

## SECTION 1 ... AUTHORITY AND PURPOSE

### 1.1 AUTHORITY

Pursuant to the authority granted by Chapter 126 of the Connecticut General Statutes, the Planning and Zoning Commission of the Town of Chester hereby adopts these Regulations for subdivision and resubdivision of land within the Town of Chester. These Regulations supersede and cancel the Subdivision Regulations of the Town of Chester previously in effect.

**1.1.1 Legal Requirements for Subdivision:** No person shall make a subdivision or resubdivision within the meaning of these Regulations of any land within the legal boundaries of the Town of Chester, nor proceed with any improvements including construction of streets or installation of utilities, unless and until an application including a subdivision plan has been submitted to and approved by the Chester Planning and Zoning Commission. Further, no subdivision or resubdivision shall be made or improvement work begun until such plan has been recorded in the Office of the Chester Town Clerk.

**1.1.2 Penalties:** Any person, firm or corporation making any subdivision or resubdivision of land without the approval of the Commission is subject to penalties provided in the General Statutes of the State of Connecticut. The Town may seek any lawful remedies to uphold the purpose and intent of these Regulations.

**1.1.3 Other Laws:** These Regulations are in addition to and do not supersede other laws, ordinances or regulations governing the development of land and buildings. Where there is a conflict between requirements, the stricter specification will govern.

**1.1.4 Administrative Policy:** The Commission may from time to time, by resolution, adopt forms, policies, procedures and interpretations for the administration of these Regulations.

**1.1.5 Enforcement:** The Commission may designate an individual who shall serve as the Enforcement Officer for these regulations. The Enforcement Officer may, but need not, be a member of the Commission.

### 1.2 PURPOSE

These Regulations are intended to assure that subdivision of land is part of a balanced conservation, growth and development plan for the Town of Chester, as recommended in the Town of Chester, Connecticut Plan of Development. Subdivision of land shall be conducted in a manner which protects the health and safety of the community and preserves the character of the land and valuable natural resources for future generations. These Regulations are further intended to provide the following:

- (1) Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.

- (2) That proper provision is made for water supply, surface drainage and sewage disposal, in order to protect public health and safety and encourage the wise use and management of natural resources throughout the town;
- (3) In areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision is made for protective flood and drainage control measures;
- (4) That proper provision is made for an adequate and convenient system for present and prospective traffic needs, with particular regard to the avoidance of congestion in the streets and highways, and safe pedestrian traffic movement, and that adequate access to properties for fire-fighting apparatus and other emergency vehicles can be provided;
- (5) That proposed streets are in harmony with existing or officially proposed principal thoroughfares as shown in the Town of Chester Plan of Development, especially in regard to safe intersections with such thoroughfares;
- (6) That proper provision is made for open spaces, parks and playgrounds through the most efficient design and layout of land, protecting the natural beauty and topography of the town, including scenic features, wetlands, watercourses, and the coastal margin;
- (7) That proper provision is made for erosion and sediment control;
- (8) That streets are properly graded and improved, that necessary public utilities and services are provided, and that development does not impose burdens on municipal services in excess of their capacity and planned expansion;
- (9) That energy efficient patterns of development and land use are encouraged.
- (10) That all subdivisions comply with all applicable provisions of the Town of Chester Zoning Regulations.

**SECTION 2 ... DEFINITIONS**

For purposes of these Regulations, certain words shall be defined as stated below. Words in the present tense include the future tense, the singular includes the plural, and vice versa. The word “shall” is mandatory, not directory. The word “may” is discretionary.

**2.1 Applicant, Developer, or Subdivider:** An individual, partnership, firm, corporation, legal entity or agent thereof, who or which undertakes the subdivision or resubdivision of land or any activity included in these Regulations. For purposes of these Regulations, the terms “applicant”, “developer”, and “subdivider” shall be synonymous.

**2.2 Application:** The maps, prescribed forms, reports and fees submitted to the Planning and Zoning Commission in accordance with these Regulations.

**2.3 Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year, sometimes referred to as a “100 year flood”.

**2.4 Base Flood Elevation:** The particular elevation of the base flood as specified on the Flood Insurance Rate Map for the Town of Chester for Zones A, and A1-A30.

**2.5 Bond:** A type of surety or collateral posted by the applicant which guarantees that all required subdivision improvements shall be completed in accordance with the approved plans and these Regulations.

**2.6 Coastal Boundary Area.** The area described in Section 22a-94 of the Connecticut General Statutes, and delineated on the Coastal Boundary Map for the Town of Chester, which is subject to coastal site plan review.

**2.7 Coastal Resources:** The coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shoreland, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem, including rocky shorefront, beaches and dunes, intertidal flats, tidal wetlands, fresh water wetlands and watercourses, estuarine embayments, coastal hazard areas, developed shorefronts, islands, near-shore waters, off-shore waters, shorelands, and shellfish concentration areas, as defined the Connecticut General Statutes, Section 22a-93.

**2.8 Coastal Site Plan:** The site plans, applications and project referrals listed in C.G.S. 22a-105, as required in Section 4.5.4 of these Regulations.

**2.9 Commission:** The Chester Planning and Zoning Commission.

**2.10 Conservation Subdivision:** A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted

under a Conventional Subdivision, and the remaining land is dedicated to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

**2.11 Conventional Subdivision:** A form of development that permits the division of land in the standard subdivision form provided by these Regulations for the Zoning District in which it is located, other than Planned Residential Development and Conservation Developments.

**2.12 Development:** Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**5.1 Disturbed Area:** An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

**2.14 Easement:** A written authorization, duly recorded in the Land Records of the Town, for a specific purpose or purposes, which one person or agency may have in a designated portion of land of another.

**2.15 Enforcement Officer:** The individual designated by the Planning and Zoning Commission to enforce these Regulations.

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

**2.17 Erosion and Sediment Control Plan:** A plan which sets forth measures to be undertaken for the control of erosion and sedimentation, to include, but not be limited to, drawings and descriptions sufficient in detail to establish clearly the location of areas to be stripped of vegetation and other proposed or unprotected areas; schedule of operations, including starting and completion dates for each major development phase, such as land clearing and grading, streets, sidewalks, utility and storm drainage installations, and the like; seeding, sodding or revegetation plans and specifications for all unprotected or unvegetated areas; location and design of all structural sediment control measures, debris basins and the like; timing of all planned sediment control measures; and general information relating to the implementation and maintenance of the sediment control measures. Specific requirements for an erosion and sediment control plan are set forth in Section 4.4.5.

**2.18 Final Subdivision Plan:** The final map, drawing or drawings, and all required supporting data upon which the subdivider's plan of subdivision is presented to the Commission for approval.

**2.19 Floodway:** The channel of a river or other watercourse and the adjacent land that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town. The regulated floodway is delineated on the Flood Boundary and Floodway Map.

**2.20 Gateway:** The Gateway Conservation District as described in Section 25-102c of the Connecticut General Statutes, and shown on the Chester Zoning Map.

**2.21 Grading:** Any excavating, grubbing, filling, or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

**2.22 Lot:** A plot or parcel of land occupied or capable of being occupied by one or more principal buildings and accessory buildings, as specified under Zoning Regulations.

**2.23 Non-Commercial Cutting:** The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot.

**2.24 Open Space:** A parcel or parcels of land or an area of water or a combination of water and land set aside for conservation, park or playground purposes. See Section 5.11 for open space requirements.

**2.25 Plan:** The subdivision plan including maps, profiles, and supporting documents.

**2.26 Regulations** (or These Regulations): The Subdivision Regulations of the Town of Chester, unless otherwise specified.

**2.27 Resubdivision:** As defined in the Connecticut General Statutes, a change in the map of an approved or recorded subdivision or resubdivision, if such change

- 1) affects any street layout shown on the approved map,
- 2) affects any area reserved thereon for public use, or
- 3) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

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

**2.29 Special Flood Hazard Areas:** Areas shown as an overlay on the zoning map of the Town of Chester which contains the land in the flood plain within the town subject to a one percent or greater chance of flooding in any given year. The Special Flood Hazard Area includes all Flood Insurance Zones A, and Zones A1-A30, as designated on the Flood Insurance Rate Map. prepared by the Federal Emergency Management Agency. Said Map, as it may be amended from time to time by said Agency, is part of these Regulations.

**2.30 Street:** A public or private vehicular accessway permanently dedicated to movement of vehicles and pedestrians, whether designated as a street, road, avenue, lane or other, located between right-of-way lines, but not including driveways; a parcel of land which has been improved so as to be suitable for vehicular traffic and accepted for public use,

or a parcel of land shown and designated as a street to be constructed on a subdivision plan approved by the Planning and Zoning Commission. Streets are further classified by function in The Chester Road Regulations.

**2.31 Street Pavement:** The wearing or exposed surface of the roadway used by vehicular traffic, including the subbase and base course.

**2.32 Street Right of Way:** That portion of land between property lines over which a street is built and the adjacent area reserved for future widening and improvements.

**2.33 Street Width:** Means the width of the street right-of-way.

**2.34 Subdivision:** As set forth in the Connecticut General Statutes, the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes “resubdivision”.

**2.35 Town:** The Town of Chester.

**2.36 Town Development Plan:** The Chester, Connecticut, Plan of Development, prepared and adopted by the Planning and Zoning Commission pursuant to Section 8-23 of the Connecticut General Statutes, and includes any part of such Plan separately and any amendment to such Plan or parts thereof.

**2.37 Watercourses:** The term “watercourses” as used in these Regulations, includes watercourses as defined in Section 22a-38 of the Connecticut General Statutes, as amended.

**2.38 Wetlands:** The term “wetlands” as used in these Regulations, is defined in Section 22a-38 of the Connecticut General Statutes, as amended.

**2.39 Work:** All physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to clearing, the construction of roads, storm drainage facilities, and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

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## **SECTION 3 ... APPLICATION PROCEDURES AND APPROVAL PROCESS**

### **3.1 INFORMAL PRELIMINARY REVIEW**

In order to eliminate conflict or misunderstanding during the later stages of the subdivision application process, potential applicants are required to submit preliminary plans to the Commission for informal review. The objective of this review is to ensure that basic requirements can be met for both a Conventional and Conservation Subdivision prior to incurring application, surveying, engineering and legal fees associated with submission of a formal application. The Commission may also schedule a field visit to the site of the proposed development as part of its preliminary review. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of pre-judgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than for the approval in concept only of either a Conservation or Conventional Subdivision submission. Referrals to other municipal, State, or Federal agencies for review and comment, if deemed advisable by the Commission, may be requested of the applicant.

**3.1.1 Submission of Preliminary Layout:** Potential applicants shall submit a preliminary plan for consideration. At least three copies of the preliminary plan shall be submitted to the Compliance Officer at least two weeks prior to a regular meeting of the Commission to allow for placement on the next meeting agenda. The applicant or an authorized representative of the applicant shall attend the meeting of the Commission to discuss the preliminary plan.

**3.1.2 Contents of Preliminary Layouts.** Preliminary Layouts submitted to the Commission should be drawings or prints of drawings produced by a landscape architect, engineer, or surveyor at a scale of one inch equals forty feet (1"=40') or one inch equals one hundred (1"=100') feet on sheets twenty-four by thirty-six inches (24"x36") in size. It is recommended that on complex projects the services of a landscape architect, engineer, surveyor, and soil scientist be contracted as part of the project team for presentation. The Preliminary Layout shall contain the following information:

- 1). Names of owners of record and proposed subdivider, proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale and date of drawing.
- 2). Location and approximate dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers.
- 3). All pertinent features, such as existing structures, stonewalls, foundations, easements, wetlands, watercourses, swampland and wooded areas, and proposed Conservation Areas properly delineated and labeled.
- 4). Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades.
- 5). Proposed lot lines with approximate dimensions and area of all proposed lots
- 6). Location and approximate dimensions and area of all property proposed to be set aside for open space, playground or park use.
- 7). 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 applicant's holdings, a map which may appear on the same sheet, drawn on a scale no less than 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.
- 8). A set of maps demonstrating how the four step conservation development process was used.
- 9). Where the subdivider anticipates that the Subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.
- 10). Mapping and a narrative describing the use of the four step development process for a Conventional and Conservation Plan.
- 11). Maps indicating where the development exists in relationship with the watershed, ie regional, subregional, and local basins.

A preliminary plan should show sufficient information to enable the Commission to make a general planning review under the standards of these regulations. The preliminary plan, at a scale no greater than 1" equals 100', should generally show proposed lots, easements, roads, open spaces, drainage, contours at ten foot intervals, utilities, location map, and other information pertinent to the subdivision. Concept sketches showing other alternative layouts may also be submitted.

### 3.2 FORMAL SUBMISSION

All applications for subdivision or resubdivision, together with maps, reports, legal documents, and any other information required under Section 4 of these Regulations, shall be submitted by mail or by hand to the Compliance Officer in the Chester Town Hall. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 4 have been received. In order to receive prompt consideration of an application, whenever possible the complete application should be submitted no later than fourteen days prior to a Commission meeting in order to allow sufficient time for staff review, and so that the application may be placed on the agenda of the meeting. Incomplete applications shall be received by the Commission, but failure to submit a complete application may be cause for disapproval of an application.

### 3.3 ESTABLISHING THE DATE OF RECEIPT

In accordance with the Connecticut General Statutes, the official date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the completed application to the Zoning Compliance Officer, or 35 days after submission, whichever is sooner.

### 3.4 SITE INSPECTION AS PART OF APPLICATION REVIEW

As part of application review, the Commission or its duly authorized representative or representatives may inspect the subdivision site to review the suitability of the site and the accuracy of all official submissions. Submission of a formal application confers the right of the Commission or its designated agent to visit the site.

### 3.5 WAIVER OF SUBDIVISION REQUIREMENTS

When the Commission finds that extraordinary hardships or practical difficulties may result from compliance with these Regulations, the Commission may, by a 3/4<sup>th</sup> vote of all members, approve waivers to these Regulations, provided that such waivers shall not conflict with the intent and purposes of these Regulations. The Commission shall state upon its records the reason for which a waiver is granted in each case.

**3.5.1 Findings:** The Commission shall not approve a waiver unless it finds in each specific case that:

- (1) The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety; and
- (2) The conditions upon which the request for a waiver are based are unique to the proposed subdivision for which the waiver is sought and are not applicable generally to other potential subdivisions; and

- (3) The waiver will not create a conflict with the provisions of the Zoning Regulations, the Town Plan of Development, town ordinances, or regulations of other Town boards and commissions.

A request for any such waiver should be presented in writing by the applicant at the time when the subdivision application is first submitted. The request shall state how the proposed waiver meets the requirements stated above.

Any waiver granted shall not be a precedent for any future waiver, and the Commission may attach any reasonable condition to the grant of the waiver.

### **3.6 SUBDIVISIONS INVOLVING INLAND WETLANDS**

When an application for a proposed subdivision or resubdivision involves land regulated as an inland wetlands or watercourse under Chapter 400 of the Connecticut General Statutes, the applicant shall file an application with the Chester Inland Wetlands Agency no later than the day the formal application is submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall not render a decision on the subdivision application until the Inland Wetlands Agency has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Agency.

### **3.7 REFERRALS AND REVIEW BY OTHERS**

**3.7.1** The Commission shall transmit copies of maps, plans and documents to other officials and agencies where required and where appropriate, such as the following, for advisory reports and consultation and/or for approval as may be required by law:

- (1) Town Engineer: maps and plans, with particular regard to street design, storm drainage and other utility systems.
- (2) Commission Attorney: bonds, easements, deeds and agreements.
- (3) Sanitarian/Water Pollution Control Authority: sanitation reports, maps and plans, with particular regard to on-site water supply and sewage disposal systems.
- (4) State Department of Transportation: maps and plans, with particular regard to street and utility connections with State Highways.
- (5) Chester Inland Wetlands Agency: maps and plans, with particular regard to natural features of the site, including conservation elements, water resources and soils.

- (6) Park and Recreation Commission: maps, with particular regard to open spaces for parks and playgrounds.
- (7) Chester Conservation Commission: maps, with particular regard to open spaces for natural and cultural resources protection.
- (8) Fire Department/Fire Marshal: maps and plans with particular regard to elements of fire protection and fire fighting resources.
- (9) Other persons or agencies as appropriate, including the Tree Warden, Municipal Historian, and emergency services personnel.

**3.7.2 Referrals within the Gateway Conservation District:** For all subdivisions within the Gateway Conservation District, the Commission may refer copies of the maps and plans, including the Soil Erosion and Sediment Control Plan, to the Connecticut River Coastal Conservation District for review and advisory opinion concerning measures for erosion and sediment control.

**3.7.3 Referral to CRERPA:** Any plan for subdivision of land which abuts or includes land in one or more additional municipalities as well as Chester shall be submitted to the Connecticut River Estuary Regional Planning Agency in accordance with CGS 8-26b.

**3.7.4 Notice to Adjoining Municipalities:** Notice shall be given to the Town Clerk of a municipality adjoining Chester in accordance with CGS 8-26f for any project in which

- (1) any portion of the property affected by a decision of the Planning and Zoning Commission is within 500 feet of the boundary of the adjoining municipality;
- (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;
- (3) 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
- (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Referrals shall be made within seven days of the date of receipt of the application. No hearing shall be conducted unless appropriate referrals have been made.

### **3.8 PUBLIC HEARING**

A public hearing regarding an application for a subdivision may be held by the Commission if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on all applications for a resubdivision. Notice of any public hearing shall be given as required by law. Whether or not a public hearing is held, every

applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

**3.8.1 Notification:** Notification of public hearings on pending subdivision applications shall be published by the Commission twice in a newspaper having substantial circulation within the Town of Chester. The notices must be published at intervals of not less than two days, with the first notice generally 10-15 days prior to the hearing, and the second at least two days prior to the hearing.

### **3.9 PLANNING AND ZONING COMMISSION ACTION**

Within 65 days after the close of the public hearing (if any), or within 65 days after receipt of such application if no public hearing is held, the Commission, by majority vote of members present and voting, shall approve, modify and approve, or disapprove the application for subdivision or resubdivision.

The applicant may consent in writing to one or more extensions of any period required for commencing a public hearing, completing a public hearing or rendering a decision, provided the total extension of all such periods shall not be for longer than 65 days as specified under the Connecticut General Statutes.

Notwithstanding the above, the Planning and Zoning Commission, in accordance with Connecticut General Statutes, shall not render a decision on the application until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision to the Planning and Zoning Commission.

**3.9.1 Modifications:** In approving the application, the Commission may require modifications of the maps and/or documents submitted as part of the application to preserve the purpose and intent and assure conformance with these Regulations. Such modifications shall be made by the applicant and submitted for Commission review prior to endorsement of the subdivision plans.

**3.9.2 Items which shall be completed:** The following items shall be completed as a requirement for approval of a subdivision or resubdivision application, as applicable:

- (1) presentation of any conveyance, easements and deeds in accordance with the requirements of Section 4.6;
- (2) submission of a construction and inspection schedule, approved by the Commission's engineer, including establishment of a date when construction of roads, drainage and other improvements may commence;
- (3) written evidence of application to the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway; the Commission may require written proof of CONNDOT intent to issue a permit for the proposed activity;

- (4) evidence of approval from the Chester Inland Wetlands and Watercourses Commission, as may be required under the regulations of such Commission, for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements;
- (5) written evidence of an application to the Commissioner of the Department of Environmental Protection for a permit, as may be required for regulated activity within a designated tidal wetlands area;
- (6) written evidence of an application to the U.S. Army Corps of Engineers for activities within the Corps' jurisdiction;
- (7) where the subdivision involves construction of improvements or excavation, grading or depositing of materials in a Special Flood Hazard Area, presentation of written assurance from the Building Official that development activities comply with requirements of 4.5.5 and 5.3 of these Regulations;
- (8) Posting of an acceptable bond guaranteeing completion of any required road, drainage, installation of property markers and monuments, or other subdivision improvements in accordance with the approved plan, as required in Section 3.11;
- (9) installation and maintenance of erosion and sediment control measures in accordance with the certified Soil Erosion and Sediment Control Plan, as required by Section 4.4.5.

**3.9.3 Statement of Reasons for Decision:** In approving, modifying and approving, or disapproving an application, the Commission shall state in its records the reasons for its action. The Commission shall give notice of its decision as required by law.

### **3.10 APPEALS**

Any person aggrieved by an official decision of the Commission may file an appeal to the Superior Court within fifteen days from the date when the notice of decision was published according to law. The Commission will not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal, upon termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

### **3.11 POSTING A BOND**

Prior to endorsement of the approved plan, the Commission shall require the applicant to post a sufficient bond or other security, in a form and amount acceptable to the Commission and to the Commission's attorney, to guarantee one of the following:

- (1) Satisfactory completion of all work shown on the plan.

- (2) Restoration of the development site to a safe and attractive condition in lieu of completion of work, provided that the applicant guarantees in writing that no lots will be sold or offered for sale, no building permits will be sought, and no individual lot development including tree clearing and grading will commence, unless and until a bond for completion of work is posted with the Commission. Violation of this provision shall be grounds for revocation of the subdivision approval.

### **3.11.1 Bond Requirements:**

- (1) In phased subdivisions, separate bonds may be posted for each phase.
- (2) The bond must be posted and continuously maintained for the duration of the five year project (or other time for completion as designated by State Statute) unless released by vote of the Planning and Zoning Commission.
- (3) Should the developer be unable to complete the bonded site improvements in a manner satisfactory under Town requirements, the bond deposited with the Town may be used by the Town to complete the required site improvements or, at the discretion of the Commission, to restore the property to a safe and **stabilized** condition, provided that no individual lots have been sold or developed.

**3.11.2 Separate Sedimentation and Erosion Control Bond:** Measures and facilities specified on the Soil Erosion and Sediment Control Plan shall be guaranteed by a separate cash or savings account bond. This separate bond must also be posted prior to any work on a conditionally approved subdivision. In the event of failure of the developer to maintain proper sedimentation and erosion controls on the subdivision site, the bond required under this Section may be used by the town to stabilize eroding areas, remove sedimentation, and otherwise correct sedimentation and erosion problems on site.

**3.11.3 Conditional Approval:** Upon posting of a bond for sedimentation and erosion controls and for site restoration, the Commission may authorize the filing of a Plan with a Conditional Approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities required by the Commission, or (2) upon provision of a bond for completion of subdivision work or subdivision restoration, as required in Section 3.11. Upon the occurrence of either of such events, the Commission shall cause a final approval to be endorsed upon said Plan.

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

- b. Within subdivisions given conditional approval, no lots shall be sold nor shall any building permits be issued, until the conditions for final approval have been met and final approval has been endorsed on the plan.

### **3.12 ENDORSEMENT AND DELIVERY OF PLAN**

The signed fixed line photographic mylar shall be filed and recorded by the applicant in the town clerk's office within 90 days after the expiration of the appeal period under Ct. General Statute 8-8. Two print copies of the approved subdivision or resubdivision map, along with two corrected print copies of any other maps which are part of the approved application, shall be delivered to the Office of the Planning and Zoning Commission within ninety days of a Commission vote to approve the subdivision or resubdivision application. Such plans shall contain all modifications or stipulations required by the Commission as part of its approval. All mylars shall contain the raised seal and original signature of the engineer and/or surveyor certifying the plan.

Endorsement of the plan by the Commission shall not be executed until the end of the appeal period as set forth in Section 3.10, and until all conditions of approval have been met, including posting of any required bonds, dedication of open space and submission of the final corrected plans and executed legal documents. If the applicant fails to comply with this requirement, the Commission may declare the approval null and void.

**3.12.1 Commission endorsement of Plan:** Upon receipt of final plans including any required modifications, executed legal documents including dedication of open space and the posting of any performance bond required as part of the approval, the Chairman or Secretary of the Commission shall endorse the final plans, and shall note on the plans the date of approval and the date of project expiration. The applicant will then be notified that the endorsed plans and legal documents are available for recording with the Office of the Town Clerk. No plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

### **3.13 FILING AND RECORDING PLAN:**

The construction and installation of roads, drainage and other improvements required by these Regulations shall not be deemed authorized and shall not be commenced until (1) the time for taking an appeal from the action of approval of the application by the Commission has elapsed, and in the event of an appeal, termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant; (2) the applicant has posted an Erosion and Sedimentation Control Bond as described in Section 50A5 of the Chester Road regulations and (3) the Commission or its designated agent has authorized such construction upon finding that the applicant has met all conditions of approval precedent to such construction.

### **3.14 INSPECTION OF IMPROVEMENTS**

The Commission may appoint or hire an inspector to assure that all specifications and requirements of the Chester Road Regulations are met during the construction of any required improvement which the Commission feels should be inspected, including but not limited to the inspections listed in Section 50.B4 of the Chester Road Regulations.

**3.14.1 Fee for Inspection of Improvements:** The developer shall pay to the Town a fee for all reasonable costs incurred in the inspection and re-inspection, if required, of any required improvements by the Commission's designated inspector, in accordance with a schedule of fees established by the Commission, and amended from time to time to reflect the actual cost of performing the inspections. All outstanding fees shall be paid in full prior to road acceptance by the Town of Chester.

**3.14.2 Compliance with Plans:** If the inspector shall find, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with plans and specifications submitted by the subdivider as part of the subdivision application, the inspector shall so report to the Commission. The Commission shall then notify the developer, and if necessary the company guaranteeing the bond, and shall take all necessary steps to preserve the Town's rights under the terms of the bond.

**3.14.3 Schedule of Inspections:** The Commission or its designated inspector shall have the right to enter upon the premises and to inspect, or cause to be inspected, construction work authorized by subdivision approval at any time, with or without notice, during, before or after regular business hours. The schedule of inspections shall follow the guidelines in Section 50B of the Chester Road Regulations.

### **3.15 CHANGES DURING CONSTRUCTION**

**3.15.1 Modifications:** If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such required improvements, the developer shall notify the Commission or its duly authorized representative, who shall determine whether the change is minor in nature or whether the Commission itself must act on the proposed change. If the change is minor, the representative shall either approve or disapprove the developer's request, and shall notify the Commission at its next regular meeting, and the action shall be noted in the meeting minutes. If it is determined that the change is not minor, the developer shall submit an application for a modification of the subdivision approval. Such application shall meet all the informational requirements of Section 4, as applicable. Any change which affects any street layout or any area reserved for public use shall require a resubdivision.

**3.15.2 Additional work:** If during the course of construction of any new street, or any other improvements required by the Commission in connection with the approval of a subdivision, it appears that additional work is required owing to unforeseen conditions such as, but not limited to springs, ancient drains, wet conditions, side hill drainage from cuts, bedrock, or other conditions which were not recognized at the time of the approval by the Commission, the Commission may require such additional work to be done and may require additional surety.

### **3.16 COMPLETION OF WORK**

- (1) Any person, firm or corporation making any subdivision or resubdivision of land shall complete all work in connection with such subdivision within five years (or other time for completion as designated by State Statute) after the date of the vote for approval of the plan for such subdivision. The Commission endorsement of approval on the plan shall state the date on which such five year period expires.
- (2) The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed ten years from the date the subdivision was approved.
- (3) If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety required under Section 3.11, securing to the municipality the actual completion of work.
- (4) For purposes of this section, “work” shall mean all physical improvements required by the approval, other than staking of lots, and includes but is not limited to the construction of roads, storm drainage, water and sewer lines, setting aside of open space and recreation areas, installation of utilities, installation of permanent property markers, planting trees and other landscaping, and installation of retaining walls and other structures.
- (5) Failure to complete all required work shall result in expiration of subdivision approval. In such event, the Commission shall file on the Land Records notice of such expiration and no additional lots shall be conveyed by the subdivider except with the approval by the Commission of a new application for subdivision of subject land. If lots have been conveyed during the five year or other approved period, the Town may call the performance bond of the subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

### **3.17 MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements in the subdivision and provide for snow removal, street cleaning, drainage and general maintenance on streets and sidewalks until acceptance of said improvements by the Town. In the event that the applicant fails to comply, the Town is authorized, through the Board of Selectmen, to

perform the necessary work, without incurring any liability, and charge such work to the applicant.

### **3.18 RELEASE OF BOND/AS BUILT PLANS**

The Commission may, at its discretion, upon request of the developer, authorize partial release of the subdivision bond as various stages of work are completed to the satisfaction of the Commission. However, prior to release of the final portion of the subdivision performance bond, the following conditions must be met:

- a. The final portion of the bond shall not be released until all required improvements have been accepted by the town and all conditions of town acceptance have been met.
- b. Roads, drainage and other required improvements in the subdivision shall have been inspected and approved by the Commission's engineer.
- c. As-built plans shall have been submitted to the Commission in accordance with 3.19.1.
- d. All legal documents including fire protection easements, shall have been reviewed by the Commission Attorney and deemed acceptable.
- e. Maintenance Agreement and Security: The applicant shall execute an agreement and file a bond to cover unforeseen deficiencies in the required road, drainage and other subdivision improvements. The maintenance bond shall terminate no earlier than one year after the date of acceptance of the improvements by the Town. The maintenance bond shall be a cash or savings account bond as approved by the Commission and Town Counsel, and not less than 10% of the original bond amount.

**3.18.1 "As built" plans:** Before the Commission authorizes release of any subdivision performance bond, the developer shall furnish a set of "as built" drawings showing all improvements as constructed, in the same detail as required for the approved Subdivision plan. Said drawings shall bear the live signature and raised seal of the registered land surveyor who prepared the "as built" plan, and a civil engineer registered in Connecticut who reviewed the plan.

### **3.19 ACCEPTANCE BY THE TOWN**

The approval by the Commission of a subdivision application shall not constitute evidence of any acceptance by the Town of any street, recreation area, right-of-way or easement shown on such plan. Acceptance of formal offers of streets, open space, rights-of-way, and easements shall rest with the Town. The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements at a Town meeting.

**3.19.1 Procedure for acceptance of improvements:** Upon completion of all improvements, the applicant shall submit a written request to the Commission for acceptance of the improvements and release of the performance bond. Such request shall be accompanied by executed deeds, as-built plans, maintenance bond and any other documents necessary to support the request. The Commission shall refer the request to the appropriate Town agencies for their review. Upon receipt of favorable reports from these agencies, the Commission shall recommend to the Board of Selectmen that the improvements be accepted and the performance bond released. The Board of Selectmen may then place the matter before the Town Meeting for action on acceptance.

## **SECTION 4 .... CONTENTS OF FORMAL APPLICATION SUBMISSION**

### **4.1 WRITTEN APPLICATION**

A written application, in a form prescribed by the Commission, shall be submitted by the applicant or lawful agent. If the applicant is not the owner of the land to be subdivided, the forms shall also be signed by the owner or lawful agent.

## 4.2 FEES

The subdivider shall pay all reasonable fees necessary to cover the cost of processing the subdivision application and inspecting any required improvement. Processing fees and inspection fees shall be paid to the Commission, or the Commission's duly authorized agent, by the subdivider in accordance with the Schedule of Fees established by the Commission.

## 4.3 PROFESSIONAL ASSISTANCE

All maps and reports required under these Regulations shall be prepared and certified by qualified professionals, as follows:

**4.3.1 Professional Engineer:** The applicant shall employ the services of a professional engineer, currently licensed to practice in the State of Connecticut, for the design of and preparation of maps and reports relating to the following work items required in the submittal of a subdivision application: roads; drainage systems, including the design and location of structures and pipes; sewage disposal systems; water supply and distribution system; and grading of lots and overall grading plans.

- (1) All submissions of the above items shall bear the name, seal and original signature of a professional engineer, currently licensed to practice in the State of Connecticut. A Land Surveyor's seal or Architect's seal alone is not acceptable. Documents other than final reports and maps shall be marked "Draft".

**4.3.2 Land Surveyor:** The applicant shall employ the services of a land surveyor, licensed to practice in the State of Connecticut, for the preparation of maps and reports relating to the following work items required in the preparation of a subdivision application: land surveys including the delineation of the boundary lines of the outside perimeter and the interior lots of a subdivision; topographic surveys including contour delineation and all natural features and constructed facilities on the land.

All submissions of the above items shall bear the name, seal and original signature of a land surveyor, currently licensed to practice in the State of Connecticut. A Professional Engineer's seal or Architect's seal alone is not acceptable. Documents other than final reports and maps shall be marked "Draft".

## 4.4 MAPS

The maps and plans required by these Regulations shall show information and shall be prepared in accordance with the standards hereinafter specified.

- a. Information on the proposed subdivision shall be provided on maps with an overall dimension of 24" by 36". Fifteen blue line copies of all maps shall be provided as part

of the submission of a completed application. The Commission may require additional copies of plans if referrals to outside parties are indicated.

- b. If more than one map sheet is required, each sheet shall be sequentially numbered in the form "Sheet \_\_\_ of \_\_\_". An index of all supporting detail map sheets shall be included on the first sheet. For a more efficient presentation, any information required in Section 4.4 may be combined on plan sheets, provided that the information is presented in a clear and understandable manner. Revision dates shall be shown if plans are updated or revised during the review process.
- c. All prints of maps and plans shall be clear and legible and shall be bound along the left side, with required identifying data on each sheet.
- d. All maps shall be prepared by and shall bear the name, seal and original signature of a land surveyor or professional engineer, or both, as required under Section 4.3. Final maps presented for endorsement and filing shall include a raised seal and original signature of the land surveyor or professional engineer, or both, as required, and shall be a fixed line photographic mylar printed on good quality polyester film meeting State requirements for filing with the Town Clerk.
- e. All maps sheets shall include the following information:
  - 1) name of the proposed subdivision or identifying title, which shall not duplicate the title of any previous subdivision in the Town of Chester;
  - 2) name and address of the owner of land to be subdivided, the name and address of the subdivider if other than the owner;
  - 3) date prepared, approximate true north point, numerical and graphic scale. North arrows, to the extent practical, shall be consistent from one map to another.

**4.4.1 Key Map:** A Key Map showing the relationship of the proposed subdivision to the surrounding neighborhood shall be provided, and shall show all public streets, lands reserved for special use, and major subdivisions located within one-half mile of the boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided shall be shown on the Key Map in sufficient detail to allow for transfer of information to the Commission's base map. The scale of the Key Map shall be 1" = 1000'.

**4.4.2 Boundary Survey Map:** A Boundary Survey Map of the entire tract to be subdivided shall be provided, prepared by a land surveyor in accordance with the Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20-300b-20 inclusive. The Boundary Survey Map shall show names of all abutting land owners and public streets, the layout of all lots and streets within the tract to be subdivided, and all lands to

be dedicated as open space, parks or playgrounds. The scale of the Boundary Survey Map shall be at least 1" equals 40 feet, but not less than 1" = 100'.

**4.4.3 Detailed Layout Maps:** Detailed Layout Maps shall be at a scale of one inch equals 40 feet (1"=40') unless otherwise approved by the Commission. Where it is not possible to fit the entire subdivision plan on one sheet at a scale of 1"=40', more than one sheet may be used, provided that match lines are indicated. If more than one sheet is used, an index map shall be provided showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by the section or sheet and match lines between sections.

**All Detailed Layout Maps shall show the following information to the extent that the information occurs in, or is applicable to the particular subdivision:**

**1.** Information on site conditions and land evaluation within the property to be subdivided and within 100 feet thereof, as follows:

- a. Existing contours at intervals of five (5) feet or less, based on field or aerial survey, using the bench mark as required for Construction Plans in Section 4.4.4. The Commission may require contour lines at lesser intervals where necessary to properly evaluate the proposed development. In areas where there is no significant change in elevation over an extended area, spot elevations shall be shown.
- b. Existing man-made features, including buildings and structures; any proposed removal, demolition, relocation or retention of existing man-made features. Detailed layout maps shall also show existing trails, stone walls, fences and dams, and other man-made features.
- c. Location of all known significant archaeological, historic, and natural features.
- d. Location of all exposed ledge outcroppings
- e. Existing watercourses; exterior limits of inland and tidal wetlands, if applicable, which shall be identified and located in the field by a certified soil scientist or other qualified professional.
- f. Any areas subject to frequent, periodic or potential flooding; the boundaries of any Special Flood Hazard Areas and floodways and the base flood elevation data therefore; the lowest floor elevations that would be applicable for building on any lot in any Special Flood Hazard Area
- g. Boundaries and classification codes of soil types under the National Cooperative Soils Survey of the USDA Natural Resources Conservation Service

- h. Location and results of all percolation test holes, deep test pits and borings
  - i. Location and species of specimen trees; existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken
  - j. Location of any existing wells on the property and on land within 100 feet of the property
  - k. Location of any drainage discharge points onto the property from any street or other property.
2. **Property ownership information** as follows, with all lines (except as noted) drawn with dimensions to the nearest hundredths of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs;
- a. Name and address of owner of property; name and address of applicant, if different from the owner
  - b. Perimeter boundary survey of the entire property, with dimensions, and the area of the property to be subdivided; the boundary line shall be a heavy weight line easily distinguishable from other property lines
  - c. Location of existing property lines for a distance of 75 feet from the property, except where the property borders a road, where the location of property lines across the road shall be shown
  - d. Name of street, both street right-of-way lines, and pavement location of any street abutting or within 50 feet of the property
  - e. The survey relationship of the property to the State of Connecticut grid coordinate system;
  - f. Names of all subdivisions or owners of property abutting the property to be subdivided, including those across any street if the proposed subdivision abuts an existing street
  - g. Existing property markers and monuments
  - h. The Zoning District in which the property is located, and any Zoning District within 100 feet of the property
  - i. Any municipal boundary line on or adjacent to the subdivision
  - j. Any boundary line of the Gateway Conservation District and/or the Coastal Boundary
  - k. Any building setback lines established by zoning regulations, town ordinance or other law

- l. Existing open space for parks and playgrounds and other open space purposes, and the square footage and acreage thereof
- m. Location and dimension of existing easements; notation of all existing restrictions on the use of the land, including easements and covenants
- n. Any reserved areas for watercourses and wetlands protection or for conservation areas;
- o. Any encroachment lines along rivers and watercourses.

**3. Proposals for development** of the subdivision as follows:

- a. Proposed lots and lot numbers, and the square footage and acreage of each lot with dimensions and areas
- b. Proposed contours at an interval not exceeding five (5) feet, based on field or aerial survey, using the bench mark as required for Construction Plans in Section 4.4.4; in areas where there is no significant change in elevation over an extended area, spot elevations shall be shown.
- c. Proposed man-made features, including but not limited to buildings, structures, fences, retaining walls and the like;
- d. The location proposed for a building on each lot and a driveway, including floor elevations and driveway grades where necessary to demonstrate feasibility of use of the lot
- e. Proposed property markers and monuments in accordance with Section 5.16.
- f. Location and dimension of proposed easements; notation of all proposed restrictions on the use of the land, including easements and covenants
- g. Any required or proposed setback lines or buffers
- h. Proposed streets and other rights-of-way, and the width thereof; location and width of street pavement
- i. Existing and proposed storm drains, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other drainage structures
- j. The proposed location of any activity that is subject to the Inland Wetlands and Watercourses Regulations of the Town of Chester, including any relocation or construction for channels or watercourses

- k. Water mains, hydrants and appurtenances; electrical and telephone lines
- l. The proposed location of any on-site wells and subsurface sewage disposal systems, for the purpose of demonstrating feasibility of use of the lot. Actual location of wells and septic systems may be different.

**4. The following additional information:**

- a. Map information as required for a Coastal Site Plan under Section 4.5.4.
- b. Map information as required for a Sedimentation and Erosion Control Plan as specified under Section 4.4.5
- c. Signature block, as follows:
  - 1. A signature block entitled "*Approved by the Chester Planning and Zoning Commission*", with a designated place for the signature of the Chairman/woman or Secretary and the date of the Commission vote to approve; and the words "*Expiration date per Section 8-26c, Connecticut General Statutes*", with a designated place for such date
- d. Such additional notes as may be required or approved by the Commission, such as restrictions pertaining to building lines, reserved areas, easements, solar access, fire protection, on-site sewage disposal and water supply and other features on the map.

**4.4.4 Construction Plans:** Construction plans shall conform to the standards set forth in Section 5 of these Regulations for streets, sidewalks, storm drainage, water and sewer systems, and other improvements, and to any other such design and construction standards as may from time to time be adopted by a formal vote of the Commission, and incorporated into these Regulations.

- a. Preparation: Construction plans, including details and specifications, shall be prepared by and shall bear the name and seal of a professional engineer, provided however, that particular elements of the plan, as authorized under Section 4.3, may be prepared by a land surveyor or other qualified professional.
- b. Scale : Construction plan drawings shall have a horizontal scale of 1" = 40'; profile drawings shall have a vertical scale of 1" = 4'. Drawings of special structures and details may be prepared in other format acceptable to the Commission or its designated agent. Profile drawings, inverts, existing and proposed contours and key elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be consistent among the plan sheets and shown on the plans.
- c. General Format: All plans showing construction of subdivision improvements shall include the following elements: (1) an overall view, (2) profiles and cross sections, (3)

Sedimentation and Erosion Control Plan, according to Section 4.4.5, and (4) a Grading Plan, according to Section 4.4.6

- d. Specific Information: The following information shall be shown on the Construction Plans as applicable to a particular subdivision:
1. Existing and proposed contour intervals shown on construction plans shall not exceed two feet, and shall be the result of a topographic survey performed to the standards established under the Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20,300b-20 inclusive.
  2. For streets:
    - a) street names; right-of-way lines, the edge and width of pavement; center line radius; stations at 50' intervals, low points, high points, points of curvature, points of tangency and at intersections.
    - b) existing profile grades at the center line and both right-of-way lines,
    - c) proposed profile grades along road centerline elevations, and at the low points, high points, points of vertical curvature (pvc), points of vertical intersection (pvi) and points of vertical tangent (pvt).
    - d) pavement radii at corners,
    - e) length of vertical curves,
    - f) typical street cross section, cross section at all cross culverts, cross sections where there are to be substantial cuts and fills affecting abutting property,
    - g) the location of lot lines intersecting the right-of-way line and the lot numbers of the lots,
    - h) location of sidewalks, curbs and gutters, guide rails or posts, street lights, road monuments, traffic control devices, and signage.
  3. for drainage, sanitary sewers and pipe systems:
    - a) location, depth, invert, slope, frame and grade elevations, size and type of all pipes, culverts, manholes, headwalls, and catch basins, including offsets from street centerline
    - b) cross section, depth, slope and location of all natural and man-made watercourses, ditches and swales,
    - c) water mains, valves and hydrants; sanitary sewers and appurtenances; house service connections and curb stops,
  4. detail drawings of bridges, box culverts, deep manholes, retaining walls and other special structures.
  5. provision for control of erosion and sedimentation both during and upon completion of construction, in accordance with Section 4.4.5
  6. at intersections and other locations where there may be sight distance restrictions, a sight line demonstration may be necessary

7. drainage analysis map and computations to enable the Commission or its agent to review the drainage design and the sufficiency of downstream drainage systems to accommodate runoff from the subdivision; design for any temporary or permanent storm water detention or retention area
8. A signature block entitled "*Approved by the Chester Planning and Zoning Commission*" with a designated place for the signature of the Chairman/woman or Secretary and the date of signing.

**4.4.5 Sedimentation and Erosion Control Plan:** A soil erosion and sediment control plan shall be submitted with the subdivision application in the following cases:

- (1) When the disturbed area of such subdivision is cumulatively more than one half acre, or contains inland wetlands or watercourses;
  - (2) For any lot within the Gateway Conservation District; or
  - (3) For any lot within a proposed subdivision which is within 50 feet of coastal resources, including rocky shorefront, coastal bluffs and escarpments, beaches, dunes and tidal wetlands, as defined in the Connecticut Coastal Management Act.
- a. The plan shall include a map showing existing and proposed topography; location of any areas proposed to be cleared, stripped of vegetation and/or graded, or otherwise altered; location and design of structural control measures, including diversions, waterways, grade stabilization structures, debris basins and other measures; revegetation plans; and a schedule of operations including sequencing of clearing, grading, installation of control measures, and revegetation. Design of control measures and operations shall be consistent with principles, methods and practices found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), and amendments thereto.
  - b. The applicant shall provide a written report describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.
  - c. All development shall comply with the following guidelines:
    - (1) Development shall be fitted to the topography and soils so as to create the least erosion hazard;
    - (2) Natural vegetation shall be retained and protected wherever feasible;
    - (3) Only the smallest practical area of land shall be exposed at any one time during development;

- (4) When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
  - (5) Temporary vegetation and/or mulching shall be used to protect exposed areas during development;
  - (6) Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters and from land undergoing development where feasible and practical;
  - (7) Permanent final vegetation and structural erosion control measures shall be installed as soon as practical in the development.
- d. The soil erosion and sediment control plan may be incorporated on the Detailed Layout Map and/or Construction Plans.
- e. Name of person responsible for implementing the Sedimentation and Erosion Control Plan.

**4.4.6 Grading Plan:** If not shown on the Construction Plans, a grading plan shall be prepared which shall show proposed new grading of the roadway and any drainage courses, proposed grading of all lots within the subdivision for which substantial topographic alteration is required in order to accommodate the proposed construction, and any other major grading, cuts, fills or soil or rock removal proposed in the subdivision.

- a. The area shown on the grading plan may be limited to the portion of the subdivision affected by the proposed grading, cuts, fills, or soil or rock removal
- b. The grading plan shall be shown at the same scale as the detailed layout map, and shall be prepared to similar standards of accuracy
- c. Existing and proposed contours at intervals of two feet are required. If requested by the Commission, cross-sectional drawings of the area to be regraded shall be provided
- d. The plan shall indicate the total volume and nature of material to be removed or deposited for road construction.

#### **4.4.7 Archaeological Assessment**

An on-site archaeological assessment shall be required; if in the judgment of the Commission, there is a likelihood that significant cultural resources or undetected human

burials will be adversely impacted by construction activities associated with the proposed development.

In all subdivisions of twenty (20) acres or more, applicants shall make written inquiry of the State Archaeologist to determine if there are sites of archaeological significance within the subdivision. The assessment shall be conducted in accordance with standards outlined in the Environmental Review Primer for Connecticut's Archaeological Resources. The State Archeologist's report shall be included with the application.

#### **4.4.8 Future Development of Undeveloped Portion of a Tract/Phased Development:**

If the proposed subdivision covers only a part of the record owner's or applicant's contiguous land holding, the applicant shall submit a schematic map showing the possible location of future streets, lot layout, and open spaces. The Commission will review the schematic plan in order to assist the applicant in providing the most efficient use of land in relationship to the surrounding area. This schematic map is for informational purposes only and shall not be binding on either the applicant or the Commission.

### **4.5 REPORTS**

Reports required under this Section may be included as plan notes where appropriate, provided that all information is shown in a clear and legible form. The applicant shall submit six copies of all reports not included as plan notes.

**4.5.1 Water and Sewer:** The applicant shall submit a written report, prepared and sealed by a professional engineer, currently licensed to practice in the State of Connecticut, or other qualified professional, describing the proposed water supply and method of sewage disposal for the subdivision. Prior to submission of the report to the Commission, the applicant shall secure endorsement of the report by the Director of Health of the Town of Chester or his/her designated agent.

**4.5.2 Traffic Study:** For all residential subdivisions containing 15 lots or more, and for all non-residential subdivisions, the Commission may require the applicant to submit a traffic study describing the pedestrian and vehicular access to and within the proposed subdivision. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total when determining the need for a traffic study. Traffic studies may be required for subdivisions containing less than 15 lots, if the Commission determines that hazardous or unsafe conditions may be created or exacerbated by the proposed development. The report shall include traffic characteristics and level of service on existing streets affected by the subdivision, and any proposed measures to increase traffic safety and mitigate identified hazardous or unsafe conditions resulting from the subdivision. In preparing this report, the applicant shall be guided by the requirements of Section 5.5 of these Regulations.

**4.5.3 Stormwater Runoff:** For all subdivisions involving the creation of new streets, the applicant shall provide a mapped and written description of all drainage measures, prepared by a professional engineer according to Section 4.3. The mapped description

shall be shown in accordance with requirements for construction plans in Section 4.4.4. The written description shall identify the method used to calculate runoff, runoff characteristics of the property before and after development, drainage calculations, structural elements of the proposed drainage design, maintenance procedures, safety measures including fencing and trash racks, proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces, and proposed ownership of any structural elements, and all design and construction requirements in accordance with Section 5.10.

**4.5.4 Coastal Management:** All subdivisions of land located fully or partially within the Coastal boundary, as defined in the Connecticut General Statutes Chapter 444, Section 22a-94, and indicated on the Chester Zoning Map, shall be subject to the coastal site plan review requirements, procedures and definitions set forth in Chapter 444, and with the following requirements of these regulations:

- a. In addition to requirements set forth elsewhere in these Regulations, coastal site plan applications must include the following information:
  - (1) A plan showing the location and spatial relationship of coastal resources on and contiguous to the property proposed for subdivision
  - (2) A description of the location, design, and timing of construction of any subdivision improvements
  - (3) An evaluation of the capability of resources to accommodate the proposed use
  - (4) An evaluation of the suitability of the subdivision for the proposed site
  - (5) An evaluation of the potential beneficial and adverse impacts of the subdivision and a description of proposed methods to mitigate adverse effects on coastal resources
- b. The applicant shall demonstrate that the adverse impacts of the proposed subdivision on coastal resources and future water dependent development opportunities are acceptable and that such activity is consistent with the goals and policies of the Coastal Management Act.

**4.5.5 Flood Protection:** When a subdivision is proposed for land subject to flooding, as identified by the National Flood Insurance Program, the applicant shall supply written confirmation from the Chester Building Official and Director of Health, Town of Chester, or his designated agent, that utilities, water, sewage disposal systems and electrical service are located or designed so as to minimize or eliminate flood damage or infiltration. The applicant's engineer shall provide assurances that the flood carrying capacity is maintained within any altered or relocated portion of any watercourse. Flood

protection measures shall be designed in accordance with the requirements of Section 5.3.

**4.5.6 Energy Conservation:** The applicant shall submit a written statement describing the manner in which the proposed subdivision will utilize passive solar energy techniques, as required in Section 5.4. This report may be included as a note on the subdivision map where appropriate.

**4.5.7 Purpose and Disposition of Open Space:** The applicant shall provide a written report describing any open space proposed in accordance with Sections 5.11. The written report will include a description of natural resources on the open space tract, proposed use of the tract, proposed ownership and management recommendations. A copy of any restrictive covenants and/or conservation easements shall be included in the report. The report shall be submitted for review to the Chester Conservation Commission and to the recipient of the dedicated open space. The applicant shall supply written confirmation that the report has been reviewed by the Conservation Commission and the recipient of the open space, in the form of letters from the Conservation Commission and from the recipient of the dedicated open space.

**4.5.8 Archaeological and historic preservation:** The applicant shall provide a written description of any significant historical sites or buildings, identified archaeological sites, existing trails, stone walls, and unique natural features located on the property to be subdivided. The applicant shall include a written statement of any measures which will be taken to preserve important cultural and natural resources on the site. Suitable public access to any preserved feature may be required by the Commission.

**4.5.9 Fire Protection:** The applicant shall provide a written report describing measures to be taken to provide fire protection to the subdivision, including fire access and water supply, in accordance with Section 5.12. The applicant shall supply written confirmation that the report has been reviewed by the Fire Department, either in the form of a letter from the Fire Department or by an endorsement of the written report by a designated representative of the Fire Department.

**4.5.10 Other Approvals:**

**a. State Highway Connections:** Where a proposed street, driveway, or storm drainage system joins with a State Highway, the applicant shall present a copy of a letter or other document giving evidence that the construction plans have been submitted to and reviewed by the Connecticut Department of Transportation. A permit from CONNDOT or a letter indicating intent to issue such permit shall be obtained by the applicant and accompany the application prior to Commission approval.

**b. Other State and Federal Approvals:** In the case of any use, improvement, system, or facility requiring approval of any department or agency of the federal or state government not cited elsewhere in these Regulations, the applicant shall provide

evidence of the approval from such department or agency, or a copy of a letter or other documentation showing that the applicant has applied for such approval.

#### **4.6 LEGAL DOCUMENTS**

All legal documents related to roads, open space, drainage and other restrictions shall be submitted in duplicate. All legal documents are subject to approval by the Town Counsel and the Commission.

4.6.1 Legal documents which must be submitted for Commission and Commission's Counsel review as part of the submission at time of application include, but are not limited to, the following:

- a. Proposed deed for proposed open space areas
- b. Proposed text of required easements of all types, including easements for storm drainage, conservation, utilities, access, temporary easements for construction purposes, and sloping rights
- c. Organizational documents and by-laws for homeowners' association, when proposed
- d. Any maintenance agreements

4.6.2 Legal documents which must be submitted prior to final acceptance of the public improvements:

- a. Deed for proposed roads
- b. Deeds and/or easements for the proposed storm drainage system, including any necessary rights-to-drain onto private property and maintenance of Fire Protection water supplies
- c. Documents required in Section 4.6.1 in their final form

#### **4.7 ADDITIONAL INFORMATION REQUIREMENTS**

The Commission may require any other information necessary to establish that the proposed subdivision is in conformance with the purposes of these subdivision regulations, as established in Section 1.2.

#### **4.8 WAIVER OF INFORMATION REQUIREMENTS**

For all subdivisions, a waiver of specific information requirements of Section 4 may be requested, in writing, prior to or simultaneously with the submission of a formal application. The Commission may grant the waiver request if it finds that the information for which the waiver is requested is not necessary to determine compliance with these subdivision regulations. Requirements of Section 4.3 regarding professional

assistance, and for the Key Map, Boundary Survey Map, Coastal Site Plan, Water and Sewer Report, and Sedimentation and Erosion Control Plan, where applicable, shall not be waived. When a waiver request is denied, the applicant shall provide the information requested no later than the next regularly scheduled meeting of the Commission, or at such later time as the Commission may allow.

## **SECTION 5 ... DESIGN REQUIREMENTS**

### **5.1 GENERAL REQUIREMENTS**

**5.1.1 Chester Plan of Development:** Subdivisions shall be planned and designed in general conformance with the Chester Plan of Development, adopted by the Planning and Zoning Commission in accordance with Chapter 126 of the Connecticut General Statutes, particularly with regard to the location and classification of streets; provision of sewage disposal, water supply, drainage systems and service areas; and reservation of land for parks, recreation and open space.

**5.1.2 Subdivision Design:** Subdivisions containing four or more lots shall be required to submit both a Conventional Subdivision and a Conservation Subdivision layout for consideration at a regularly scheduled meeting of the Chester Planning and Zoning Commission. The Commission will have 35 days in which to make a determination on the type of subdivision most suitable for the developable land. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of pre-judgment or prejudice, it being acknowledged by the

applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement.

**5.1.3 Natural Features:** The planning and design of subdivisions, including streets, drainage and other improvements, and the layout of lots, shall provide for retention of the natural features of the tract:

- a. by avoiding excessive cuts, fills and regrading which result in potential soil erosion, tree and other vegetation removal, and disturbance to water resources;
- b. by maintaining water courses and wetlands in their natural location and avoiding relocation of and encroachment thereon;
- c. by retention and protection of large specimen trees and forested areas.
- d. by management of coastal natural resources in a manner consistent with the policies of the Chapter 444 of the Connecticut General Statutes, in accordance with Section 4.5.4 of these Regulations.

#### **5.1.4 Historical Cultural and Archaeological Preservation:**

**5.1.4.1 Cultural Resource Preservation.** Subdivisions and resubdivisions shall be laid out to preserve significant cultural resources and unique natural features. Suitable public access to any cemetery may be required by the Commission. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of the Subdivision Regulations.

**5.1.4.2 Cemeteries and Human Burials.** All cemeteries and human burial grounds within the proposed subdivision shall be deeded to the Town of Chester, an existing cemetery association, a homeowners association, or other responsible party, as deemed appropriate by the Commission, along with a twenty (20) foot protective buffer, as measured from stonewalls surrounding a cemetery, or from any identified human burial in the absence of walls or other demarcated boundary.

**5.1.4.3 Archaeological Assessment.** An on-site archaeological assessment shall be required, if in the opinion of the Commission, there is a likelihood that significant cultural resources or undetected human burials will adversely impacted by construction activities associated with the proposed development.

In all subdivisions of twenty (20) acres or more, all applicants shall make written inquiry of the State Archaeologist to determine if there is evidence of sites of archaeological significance within the subdivision. The assessment shall be conducted in accordance with standards outlined in the Environmental Review Primer for Connecticut's Archaeological Resources. The State Archeologist's report shall be included with the application.

#### **5.1.5 Design and Construction Standards**

**5.1.5.1 Applicable standards:** Proposed subdivisions and resubdivisions, and all streets, storm drainage and other improvements required by these Regulations shall be designed and constructed in accordance with the following standards specified in these Regulations; all applicable Ordinances and Special Acts of the Town of Chester; the Connecticut Public Health Code, latest revision; Connecticut Department of Transportation Standards for Roads and Drainage, and other codes and standards which may be incorporated by reference within these Regulations. Whenever there is a conflict among the standards cited herein, the most stringent requirement shall govern unless specifically waived by the Commission.

**5.1.5.2 Consideration of Alternate Construction Standards:** The Planning and Zoning Commission recognizes both the need for flexibility to accommodate individual site conditions and the desirability of using state-of-the-art technology. The Commission will consider and may approve alternative design and construction standards if they comply with the standards developed for Conservation Subdivisions as listed in Section 63 of the Chester Zoning Regulations.

**5.1.6 Site Disruption and Restoration:** Insofar as possible, natural vegetation and unusual topographic features shall not be disturbed during construction. Upon completion of improvements, and prior to release of the construction bond in its entirety, the developer shall be required to properly grade any disturbed land to dispose of undesirable surface water, remove all brush and debris created by human intervention, and grade and seed all open or disturbed areas to field grass. All temporary ditches shall be filled; all drainage lines, catch basins and manholes shall be cleaned and flushed; all streets, walks, curbs and other structures shall be cleaned and repaired; and the whole site shall be left in a neat and clean condition.

**5.1.7 Disposal of Construction Debris:** No onsite burial of construction debris, brush or stumps is permitted, except that large boulders and other earth materials may be disposed of on site only with the explicit written approval of the Commission. Any area used for disposal of large rocks or other earth materials shall be shown and designated on the subdivision plan as a "rock disposal area".

## **5.2 LOTS**

**5.2.1 Building Lots:** Proposed building lots shall meet all requirements of the Town of Chester Zoning Regulations. In addition, in accordance with Section 8-25 of the Connecticut General Statutes, all building lots shall be of such shape, size, location, topography, accessibility and character that said lots can be occupied and used for building purposes without danger to the health and safety of the occupants, the neighborhood or the general public. Any proposed lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soils, topography, ledge rock or other adverse conditions shall be combined with another contiguous lot that is suitable. Proposed building lots shall be planned as follows:

- a. to make best use of the natural terrain; to preserve natural features, including but not limited to stone walls, foundations, woods, rock outcroppings, views and vistas and water features. For erosion control, the preservation and protection of mature shade trees and undergrowth throughout the Subdivision shall be encouraged, except where they interfere with roads and utilities.
- b. to be capable of use without extensive filling or regrading which would result in potential erosion and sedimentation, excessive vegetation removal, or substantial alteration of natural terrain;
- c. to be capable of accommodating buildings as permitted by the Chester Zoning Regulations, together with driveway access, parking spaces and suitable sites for on-site sewage disposal and water supply where required, without disturbing wetlands and watercourses unless authorized by the Chester Inland Wetlands Agency.
- d. to be laid out in such a way as to maximize potential use of passive solar energy design techniques, as defined in the Connecticut General Statutes, to the extent practicable.

**5.2.2 Lot Size:** Each lot shall conform to the minimum acreage requirements of the Chester Zoning Regulations unless required by these Regulations to be larger because of natural conditions affecting public health and safety, including accommodation of on-site sewage disposal and water supply systems.

**5.2.3 Street Numbers:** All lots numbers shall be assigned by the Chester Assessor to conform with the town's lot numbering system.

**5.2.4 Lot Frontage:** All lots shall have frontage consistent with the Chester Zoning Regulations, on either an existing approved street or upon a new street to be created as part of an approved subdivision plan.

**5.2.5 Minimum Square:** All lots in a subdivision shall be of such shape that a square equal to the "minimum lot width" of each side can be placed within the boundary lines of the lot. The "minimum lot width" is set forth in the Chester Zoning Regulations.

**5.2.6 Lot Access/Driveways:** Each lot shall be capable of being accessed by an individual driveway located at the designated lot frontage, except in cases where the Commission determines that a combined driveway serving more than one lot will reduce traffic conflicts or preserve significant natural features.

**5.2.7 Lot Lines and Town Boundaries:** In general, lot lines shall be laid out so as not to cross town boundaries. It shall be within the discretion of the Commission to refuse to

allow lots to cross a municipal boundary line. In the event of such refusal, the boundary line shall be made to constitute one of the lot lines.

**5.2.8 Bodies of Water:** If a tract of land being subdivided contains a body of water or portion thereof, including a dam or other structure, the Commission may require that the lot lines be drawn so as to place the entire ownership and burden of maintenance of the body of water and dam or other structures in undivided ownership.

### **5.3 FLOOD PROTECTION**

**5.3.1** When the subdivision includes land in a Special Flood Hazard Area or regulated floodway, the lots, streets, drainage and other improvements shall be reasonably safe from flood damage and shall conform to the following:

- a. Lots and improvements shall be consistent with the need to minimize flood damage within Special Flood Hazard Areas and shall be capable of use without damage from flooding or flood related damage.
- b. All utilities and facilities, such as sanitary sewer systems, water supply systems and electric and gas systems, shall be located and constructed to minimize or eliminate flood damage. Water supply and sanitary sewer systems shall be designed to minimize or eliminate both infiltration of flood waters into such systems and discharges from such systems into flood waters.
- c. The Commission shall require written assurances prepared by and bearing the seal of the applicant's licensed professional engineer, and written confirmation from the Chester Building Official and Sanitarian that utilities, water, sanitary sewer systems, and electrical service can be located or designed so as to minimize or eliminate flood damage or infiltration.
- d. Where feasible, the Commission may require that new streets and existing streets being brought up to current street design and construction standards be constructed above the base flood elevation of a flood hazard area. The Commission may also require that any access driveway to a residential dwelling be raised above the base flood elevation to provide safe access during flood conditions.

### **5.4 ENERGY EFFICIENCY**

Pursuant to Section 8-25 (b) of the Connecticut General Statutes, the applicant shall demonstrate to the Commission that in developing the subdivision plan, consideration has been given to the use on each lot of passive solar energy techniques that would not significantly increase the cost of use and occupancy of the lot. Passive solar energy techniques are subdivision or site design techniques which a) maximize solar heat gain, minimize heat loss and enable thermal storage within buildings on each lot during the heating season and b) minimize heat gain and provide for natural ventilation during the cooling season.

## 5.5 STREETS

**5.5.1 Street Planning:** Proposed streets shall be planned in such a manner as to provide safe and convenient access to proposed lots, and safe and convenient circulation for present and prospective traffic within the neighborhood where the subdivision is located. In planning streets, due consideration shall be given to accomplishing an attractive layout and development of the land. Wherever feasible, streets shall follow a gently curving alignment compatible with the terrain, and which preserves substantial trees, woods and other natural features. If, in the opinion of the Commission, the proposed streets require excessive grading and/or clearing so as to have an unfavorable impact on the environment, the Commission may require the applicant to take mitigating measures including, but not limited to, street redesign and lot reduction.

The design of each residential street shall be appropriate to its function and street classification as described in the Chester Road Regulations. Properly scaled and designed streets create attractive communities and contribute to overall community character. Traffic within residential areas shall be designed to be kept to a minimum to reduce noise, congestion and hazards to pedestrians. Where possible, street layouts shall be planned to avoid excessive storm water runoff and the need for extensive storm drainage installations.

**5.5.2 Access from Major Roads (Reverse Frontage):** Wherever practicable, lots adjacent to a State Highway, Arterial Collector or Residential Collector Street shall have their frontage reversed and shall front on a street one lot depth removed from the state highway or town road, or shall front on an intersecting side street. Reverse frontage lots which have their rear lot line adjacent to a State highway or town road right-of-way shall have a buffer a least twenty-five feet wide along the property line abutting the road right-of-way. The Commission may require that the buffer contain a fence, wall, stream, hedge, dense trees or other suitable deterrent to access.

**5.5.3 Connection to existing streets:** All subdivision streets shall connect directly to one or more accepted town roads or state highways. Subdivisions containing more than 25 lots shall have at least two direct connections to one or more accepted public roads, unless waived by the Commission. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total number of lots in determining the need for a second direct connection.

**5.5.3.1 Access from another municipality:** Whenever access to the subdivision is required across land in another municipality, the Commission may request assurance that access is legally established and that the access road is adequately improved, or that adequate security has been posted in a form acceptable to the Commission and is sufficient in amount to guarantee the construction of the access road.

**5.5.4 Future Street Connections:** Streets shall be laid out to provide connections with existing streets on adjacent properties where appropriate, and also with proposed streets that may be provided for in the Plan of Development. When a subdivision adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connection with the adjoining land where it appears probable that the latter could be subdivided. Proposed streets which may be projected into adjoining properties shall be carried to the boundary line. Rights-of-way for future streets shall have proper width for the street classification, with suitable sloping and drainage rights, and shall be conveyed by warranty deed to the Town of Chester.

**5.5.5 Street Widening:**

- a. No increase in width of a street right-of-way will be permitted beyond the minimum width specified in the Chester Road Regulations when the purpose of such widening is to create additional street frontage for additional proposed lots.
- b. Where the proposed subdivision abuts an existing town street which does not have the minimum right-of-way width required in the Chester Road Regulations, the applicant shall convey to the Town sufficient land along such road as to permit its widening to conform to Town standards. The applicant shall also convey any necessary drainage easements or sloping rights necessary to improve the road to town road standards. Where the Commission determines that the condition of the existing road is such that the approval of the subdivision could result in a potential safety hazard, the Commission may require that the applicant make improvements to the existing town road to assure the safety of the residents of the new subdivision.
  - 1) When the property to be subdivided abuts a state highway, the applicant may be required to convey land for road widening, or easements for drainage or grading purposes to the Town of Chester or the State of Connecticut as appropriate.
- c. Where a proposed street right-of-way is located adjacent to a property boundary, which property is not owned by the subdivider, the right-of-way shall have extra width or area necessary to accommodate all road construction within the right-of-way without encroachment on the adjacent land. The requirement may also be met by the acquisition of construction easements and sloping rights from the adjacent land owner, provided that the rights are in a form approved by the Commission.

**5.5.6 Street Names:** Streets which are designed to connect and align directly with other streets shall bear the same name. No duplication of street names shall be permitted, and similar sounding names shall be avoided. Street names shall be appropriate to the character of the Town and, wherever possible, shall reflect the geographic or historic

aspects of the area in which the street is located. All street names are subject to the approval of the Commission.

## **5.6 SIDEWALKS AND BIKEWAYS**

The Commission may require the installation of sidewalks in pedestrian easements, on local streets in the vicinity of schools and playgrounds, and in other places deemed proper by the Commission for public necessity and safety. When sidewalks are required, plans for the sidewalks shall be shown on the construction plans.

**5.6.1 Pedestrian Easements:** In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of easements for pedestrian ways, which shall be a minimum of 10 feet in width.

**5.6.2 Bikeways:** The Commission may require bikeways to be constructed when deemed necessary for public safety, and when such bikeways will contribute to a integrated system of bikeways providing an alternative means of transportation for the town. A bikeway may be either a separate trail or path for the exclusive use of bicycles, or a portion of the roadway which has been designated for preferential or exclusive use of bicycles, separated from the roadway by a paint stripe or curb or other similar device.

## **5.7 SEWAGE DISPOSAL REQUIREMENTS**

Each lot shall be capable of being provided with adequate and safe means of sewage disposal on a continuous, long term basis to meet the requirements of uses permitted on the lot under the Zoning Regulations for Chester, Connecticut.

**5.7.1 Written report:** No proposed lot shall be approved unless a written report endorsed by the Director of Health, Town of Chester, or his/her designated agent, is submitted to the Commission, concurring with the adequacy of plans for sewage disposal facilities.

**5.7.2 Soil tests required:** If private subsurface sewage disposal systems on individual lots are proposed, percolation tests and deep observation pits shall be required on each lot, in the vicinity of the primary and reserve leaching areas, at the subdivider's expense. These tests shall be conducted to conform with requirements of the Connecticut Public Health Code or the Ordinances and Special Acts of the Town of Chester, whichever are more restrictive. The Director of Health or his designated agent may prescribe the location and depth of tests, number of tests, specifications for testing, season of year necessary for valid testing, and stage of site preparation suitable for relevant testing. All soil tests shall be witnessed by the Director of Health or his designated agent, whose findings and recommendations shall be submitted to the Commission. All proposed lots shall provide for a reserve leaching area in accordance with the Connecticut Public

Health Code or the Ordinances and Special Acts of the Town of Chester, whichever are more restrictive.

**5.7.3 Site capacity for individual lots and site capacity for multiple lots:** Using the Minimum Leaching System Spread (MLSS) criteria in the Connecticut Public Health Code or the Ordinances and Special Acts of the Town of Chester, whichever are more restrictive, the applicant shall demonstrate to the satisfaction of the Commission's reviewing engineer that each proposed lot can accommodate a subsurface sewage disposal system for a single family residence having four bedrooms. The applicant may be required to demonstrate that the cumulative effect of all the sanitary systems to be built in the subdivision will not degrade the groundwater quality at the boundaries of the subdivision, the total sewer shed area, or at areas of concern, ie. wetlands, ledge outcroppings and the like. The analysis of the cumulative effect shall include, but not be limited to nitrogen renovation, bacteria renovation, and hydraulic capacity.

**5.7.5 Larger Lots:** When the results of deep test pits and percolation tests indicate a need for larger lots, final approval of the subdivision plan shall not be granted until such larger lots as required are shown on the maps.

**5.7.6 Test Results on Plan:** Location, test dates and results of deep test pits and percolation tests shall be shown on Detailed Layout Maps.

**5.7.7 Compliance With Code:** All subsurface sewage disposal systems shall be designed and constructed in accordance with the Connecticut Department of Public Health Department, Public Health Code Regulations, all Ordinances and Special Acts of the Town of Chester, and any applicable regulations and standards of the Connecticut Department of Environmental Protection, whichever are more restrictive.

**5.7.8 Septic Systems in Flood Hazard Areas:** For lots in Flood Hazard areas, the applicant shall submit a report by a professional engineer, currently licensed in the State of Connecticut, giving assurances that each lot is capable of accommodating an on-site sewage disposal system in a manner that avoids impairment of the system and contamination from the system during flooding.

## **5.8 PROVISION OF ADEQUATE WATER SUPPLY**

Each lot shall be capable of being provided with an adequate and safe water supply on a continuous, long term basis to meet the requirements of uses permitted on the lot under the Chester Zoning Regulations.

**5.8.1 Public Water Supply:** The Commission may require public water supply connections and/or extensions to be made available to each lot in any subdivision which is either (a) located within an area currently served by an existing public water supply system, or (b) where any part of the land being subdivided is located within 200 feet of the nearest existing public water supply service line.

5.8.1.1 Where such service is available, each lot shall be served by and provided with a curb connection to a central water supply system. Such system and connection shall meet all the technical and administrative requirements of the Director of Health of the Town of Chester, the State of Connecticut, and the utility company providing the service. The Commission may approve individual private wells if it determines that a central water system is not available or cannot reasonably be provided or extended by the applicant to serve the lot.

5.8.1.2 If a public water supply is to be used for the subdivision, the applicant shall submit written evidence of agreement by the water company to provide a safe and adequate public water supply.

**5.8.2 Individual private wells:** If private water supply wells for individual lots are proposed, the applicant shall submit a written statement from the Director of Health, Town of Chester, or his designated agent, stating that a well can be located in compliance with the separation requirements of the Connecticut Public Health Code, latest revision, or the Ordinances and Special Acts of the Town of Chester, whichever is more restrictive.

5.8.2.1 Hydrogeological study: For any subdivision containing 10 or more lots in which private water supply wells are proposed, the Commission will require a water study, prepared by a certified hydrogeologist, addressing the adequacy of ground water supplies and the effect of the proposed subdivision on surrounding wells.

## **5.9 UTILITIES (other than water supply and sewage disposal)**

**5.9.1 Electric, telephone and cable lines:** New electric, telephone and cable television wires within the subdivision shall be installed underground unless the Commission determines, based on a written report submitted by the applicant, that such underground installation is inappropriate or unfeasible for all or part of the subdivision. In making such a determination, the Commission shall take into account the type of service existing in the area adjacent to the subdivision, topographic and construction conditions, and the size of the subdivision. Requirements for underground wires shall be noted on the subdivision plan.

## **5.10 STORM WATER RUNOFF**

Storm drainage shall be designed and constructed to be capable of accommodating all additional runoff which can reasonably be expected to result from future development of the upstream drainage area. Due consideration shall be given to minimizing the disruption of existing drainage patterns. All drainage systems shall comply with the design standards in Section 90 of the Chester Road Regulations.

**5.11 OPEN SPACES AND RECREATIONAL AREAS**

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

**5.11.1 SIZE** Open Space shall be dedicated in all subdivisions of land resulting in four or more lots. In Conventional Subdivisions the required open space and/or recreation areas shall be not less than 15% of the property under consideration. Conservation Subdivisions shall require a minimum of 40% of the property to be dedicated to Open Space. In determining the total land to be reserved as open space or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

**5.11.2 SITES OF ARCHAEOLOGICAL OR HISTORICAL SIGNIFICANCE** Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of this Section.

**5.11.3 METHOD OF DISPOSITION** The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Development. The following disposition options may be utilized by the Commission:

- a) Perpetual dedication in fee simple to the Town.
- b) Perpetual dedication in fee simple to the State of Connecticut.
- c) Perpetual dedication in fee simple to a land trust (at the option of the subdivider).
- d) Utilization of conservation easement(s), with public access.

5.11.4 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, Open Space Committee, Parks & Recreation Commission, Connecticut River Coastal Conservation District, Connecticut River Estuary Regional Planning Agency, Gateway Commission or any other appropriate agency.

5.11.5 CONDITION OF OPEN SPACES AND/OR RECREATION LAND Open space and/or recreation areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. All such areas shall include access suitable for safe pedestrian traffic.

a. Access shall typically be twenty (20') feet wide and have a slope no greater than twelve (12%) percent.

b. Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in its natural state by the Subdivider. Except for improvement as may be required by the Commission, open space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris. The Commission may require that any land to be dedicated for recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four (4") inches; be seeded with low maintenance grass seed and be otherwise improved so that the land is left in a condition appropriate to the intended use. The Commission need not accept land composed entirely or substantially of inland wetlands in satisfaction of the requirements of this Section, unless it considers such areas to have special habitat or other environmental value.

c. When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.

5.11.6 LEGAL TRANSFERAL Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provision of this section and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Planning Staff and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by Town Meeting. In the event that acceptance is rejected by Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the open space and/or recreation area by the Town.

5.11.7 DEDICATION FOR OTHER MUNICIPAL PURPOSES In the event the subdivider desires to transfer to the Town land for other municipal purposes such as future schools, fire houses, etc., the dedication provisions of this Regulation shall be complied with. The Commission may consider such a municipal dedication as a credit toward any open space and/or recreational area disposition requirements.

5.11.8 PAYMENT OF FEE IN LIEU OF OPEN SPACE In accordance with Connecticut General Statutes §8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee to the Town of in lieu of the disposition of land by one of the methods set forth. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas on the subdivision which merit preservation by one of the methods set forth in Section 5.11.3 or that there are other areas in the Town of Chester where preservation would be more beneficial to the public health, safety and welfare. In the event that such authorization is granted by the Commission, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten (10%) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund. Such fund shall be used solely for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. The said payment obligation shall be secured by a lien against each lot in the subdivision which shall be filed at the time that the final subdivision plans are filed in the Office of the Town Clerk. The said lien shall be in a form approved by the Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title.

5.11.9 EXEMPTIONS FROM FEE IN LIEU OF OPEN SPACE DISPOSITION REQUIREMENTS In accordance with Public Act 90-239, Section 1, shall not apply if:

- a) The transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the Land Records in accordance with the procedure and other requirements of Section 5.11 of these Regulations. If the Commission determines, based on events subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements set forth, the Commission may void the subdivision.
- b) The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty (20%) percent or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may void those subdivision lots.

**5.11.10 Deed Guarantees:** Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and the Town Counsel for guaranteeing the following:

- a. the continued use of such land for the intended purpose;
- b. continuity of proper maintenance for those portions of the common open space land requiring maintenance;
- c. when appropriate, the availability of funds required for such maintenance; and
- d. recovering of loss sustained by casualty, condemnation or otherwise.

### **5.12 FIRE PROTECTION**

In order to assure that all new developments have an adequate water supply for the purposes of fire protection, the Commission shall require that all subdivision applications be reviewed by the Chester Fire Department and the Chester Fire Marshal. The applicant shall be required to demonstrate that such water supply meets or exceeds the minimum requirements as set forth in National Fire Protection Association (NFPA) Standard 1141 (Standards for Fire Protection in Planned Building Groups) and National Fire Protection Association (NFPA) Standard 1231 (Water Supplies For Suburban and Rural fire fighting). The applicant shall identify the person or organization responsible for all maintenance of water supply facilities. All underground water storage tanks shall have a minimum capacity of 20,000 gallons, and their design, location and capacities shall be approved by both the Chester Fire Company and the Fire Marshal's Office. Such required water sources shall be installed at the expense of the developer and the cost of such shall be included within any bond. Such water sources are to be installed prior to the issuance of any Certificate of Occupancy on new dwellings within the subdivision.

### **5.13 REQUIRED EASEMENTS**

Easements for access to and use of land outside a street right-of-way shall be provided as required or approved by the Commission, and shall be shown on the subdivision map with adequate survey information so that the land subject to easement may be accurately located by field survey. Easements shall be provided in at least the following cases:

- a. for access to bridges and culverts by construction and maintenance equipment;
- b. for storm water pipes and other drainage features, water mains and sanitary sewers and appurtenances shown on the plan, or which may need to be installed in the future, such easements to be not less than 30 feet in width;
- c. for the full width of the channel, plus an additional width of ten feet for maintenance purposes, of any stream or drainage ditch in the subdivision which

will carry drainage runoff from any proposed street, existing street or streets which may be constructed in the future on the undeveloped land within the watershed;

- d. easements for temporary turnarounds;
- e. where such grading is required, temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street;
- f. sight easements across corners of lots at intersections or other places where viewing is obstructed, to assure safe line of sight on the street;
- g. easements at least 10 feet in width for pedestrian ways to parks, playgrounds, schools and other public or semi-public places where the street system does not conform to a convenient pattern of pedestrian circulation; and
- h. for shared driveways in accordance with Section 5.15.

## **5.14 FINAL GRADING AND LANDSCAPING**

**5.14.1 Grading and Stabilization:** Except where otherwise specified in these Regulations, all areas disturbed by construction of roads, drainage facilities and associated improvements that are not paved or occupied by structures shall be properly graded to smooth uniform slopes, covered with topsoil to a minimum depth, after settlement, of four (4) inches and limed, fertilized, seeded and mulched. All materials and construction methods shall conform to requirements of State Standard Specifications.

**5.14.2 Landscaping:** Center islands of turnarounds and median strips, where permitted, shall be planted with low-growing shrubs and plants that will allow full vision at all points, except that a tree or trees of an approved species may be planted anywhere within five feet of the center of the island of a turnaround. An ornamental boulder or grouping of rocks or boulders may also be placed anywhere within five feet of the center of the island of a turnaround. All plantings shall be such as to eliminate any requirement for mowing, weeding or other forms of maintenance.

**5.14.3 Street Trees:** When required by the Commission, trees provided by the developer shall be planted at the edge of the street line or other suitable location, at a distance of forty or fifty feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks. Trees to be planted shall be of 2 ½ to three inch caliper or larger, with a minimum height of ten feet. Such trees shall be planted, protected and maintained using good horticultural practices. The species and location of trees shall be subject to approval by the Commission. Existing trees along the proposed street which conform to these regulations may be substituted for new trees at

the discretion of the Commission. The Commission may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of such trees.

**5.14.4 Maintenance of landscaped areas and street trees:** All areas stabilized by vegetation, all landscaped areas, and all street trees shall be properly maintained by the person or firm constructing the road, drainage facilities and associated improvements until permanent growth of such plantings has been firmly and effectively established.

## **5.15 DRIVEWAYS**

A permit to connect a new driveway to a State Highway must be obtained from the Connecticut State Department of Transportation. A permit to connect a new driveway to a Town Road must be obtained from the Board of Selectmen. Driveway construction shall meet the design standards in Section 130 of the Chester Road Regulations.

**5.15.1 Requirements for shared driveways:** In order to minimize adverse environmental impacts of development, reduce the need for new driveway cuts and provide access to developable land which is otherwise inaccessible due to topographic conditions, the Commission may allow or may require common or shared driveways to serve more than one lot. Whenever a shared driveway is to be proposed, the following requirements shall be met.

- a. All shared driveways shall be provided with a right-of-way at least 25 feet in width. The driveway location shall allow the construction of a driveway not exceeding 12 percent grade at any point. Paving is required on all portions of driveways exceeding 10 percent grade.
- b. The deed for any lot which utilizes a shared driveway shall include all appropriate easements to pass and repass and to install utilities as necessary. Further, the deed shall contain the provisions that the access driveway shall not be used for access to any other property except for agricultural purposes, and that the Town of Chester shall not ever be required to plow, maintain, assume ownership or provide school bus service or other service along the driveway access to such lot.

## **5.16 BOUNDARY MARKERS AND MONUMENTS**

Monuments and pins shall be installed in accordance with the standards in Section 80 of the Chester Road Regulations.

## SECTION 6 ... ALTERNATIVE SUBDIVISION DESIGN

**6.1 REAR LOTS**

A rear lot shall be any lot which does not meet the frontage requirements set forth in the Chester Zoning Regulations for the underlying zone. Zoning standards for rear lots are set forth in Section 40 of the Zoning Regulations.

**6.1.1 Design:** The Commission may approve the creation of new rear lots as an integrated part of an overall subdivision design, where such rear lots can provide suitable sites for building purposes. The Commission shall determine that the character of the property to be subdivided is such that the soils, topography and configuration are suitable for rear lots. The applicant shall also demonstrate that land characteristics and physical site conditions make such rear lot development practical and desirable, and that such rear lot development will be in harmony with the purpose and intent of the Chester Plan of Development. Rear lots shall not be approved if the Commission determines that such rear lots create a hazard to public health or safety, or if such lots do not contribute to a more efficient and less environmentally detrimental subdivision layout than would result without the use of rear lots. Not more than half the lots in any subdivision shall be rear lots.

**6.1.2 Access:** Each rear lot shall have an access way as part of the lot which shall have the following characteristics:

- a. the access way shall be at least 25 feet in width for its entire length;
- b. the area of such access way shall not be included in the minimum required area of the lot;
- c. no portion of the access way shall serve more than two lots;
- d. such access way shall extend to and provide unobstructed vehicular access to an accepted town road or to a road in an approved subdivision;
- e. the grade of the access way shall not exceed 10% within 35 feet of its intersection with the accepted or approved road.

- f. No rear lot driveway access strip shall be located so as to impede future development or use of land through which it passes.

**6.1.3 Zoning Compliance:** Each lot shall comply with the minimum requirements of the Zoning Regulations for the Zoning District in which it is located. The Commission may require larger size lots than required by the Zoning Regulations where it deems such lots necessary because of conditions affecting drainage, sanitary sewage disposal or water supply.

**6.1.4 Other Conditions:** The Commission may impose other such conditions as it finds necessary to protect the public health, safety and welfare, including but not limited to the establishment of a minimum sight line at the driveway access point, a requirement to combine individual driveway entrances, establishment of a maximum total length of the driveway access strip, and increased frontage where necessary to assure adequate separation between individual driveway entrances.

## **6.2 NON-RESIDENTIAL SUBDIVISIONS**

A non-residential subdivision shall be subject to all other requirements of these Regulations. In addition, the applicant shall demonstrate to the satisfaction of the Commission that the following requirements are met:

**6.2.1 Streets:** Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon and special requirements may be imposed by the town with respect to street, curb, gutter, and sidewalk design and construction.

**6.2.2 Utilities and drainage:** Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer and stormwater drainage.

**6.2.3 Extension of streets:** Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

## **6.3 CONSERVATION SUBDIVISIONS**

As authorized by the Chester Zoning Regulations, the Planning and Zoning Commission may, in considering a proposed Conservation Subdivision, approve an application that would ordinarily be in conflict with certain provisions of these Subdivision Regulations. Such approval of a Conservation Subdivision shall be based on the Commission's determination that the Conservation Subdivision development more fully meets the objectives set forth in the zoning regulations for Conservation Subdivisions than if all provisions of the subdivision regulations were complied with in full.

## **SECTION 7 ... AMENDMENTS AND VALIDITY**

### **7.1 AMENDMENTS**

These Regulations may be amended from time to time in accordance with the procedures specified in Section 8-25 of the Connecticut General Statutes, and amendments thereto.

### **7.2 VALIDITY**

**7.2.1** If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court or competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.

**7.2.2** If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional, as applied to a particular subdivision or subdivision application, by decree or decision of a court or competent jurisdiction, such decree or decision shall be limited to the particular subdivision or subdivision application and the general applicability of these Regulations to other subdivisions and subdivision applications shall not be affected.

### **7.3 EFFECTIVE DATE**

These Regulations shall take effect on April 1, 2005.