

# SUBDIVISION REGULATIONS

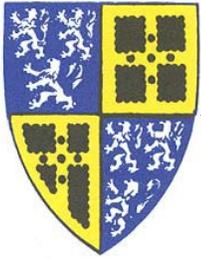
*of the*

Town of Old Saybrook, Connecticut



Old Saybrook Planning Commission





TOWN OF OLD SAYBROOK

Planning Commission

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# SUBDIVISION REGULATIONS

ADOPTED: July 8 1948

AMENDED THROUGH: August 15, 2012

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# SECTION 1

## Authority and Purpose

### 1.1 AUTHORITY

These Subdivision Regulations of the Town of Old Saybrook (“*Town*”), herein called “these *Regulations*”, are adopted under the authority vested in the Planning Commission (“*Commission*”) by Chapter 126 of the Connecticut General Statutes. These *Regulations* supersede and cancel any subdivision regulations of the Town previously in effect.

**1.1.1 Approved Plan Required.** No person will make a *subdivision* or *resubdivision* within the meaning of these *Regulations* of any land within the legal boundaries of the *Town*, nor proceed with any improvements including construction of *streets* or installation of utilities, unless and until an *application* including a *subdivision plan* has been submitted to and approved by the *Commission*, and such *plan* has been recorded in the Office of the Town Clerk.

**1.1.2 Penalties.** Any person, firm or corporation making any *subdivision* or *resubdivision* of land without the approval of the *Commission* it subject to penalties provided in Chapter 126 of the Connecticut General Statutes, which specifies that any person, firm or corporation making any *subdivision* or land without approval of the *Commission* will be fined not more than five hundred dollars for each *lot* sold or offered for sale or so subdivided. The *Town* may seek other lawful remedies to uphold the purpose and intent of these *Regulations*.

**1.1.3 Other Laws.** These *Regulations* are in addition to and do not supersede other laws, ordinances or *regulations* governing the *development* of land and buildings.

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

### 1.2 STATEMENT OF PURPOSE

These *Regulations* are intended to assure that *subdivision* of land is part of the orderly growth and *development* of the *Town*, as envisioned in the *Plan of Conservation & Development*. Subdivision of land will be conducted in a manner, which protects the health and safety of the community and preserves the character of the land and valuable natural resources for future generations. Land to be subdivided will be of such character that it can be used for building purposes without danger to health or the public safety. These *Regulations* are intended to further provide the following:

1. That proper provision is made for water, drainage and sewerage in order to protect public health and safety and encourage the wise use and management of natural resources throughout the *town*;

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2. In areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision is made for protective flood and drainage control measures;
3. That proposed *streets* are in harmony with existing or proposed principal thoroughfares as shown in the Old Saybrook *Plan of Conservation & Development*;
4. That proper provision is made for an adequate and convenient system for present and prospective traffic needs, with particular regard to the avoidance of congestion in the *streets* and highways, and safe pedestrian traffic movement, and that adequate access to properties for fire and ambulance apparatus is provided;
5. That proper provision is made for *open spaces*, parks and playgrounds through the most efficient design and layout of land, protecting the natural beauty and topography of the *town*;
6. That proper provision is made for *erosion* and *sediment* control;
7. That *streets* are properly graded and improved, that necessary public utilities and services are provided, and that *development* does not impose burdens on municipal services in excess of their capacity and *planned* expansion;
8. That energy efficient patterns of *development* and land use are encouraged.

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## SECTION 2

# Definitions

For purposes of these Regulations, certain words will be defined as stated below. In the interests of clarity and brevity, the following terms will, unless otherwise stated, have the meaning indicated below for all purposes of these regulations. Other terms used in these regulations will have the meaning commonly attributed to them. The Commission will give due consideration to the expressed purpose and intent of these regulations where a question arises as to the precise meaning of a term and, by Resolution, determine the meaning of the term in question.

Words in the present tense include the future; the singular includes the plural, and vice versa. The word “or” includes “and”. The word “will” is the same as “shall”; the term will be considered directory when applied to the Commission or its staff or consultants, and the term will be considered mandatory when applied to others. For the convenience of the reader, these Regulations depict in *Italics* throughout any terms defined in this Section. When the context so requires, words in the masculine, feminine or neuter gender will include any gender, and words in the singular or plural will include both singular and plural numbers.

Terms used in these Regulations that defined in the Regulations for Public Improvements will be defined in accordance with those Regulations where such terms are defined in these Regulations, or where the context so requires.

**Adjacent property owner.** An adjacent property owner will be any person owning land, as listed in the records of the Old Saybrook Assessor’s Office as of October 1 each year, that abuts any property line of the land involved in the Application.

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

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

**Base flood elevation.** As defined in the Flood Plain Management Ordinance, the particular elevation of the base flood as specified on the Flood Insurance Rate Maps for the Town for Zones A, AE, and VE.

**Bond.** A type of surety or collateral posted by the applicant in accordance with §6.14 that guarantees that all required improvements will be completed as per the approved plans and these Regulations.

**Change or modification.** A change to an approved subdivision for which an approved map has been endorsed by the Commission, and filed in the Office of the Town Clerk; including a

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change that meets the definition of “resubdivision”, or otherwise any division of lot or change or modification of a lot line, building setback line, encroachment line, conservation reserve, easement, right-of-way, wetland boundary or restrictive or conditioning note on the filed map by conveyance, covenant or subsequent filing of a map in the Office of the Town Clerk.

**Commission.** The term “Commission” will mean the Town of Old Saybrook Planning Commission.

**Connecticut River Gateway Conservation Zone.** The “Gateway Conservation Zone” described in Section 25-102c of the Connecticut General Statutes and shown on the Old Saybrook Zoning Map.

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

**Date of Submission.** The fourteenth (14<sup>th</sup>) day prior to any regularly scheduled meeting of the Commission.

**Developer.** See *Applicant or Developer*.

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

**Director of Health.** See Health District.

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

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

**Engineer, Town.** A civil engineer or engineering firm hired or appointed by the Commission, acting personally or through assistants authorized for such acts by the Engineer.

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

**Feeder/Collector.** Streets used or intended primarily for access to and from individual business or industrial lots, or parcels, or areas and roads of considerable existing or potential continuity on which traffic passing abutting lots is dominant and needing two way traffic flow at all times.

**Floodway.** The channel of a river or other watercourse and the adjacent land that must be reserved in order to discharge the base flood without cumulatively increasing the water surface

elevation more than one foot (1') anywhere in the Town. The regulated floodway is delineated on the Flood Boundary and Floodway Map.

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

**Health District.** The Connecticut River Area Health District, or its successor agency acting in the capacity of the Director of Health for the Town of Old Saybrook, or the designated agent(s) of the District or Director.

**Improvement, Public.** See *Work*.

**Inland wetland.** As defined in the Inland Wetlands Regulations of the Town of Old Saybrook.

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

**Open space.** Land set aside for conservation, park or playground purposes.

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

**Rear lot.** A lot with less than fifty percent (50%) of the minimum lot width measured at the street line, as per Section 7.1.

**Regulations, these Regulations.** The Subdivision Regulations of the Town of Old Saybrook, unless otherwise specified.

**Regulations for Public Improvements.** Those Regulations adopted by the Planning Commission pursuant to Connecticut General Statutes Sections 8-25 and 13a-71, as the same may be amended from time to time.

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

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

**Reserve Strip.** Land controlling access to an area dedicated or to be dedicated to public use, including streets, street connections, street rights of way, pedestrian ways, or parks.

**Right-of-way.** See “Right-of-Way, Road” and “Right-of-Way, Drainage” in the Regulations for Public Improvements.

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**Road.** See *Street*.

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

**Special Flood Hazard Areas (SFHAs).** Areas delineated as Zone A, AE, and VE on the Flood Insurance Rate Map, Middlesex County, Connecticut, prepared by the Federal Emergency Management Agency, as such Zones may be amended from time to time.

**Street.** A parcel of land which has been improved so as to be suitable for vehicular traffic and accepted for public use by a Town Meeting, or a parcel of land shown and designated as a street to be constructed on a subdivision plan approved by the Commission. The term “street” will include private roads approved by the Commission in accordance with these Regulations, but will not include driveways.

**Subdivider.** See *Applicant or Developer*.

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

**Tidal wetland.** Those areas that border on or lie beneath tidal waters, such as, but not limited to, banks, bogs, salt marsh, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the vegetation pursuant to C.G.S. §22a-29(2).

**Town.** The Town of Old Saybrook.

**Watercourse.** Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, that are contained within, flow through or border upon this state or any portion, pursuant to C.G.S. §22a-38(16).

**Work.** Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or as depicted on any plan approved under these Regulations, or rendering the site more suitable for development or habitation or any approval granted hereunder. As used in these Regulations, work includes all physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to: earth filling or removal, erosion and sediment control measures, clearing, grading or seeding, construction or installation of roadways, paved streets, curbs, gutters, utilities, street signs, sidewalks, monuments, lot markers (pins), storm drainage facilities, installation of retaining walls or other structures or planting of shade trees or other landscaping, and all other requirements of the regulations for Public Improvements, as the same may be amended from time to time.

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## SECTION 3

# Application Procedure & Approval Process

### 3.1 INFORMAL PRELIMINARY REVIEW

Before preparing a detailed *subdivision* or *resubdivision plan* for formal presentation to the *Commission*, potential *applicants* are encouraged to submit a preliminary *plan* to the *Commission* for informal review. The objective of this review is to ensure that basic requirements can be met before the potential *applicant's* incurring *application*, surveying, engineering or legal fees associated with submission of a formal *application*. Preliminary *plans* have no official status, and review concerning their feasibility in no way implies approval of the formal *subdivision plan*. No fee or *application* form is required for review of a preliminary *subdivision plan*.

3.1.1 **Preliminary Plan.** A preliminary *plan* should show sufficient information to enable the *Commission* to conduct a general review under the standards of these *Regulations*. At a minimum, three (3) copies of the *plan* should be submitted, at a scale no greater than 1" equals 100', showing *lots*, *easements*, roads, *open spaces*, drainage, contours at ten-foot (10') intervals, utilities, location map and other information pertinent to the *subdivision*. Concept sketches showing other alternative layouts may also be submitted.

### 3.2 SUBMISSION

All *applications* for *subdivision* or *resubdivision*, together with map, reports, legal documents and any other information required under Section 4 of these *Regulations* will be submitted by mail or by hand to the *Commission* at its office in Old Saybrook Town Hall. An *application* will be considered complete when an *application* form, fee, maps and other materials conforming substantially to the requirements of Section 4 have been received. In order to receive prompt consideration of an *application*, whenever possible the complete *application* should be submitted no later than fourteen (14) days prior to a regularly scheduled *Commission* meeting in order to allow sufficient time for staff review, and so that the *application* may be placed on the agenda of the meeting. Failure to submit a complete *application* will be cause for disapproval of an *application*.

### 3.3 ESTABLISHING THE DATE OF RECEIPT

The official *date of receipt* of an *application* will be the date of the next regularly scheduled meeting of the *Commission* immediately following the day of submission of the completed *application* to the office of the *Commission*, or thirty-five (35) days after submission, whichever is sooner.

### 3.4 WAIVER OF SUBDIVISION REQUIREMENTS

When the *Commission* finds that extraordinary hardships or practical difficulties may result from compliance with these *Regulations*, then the *Commission* may, by a three-quarters vote of

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all members of the *Commission*, approve waivers to these *Regulations*, provided such waivers will not conflict with the intent and purposes of these *Regulations*. The *Commission* will state upon its records the reason for which a waiver is granted in each case.

3.4.1 The *Commission* will not approve a waiver unless it finds in each specific case that:

- A. The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety;
- B. The conditions upon which the request for a waiver are based are unique to the proposed *subdivision* for which the waiver is sought and are not applicable generally to other potential *subdivisions*;
- C. The waiver will not create a conflict with the provisions of the Zoning Regulations, the Plan of Conservation & Development, Town ordinances or *regulations* of other Town boards or commissions.
- D. A request for any such waiver will be presented in writing by the *applicant* at the time when the *subdivision application* is first submitted. The request will state how the proposed waiver meets the requirements stated above.
- E. Any waiver granted will not be a precedent for any future waiver, and the *Commission* may attach any reasonable condition to the grant of the waiver.

### 3.5 SUBDIVISIONS INVOLVING INLAND WETLANDS

When an *application* for a proposed *subdivision* involves land regulated as an inland *wetlands* or *watercourse* under the provisions of Chapter 400 of the Connecticut General Statutes, the *applicant* will file an *application* for approval by the Inland Wetlands & Watercourses Commission (“Wetlands Commission”) no later than the day the formal *application* is submitted to the *Commission*. The *Commission* will not render a decision on the *subdivision application* until the Wetlands Commission has submitted a report with its final decision to the *Commission*. In making its decision, the *Commission* will give due consideration to the report of the Wetlands Commission.

### 3.6 REFERRALS AND REVIEWS BY OTHERS

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

- A. **Board of Selectmen:** Maps and *plans*, with particular regard to *street* design, storm drainage and other utility systems.
- B. **Legal Counsel:** *bonds*, *easements*, deeds and agreements.

- C. **Connecticut River Area Health District:** sanitation reports, maps and *plans*, with particular regard to on-site water supply or sewage disposal systems.
- D. **Local Traffic Authority or State Department of Transportation:** maps and *plans*, with particular regard to *street* and utility connections with State Highways.
- E. **Zoning Commission or Enforcement Officer:** maps with particular regard to *lots* and zoning requirements.
- F. **Conservation Commission:** maps and *plans*, with particular regard to natural features of the site, including conservation elements, water resources and soils.
- G. **Parks & Recreation Commission:** maps, with particular regard to *open spaces* for parks and playgrounds.
- H. **Fire Marshal:** maps and *plans* with particular regard to elements of fire protection and fire fighting resources.
- I. **Town Engineer:** maps, plans, drainage calculations with particular regard to construction

3.6.2 **Referral to Connecticut River Coastal Conservation District (CRCCD).** For *subdivisions* within the *Gateway Conservation Zone*, the *Commission* may refer copies of the maps and *plans*, including the Soil Erosion and Sediment Control Plan, to the Connecticut River Coastal Conservation District for review and advisory opinion concerning measures for *erosion* and *sediment* control. Such referral may include request for certification of the Soil Erosion and Sediment Control Plan. The Commission may also seek an advisory report from the Connecticut River Gateway Conservation Commission.

3.6.3 **Referral to Connecticut River Estuary Regional Planning Agency (CRERPA).** Any *subdivision* of land which abuts or includes land in one or more municipalities as well as Old Saybrook, or which is located within five hundred feet (500') of the boundary or an adjoining municipality, will be submitted to CRERPA and to the Office of the *Town Clerk* of the adjoining municipality for review in accordance with Chapter 126 of the Connecticut General Statutes. Referrals will be made within seven (7) days of the *date of receipt* of the *application*. No hearing will be conducted unless appropriate referrals have been made.

3.6.4 **Notification of Adjacent Property Owners.** The Applicant for each Application for Subdivision of Land (Application) will notify at least one (1) owner of each of the adjacent properties of the pending Application by regular mail and certificate of mailing not later than filing the Application on the *Date of Submission*.

At the *Date of Submission*, the Applicant will prepare and file with the Application, a list of *Adjacent Property Owners* and evidence of mailing via certificate of mailing. Additionally, the list will include the name and address of the executive board of any encompassed entity, such as a beach, homeowner or unit owner association, enabled under the Common Interest Ownership Act or any applicable Special Act of the Connecticut General Assembly. Notice will include a copy of the Application form and a reduced map for orientation only. Recommended text for the Notice is available as a part of the Application packet.

### 3.7 PUBLIC HEARING

The Commission may hold a public hearing regarding an Application for Subdivision of Land if, in its judgment, the circumstances require such action. The Commission will hold a public hearing on any application involving ten (10) or more lots, and for any resubdivision of land. Notice of a public hearing will be given as required by law. Whether or not a public hearing is held, every applicant will be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

### 3.8 COMMISSION ACTION

Within sixty-five (65) days after the close of the public hearing (if any), or within sixty-five (65) days from the date of acceptance of the *application* if no public hearing is held, the *Commission*, by majority vote of a quorum of its membership, will approve (Conditionally or in final), modify and approve, or disapprove the *application* for *subdivision* or *resubdivision*; provided, however, that such sixty-five (65) day period may be extended with the *applicant's* consent for not longer than another sixty-five (65) days. Notwithstanding the above, the *Commission* will not render a decision on the *application* until the *Inland Wetlands Commission* has submitted a report with its final decision to the *Commission*, which decision will be rendered within 35 days after the receipt of such report. Approval may be final upon the posting of bonds in accordance with Section 6.14.3, or may be conditional upon the filing of a restrictive covenant in accordance with Section 6.14.4 of these Regulations.

3.8.1 **Modifications.** In approving the *application*, the *Commission* may require *modifications* of the maps or documents submitted as part of the *application*, to preserve the purpose and intent and assure conformance with these *Regulations*. Such *modifications* will be made by the *applicant* and submitted for *Commission* review before endorsement of the *subdivision plans*, and where appropriate, before authorization of construction.

3.8.2 **Items that must be Completed.** The following items must be completed as applicable to a particular *subdivision* as a condition of approval of a *subdivision application*:

- A. Presentation of any conveyance, *easements* and deeds in accordance with the requirements of Section 4.6;
- B. [Reserved]

- C. Establishment of a date when construction of roads, drainage and other improvements is authorized, such date being subsequent to satisfaction of all conditions of approval precedent to such construction;
- D. Establishment of a date when construction, roads, drainage and other improvements will be completed;
- E. Presentation of a copy of a permit from the Connecticut Department of Transportation for any proposed *street* or storm drainage system that joins with a State Highway in accordance with the requirements of Section 4.4.9.;
- F. Presentation of a copy of a permit from the Old Saybrook Inland *Wetlands Commission*, as may be required under the *regulations* of such *Commission*, for conduct of any activity necessary to complete required *streets*, drainage and other *subdivision* improvements;
- G. Presentation of a copy of a permit from the *Commissioner* of the Department of Environmental Protection, as may be required for regulated activity within a designated tidal *wetlands* area;
- H. Where the *subdivision* involves construction of improvements or excavation, *grading* or depositing of materials in a Special Flood Hazard Area, presentation of a Flood Hazard Area Permit issued by the Town Engineer under the Flood Plain Management ordinance;
- I. Completion of any required road, drainage or other *subdivision* improvements in accordance with *plans* as approved, prior to endorsement of the *subdivision plan*, or, in lieu of such completion prior to endorsement, execution of an agreement and posting of an acceptable security guaranteeing such completion in accordance with Section 6.14.3, or a restrictive covenant in accordance with Section 6.14.4; and
- J. Installation and maintenance of *erosion* and *sediment* control measures in accordance with the certified Soil Erosion and Sediment Control Plan.

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

### 3.9 APPEALS

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

### 3.10 ASSURANCE OF COMPLETION OF WORK

Before endorsement of the *plan* for subdivision approval, the *Commission* will require the *applicant* to post a *bond*, in the form of a “financial guarantee”, as that term is defined in Section 8-25 of the Connecticut General Statutes, to guarantee satisfactory completion of all *work* shown on the approved *plan*. Any bond will adhere to the following provisions:

3.10.1 **Form.** The *bond* will be in a form acceptable to the *Commission* and to its Legal Counsel pursuant to these Regulations. The developer may use one of the following forms as provided and only as acceptable to the Commission issued only by a bank or comparable lending institution maintaining offices in the state of Connecticut:

A. **Surety for Soil Erosion & Sediment Control and Restoration of the Site.** Measures and facilities specified in the Soil Erosion & Sediment Control Plan will be guaranteed by a cash *bond* in the form of a certified check or a passbook by assignment forms prescribed by the Commission’s legal counsel. The *developer* will post the *bond* prior to the commencement of construction of any work.

B. **Surety for Performance of Work.**

1. **Cash.** Cash in the form of a certified check or a passbook by assignment forms prescribed by the Commission’s legal counsel.
2. **Letter of Credit.** A Letter of Credit in favor of the Town in the form prescribed by the Commission’s legal counsel with arrangements for a sixty (60) day advance notice to the Town of Old Saybrook of the expiration or non-renewal of the letter of credit.

3.10.2 **Amount.** The *developer* is responsible for providing surety for completion of *work* in the amount set forth by the Commission, including:

- A. Construction, maintenance, and repair cost of all Soil Erosion & Sedimentation Control Plan measures, provided that the cost of erosion and sedimentation control measures may be reduced by the amount of any cash bond required by the Old Saybrook Inland Wetlands & Watercourses Commission in place at the time the bond is posted;
- B. Advertising and awarding a contract for construction, repair or maintenance and for engineering review and observation; and

- C. A contingency of an additional 10% of the total.

3.10.3 **Beneficiary.** The developer will issue the cash, letter of credit or surety bond to:

Town of Old Saybrook  
302 Main Street  
Old Saybrook, CT 06475

For conditional approval, no plan will be endorsed prior to the filing of a restrictive covenant in accordance with Section 6.14.4.

3.10.4 **Duration.** All required *bonds* must be set and posted for the duration of the five-year period for completion of *work* as required in Section 3.14, unless released by vote of the *Commission*. Should the *developer* be unable to complete the bonded site improvements in a manner satisfactory to *Town* requirements, then the Town will use the *bond* deposited with the *Town* to restore the site to its natural state or to complete the required site improvements pursuant to the form of approval.

The *bond* will remain in force until the site is completely stabilized and all erosion and sedimentation control measures are removed. The performance bond will not expire until the project completion date. The performance *bond* will not expire before the entire five-year period in which to complete the subdivision pursuant to Connecticut General Statutes § 8-25 or the work is completed and the Town has accepted all public improvements. If the subdivision approval is extended for an additional five-year period under Connecticut General Statutes § 8-25, then the Commission also must extend the performance bond for that period.

3.10.5 **Authorization.** Out-of-state applicants will present evidence from the Secretary of the State that they are authorized to do business in Connecticut. If the developer is a corporation, then the developer must provide: the corporate seal in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, a corporate resolution indicating that the corporate officer executing the bond documents has authority to do so, and a Certificate of Good Standing from the Connecticut Secretary of State. If the developer is a partnership, then the developer must provide a partnership resolution indicating that the partner executing the bond documents has authority to do so, and a Certificate of Legal Existence from the Connecticut Secretary of the State.

### 3.11 ENDORSEMENT & DELIVERY PLAN

One Mylar and two print copies of the approved *subdivision* or *resubdivision* map will be delivered to the office of the *Commission* within thirty days of a *Commission* vote to approve the *subdivision* or *resubdivision application*. Such *plans* will contain all *modifications* or stipulations required by the *Commission* as part of its approval. All mylars will contain the raised seal and original signature of the engineer or surveyor certifying the *plan*. Endorsement of the *plan* by the *Commission* will not be executed until all conditions of approval have been met, including posting of all required *bonds* or restrictive covenants and submission of the final corrected *plans* and executed legal documents. If the *applicant* fails to comply with this requirement, the *Commission* may declare the approval null and void.

3.11.1 **Commission Endorsement of Plan.** Upon receipt of final *plans*, executed legal documents, and the posting of all required *bonds* or restrictive covenants required as part of the approval, the Chairman or Secretary of the *Commission* will endorse the final *plans*, and will note on the *plans* the date of approval and the date of project expiration. The *applicant* will then be notified that the endorsed *plans* and legal documents are available for recording with the Office of the Town Clerk.

### 3.12 FILING & RECORDING PLANS

The *applicant* will file and record the endorsed *plans* and legal documents, with the exception of deeds for *Town* roads, within ninety (90) days of the date of the expiration of the appeal period, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the *applicant*, except that the *Commission* may, by majority vote, extend the time for such filing and recording for two additional periods of ninety (90) days, and approved *plans* will remain valid until the expiration of such extended time. Filing and recording fees will be paid by the *applicant*.

### 3.13 AUTHORIZING COMMENCEMENT OF CONSTRUCTION

All construction and installation of roads, drainage and other improvements required by these *Regulations* will not be deemed authorized and will not be commenced until the time for taking an appeal from the action of approval of the *application* by the *Commission* has elapsed, and in the event of an appeal, termination of such appeal by dismissal, withdrawal or judgment in favor of the *applicant*.

### 3.14 COMPLETION OF WORK

Any person, firm or corporation making any *subdivision* of land will complete all *work* in connection with such *subdivision* within five years after the date of the vote for approval of the *plan* for such *subdivision*. The *Commission's* endorsement of approval on the *plan* will state the date on which such five-year (5) period expires. The subdivider or his successor in interest may apply for and the *Commission* may grant one or more extensions of the time to complete all or part of the *work* in connection with such *subdivision*, provided the time for all extensions will not exceed ten years from the date the *subdivision* was approved. If the *Commission* grants an extension of an approval, the *Commission* may condition the approval on a determination of the adequacy of the amount of the *bond* or other surety required under Section 3.10, securing to the municipality the actual completion of *work*. For purposes of these *Regulations*, “*work*” is defined in Section 2. Failure to complete all required *work* will result in expiration of *subdivision* approval. In such event, the *Commission* will file on the Land Records notice of such expiration, and the subdivider will convey no additional lots except with approval by the *Commission* of a new *application* for *subdivision* of the subject land. If *lots* have been conveyed during the five-year period, the *Town* will call the *bond* for the *subdivision* to the extent necessary to complete the bonded improvements and utilities required to serve those *lots*.

### 3.15 RELEASE OF BONDS/REDUCTION OF BONDS

Bond reductions will be made in accordance with Section 50A.8 of the *Regulations for Public Improvements*.



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## SECTION 4

# Specifications for Application Submittal

### 4.1 WRITTEN APPLICATION

A written application, in a form prescribed by the Commission, will be submitted by the applicant or lawful agent, including a list of the names and addresses of *adjacent property owners*, pursuant to Section 3.6.4. If the applicant is not the owner of the land to be subdivided, the forms will also be signed by the owner or lawful agent.

### 4.2 FEES

A fee will be paid at the time of submittal of the formal *application* in accordance with Chapter 118 of the *Old Saybrook Code*, entitled “Fees”, as amended from time to time.

### 4.3 MAPS

The maps and *plans* required by these *regulations* will show information and will be prepared in accordance with the standards hereinafter specified.

Information on the proposed *subdivision* will be provided on maps with an overall dimension of 24” by 36”. Five blue-line copies of all maps will be provided as part of the completed *application*. The *Commission* may require additional copies of *plans* if referrals to outside parties are indicated.

If more than one map sheet is required, each sheet will be sequentially numbered in the form “Sheet of”. An index of all supporting detail map sheets will be included on the first sheet. For a more efficient presentation, any information required in Section 4.3 may be combined on *plan* sheets, if the information is presented in a clear and understandable manner. Revision dates will be shown if *plans* are updated or revised during the review process. All prints of maps and *plans* will be clear and legible and will be bound along the left side with required identifying data on each sheet. To the extent practical, north arrows will be consistent from one map to the other.

All maps will be prepared by and will bear the name, seal and original signature of a land surveyor or engineer, or both, as required by law and licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Final maps presented for endorsement and filing will include a raised seal and original signature of the land surveyor or engineer, or both, and will be a print on good quality polyester film meeting the requirements for filing with the *Town* Clerk, as determined by State requirements.

4.3.1 **Key Map.** A Key Map showing the relationship of the proposed *subdivision* to the surrounding neighborhood will be provided, and will show all public *streets*, lands reserved for special use, and major *subdivisions* located within one-half (1/2) mile of the

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boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided will be shown on the Key Map in sufficient detail to allow for transfer of information to the *Commission's* base map. The scale of the Key Map will be one inch equals one thousand feet (1"=1000'). The Key Map may be included as an insert on the Boundary Survey Map.

4.3.2 **Boundary Survey Map.** A Boundary Survey Map of the entire tract to be subdivided will be provided, prepared by a registered land surveyor to Class A-2 Standards, as specified in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-00b, or as the same may be amended from time to time. The error of closure for the survey will be specified. The Boundary Survey Map will show names of all abutting landowners and public *streets*, the layout of all *lots* and *streets* within the tract to be subdivided, and all lands to be dedicated as *open space*, parks or playgrounds. The scale of the Boundary Survey Map will be at one inch equal to one hundred feet (1"=100'). The Boundary Survey map will contain the name of the *subdivision*, the date prepared, a north arrow, a graphic scale, and a minimum of four (4) points and their Connecticut State Plane Coordinate Grid System locations (NAD83) distributed on the perimeter of the Subdivision.

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

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

1. Title of the *subdivision*, which will not duplicate the title of any previous *subdivision* in the *Town*;
2. Date, scale, graphic scale, north point, *Town* and state;
3. Information on site conditions and land evaluation as follows:
  - a. Existing and proposed *grading* contours at an interval not exceeding two feet (2'), based on field or aerial survey, using the bench mark as required for *Construction Plans* in Section 4.3.4;
  - b. Existing and proposed manmade features, including but not limited to buildings, structures, existing trails, stone walls, fences and dams;
  - c. Location of all known significant archaeological, historic and natural features;
  - d. Location of all exposed ledge outcroppings;

- e. Existing *watercourses*;
  - f. Exterior limits of inland *wetlands*, which will be confirmed by soil tests and field survey;
  - g. Any areas subject to frequent, periodic or potential flooding; the boundaries of any *Special Flood Hazard Areas* and *floodways* and the *base flood elevation* data; the lowest floor elevations that would be applicable for building on any *lot* in any Special Flood Hazard Area in accordance with the Flood Plain Management Ordinance of the *Town*;
  - h. Boundaries and classification codes of soil types under the National Cooperative Soils Survey of the U.S.D.A. Natural Resource Conservation Service;
  - i. Existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken;
  - j. Location and results of any percolation test holes, deep test pits and borings;
  - k. Approximate location of any existing wells on the property and on land within two hundred feet (200') of the property; and
  - l. Location of any drainage discharge points onto the property from any *street* or other property.
  - m. Cultural Resources: All buildings over one hundred (100) years old, prehistoric, fossil or archaeological sites, vistas, scenic ridges, scenic roads, old stone walls, roads bounded by stone walls, areas of historic interest, including historic, animal pens, mill and factory sites, historic sites including foundations, cemeteries and human burial grounds, human skeletal remains, and associated funerary objects, existing trails, and other unique features.
4. Property ownership information and proposals as follows, with all lines (except as noted) drawn with dimensions to the hundredths of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs;
- a. Name and address of owner of property;
  - b. Name and address of *applicant*, if different from the owner;

- c. Perimeter boundary of the property, with the area of the property to be subdivided, and a minimum of four (4) points and their Connecticut State Plane Coordinate Grid System locations (NAD83) distributed on the perimeter of the subdivision;
- d. Approximate location of existing property lines for a distance of two hundred feet (200') from the property;
- e. Both *street right-of-way* lines of any *street* abutting or within two hundred feet (200') of the property;
- f. The survey relationship of the property to nearby monumented *Town streets* or State highways, where practical;
- g. Names of all *subdivisions* or owners of property abutting the property to be subdivided, including those across any *street* if the proposed *subdivision* abuts an existing *street*;
- h. Proposed *lots* and *lot* numbers and the square footage or acreage of each *lot* with dimensions and areas;
- i. Proposed *streets* and other rights-of-way and the width;
- j. Names of existing and proposed *streets*;
- k. Location and dimension of existing and proposed *easements*;
- l. Existing and proposed monuments;
- m. The Zoning District in which the property is located and any Zoning District upon or within two hundred feet (200') of the property;
- n. Any municipal boundary line;
- o. Any boundary line of the Lower *Gateway Conservation Zone*;
- p. Any building setback lines established by zoning, *Town* ordinance or other law;
- q. Any building setback lines proposed for the *subdivision*;
- r. Existing and proposed *open space* for parks and playgrounds and other *open space* purposes, and the square footage or acreage;
- s. Any reserved areas for *watercourses* and *wetlands* protection or for conservation areas; and
- t. Any encroachment line along rivers and *watercourses*.

5. Proposals for *development* of the *subdivision* as follows:
  - a. Location and width of *street* pavement, including location of pavement on existing *streets*;
  - b. Elevations on both existing and proposed *streets* to indicate *grading* of roads;
  - c. Existing and proposed storm drains, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other structures;
  - d. Any relocation or construction for channels or *watercourses*;
  - e. Any sanitary sewers, treatment facilities and appurtenances;
  - f. Water mains, hydrants and appurtenances;
  - g. Location on each proposed *lot* of a minimum area of buildable land, as required under Section 5.2.1 (f);
  - h. The location proposed for a building on each *lot* and a driveway, including floor elevations and driveway grades to demonstrate feasibility of use of the *lot*;
  - i. The location of any proposed on-site wells and sewage disposal systems;
  - j. The limits of any area proposed for major *regrading*, cuts, fills or soil or rock removal;
  - k. The limits of any area proposed to be reserved and protected from excavation or filling, and;
  - l. The proposed location of any activity that is subject to the Inland Wetlands & Watercourses Regulations of the Town of Old Saybrook, Connecticut.
6. The following additional information, in addition to any applicable information required by the Regulations for Public Improvements:
  - a. Map information as required for a Coastal Site *Plan* under Section 4.4.4.;
  - b. Map information as required for a *Sedimentation and Erosion Control Plan* as specified under Section 4.3.5;

- c. A signature block entitled “Soil *Erosion* and *Sediment* Control Plan certified by - - -” with a place for signature of the certifying agent and date of signing;
- d. For *subdivision* involving construction of roads, drainage and other public improvements, the Subdivision Plan will contain the following statement:

“The Subdivision Regulations of the Old Saybrook Planning Commission are a part of this plan, and approval of this plan is contingent upon completion of all the requirements in the Subdivision Regulations, excepting only any waivers or modifications made in writing by the Old Saybrook Planning Commission and included on this plan.
- e. A signature block as follows:

“**Conditional Approval by the Old Saybrook Planning Commission**”, with a designated place for the signature of the **Chairman or Secretary**, the **Date** of the *Commission* vote to approve, and the **Expiration Date** of the conditional approval; followed by:

“**Final Approval by the Old Saybrook Planning Commission**”, with a designated place for the signature of the Chairman or Secretary, the **Date** of the *Commission* vote to approve, and the **Expiration Date** of the final approval.
- f. Such additional notes as may be required or approved by the *Commission*, such as restrictions pertaining to building lines, reserved areas, *easements*, on-site sewage disposal and water supply and other features on the map.

4.3.4 **Construction Plans.** Construction *plans* will conform to the standards set forth in these *Regulations* for *streets*, sidewalks, storm drainage, water and sewer systems and other improvements, and to the standards set forth in the *Regulations for Public Improvements*.

A signature block entitled “**Approved by the Old Saybrook Planning Commission**” with a designated place for the signature of the Chairman or Secretary and **Date** of approval.

4.3.5 **Sedimentation and Erosion Control Plan**

- A. A soil *erosion* and *sediment* control *plan* will be submitted with the *subdivision application* in the following cases:
  - 1. When the *disturbed area* of such *subdivision* is cumulatively more than one half (1/2) acre, or contains inland *wetlands* or *watercourses*;

2. For any *lot* within the Lower Gateway Conservation Zone, or
  3. For any *lot* within a proposed *subdivision* that is within fifty feet (50') of coastal resources, including rocky shoreline, coastal bluffs and escarpments, beaches, dunes and tidal *wetlands*, as defined in the Connecticut Coastal Management Act.
- B. The *plan* will include a map showing existing and proposed topography; location of any areas proposed to be cleared, stripped of vegetation or graded, or otherwise altered; location and design of structural control measures, including diversions, waterways, grade stabilization structures, debris basins and other measures; re-vegetation *plans*; and a schedule of operations including sequencing of clearing, *grading*, installation of control measures and re-vegetation. Design of control measures and operations will be consistent with principles, methods and practices found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002), as amended from time to time.
- C. The *applicant* will provide a written narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any *erosion* and *sediment* control facilities that are installed.
- D. All *development* will comply with the following guidelines:
1. *Development* will be fitted to the topography and soils to create the least *erosion* hazard;
  2. Natural vegetation will be retained and protected wherever feasible;
  3. Only the smallest practical area of land will be exposed at any one time during *development*;
  4. When land is exposed during *development*, the exposure will be kept to the shortest practical period;
  5. Temporary vegetation or mulching will be used to protect exposed areas during *development*;
  6. *Sediment* basins (debris basins, desilting basins or silt traps) will be installed and maintained to remove *sediment* from runoff waters and from land undergoing *development* where feasible and practical; and
  7. Permanent final vegetation and structural *erosion* control measures will be installed as soon as practical in the *development*.

- E. The soil *erosion* and *sediment* control *plan* may be incorporated on the Detailed Layout Map or Construction *Plans*.
- 4.3.6 **Grading Plan.** In the event that any *grading*, cuts, fills or soil or rock removal is proposed in the *subdivision*, a *grading plan* will be submitted as follows:
- A. The area shown on the *grading plan* may be limited to the portion of the *subdivision* affected by the proposed *grading*, cuts, fills, or soil or rock removal;
  - B. The *grading plan* will be shown at a scale of one inch equal to forty feet (1"=40') and will be prepared to similar standards of accuracy;
  - C. Existing and proposed contours at intervals of two feet (2') are required. If requested by the *Commission*, cross-sectional drawings of the area to be re-graded will be provided; and
  - D. The *plan* will indicate the total volume and nature of material to be removed or deposited.
- 4.3.7 **Future Development of Undeveloped Portion of a Tract/Phased Development.** If the proposed *subdivision* covers only a part of the record owner's or *applicant's* contiguous land holding, a map will be submitted drawn at a scale of one inch equal to one hundred feet (1"=100'), showing the approximate location of future *development*, including proposed *street* locations, approximate *lot* layouts and the location of areas to be designated as *open space*. The map will be accompanied by a written statement of intent for the tentative or proposed future use of the undeveloped portion. This map and statement is for informational purposes only and will not be binding on either the *applicant* or the *Commission*.

#### 4.4 REPORTS

Reports required under this Section may be included as *plan* notes where appropriate, if all information is shown in a clear and legible form.

- 4.4.1 **Water and Sewer Report.** The *applicant* will submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the *subdivision*. The engineer will certify that the proposed water supply and method of sewage disposal comply with all applicable sanitary codes, rules and *regulations*, including the requirements of Sections 6.2 and 6.3 of these *Regulations*. Before submission of the report to the *Commission*, the *applicant* will secure confirmation of the report by the Health District.
- 4.4.2 **Traffic Study.** For all residential *subdivisions* containing twenty-five (25) *lots* or more and for all non-residential *subdivisions*, the *applicant* will submit a traffic study describing the pedestrian and vehicular access to and within the proposed *subdivision*. In the case of *resubdivision* or phased *development*, previously approved *lots* will be

considered as part of the total when determining the need for a traffic study. Traffic studies may be required for *subdivisions* containing less than twenty-five (25) *lots*, if the *Commission* determines that hazardous or unsafe conditions may be created or exacerbated by the proposed *development*. The report will include traffic characteristics and level of service on existing *streets* affected by the *subdivision*, and any proposed measures to increase traffic safety and mitigate identified hazardous or unsafe conditions resulting from the *subdivision*. In preparing this report, the *applicant* will be guided by the requirements of Section 5 and Section 6 of these *Regulations* and the *Regulations for Public Improvements*.

- 4.4.3 **Stormwater Runoff Report.** For all *subdivisions* involving the creation of new *streets*, including private roads the *applicant* will provide a drainage report as required in Sections 40B.6 and 90 of the *Regulations for Public Improvements*.
- 4.4.4 **Coastal Management Plan (and Application).** All *subdivisions* of land located fully or partially within the coastal boundary, as defined the Connecticut General Statutes Chapter 444, Section 22a-94, and indicated on the Old Saybrook Coastal Boundary Map, will be subject to the coastal site *plan* review requirements, procedures and definitions set forth in Chapter 444, and with the following requirements of these *regulations*:
- A. In addition to requirements set forth elsewhere in these *Regulations*, coastal site *plans* must include the following information:
1. A *plan* showing the location and spatial relationship of coastal-resources on and contiguous to the property proposed for *subdivision*;
  2. A description of the location, design and timing of construction of any *subdivision* improvements;
  3. An evaluation of the capability of resources to accommodate the proposed use;
  4. An evaluation of the suitability of the *subdivision* for the proposed site; and
  5. An evaluation of the potential beneficial and adverse impacts of the *subdivision* and a description of proposed methods to mitigate adverse effects on coastal resources;
- B. The *applicant* will demonstrate that the adverse impacts of the proposed *subdivision* on coastal resources and future water dependent *development* opportunities are acceptable and that such activity is consistent with the goals and policies of the Coastal Management Act.
- 4.4.5 **Flood Protection.** When a *subdivision* is proposed for land subject to flooding, as identified by the National Flood Insurance Program, the *applicant* will supply written confirmation from the Building Official of the *Town* that utilities, water, sewage

disposal systems and electrical service are located or designed so as to minimize or eliminate flood damage or infiltration. The *applicant's* engineer will provide assurances that the flood carrying capacity is maintained within any altered or relocated portion of any *watercourse*. Flood protection measures will be designed in accordance with the requirements of Section 5.4.

4.4.6 **Energy Conservation Report.** The *applicant* will submit a written statement describing the manner in which the proposed *subdivision* will utilize passive solar energy techniques, as required in Section 5.5.

4.4.7 **Purpose and Disposition of Open Space.** The *applicant* will provide a written report describing any *open space* proposed in accordance with Sections 5.8 and 6.13. The written report will include a description of natural resources on the *open space* tract, proposed use of the tract and proposed ownership and management recommendations. A copy of any restrictive covenants or conservation *easements* will be included in the report.

4.4.8 **Archaeological and Historic Preservation Report.** The applicant will send a copy of all subdivision application forms and maps to the State Archaeologist at the time of application. The *applicant* will provide a written description of any significant historical sites or buildings, identified archaeological sites, existing trails, stone walls and unique natural features located on the property to be subdivided. The *applicant* will include a written statement of any measures that will be taken to preserve important cultural and natural resources on the site. Suitable public access to any preserved feature may be required by the *Commission*.

4.4.9 **Preservation of Stone Walls.** Subdivision plans will preserve all existing stone walls on the property being developed, or, where removal is required for new driveways or other purposes approved by the Commission, such stone walls will be relocated to another part of the lot. The Commission may require that stone walls removed or otherwise destroyed prior to the filing of a subdivision application be replaced or restored.

4.4.10 **Other Approvals**

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

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

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

#### 4.5 LEGAL DOCUMENTS

All legal instruments related to roads, *open space*, drainage and other restrictions will be submitted upon approval of the Subdivision Plan for approval by the *Commission* and its Legal Counsel.

4.5.1 Legal documents that must be submitted include those specified in Section 60B of the *Regulations for Public Improvements*, and also including, but not limited to, the following:

- A. Deeds for proposed roads, whether public or private;
- B. Deed for proposed *open space* areas;
- C. Deeds or *easements* for the proposed storm drainage system, including any necessary rights-to-drain onto private property;
- D. Required *easements* of all types, including *easements* for storm drainage, conservation, utilities, access, temporary *easements* for construction purposes, sloping rights, or easements for the preservation of cultural resources identified in Section 4.3.3.3 m.;
- E. Organizational documents and by-laws for homeowners' association, when proposed;
- F. Any maintenance agreements;
- G. All conveyance to the Town will be free and clear of any encumbrances that could defeat title to the rights conveyed, and all the conveyances will be accompanied by a certificate of title to that effect by an attorney admitted to the Bar of the State of Connecticut; or, alternatively, an owners title insurance policy in an amount determined by the Commission's consulting legal counsel.

#### 4.6 ADDITIONAL INFORMATION REQUIREMENTS

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

#### 4.7 WAIVER OF INFORMATION REQUIREMENTS

A waiver of specific information requirements in Section 4 may be requested under Section 3.4 of these *Regulations*. The *Commission* may grant the waiver request if it determines that the

**SUBMITTAL**

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information for which the waiver is requested is not necessary to determine compliance with these *regulations*. Requirements for the key map, boundary map, coastal site *plan*, water and sewer report, and *sedimentation and erosion control plan* will not be waived.

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# SECTION 5

## Design Requirements

### 5.1 GENERAL REQUIREMENTS

- 5.1.1 **Plan of Conservation & Development.** *Subdivisions* will be *planned* and designed in general conformity with the Plan of Conservation & Development for Old Saybrook, adopted by the *Commission* in accordance with Chapter 126 of the Connecticut General Statutes, particularly with regard to
- A. Location and classification of *streets*;
  - B. Provision of sewer, water supply, drainage systems and service areas; and
  - C. Reservation of land for parks, recreation and *open space*.
- 5.1.2 **Natural Features.** The *planning* and design of *subdivisions*, including *streets*, drainage and other improvements and the layout of *lots*, will provide for retention of the natural features of the tract:
- A. By avoiding cuts, fills and *re-grading* which result in potential soil *erosion*, tree and other vegetation removal and disturbance to water resources;
  - B. By maintenance of water courses, including ponds and swamps, in their natural location and avoiding relocation of and encroachment;
  - C. By protection of *wetlands*, floodplains and other land subject to potential flooding, including avoidance of filling, excavation and pollution;
  - D. By retention and protection of large isolated trees and forested areas;
  - E. By protection of *watercourses*, floodplains and other areas subject to potential flooding through *easements*, rights-of-way or encroachment lines, unless authorized to be disturbed by the Old Saybrook Inland *Wetlands Commission*. Conservation areas will be protected by *easements* or reservation areas; and
  - F. The planning, design and *development* of *subdivisions* affecting coastal resources will be evaluated by the *Commission* to determine consistency of the proposed activities with the policies of the Connecticut Coastal Management Act.
- 5.1.3 **Historic Preservation.** Whenever historic or archaeological resources, significant stonewalls, or other cultural resources identified in Section 4.3.3.3 m. are identified, the subdivision plan will consider specific provisions to protect those cultural resources and specific provisions to protect against or suitably mitigate detrimental impacts on cultural resources. Subdividers are encouraged to restore historic

structures, incorporate landscape and buffer improvements, relocate and repair significant stone walls, and otherwise preserve and protect cultural resources for future generations. The Commission may require easements to achieve such preservation and protection.

### 5.2 LOTS

5.2.1 **Building Lots.** Proposed building *lots* will be of such shape, size, location, topography, access and character that the *lots* can be occupied and used for building purposes, whether residential, business or industrial, without danger to the health and safety of the occupants, the neighborhood or the general public. Any proposed *lot* which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock or other conditions will be combined with another contiguous *lot* that is suitable. Proposed building *lots* will be *planned*:

- A. To make best use of the natural terrain
- B. To preserve natural features
- C. To be capable of use without extensive filling or regrading that would result in potential *erosion* and *sedimentation* and excessive vegetation removal or which would adversely affect the ability of the *lot* to accommodate on-site sewage disposal and water supply facilities
- D. Laid out in such a way as to maximize potential use of passive solar energy design techniques, as defined in the Connecticut General Statutes to the extent practicable
- E. Each *lot* will be capable of accommodating buildings as permitted by the Zoning Regulations together with driveway access, parking spaces and suitable sites for on-site sewage disposal and water supply, without disturbing *wetlands* and *watercourses* unless authorized by the Old Saybrook Inland *Wetlands Commission*, and
- F. Each building *lot* will contain within its boundaries a Minimum Area of Buildable Land, with the following characteristics:
  1. Such parcel will include a contiguous area of not less than fifteen thousand square feet (15,000 s.f.);
  2. The minimum area of buildable land will be of such shape as to be capable of containing a square not less than one hundred feet (100') on a side;
  3. The minimum area of buildable land will not include any land determined to be inland *wetlands* or tidal *wetlands*, as defined by the

Connecticut General Statutes, nor any land delineated as a Special Flood Hazard Area;

4. No more than twenty percent (20%) of the area designated as minimum buildable *lot* area will have naturally occurring topography exceeding twenty percent slope in grade as measured in forty-foot (40') increments throughout the parcel;
  5. No land will be included which is identified as having ground water higher than eighteen inches (18") below the naturally occurring surface, or ledge at a depth or less than four feet (4') below the natural ground surface as observed by soil testing; unless an area of suitable size and location has been identified for the placement of a subsurface sewage disposal system through soil testing which demonstrates the suitability of soil in that area for such sewage system placement in accordance with the requirements of the Connecticut Public Health Code in effect at the time of such testing. The soil testing required will be witnessed by the Health District unless otherwise approved by the Health District. The number and location of such tests as required to demonstrate the suitability of soil for sewage placement will be determined by the Health District, who will certify compliance of such soil testing with the requirements. No fewer than three (3) test holes which have been observed by the Health District will be provided and will be conducted such that both the primary and reserve systems are investigated.
  6. No more than ten percent of the minimum buildable area will be encumbered by *easements*, including *easements* for drainage, utilities or vehicular access, but not including conservation *easements*.
  7. A minimum buildable area, which complies with this section, will be shown on the *subdivision plan* for each proposed building *lot*.
- 5.2.2 **Lot Size.** Each *lot* will conform to the Zoning Regulations unless required by these *regulations* to be larger because of natural conditions affecting public health and safety, including accommodation of on-site sewage disposal or water supply systems.
- 5.2.3 **Lot Numbers.** All *lots* will be numbered beginning with the numeral "1" and will continue consecutively throughout the entire *subdivision* with no omissions or duplications. No fractions or letters will be used unless necessary for clarity in a *resubdivision*. Adjoining *subdivisions* and sections of a *subdivision* having the same title will not duplicate numbers but will continue the sequence of numbers used previously for the adjoining land. All *lot* numbers will be conspicuously shown on the *subdivision* map in the approximate center of each *lot*.
- 5.2.4 **Lot Frontage.** All *lots* will have frontage either on an existing approved *street* or upon a new *street* to be created as part of an approved *subdivision plan*, consistent with the Zoning Regulations.

- 5.2.5 **Lot Lines.** Irregular *lot* shapes and uneven boundaries will be avoided. Wherever possible, side *lot* lines should be at right angles to the *street* on which the *lot* faces, radial to curves of the *street*, or radial to the cul-de-sac turnaround on which the *lot* faces, unless *lot* lines are angled specifically for the purpose of encouraging proper orientation of buildings for active and passive solar energy techniques.
- 5.2.6 **Lot Access / Driveways.** Each *lot* will be capable of being accessed by an individual driveway across the designated *lot* frontage, except in cases where the *Commission* determines that a combined driveway serving more than one *lot* will reduce traffic conflicts or preserve significant natural features. The *Commission* may approve a single shared driveway for vehicular access to two adjacent *lots*, in accordance with Section 6.9 of these *Regulations*. See Section 130 of the Regulations for Public Improvements, and Town Code Chapter 185, Streets and Sidewalks, Article II, “Work within Road Rights of Way and Public Lands,” adopted September 19, 2002, as amended.
- 5.2.7 **Bodies of Water.** If a tract of land being subdivided contains a body of water or portion of a body of water, including a dam or other structure, then the *Commission* may require that the *lot* lines be so drawn as to place the entire ownership and burden of maintenance of the body of water and dam or other structures in undivided ownership.

### 5.3 STREETS

- 5.3.1 **Street Planning.** Proposed *streets* will be *planned* in such a manner as to provide safe and convenient access to proposed *lots* and safe and convenient circulation for present and prospective traffic within the neighborhood in which the *subdivision* is located. In *planning streets*, due consideration will be given to accomplishing an attractive layout and *development* of the land. Grid layouts should be avoided, and wherever feasible, *streets* will follow a gently curving alignment compatible with the terrain and that preserves substantial trees, woods and other natural features.
- 5.3.2 **Connection to Existing Streets.** All *subdivision streets* will connect directly to one or more accepted *town* streets or state highways. *Subdivisions* containing more than thirty (30) *lots* will have at least two (2) direct connections to one or more accepted public streets. In the case of *resubdivision* or phased *development*, previously approved *lots* will be considered as part of the total in determining the need for a second direct connection; provided, however, that the *Commission* may waive or modify this requirement where the number of proposed lots does not bear a reasonable relationship to the need for such second direct connection. The *Commission* may substitute an emergency access driveway to a second through *street* to allow for a Temporary Dead End Road in accordance with Section 5.3.4 below where such Temporary Dead End Road is reasonably likely to connect with a second through *street* within the foreseeable future.
- 5.3.3 **Future Street Connections.** *Streets* will be laid out to provide connections with existing *streets* on adjacent properties, where appropriate, and with proposed *streets*

that may be provided for in the *Plan of Conservation & Development* or proposed *streets* that may otherwise be desirable for public safety, traffic circulation, creating a sense of community, or other purposes. When a *subdivision* adjoins undeveloped land, its *streets* will be laid out to provide suitable future *street* connection with the adjoining land where the Commission considers it probable that the latter could be subdivided. Proposed *streets*, which may be projected into adjoining properties, will be carried to the boundary line. No reserve strips will be permitted. Future *street* rights-of-way will have a minimum width of fifty feet (50') and will be conveyed by warranty deed to the *Town*.

5.3.4 **Dead End Streets.** Permanent Dead End Roads, as defined in the Regulations for Public Improvements, , will not exceed a length of one thousand feet (1,000') Temporary dead end *streets*, which may be projected into adjoining property at some future date, may exceed such length but will not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the *Commission*. Whenever a Temporary Dead End Road, as defined in the Regulations for Public Improvements, is proposed, the *applicant* will be responsible for demonstrating the feasibility of extending the *street* through an adjoining property to connect with another *Town* through *street* in a manner that would reasonably realize the development potential of the adjoining property. This demonstration will include submission of a concept road plan and profile that conforms to horizontal and vertical road design criteria established in the Regulations for Public Improvements. Such street extension will also, in the opinion of the Commission, have a reasonable expectation of being constructed without excessive earth cut and fills, wetlands impacts, or expense.

5.3.5 **Street Classifications.** All proposed *streets* in the *subdivision* and any existing *street* abutting the *subdivision* will be classified by the *Commission* as one of the following:

- A. **Local Street.** A *street* defined as a “Local Road” in the Regulations for Public Improvements.
- B. **Private Street.** A *street* defined as a “Private Road” in the Regulations for Public Improvements.
- C. **Feeder/Collector Street.** A *street* defined as a “Feeder/Collector Road” in the Regulations for Public Improvements.

5.3.6 **Street Widening.**

- A. No *street right-of-way* will be widened beyond the minimum width specified in these *Regulations* for the purposes of securing additional *street* frontage for proposed *lots*.
- B. Where the proposed *subdivision* abuts an existing *Town street* that does not meet minimum criteria for *right-of-way* width, the *applicant* will convey to the *Town* sufficient land along such road as to permit its widening to conform to *Town* standards. Where the *Commission* determines that the condition of the

existing road is such that the approval of the *subdivision* could result in a potential safety hazard, the *Commission* may, if authorized by law, require that the *Applicant* make improvements to the existing *Town* road to assure the safety of the residents of the new *subdivision*.

- C. In cases where the *right-of-way* is established for a *street* and owners other than the *applicant* own abutting land, the *right-of-way* will have such extra width or area as is necessary to accommodate all road construction within the *right-of-way* without encroachment on the abutting land. Instead of extra width or area, the *applicant* may obtain rights to slope on the abutting land if the rights are in a form approved by the *Commission*.

5.3.7 **Reverse Frontage.** Wherever practicable, *lots* adjacent to a State highway or major *Town street*, will have their frontage reversed and will front on a *street* one *lot* depth removed from the state highway or major *Town* road, or will front on an intersecting side *street*. Reverse frontage *lots* which back onto a State highway or major *town* road will have a buffer zone a least ten feet (10') wide along the property line abutting the road *right-of-way*. Buffer zones will contain a fence, wall, stream, hedge or other suitable deterrent to access.

5.3.8 **Street Names.** *Streets* that join or are in alignment with *streets* of adjoining or neighboring property will bear the same name. No duplication of *street* names will be permitted, and similar sounding names will be avoided. All *street* names are subject to the approval of the *Commission*.

5.3.9 **Additional Requirements.** Additional requirements for *street* design and construction are set forth in Section 6.4. and the *Regulations for Public Improvements*.

## 5.4 FLOOD PROTECTION

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

- A. **Lots and Improvements.** *Lots* and improvements will be consistent with the need to minimize flood damage within the Special Flood Hazard Area and will be capable of use without damage from flooding or flood related damages.
- B. **Utilities.** All utilities and facilities, such as sanitary sewer systems, water supply systems or electric and gas systems, will be located and constructed to minimize or eliminate flood damage. Sanitary sewer systems will be designed to minimize or eliminate both infiltration of floodwaters into such systems and discharges from such systems into floodwaters.
- C. **Written Confirmation.** The *Commission* will require written confirmation from the Health District and Building Official that utilities, water, sanitary

sewer systems or electrical service are located or designed to minimize or eliminate flood damage or infiltration.

- D. **Streets.** No new *street* or any existing *street* being brought up to existing standards specified in the *Regulations for Public Improvements* will be constructed below the *base flood elevation* of a flood hazard area, unless expressly authorized by the Commission in situations where reasonable development is not possible without such construction.

## 5.5 ENERGY EFFICIENCY

Pursuant to Section 8-25 (b) of the Connecticut General Statutes, the *applicant* will demonstrate to the *Commission* that, in developing the *subdivision plan*, consideration has been given to the use on each *lot* of passive solar energy techniques that would not significantly increase the cost of use or occupancy of the *lot*. Passive solar energy techniques mean *subdivision plan* or site design techniques which:

- Maximize solar heat gain, minimize heat loss or enable thermal storage within buildings on each lot during the heating season and
- Minimize heat gain or provide for natural ventilation during the cooling season.

The *subdivision plan* or site design techniques considered will include at least the following:

- 5.5.1 **Encourage East-West Street Layout.** The *street* and *lot* layout *plan* will provide, as far as practical, for east-west *street* orientations to facilitate the *development* of properly oriented passive solar buildings. An east-west *street* refers to any *street* with its axis within thirty degrees (30°) of true East.
- 5.5.2 **Provide for Flexible Lot Layouts.** Side *lot* lines will be perpendicular to the *street* line unless the purpose of the *lot* line orientation is to provide greater solar access or gain.
- 5.5.3 **Encourage Solar Orientation of Proposed Buildings.** The “footprint” of proposed principal buildings for each *lot* within a *subdivision* should, wherever practical, be located and oriented so that the longest side of the building is within thirty degrees (30°) of true East.
- 5.5.4 **Consideration of Energy Impacts of Other Buildings, Vegetation or Natural Features.** Proposed buildings should be located to avoid shadows cast by other buildings, vegetation or natural and manmade topographical features wherever practical. Where possible, new *plantings* will concentrate evergreen trees or hedges on the north side of a structure.

## 5.6 PROVISION OF WATER AND SEWER

Each *lot* will be provided with adequate and safe means of sewage disposal and water supply on a continuous, long term basis to meet the requirements of uses permitted on the *lot* under the Zoning Regulations.

5.6.1 **Water Supply.** Where such service is available, each *lot* will be served by and provided with a curb connection to a central water supply system. Such system and connection will meet all the technical and administrative requirements of the Health District and the State of Connecticut. The *Commission* may approve provision for on-site water supply if it determines that a central water system is not available or cannot reasonably be provided or extended by the *applicant* to serve the *lot*.

- A. If a public water supply is to be used for the *subdivision*, the *applicant* will submit written evidence of agreement from the Connecticut Water Company or other water company serving the *subdivision* to provide a safe and adequate public water supply.
- B. If private water supply wells for individual *lots* are proposed, the *applicant* will submit a written statement from the Health District stating the adequacy of the *lot* to contain a well in compliance with the Connecticut Public Health Code.
- C. A water study, prepared by a certified hydrogeologist, will be submitted by the *applicant* for any *subdivision* containing twenty-five (25) or more *lots* in which private water supply wells are proposed. The water study will address the adequacy of ground water supplies and the effect of the proposed *subdivision* on surrounding wells.

5.6.2 **Sewage Disposal.** Where such service is available, each *lot* will be served by and provided with a lateral connection to a central sanitary sewer system. Such system and connection will meet all the technical and administrative requirements of the Old Saybrook Water Pollution Control Authority and the Health District. The *Commission* may approve provision for an on-site subsurface sewage disposal system if it determines that a central sanitary sewer system is not available or cannot reasonably be provided or extended by the *applicant* to serve the *lot*.

- A. If a public central sanitary sewer system is to be used for the *subdivision*, the *applicant* will submit written evidence of agreement by the Water Pollution Control Authority to service the *subdivision*, including a statement that adequate capacity is available within the system for the proposed use.
- B. If private subsurface sewage disposal systems on individual *lots* are proposed, soils tests will be required in accordance with Section 6 of these *Regulations*. Written evidence must be submitted that the subsurface sewage disposal system proposal is acceptable to the Health District.

## 5.7 STORM DRAINAGE

Storm drainage will be designed and constructed to provide for the efficient drainage of the property and surrounding lands that normally drain across the area of the proposed *subdivision*, including drainage from any *streets* that may reasonably be expected to be constructed at some future date on adjoining property. If in its judgment there will be no substantial danger from soil *erosion* to the public health and safety, the *Commission* may permit on *lots* of one acre or larger the discharge of storm water in open ditches, swales or detention basins, except that such structure will not be located in that portion of the *lot* customarily used for front or side yards or which might be used for on-site sewage disposal or water supply systems.

5.7.1 **Discharge.** The discharge of all water from the *subdivision* will be into suitable streams or rivers or into *town* or state drains, ditches or other *town* or state drainage facilities. Where the discharge will be into private property adjoining the proposed *subdivision*, drainage easements with discharge rights will be secured by the *applicant* before approval of the *subdivision plan*. Discharge will be done in a manner that protects streams and *wetlands* from pollution and flooding due to increase in runoff. All stormwater discharge will conform to the drainage design criteria in Section 90 of the *Regulations for Public Improvements*.

5.7.2 **Channel Lines.** Channel and building lines will be provided along any major stream or river for the purpose of preventing encroachment upon or constriction of the natural water channel by buildings, filling operations or other facilities and construction. The width of the channel will be based on sound engineering calculations anticipating long range storms (100 year frequency) and flow potentials and recognizing proper alignment and gradients of the channel. A note, approved by the *Commission's Legal Counsel*, will be placed on the *subdivision plan* explaining the channel, building lines and the restrictions against encroachment upon the channel.

5.7.3 **Additional Requirements.** Additional requirements for control of stormwater runoff are set forth in Section 6.10. and the *Regulations for Public Improvements*.

## 5.8 OPEN SPACE

Land for parks, playgrounds, recreation areas or *open spaces* will be provided and reserved in each *subdivision* as deemed necessary and in locations deemed proper by the *Commission*. The land reserved will be of such size, location, shape, topography and general character as to satisfy the needs determined by the *Commission*. Such needs may include, but are not limited to the following:

- A. Preservation of natural resources such as, but not limited to, unusual topography, *wetlands*, aquifers, agricultural land, wildlife habitat, visual corridors or vistas;
- B. Retention of natural drainage ways;

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- C. Establishment of coherent urban form to break up undifferentiated sprawl patterns, provide edges, focal points or centers to enable people to relate to their surroundings or to integrate or separate various types of uses or activities;
- D. Provision for passive or active recreation;
- E. Enhancement of historic or cultural activities or locations; and
- F. Maintenance of scenic quality.

The reservation of land will conform to any *plan of development* for parks, playgrounds, recreation land, conservation or *open space*.

5.8.1 **Dedication Requirement.** In determining the need for reservation of *open space*, the *Commission* will be guided, but not limited to, a standard of ten percent (10%) of the land area of the *subdivision* and a minimum reservation area of one (1) acre. The *Commission* may determine that a lesser area is sufficient to satisfy the need for such *open space* within the *subdivision* or that such reservation is not feasible because:

- A. Adequate existing parks, playgrounds, recreation areas or *open space* are available in the neighborhood; or
- B. There is no land in the *subdivision* suitable for such reservation.

5.8.2 **Access and Location.** *Open spaces* will be easily accessible and will be situated to preclude grouping of *lots* or *open spaces* in the extremities of the tract. Proper pedestrian and vehicular access will be provided for each such reservation.

5.8.3 **Method of Dedication.** *Open space* areas will be permanently reserved for the designed use by means acceptable to and approved by the *Commission*, in accordance with Section 6.12.

5.8.4 **Other Requirements.** Additional requirements for provision of *open space* are set forth in Section 6.

5.8.5 **Fee in Lieu of Open Space.** An *applicant* for approval of a *subdivision* may, with the approval of the *Commission*, pay a fee to the municipality, or pay a fee to the municipality and transfer land to the municipality, in lieu of any requirement to provide *open spaces*. Such payment or combination of payment and the fair market value of land transferred will be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the *subdivision*. The fair market value will be determined by an appraiser jointly selected by the *Commission* and the *applicant*. A fraction of such payment, the numerator of which is one (1) and the denominator of which is the number of approved parcels in the *subdivision*, will be made at the time of the sale of each approved parcel of land in the *subdivision* and deposited in a fund which will be used for the purpose of preserving *open space*, or acquiring additional land for *open space*, or for recreational or agricultural purposes. The *open space* requirements of this section will not apply if the transfer of all land in a

*subdivision* of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the *subdivision* is to contain affordable housing, as defined in section 8-39a, of the Connecticut General Statutes, equal to twenty per cent or more of the total housing to be constructed in such *subdivision*.

## 5.9 FIRE PROTECTION

To assure that any *development* has an adequate supply of water for fire-fighting purposes, the *Commission* may require that a fire well, fire pond or water storage tank be constructed in connection with the *subdivision development*. Before the submission of a *subdivision application*, the *applicant* will consult with the fire marshal to determine whether a new water supply for fire-fighting purposes is required. If necessary, such water supply will be installed at the expense of the *developer*, and the cost of such will be included in the *bond*. The design, location and construction of such water supply will be approved by the *Commission*.



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# SECTION 6

## Improvements

### 6.1 GENERAL REQUIREMENTS

6.1.1 **Applicable Standards.** Proposed *subdivisions* and *resubdivisions* and all *street*, drainage or other improvements required by these *Regulations*, will be designed and constructed in accordance with the following:

- A. The standards specified in these *Regulations*;
- B. Applicable ordinances or special acts of the *Town*; and
- C. *Regulations for Public Improvements* and any amendments or supplements, as may be amended from time to time.

Whenever there is a conflict among the provisions of A., B. or C. above, the most stringent requirement will govern.

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

6.1.3 **Site Clearing Disposal Areas.** Any area used for disposal of material from site clearing (rocks) will be shown and designated on the *subdivision plan* as a Site Clearing Disposal Area. Trees and stumps will be chipped or disposed of off-site as bulky waste.

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

- A. Access to bridges, culverts, and detention basins with construction or maintenance equipment;

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- B. Storm water pipes, water mains or sanitary sewers and appurtenances shown on the *plan*, or which may need to be installed in the future, such *easements* to be not less than thirty feet (30') in width;
- C. The full width of the channel of any stream or drainage ditch in the *subdivision*, which will carry drainage runoff from any proposed *street*, existing *street* or *streets* that may be constructed in the future on the undeveloped land within the watershed plus fifteen feet (15') beyond each edge per Section 90A.8 of the *Regulations for Public Improvements*;
- D. *Easements* for temporary turnarounds;
- E. Construction *easements* for *grading* or other construction *work* in the front of each *lot* along a proposed *street* per Section 70I. 5 of the *Regulations for Public Improvements*;
- F. Sight *easements* across corners of *lots* at intersections to assure safe line of sight on the *street* per Section 70G 1.I. of the *Regulations for Public Improvements*;
- G. *Easements* at least ten feet (10') in width for pedestrian ways to parks, playgrounds, schools or other public or semi-public places where the *street* system does not conform to a convenient pattern of pedestrian circulation; and
- H. Shared driveways in accordance with Section 6.9.4.

## 6.2 SEWAGE DISPOSAL

Suitable sewage disposal will be provided in accordance with Section 5.6. A written report, endorsed by the Health District, will be submitted to the *Commission* concurring with the adequacy of *plans* for sewage disposal facilities.

6.2.1 **Soil Tests Required.** If private subsurface sewage disposal systems on individual *lots* are proposed, a percolation test and deep observation pit will be required on each *lot* in the vicinity of the primary and reserve leaching areas. These tests will be conducted to conform to requirements of the Connecticut Public Health Code and as required by the Health District. Deep test pits will be conducted to a depth required by the Health District, and will be witnessed by the Health District, whose findings and recommendations will be submitted to the *Commission*. All proposed *lots* will provide for a reserve leaching area in accordance with the Public Health Code. When the results of deep test pits and percolation tests indicate a need for larger *lots*, final approval of the *subdivision plan* will not be granted until such larger *lots* as required are shown on the maps. Results of deep test pits and percolation tests will be shown on detailed layout maps.

### 6.3 WATER

A suitable water supply will be provided in accordance with Section 5.6. A written report endorsed by the Health District will be submitted to the *Commission* concurring with the adequacy of *plans* for a permanent means of water supply.

### 6.4 STREETS

In addition to the requirements of Section 5.3, the following standards will apply to all proposed *streets* that are part of a *subdivision application*:

6.4.1 **Private Street.** A private road, as defined in the Regulations for Public Improvements, will be permitted at the discretion of the *Commission* when such road is compatible with the character of the neighborhood, when circulation *streets* through the *subdivision* are clearly not needed, when access to the *lots* will be safe and convenient, and when the following requirements are met:

- A. Such road will be clearly identified on the *subdivision plan* and will be subject to a restriction on the map specifying that the road is a private road, privately owned and privately maintained, and is not offered to, accepted or maintained by the *Town*; and
- B. The *applicant* will record in the office of the Old Saybrook *Town* Clerk covenants acceptable to the *Commission* and referenced on the *subdivision plan*:
  1. Providing for the repair, improvement or maintenance of the private road by the owners of *lots* using the road and the funding of such *work*; and
  2. When necessary to protect the public health and safety, providing for repair, improvement or maintenance by the *Town* at the expense of such owners.
- C. The deed for any *lot* that utilizes a private road will include all appropriate *easements* to pass and repass and to install utilities as necessary. Further, the deed will contain the provisions that the private road will not be used for access to any other property except for agricultural purposes, and that the *Town* will not ever be required to plow, maintain, assume ownership, or provide school bus service or other service along the private road to such *lot*.

6.4.2 **Additional Standards.** Additional standards for *streets* are set forth in the *Regulations for Public Improvements*. Where there is a conflict between these *Regulations* and the *Regulations for Public Improvements*, the more stringent requirements will govern.

## 6.5 SIDEWALKS, BIKEWAYS AND MULTI-USE TRAILS

The *Commission* may require the installation of sidewalks, bikeways or multi-use trails on residential or commercial streets or in pedestrian *easements* through a proposed development in the vicinity of schools or playgrounds, as indicated in the Zoning Regulations or the *Sidewalk Plan* or in other places deemed proper by the *Commission* for public necessity or safety. When sidewalks are required, *plans* for the sidewalks will be shown on the construction *plans* and will be designed and constructed to conform to the *Regulations for Public Improvements*.

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

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

## 6.6 STREET SIGNS

*Street* name signs will be installed at all intersections and will be of a design and material specified in the *Regulations for Public Improvements*.

## 6.7 STREET TREES AND LANDSCAPING

*Street* trees will be *planted* on both sides of any *street* to conform to the *Regulations for Public Improvements*.

## 6.8 STREET LIGHTING

*Street* lighting will be installed in accordance with the *Regulations for Public Improvements*.

6.8.1 **Cost.** In the case of the installation of *street* light poles which for reasons of design, location or materials are accompanied by a monthly or lump sum charge in excess of the basic monthly charge for the standard light pole, the *applicant* will be responsible for the payment of such additional monthly or lump sum charges, and the creation of a homeowners association under the Connecticut Common Interest Ownership Act that would continue such payments.

6.8.2 **Location.** The applicant will install streetlight poles at the terminus of any dead-end road, intersections of streets or at other locations required by the Commission.

## 6.9 DRIVEWAYS

A permit to connect a new driveway to a State highway must be obtained from the Connecticut State Department of Transportation. A permit to connect a new driveway to a *Town* road must be obtained from the Department of Public Works.

6.9.1 **Driveway Drainage.** In addition to the requirements of any other *regulations*, driveways to individual *lots* will be located, designed or constructed to prevent excess road drainage down driveways or excessive driveway drainage onto public *streets*.

6.9.2 **Restricted Driveway Access.** In accordance with Section 5.3.7, driveways will not enter onto State highways, or major *Town* roads, except where no method of layout other than entrance onto such roads is possible. In such event, driveways will be combined between *lots* wherever possible.

6.9.3 **Sight Lines.** Safe driveway entrances with adequate sight lines for safe vehicular entry onto a *street* will be required for all *lots* and adequate vehicular turnarounds provided within each *lot*.

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

- A. All shared driveways will have a *right-of-way* of at least twenty-five feet (25') in width and a pavement width of at least sixteen feet (16'). Construction standards will be at least equal to that required for a private road. Slopes will not exceed twelve percent (12%) grade at any point. Construction *plans* and profiles for a shared driveway must be prepared by a licensed professional engineer and are to be provided by the *developer* as part of the *subdivision application*.
- B. The deed for any *lot* that utilizes a shared driveway will include all appropriate *easements* to pass and repass and to install utilities as necessary. Further, the deed will contain the provisions that the access driveway will not be used for access to any other property except for agricultural purposes, and that the *Town* will not ever be required to plow, maintain, assume ownership or provide school bus service or other service along the driveway access to such *lot*. The *developer* will prepare an agreement for maintenance of the driveway by the owners of the property which is accessed thereby, which agreement will become part of the conditions of sale, and which will be binding on all future owners of the *lots*. All deeds and *easements* for shared driveways will be filed with the *subdivision application* and will be in a form satisfactory to the *Commission's* legal counsel.

- C. Construction of shared driveways will be done by the *developer*, in accordance with the above requirements, before the sale of *lots*. The *Commission* may require a *bond* to assure the completion of driveways.

### 6.10 STORM DRAINAGE

Stormwater drainage will be installed in accordance with the *Regulations for Public Improvements*, and provisions of Section 5.7 of these *Regulations*.

### 6.11 UTILITIES

6.11.1 **Electric, Telephone or Cable Lines.** New electric, telephone and cable television wires within the *subdivision* will be installed underground in accordance with the *Regulations for Public Improvements*, unless the *Commission* determines, based on a written report submitted by the *applicant*, that such underground installation is inappropriate or unfeasible for all or part of the *subdivision*. In making such a determination, the *Commission* will take into account:

- A. The type of service existing in the area adjacent to the *subdivision*;
- B. Topographic and construction conditions; and
- C. The size of the *subdivision*. Requirements for underground wires will be noted on the *subdivision plan*.

### 6.12 BOUNDARY MARKERS AND MONUMENTS

Monuments and pins will be installed in accordance with *Regulations for Public Improvements* and the following requirements:

6.12.1 **Permanent Monuments.** Permanent monuments will be installed at locations and in accordance with the standards specified in the *Regulations for Public Improvements*. No permanent monuments will be installed until all construction, which could destroy or disturb the monuments, has been completed. In the event that any monument is destroyed or disturbed during construction of *subdivision* improvements, the monument will be replaced or repositioned before release of the *subdivision* performance *bond*.

- A. In cases where large boulders, surface ledge or stonewalls are present, a three-inch (3") long three-eighths inch (3/8") diameter brass pin inserted in a rock may be substituted for the monuments described in 6.12.1.

6.12.2 **Lot Markers.** Permanent pipe markers as described above will be installed at all front and rear corners and at other points of *change* in direction along property lines. The *applicant* will have a choice of thirty-six inch (36") permanent pipe markers set to a height of four inches (4") above grade, or permanent monuments. During

construction, it is permissible to use temporary surveyor's stakes or pipe markers to delineate boundaries.

- 6.12.3 **Open Space Markers.** Monuments, permanent pipe markers or brass pins will be installed at all corners and at intervals no greater than one hundred feet (100') along the boundaries of all *open space* parcels. Rights-of-way to *open space* parcels that are fifty feet (50') in width or less will be marked at intervals no greater than fifty feet (50'). Additionally, the developer will install and maintain identification markers identifying the boundaries of any deeded open space or easement area for the purposes of open space, the type and location of the markers to be specified by the Commission.
- 6.12.4 **Driveway Access Markers.** Driveway access strips for all *Rear lots* will be marked with permanent pipe markers, monuments or brass pins on both sides at intervals of not more than one hundred feet (100') for the length of the access strip.
- 6.12.5 **Certification of Installation.** The accurate placement and location of markers and monuments will be certified by a land surveyor and the cost of such will be included in the construction *bond*.

### 6.13 OPEN SPACE

In addition to the requirements of Section 5.8, *open space* within *subdivisions* will comply with the following requirements:

- 6.13.1 **Condition of Land.** Land reserved for *open space* will not be used for the storage of equipment or the deposit of debris. The land so reserved will not be excavated, filled or regraded, and trees will not be removed, except in accordance with a *grading plan* submitted under Section 4.3.6.
- 6.13.2 **Methods of Open Space Reservation.** *Open space* areas required under Section 5.8 will be permanently reserved for the designated use by means acceptable to and approved by the *Commission*, such as, but not limited to:
- A. **Deeded to the Town.** Where *open space* areas are to be conveyed to the *Town*, the *applicant* will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the *subdivision*.
  - B. **Deeded to a non-profit organization acceptable to the Commission.** Such non-profit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of *open space* land. The deed to such organization will contain language satisfactory to the *Commission* requiring that the land be held in perpetuity as *open space* land for the use of the public. If *open space* is to be conveyed to a non-profit organization, the *Commission* may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the

property will be conveyed to the *Town*, or subject to the approval of the *Commission*, to another non-profit corporation. The *Commission* will have the right to reject any proposal for the transfer of *open space* land to a private non-profit organization if the *Commission* determines that such conveyance would not be in the best interest of the *Town*.

- C. **Held in corporate ownership by owners of lots within the subdivision.** *Open space* may be conveyed by warranty deed to a homeowner's association within the *subdivision* upon such terms and conditions as specified by the *Commission*. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners' association will be submitted as a part of the *application* for the *subdivision*. Membership in such corporation will be mandatory for all *lot* owners within the *subdivision*. Each deed conveyance to *lot* owners will include the membership stipulation, the beneficial right in use of the open land or all other pertinent restrictions, and will be recorded in the Old Saybrook Land Records. Wording on each deed will state that such open land is reserved for use only as *open space* in perpetuity.
- D. **Perpetual easement.** Where the right of use, interest or privilege, short of fee ownership in the *open space* owned by another, is obtained by the *Town* or acceptable non-profit organization, a deed stipulating that the owner transfers *development* rights to, and *open space* or scenic *easements* over, the land will be required, the fee owner will retain the fee title to the premises and all incidents of fee ownership, except the right to construct any structure, sign, fence or other improvement, or to alter the contours. Minimum *lot* requirements cannot be satisfied by use of land dedicated to *open space*.

6.13.3 **Conditions of Open Space Conveyance.** Title to the *open space* land will be unencumbered and will be transferred at a time approved by the *Commission*, and in any case, not later than the time at which title to the *streets* in the *subdivision* is accepted by the *town*.

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

- A. The continued use of such land for the intended purpose;
- B. Continuity of proper maintenance for those portions of the common *open space* land requiring maintenance;
- C. When appropriate, the availability of funds required for such maintenance; and
- D. Recovering of loss sustained by casualty, condemnation or otherwise.

## 6.14 Assurance of Completion of Work

For subdivisions obtaining final approval in accordance with Section 6.14.3, the Commission will require bonding specified in Sections 6.14.1, 6.14.2 and 6.14.3 prior to the endorsement of the final subdivision plan. For subdivisions obtaining conditional approval in accordance with Section 6.14.4, the Commission will require the bonding specified in Sections 6.14.1 and 6.14.2, and the restrictive covenant specified in Section 6.14.4 prior to the endorsement of the conditional subdivision plan.

6.14.1 **Sedimentation and Erosion Control Bond.** Measures and facilities specified on the Soil Erosion and Sediment Control Plan will be guaranteed by a separate cash or savings account bond. In the event of failure of the *developer* to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this Section may be used by the Town to stabilize eroding areas, remove sedimentation, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Planning Commission. Where a cash bond has been required pursuant to the approval of a Wetlands Permit by the Old Saybrook Inland Wetlands & Watercourses Commission, the Planning Commission may credit such bond against any erosion and sedimentation control bond required by this section.

6.14.2. **Restoration Bond.** A Restoration Bond in an amount to be set by the Planning Commission to return the site to its natural state, as determined by the Commission, taking into account safety and appearance will be guaranteed by a separate cash or savings account bond. In the event the *developer* does not complete the work as shown on the approved plan in the time legally allotted, the Town may use the required bond to restore the site as nearly as practical to its natural condition at the sole discretion of the Planning Commission. When establishing this bond amount, it will be assumed that the entire area where *work* is required has been cleared and grubbed with earthwork in progress. The restoration process would therefore include installation of supplemental erosion control measures, rough grading of disturbed areas, re-spreading of topsoil, and establishment of permanent vegetation.

### 6.14.3 Assurance of Completion of Work – Bonding for Final Approval

- A. **Performance Bonds.** A Performance Bond will be posted by the *developer* prior to the commencement of construction of any Work on any lot to insure the completion of required work and utilities in the event the *developer* will fail to install the same within the term of such Bond or any extension thereof. The term of the Performance Bond may be extended by the Commission upon approval of a petition from the *developer* to the Commission requesting an extension subject to agreement of such extension by the Surety. If the *developer* will fail to complete all Work in accordance with these Regulations and the approved plans, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, observation and inspection of work, legal fees, and the like.

- B. **Computation of Performance Bonds.** In computing the amount of the Bond, the Commission will include the construction cost of the following items:
1. The construction cost of all required Work, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final Subdivision Plan, Plan and Profile, Erosion and Sedimentation Control Plan, or any other plan as approved by the Commission. Where applicable, such Work will be computed based on construction in accordance with the *Regulations for Public Improvements*.
  2. Estimated costs will be those that would allow for the Town advertising and awarding a contract for construction of the Work
  3. Costs will be projected to the date of the expiration of the subdivision approval as specified in Section 3.14 of these Regulations.
  4. The total estimated cost of the Performance Bond will also include a ten percent (10%) addition to cover contingencies and engineering.
  5. Where a subdivision is to be developed in phases, the *developer* shall petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs B. 1 through 4 above, related to that Work located within or required to serve one or more phases rather than for the entire development. Similar permission will be obtained by the *developer* prior to commencing development of any or all additional phases. Where the *developer* bonds in phases as authorized in this paragraph, no Work, as that term is defined in these Regulations, will be commenced in any phase for which no bond has been posted.
- C. **Form of Performance Bonds.** As used in these Regulations, the term “Performance Bond” will refer to one of the following methods of assuring completion of Subdivision Work:
1. Cash in the form of a bank certified check, or a bank passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank (“Surety”) will be one maintaining offices in the State of Connecticut;

2. A Letter of Credit in favor of the Town in the form prescribed by the Commission's legal counsel. Such Letter of Credit will be issued only by a bank maintaining an office in the State of Connecticut.

- D. **For all Performance Bond Documents:** If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership or limited liability company, then a resolution must be provided indicating that the partner or member executing the bond documents has authority to do so. Any corporation will provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership or limited liability company will provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out of state applicants will present evidence from the Secretary of the State that they are authorized to do business in Connecticut.
- E. If at any time, the bond required by this Section will not be in effect for incomplete or unaccepted Work, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the subdivision upon notice to the *developer* and owner(s) of any lot(s).

#### 6.14.4. Assurance of Completion of Work – Conditional Approval.

In lieu of all or a part of the Performance Bond specified in Section 6.14.3, the Commission may allow a restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the land records of the Town of Old Saybrook, prohibiting the sale of any subdivision lot(s) until such time as all Work is completed in accordance with these Regulations, or until the incomplete portions of such Work is bonded by one of the methods in Section 6.14.3, provided that the Erosion and Sedimentation Control Bond (6.14.1) and the Restoration Bond (6.14.2) will be required.. The Commission may deny the use of a restrictive covenant, in whole or in part, where the actual construction of the Work, irrespective of the sale of lots, would be in the public interest; such as construction of roads needed for traffic circulation or public safety, walking trails, scenic vistas, public access areas under the Coastal Area Management Act, or other public amenities. In addition, the Commission may deny the use of a restrictive covenant, in whole or in part, based on a recommendation of the Board of Selectmen indicating that the financial exposure to the Town is excessive in light of the cost of the Work to be assured by a restrictive covenant.

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

### 6.15 INSPECTION OF IMPROVEMENTS

Construction of all required improvements will be carried out in accordance with the procedures specified in the *Regulations for Public Improvements*. Unless otherwise certified under the Zoning Regulations or by the Connecticut River Coastal Conservation District, the measures and facilities in the Soil Erosion and Sediment Control Plan will also be subject to inspection by the Commission or its authorized agent. The *Commission* or its authorized agent(s) will have free access to the construction *work* at all times and will be authorized to take material samples, cores or other tests as deemed necessary to determine compliance with the standards of these *Regulations*.

### 6.16 ACCEPTANCE OF IMPROVEMENTS

Upon satisfactory completion of all improvements, the *applicant* will submit a request to the *Commission* for acceptance of the improvements and release of the performance *bond*. Such request will be accompanied by all supporting and supplemental information specified in the *Regulations for Public Improvements*. The *Commission* will refer the request to the appropriate *Town* agencies for their review. Upon receipt of favorable reports from these agencies, the *Commission* will recommend to the Board of Selectmen that the improvements be accepted and the performance *bond* be released, subject to the recording of documents on the land records, all as specified in the *Regulations for Public Improvements*. The Commission has sixty-five (65) days after the receipt of any request made pursuant to this Section to either release or reduce the performance bond in the manner requested by the applicant or to provide the applicant with a written explanation as to the additional modifications that must be completed before the Commission will release any portion of the bond or surety.

### 6.17 MAINTENANCE OF IMPROVEMENTS

As specified in the *Regulations for Public Improvements*, the *applicant* will be required to maintain all improvements in the *subdivision* and provide for snow and ice removal, normal maintenance, *street* cleaning, drainage and general maintenance on *streets* and sidewalks until acceptance of the improvements by the *Town*. In the event that the *applicant* fails to comply, the *Town* is authorized, through the Board of Selectmen, to perform the necessary *work*, without incurring any liability, and charge such *work* to the *applicant*.

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## SECTION 7

# Special Provisions

### 7.1 REAR LOTS

For purposes of these *Regulations*, a “*rear lot*” will be a *lot* with less than fifty percent (50%) of the minimum *lot* width measured at the *street* line, and for which the building line is located more than one hundred fifty feet (150’) from the *street* line. A *rear lot* is typically characterized by a long narrow driveway access strip leading to a larger area of land located a considerable distance from the *street* line. *Rear lots* are often located one *lot* depth from the *street*, behind the rear property line of another *lot*, in a “stacked” manner.

The *Commission* may approve the creation of new *rear lots* as an integrated part of an overall *subdivision* design, where such *rear lots* can provide suitable building sites. *Rear lots* may be appropriate near the end of a proposed cul-de-sac *street* in order to reduce the overall length of the *street*, thereby avoiding unnecessary future road maintenance and reducing stormwater runoff. *Rear lots* may also be appropriate where the character of a site is such that a suitable building site can be established at least one *lot* depth from the *street* without detriment to conventional *lots* located on the *street*.

#### 7.1.1 Rear lots must meet the Following Criteria.

- A. The minimum width of a driveway access strip will be twenty feet (20’) throughout its entire length;
- B. The area of a driveway access strip will not be included in calculating the minimum required area of the *lot*;
- C. “Stacking” or “nesting” of *rear lots*, one behind the other, is generally discouraged;
- D. No more than two driveway strips may be located adjacent to one another. *Rear lots* will be laid out and suitably spaced along *streets* to minimize traffic congestion. The maximum number of *rear lots* will, in general, not exceed twenty percent (20%) of the total number of *lots* in any *subdivision*;
- E. The *Commission* will determine that the character of the property to be subdivided is such that the soils, topography or configuration of the property is suitable for *rear lots*. *Rear lots* will not be approved if the *Commission* determines that the use of *rear lots* creates a hazard to public health or safety, or does not contribute to a more efficient and less environmentally detrimental *subdivision* layout than would result without the use of *rear lots*;
- F. No *rear lot* driveway access strip will be located to impede future *development* or use of land through which it passes;

- G. All shared driveways created to serve *rear lots* will meet the requirements of Section 6.9.4;
- H. Permanent property markers will be installed in accordance with Section 6.12.5; and
- I. The *Commission* may impose other such conditions as it finds necessary to protect the public health, safety and welfare, including but not limited to the establishment of a minimum sight line at the driveway access point, requiring combining individual driveway entrances, establishing a maximum total length of the driveway access strip, and increased frontage where necessary to assure adequate separation between individual driveway entrances.

## 7.2 NON-RESIDENTIAL SUBDIVISIONS

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

- 7.2.1 **Streets.** *Street* rights of way and pavement will be adequate to accommodate the type and volume of traffic anticipated to be generated, and special requirements may be imposed by the Commission with respect to *street*, curb, gutter or sidewalk design and construction.
- 7.2.2 **Utilities and Drainage.** Special requirements may be imposed by the *Commission* with respect to the installation of public utilities, including water, sewer or stormwater drainage.
- 7.2.3 **Extension of Streets.** *Streets* carrying non-residential traffic, especially truck traffic, will not normally be extended to the boundaries of adjacent existing or potential residential areas.

## 7.3 VARIANCE OF REQUIREMENTS

In accordance with Public Act 07-4, in an application for a subdivision or resubdivision located within an Incentive Housing Residence Overlay District, the Commission may vary or otherwise modify any provision of Sections 4 through 7 of these Regulations by a simple majority vote where such provisions will unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in Section 54 of the Old Saybrook Zoning Regulations.

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## SECTION 8

# Amendments and Validity

### 8.1 AMENDMENTS

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

### 8.2 VALIDITY

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

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

### 8.3 EFFECTIVE DATE

These *Regulations* and any amendments hereto will be in full force and effect from the date of adoption by the *Commission* or from a date after adoption that the *Commission* may establish.