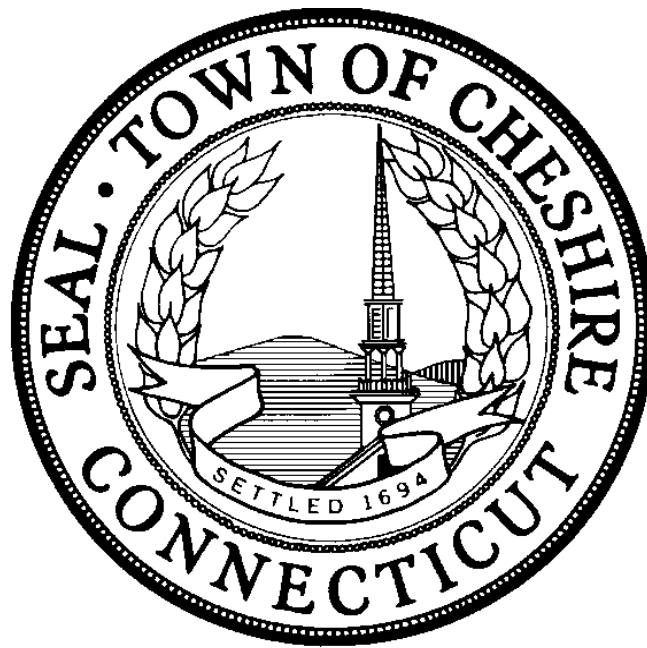


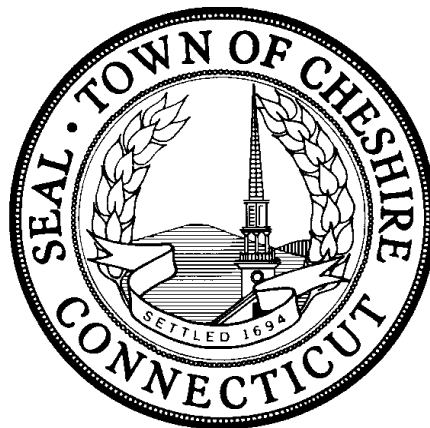
**SUBDIVISION  
AND  
OTHER LAND USE REGULATIONS**

CESHIRE, CONNECTICUT



**SUBDIVISION  
AND  
OTHER LAND USE REGULATIONS**

TOWN OF CHESHIRE, CONNECTICUT



Approved December 20, 1971

Effective Tuesday, December 28, 1971  
At 12:01 A.M.

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    connected in the future.

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# I Definitions

## I Definitions

For the purposes of these Regulations, certain words and terms shall have the meanings as listed below. Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and Webster's Third New International Dictionary, respectively. Words in the present tense include the future, the singular includes the plural and vice versa, and the word "person" includes a partnership, corporation or other legal entity.

- 1.1 Commission means the Planning and Zoning Commission of the Town of Cheshire.
- 1.2 Subdivision means the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes and includes resubdivision Connecticut General Statutes Sec. 8-18.
- 1.3 Resubdivision means a change in a map of an approved or recorded subdivision or resubdivision if such change:
  - a. affects any street layout shown on such map;
  - b. affects any area reserved thereon for public use; or
  - c. diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map. (Sec. 8-18, Connecticut General Statutes)
- 1.4 Applicant means any person, partnership, corporation or other legal entity making application to make a subdivision.
- 1.5 Developer means a person, partnership, corporation or other legal entity responsible for proceeding with the actual work. The developer may or may not be the applicant.
- 1.6 Owner means the owner of record as may currently appear in the land records in the Town Clerk's Office or the legally qualified representative of such owner.
- 1.7 Land Surveyor means a person registered with and certified as a land surveyor by the Connecticut State Board of Registration for Professional Engineers and Land Surveyors.
- 1.8 Engineer or Professional Engineer shall mean a person who has been registered and certified as a Professional Engineer by the

Connecticut State Board of Registration for Professional Engineers and Land Surveyors.

(1-1)

- 1.9 Civil Engineer means a Registered Professional Engineer who is qualified in that branch of engineering commonly known as civil engineering.
- 1.10 Architect means a person who is licensed to practice architecture in the State of Connecticut.
- 1.11 Landscape Architect means a person who is licensed to practice landscape architecture in the State of Connecticut.
- 1.12 Street includes a street, avenue, boulevard, highway, road, lane, alley, viaduct, court, place or other public way.
- a. Major Street means a street, which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between towns and/or heavy traffic generating areas.
  - b. Collector Street means a street intended to serve primarily as a traffic way for a neighborhood or as a feeder to a major street.
  - c. Minor Street or Neighborhood Street means a street intended to serve primarily as an access to abutting properties.
  - d. Cul-de-Sac or Dead-end Street means a street, which intersects with a through street at only one end.
  - e. Street Right-of-Way means land dedicated for highway purposes.
  - f. Right-of-Way means the distance between property lines reserved for vehicular and pedestrian traffic.
  - g. Access Way means a private right-of-way for access to one or more rear lots.
  - h. Traveled Way means the paved surfaced or commonly used portion of a street right-of-way or an access way.
  - i.<sup>1</sup> Approved Private Drive means an accessway with design approval by the Planning and Zoning Commission, which is to remain in private or corporate ownership.
- 1.13 Sidewalk means a paved walkway within the right-of-way width located between the curb and property line running generally parallel to the curb constructed for the use of pedestrian traffic.

(1-2)

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<sup>1</sup> Amendment effective 9/28/1990

- 1.14 Omit<sup>2</sup>
- 1.15 Town Datum means the U. S. Coast and Geodetic Survey (USGS) Mean Sea Level Datum.
- 1.16 A Rear Lot is one which is situated to the rear of another lot fronting on an existing or proposed street, and which does not have the required street frontage.
- 1.17 Easement means legal authorization for use of a designated part of privately owned property by a party or parties other than the owner of said property.
- 1.18 Right-of Way (other than Street Right-of-Way) means any physical area subject to the right of any person, other than the owner of the fee in said area, to use that area for purposes defined by a recorded easement or for purposes according to law. A right-of-way may include the air rights above or the ground beneath the surface, if so specified.
- 1.19 Improvements means any construction or other work such as, but not limited to, buildings, structures, storm sewer drains or facilities and street construction. Regrading or other action required by the Planning Commission or proposed by the applicant as a condition for approval of the subdivision or site plan as improvements for the purposes of these regulations shall also be considered improvements.
- 1.20 Public Service Facility means a facility for supplying some commodity (e.g., water, electricity), or some service to any or all members of a community (e.g., communications), also a facility for rendering a service in the public interest (e.g., a sanitary or storm water drainage system).
- 1.21 Zoning Regulations means the Zoning Regulations of the Town of Cheshire.
- 1.22 Topsoil means a friable loam containing decayed organic matter and shall be reasonably free of extraneous matter or debris.
- 1.23 Traffic Control Device means all traffic signs, highway traffic signals, traffic markings, and other devices erected or adjacent to a highway or street by authority of the public body or official having jurisdiction, for the purposes of regulating, warning, or guiding traffic.
- 1.24 Excessively Stripped: the removal beyond necessary for the construction of the foundation, driveway and sanitary system and any removal caused by grading work not in accordance with final contours as approved. (1-3)

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<sup>2</sup> Amended 3/27/2000; effective 3/31/2000



- 1.25 Utility Service Connection – a utility line that serves a maximum of one dwelling.
- 1.26 Utility Distribution Line – a utility line that is designed to serve more than one dwelling.
- 1.27 Soil Erosion and Sediment Control Regulations<sup>1</sup> – (In addition to applying to Section XIV, these Definitions may also apply to other sections of the Subdivision Regulations.)

Certification means a signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of this regulation.

Development means any construction or grading activities to improved or unimproved real estate.

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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

Grading means any excavating, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil means any unconsolidated mineral and organic material of any origin.

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

- 1.28 Non-Encroachment Line<sup>2</sup> is a line established by the Inland Wetlands Commission. No construction activity, including grading, filling or any other physical disturbance to the land, water or vegetation, shall occur in the non-encroachment area. Furthermore, no structures, including pools and tennis courts, shall be constructed in said area. (1-4)

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<sup>1</sup> Amended, effective 7/26/1985

<sup>2</sup> Amended, effective 2/27/1987

## II Authority

## II Authority

2.1 The land subdivision regulations contained herein have been adopted under the authority contained in Section 8-25 of the Connecticut General Statutes. The regulations and/or section relating to Special Permit uses and Site Plan Approval have been adopted to implement the authority delegated to the Planning Commission by the Cheshire Zoning Commission as provided in Section 8-2 of the Connecticut General Statutes, and as more specifically set forth in the appropriate sections of the Zoning Regulations of the Town of Cheshire, Connecticut, adopted April 8, 1970, or as may be subsequently revised or amended.

### 2.2 Use of Authority

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

Any approved plan of subdivision or resubdivision which is not filed or recorded within ninety days following its approval by the Commission shall become null and void. Connecticut General Statutes Section 8-25.

### 2.3 Intent

It is the intent of these regulations that all land approved for subdivision..."shall be of such a character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made of water, drainage, and sewerage, and in areas contiguous to brooks, rivers or other bodies of water subject to flooding including tidal, that proper provision shall be made for protective flood control measures, and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of development..." for the (Town of Cheshire)... "especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs." See Connecticut General Statutes Section 8-25. The Commission may "provide open spaces for parks and playgrounds when, and in places, deemed proper by the Planning Commission, which open spaces for parks and playgrounds shall be shown on the subdivision plans." Connecticut General Statutes Section 8-25.

## **III Subdivision Applications**

### **Submission and Review Procedures**

## **Recommendation**

It is recommended in the interest of expediting each proposed subdivision that the applicant consult with the Planning Commission staff prior to presentation of the formal application to the Commission.

The applicant may present a preliminary sketch of the proposed subdivision to the staff for review. No application fee will be charged until formal application is filed for submittal to the Commission at its regularly scheduled meeting.

### **III Subdivision Applications – Submission and Review Procedures**

#### **3.1 APPLICATION SUBMISSION**

All applications for approval of a subdivision shall be submitted on forms provided by the Commission and shall include such maps and other information as may be required for a complete review of the application.

##### **3.1.1 Application Requirements<sup>1</sup>**

A complete application shall include all of the following unless specifically waived by the Commission.

1. A completed application form including all pertinent information and the signature of the applicant (or agent) and also the signature of the owner of the property if different from the applicant.
2. Nine prints of each of the following:
  - Property Survey.
  - Subdivision Map.
  - Topographic Map/Site Development Plan.
  - Plan and Profile sheet for road and drainage.
  - Sedimentation and Erosion Control Plan and Specs.
3. Sanitation Certificate or Sewer Commission approval.
4. Drainage or other easements.
5. Payment of fee.

##### **3.1.2 Deadline for Filing Applications**

All applications for subdivision must be submitted to the Town Planner's office at least seven working days prior to the scheduled regular monthly meeting of the Commission and must be complete in order to be accepted for inclusion on the agenda for that meeting.

In cases where all basic information is shown on the map, when submitted, but minor additional detail is required for clarification or for review by the Planning staff, the application may be accepted conditional upon all such additional detail being delivered to the Planning Staff not later than two working days before the date of the Commission meeting.

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<sup>1</sup> Amended, effective 10/4/2002 at 12:01 a.m.

### 3.1.3 Fee

An application fee must be submitted to the Planning Office when filing an application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of the application submittal.<sup>1</sup>

3.1.4 If an application for subdivision or resubdivision approval involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended, the applicant shall submit an application for a permit to the Cheshire Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on the site plan application until the Inlands Wetlands and Watercourses Commission has submitted a report with its final decision. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inlands Wetlands and Watercourses Commission. If the time for a decision by the Planning and Zoning Commission established pursuant to the Connecticut General Statutes, as amended, would elapse prior to the thirty-fifth (35<sup>th</sup>) day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision of the Planning and Zoning Commission shall be extended to thirty-five (35) days after the decision of the Inland Wetlands and Watercourses Commission. The provisions of this section shall not be construed to apply to any extension consented to by an applicant or petitioner.<sup>2</sup>

## 3.2 PROCEDURES FOR SUBMISSION AND ACCEPTANCE OF APPLICATIONS, REVIEW OF THE SAME FINAL ACTION BY THE COMMISSION.

### 3.2.1 Presentation of Application

When a new application for subdivision or an amendment to a pending application is included in the agenda for the monthly meeting of the Commission, the applicant or his representative must appear at the meeting to submit and explain the application. Failure of the applicant to appear and make such a submission and explanation will be sufficient reason for the Commission to refuse to accept the application until such later date as the applicant shall appear

**(3-3)**

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<sup>1</sup> Amended, effective 9/29/1978, Amended, effective 10/04/02 at 12:01 a.m.

<sup>2</sup> Amended, effective 9/30/1988

before the Commission. The application will be officially accepted for consideration when the Commission has determined that all the requirements for a complete application have been satisfied.

### 3.2.2 Referrals to Regional Planning Agencies When Required

Whenever a subdivision of land is planned, any portion of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the appropriate regional planning agency or agencies of the region in which it or the other municipality is located as required in Section 8-26b of the State Statutes.

### 3.2.3 Field Trip

Upon acceptance of the application the Commission customarily sets a date for a "field trip" at which time Commission members and/or staff will inspect the site of the subdivision to note any items or features of particular interest or concern which may influence or have a bearing on the Commission's final action. At the Commission's request, the applicant or his representative shall be present.

### 3.2.4 Final Action

Final action by the Commission within sixty-five days after submission is required by State Statute as follows:

"The Commission shall approve, modify and approve or disapprove any subdivision application or maps and plans submitted therewith within sixty-five days after the submission thereof.... provided an extension of this period may be had with the consent of the applicant." (Section 8-26 Connecticut Statute Statutes.)

### 3.2.5 Filing the Approved Subdivision

Upon approval or approval with modification of a subdivision, the applicant shall cause any required corrections or modifications to be made to the subdivision map and to any supplemental maps filed with the application. After corrections have been made, the applicant shall deliver the following maps to the Town Planner's Office for endorsement with the Commission's approval:

- a. Five white paper prints of the final subdivision map(s).



- b. One official reproducible copy of the subdivision map(s) drawn on the translucent cloth or printed polyester film at least .003 inches thick. Said map(s) shall be 36 inches by 24 inches, 24 inches by 18 inches, or 18 inches by 12 inches as per Section 7-31 of the Connecticut General Statutes as amended.
- c. Two complete sets of all other final maps (topographical, drainage Plan and Profile, etc.).
- d. One “as built” translucent cloth or polyester film plan and profile map must be filed with the Town Engineer upon completion of the public improvements.

All final maps, with the exception of the translucent cloth or polyester film Plan and Profile map, must be submitted to the Town Planner’s office within 31 days of the publication of the subdivision approval. Unless this deadline is extended by the Planning and Zoning Commission, failure to submit final maps within the said 31-day period shall cause the approval to be null and void.

After the final subdivision plan has been endorsed by the Chairperson or Secretary of the Planning and Zoning Commission, the official copy of the subdivision map shall be returned to the applicant who will have the responsibility for recording the map on the Cheshire Land Records within 90 days (unless extended by the Commission) as per Section 8-25 of the Connecticut General Statutes as amended.

IT SHOULD BE NOTED THAT FAILURE TO RECORD THE OFFICIAL COPY OF THE APPROVED MAP ON THE CHESHIRE LAND RECORDS WITHIN THE ESTABLISHED NINETY (90) DAY PERIOD SHALL CAUSE THE APPROVAL TO BECOME NULL AND VOID AS PER SECTION 8-25 OF THE CONNECTICUT GENERAL STATUTES AS AMENDED.<sup>1</sup>

### 3.3 Expiration of Approved Subdivision and Extension of Expiration Date

All work in connection any approved subdivision must be completed within the time limits set forth in the Connecticut General Statutes §§ 8-26c and 8-26g, as amended, including any extensions of time granted pursuant thereto. Failure to complete all work within the permitted time limit shall render the subdivision approval null and void.<sup>2</sup>

(3-5)

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<sup>1</sup> Amended, effective 2/1976

<sup>2</sup> Amended, effective 10/16/10

## **IV Maps**

## IV Maps<sup>1</sup>

### 4.1 SUBDIVISION MAPS – GENERAL

Subdivision maps shall be drawn to a scale not smaller than 100 feet to an inch but preferably 20, 40, or 50 feet to the inch. Other scales will be considered by the Town Engineer under certain conditions. The overall dimensions of the map to be recorded in the Town Clerk's office is limited by State Statute to a size not greater than 25 inches by 37 inches.

In addition to the above maps, an overall circulation plan shall be submitted. The map shall be used by the Commission to assist them in planning for overall circulation pattern within the Town. Such map shall include the properties within 500' of the proposed subdivision, the possibility of future extension of roads within the subdivision, existing roads within 500', topography, and any unusual features.

In the case of a project of such size that more than one sheet is required or in cases where the project is presented in sections, a small scale key plan shall be included on each sheet showing the overall project and the location of each section or part. The Key Plan may be combined with the locality sketch hereafter described.

#### 4.1.2 The Locality Sketch

A locality sketch shall be drawn preferably in the upper right hand corner to show the relationship of the proposed subdivision to nearby streets. The locality sketch shall be drawn to a scale of 1,000 feet to the inch and shall be approximately 4" x 4" in area. This sketch shall also show the zoning districts in and adjacent to the subdivision and show the interior roadways. In addition, an approximate distance from an existing Town road to the proposed subdivision roadway shall be shown. If no road is proposed for the subdivision, then the distance may be shown to the nearest boundary.

#### 4.1.3 Quality Standards

All maps must be neatly and accurately drawn in a professional manner and all lines, lettering and numerals must be of quality and character which will be reproduced sharply, clearly and legibly on prints.

All prints must be on good quality, durable paper (or mylar where required) and must be fade-resistant. All information must be clearly and sharply reproduced. Prints or mylar that

**(4-1)**

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<sup>1</sup> Section IV amended and adopted 7/27/1987, effective 7/31/1987

are either under-exposed or over-exposed will not be acceptable. All dimensions shall be shown to the nearest one hundredth of a foot.

All elevations shall be referenced to the U.S.G.S. datum and so noted on the map.

All bearings and the north directional arrow shall be referenced to the U.S.G.S. map coordinates and so noted on the map, if such information is within reasonable distance of the subdivision.

4.1.4 All Maps Shall Include the Following:

1. A title block, in the lower right hand corner which shall show:

A. Name of subdivision – subdivision section number if any

Name of applicant

Name of owner

Scale of Map

Date of original preparation

Dates of all revisions

B. In addition to other information required by this section, the record subdivision map shall also show the following information:

1. Boundary and lot layout

2. Final inland wetland boundaries with a note stating, “Non-Encroachment Line – No Excavation Or Filling Without A Permit.”

3. Sightline easements for roadway intersections

4. Storm drainage and sanitary sewer easements (existing and proposed). These easements shall be deeded to the Town of Cheshire at the time of subdivision approval by the Planning and Zoning Commission. The deed shall be in a format acceptable to the Engineering Department.

5. Major streams and ponds
  6. Under "Notes", the following information shall be listed:
    - A. Zoning district
    - B. Total subdivision area
    - C. "Construction of paved driveway curb cuts and aprons shall be the responsibility of the lot owner and shall be constructed and approved prior to the issuance of a certificate of occupancy for that lot."
    - D. Iron pins shall be set on all lot corners
    - E.  - indicates monuments to be set
  7. If a zoning district boundary line crosses the subdivision, it shall be shown and identified.
  8. If a Town Line should cross the subdivision, it shall be recovered and mathematically tied into the subdivision.
- C. A directional arrow (true North)
- D. Certification that the accuracy of the information on the map meets the standards for Class A-2 Transit Survey. Such certificate shall bear the personally endorsed signature of the land surveyor and his original seal, generally in the lower left hand corner. The wording of the certificate shall be as follows:

I hereby certify that this map and survey were prepared in accordance with the standards of a Class A-2 survey as defined in the code of practice for standards of accuracy of surveys and maps, adopted December 10, 1975 as amended by the Connecticut Association of Land Surveyors, Inc.

If the information concerning the outline survey, or any portions thereof, was obtained from a map of an earlier survey such fact shall be noted on the map, giving the specific source of the information, i.e. the title and date of the earlier map, the name and registration number of the surveyor and the

class of survey, if indicated. Earlier surveys which were not certified as meeting standards of a Class A-2 Transit Survey must be reviewed, checked and refined as necessary to permit certification as meeting the Standards of A Class A-2 Survey.

#### 4.1.5 Maps Requiring Preparation by a Professional Engineer

All maps containing information required to be prepared by a professional engineer shall bear the original official seal and the personally endorsed signature of the engineer responsible for the preparation of such engineering information. A professional engineer's certification shall be required for roadway design, storm drainage and sanitary sewer design and all other engineering work as designated by State Statute.

A plan submitted by a professional engineer for work within his professional competence which is based on a survey map previously prepared by a Connecticut registered land surveyor will be accepted without the seal of the land surveyor provided that the plan bears a statement with all of the following information:

- A. The title and date of the map.
- B. The name and Connecticut Registration number of the land surveyor.
- C. A statement that the survey map was certified as meeting the accuracy standards for a class A-2 Transit Survey.
- D. A statement that the map is on file in the map file of the Cheshire Town Clerk's Office (give map number).

Survey maps failing to conform to all of the above requirements must be reviewed and bear the seal and signature of a registered land surveyor and his certification that the survey meets Class A-2 standards.

#### 4.2 DETAILED INFORMATION TO BE INCULDED ON ALL RECORD SUBDIVISION MAPS

##### 4.2.1 Outline Survey

Show all existing walls, fences, monuments, pins or other boundary identification markers; also all dimensions, bearings or azimuths and complete curve data.

#### 4.2.2 Zoning District Identification

The zoning district or districts in which the property is located shall be indicated. The location of any district boundary crossing or bordering the property shall be shown.

#### 4.2.3 Areas

The Total Area of the subdivision, stated in acres and computed to two decimal places, shall be shown on the map. In cluster subdivisions or in any other circumstances where a portion of the land is to be set aside for open space, or similar purpose, the area of such land shall be shown.

#### 4.2.4 Lot layout

The proposed lot layout shall show exact dimensions and bearings or azimuths. Lot areas shall be shown and shall be correct to within one tenth of one percent. Each lot shall be assigned a serial number by the Town Assessor. The Town Planners Office will assign house numbers for all lots. A space shall be reserved on the record map for the Town Planner's and Assessor's signatures verifying the approved numbers. Areas to be reserved for parks, playgrounds or other open space shall be clearly and distinctively shown and appropriately designated. Building setback lines shall be shown and dimensioned.

#### 4.2.5 Abutting Property Owners

Names of all abutting property owners and those on the opposite side of abutting streets shall be shown. Approximate location of property lines between owners shall be shown. The names shall be those currently appearing in the assessor's records. Addresses of abutting property owners shall be furnished in a separate list for all applications where a public hearing is required.

#### 4.2.6 Location and Alignment of Existing Streets

Accurately delineate the location of all established street lines and/or pavement of streets which abut or pass through the subdivision. Such delineation shall extend not less than 200 feet beyond the boundaries of the subdivision and shall include any street intersections. In locations where the right of way for the road is defined by stone walls such walls should be shown.

#### 4.2.7 Location and Alignment of New Streets

Show the alignment, width and name of all proposed new streets, including portions to be dedicated for future connections of the streets to the boundaries of adjacent properties. Data for roadway curves shall include the central angle, radius and arc length for each lot and for the total curve. The tangent distance shall be included for street intersection radii.

#### 4.2.8 Monumentation

Monuments shall be constructed of concrete with steel reinforcing bars and shall be a minimum of 30 inches long.

Monuments shall be set on both sides of the proposed roadways at points of curvature, angle points and at street intersections. Also, monuments shall be placed on street lines adjoining existing Town roads.

In addition, the major points of the subdivision boundary shall be monumented including the subdivision corners abutting an existing Town road.

#### 4.2.9 Lot Boundary Marker

A permanent marker shall be placed on each lot corner and also at any point where a change in direction of a lot line occurs. Such marker may be a steel rod or other equally permanent material.

#### 4.2.10 Assessor's Plan

A subdivision plan shall be submitted for the Assessor's Office at a scale of 1" – 100' showing the boundary, lot layout, roadways, lot numbers, house numbers and lot areas. Distances rounded to the nearest foot shall be sufficient for dimensions on this map. Bearings or azimuths are not required. One mylar copy of this map shall be submitted to the Town Assessor after the subdivision plans have been approved.

#### 4.2.11 Non-Encroachment Line Monuments

Non-encroachment lines shall be shown on the mylar to be filed in the Town Clerk's Office. The non-encroachment line shall have bearings or angles and distances. The non-encroachment line shall be marked in the field with a sufficient number of concrete monuments to facilitate accurate re-establishment of the non-encroachment line as shown on the subdivision map.



#### 4.3 TOPOGRAPHIC MAPS – GENERAL

Topographic maps shall be drawn to a scale of 1" equals 20', 1" equals 40' or 1" equals 50'. However, 1" equals 100' will be considered in certain situations. The overall dimensions of the map shall be 24" x 36" in size. Where more than one sheet is required, match marks shall be drawn on the maps. Maps which are produced from aerial surveys, shall show the name of the organization making the survey and the date of the survey.

Contours shall include the adjoining streets and such portions of adjoining property as may be required by the Commission. In some cases, particularly for large areas with only minor variations in elevations, a closer contour interval or spot elevation may be required. The topographic map shall show the location of geographical, geological or any other physical features that may affect the use and development or the ecological balance the property or the general area, including but not limited to brooks, and seasonal watercourses, ponds, swamps, damp areas, springs, inland wetlands, wooded areas, and extensive areas of exposed or thinly covered ledge which might be unsuitable for on-site sewage seepage areas. Both proposed as well as existing topography shall be shown in cases where regrading is contemplated. The location of any existing structures, stone fence, or other significant man-made features shall also be shown. All elevations shall be based on actual U.S.G.S. Datum and a specific bench mark shall be shown. In addition, the topographical map shall show the following information:

1. Lot layout and boundary
2. Storm drainage, sanitary sewers and other utilities with invert elevation design.
3. Centerline stationing with finish grades.
4. A subdivision grading plan showing final contours and/or spot elevations.
5. Easements (existing and proposed)
6. Siltation and erosion controls.

#### 4.4 DRAINAGE

Show the location, size and evaluation of all existing storm water drain pipes or other culverts, bridges, drainage or flowage easements, whether recorded or not, if their existence is evident.

Show the location and extent of easements whether present or proposed for drainage purposes and the discharge of storm water drainage on adjoining or other affected property.

Easements covering flowage rights over property of others probably subject to damages because of increased storm water flow over their property shall be filed with the Town Clerk. A copy shall be furnished to the Planning Commission. Easement for flowage over adjacent property of same owner must also be shown, and executed written documents must be delivered to the Commission.

#### 4.4.1 Structures, Public Service Facilities and Easements

Show the location of all existing structures including buildings, foundations, bridges, culverts and all other structures and indicate which will be removed and which will remain. The plan shall show the location proposed for a dwelling or other principal building on each lot and the proposed access driveway. Show the location of all existing and proposed public service facilities, whether located within the boundaries of the property or in the abutting streets and whether underground, on the surface or overhead. Show the location of all existing or proposed easements, whether for public service facilities, for passage of persons or vehicles, or for any other purpose.

Where an easement over property beyond the limits of the proposed subdivision is required for the discharge of surface drainage, for the installation of an extension of a drain line or for any other purpose requiring an easement, the location, use and extent of such easement shall be shown, and rights for such easement shall be documented and made a part of the Planning and Zoning Commission file for said subdivision in addition to being filed with the Town Clerk.

#### 4.4.2 Plan and Profile Sheets

Plan and Profile Sheets shall be submitted for all subdivision roadways as well as for storm drainage and sanitary sewer lines outside of the roadways. The format for these maps shall be with the plan view on the top portion of the sheet and the profile at the bottom. The scale of the Plan and Profile Sheets shall be as follows: Horizontal 20' per inch – Vertical 2' per inch; 40 and 4 feet per inch or 50 and 5 feet per inch. The profile portion shall have a full grid i.e. 4 x 4 or 5 x 5 per inch. The maximum sheet size shall be 24" x 36".

### Plan View

The following information shall be shown on the plan view:

1. Show the roadway with stationing starting at the street line of the intersecting road as 0+00.
2. Tick marks for lot lines adjacent to the roadway with lot numbers and/or property owners, as applicable.
3. Proposed drainage, sanitary sewers, sidewalks, curbs, utilities and easements.
4. Roadway geometry.
5. A typical roadway cross section.
6. Typical sections for ditches, channels, headwalls, curbing, underdrains, etc.
7. At least one on-site benchmark on U.S.G.S. Datum per sheet.
8. Street lighting.
9. Any additional information that would facilitate the construction of the roadway and associated improvements.

### Profile View

1. Existing and proposed centerline roadway profiles.
2. Finish grade elevations every 50 feet with vertical curve geometry.
3. Drainage and sanitary sewers with percent of grade, approximate length pipe, size and type and invert elevations.
4. Storm drainage and sanitary sewer lines outside of the roadway shall be shown in both plan and profile views.
5. Any additional information that would facilitate the construction of the roadway and associated improvements.

4.5 REQUIREMENTS FOR LOTS SERVICED BY PRIVATE SANITARY SYSTEMS

A Sanitation report submitted by the applicant's engineer shall certify:

- A. That each of the proposed lots in the subdivision has been examined and tested and found to have suitable soil and ground water conditions for on-site sewage disposal fields.
- B. That the lots are of such size, dimensions, and topography and that the water table and underlying geological formation are satisfactory for on-site sewage disposal fields.
- C. That the required facilities can be constructed in suitable locations and within the dimensions and limitations required by the Connecticut Public Health Code. (See also sections 8.4 and 8.5)

All tests will be performed at the actual elevation of the leaching facility.

Such sanitation report shall also indicate, in the case of lots requiring on-site private water systems, that each lot will satisfactorily accommodate such a system in addition to an on-site sewage disposal field.

4.6 SANITATION CERTIFICATE

The engineer shall submit said written report to the Town Health Officer to be reviewed for the purpose of issuing a sanitation certificate. Such submission shall be made in ample time for review and certifications, and shall be not less than 7 working days prior to the regular monthly meeting at which the developer plans to submit his application.

The sanitation certificate shall be approved by the Health Officer and he shall specify all lots, which fail to meet the requirements of the Connecticut Public Health Code.

4.7 REQUIREMENTS FOR LOTS TO BE SERVICED BY PUBLIC SANITARY SEWER SYSTEM

The developer of a lot intended to be connected to the municipal sewer system must show verification to the Planning and Zoning Commission that the lot may be serviced by the Cheshire sewer system.

When a development is to be serviced by public sanitary sewers, prior to Planning and Zoning action, the developer must apply to

the Water Pollution Control Authority for approval of preliminary sewer plans. Upon approval by Planning and Zoning, it is necessary for the developer to apply to the Water Pollution Authority for approval of final sanitary sewer plans and for permission to connect to the sanitary sewer system prior to initiating construction. All applications to the Water Pollution Control Authority must be submitted in sufficient time to comply with their review and approval process. Proof must be submitted to the Planning and Zoning Commission that all Water Pollution Control Authority requirements have been satisfied.

#### 4.8 AS-BUILT PLOT PLAN<sup>1</sup>

An as-built plot plan (A-2 Survey) shall be filed with the building department for all new house construction prior to the issuance of a Certificate of Occupancy. The as-built plot plan shall include the following:

All buildings and setbacks from the property lines, corner lot pins and street monuments, first floor elevation of structures, wetland boundaries and acreage, wetland non-encroachment boundary as determined by the IWWC, 100 year flood plain and flood plain elevation as designated by FEMA, easements and right of ways, utility locations, driveway aprons and all paved driving surfaces, lot coverage for buildings, and lot coverage for all impervious surfaces.<sup>2</sup>

The survey shall meet the standards set forth in Regulations of Connecticut State Agencies, Section 20-300b-2.

Proper map size and scale should be used to accurately depict the required information. Map size should no exceed 11" x 17" and scale should not be less than 1"= 50' unless the property size makes these restrictions inappropriate.

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approved subdivision plans as granted by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may recommend issuance of the Certificate of Occupancy on the condition that all provisions of the plan are completed within a specified time period as determined by the Zoning Enforcement Officer.

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<sup>1</sup> Amended 12/12/ 2001, effective 12/21/2001 at 12:00 a.m.

<sup>2</sup> Amended 5/27/2003, effective 6/6/2003 at 12:01 a.m.

## SUBDIVISION MAP – CHECKLIST

### Subdivision Record Map

1. Proper Map Scale
2. Key/Locality Sketch
3. Bearings/Azimuths and Distances
4. North Arrow
5. Title Block Information
6. Final Inland Wetland Boundaries With Non-Encroachment Note
7. Sightline Easements
8. Sanitary and Storm Drainage Easements
9. Major Streams and Ponds
10. Zoning District
11. Special Notes as Depicted in Section 4.1.4.B.6
12. A-2 Certification and Land Surveyor's ORIGINAL SEAL
13. Abutting Property Owners
14. Approved House Numbers
15. Approved Lot Numbers
16. Areas
17. Assessor's Mylar

### Topographic Map

1. Proper Map Scale
2. Two Foot Contours
3. U.S.G.S. Datum and Bench Marks
4. Sanitary Sewer and Storm Drainage Design Information
5. Easements
6. Grading Plan
7. Existing and Proposed Utilities
8. Street Lighting
9. Erosion Controls

### Plan and Profile Sheets

1. Proper Scales
2. Sanitary Sewer and Drainage Design Information
3. Proposed and Existing Utilities
4. Roadway Geometry
5. Typical Sections and Details
6. Bench Marks
7. Street Lighting
8. Easements
9. Finish Grades Every 50 Feet (Including Vertical Curve Information)
10. Professional Engineer's ORIGINAL SEAL

I have reviewed the above checklist in regard to the submitted subdivision maps.

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Land Surveyor/Engineer

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Date

## V Design Standards

## 5.1 SUITABILITY OF LAND

All land which is to be subdivided shall be of such character that it can be used for building purposes without damage or hazard to public health or safety.

## 5.2 NATURAL FEATURES

All prominent features such as water courses, water basins, wetlands, stone fences, ridge tops, scenic points and similar irreplaceable natural assets shall be shown on the subdivision maps and shall be preserved and conserved to the maximum.

### 5.2A FLOOD PLAIN MANAGEMENT STANDARDS<sup>1</sup>

In all Special Flood Hazard Areas the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals which have public utilities and facilities such as sewer, gas, electrical and water systems, such public utilities shall be located and constructed to minimize flood damage;
3. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed development which are greater than five acres or fifty lots, which ever occurs first.

## 5.3 UNSUITABLE LAND

### Bodies of Water, Swamps, Ledge Rock, Steep Slopes

A parcel of land (excluding cluster subdivisions) containing or abutting any unsuitable land shall meet the following minimum requirements upon subdivision. The minimum area of land excluding swamp, water or ledge rock within any given lot shall be as follows:

<u>Zoning District</u>	<u>Minimum Suitable Land Area Required in Non-sewered Districts</u>
R-20	20,000
R-40	32,000
R-80	32,000

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<sup>1</sup> Amendment adopted 1/22/1996; effective 1/26/1996 at 12:01 a.m.



No structure shall be built on land with an average slope of 15% or more unless detailed site plans for construction, grading, storm and sanitary drainage, and existing and proposed contours are submitted and approved by the Planning and Zoning Commission.

No structure shall be built within 50 feet of the nearest high water line of a river, stream, lake, pond, brook or swamp as measured at spring time height or on the visible banks, whichever distance is nearer to the proposed structure.

In addition, the Commission may require additional data and study in areas with a history of flooding.

Proposed buildings shall be constructed so that the finished floor grade is at least 4 feet higher than the hundred-year storm height.

5.3.1<sup>1</sup> All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a proposed subdivision is located within the Flood Plain special flood hazard area as shown on the Flood Insurance Rate Maps (FIRM), dated December 17, 2010 on file with the Town Clerk, the Planning and Zoning Commission and the Building Official, it shall be reviewed to assume that:<sup>3</sup>

- (A) The proposal is designed consistent with the need to minimize flood damage, and
- (B) All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage, and
- (C) Adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- (D) Base flood elevation data shall be provided for all subdivision proposals and other proposed development which are greater than five acres or fifty lots, whichever occurs first.<sup>2,3</sup>

#### 5.4 LOTS

- A. All building lots created by subdivision shall front on a publicly accepted street, a street bonded for public acceptance upon completion, or a private road conforming to or to be constructed to Town standards with the exception of rear lots as defined in Section 5.5.

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<sup>1</sup> Amendment effective 6/26/1981

<sup>2</sup> Amendment effective 5/27/1988

<sup>3</sup> Amended 11/22/2010; effective 12/17/10 at 12:01 a.m.

- B. Where reasonably possible side property lines shall be at right angles to the street or along radial lines in the case of a curved street line.

#### 5.4.1 SUBDIVISION LOTS ON EXISTING STREETS

- a. Where no street lines have been established on an existing street, front property lines for subdivision lots shall not be closer than 25 feet from the center of the road or 50 feet from and parallel to an established street line on the opposite side of the street. The title to all land between the center of the road and the front property lines of the subdivision lots shall be dedicated to the Town of Cheshire in accordance with the legal requirements for such a procedure.
- b. Where the grade of the existing or proposed road will be materially higher or lower than the proposed lots fronting on it, the Commission may, for reason of providing adequate sight distance on driveways, alleviating excessive or hazardous slope, or excessive runoff, require any lot or any part of such lot to be regraded as necessary to be in harmony with the road grade.
- c. In any case where the finished grading of a lot fronting on an existing street will cause drainage problems in that street, the developer shall, at his expense, install drains in the street, or make such other provisions as may be necessary to correct the condition.

#### 5.5 REAR LOTS<sup>1</sup>

##### A. General Provisions

- 1. Rear lots may be permitted by the Planning and Zoning Commission subject to obtaining a special permit from the Planning and Zoning Commission as provided in Section 40. Such approval shall not be granted unless said commission finds that the land characteristics and physical site conditions make the creation of rear lots practical and desirable, and only if the Commission determines that there is no logical or feasible alternative for the lots to be properly served by an accepted Town road, street or highway at the present time or in the foreseeable future.
- 2. The Planning and Zoning Commission shall consider the following standards in reviewing an application for a rear lot:
  - a. Rear lots shall be avoided in new subdivisions where possible.

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<sup>1</sup> Revised Para. 5.5, adopted 9/23/1991; effective 9/27/1991

- b. The number of rear lots shall be kept to a minimum.
- c. Rear lots shall only be permitted in residential zones.

B. General Requirements Regarding Rear Lot Accessways

All rear lot subdivisions or resubdivisions to be served by a rear lot accessway which serves one lot or more shall comply with the following requirements:

1. All applications for rear lot accessways shall conform to the requirements of Section 32.9 of the Zoning Regulations.
2. No more than three lots shall be served by a rear lot accessway.
3. If the accessway will serve more than one lot, then that accessway shall be built to conform to the Town's standards for private accessways. (See Appendix)
4. No driveway from a rear lot accessway shall exceed 350 feet or have a grade in excess of ten percent (10%).
5. The area of the accessway shall not be included in computing the minimum area requirements of any of the lot(s) served by the accessway, the lot provided the accessway or any lot within the proposed subdivision. The accessway shall be owned by the property owner of the furthest lot from the public street where possible.<sup>1</sup>
6. Sidewalks shall not be required.
7. If the topographical conditions warrant installation of drainage pipes, catch basins and /or curbing, the Commission shall require same.
8. Where the rear lot accessway connects to a street having public water and/or public sewer, connection to such facility is required. Such connection and cost thereof shall be borne by the applicant or owner. In addition, the deed transferring the property from the developer to any subsequent purchaser of such lot shall be made subject to this condition.
9. The applicant shall cause a note to be placed on the final, recorded subdivision map stating that the Town's responsibility to provide services to lots serviced by the rear lot accessway ceases at the street line of the public street.

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<sup>1</sup> Revised amendment 11/23/1992; effective 12/04/1992

10. The fee to the rear lot accessway may be held in private or corporate ownership. Each of the lots served by the accessway must have an easement across it for ingress, egress and maintenance purposes.
11. A maintenance agreement (See Appendix), as approved by the Planning and Zoning Commission and executed by all property owners using the rear lot accessway, shall be filed with the Planning and Zoning Commission and filed, as a restrictive covenant, on the Land Records within ninety (90) days of approval of this rear lot subdivision or resubdivision.
12. No lot served by a rear lot accessway shall be further subdivided. The applicant shall cause a note to appear on the final, recorded subdivision map indicating that there shall be no further subdivision, unless the approved rear lot accessway is rebuilt to the Town of Cheshire specifications for a public road, and unless resubdivision approval is obtained from the Planning and Zoning Commission for the Town of Cheshire.
13. In order to obtain a Certificate of Occupancy for any house built on a rear lot accessway, the applicant shall provide to the Zoning Enforcement Officer and the Building Official a certification, by a professional engineer that the rear lot accessway conforms to the standards set forth in these regulations and the zoning regulations.
14. The Planning and Zoning Commission may require that the applicant provide for through street and emergency access connections to abutting properties or public streets or that the applicant demonstrate that such connections can be made.
15. No rear lot accessway shall exceed 1,700 feet in length or have a grade in excess of ten percent (10%) at any point.<sup>1</sup>
16. In all zones, the minimum set back from the property line abutting the front lot shall be sixty (60) feet.

C. Lots On Rear Lot Accessways Not Greater Than Six Hundred (600') Feet In Length.

In addition to the General Requirements found at Section 5.5 (B) above, a rear lot accessway of a maximum length of 600 feet which serves more than one lot shall meet the following standards:

1. The accessway shall be a minimum of 15 feet wide and paved with a clear zone of 6 feet wide on each side. The clear zone shall be at road grade and shall be graveled and readily available for emergency vehicle parking. If, in the opinion of the

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<sup>1</sup> Revised 5/23/1994; effective 5/27/1994.

Engineering Department, the clear zone is impractical because of unusual topographical features, then pull-off areas (6 feet x 12 feet) may be provided every 200 feet subject to the approval of the Fire Marshal and the Planning and Zoning Commission. (See Appendix.)

2. At the end of the accessway, a paved turnaround shall be constructed with a minimum radius of 25 feet. (See Appendix.)

D. Lots On Rear Lot Accessways In Excess Of Six Hundred (600') Feet In Length And Not Greater Than One-Thousand (1,000') Feet In Length.

In addition to the General Requirements found at Section 5.5(B) above, a rear lot subdivision served by a rear lot accessway which exceeds 600 feet in length and is a maximum length of 1,000 feet and which serves more than one lot shall meet the following standards:

1. The accessway shall be a minimum of 15 feet wide and paved with a clear zone of 6 feet wide on each side. The clear zone shall be at road grade and shall be graveled and readily available for emergency vehicle parking. If, in the opinion of the Engineering Department, the clear zone is impractical because of unusual topographical features, then pull-off areas (6 feet x 12 feet) shall be provided every 200 feet subject to the approval of the Planning and Zoning Commission. (See Appendix.)
2. At the end of the accessway, a paved turnaround shall be constructed with minimum radius of 25'. (See Appendix.)
3. All structures built upon any lot approved pursuant to this Section shall have a fire suppressant sprinkler system which shall be approved by the Fire Marshal. A note shall appear on the final, recorded subdivision map stating this requirement. The Fire Marshal shall inspect the sprinkler system and notify the Building Inspector prior to the issuance of a Certificate of Occupancy.

E. Lots On Rear Lot Accessways In Excess Of One Thousand (1,000') Feet In Length And Not Greater Than One Thousand Seven Hundred (1,700') Feet In Length.

In addition to the General Requirements found at Section 5.5 (B) above, a rear lot subdivision served by a rear lot accessway which exceeds 1,000 feet in length to a maximum length of 1,700 feet and which serves more than one lot shall meet the following standards:

1. Each lot served shall have at least three (3) times the minimum lot area required by the Zoning Regulations for the zoning district in which the subdivision is located.

2. The accessway shall be a minimum twenty-four feet (24') paved width.
3. At the end of the rear lot accessway there shall be a cul-de-sac built to conform to the Town's standards for cul-de-sacs, including turning radius. (See Appendix.)
4. All structures built upon any lot approved pursuant to this Section shall have a fire suppressant sprinkler system which shall be approved by the Fire Marshal. A note shall appear on the final, recorded subdivision map stating this requirement. The Fire Marshal shall inspect the sprinkler system and notify the Building Inspector prior to the issuance of a Certificate of Occupancy.

Section 5.6 CUL-DE-SAC STREET OR DEAD END STREET<sup>1 2</sup> Cul-de-sac streets may be permitted by the Planning and Zoning Commission if the Commission determines that the character of the cul-de-sac, including, but not limited to, the length, number of lots and the distance from the emergency services, does not pose a danger to health or the public safety, and if the cul-de-sac is in harmony with existing or proposed principal thoroughfares including, but not limited to Major Streets, Collector Streets and Arterials as defined in these regulations and as described and shown in the Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares. Such cul-de-sacs should be arranged so as to provide an adequate and convenient system for present and prospective traffic needs. Cul-de-sac streets shall be constructed in accordance with the provisions of Sections 5.6.1 through 5.6.4 of these regulations.

5.6.1 NUMBER OF UNITS ALLOWED

The maximum number of dwelling units permitted to be served on a cul-de-sac street shall be as follows:

<u>Maximum Number of Dwelling Units Permitted To Be Served by a Cul- de-sac Street or Dead End Street</u>	<u>Zone</u>
17	R-20
16	R-40
16	R-80

- a. The same maximum shall apply in cases of Cluster Subdivisions.
- b. A two-family house shall be counted as two dwelling units for the purposes of this section.
- c. The dwelling units on the corner lots of the intersected street shall not be included in determining the number of units served,

<sup>1</sup> Amendment effective August 1, 1986

<sup>2</sup> Amendment effective May 12, 2017

but any dwelling units located on rear lots and connected to the cul-de-sac or dead end street by accessway shall be included.

### 5.6.2 PERMISSIBLE LENGTHS

A cul-de-sac street or dead end street may be constructed to the following lengths to accommodate the number of dwelling units permitted in Section 5.6.1 for the zone involved:

<u>Maximum Length of Street</u>	<u>Zone</u>
1,000 feet	R-20
1,700 feet	R-40
1,700 feet	R-80

See Section 12.2.2B for Industrial Cul-de-sacs

The measurement of the length shall commence at the street line of the intersected through street and shall be measured along the center line of the street. In the case of a permanent cul-de-sac, the measurement shall be taken to the center if the turn-around. In the case of a temporary cul-de-sac, the measurement shall be taken to a point on the center line directly opposite the most distant front corner of the lots fronting on the street.

### 5.6.3 OTHER REQUIREMENTS

- a. Except in Cluster Subdivisions, permanent cul-de-sac streets shall terminate in a generally circular turnaround having a minimum external radius of not less than 50 feet to the front property line and if a center island is desired, it shall have a minimum radius of 20 feet which shall be curbed and planted by the developer.<sup>1</sup>
- b. All permanent cul-de-sac streets shall be designated as "Court" for "Place" for the purposes of street naming.
- c. A loop street shall be considered as a cul-de-sac and designated as "Circle" for the purposes of street naming.

### 5.6.4 TEMPORARILY DEAD-ENDED STREETS OR CUL-DE-SACS

Construction of a temporarily dead-ended street or temporary cul-de-sac not in excess of two thousand (2,000) feet in length may be approved in the case where the developer submits plans for the

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<sup>1</sup> Amended effective 10/14/77

extension of the street over property he controls to a connection with another existing street, and provides a bond covering construction and completion of such street. An easement to the Town for the entire ultimate R.O.W. including slope rights will be required before approval of any extension of a temporarily dead-ended street in accordance with this section.

- a. Every temporarily dead-ended street shall be terminated in a hammerhead type of turnaround (See Appendix A).
- b. At the time when the extension of the street makes the hammerhead unnecessary, easements on abutting lots required for the hammerhead construction shall be terminated, and the paved area removed, sidewalks and curbs installed, catch basin inlets, if any, reconstructed and four inches of loam placed and seeded. Such work shall be the responsibility of the developer of the extended street.

#### 5.7 RESERVED STREETS

There shall be no reserved strips of land which could control or deny access to or from abutting property or streets.

#### 5.8 OFFSTREET PARKING

All offstreet parking shall conform to requirements as found in Section 33 of the Zoning Regulations of the Town of Cheshire.

#### 5.9 SETBACK LINES

Minimum building setback lines shall conform to the requirements of the Zoning Regulations of the Town of Cheshire, Section 33.2.

#### 5.10 TOP SOIL – LOAM

All top soil removed during subdivision development shall be stored at the site of the subdivision for the purpose of restoring ground surfaces. If sufficient top soil is not found on the site, additional amounts shall be brought in to cover the ground surface to a depth of four inches.

##### 5.10.1 AREAS DISTURBED

All areas disturbed by earth movement or by construction, except those used for sidewalks, streets and other paved surface areas, shall be covered with four inches of loam and seeded. All areas to be left in their natural condition such as rocky outcrops, swamps, ponds, open space, etc. shall be delineated on the subdivision map and shall be subject to the approval of the Commission.

Any lots or other areas which do not receive approval, if disturbed, shall be covered with four inches of top soil and seeded.



#### 5.11 WATER TOWERS AND STANDPIPES

Any proposed water tanks or standpipes shall be reviewed by the Commission. Such review shall seek to prevent the erection of possible future blighting factors because of the expected longtime use of such structures.

#### 5.12 HIGH TENSION POWER LINES

Subdivision plans of land upon which there exists high tension power lines shall show the exact location of all tower bases and the area of the easement or right-of-way of power lines both by appropriate notes, dotted line and dimensions. Such subdivisions shall also meet the following special conditions.

- A. All required building setback lines shall be measured from the edge of the power easement nearest the proposed structure.
- B. Any portion of a subdivision street which is to be located beneath such lines shall require approval of the power company.
- C. Streets passing directly beneath high tension power lines shall run, as nearly as possible, at right angles to the power lines and in no case shall make an angle of less than 60 degrees with the power line easement.
- D. Subdivisions shall be designed so as to best minimize the encroachment of a power line easement on the lots within the subdivisions.
- E. The developer shall conform to any additional requirements of the Public Utilities Commission.

#### 5.13 HIGH PRESSURE GAS TRANSMISSION PIPELINES

Subdivision plans for land upon which there exist high pressure gas pipelines shall show the exact location of the pipeline and pipeline easement as actually determined by the surveyor preparing the map. The map shall also indicate all dates available from the pipeline company showing pipe size, location, depth, etc.

The following are considered minimum requirements to lessen the hazard around such pipelines:

- A. All required building setback lines shall be measured from the pipeline but in no case shall the distance be less than 40 feet. If the exact location of the pipeline is not known, then the setback shall be measured from the nearest edge of the easement.

- B. Septic disposal fields, septic tanks and all appurtenances shall be on the same side of the pipeline as the building they will serve, and in no case shall be closer than 15 feet to the nearest edge of the easement.
- C. Proposed street shall cross such pipelines at right angles or as nearly so as possible. At every street crossing, the pipe shall be enclosed in a casing which at least meets the requirements of the specifications in A.P.I. Code No. 1102 issued by the American Petroleum Institute entitled "Recommended Practice on Form of Agreement and Specification for Pipeline Crossings Under Railroad Tracks" except that the minimum distance proposed road surface shall extend the full width of the right-of-way. All such crossings shall be constructed in accordance with and under the direct supervision of delegated personnel of the pipelines owner. All Connecticut Public Utilities Commission regulations must be met.

In cases where the Public Utilities Commission regulations require more stringent requirements, such requirements shall supersede the aforementioned guidelines.<sup>1</sup>

#### 5.14 TREES<sup>2</sup>

To prevent erosion, to maintain the ecological balance, to provide for protection from the sun and wind, and for the general health and welfare, every effort shall be made toward the preservation of trees.

The Planning and Zoning Commission may require deciduous trees and/or evergreen trees<sup>3</sup> in accordance with the following table, to be planted by the developer on subdivision lots whenever either of the following conditions exist.

1. Where the land being subdivided has been excessively stripped<sup>4</sup> of trees and vegetation prior to occupancy.
2. Where trees are deemed necessary for erosion control due to the creation of steep slopes and other topographical features.

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<sup>1</sup> Amended, effective 7/02/1993

<sup>2</sup> Amended, effective 6/1975

<sup>3</sup> For the purpose of this regulation, evergreen trees of smaller sizes may be substituted for deciduous trees. The number of evergreen trees required and size and type shall be determined by the Planning and Zoning Commission.

<sup>4</sup> See Definitions Section 1.24, Excessively Stripped.

<u>Zone</u>	<u>Maximum No. Of Deciduous Trees Per Lot That May Be Required By P&amp;Z Commission<sup>1</sup></u>	<u>Maximum Diameter of Deciduous Trees That May Be Required*</u>
R-20, R-20A	5	2.5"
R-40	8	2.5"
R-80	15	2.5"

Cluster Zones

R-20	5	2.5"
R-40	6	2.5"
R-80	8	2.5"

\*Diameter to be measured 1.0' from the ground.

Wherever trees are deemed necessary prior to subdivision approval, the applicant shall show the size, type planting and location of trees on the final subdivision map. Required trees shall be planted by the developer and must be alive and healthy immediately prior to occupancy. In no case shall trees be planted on sanitary systems.

All unoccupied subdivision lots existing at the time of the adoption of this regulation may come under this revised regulation provided a written request for modification is submitted to the Cheshire Planning and Zoning Commission.

#### 5.15 SOLAR ACCESS<sup>2</sup>

Pursuant to Public Act 81-334, the applicant shall demonstrate to the Planning and Zoning Commission that passive solar energy techniques have been considered in the development of the proposed subdivision. Passive solar energy techniques shall: a) maximize solar heat gain, b) minimize heat loss during the heating season, and c) minimize heat gain and provide for natural ventilation during the cooling season. These passive solar energy techniques shall include, but not be limited to, the following:

5.15.1 The proposed principal building shall be located and oriented so that the longest side of the building faces within 30 degrees of true south.

5.15.2 The street and lot layout plan shall, as far as practicable, provide for east-west street orientations to facilitate the development of properly oriented passive solar buildings. For purposes of this regulation, an east-west street refers to any street with its axis within 30 degrees of true east.

(5-12)

<sup>1</sup> In the case of erosion control, the Commission may require shrubs or numerous small trees in lieu of this requirement.

<sup>2</sup> Amended, effective 4/29/1983.

- 5.15.3 Proposed buildings shall be located to avoid shadows cast by other buildings, vegetation and natural and man-made topographical features wherever practicable.
- 5.15.4 Provided soil and topographic conditions permit, primary and reserve leaching fields shall be planned and located to the south of a proposed house location whenever such location enhances solar access to the south wall due to regrading and tree removal associated with the installation of the sewage disposal system.
- 5.15.5 At the discretion of the Commission, taking into consideration the need for solar access protection, the applicant shall be required to include solar easements or restrictive covenants with the deeds of each lot.

## **VI Public Improvements**

## VI Public Improvements

- 6.1 Required Public Improvements: In order to adequately protect the public health, safety and general welfare under the conditions created by the development of vacant land, the following public improvements shall be required in subdivision layouts:
- 6.2 Arrangement of Streets: In order to protect the public health, safety and welfare, in approving any application for subdivision or resubdivision, the Commission shall find that existing public highways to which a proposed subdivision abuts or intersects with, whether State or municipal, shall have such width, pavement condition, drainage facilities, sight lines and alignment as to be adequate to safely carry the prospective traffic volumes of the proposed subdivision or resubdivision in addition to the existing traffic volumes, without causing undue traffic congestion, and such highways shall be of such a character as to be adequate access to the proposed subdivision by pedestrians, fire apparatus, ambulances, police vehicles, snow plows, and other public service and emergency vehicles.<sup>1</sup>

The arrangement of the streets shall be compatible with existing and planned streets, topographical conditions, public convenience, safety, and the proposed uses of the land to be served by such streets. Provision shall be made for the continuation of the principal streets in adjoining subdivisions and for proper projection of principal streets when adjoining property is not subdivided.

Where the land to be subdivided does not abut an accepted town street or state road, the developer shall purchase the necessary right-of-way and construct at his expense access streets between the subdivision and such town street or state road. The location of such access streets shall be subject to approval by the Planning and Zoning Commission. Any such subdivision not abutting an improved town street or state road shall have not less than two separate access streets unless it is of such size and so located that it can meet the requirements of a cul-de-sac street as stated in Section 5.6.

(6-1)

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<sup>1</sup> Amended, effective 1/27/1989

Street line deflections shall be accomplished with a circular curve having a center line radius of 200 feet or more.<sup>2</sup>

(This paragraph is not applicable to the intersection of two or more streets, but is not to be circumvented by calling a sharp turn in a single continuous roadway the intersection of two different streets.)<sup>1</sup>

- 6.3 Access to Town Street System: Where a subdivision is near a municipal boundary, all proposed lots shall be directly connected with the Cheshire street system to provide access for school buses, police, fire and emergency vehicles and Public Works Department equipment, within the boundaries of Cheshire.
- 6.4 Street Right-of-Way Width: No new street or highway shall have a right-of-way width of less than 50 feet. A wider right-of-way width may be required if called for in the opinion of the Commission. See Appendix.

The traveled way width shall be at least 30 feet in all residential areas.

- 6.5 Intersections:<sup>2</sup> Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees. Property lines at street intersections shall be rounded with a radius to conform to standards as found in Appendix A.

Streets intersecting Town streets shall be opposite existing intersections or be separated by a distance measured between center lines of not less than 250 feet. Intersections of side streets on the same side of an existing Town street shall be located at least 350 feet apart, as measured between center lines. The above distances may be varied by the Planning and Zoning Commission when evidence is presented which shows that the proposed layout of streets would be safer than a street layout which complies with the established distance requirements.

To enhance traffic safety, all intersections shall conform with the sight line requirements of the most current CONNDOT Geometric Design Standards. In addition, on all corner lots, a sight line easement shall be granted to the Town of Cheshire and shall stipulate that nothing shall be erected, placed, planted or allowed to grow or overhang in such a manner to impede vision. The easement shall be bounded by the street lines of said corner lot and a line connecting a point on the street line of the side street, 25 feet from the point of intersection with a point on the street line of the main street, a distance from the point of intersection as indicated below: (See Drawing #16 in Appendix A, Subdivision and Other Land Use Regulations.)

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<sup>2</sup> Amended, effective 8/1/1980

<sup>1</sup> Amended, effective 3/8/1985

Arterial Street 225' – Collector Street 180' – Local Street 150'

Should the area as bounded above not be entirely on property of the applicant, he shall grant said easement on that portion that he controls. In addition, lots shall be sloped and graded to comply with the foregoing. The foregoing shall also apply to Sections 40, 41, 42, 43, and 45 of the Zoning Regulations.

- 6.5.1A Residential Street Grades: Grades of all streets shall conform in general to the terrain and shall not exceed 7% for major streets and 10% for minor streets. No street shall have a grade of less than 2%. No minor street shall have a grade of more than 4% within 75 feet of its intersection with the center line of another street.<sup>1</sup>
- 6.5.1B Commercial and/or Industrial Street Grades: Grades of all streets shall conform in general to the terrain and shall not exceed 6% for major streets and 8% for minor streets. No street shall have a grade of less than 2%. No minor street shall have a grade of more than 3% within 100' of its intersection with the center line of another street.<sup>1</sup>
- 6.5.1C Cul-De-Sac Street Grades: Street grades in cul-de-sacs shall be measured along the curb line.
- 6.5.2 Street Construction: Construction of all streets required within a subdivision shall conform to the specifications outlined in the "Road and Drainage Standards-Town of Cheshire" available from the Public Works Office. Curbs shall be constructed for subdivision lots facing on existing streets. Construction of new pavement shall be required between edge of existing pavement and the new curb on existing streets, which bound or intersect the proposed subdivision. Any damage to existing pavement due to construction shall be repaired at the developer's expense. For further information on street construction, consult the Town Engineer.

**Section 6.6 Streets To Be Constructed and/or Connected in the Future:**<sup>2</sup> The Commission may require that a provision be made in the street layout of the Subdivision Plan for the reservation of dedicated rights-of-way for streets to connect with future streets in adjoining properties, if it determines that the land where said rights-of-way and said future streets will be located is suitable for a street, giving due consideration to Natural Features as listed in Section 5.2 of these regulations, the Plan of Conservation and Development and the land's

<sup>1</sup> Amendment effective 4/26/1991

<sup>2</sup> Amendment effective 5/12/2017



innate characteristics, including, but not limited to, flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, and other features that may reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. Slope rights for grading of such future streets shall be reserved in the deeds of all lots having frontage on areas reserved for future streets. Reservation of slope rights shall also be shown on subdivision maps. These dedicated rights-of-way shall be deeded to the municipality as a condition of approval of the application, and shall be verified by the Town Engineer.

- 6.7 Street Names: All street names shall be shown on subdivision plans and shall be approved by the Planning & Zoning Commission. All street names are limited to 13 characters including spaces.

Proposed street names shall be substantially different from any present names to avoid confusion in sound or spelling. Streets that become extensions of existing streets shall generally bear the same name. All cul-de-sac streets shall bear a street name and be designated as a "Court" or "Place".

See also Section 5.6.3.

- 6.8 Driveways: Driveway grades between the street line and the building setback line shall not exceed 10% at any point. Driveways shall be constructed so that the slope of the driveway commences at the street line, not the curb line. No more than three (3) driveways, rear-lot accessways, or any combination thereof are allowed to access the circular portion of any cul-de-sac.

- 6.9 Curbs: Curbs shall be required on all new streets and may be required on existing streets and shall conform to construction and design standards as required in Appendix A of these regulations.

- 6.10 Sidewalks:<sup>2</sup>All sidewalks shall conform to construction and design standards as required in the Town of Cheshire Construction Specifications, as found in Appendix A of these regulations and shall include ramps for the handicapped in accordance with State of Connecticut specifications.

6.10.1 Sidewalks shall be required on both sides of new<sup>3</sup> streets in subdivisions in R-20, R-20A, R-40, and R-80 zones. The applicant may, however, request a waiver of sidewalks on one or both sides of the street (in accordance with or pursuant to) Section 11.1 Variances or Waiver of regulations. At cul-de-sac streets, sidewalks will not be required around the circumference of the turnaround circle.

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1 Amended 8/1/1986

2 Amended 11/30/1979

3 Amended 6/28/10; effective 7/16/10

The sidewalks shall be built in accordance with Town of Cheshire Construction Standards as found in Appendix A of these regulations.

- 6.10.2 <sup>1</sup>. Where one or more of the following conditions exist on existing streets, , the Commission shall have the discretion to postpone sidewalk-installation to a future date:
- A. Where the subdivision lots are not within the legal walking distance of any school (as determined by the Cheshire Board of Education), and/or an existing or proposed park, playground or other facilities used by the public and the public safety will not be materially affected.
  - B. Where proposed road reconstruction or realignment would make immediate installation impractical.
  - C. Where extreme and unusual physical or topographical conditions in conjunction with an absence of sidewalks in the immediate area make immediate installation impractical.

A request to postpone sidewalk installation must be submitted at or prior to the first Subdivision Committee review of a subdivision application or at or prior to the public hearing (if applicable), whichever comes first. If the postponement request is not made by the above stated times, then it shall be considered a separate application and an application fee of \$25.00 shall be charged for each lot or proposed lot involved.

Any approved postponement of sidewalk installation shall be conditioned upon the filing of a sidewalk covenant on the Cheshire Land Records. A copy of the signed covenant (s) shall be submitted to the Planning Office prior to the signing of an approved subdivision or resubdivision plan by the Chairman or Secretary of the Commission. Said covenant shall utilize the Town of Cheshire sidewalk covenant form found in Appendix B. This covenant conveys the sidewalk obligation to future owners of the property and requires the granting of a ten-foot wide perpetual easement and slope rights. It further obligates the property owner to all sidewalk construction costs and legal fees incurred by the Town of Cheshire if the property owner does not construct the required sidewalk within 180 days of a determination by the Town of Cheshire Planning and Zoning Commission or other Cheshire Agency

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<sup>1</sup>. Amended 11/30/1979

responsible for sidewalk installation that sidewalks shall be installed.<sup>1</sup>

#### 6.10.4 Sidewalks in Industrial and Commercial Subdivisions

See Sections 12.1.8 and 12.2.8.

#### 6.11 Street and Sidewalk Lighting Facilities

Street light shall be required in all subdivisions, including cluster subdivisions.

The cost of lighting fixtures, poles and installations shall be the responsibility of the developer.

All lighting shall conform to the Town of Cheshire design and performance standards for lighting as found in Appendix B.

In developments where sidewalks do not parallel the road system, the Commission may require the lighting of such sidewalks in addition to street lighting.

#### 6.12A Traffic Control Devices

The developer shall be responsible for the cost and installation of any traffic control devices deemed necessary by the Town of Cheshire Traffic Authority.

Such Traffic Control Device shall meet the standards of the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23 U.S. Code Sections 109(b), 109(d), and 402(a), as may be amended. (See manual on Uniform Traffic Control Devices for Highways and Streets.)

The developer shall bond such required traffic control devices with all other public improvements.

#### 6.12B Street Name Signs

The developer shall be responsible for the cost and installation of street name signs.

Such signs shall be placed at all intersections with existing streets as well as at all intersections within the development. Street name signs shall be of the same size, color and construction as the latest Town of Cheshire street signs, shall be subject to approval by the Town of Cheshire Traffic Authority and shall

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<sup>1</sup> Amended, effective 9/26/1980

conform to Section 2D-40 Street Name Sign (D-3) as may be amended (Manual on Uniform Traffic Control Devices for Streets and Highways) approved by the Federal Highway Administrator as the Nation's Standard for all highways open to public travel in accordance with Title 23, U.S. Code, Sections 109 (b), 109 (d) and 402 (a) as may be amended. The developer shall bond such required street name signs with all other public improvements.

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**VII Drainage Facilities**

**For Storm Water and All Other**

**Drainage Excluding Sanitary**

**Drainage Facilities**

## **VII Drainage Facilities for Storm Water and All Other Drainage Excluding Sanitary Drainage Facilities**

### **7.1 GENERAL**

The developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and sub-surface water which may be detrimental to health, safety and convenient use of any portion of the area, whether originating within the subdivision area or in a tributary drainage area. All drainage facilities shall be designed by a registered professional engineer and be subject to the approval and final acceptance of the Town Engineer.

The type, design and extent of drainage control facilities will be determined by local conditions such as the general terrain, steepness of slope, size and dimensions of contributing area, the retentive characteristics of the soil or ground cover and any other pertinent factors.

### **7.2 LOCATION OF DRAINAGE FACILITIES**

Principal drainage facilities shall be located in the street rights-of-way, where feasible, or in permanent rights-of-way satisfactory to the Commission where necessary. All drainage facilities shall be constructed in accordance with "Road and Drainage Standards" of the Town of Cheshire as found in Appendix A. Where an easement is necessary across private property in a subdivision, the easement shall be centered along a lot line wherever possible and shall be not less than 25 feet wide. Open ditches shall generally be limited to undeveloped land for which the eventual use has not been determined. In cases where the Commission may find that the ecological effect of a proposed drainage disposal system is an important consideration, it may require that the system shall be designed to cause a minimum impact upon the ecology.

### **7.3 DRAINAGE DISCHARGE**

The discharge of all storm water from a subdivision shall be into suitable streams or other acceptable and suitable storm water drainage facilities having adequate capacity to carry the additional water. Where the discharge will be into private property, proper easements and discharge rights shall be secured for the Town by the applicant from all affected property owners. Such easements must be acceptably executed before acceptance of drainage plan and approval of the subdivision map.

Sufficient and adequate facilities shall be constructed on private lots wherever necessary to prevent the flow of surface drainage

from the property on which it originates onto adjacent property in sufficient quantity, concentration or velocity to cause damage or create a nuisance on adjoining property.

In general, wherever the accumulation or concentration or runoff from any subdivision or individual lot could reach quantities, velocities or other characteristics which could become a nuisance on an adjoining lot or other property such as excessive quantity, erosion, silting, ponding, saturation of the soil, etc., the flow shall be intercepted by a berm, swale, catch basin inlet to an underground drain, or other device or combination thereof, sufficient to control and prevent such an occurrence. Also, wherever sub-surface water occurs at levels or in quantities which will cause or contribute to problems, adequate facilities shall be constructed to alleviate the condition.

#### 7.4 DRAINAGE DESIGN

Finished grading shall be well compacted and slope away from all buildings. The finished grading around sanitary seepage fields shall be designed to prevent surface water from flowing across or collecting in the seepage area.

Where drainage easements are reserved for drains serving only private property, the agreements for such easements shall be between the affected property owners.

In any case where a subdivision lot, facing on an existing Town street, is regraded so as to cause ponding of drainage in the street, the developer of such lot shall install an adequate drain satisfactory to the Town to eliminate such ponding, and shall furnish a drainage easement, if the drain is laid across private property.

Where a new street intersects an existing street which has no underground drainage system or which has a drainage system of insufficient capacity to carry the additional flow, appropriate facilities shall be installed by the developer to intercept and dispose of any drainage from the new street which would otherwise be discharged onto the surface of the existing street or into its drainage system.

No storm water or ground water drains shall be connected to any sanitary sewage drainage system.

##### 7.4.1 Rechanneling

Subject to the approval of the Commission, the developer may rechannel a water course through his property in order to contain the storm flow within a lesser width, provided, however, that the channel shall not be so restricted in width and cross section as to cause any restriction in the rate of

flow or any increase in upstream elevation of the water surface during periods of maximum flow. The developer shall clear the drainage way of all debris, leave the channel and side slopes trimmed to required grade, in a stable condition and protected against erosion, and acceptably spread or remove all spoil piles as a condition of acceptance.

#### 7.5 UNDERDRAINS

The Commission or Town Engineer shall require the installation of underdrains beneath the street pavement where necessary to protect the stability of the pavement.

#### 7.6 CONNECTICUT STATE HIGHWAY PERMIT

Where the property involved abuts a state highway or drainage therefrom may cross or be discharged upon a state highway, the responsibility for obtaining all required State permits and all expenses in connection with any required work shall be the responsibility of the developer.

#### 7.7 MANHOLES AND CATCH BASINS

Catch basins shall be provided so that surface water will not travel more than four hundred feet on streets with surface grades up to and including 5% and not more than three hundred (300) feet on streets with grades over 5%.

Manholes or catch basins shall be provided at each change in direction or grade of the pipe and shall not be spaced more than four hundred (400) feet apart. Drain pipes shall be laid in a straight line and at a uniform grade between manholes and/or catch basins.

The minimum cover over the top of any drain pipe shall be two feet.

#### 7.8 ENDWALLS FOR DRAINAGE SYSTEMS

An endwall shall be provided at each end of the pipe system. Where scouring might occur, alternate or additional protection may be required such as flared-ends, riprap and/or wingwalls. The footings for all endwalls shall be not less than 2'6" below the invert grade of the pipe, or the bed of the discharge ditch or stream, if the pipe invert is at a higher grade. All endwalls shall be made of concrete or equivalent permanent materials.

#### 7.9 CULVERTS

Culverts under street shall be extended at least to the edge of the right-of-way of the street. Headwalls, paving, flared-ends, and/or riprap, adequate to prevent erosion, shall be provided at the ends of all culverts.



7.10 MINIMUM DESIGN STANDARDS – STORM DRAINAGE SYSTEMS

All designs shall be based on maximum ultimate development of the entire tributary area as determined by the Town Engineer.

All bridges and culverts shall be designed with ample waterway so that there will be no restriction in the rate of flow or increase in upstream elevation of the water surface during period of maximum flow.

- A. Culvert Design: On large watersheds over one square mile, the design of culverts, bridges and through watercourses or ditches shall be based on not less than a 50 year storm.

On watersheds less than one square mile, the design for the through drainage system shall be for not less than a 25 year storm.

- B. Road Drainage Design: The drainage system for roads, including catch basins, inlets, pipelines, underdrains and gutters, within or abutting the subdivision shall be designed for not less than a 10 year storm.

The above are Minimum Standards. Design requirements may be increased in special situations.

No storm drain shall be less than 15 inches in diameter. The minimum slope of pipes shall be 0.4 foot in 100 feet.

## **VIII Sanitary Facilities**

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Section 8.2.2, 8.2.3, 8.3.2 and 8.3.3 shall not be considered to be part of these regulations until such time as the Sewer Commission approves its five-year plan and the Planning Commission adopts it.

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## VIII Disposal Facilities for Sanitary Sewage

- 8.1 Except in Cluster Subdivisions which must be served by a public sanitary sewage disposal system, every application for approval of a subdivision must include satisfactory evidence that the site has suitable physical characteristics to adequately satisfy all the requirements of the Connecticut State Department of Health for subsurface sewage disposal or that the proposed lots can be connected to an operational public sanitary sewer.<sup>1</sup>

### 8.2 SEWAGE DISPOSAL FACILITIES TO BE CLASSIFIED BY DISTRICTS

Sewage disposal facilities shall be classified in one of the following districts:

- 8.2.1 Class A District shall include all the territory within the limits of an operational public sanitary sewer district.
- 8.2.2 Class B District shall include the territory within a public sanitary sewer district scheduled to have an operational system within the ensuing five year period.
- 8.2.3 Class C District shall include any areas immediately adjacent to either Class A or Class B districts which are so located in relation to sewer trunk lines which are then operational or scheduled to become operational within five years that a study appears desirable to determine whether connections should be made to the sewer trunk lines.
- 8.2.4 Class D District shall include areas sufficiently removed from any operational sewer trunk lines or lines scheduled to become operational within the ensuing five-year period that it would not be economically justifiable to require advance installation of dry sewers.
- 8.2.5 Class E District shall include areas which by their location or because of the terrain are not likely to be served with sewers within any foreseeable planning period.

### 8.3 DISTRICT REQUIREMENTS

- 8.3.1 In a Class A District, it is mandatory that every building containing sanitary facilities shall be connected to a public sanitary sewer. If a sewer has been installed, the connections shall be in accordance with regulations of the Cheshire Sewer Commission. If a sewer has not been installed previously, the developer shall pay the cost of

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<sup>1</sup> Amended, effective 10/14/1977

sewers, and shall first submit his proposal to the Sewer Commission for review and approval of the facilities for disposal of sanitary sewage.

Written approval must be obtained from the Sewer Commission and submitted with the subdivision application before the Planning and Zoning Commission will accept the application as being complete. In the event that the Sewer Commission should approve the installation of a private onsite disposal system, seepage tests must be made and reviewed by the Town Health Officer. A copy of the Sewer Commission's decision and a sanitation certificate shall be submitted with the subdivision application.

8.3.2 In a Class B District, any subdivision which will include the construction of new streets must be reviewed by the Sewer Commission. The design and specifications for any sewers installed by the developer shall conform to the requirements of the Sewer Commission. An approved private disposal system must be constructed for any building, which is completed and ready for occupancy before the public sewers are declared to be completed and operational. Such private disposal systems must be abandoned and connection made to the public sewer as per Sewer Commission regulations.

8.3.3 In a Class C District, the Planning and Zoning Commission will review the size and location of the proposed subdivision in relation to an installed or proposed sewer trunk line and in cases where it appears that a connection to the trunk line may be feasible, the Planning and Zoning Commission will refer the matter to the Sewer Commission for its review and report.

An approved private disposal system must be constructed for any building which is completed and ready for occupancy before the public sewer are declared to be completed and operational. Such private disposal systems must be abandoned and connection made to the public sewer as per Sewer Commission regulations.

8.3.4 In a Class D and E District, the requirements for approval of sewage disposal facilities in a subdivision shall be as set forth in these regulations for onsite sewage disposal.

8.3.5 Any sanitary sewers required to be installed by either the Sewer Commission or these regulations shall be at the expense of the developer.

## 8.4 GENERAL REQUIREMENTS FOR ONSITE SEWAGE DISPOSAL

All onsite sewage disposal facilities shall be designed and constructed in accordance with the requirements of the Connecticut Public Health Code. When individual onsite sewage disposal systems are proposed, the final subdivision plan shall be accompanied by a Sanitary Report prepared by a professional engineer which shall be submitted for approval to the Town Health Officer. The report shall demonstrate the suitability of the ground for sub-surface disposal of septic tank effluent. The report should deal with the entire tract discussing the following points:

- 8.4.1 General nature and existing use of surrounding area.
- 8.4.2 Topography and natural drainage pattern.
- 8.4.3 Sub-surface conditions as shown by sub-surface investigation, including soil absorption characteristics, ground water level conditions, ledge rock and general nature of soil.
- 8.4.4 General description of type of development contemplated noting type of dwelling units and structures, number of families per structure, and number of bedrooms per dwelling unit.  
  
For commercial, industrial or other non-residential applications, the report shall provide equivalent information, such as personnel, population, number and type of plumbing fixtures, and character of waste to be disposed.
- 8.4.5 Detailed description of proposed sewage disposal facilities, indicated sizes for various ground conditions, materials to be used, and general layout pattern to be used, etc.
- 8.4.6 Special precautions that may be necessary to provide proper functioning of the proposed disposal system.
- 8.4.7 Flood history and flood elevations of any nearby streams, brooks or other bodies of water.

The report shall contain test results and engineering evaluation of test results based on an extensive sub-surface investigation.

## 8.5 PERCOLATION TESTS, OBSERVATION HOLES, OBSERVATION PITS, PROBES FOR ROCK REQUIRED

In order to determine the suitability of septic systems, percolation tests shall be made in accordance with the requirements of the

Connecticut Public Health Code. The results from such tests shall accompany the engineer's report.

Percolation tests shall be obtained in the approximate location of proposed on-site sanitary waste disposal systems and shall be taken AT FINAL GRADE. Percolation tests shall not be taken in "fill" material until at least two years have elapsed from the date of disposition of the "fill" material, except that an Engineer's certificate of suitability of fill material on the basis of compaction will be accepted in lieu of the passage of time.

The Commission may approve a subdivision excluding lots where substantial cutting or filling has taken place and may require a separate review by the Commission when the applicant has completed regarding and subsequent testing.

The report shall contain a statement by the professional engineer that, in his opinion, the area is suitable for the installation of individual sanitary sewage disposal systems of the type and size described in his report. Any reservations or special conditions considered necessary by the engineer shall be repeated in this portion of his report.

#### 8.5 LOCATION

For multiple dwelling unit applications, the location and position of the sanitary system shall be outlined on the map or site plan with an indication of size and type.

**IX Water Service**  
**And Other Public Service Facilities**



## **IX Water Service and Other Public Service Facilities**

### **9.1 DOMESTIC WATER SERVICE**

The developer shall provide a potable, adequate and dependable water service for every lot or dwelling unit in all Districts.

#### **9.1.1 Public Water Service**

A public water service shall be required to serve all of the following:

- A. All lots in an R-20 or an R-20A District.
- B. All lots in Cluster Subdivisions as permitted in Section 42 of the Zoning Regulations shall not be considered or approved unless the proposed lots are to be served by a public water supply system or a State approved community water system and a public sanitary sewage disposal system.<sup>1</sup>
- C. All Planned Residential Developments in any zoning District as permitted in Section 43 of the Zoning Regulations.
- D. Any subdivision within required distance of an existing water service as determined by the following formula when the distance is measured along existing or proposed streets and/or rights-of-way to the nearest point in the subdivision. Formula: Ultimate number of lots multiplied by 50 feet equals the distance of extension required from end of existing system to first lot.

If the distance to an existing water system is greater than the total so derived, and the lot is in an R-40, R-80 or Cluster Subdivision R-80 District, individual wells may be used in accordance with the regulations as stated in Section 9.1.3.
- E. Any commercial development.
- F. Any industrial development in an I-1 zoning district.
- G. Any industrial development in an I-2 zoning district where the development abuts any existing street presently served by a public water system.

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<sup>1</sup> Amended, effective 10/14/1977

### 9.1.2 Community Water Services

A community water system may be used in place of a public water service where such service is required, provided such community water service meets the following requirements:

- A. In any case where a community water supply shall be proposed, the potability of the water, the sustained pumping capacity of the well or wells, the design of the installation and the storage capacity for all domestic uses and for fire protection shall be approved and certified by the Connecticut State Department of Health and/or such other public officials as shall have authority to review the adequacy of the proposed installation including the Fire Marshal and/or others concerned with public safety and welfare.
- B. A copy of all reports by the Connecticut State Department of Health and correspondence relating to the same shall be submitted by the applicant with his proposal. All such systems shall be designed by a registered professional engineer.
- C. In every case where a community water system shall be installed, the distribution mains shall at least equal the standards for size, strength and durability of material which would be required by such public water department or company as might be anticipated to eventually make connection to the distribution mains of the Community Water System.
- D. Any proposal for a Community Water System shall include a written statement covering details of the proposed organization for financing and operating the system. Such Community Water System shall be bonded, such bond amount to be determined by the Town Engineer. An acceptable bond must be filed with the Town of Cheshire in addition to any other required bonds before a building permit will be issued.

### 9.1.3 Private Wells

In a subdivision which is located where a public or Community Water Service is not required or available a private well shall be permitted for each building lot or industrial user subject to the condition that each lot shall have an area of not less than 40,000 square feet, that the topographic and geological conditions are satisfactory and that each well can be designed, located and constructed in

accordance with the standards and requirements of the Connecticut State Department of Health and shall have the approval of the Cheshire Health Officer.

#### 9.1.4 Fire Hydrants

Where a public water main is extended, fire hydrants shall be installed at the expense of the developer and shall be at such locations as will meet the requirements of the Town Fire Marshal.

In the case of community Water Systems, where an adequate alternative water supply (pond or stream) for fire protection does not exist, fire hydrants shall be installed in accordance with the requirements of the Town Fire Marshal and shown on the Plan.

### 9.2 OTHER PUBLIC SERVICE FACILITIES<sup>1</sup>

In all residential subdivisions the developer shall make arrangements to have the electric and telephone service distribution lines<sup>2</sup> and other public service facilities installed underground in accordance with the specifications of the Town of Cheshire, Connecticut Light and Power Company, Southern New England Telephone Company, and any other public service organizations which may serve the area. All service connections from underground distribution lines shall be underground.

An individual service connection<sup>3</sup>, from an existing overhead utility line to an individual dwelling may be installed overhead provided said connection serves a maximum of one dwelling.

Where utilities are underground the developer shall acquire easements where necessary and may be required to submit drawings to the Town Engineer for approval. In addition, an as built map of underground Public Service Facilities placement shall be filed with the Town Engineer.

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<sup>1</sup> Amended, effective 6/1976

<sup>2</sup> See Definitions Section 1.26, Utility Distribution Line

<sup>3</sup> See Definitions Section 1.25, Utility Service Connection

## **X Guaranty of Improvements Bonding<sup>1</sup>**

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<sup>1</sup> Adopted by PZC on 8/27/1984, effective 8/31/1984 at 12:01 a.m.

## **X Guarantee of Performance**

The Commission shall require any one of the following methods or any reasonable combination of them for securing the completion of all work and installation of all public improvements, public service facilities, winter maintenance, erosion control, open space transfers and stipulations as required by these regulations and the stipulations of its subdivision approval:

1. Conditional approval
2. Provision of a Bond with Surety
3. Approval without Bond

### **10.1 Computation of Costs**

Following the approval or conditional approval of any subdivision plan which involves the construction or installation of public improvements and/or public service facilities and before proceeding with any work, or the filing of the approved subdivision plan, the developer shall review the scope of the public improvements and/or public service facilities with the Town Engineer who will review the developer's estimate of the cost of construction and the cost of the winter maintenance and will determine the amount of the surety to be furnished by the developer, to guarantee the completion of all public improvements and/or public service facilities and winter maintenance. In computing the estimated cost of the work, the Town Engineer will give due consideration to possible escalation of costs during the surety period. No surety shall be accepted for a period exceeding one year for each section. At least 60 days prior to the end of a "surety year", the developer shall recompute the cost of the work remaining, if the work cannot be completed and accepted within the surety year, and file a new bond with surety.

### **10.2 Phasing and Sectionalizing Improvements**

An applicant may seek approval from the Commission to phase installation and construction of public improvements and/or public service facilities in sections of the subdivision rather than all at once in the whole subdivision. Any such request shall be made to the Commission with a copy of the subdivision map showing a detailed breakdown by section of the parts of the subdivision to be completed at each time. Upon approval of the sectionalizing by the Commission, the developer may then proceed to choose any method allowed in these regulations for securing completion of the public improvements, (as referred to in Section X above) in each section. Sections shall be numbered consecutively and work shall proceed in the order of the sections numbered. No Zoning Permit, Building Permit or Certificate of Occupancy shall be granted in any section not completed and accepted and/or secured pursuant to these regulations.

### 10.3 Conditional Approval

1. In lieu of the completion of the work or the furnishing of a bond as provided herein, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Any request for a conditional approval must be accompanied by a cash bond in an amount equal to 10% of the established cost of all improvements required by the Commission and must be requested with the application for approval of the subdivision. After conditional approval, the cash bond shall be adjusted based upon the final plan.
2. Any conditional approval granted hereunder shall be specifically conditioned on:
  - a. The actual construction, maintenance and installation of any public improvements or utilities, or other work required by the Commission, or
  - b. The provision of a bond with surety as provided herein.Upon the occurrence of either such event, the Commission shall cause a final approval to be endorsed thereon.
3. With the Commission's prior approval, the developer may make the required improvements in sections. Sections will then be treated independently for purposes of security, acceptance of roads, and final approval.
4. Any conditional approval shall lapse three years from the date it is granted, provided that the developer may apply for, and the Commission may grant, a renewal of such conditional approval for an additional two years, at least three months prior to the end of said three-year period.

### 10.3 Security

In lieu of requiring the completion of public improvements previous to the final approval of a subdivision plan or previous to all work on an approved subdivision plan being completed and accepted, the Commission may accept a Bond with Surety satisfactory to it to assure completion of all public improvements in accordance with these regulations and the approved plan.

### 10.4 Form of Surety

For the purposes of these regulation, the form of Surety for a Bond which may be provided and accepted by the Commission is as follows:

A Bond together with:

1. The pledge of a passbook savings account, or
2. An irrevocable letter of credit, or
3. A cash deposit with the Town of Cheshire.

#### 10.6 Conditions of Surety

Whatever type of bond with surety is filed with the Town, it shall secure the actual construction and installation of such improvements and utilities and/or costs of winter maintenance within one year from the date of approval of the subdivision plan or, in the case of subdivision plans conditionally approved, one year from the date final approval is granted. The Commission may extend the completion date for public improvements for additional periods for one or more years. As a condition for such extension, the Commission may require an increase in the amount of surety.

#### 10.7 Pledge of Savings Account

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

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

#### 10.8 Irrevocable Letter of Credit

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

#### 10.9 Cash Deposit

Bonds secured by a cash deposit with the Town shall be treated as follows:

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

#### 10.10 Failure to Complete Improvements

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

#### 10.11 Partial Release<sup>1</sup>

When and if the Town Engineer determines that a substantial portion of the public improvements called for in the final plan approved by the Commission has been completed, he may recommend one or more partial releases of a portion of the security provided the following conditions have been met:

1. All requests for partial releases shall be made in writing to the Planning and Zoning Department.
2. The Town Engineer shall have a minimum of 15 working days from the date of receipt of the written request in order to inspect and calculate any partial release.
3. Only one request per calendar month per development (or phase of Development) shall be considered.
4. A maximum of four bond reductions shall be granted, per phase per development. If the first bond number requested is not posted, future calculations will be considered as reductions.<sup>2</sup>

**(10-4)**

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<sup>1</sup> Amendment adopted 9/26/1994, effective 9/30/1994 at 12:01 a.m.

<sup>2</sup> Amendment adopted 9/22/1997, effective 9/26/1997 at 12:01 a.m.



The balance of the security at all times shall be sufficient to guarantee completion of all the remaining public improvements. Such partial release shall be authorized by the Planning and Zoning Department upon recommendation of the Town Engineer. Releases granted shall be in amounts in excess of \$20,000. per phase.<sup>1</sup> In no event shall the surety be released below 10% of the actual cost of improvements originally approved.

#### 10.12 Release of Surety

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

1. All public improvements, public service facilities and conditions of approval of the subdivision have been approved and/or accepted by the designated Town official.
2. All required monuments must have been set and a sworn affidavit filed by the land surveyor employed by the developer stating required monuments have been accurately set as required by these regulations.
3. The applicant's engineer or surveyor has certified to the Town through the Town Engineer and through submission of detailed "as-built" plans, that the layout of the line and grade of all public improvements is in accordance with the construction plans of the subdivision. "As-built" plans shall include the site development plan, a grading plan and a construction plan as described elsewhere in these regulations. Such plans shall show any modifications or changes made, including those made during construction. In addition, the grading plans shall show all water gates, curb stops, sewer laterals and sewer laterals at property lines.
4. The Town Engineer has submitted a written notice to the Commission stating that all required improvements have been certified to the Town as satisfactorily completed and approved by him.
5. Warranty Deeds for new streets and street stubs, also road frontage along existing Town roads where no street line had been established, must have been executed and delivered to the Town Engineer with a copy to the Commission. Title to said roads shall be unencumbered.
6. Warranty Deeds of easements for drainage, slope rights, or other rights to drain, both within the subdivision and across other property, must have been executed and delivered to the Town Engineer with a copy to the Commission.

**(10-5)**

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<sup>1</sup> Amendment adopted 9/22/1997, effective at 12:01 a.m.

Title to such easements, etc. must be unencumbered.

7. A Maintenance Bond as described in these regulations shall be on file with the Town.
8. All other documents, transfers or conditions required by the approval of the subdivision shall have been provided (conditions performed) to the appropriate Town official with copies of said documents to the Commission.

10.13 Maintenance of Improvements

The developer shall be required to maintain all improvements and shall provide for snow removal on streets and on sidewalks until acceptance of said improvements by the Town. If the Town is forced to plow in order to protect the health, safety and welfare of any persons residing on an unaccepted street, the costs thereof shall be charged to the developer. If not paid within 30 days, the security shall be drawn by the Town in full and all Zoning permits and Building permits shall be revoked.

10.14 Maintenance Bond

The applicant shall be required to file a Maintenance Bond with the Town prior to dedication of public improvements in order to assure the satisfactory condition of the completed improvements until April 30 of the following year, or such later date as shall be necessary to correct any defects that may have developed after the winter season. The Maintenance Bond shall be in an amount not less than 10% of the costs of improvements and shall contain such conditions as are described in Section 10.13 of these regulations.

10.15 Procedure Without Bonding and Approved Subdivisions

The developer shall follow the following procedure if he desires to construct public improvements without securing them with a bond with surety:

1. He shall notify the Commission and the Town Engineer in writing, prior to filing the approved subdivision map, of his intention, and all work shall be subject to required inspection during construction.
2. No Zoning Permit or Building Permit shall be issued until the work has been accepted by the Town Engineer as being satisfactorily and fully completed.
3. A Maintenance Bond as provided in Section 10.14 shall be posted before the Town Engineer accepts the work as being complete.

4. No lot shall be sold until all public improvements, public service facilities and conditions of approval are completed, approved and accepted.
5. Conditions 2 and 4 shall be noted on the subdivision map to be filed on the Land Records.

#### 10.16 Additional Procedures With the Filing of a Bond With Surety

Once a bond with surety has been filed and accepted and a subdivision plan, where applicable, finally approved, the developer:

1. Shall be entitled to a Zoning Permit in the section so bonded.
2. Shall be entitled (all other security being met) to a Building Permit in the section so bonded.
3. No Certificate of Occupancy for a dwelling on any street shall be issued nor shall any dwelling be occupied on such street until all underground public service facilities shall have been installed and are in operation, and curbs completed and the street bituminous concrete binder course and all clearing and grading for sidewalks within the street right-of-way, and any other work, are completed to the satisfaction of the Town Engineer.

The developer shall, provided the bond with surety is in place and the time covered, have six months after the issuance of a Certificate of Occupancy within which to install sidewalks where required by the regulations and complete the finished surface course of the bituminous pavement, provided that the condition of the base course shall be approved by the Town Engineer before the surface course is applied. Failure of the developer to install the sidewalk and complete bituminous pavement within the above time limit shall be sufficient cause for the Town to withdraw the surety and complete the work.

#### 10.17 Right of Entry for Correction of Violations

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

#### 10.18 Attorney Approval

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

#### 10.19 Clean-up

It shall be a condition of the Performance Bond that the developer shall be required, at least every 90 days, to clean up construction debris and to remove from the subdivision site, or adjoining areas, all construction materials or equipment no longer needed for the work. Tree stumps, other vegetation debris and any other material that is unstable or which may deteriorate or disintegrate may only be buried at locations and under conditions approved by the Town Engineer or public health officials as may be applicable.

Any and all material falling on public highways from vehicles or construction equipment and in connection with the developer's operations shall be cleaned up at the end of each working day, or more frequently, depending upon the nature of the work and the nuisance created.

Failure of the developer to comply with any of the above requirements shall be sufficient reason for the Town to take action under the Performance Bond.

#### 10.20 Monuments

The subdivider shall provide concrete monuments on street property lines as indicated on subdivision plan. (See also Section 4.2.9 and 5.4.1) Monuments will conform to standards for monuments as shown in Roads and Drainage Standards in Appendix A of these regulations.

The developer's land surveyor shall provide a sworn affidavit stating that the monuments have been set and rechecked for accuracy in accordance with the approved plan before final acceptance of the road and release of the bond.

## **XI Notice**

## XI Notice

### 11.1 Variances or Waiver of Regulations<sup>1</sup>

Pursuant to Section 8-26 of the Connecticut General Statutes, the Commission may waive the requirements under these regulations in accordance with the following standards:

11.1.1 Where conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these regulations would cause an unnecessary and undue hardship.

11.1.2 No variance or waiver shall be granted which would have a significant adverse effect on adjacent property or on the public health and safety or which would violate the zoning regulations.

11.1.3 No variance or waiver shall be granted which would interfere with the orderly development of contiguous property or violate the Plan of Development.

11.1.4 No variance or waiver shall be granted except by a three-quarters vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon its records the reasons for which waiver is granted in each case.

11.1.5 In granting any variance or waiver of these regulations in accordance with the terms of these sections, the Planning and Zoning Commission shall attach such conditions and safeguards necessary to protect the health, safety, welfare and property values of the neighborhood and such other conditions as will meet the other legislative standards and purposes of section 8-25 of the Connecticut General Statutes.

11.1.6 Any application for a variance or waiver of these regulations shall be made, when applicable, at the same time as any application for subdivision or resubdivision is made. The applicant shall set forth, in writing, the reasons for the request and the specific regulation sought to be varied or waived.

### 11.2 Amendments and Changes

The Commission may from time to time, amend, supplement, change, modify or repeal any of the regulations set forth herein. No such action shall affect any subdivision previously approved by the Commission. Public hearings will be held as required by Connecticut General Statutes.

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<sup>1</sup> Revised Section XI, Notice, adopted 9/23/1991, effective 9/27/1991.

### 11.3 Zoning Regulations

Nothing herein contained shall relieve any person from fully complying with all applicable provisions of the Zoning Regulations of the Town of Cheshire.

### 11.4 Validity – Separability

If any part of these regulations shall, for any reason, be held to be invalid or unconstitutional, the validity of any other section or remaining portion shall not be affected or impaired.

### 11.5 Repeal of All Former Subdivision Regulations

All subdivision regulations previously adopted for the Town of Cheshire are hereby repealed.

### 11.6 Appeals

Any person aggrieved by an official action of the Planning and Zoning Commission may appeal therefrom in accordance with provisions found in Sections 8.28, 8.29, and 8.30 of the State Statutes as they apply.

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In addition to the requirements for subdivisions in Chapters 1-11, inclusive, of the Subdivision Regulations and the Zoning Regulations of the Town of Cheshire, the following are special requirements for non-residential subdivisions and other non-residential land use. Where these requirements differ from requirements in Chapters 1-11, inclusive, these shall take precedence in all cases of non-residential subdivisions and other non-residential land use.

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XII Non-residential Subdivisions  
And Other Non-residential Land Use



## **XII Non-residential Subdivisions and Other Non-residential Land Use**

### **12.1 BUSINESS AND/OR COMMERCIAL DEVELOPMENT**

#### **12.1.1 Subdivision for Business and/or Commercial Use**

Subdivisions for business and/or commercial use shall be subject to all requirements for business and/or commercial uses as set forth in the Zoning Regulations of the Town of Cheshire.

#### **12.1.2 Off-street Parking**

No business development shall be approved without an area allocated to off-street parking. Such area of off-street parking shall meet all requirements as set forth in the Zoning Regulations.

#### **12.1.3 Driveways**

All driveways shall conform to requirements of the Zoning Regulations for driveways. In addition, the Commission may require changes in circulation patterns where traffic makes it necessary. Driveways shall be designed and built to prevent washout of materials onto the street.

#### **12.1.4 Loading Areas**

Loading space shall conform to the requirements of the Zoning Regulations, Section 33.2.

In addition, such loading space may be required to be placed at the rear of business or commercial complexes adequately screened and with no less than two (2) points of access.

#### **12.1.5 Screening**

All commercial or business subdivisions shall be screened not only from adjacent residential use but from any neighboring use when that use is different than that of the applicant. Such screens shall be of adequate nature to separate visually the applicant's use of land from neighboring uses and shall be of live, existing vegetation, if suitable, together with such additional evergreen trees and shrubs as are necessary. Also see Zoning Regulations.

#### **12.1.6 Off-street Parking and Loading**

No sales, servicing or dead storage of automobiles or automotive equipment shall be carried on in any required parking or loading space or accessway to such.

### 12.1.7 Utilities Underground

The Planning Commission shall require underground utilities be installed in business and commercial subdivisions.

### 12.1.8 Sidewalks

Sidewalks shall be provided in all commercial developments.

## 12.2 INDUSTRIAL DEVELOPMENT

### 12.2.1 Subdivision for Industrial Use

Subdivisions for industrial use of land shall be subject to all requirements for industrial uses as set forth in the Zoning Regulations of the Town of Cheshire, and shall be subject to the subdivision regulations with the following additions and alterations:

#### 12.2.2 Subdivision Map

##### a) Streets

All streets in industrial areas shall have a paved width of not less than 30 feet.

##### b) Cul-de sac Streets in Industrial Subdivisions

The length of cul-de-sac streets or dead end streets in industrial areas shall not exceed 2,000 feet.

#### 12.2.3 Off-street Parking

No industrial development shall hereafter be approved without adequate area of off-street parking according to the minimum requirements as set forth in the Zoning Regulations.

##### a) Road Grades

Road Grades restrictions pertaining to major streets in Section 6.5.1B of the subdivision regulations shall pertain to all roads in industrial subdivisions.

##### b) Unlicensed Vehicles

In accordance with the Zoning Regulations, no more than one vehicle requiring a license in the State of Connecticut shall be kept on the applicant's property unregistered.

#### 12.2.4 Screening

All industrial developments shall be screened from any neighboring use when that use is different than that of the applicant. Such screens shall be of adequate nature to obscure the applicant's use of land from said neighboring uses, and shall be of live existing vegetation, if suitable, together with such additional evergreen trees, shrubs and fencing as are necessary. Also see Zoning Regulations.

#### 12.2.5 Sanitary Systems

All sanitary systems shall be adequate for the proposed industrial subdivision and shall be subject to approval in the form of a letter from the Town Health Officer or duly sworn assistant in cases where septic systems are proposed. All such systems shall meet State standards.

#### 12.2.6 Pollution

No form of pollution will be tolerated. The Town Health Officer, at the time of application or any time thereafter, shall have the right to demand that the applicant terminate operations if it is found that any pollution is taking place or that the use of sewers has been misrepresented in the initial application.

#### 12.2.7 Utilities

The Planning Commission shall require underground utilities be installed in industrial areas where feasible.

#### 12.2.8 Sidewalks

Sidewalks may be required by the Planning Commission in industrial developments at locations where the amount of expected pedestrian traffic warrants their construction.

XIII Cluster Subdivisions and/or  
Planned Residential Development

**XIII Development of Cluster Subdivision and/or Planned Residential Development**

All Cluster subdivisions shall comply with all requirements as set forth in Section 42 and all other sections of the Zoning Regulations of the Town of Cheshire.

All Planned Residential Developments shall comply with all requirements as set forth in Section 43 and all other sections of the Zoning Regulations of the Town of Cheshire.

In addition, all Cluster subdivisions and/or Planned Residential Developments shall comply with the following requirement:

- 13.1 In cases when a Cluster subdivision or Planned Residential Development is of such size that the developer chooses to develop it in sections rather than as a whole, each section shall meet all the requirements of the Zoning Regulations as if it was an individual cluster subdivision or Planned Residential Development.

XIV Soil Erosion and Sediment  
Control Regulations

## **XIV Soil Erosion and Sediment Control Regulations<sup>1</sup>**

### 14.1 Purpose:

To minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development.

### 14.2 Activities Requiring a Certified Erosion and Sediment Control Plan.

Any proposal for development that will cumulatively create more than one-half acre in area on land being developed must have a certified Erosion and Sediment Control Plan.

### 14.3 Exemptions

The grading activities associated with the construction of a single family dwelling that is not part of a subdivision will not require a certified Erosion and Sediment Control Plan.

### 14.4 Erosion and Sediment Control Plan Submission

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control, January, 1985, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
2. Said plan shall contain, but not be limited to:
  - A. A Site Plan drawn to a scale of not smaller than 100 feet to the inch shall include:
    - (1) existing and proposed topography;
    - (2) disturbed areas, identifying the extent of all clearing and grading activities;
    - (3) proposed area alterations, including proposed structures, utilities, roads and property lines;
    - (4) location of and detailed information concerning erosion and sediment control measures and facilities, which shall include:

**(14-1)**

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<sup>1</sup> New section added, effective 7/26/1985

- (a) soil types
  - (b) wetlands
  - (c) watercourses
  - (d) water bodies
  - (e) design details and/or specifications
  - (f) schedule of application/installation
  - (g) application, installation and maintenance procedures
  - (h) any storm water management facilities
- (5) elements B.2 and B.3 of the Section 4.2's narrative below.

B. A narrative describing the:

- (1) development project
- (2) application, construction details and maintenance program during and after installation of:
  - (a) soil erosion and sediment control measures
  - (b) any storm water management facilities
- (3) time schedule of:
  - (a) development indicating the anticipated start and completion of the project
  - (b) the stages of creating and stabilizing disturbed areas
  - (c) grading operations
  - (d) other major construction activities
- (4) design criteria including soil characteristics of the site relevant to erosion and hydrology;
- (5) background data, methodology and calculations used to design structural measures or facilities.

C. Other information deemed necessary and appropriate by the Planning and Zoning Commission.

14.5 Minimum Acceptable Standards

- 1. Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control, January, 1985, as amended. Planning shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. Planning shall consider off-site effects as well as on-site effects.



2. The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control, January, 1985, as amended. The Planning and Zoning Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
3. The appropriate method as shown in Chapter 9 of the Connecticut Guidelines for Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
4. Planned erosion and sediment control measures shall be installed as scheduled according to the plan.
5. All control measures shall be maintained in effective condition to ensure the compliance of the certified plan.

#### 14.6 Issuance or Denial of Certification

1. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation; or certify with limitations or modification; or deny certification when the development proposal does not comply with these regulations or may cause hazards or damages adverse to the public safety and welfare.
2. The time limit for certification or denial of a Soil Erosion and Sediment Control Plan shall be consistent with those stipulated in Chapters 124, 124a, and 126 of the General Statutes. The Soil Erosion and Sediment Control Plan will be reviewed simultaneously with the development proposal.
3. The Commission may forward a copy of the development proposal to the conservation and/or Inland Wetlands Commission or other review agency/consultant for review and comment.

#### 14.7 Conditions Relating to Soil Erosion and Sediment Control

1. The estimated costs of measures required to control soil erosion and sedimentation during and after development that are a condition of certification of any modified site plan shall be covered in a performance bond acceptable to the Planning and Zoning Commission.
2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures scheduled prior to site development are installed and functional.

3. The Commission may require the applicant submitting the erosion and sediment control plan to certify in writing upon installation of control measures or facilities, that such controls were installed according to the plan.

14.8 Inspection

Municipal inspections during development shall ensure compliance with the certified plan and that control measures are properly performed, installed and maintained.

14.9 Enforcement

Enforcement of this regulation shall be carried out as specified under General Statute Sections 8-3 and 8-12.

# APPENDIX A

“TOWN OF CHESHIRE - DESIGN GUIDELINES AND SPECIFICATIONS FOR THE CONSTRUCTION OF ROADS, SIDEWALKS, CURBS, STORM DRAINAGE AND OTHER PUBLIC IMPROVEMENTS” as prepared by the Office of the Cheshire Town Engineer and dated April 18, 2000 are hereby adopted as the official specifications for all construction in the Town of Cheshire and all materials and construction methods shall conform to said specifications. All prior specifications for construction in the Town of Cheshire are hereby rescinded. The above referenced document is hereby incorporated by reference and is made a part hereof as fully as if set forth at length.

Copies of this document are available in the Town Engineer’s Office. It shall be the sole responsibility of any Engineer, Developer or Contractor involved in designing or building any public improvements within the Town of Cheshire to obtain a copy of this specification and to familiarize himself/herself with its entire contents.

The standard drawings from the above referenced document attached in this appendix are only a part of the entire specification and are included solely as a convenience to interested parties.

## Appendix A

### MAINTENANCE AGREEMENT – REAR LOTS

Pursuant to Section 5.5 of the "Subdivision and Other Land Use Regulations" of the Town of Cheshire, the undersigned property owners agree to the following maintenance provisions which will apply to the right-of-way for access which benefits Lots \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, numbers \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, respectively, \_\_\_\_\_ [Road, Street, etc.] in the Town of Cheshire, County of New Haven and State of Connecticut which right-of-way is described on a map entitled "\_\_\_\_\_

\_\_\_\_\_ " filed with the Cheshire Town Clerk on \_\_\_\_\_, 20\_\_ as Map No. \_\_\_\_\_.

The undersigned covenant and agree as follows:

1. That the cost for the repair, maintenance and improvement of the right-of-way shall be borne by the owners of the Lots.
2. The term "maintenance" includes, but is not limited to, the following:
  - A. snowplowing and sanding;
  - B. general cleaning including sweeping and the cleaning of catch basins;
  - C. repair and repaving of the asphalt or other surface; and
  - D. tree and brush trimming and landscaping.
3. If a dispute arises as to whether or not to undertake a given repair, improvement, maintenance procedure, etc., the lot owners shall vote upon the proposed course of action and expenditure; and the majority vote shall prevail. For purposes of this Agreement, each lot has only one vote regardless of the number of owners of the lot. Any lot failing to vote within thirty (30) days of having been requested to do so in writing by any lot owner, shall be considered to have voted affirmatively on the proposed course of action and expenditure.
4. Costs shall be apportioned on the basis of the number of lots, and not on the basis of numbers of owners.
5. If any lot owner fails to pay his or her proportioned share of an approved expenditure and it becomes necessary for any other lot owner or owners to enforce this Agreement by law suit, the lot owner or owners in default shall pay all costs and expenses including reasonable attorneys fees incurred in the law suit.
6. These covenants and agreements shall run with the above-described land and are binding upon the parties hereto and their heirs, executors administrators, devisees, grantees, successors and assigns.



# Appendix B

## **Street Lighting**

All lighting shall be shown on road plan and profile drawing submitted with subdivision or land use application.

In all zones, the applicant shall be required to install one lighting pole at each intersection together with any additional lighting poles as the Planning and Zoning Commission may deem necessary to prevent hazard.

All poles shall be the CL&P Company “standard mercury multiple use luminaire” design.<sup>1</sup>

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<sup>1</sup> Amendment approved 2/26/1979, effective 3/2/1979



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