commission (such as below) and a space for any conditions, modifications and/or revisions thereof.

Approved by the Wellington Inland Wetlands & Watercourses Commission

Chairperson/Secretary	Date
This wetlands permit expires on: _____	
See minutes of: _____	
Conditions, modifications and/or revisions: _____	

- aa. A signature block for approval by the Wellington Planning and Zoning Commission (such as below) and a space for any conditions, modifications and/or revisions thereof.

Approved by the Wellington Planning & Zoning Commission

Chairperson/Secretary	Date
This subdivision approval expires on: _____	
See minutes of: _____	
Conditions, modifications and/or revisions: _____	

Section 4.03 Road Plan and Profile

1. When new roads or improvements of existing roads are involved in a subdivision, the Subdivision Plan shall be accompanied by a complete plan and profile of each such road drawn on a sheet which shall be either twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") in size. The horizontal scale shall be the same as that used in the Subdivision Plan. When the horizontal scale of one inch equals forty feet (1" = 40') is used, the vertical scale shall be one inch equals four feet (1" = 4'). Such plan and profile shall show:
 - a. Existing ground surface on the centerline, the proposed line grade, and existing elevations at both road lines.
 - b. Elevations at each high and low point.
 - c. By proper notation, location and elevations of benchmarks, based on NAVD88 datum.
 - d. Grades expressed as percentages.
 - e. Stations at high and low points, at centerline intersections, and at suitable intervals.
 - f. Data showing disposition of surface water, water and sanitary sewer pipes (if any), including sufficient data to permit checking of drainage designs.
 - g. Typical cross-section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.
 - h. Certificate under seal of a Connecticut licensed professional engineer as to the adequacy of proposed public improvements.
 - i. Location of painted stop bar, street name, speed limit, stop, dead end, and other street signs, as recommended by the Town Engineer.
 - j. Certificate under seal of (i) a Connecticut licensed professional engineer as to the adequacy of proposed public Improvements and (ii) a Connecticut licensed surveyor that the Plan-Profiles are substantially correct.

Chapter V. SUBDIVISION DESIGN STANDARDS

Section 5.01 Purpose

1. The subdivision design standards set forth in this Chapter V are intended to fulfill the requirements of Section 8-25 of the Connecticut General Statutes, and specifically to assure that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation and maintenance of open spaces, parks, and playgrounds; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the air, water, or other natural or historic resources of the Town of Willington or the state.

Section 5.02 Application of Standards

1. Manner of Application. The standards set forth in this Chapter V, elsewhere in these Regulations, and in the current Plan of Conservation and Development shall be considered by the Commission in determining whether to approve, modify and approve, or deny any subdivision or resubdivision application. The Commission may modify a proposed subdivision plan in any manner it determines to be reasonably necessary to achieve compliance with such standards. Such modifications may include, without limitation, the adjustment of proposed lot lines; the adjustment of the locations or dimensions of proposed streets, rights-of-way, utilities, or other improvements; or the provision, or the adjustment of the proposed location, of any open-space area, park, or playground. Such modifications may also include the elimination, combination or merger of specific lots on the proposed subdivision plan if the Commission deems such modifications necessary to avoid unreasonably adverse impacts to specifically identified natural or historic resources or to avoid specifically identified health or safety hazards to landowners, pedestrians, drivers, or other persons making proper use of any land within the area of the subdivision.

Section 5.03 General Requirements for Subdivisions

Every subdivider for the subdivision of land, residential or other, shall be bound by the following regulations and requirements:

1. Suitability of Land: Land subject to flooding or bad drainage and land, which for any reason the Commission deems harmful to the health, welfare, or safety of future residents and neighbors, shall not be used for building purposes.
2. Compatibility with Municipal Plans: All subdivisions shall be compatible with the goals and policies of the Willington Plan of Conservation and Development. The subdivider should use this document and associated maps in developing the subdivision plan. Additionally, the pre-application conference is strongly recommended as an opportunity for subdividers to receive initial guidance from town boards and other sources on the compatibility of the proposal with adopted growth management policies prior to developing the subdivision plan.
3. Buildable Area Requirement: See Definition.
4. Adjacent Land: If the owner of a proposed subdivision also owns adjacent land that cannot be independently subdivided into lots meeting the requirements of the Regulations, such adjacent land must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels are expressly intended to be dedicated to a public use acceptable to the Commission.
5. Off-street Parking: Space shall be provided on all lots for off-street parking.
6. Driveways: All existing driveways shall be reconstructed or improved in accordance with Section 5.05 of these Regulations and all proposed driveways shall be designed and constructed to prevent drainage problems and/or unsafe driveway sightlines along adjacent streets. The subdivider shall demonstrate on the plans all re-grading and clearing necessary for the construction or reconstruction of driveways and drainage improvements shall be dependent on existing conditions, the speed limit of the adjacent street and the street classification as defined by the Zoning Regulations. For driveway design criteria, see Section 5.05. The Commission encourages the use of common driveways in open space subdivisions.
7. Rear Lots in Subdivisions: Rear lots shall be allowed in accordance with Section 4.18 of Willington's Zoning Regulations. The Commission encourages the use of common driveways to access rear lots in open space subdivisions.
8. Utilities: All utility lines including, but not limited to, those required for electrical, communication, lighting and cable television sources and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these Regulations. The Commission may waive all or part of these requirements of these Regulations in accordance with section 9.04.
9. Drainage Easements: The Commission shall require the subdivider to provide sufficient

easements for storm water drainage. The construction of all storm water drainage systems shall conform to the requirements and specifications of the Board of Selectmen. The width of the drainage easement shall be as required by the Town Engineer but in no case less than twenty (20) feet. In determining these requirements, contours, soil types, and other unusual circumstances shall be considered. No natural watercourse shall be altered or obstructed to reduce natural run-off capacity of surface water unless substitute means of run-off are provided.

10. Shade Trees: For the purposed of enhancement of property values and for erosion control, the protection of shade trees throughout the subdivision shall be encouraged, except where they interfere with roads and utilities. For planting of street trees, see Section 7.04 of these regulations.
11. Removal of Top Soil: Approval of a subdivision by the Commission shall not constitute approval of the removal of top soil or other excavated material from the premises other than that necessary to construct the improvements, and then only to the depths shown on the approved plan.
12. Grading: Grading shall be kept to a minimum by avoiding excessive cuts and fills whenever possible; maintaining the existing topography and vegetative cover; avoiding steep slopes and soils with severe limitations for the intended uses; aligning roads and driveways to the contour whenever possible; and utilizing the natural drainage system whenever possible. The land located within a subdivision shall be properly graded and left in a condition free of any solid waste and properly stabilized to eliminate erosion. Stumps, logs, construction materials, and any other solid waste shall not be buried on-site and shall be removed from the site and disposed of in a lawful manner.
13. Low Impact Design: Low impact development techniques should be used at the inception of a project (e.g. during initial planning and design) to guide all involved in the development of a site layout, including planners, engineers, architects and landscape professionals, toward the following goals: a reduction in the quantity of runoff that may require flow control, treatment and peak storage; a reduction in the use of drainage system elements, such as pipes, basins, treatment facilities and flow channels; a reduction in construction impact and long term maintenance; an improvement in the quality of water reaching nearby streams, rivers and bodies of water; and a beneficial impact on the environment while still providing for normal and essential development. All designs shall be in conformance with the recommendations of the 2004 CT Stormwater Manual as amended. Low impact development techniques shall include (but not be limited to) the following design concepts:
 - a. On the proposed site, minimize construction only to those areas necessary for future facilities and structures, including only necessary staging areas, and use best management practices to limit temporary stormwater runoff impact.
 - b. For residential, commercial and large-scale development, use landscape design techniques that will divert flows to small scale bio-retention areas (e.g., rain gardens), incorporate diversions (in small amounts) to natural landscape areas and otherwise maximize the flow path to reduce both the velocity and quantity of flow.
 - c. For commercial and industrial projects with large building areas, consider vegetated roofs to slow down and minimize runoff;
 - d. Integrate stormwater management into the design to both control runoff and provide an attractive landscape. For larger sites and / or public areas, detention may be integrated with open spaces that are both attractive and open to public use

during normal weather cycles (non-storm periods).

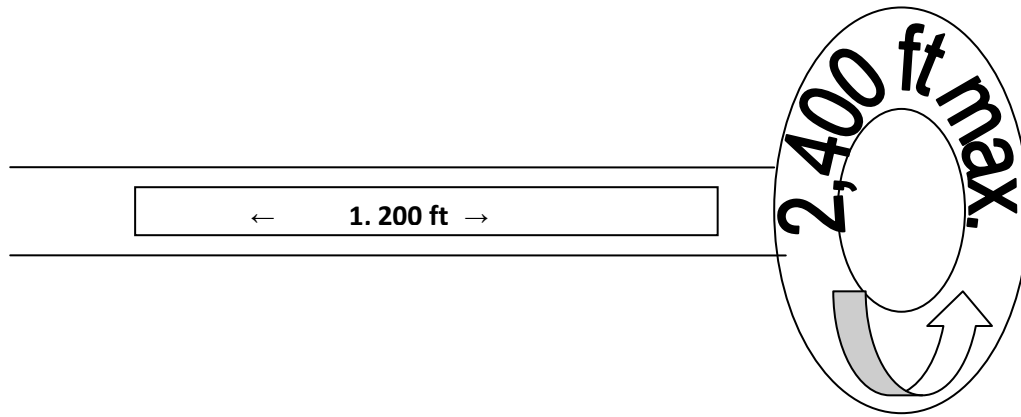
- e. Reduce reliance on traditional drainage infrastructure elements that require continuous maintenance. For example, for road design, consider the elimination of road curbs and gutters, as well as traditional structures.
- f. Protect and retain native vegetation, trees, soils and landscape elements to capture runoff, induce infiltration and provide for evaporation. Restore disturbed areas with stored topsoil and / or mulch materials to promote the growth of native vegetation that will require minimal maintenance.
- g. Incorporate natural site and drainage features as part of the new landscape design.
- h. Minimize impervious surfaces such as streets, roads, driveways and parking lots and, where necessary and feasible, incorporate pervious pavements. In the case of occasional large events (e.g., overflow parking), use grassed parking areas to avoid both large impervious surfaces and the loss of infiltrative areas. Where paved areas are necessary, reduce widths to minimal requirements. Note that for driveways, in particular, accommodations must be made for emergency vehicle access; thus where reduced pavement width is used, shoulder areas must be created for bearing the weight of emergency vehicles to a width that does not restrict ease of access. For roads, accommodations must be made for Town maintenance equipment so as not to restrict access and maneuverability and to ensure safety of passing vehicles.
- i. Use cluster design concepts to minimize impact areas and locate away from pervious soils and natural resource and conservation areas.

Section 5.04 Standards for Street Design

1. The standards for the provision of adequate access and street systems include those set forth in Appendix A of these Regulations, entitled "Standard Specifications and Details ", as may be amended from time to time. In addition, the Commission shall apply the following standards:
 - a. All streets in a proposed subdivision plan shall be designed to be integrated into a safe and efficient street network. Through-roads are encouraged wherever feasible, especially when necessary to provide access to adjoining undeveloped parcels and to reduce the distance required for emergency vehicles to traverse.
 - b. When a dead-end street is planned within an area of the town that is largely undeveloped or sparsely developed, the Commission shall consider whether any proposed dead-end streets would compromise the Town's ability to provide for through roads as the area becomes more densely developed. When a dead-end road must be proposed, loop streets are the preferred alternative.
 - c. In approving a subdivision application, the Commission shall require the dedication of land along existing Town streets as necessary to provide the street right-of-way with an adequate width.
 - d. Roadway widths and curve radii shall be adequate to satisfy emergency vehicle needs. Where deemed necessary by the Commission, drainage easements shall be obtained

and all private roadways shall be designed to prevent stormwater flows from entering a Town street. Stormwater detention shall be utilized where required.

2. Reserved Rights-of-Way: Unless waived by the Commission, where the subdivision adjoins land susceptible to being subdivided, the Commission shall require new street right-of-ways to be carried to the boundaries of the proposed subdivision. When said right-of-ways are required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property susceptible of being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Wellington and the owner, and shall include slope rights fifteen (15') feet outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be so laid out that access to the house or garage shall not be over the reserved right-of-way.
3. The classification of each new or existing street will be determined by the Commission after evaluating the following factors:
 - a. The type of land use permitted in the subject zone, and/or proposed for the subdivision, such as, residential, commercial, industrial, or institutional;
 - b. The residential density and/or development intensity of any permitted and/or proposed land uses;
 - c. The number of acres or residential units or non-residential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets;
 - d. The physical characteristics of the property through which the street is proposed, such as topography, surface geology, water table, and the like;
 - e. The recommendations of the Plan of Conservation and Development.
4. Proposed street names shall not duplicate or be readily confused with already existing names unless an extension thereof.
5. Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town for street widening and the subdivider shall show such widening on the Subdivision Plan.
6. Loop Streets: The stem of a loop street shall not exceed 1,200 feet in length and an additional 2,400 linear feet from the intersection of the loop and its stem to the and shall not provide access to more than twenty (20) lots. Loop streets shall be measured from the edge of pavement of the adjoining through point at which the loop of the street intersects with the stem. No lots within the loop shall have its rear line fronting on the street. One-way loop streets are permitted and design criteria are located in Appendix A. If a loop street is a two-way street, it must meet the design criteria for its anticipated ADT. When a loop street is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible for continuation in the adjacent tract.



7. Cul-de-sacs: Cul-de-sacs shall not exceed 1200 feet in length and shall not provide access to more than twenty (20) lots. Cul-de-sacs shall be measured from the edge of pavement of the adjoining street to the center of the turnaround. A subdivider extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which pavement has been removed, extend existing driveways and relocate mail and paper boxes in the original cul-de-sac area in accordance with Town requirements and at the subdivider's expense.
8. Half Streets: The dedication of half streets at the perimeter of a new subdivision is prohibited.
9. Slope Rights: Where new streets abut private property, necessary slope rights shall be obtained by the subdivider when in cut or fill, and these slope rights shall be shown on the layout submission to the Commission. The subdivider shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The subdivider shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.
10. Existing Street Improvements/Access: If authorized by statute, 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.
11. Frontage Improvements: If authorized by statute, 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 A of the 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 the cost of such improvements shall be paid to the Board of Selectmen, or its designated agent, in lieu of the completion of such improvements by the subdivider. 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.
12. Improvement Determination: In making the determinations set forth in 5.04.10 and 5.04.11, 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, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the streets, and generally the ability of any vehicle to use the street safely.

13. Stone Walls: Reservations for rights-of-way along road frontages, as described in section 5.04.1.c, may be waived or modified as provided by section 9.04.

- a. Subdivisions shall be designed to preserve, where possible after consideration of other regulatory provisions, all existing stonewalls.
- b. All existing stonewalls that need to be removed due to street, driveway, house, septic system or other site construction shall be rebuilt elsewhere on the property, or the stones shall be used to enhance other existing walls on the property. Information regarding proposed stonewall rebuilding or improvements shall be included on the subdivision plans and the Commission shall have the right to require stonewall work to be the responsibility of the subdivider.

14. Snow Storage Reserve Area: An open unrestricted area shall be reserved at the end of all turnarounds for the storage of snow. Such area shall be located at the end of the turnaround between the curb and the right of way line for a minimum distance of 25 feet on each side of the extended road centerline. This area, which shall be delineated on the recorded subdivision map, shall be free from all obstructions including, but not limited to, driveways, mailboxes, landscaping and fences.

Section 5.05 Driveway Design Standards

1. Driveway widths and curve radii shall be adequate to satisfy emergency vehicle needs. Where deemed necessary by the Commission, drainage easements shall be obtained and all private and common driveways shall be designed to prevent stormwater flows from entering a Town street. Stormwater detention structures shall be utilized where required to prevent stormwater from entering streets or adjacent properties.
2. Low-Impact Design: Driveways should be aligned to the natural contour whenever possible to avoid excessive cuts and fills. Land disturbance should be kept to a minimum by maintaining the existing topography and vegetative cover; avoiding steep slopes and utilizing the natural drainage patterns whenever possible. Narrower widths for certain sections of driveway may be permitted at the discretion of the commission for wetlands crossings and similarly sensitive areas.
3. Additional Standards: All subdivision driveways must additionally comply with the standards outlined in Section 4.21 of the Willington Zoning Regulations.
4. Sightline Criteria: The subdivider shall identify the appropriate length of the sightline using criteria outlined in the most current Connecticut Department of Transportation Highway Design Manual that exists or will be achieved for each existing and proposed driveway.
5. Sight Line Easement: No new lots in a subdivision shall require sight line easements across other new lots. Where new lots require a sight line easement across adjacent and existing properties, it will be the subdivider's responsibility to obtain such easement(s) and mark them on the plan; otherwise, the new lot will not be allowed unless there is a relocation of ingress and egress that does not require the sight line easement.

Section 5.06 Public Health Standards

1. Water Supply: Every proposed lot must be suitable for the installation of or service by an adequate water supply and must be approved by the Towns Health Official or Towns designee consisting of a drilled well, artesian well or public water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the State Health Department or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any Subdivision Plan. If the use of a public water supply system is proposed, the subdivider shall submit a plan, and evidence of an approval by the State Health Department. Where there is evidence that approval of a public water system by the State Health Department is reasonably probable, the Commission may make such approval a condition of subdivision approval.
2. Sanitary Waste Disposal: Every proposed lot must be suitable for the installation of or service by an adequate individual septic system or community sewerage system. No lot shall be considered for approval by the Commission until it has been determined that the lot is suitable for an individual or community system by the Town Director of Health, Town Sanitarian, or other appropriate Town or State official or commission as required for the system. A lot intended to be serviced by the community sewerage system shall only be approved by the Commission after receipt of a report from the Willington Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied. Where evidence indicates special cause for concern, the Commission may require additional

information in applications, including, but not limited to, a hydraulic analysis and/or renovation analysis of bacteria, phosphates, or other pollutants.

It is the responsibility of the subdivider to contact the Town Director of Health Town Sanitarian or state official to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system or community system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health or state officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.

Section 5.07 Fire Protection Standards

1. Fire Hydrants: In subdivisions to be served by a public water supply system, fire hydrants shall be installed. Fire hydrants shall be spaced so that each potential residential building shall be within 1,000 feet of a hydrant. The size, type and installation of hydrants shall conform to the specifications of the local fire Official.
2. Fire Ponds and Dry Hydrants: For subdivisions of ten lots or more in areas not served by a public water supply system, the Commission may require the construction of fire ponds, dry hydrants and/or cisterns. A fire pond, dry hydrant and/or cistern shall be accessible to an emergency vehicle. The responsibility for the maintenance of the fire pond, dry hydrant, cistern and access way shall be determined by the Commission. The installation of a fire pond, dry hydrant, cistern and access way shall conform to the specifications of the local fire department.
3. Access to Fire Ponds. To provide access to the fire pond or dry hydrant, the Commission may require the construction of an access way capable of supporting emergency vehicles. The Commission may require an easement for the use of the pond, dry hydrant and the access way by the local fire department.
4. Cisterns: Cisterns shall have a minimum capacity of 10,000 gallons. The Commission may require cisterns with a greater capacity when, in the opinion of the Commission, the situation warrants. Cisterns shall be located underground in, or adjacent to, a road right of way. Cisterns shall be deeded to the Town.
5. Installation of Fire Protection Measures. All fire protection measures required by the Commission shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision.

Section 5.08 Soil Erosion and Sedimentation Control Standards

1. For subdivisions that include the disturbance of more than one-half (1/2) acre of land, the subdivider shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, the need to reduce soil erosion and sedimentation by utilizing techniques outlined in the publication of the Connecticut Council on Soil and Water Conservation and the Connecticut Department of Environmental Protection, entitled, 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as the same may be amended from time to time. Soil erosion and sedimentation control techniques shall include but are not limited to:
 - a. keeping land disturbance to a minimum by maintaining the existing topography and vegetative cover;

- b. avoiding excessive cuts and fills whenever possible;
 - c. avoiding steep slopes and soils with severe limitations for the intended uses;
 - d. aligning roads and driveways to the contour whenever possible;
 - e. utilizing the natural drainage pattern whenever possible.
2. Where proposed erosion and sedimentation control practices are not in accordance with the above official guide, the subdivider must demonstrate equivalence to the technical standards and specifications of that guide.

Section 5.09 Stormwater Management Standards

1. For subdivisions that include the disturbance of more than one third (1/3) acre of land, the subdivider shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, the need to reduce stormwater run-off volume, reduce peak discharges, increase run-off travel time, increase groundwater recharge and avoid impacts to natural stream flows by utilizing techniques outlined in the publication of the Connecticut Department of Environmental Protection, entitled, 2004 Connecticut Stormwater Quality Manual, as the same may be amended from time to time. Stormwater management techniques shall include but are not limited to:
 - a. minimizing stormwater runoff by maintaining existing vegetative cover and minimizing impervious surfaces;
 - b. using vegetated swales, rain gardens, buffers, filter strips and level spreaders;
 - c. creating stormwater ponds and wetlands;
 - d. using permeable pavement;
 - e. installing underground infiltration systems.
2. Where proposed stormwater management practices are not in accordance with the above official guide, the subdivider must demonstrate equivalence to the technical standards and specifications of that guide. Where the official guide is in conflict with these regulations, the regulations shall govern.
3. Storm drainage systems constructed under these Regulations shall provide for the proper drainage of the tributary area so as to prevent flooding, scouring, siltation or insufficient flows to brooks, lakes, ponds, and other watercourses and waterbodies, and other adverse impacts.
4. Storm drains shall be designed to flow full using design formulae approved by the Engineer.
5. Storm sewers shall have a minimum pitch of 1%. Variance from this requirement may be granted by the Commission if storm sewers are designed with a minimum self-cleaning velocity of three (3') feet per second with full flowing pipes. A minimum cover of two and one-half (2 1/2') feet shall be provided for all storm drains.
6. No storm drain system shall outlet onto adjoining properties without a drainage easement; nor into

a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse, or to cause erosion, sedimentation, scouring, or other adverse impacts on such watercourse

7. All storm drain system outlets shall be terminated with an approved outlet structure and channel scour protection.
8. The first inlet in a storm drain system shall be located within two hundred fifty (250') feet of the roadway highpoint. In general, a drainage structure, either an inlet or a catch basin, shall be provided at two hundred (200') foot maximum intervals on all storm drains with exception of the first inlet. A drainage structure shall also be placed at each grade change along a storm drain, at each change in horizontal direction, and at each junction point of two (2) or more drains. Distances are to be considered as maximum intervals; lesser intervals may be appropriate as required by contributing drainage areas and location of intersection drainage systems.
9. Underdrain outlets shall be connected to drainage structures whenever practical. When impractical, they shall be terminated with an approved endwall. At all underdrain outlets, a "free outlet" condition must be provided. All outlet areas shall have town access easements, as necessary, and shall be provided with proper access by construction equipment and/or personnel as appropriate to maintain such structure. No underdrain outlets shall be discharged on the surface of the ground within a Town right-of-way or within a lot where such discharges could impede the safety of an adjacent roadway, particularly with respect to winter icing situations.
10. The minimum pipe size for all public storm drain systems constructed under these Regulations shall be 15-inch diameter inside except that culverts of a lesser size may be permitted where recommended and approved by the Town Engineer. The following types of pipes shall be used for drainage installations:
 - a. Reinforced concrete pipes or high density polyethylene (smooth interior) or equivalent for surface drainage storm sewer systems and cross culverts.
 - b. Where clearance is limited by existing utilities, pipe arches, oval pipe, or precast concrete box sections may be used.
 - c. On grades over 10% - use high density corrugated with smooth interior polyethylene pipe.
 - d. Where uneven support is expected – consult with the Town engineer.
11. All drainage easements shall include a twenty (20') foot access strip in addition to the width of the channel or brook from bank top to bank top, but in no event shall any drainage easement be less than thirty (30') feet wide. The centerline of a storm sewer within the street line shall not be installed less than ten (10') feet from the edge of the right-of-way. Drainage Easements shall include wording so as to allow inclusion of other utilities such as water and sanitary sewer. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse. Outlet channels shall be rip-rapped or paved when deemed necessary by the Commission. Outlet areas must include adequate scour protection to facilitate an even transition to wetlands and watercourses. Such protective measures (e.g., riprap channel section, level spreader, etc.) must be included within the accessible easement area.
12. Where the development streets join existing Town streets, the subdivider must provide drainage at intersections as necessary, or as directed by the Commission. The subdivider will be responsible for any necessary upgrades to the existing town drainage system resulting from the

interconnections of new systems.

13. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Commission prior to installation. A waiver must be filed by the subdivider with the Commission. The waiver shall relieve the Town of Willington of any responsibility for damage resulting from any failure of the private storm drainage system. This waiver shall be part of the deed so as to run with the property as to subsequent purchasers.
14. Rear yard drains and cellar or foundation drains that are connected to storm drainage systems must be shown on the final approved plan of the drainage systems. No allowances will be made for addition of drainage facilities from yards or buildings during construction unless by new permit application before the commission.
15. Details of special or unusual drainage structures shall be submitted to the Commission for review and approval during the application process.
16. Where any proposed lot or lots has its required frontage on an existing Town street, and has an existing ditch or waterway along the front of said lot or lots, but within the Town right-of-way, the subdivider, at his expense, shall install a stormwater pipe drain, of suitable size and material, necessary catch basins and a curb, to conform with the curb line.
17. The subdivider shall furnish projections of the increase of stormwater runoff created by the proposed development from the 2-year, 10-year, 25-year, 50-year, and 100-year frequency, 24-hour duration, Type III storms, as computed in accordance with Technical Release #55, Urban Hydrology in Small Watersheds, Conservation Engineering Division, Natural Resources Conservation Service, USDA, June 1986, as amended.
18. No increase in peak flow from these storms shall be allowed unless downstream increases are compatible with an overall flood plain management system. The following items should be considered in determining whether increased peak flows are compatible with an overall flood plain management system:
 - a. timing of peak flows from sub-watersheds,
 - b. increased duration of high flow rates,
 - c. stability of the downstream channel,
 - d. distance downstream that the peak discharges are increased.

Any such allowances must be reviewed and approved by the Engineer.

19. When stormwater detention structures are required, they shall be designed so that the peak runoff after development shall not exceed the peak runoff prior to development for each of the above events. Such structures shall be located upon land to be conveyed to the town in fee simple or by drainage easement, at the discretion of the commission. In addition, the subdivider and future owners shall provide physical access (construction road and ramp) to the berms and base of such detention structures in order to facilitate future maintenance by construction equipment to the site.

20. Drainage Design Formulae:

- a. Peak discharges for the design of storm drains shall be derived using the rational

method for drainage areas of less than 200 acres, where:

$$Q = CiA$$

Q = peak discharge in cubic feet per second

c = weighted runoff coefficient in percent

i = rainfall intensity in inches per hour

A = gross area tributary to the drain under design
expressed in acres

Guidelines for the use of this formula, as well as recommended coefficients, shall conform to Section 6.9 of the Connecticut Department of Transportation Drainage Manual, 2000, as the same may be amended from time to time.

- b. Peak discharges for areas greater than 200 acres shall be derived using the methodologies, formulae and computer models as prescribed in the Connecticut Department of Transportation Drainage Manual, 2000, as the same may be amended from time to time, Section 6.10 through 6.15 (including appendices). Hydrologic models and methodologies for watersheds in excess of 200 acres shall, in general, be approved by the engineer prior to their use for final design.
 - c. Design discharges for major channels and brooks may, with the concurrence of the Commission, be based on a flood hydrograph or flood flow formula type of analysis.
 - d. Hydraulic design of structures and storm drainage systems shall conform to Chapters 7-12 of the Connecticut Department of Transportation Drainage Manual, 2000, as the same may be amended from time to time, and as excepted within these regulations. Any conflict of design practices between these regulations and any outside references shall be resolved by the engineer.
21. Design Storm Criteria: All storm drainage facilities shall be designed based on the following storm return frequency criteria:

- a. Residential Drainage Systems:

Storm Sewers and Minor Drainage Swales - 25 year storm
Major Drainage Swales and Channels - 50 and 100 year storm

Storm return frequencies are based upon downstream impact. The commission and/or engineer may, at their discretion, and upon analysis by the subdivider of the downstream conditions, reduce this design to a 10 year storm. Where in conflict with outside references as previously mentioned, the subdivision regulations shall govern.

- b. Commercial and Industrial Districts:

All Drainage Facilities - 50 and 100 year storm

- c. Rainfall intensities used for storm drainage design shall conform to the appropriate sections of the Connecticut Department of Transportation Drainage Manual, 2000 as the

same may be amended from time to time.

- d. Time of concentration used for storm drainage design shall conform to the appropriate sections of the Connecticut Department of Transportation Drainage Manual, 2000 as the same may be amended from time to time.
- e. Weighted runoff coefficients used for storm drainage design shall conform to the appropriate sections of the Connecticut Department of Transportation Drainage Manual, 2000 as the same may be amended from time to time.
- f. Off-site drainage and the ultimate development of adjoining land shall be addressed and calculations provided in the design of a storm drainage system for the subject site. All off-site impacts, alterations, easements, and similar information shall be shown on the subdivision plans.

Section 5.10 Flood Hazard Standards

1. On land contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the subdivider for protective flood control measures in connection with the applicable provisions of the Zoning Regulations.
2. All new subdivision proposals located within or adjacent to areas identified as Flood Zone A on the most current Flood Insurance Rate Map shall include within such proposals base flood elevation data.
3. Subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.
4. All stormwater management techniques and erosion and sediment control techniques proposed within Flood Zone A shall be located and designed such that no more than 0.1 foot increase in flood depth from a 100-year, 24-hour duration, Type III storm results. The subdivider shall submit water surface profile calculations (HEC-RAS or equivalent) for review when stormwater management techniques or erosion and sediment control techniques restrict flow within Flood Zone A. The town reserves the right to require the submission of water surface profile calculations and that 100 year flood zone limits be shown on the subdivision plans for those other rivers and streams within the town which do not have FEMA-designated Flood Zones delineated.

Section 5.11 Groundwater Management Standards

1. Seasonal groundwater elevations shall be determined by measurements from mottling in the soil profile, properly installed monitoring wells, or by other observation and analysis acceptable to the commission. Groundwater data shall be developed by a professional experienced in the

field including, but not limited to: a soils scientist, a licensed professional engineer or a professional hydrogeologist.

2. If the existing groundwater elevations could adversely affect the proposed structures, sewage disposal systems or the roadway, a system of underdrains (in compliance with applicable health codes and Town and State road standards) shall be shown on the plans.
3. The subdivider shall demonstrate that any proposed infiltration practices, surface storage or subsurface storage practices proposed within a stormwater management plan or an erosion and sediment control plan will not significantly affect the groundwater elevations which in turn could result in adverse effects to existing or proposed structures.

Section 5.12 Passive Solar Energy Standards and Alternative Energy Sources

Energy efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation are strongly encouraged in subdivision design and development.

1. The subdivider shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, using passive solar energy techniques. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site techniques shall include, but shall not be limited to:
 - a. house orientation;
 - b. street and lot layout;
 - c. vegetation;
 - d. natural and man-made topographical features;
 - e. the use of insulating concrete form wall construction; and
 - f. protection of solar access within the development.

These techniques are to be used where feasible, but not where they would cause unreasonably adverse impacts to the natural environment.

Section 5.13 Standards for Protection of Natural Resources

1. Check the Natural Diversity Data Base of State of Connecticut. The Commission may modify a proposed subdivision plan prior to approval if it deems such modifications(s) necessary to protect specifically identified natural resources such as, but not limited to:
 - a. Inland wetlands, watercourses and adjacent uplands (e.g. streambelts);
 - b. Habitat of rare, endangered, special concern species or wildlife corridors;

- c. Significant stands of mature trees or particularly large or unusual trees;
 - d. Active or recently active agricultural areas or areas with prime or important farmland soils;
 - e. Significant geological features, such as unusual rock outcroppings;
 - f. Vista points and undisturbed ridgelines;
 - g. Floodplains; and
 - h. High-yielding or potentially high-yielding aquifers.
2. The following watercourses and their tributaries (upstream to the point where their drainage area is less than 200 acres) are of special concern within the town: Fenton River, Roaring Brook and Willimantic River. For these watercourses and their tributaries, no subdivision buildings or associated parking areas shall be proposed within 150 feet measured horizontally from the wetland boundaries adjacent to each side of the watercourse. On-site septic systems, siphons and pumping stations, utilities, erosion and sediment control practices and stormwater management control practices may be installed within the 150' buffer provided their impact is minimal.

Section 5.14 Standards for Protection of Historic Resources

1. The Commission may modify a proposed subdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources such as, but not limited to:
- a. Stone walls or fences;
 - b. Foundations or other evidence of historic settlements within the Town;
 - c. Burial grounds;
 - d. Sites of archaeological significance; and
 - e. Historic structures or landmarks, as defined by Section 22a-19a of the Connecticut General Statutes.

Such historic resources shall not be disturbed prior to subdivision application. In the event of such disturbance, the Commission may require restoration or replacement of such resources.

Section 5.15 Standards for Open Spaces and Recreation Areas

1. Disposition: For any subdivision of land under these Regulations, the Commission may require of the subdivider the conveyance and official dedication of appropriately located and sized open space or recreation areas. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Conservation and 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, wildlife habitat, ridges, ravines, ledge outcroppings, stone walls and other unusual physical features; the protection of productive agricultural soils and active agricultural lands; the protection of scenic areas and undeveloped rural road frontage; the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. In evaluating open space disposition, the Commission may consider the recommendations of the Willington Conservation Commission, Tolland County Soil and Water Conservation District, or any other appropriate agency. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space or recreational purposes, and it may reject or modify any area proposed by the subdivider. The Commission reserves the right to require a land management plan.

2. Size: Where open space and/or recreation area dedication 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 5.15.1 and the scope of the subdivision proposal. Required open space and/or recreation areas for conventional subdivisions shall be a minimum of twenty percent (20%) of the area of the property under consideration. Open Space Subdivisions shall require the dedication as Open Space of an area which is, at a minimum equal in size to the aggregate difference between Normal Lot Size and the Minimum Lot Area set forth in Section 10.06.01 of the Zoning Regulations applicable to each lot in the Open Space Subdivision, but, in no event less than 40% of the subdivision. Such open space may include the 20% open space required for a conventional subdivision in accordance with this Section 5.15.2 of the Subdivision Regulations.
3. In determining the total land to be reserved as open space and/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.
4. Character: The character of the open space shall mimic, to the extent possible, the character of the land prior to development. For example, if the site contains 30% unbuildable area, the open space shall be composed of no more than 30% unbuildable area.
5. Method of Dedication: 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 Conservation and Development and the objectives cited in section 5.15.1; 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. Conveyed in fee simple to the Town.
 - b. Conveyed in fee simple to the State of Connecticut for open space or recreational purposes.
 - c. Conveyed in fee simple to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
 - d. Dedication in fee simple to a homeowners' association for open space or recreational purposes [See section 5.15.10].

- e. Utilization of conservation easement(s), with or without public access, (template provided by the Commission).
- f. Utilization of a recreation easement, to the Town, State, or (at the option of the subdivider) a private non-profit entity.
- g. Utilization of an agricultural use restriction easement, to the Town, State, or (at the option of the subdivider) a private, non-profit entity.
- h. Private ownership for open space purposes with the appropriate conveyance of development rights.
- i. 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.

6. 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, Tolland County Soil and Water Conservation District, or any other appropriate agency.

7. Condition of Open Spaces and/or Recreation Land:

- a. Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall be left in a natural state by the subdivider unless otherwise specified by the Commission. Except for such improvements 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.
- b. 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. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall be twenty feet (20') wide and have a slope no greater than ten percent (10%).
- c. When site improvements are required, they shall be clearly shown on the 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.
- d. The boundary lines of all areas to be dedicated shall be set in the field and marked by Commission-approved plaques where such lines intersect any lot line, road, or perimeter line within the proposed subdivision and at such other points as may be required by the Commission to ensure identification in the field.

8. Enforcement Bonding: To ensure proper construction of any required improvements in areas to be dedicated pursuant to this section 5.12, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All required improvements of open space and/or recreation land shall be completed prior to the sale of more than fifty percent (50%) of the lots within the subdivision.

9. Required Provisions for Open Space Disposition. Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- a..The continued use of such land for the intended purposes; The continuity of proper maintenance for those portions of the Open Space requiring maintenance;
- b. When appropriate, the availability of funds required for such maintenance;
- c. Adequate insurance protection; and
- d. Recovery for loss sustained by casualty, condemnation or otherwise.

10. 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. The document providing for such transfer must:

- a. Establish a mandatory participation in an association of property owners to maintain the land reservation for open space, park, and/or playground purposes, with power to assess all members for all necessary costs.
- b. Be binding on all future property owners.
- c. Be perpetual.
- d. Not be affected by any change in zoning or land use.
- e. Assure adequate maintenance.
- f. Provide for enforcement by the Town by appropriate legal action.
- g. Provide that if maintenance 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.
- h. Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.

After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the Office of the Town Clerk simultaneously with the endorsed Subdivision Plan.

11 .Legal Transfer: Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of these regulations and shall be submitted in triplicate with the subdivision map to be filed. All documents shall refer to the subdivision maps by title and must be acceptable to the Town Attorney and Planning Staff prior to the recording of the subdivision plans. 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 Town Meeting . In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternate 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 prior to Town Meeting approval be

deemed as acceptance of the open space and/or recreation area by the Town.

12. Dedication for Other Municipal Purposes: In the event the subdivider proposes to transfer to the Town land for municipal purposes other than open space or recreation, the Commission may, in its discretion, approve such dedication as a credit toward any open space and/or recreational area disposition requirements under this section 5.12.

13. Fee in Lieu of Open Space: As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the subdivider to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

- a. Amount: Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) 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, with the cost of all appraisal fees and expenses borne by the subdivider.
- b. Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:
 - (i) The subdivider shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
 - (ii) The Commission shall determine whether it is willing to consider the subdivider's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the subdivider.
 - (iii) If the Commission and subdivider agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.
 - (iv) Steps (i) through (iii) may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Subdivision application.
 - (v) The subdivider shall submit the appraisal prior to the completion of the Commission's review of the Subdivision application. If the Commission holds a public hearing on the application, the subdivider must submit the appraisal before the close of the public hearing.
 - (vi) The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.
- c. Payment: The method of payment of any fees under this section shall be one of the following two options:
 - (i) The subdivider, at his option, may submit the entire fee in one lump sum prior

to the filing of the approved Subdivision mylars with the Town Clerk; or,

- (ii) The subdivider may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Subdivision map filed in the Town Clerk's office. If this option is chosen, the subdivider shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.
- d. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.
- e. Dedicated Fund: Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of conserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

14. Open Space Exemptions: In accordance with Connecticut General Statutes Section 8-25, the following instances shall be exempt from the provisions of section 5.12 Standards for Open Spaces and Recreation Areas:

- a. where 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 will be filed in the Land Records along with the Subdivision Plan. If the Commission determines, 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, 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; and
- b. where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, and as amended. 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, 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.

Chapter VI. OPEN SPACE SUBDIVISIONS

Section 6.01 Purpose

1. The purpose of this Chapter VI is to (1) maintain and enhance the conservation of natural, scenic or agricultural resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife conservation areas, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban and suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the dedication of open space, natural resources, recreational uses, and rural character.

Section 6.02 Requirement of Submitting an Open Space Subdivision Design

1. As authorized under Connecticut General Statutes Section 8-25(c), every subdivider proposing to subdivide a parcel (or portion of a parcel of land) completely within the Town of Willington that on the date 06/01/2011 was equal to or larger than 25 acres in any zoning district allowing residential development, must submit an open space subdivision plan that meets the requirements of this Chapter VI and the other relevant provisions of these Regulations and Willington's Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included. A subdivider may submit an alternative, conventional subdivision plan in addition to the open space subdivision plan required by this Chapter VI if the subdivider wishes to have the Commission consider granting an exception to the open space subdivision requirement. The alternative conventional subdivision plan must conform to all other requirements contained in these Regulations and Willington's Zoning Regulations.
2. The Commission recommends that prior to the submission of an official application for open space subdivision approval, the subdivider initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general discussion of potential factors affecting the development of the land before the subdivider proceeds with the official application and the preparation of maps, plans, and documents required for consideration by the Commission. The presentation of a preliminary plan will readily and economically facilitate alterations and changes recommended by the Commission. Neither the subdivider nor the Commission shall be in any way bound by any statement made during the consideration of the Preliminary Layout. The Commission's comments during the Pre-application Conference are preliminary and subject to future change and refinement. There shall be no vote or other action during the Pre-application Conference.

Section 6.03 Procedures

Except as otherwise provided, all open space subdivision applications must meet the procedural and substantive requirements of these Regulations and the Zoning Regulations.

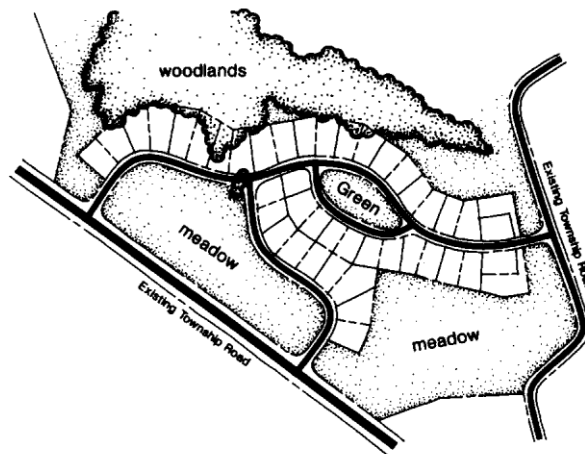
Section 6.04 General Density Limitations

The density limits on an open space subdivision shall be determined in accordance with Section 10.06.04 of the Zoning Regulations.

1. Lot Area and Bulk: The dimensional requirements for lots in an open space subdivisions shall be as specified in Section 10.06.01 and Table 8.02 of the Willington Zoning Regulations.

Section 6.05 Design Standards for Open Space Subdivisions

1. In designing an open space subdivision, the subdivider should consider the purpose set forth in section 6.01 of these Regulations, the provisions of Chapter V of these Regulations and the following factors:
 - a. Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features.
 - b. Proposed open space areas should meet the standards for open spaces and recreation areas outlined in section 5.15.
 - b. Open space intended for recreation or other active public use should be readily accessible to all individuals.
 - c. Individual lots should be arranged to maintain the existing view from public rights of way, to minimize the area devoted to motor vehicle access and travel and with consideration of the views both of and from prospective home sites.



Example from *Growing greener: putting conservation in local plans and ordinances*, Arendt 1999.

2. The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations.

Rear Lots in Open Space Subdivisions: The ratio of rear lots to frontage lots must not exceed one rear lot for every two frontage lots served by a **private** driveway, and no more than 5 rear

lots, (and the frontage lot for a maximum of 6 lots served) served by **common** driveway, shall be permitted per frontage lot. No rear lot or lots shall landlock another rear lot or rear land where the potential for future access does not exist, unless the Commission finds that there is no feasible alternative, either existing or future, to development as a rear lot.

3. Common Driveways in Open Space Subdivisions: The use of common driveways to serve both frontage and rear lots in open space subdivisions is encouraged and may be authorized or required by the Commission where wetlands, steep slopes or other physical constraints would require extensive grading (cutting and filling) for individual driveways, where common driveways will protect natural and manmade features and scenic views and vistas, or where common driveways will promote other design objectives of these regulations.
 - a. A common driveway shall serve no more than 5 rear lots, plus one frontage lot. Common driveways may not be closer than 50 feet at any point to an adjacent common driveway on the same side of the road.
 - b. Approvals of common driveways shall not be construed as acceptance of said driveway or rights-of-way for the Town, and the Town shall not be obligated to perform any repair or maintenance duties thereon. Common driveways shall be considered the responsibility of a subdivider and shall be bonded pursuant to Willington's regulatory requirements, prior to the filing of a subdivision on the Land Records. Where common driveways are approved, a driveway easement shall be filed on the deeds of the affected lots to clearly establish liability and maintenance responsibilities. A template easement will be provided by the town. The minimum width of the driveway easement area shall be thirty five feet (35) when serving 3 or less homes. The minimum width of the driveway easement area shall be fifty feet (50') when serving more than 3 homes. Common Driveways shall be within a defined Right –Of –Way.

Section 6.06 Standards for Open Spaces

Except as otherwise provided by this Section 6, the standards for open spaces shall be as provided by section 5.15 of these regulations.

Chapter VII. IMPROVEMENTS AND CONSTRUCTION SPECIFICATIONS

Section 7.01 Description

1. The improvements set forth in this Chapter VII shall be required in all subdivisions except where waived by the Commission pursuant to section 9.03 of these Regulations. Such improvements shall be installed in accordance with Town, State highway, or utility company standards including the *Standard Specifications and Details for Subdivision as may be amended from time to time*.
2. The subdivider shall be required to install:
 - a. lot boundary markers or monuments;
 - b. any proposed public improvements;
 - c. street monuments and signs;
 - d. common driveways;
 - e. finished grading, loam and seeding for areas disturbed though the installation of required improvements.
 - f. All Conservation Easements must be marked by signs purchased from the Planning Office and installed by the subdivider.
3. The Commission may require the subdivider to install:
 - a. sidewalks;
 - b. street trees;
 - c. street lights;
 - d. driveway aprons;
 - e. stormwater management measures;
 - f. fire hydrants, dry hydrants, fire ponds, and underground cisterns.

Section 7.02 Lot Boundary Markers

1. A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change of a lot line occurs. Such marker may be a street monument, steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the subdivision map and must be placed on the site prior to the issuance of a Certificate of Zoning Compliance on the subject lot.

Section 7.03 Street Monuments

1. Street monuments shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary to identify the street line in the field. The location of all street monuments shall be indicated on the subdivision plan. They shall be installed and their accuracy certified by a Licensed Land Surveyor. The monuments shall be made of concrete, and shall be thirty (30") inches in length. The top shall be four (4") inches square with a cross, drill hole or brass cap. The base shall be six (6") inches square. The monuments shall be set with the top two (2") inches above finish grade.

Section 7.04 Street Trees

1. The Commission may require that street trees be planted on both sides of any street to be dedicated to the Town. Trees shall be spaced approximately fifty (50') feet apart subject to the variations made necessary by driveways, street corners and walks, and shall be located a minimum of ten (10') feet from the street line. Trees to be planted shall be 2 1/2" to 3 1/2" in caliper or larger, and shall have a minimum height of eight (8') feet. The kind of tree shall be subject to the approval of the Commission who shall not approve low branching trees, trees which are disease bearing or cause damage to sewers, trees which create a traffic hazard, or any tree, bush or shrub that is considered an invasive species. Where the tree may interfere with utility poles and wires, the Commission may permit the location of required trees within the front ten (10') feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees.

Section 7.05 Hours of Construction

1. All construction for or within a subdivision shall conform to the following hours; work may begin daily at 7:00 AM through 7:00 PM, Monday through Friday. Saturday hours are 8:00am to 4:00pm. There shall be no construction of any type on Sunday or State and Federal Holidays.

Section 7.06 Notice of Excavation and Blasting

1. All blasting is to be coordinated with and approved by Willington's Fire Marshal and within the hours in Section 7.05.1.

Section 7.07 Inspection and Acceptance

1. All subdivision improvements shall be inspected by the Commission or such agent as may be designated by the Commission. In addition, the subdivider shall, prior to the commencement of construction, arrange with the Commission for the employment of a clerk of the works to observe the installation of all improvements. Such Clerk Of The Works shall be an individual(s) approved by the Commission; shall be answerable and report as requested to the Commission; and all fees and expenses of such clerk of the works shall be payable by the subdivider.
2. Inspections shall be made at the following stages of construction:
 - (A) The approved limits of clearing, conservation easements, public access, open space areas, and inland wetland and watercourses shall be flagged prior to the start of any work.

- (B) Prior to the start of any construction, a temporary project sign shall be posted at the entrance of any proposed roadway, in a location readily visible from any existing Town road, for the purpose of identifying the site for emergency service responders.
- (C) After cutting of trees and brush, and the installation of sediment and erosion control measures, but prior to any stumping and/or grading.
- (D) After stumping and stripping of topsoil and organic material from earth cut and fill areas, but prior to the placement of any fill material.
- (E) After rough earth cuts and fills and the formation of the road subgrade. (The Town may require the applicant to perform compaction tests at this time.)
- (F) After the installation of sewage collection system improvements, but prior to backfilling.
- (G) After the installation of water distribution system improvements, but prior to backfilling.
- (H) After the installation of storm drainage pipe and catch basins, but prior to backfilling.
- (I) After the installation of underdrains, but prior to backfilling.
- (J) After formation of the finished road subgrade, following the construction of all underground utilities located within the roadway (water distribution, sewage collection, storm drainage, underdrains, gas, etc.) and prior to the placement of any rolled granular base materials. In addition, proof rolling of the road subgrade shall be observed by the Towns Construction Inspector.
- (K) Provide an interim As-built survey at a scale of 1" = 40', after formation of finished road subgrade, showing the edges of road, centerline profile and catchbasin locations with invert and top of grate elevations.
- (L) After the placement of rolled granular base. In addition, the applicant may be required to perform in place density tests at this time based on site specific conditions.
- (M) After the placement of processed aggregate base. In addition, the applicant shall perform in place density tests at this time based on site specific conditions.
- (N) Prior to the placement of bituminous concrete paving, the applicant shall be responsible for the excavation of shallow test holes for the purpose of confirming that the actual compacted depth of rolled granular base and processed aggregate base materials conform to Town Standards. Test holes will be required at a maximum interval of 100 feet and/or at locations designated by the Towns Construction Inspector. In addition, proof rolling of the road base must also be observed by the Towns Construction Inspector.
- (O) During the placement of bituminous concrete paving. A copy of all weight slips for bituminous concrete material delivered to the site must be provided to the Towns Construction Inspector.
- (P) After placement of bituminous concrete curbs, but prior to any backfilling of curbs.
- (Q) After placement of the granular sidewalk base.

- (R) During the placement of Portland Cement Concrete Sidewalks. A copy of all batch plant tickets for Portland Cement Concrete delivered to the site must be provided to the Towns Construction Inspector.
- (S) After backfilling of curbs and final grading of shoulder areas.
- (T) After restoration of all disturbed areas, placement of road monuments, traffic control/street name signs and street trees.

Section 7.08 Construction Materials

The applicant shall be required to submit samples and certified laboratory reports to the Towns Construction Inspector documenting the conformance of certain construction materials with the specifications included in these regulations. The applicant shall not be permitted to place, or to have delivered to the project site, any materials for which approvals have not been granted by the Towns Construction Inspector. Any approvals granted by the Towns Construction Inspector on the basis of certified laboratory reports shall be conditional upon the tested sample being representative of all such materials utilized for construction. The Town shall reserve the right at any time during the course of construction, for whatever reason, to have additional materials testing conducted. Should the results of such testing find that the materials do not conform to specifications, then such materials shall be removed and replaced with conforming materials at the applicant's expense. The applicant shall be required to reimburse the Town for the cost of any such testing only if the results prove that the materials tested do not conform to required specifications.

Material certifications, samples and/or certified laboratory reports shall be submitted for the following materials:

- (A) Storm Drainage Pipe, Catch Basin, and other Storm Drainage Structures
 - (1) Material certification from manufacturer and/or supplier for conformance with State Standard Specifications Section M.08.01 and M.08.02.
- (B) Bedding Material for High Density Polyethylene Pipe
 - (1) Representative sample collected in accordance with AASHTO T2.
 - (2) Certified laboratory report of sieve analysis for conformance with State Standard Specifications Section M.08.01-21 performed in accordance with AASHTO T11.
- (C) Roadway Subgrade - In place density tests at approximately one hundred (100) foot intervals and/or at other locations and depths as required by the Towns Construction Inspector. Compaction testing shall be performed in accordance with AASHTO T180, Method D. Correction for particles retained on the $\frac{3}{4}$ inch sieve shall be in accordance with AASHTO Method T224.
- (D) Rolled Granular Base
 - (1) Representative sample collected in accordance with AASHTO T2.

- (2) Certified laboratory report of sieve analysis for conformance with State Standard Specifications Section M.02.06 Grading A performed in accordance with AASHTO T11.
 - (3) Certified laboratory report of in place density tests at locations as may be required by the Towns Construction Inspector. The dry density after compaction shall not be less than 95 percent of the dry density for the material when tested in accordance with AASHTO T180, Method D. Corrections for particles retained on the 3/4 inch sieve shall be made in accordance with AASHTO T224.
 - (E) Process Aggregate Base
 - (1) Representative sample collected in accordance with AASHTO T2.
 - (2) Certified laboratory report of sieve analysis for conformance with State Standard Specifications Section M.05.01 performed in accordance with AASHTO T11.
 - (3) Certified laboratory report of in place density tests at intervals and/or locations as specified in Section 50B.3(L). The dry density after compaction shall not be less than 95 percent of the dry density for the material when tested in accordance with AASHTO T180, Method D. Corrections for particles retained on the 3/4 inch sieve shall be made in accordance with AASHTO T224.
 - (F) Bituminous Concrete
 - (1) Name and location of asphalt plant proposed for use and certification that the plant has been inspected and approved by the Connecticut Department of Transportation, Division of Materials Testing for the specified materials. Such approval shall be current and effective throughout the period when the bituminous concrete materials are manufactured.
 - (2) Material Certifications from the manufacturer and/or supplier for conformance with the State Standard Specifications Section M.04.01 and M.04.03.
 - (G) Portland Cement Concrete
 - (1) Certified laboratory reports for slump, air content, and temperature for conformance with the State Standard Specifications Section M.03.01 and Section 6.01.03. Tests shall be performed for every seventy-five cubic yards of single concrete class poured each day a class is poured, unless required otherwise by the Towns Construction Inspector. Slump tests shall be performed in accordance with AASHTO T119. Air content shall be determined in accordance with AASHTO T152 (Pressure Method).
3. The subdivider shall at all times properly operate and maintain the installed stormwater management and erosion and sedimentation control measures. Sediment and detritus shall be removed from trapping facilities whenever their accumulated design exceeds 50%. All stormwater management and erosion and sedimentation control measures shall be inspected at least once a week as well as within 24 hours of the end of a storm with a rainfall of amount of 0.5 inches or greater. All temporary erosion and sedimentation control measures (e.g. silt fence, hay bales) shall be removed by the subdivider upon request by the Commission or its appointed agent when it is determined that the temporary measures are no longer necessary to control erosion or sedimentation.

4. The subdivider shall not proceed to work on any stage subsequent to the first stage until such inspection has been made by the Commission or its appointed agent, on the preceding stage and approval in writing has been obtained on the preceding stage. At least forty-eight (48) hours' notice, excluding Sundays and Holidays, shall be given by the subdivider to the Commission or its appointed agent for each inspection.

Chapter VIII. AGREEMENT FOR INSTALLATION OF REQUIRED IMPROVEMENTS, INSURANCE AND BOND REQUIREMENTS, AND CERTIFICATE OF COMPLIANCE

Section 8.01 Agreement for Installation of Required Improvements

1. An application for approval of a subdivision plan that involves the construction or installation of required improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the required improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to CT General Statute Section 8-26c (c) shall not prevent the Commission from seeking to enforce the personal responsibility of the subdivider to complete the necessary improvements.
2. The Commission shall not approve any subdivision plan that involves the construction or installation of required improvements unless the subdivider signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as provided by the Commission.

Section 8.02 Insurance

1. The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.
2. The policy shall insure the Town of Willington and the subdivider against all claims for damage or injury to persons or property that may arise from the construction, installation, or maintenance, or lack thereof, of any subdivision improvements, or from any operations in the development or completion of the subdivision, including but not limited to clearing, removal of vegetation, grading, excavating, filling, inspection, testing, well installation, sediment and erosion control measures, stormwater management measures and road construction and improvement. The policy shall have the following limits:
 - a. Property Damage (including automobile)
Each Accident: Not less than \$1 million
 - b. Bodily Injury (including automobile)
Each Person: Not less than \$1 million
Each Accident: Not less than \$3 million

Section 8.03 Performance Bond

1. For completion of public improvement, conditional approval in accordance with Subsection 4 below shall be the only method for assurance of completion of such public improvements.

2. Separate Sedimentation and Erosion Control Bond: Measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and to restore the site in the event of termination or lapse in the subdivision approval, shall be guaranteed by a separate cash or savings account bond or surety bond. No Development shall commence until said bond shall be posted. In the event the subdivider fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Commission or its designated agent.
3. Restoration: In the event the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the Sediment and Erosion Control Bond to restore all or any portion of the site to a natural condition.
4. Conditional Approval: In lieu of the completion and acceptance of public improvements prior to the endorsement and filing of final subdivision plans, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such conditional approval shall allow for the construction, maintenance and installation of improvements or utilities required by the Commission and shown on the approved plan in connection with road construction, subject to the following conditions:
 - a. No work shall be commenced on or within the subdivision unless the subdivider provides a Sediment and Erosion Control Bond satisfactory to the Commission in form and amount, in accordance with the following standards. Such Sediment and Erosion Control Bond shall be adequate to secure (1) the installation and maintenance of all sedimentation and erosion control measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and (2) the cost of restoring the site to its natural condition if the subdivider fails to complete all required subdivision improvements and utilities. For conditional approval, the following conditions shall apply:
 - (i) A subdivision with conditional approval may be developed in phases, provided that no more than 1,200 feet of roadway and supporting improvements shall be under construction at one time. Before commencing development of any additional phases, all work required in the previous phase must be complete and accepted by the Town of Willington.
 - (ii) The subdivider shall guarantee in writing that no lots will be sold, no zoning or building permits will be sought and no individual lot development including clearing and grading will commence unless and until all public improvements are completed and accepted by the Town of Willington in accordance with these Regulations and the General Statutes. This guarantee shall be enforced by a restriction, in the form provided by the Commission, to be filed in the land records of the Town of Willington. Violation of this provision shall be grounds for revocation of the subdivision approval. Upon completion of the public improvements and acceptance by the Town of Willington, the Commission shall release the restriction and file such release in the land records of the Town of Willington.

Any such conditional approval shall lapse on such date as established by the Commission, but in no event shall the date be later than five years from the date such approval is granted. The subdivider may apply for and the Commission may grant a renewal of such conditional approval for such period as the Commission in its discretion may establish

provided that the total period of all such extensions does not exceed the maximum duration of a subdivision approval under State law.

5. In computing the amount of an Erosion and Sediment Control Bond, the Commission shall consider the following items:
 - a. The cost of restoring the site if the subdivision improvements are not completed. The following assumptions will be considered for the calculation of the restoration bond: The entire limits of road construction have been disturbed; that the value of grading is equal to 25% of the total earthwork volume; that stockpiled topsoil is available on site for respreading over disturbed areas; that all areas are to be seeded; and that supplemental erosion control measures are provided.
 - b. Costs for the Town to advertise and award a contract for erosion and sediment control measures or site restoration.
 - c. 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.
 - d. The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.
6. Where a subdivision is to be developed in phases, the subdivider may post an Erosion and Sediment Control Bond covering the costs itemized in paragraphs, 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, and no lots shall be sold in such phase.
7. As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:
 - a. Cash or Payment in the form of a certified check. The issuing bank ("Surety") shall be one maintaining offices in Tolland, Windham, or Hartford Counties in the State of Connecticut.
 - b. A Letter of Credit in favor of the Town in the form provided by the Commission. 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 Tolland, Windham, or Hartford Counties in the State of Connecticut.
 - c. A surety bond that meets the following requirements:
 - (i) The surety issuing the bond shall be one approved by the Commission based on a list of approved surety companies that the Commission may, by resolution,

approve from time to time. The Commission may by resolution, in its sole discretion, add or remove surety companies based on the performance of such companies in Willington, or any other municipality. The Commission may by resolution use a list of approved surety companies published by the Connecticut Conference of Municipalities or any other State-wide organization selected by the Commission.

(ii) The surety company shall maintain permanent offices within the State of Connecticut.

(iii) The surety bond agreement shall contain the following provisions at a minimum (a) that payment shall be made in full within sixty-five (65) days of written demand by the Commission or its agents; and (b) that failure to make full payment within such time shall automatically and without further demand result in a penalty of one (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand; and (c) that if litigation is required to collect the said surety bond, the surety company shall pay to the Commission the costs thereof, including witness fees, court entry fees, legal fees, and any other costs and expenses of such litigation; and (d) the surety company shall agree to indemnify and hold harmless the Commission and the Town of Willington against any and all claims of damage or injury sustained upon, or as a result of, the incomplete public improvements during the period following the demand for payment on said surety bond, and for restoration of any damage or deterioration (including but not limited to erosion and sedimentation damages) resulting from such delay in payment; and (e) such other provisions as the Commission's legal counsel shall require.

8. The bond forms set forth in the preceding paragraph 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 in no event, longer than the period set forth in Chapter 126 of the Connecticut General Statutes.
9. For all Performance bond documents: If the subdivision subdivider 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 subdivider 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 subdividers shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.
10. If at any time, the bond required by this section shall not be in effect, the Commission may file a caveat on the Land Records warning potential purchasers of such fact. [Effective 11/1/11]

Section 8.04 Application of Erosion and Sediment Control Bonds

The Commission may call any Erosion and Sediment Control Bond and apply the proceeds of such bond to the construction and installation of required erosion and sediment control measures or site restoration, as provided in these Regulations. [Effective 11/1/11]

Section 8.05 Bond Release

1. Application for final subdivision approval and the release of any the restriction on lot sales upon completion of all required improvements shall include the submission of properly scaled 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 a Connecticut Registered Land Surveyor licensed in the State of Connecticut.

Upon submission of a written report from the Engineer that all or a certain specified stage in the construction has been satisfactorily completed, the subdivider may request that the Commission reduce any outstanding Erosion and Sediment Control Bond to reflect the stage of construction and the remaining improvements. The Commission shall grant any bond release requested within sixty-five (65) days of application therefor, unless it provides to the subdivider a written explanation as to the additional Work that must be done before such bond shall be released. The Commission may refuse such reductions if it finds erosion and sediment control measures are in violation of any provision of these Regulations or the plans, terms, or conditions for any subdivision approved hereunder. [Effective 11/1/11]

Section 8.06 Reserved for Future Use

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Chapter IX. MISCELLANEOUS PROVISIONS

Section 9.01 Lot Line Revisions

1. The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Willington or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

Section 9.02 Penalty for Failure to Comply

1. Failure to Obtain Subdivision Approval: In accordance with Connecticut General Statutes Section 8-25, any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission shall be liable to a fine of Five Hundred (\$500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider 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 Willington Land Records.
2. Violation of Subdivision Approval: Any person, firm, corporation, partnership or association that violates any provision of these Regulations or any condition of modification of any Subdivision approval; or fails to comply with the plans and other documentation submitted in accordance with these Regulations shall be provided notice of such violation by registered mail, return receipt requested. Said notice shall indicate the date of a regular or special meeting at which the Commission shall consider such violation, and the subdivider shall have the opportunity to be heard and present evidence at such meeting. If, following such meeting, the Commission determines that a violation as described in this paragraph has occurred, the Commission may take any or all of the following actions: Void the subdivision for any lots which have not been conveyed to purchasers not affiliated with the subdivider; call any bonds or letters of credit which have been placed to secure compliance with these Regulations and any approval granted hereunder; direct the Zoning Enforcement Officer to withhold any Certificate of Zoning Compliance for any such lot(s) in the subdivision; refuse to accept any public improvement in connection with such subdivision; refuse to grant any extension of time for the completion of improvements in such subdivision; require additional bonding; require additional engineering or other studies to evaluate the scope and nature of the violation; bring legal action seeking injunctive relief or such other relief as may at law or equity pertain.

Section 9.03 Modifications and Waivers

1. The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. In considering a modification or waiver under this section, the Commission

shall only approve such modification or waiver upon a finding that all of the following conditions are met:

- a. Conditions exist on the subject property which are not generally applicable to other land in the Town;
 - b. Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these Regulations were strictly applied;
 - c. Said conditions were not created by the property owner nor by his/her predecessor(s) in title;
 - d. The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations;
 - e. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.
2. Any request for modification or waiver under this section shall be set forth on the Subdivision Application form, and, if granted, shall be noted on the Subdivision Plan with a reference to the lot(s) affected, and the section of these Regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this section, the Commission shall state upon the record the reasons for such action. A modification or waiver must be approved by a three-quarters vote of all the members of the commission.

Section 9.04 Impact Statement Requirements

1. Purpose: These impact statement regulations have been designed to assure that development of land is orderly and that conditions are not created which would result in the overcrowding of land, undue concentration of population, or increased congestion in the streets; to facilitate the adequate provisions for transportation, water sewage, schools, parks, and other public requirements and to assure that proposed streets are in harmony with existing roads; to assure there is provision for an adequate and convenient system for present and prospective traffic needs; and to provide that adverse environmental impacts are minimized.
2. Evaluation: The Commission shall evaluate each proposal on the basis of the Town Plan of Conservation and Development, existing zoning, and information provided in the impact statements submitted. The Commission shall evaluate each proposal to determine the individual and overall impact of any proposal on the existing and/or proposed infrastructure of the Town, so as to assure the protection of the public health, safety and welfare. This evaluation shall be part of the subdivision review process.
3. Significant Proposals Requiring Impact Statements:
 - a. Those subdivision plans proposed to include 100 acres or 100 units, whichever is less, immediately or in the future, unless determined by the commission that there will not be a significant impact.
 - b. Those subdivision plans which are deemed by the Commission to have a regional impact in terms of drainage, traffic, groundwater quality or quantity, and/or environmental impact.

4. Submission of Reports by Subdivider: The subdivider shall follow the submission requirements outlined in Sec. 3.03.1. The impact statement report shall include:
- a. Area Location Maps. The proposed site shall be identified by map (1" = 400' maximum) showing its inter-relationship with the neighborhood. This map shall identify the name, location and distance in miles to the following facilities existing and proposed, which will service the site:
 - * Elementary School(s).
 - * Middle School.
 - * High School.
 - * Police and Fire Stations.
 - * Recreational Areas, public and private.
 - * Interconnecting access to existing roads.
 - * Storm sewers.
 - * Community water lines.
 - b. Population and Demographic Impact. These factors shall be summarized in the report by time phases:
 - * Total projected population.
 - * Family projections by adults and children under 18.
 - * Projected school age children.
 - c. Educational Evaluation. An evaluation of the impact of the proposal on the school system. Such evaluation shall take into account, but not be limited to:
 - * Existing individual school plant capacity.
 - * Town planned school expansion program.
 - * Financial impact based on latest average daily membership (ADM) student count, and local school educational costs, including operating and capital expenses.
 - * Impact on busing programs.
 - d. Road and Traffic Impact. An evaluation of the existing road system surrounding the proposed development by pavement type, general road condition, accident rates, and adequacy for present and/or proposed development. An evaluation of the impact of the proposed development on these roads should be presented, including but not limited to:
 - * Distance of the development from a major state or inter-state road, existing or proposed.

- * Projected number of motor vehicle types to enter or depart the site, by peak hours and Average Daily Traffic counts (ADT).
 - * Projected traffic flow patterns and the relation of these to existing and proposed roads.
 - * Projected impact of the traffic to be generated by the proposal to existing road capacities.
 - * Anticipated road and traffic improvements which will be required as a result of the proposal.
- e. Environmental Impact. An evaluation of the potential impact of the proposal on environmental factors, with particular emphasis paid to environmental factors such as:
- * Wetlands and watercourses.
 - * Potential aquifers.
 - * Flood plains.
 - * Dams.
 - * Areas with slope greater than 20%.
 - * Prime agricultural soils.
 - * Mineral and construction material resources.
 - * Wildlife habitats.
 - * Historical sites, stone walls.
 - * Natural and scenic resources.
 - * Parks, natural reservations and sanctuaries.
 - * Areas where development can cause harmful and irreparable damage from erosion and siltation.

Such impact information shall also include:

- * A description of the existing environmental setting.
- * The favorable and adverse environmental impacts of the proposed action.
- * Identification of alternatives to the proposed action including their impact on the environment.
- * Identification of any irreversible commitment of natural resources which cannot be avoided.

- * The growth-inducing aspects of the proposed action including changes in net growth, additional land development, and related aspects.
 - * Projected impact on land development surrounding the proposal.
 - * A brief description of soil and erosion measures expected to be undertaken.
- f. Public Safety. An evaluation of the proposal as to the potential impact on the existing police and fire facilities which would service the area. Such evaluation should include the following:
- * Estimate of time and distance from nearest fire station in Town.
 - * Estimate of time and distance to nearest fire station which may assist from an adjoining town.
 - * Closest source of water supply and estimate of volume available.
 - * Estimate of additional demand requirements on existing facilities, including any possible change in the Volunteer Fire Department status.
 - * Proposed water supply system and its impact on fire protection.
- g. Housing Impact. An evaluation of the proposal on the effects of the supply and cost of housing in the community, including the impact on the community's and/or region's need for low and moderate housing.
- h. Open Space. An evaluation of the existing and proposed open space areas which will serve the proposed development. Such evaluation shall include all pertinent information relating to ownership of such land, extent of development, availability to other Town residents, and provisions for maintenance and upkeep of this area.

Section 9.05 Expiration

1. The expiration provisions of the State Statutes (particularly Sections 8-26c and 8-26g) shall govern for all subdivision approvals. Except for subdivisions that qualify for longer approval periods pursuant to statutory provisions, all work associated with an approved subdivision shall be completed within five (5) years of the date of approval unless an extension is granted by the Commission pursuant to statutory provisions. Any extension of a conditional approval may be granted in one-year increments up to statutory limits. The subdivider shall provide justification acceptable to the Commission for any extension request. In reviewing any extension request, the Commission shall take into account site conditions, the status of required subdivision work, conditions of subdivision approval and any regulatory changes that have occurred since the original approval. The Commission shall have the right to modify bonding requirements in association with any extension request. Failure to complete subdivision work (as defined by the State Statutes) within the approval period shall result in expiration of the approval.

Section 9.06 Amendments

1. These Regulations may be amended by the Commission in accordance with the procedures set forth in Section 8-25 of the Connecticut General Statutes.

Section 9.07 Validity

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

Section 9.08 Enacting Clause, Short Title and Repeal

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

APPENDIX A—ROAD DESIGN CRITERIA

Design Speed - New roads shall be designed for the following classifications, speeds and volumes:

<u>Classification</u>	<u>Design Speed</u>	<u>Traffic Volume</u>
Commercial Road	30 m.p.h.	Varies
Collector Street	30 m.p.h.	150 to 1,000 ADT
Neighborhood Street	25 m.p.h.	< 150 ADT
One way Loop	25 m.p.h.	< 150 ADT

ADT - Average Daily Traffic shall be predicted for 20 years after the start of construction. If requested by the Commission, the Subdivider shall submit a report from an acceptable Traffic Engineer stating predicted traffic volume.

R.O.W. and Pavement Widths- Widths for the various road designations:

<u>Classification</u>	<u>R.O.W. Width</u>	<u>Pavement Width</u>
Commercial Road	60 feet	30 feet
Collector Street	50 feet	24 feet
Neighborhood Street	50 feet	20 feet
One Way Loop	35 feet	15 feet

Grades- The minimum grade of all roads shall be one (1%) percent. The maximum grades shall be in accordance with the following list:

<u>Classification</u>	<u>Maximum Grade</u>
Commercial Road	6 %
Collector Street	10 %
Neighborhood Street	10 %
One Way Loop	10 %
Turnarounds	3%
Intersections	4% for a distance of 100' from the centerline of the intersection

Horizontal Design Criteria. The minimum centerline radius shall be as follows:

<u>Classification</u>	<u>Minimum Inside Radius</u>
Commercial Road	200'
Collector Street	150'
Neighborhood Street	130'
One Way Loop	60'

Minimum curb radius at street intersections shall be 25 feet. At street intersections, the property lines shall be on a curve with a radius of fifteen (15') feet.

Sight Distance- Stopping distance, decision sight distance and intersection sight distances for subdivision roads shall be designed according to the criteria set forth in Chapter 7 and Chapter 11 of the most current Connecticut Department of Transportation Highway Design Manual, entitled "Sight Distance" and "Intersections At-Grade", respectively.