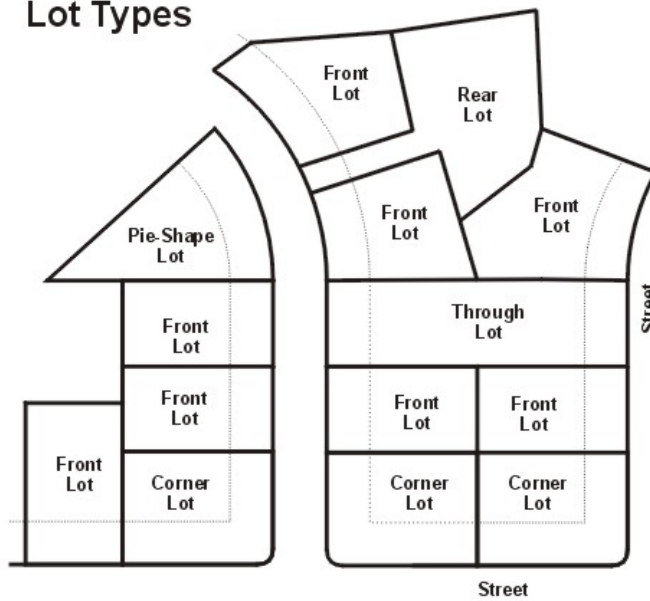


TOWN OF PLAINVILLE



SUBDIVISION REGULATIONS

Lot Types



Adopted June 22, 2004
Effective February 7, 2014

Revisions

12/1/10 – See file for specific detail.

1. Reference New LID Stormwater Manual under §11.00
2. Revise Street Requirements and Design Specifications under §9.00
3. Revise Open Space Requirements under §5.00 and §6.00.

07/23/12 – Reformatted

02/07/14 – See specific file for detail.

1. Natural Diversity Database under – III §2.00 § § 2.02
2. Public Hearing Sign – III - §3.00 § § 3.03
3. Other Agency Comments – III §3.00 § §3.05
4. Post Approval Process and Financial Guarantees – III - §4.00 and §5.00
5. Rear Lots – IV §3.00 § §3.05
6. Open Space – IV - §5.00 - § §5.02
7. Recreational Open Space – IV - §7.00 § §7.01
8. Fee In Lieu of Open Space – IV - §8.00 § §8.03 and § §8.04
9. Proposed Street Stub – IV - §9.00 § § 9.01 and § § 9.10
10. Sidewalk Linkages – IV - §9.00 § § 9.12
11. Driveway Aprons – IV - §9.00 § § 9.14
12. Engineering and Inspection – IV - §9.00 §§9.15 §15.00

Reserved

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I. General Provisions

1.00 Authority

These regulations are adopted pursuant to the authority delegated to the Town under Title 8, Chapter 126 of the General Statutes of Connecticut (CGS), as amended.

2.00 Purpose

These regulations are adopted for the following purposes:

- 01.** To protect and provide for the public health, safety and general welfare of the Town;
- 02.** To guide the future growth and development of the Town in accordance with the Plan of Conservation and Development;
- 03.** To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population;
- 04.** To protect the character and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of all parts of the Town;
- 05.** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sanitary facilities, schools, parks and other public requirements and facilities;
- 06.** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, so that proposed streets shall be in harmony with existing or proposed streets, especially in regard to safe intersections and be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs;
- 07.** To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land;
- 08.** To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- 09.** To prevent the pollution of air, wetlands and watercourses; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the community

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in order to preserve the integrity, stability and beauty of the community and the value of the land;

10. To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features;
11. To provide for open space and open space corridors through the most efficient design and layout of the land while preserving the density of land as established in the Town's zoning regulations.

3.00 Jurisdiction:

These Regulations shall apply to the subdivision and resubdivision of land, as herein defined, located within the Town. No subdivision or resubdivision of land shall be made by any person, firm or corporation until an application for such subdivision or resubdivision has been submitted to and approved by the Planning and Zoning Commission, and a map thereof has been endorsed by the Commission and filed by the applicant in the Office of the Town Clerk.

4.00 Interpretation, Conflict, and Separability:

01. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the purposes for which these regulations are promulgated.
02. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, statute or provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
03. If any part or provision of these regulations is adjudged invalid by a court of law, such judgment shall not affect or impair the validity of the remainder of these regulations.

5.00 Modifications and Waivers:

- 01.** The Commission may require such modifications to a plan of subdivision or resubdivision as it deems necessary to fulfill the requirements of these regulations;
- 02.** The requirements of these regulations may be waived by six affirmative votes of the full Commission when it is demonstrated that strict compliance with such regulations will cause an exceptional difficulty or unusual hardship. The Commission shall not grant a waiver unless it finds the following conditions are met:
 - 1.** The property for which the waiver is sought is uniquely affected by these regulations;
 - 2.** Physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these regulations;
 - 3.** The granting of a waiver will not have a significantly adverse effect upon adjacent property or the public health and safety and will not compromise the fair application of these regulations;
 - 4.** The granting of the waiver will not be in conflict with the Plan of Conservation and Development;
 - 5.** Where it is proposed to vary any engineering standard contained in these regulations or the Municipal Ordinances, a favorable report from the Town Engineer has been received.

6.00 Enforcement, Violations, and Penalties:

- 01.** Enforcement: It shall be the duty of the Commission and its agent to enforce the provisions of these regulations;
- 02.** Violations and Penalties: Any person, firm, or corporation making any subdivision or transferring or conveying any lot within a subdivision after December 29, 1953, which subdivision and/or lot(s) has/have not been approved by the Commission and recorded in the Plainville land records, shall be subject to such fines as provided in CGS Chapter 126.

II. Definitions

- **Commission:** the Plainville Planning and Zoning Commission;
- **Improvement:** any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these regulations, or any approval granted hereunder. As used in these regulations, improvements include, but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, open space or recreational facilities, earth filling or removal, seeding and grading, or similar construction work depicted on any final plan or required by these regulations.
- **Lot:** a parcel of land established in an approved subdivision or otherwise as permitted by law and intended to be used, developed, or built upon as a recognized unit of land area;
- **Open space:** open space shall include but shall not be limited to land left in its natural, undisturbed state; land used for agricultural purposes or containing important farmland soils as defined in a report entitled, "Important Farmlands-Hartford County Connecticut, United States Dept. of Agriculture, Soil Conservation Service;" land areas and facilities for passive recreation; and land areas for wildlife habitat, groundwater recharge, scenic preservation and the like; which may serve one or more of the following functions:
 - Serve as an open space corridor linking undeveloped areas;
 - Serve as wildlife habitat;
 - Serve as a land use buffer between otherwise incompatible uses;
 - Provide visual relief to the built-up landscape;
 - Preserve a natural geological or scenic area;
 - Protect natural resources, historic and/or cultural areas;
 - Protect drainage ways, flood plain and wetland areas;
 - Allow for the development of park and recreation facilities;
 - Stabilize land values on adjacent properties and the Town as a whole;
 - Define and control development.
- **Resubdivision:** a change in a map of an approved or recorded subdivision or resubdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public use, or diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- **Street, public:** any travel way created, dedicated, and maintained for use by the public;
- **Street, private:** any travel way created and maintained primarily for use by members of a homeowners association or other group of landowners, which travel way may also be open to public use;
- **Subdivision:** the division of a tract, or parcel of land, into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

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- **Town:** the Town of Plainville;
- **Wetlands and watercourses:** those lands so identified on the Official Inland Wetlands and Watercourses Map of the Town of Plainville, as may be amended and those lands that may be regulated under the Inland Wetlands and Watercourses Act.
- **Zoning regulations:** the Plainville Zoning Regulations in effect when an application for subdivision is received by the Commission.

III. Procedures

1.00 Preliminary Discussion with Commission:

01. Applicants may request an informal review by the Commission prior to application submission. The purpose of the concept plan is to provide Commission input in the formative stages of subdivision design.
02. Applicants seeking concept plan review shall request such review in writing to the Commission at least 14 calendar days in advance of the Commission meeting at which the informal review is scheduled.
03. The applicant shall not be bound by any concept plan for which review is requested, nor shall the Commission be bound by any comments offered during such review.

2.00 Application Requirements:

01. Application Submission and Official Receipt Time Frames: Applications shall be officially received only at regularly scheduled meetings of the Commission. Applicants shall submit applications to the Planning Department at least 14 calendar days prior to a regular Commission meeting for the application to be placed on the agenda for that meeting.
02. Content: An application for subdivision shall include the following items:
 1. Application form: A written application for approval of the plan, on the form provided by the Planning Department, signed by the applicant and the record owner.
 2. Application fee: An amount set by and payable to the Town of Plainville.
 3. Site Development Plan: The Site Development Plan shall be drawn to a scale of not less than 1:1200 (1" = 100') and not greater than 1:480 (1" = 40') on a sheet size of 24" x 36". The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and all contiguous land that may be subdivided in the future, in order to allow the Commission to complete a general planning review of the proposed subdivision including its relationship to the future subdivision of contiguous land. Six (6) blue or black line prints shall be submitted. The plan shall be prepared by and shall bear the name and seal of a land surveyor and/or professional engineer licensed in Connecticut and shall show at least the following information:
 - a. Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town of Plainville.
 - b. Name of the owner of the land to be subdivided, and name of applicant.
 - c. Date, graphic scale, north point, key map at 1" = 1000'.

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- d.** Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions and/or property owners.
- e.** Existing and proposed watercourses, wetlands, and upland review areas; conservation areas; easements and rights-of-way; base flood elevation data; each map sheet depicting lands identified by a certified soil scientist as watercourses or wetlands shall be signed by the soil scientist responsible for their delineations.
- f.** Existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey and National Geodetic Vertical Datum (NGVD) 1929, with spot elevations as warranted. Town, State or U.S. bench marks shall be noted on the plan.
- g.** Proposed lots and lot numbers.
- h.** Existing permanent buildings and structures.
- i.** Principal wooded areas, and location of any specimen trees.
- j.** Ledge outcrops and existing stone walls and fences within the subdivision.
- k.** Dimensions on all proposed property and street lines, area of each lot and of areas not included in lots, and the total acreage of land included in the subdivision.
- l.** Proposed width of all streets, rights-of-way and easements; the proposed width of pavement; and proposed street names.
- m.** Existing and proposed monuments; any municipal boundary line, and zoning district boundaries, if present.
- n.** Existing sidewalks within 500' of the proposed subdivision, and proposed sidewalks.
- o.** Existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures; and existing and proposed water mains, sanitary sewers and related facilities.
- p.** Existing and proposed open space for parks, playgrounds, stream protection and other purposes.
- q.** The location of any test holes, test pits and borings.
- r.** The location of existing and proposed utilities.
- s.** A phasing plan, if applicable.
- t.** An erosion and sediment control plan prepared in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment control, as may be amended.
- u.** Proposed landscaping.
- v.** Plans and profiles for all proposed streets and utilities;
- w.** Details and specifications for all structural elements included on the plan and for all site improvements.

- x. Area of proposed development shown on the “State of Connecticut Natural Diversity Database Map”, listing threatened and special concern species and significant natural communities. If impact is found, the applicant shall request a review by the Department of Energy and Environmental Protection in accordance with DEEP standards. Where indicated, DEEP recommendations to conserve, preserve and/or protect identified resources shall be considered in the design of the subdivision.

3.00 Consideration and Action:

- 01.** Presence of wetlands and/or watercourses: If any part of the property which is the subject of the application is designated inland wetlands and/or watercourses or the proposed construction may affect land subject to such regulations, the applicant shall file an application with the Plainville Inland Wetlands and Watercourses Commission not later than the day of application to the Planning and Zoning Commission. The Commission shall not take action on the application until it has received a report from the Inland Wetlands and Watercourses Commission.
- 02.** Public hearings: Public hearings shall be held on all resubdivision applications. The Commission may hold a public hearing on a subdivision application if the Commission deems the application to be one of compelling public interest. In either case, notice shall be provided in accordance with the Connecticut General Statutes as amended. In addition, where a public hearing is required in accordance with Connecticut General Statutes or these regulations, the applicant shall post a sign giving notice of such hearing to be held at least fifteen (15) days in advance of such hearing in conformity with approved specifications (available in the Planning Office). The following requirements shall apply:
 - 1.** A signed, notarized affidavit must be submitted by the applicant on the day of the hearing affirming compliance with these regulations.
 - 2.** Failure to post the required sign in accordance with the approved specifications and within the prescribed timeframe will result in the application being incomplete; the Commission may deny without prejudice, allow the applicant to withdraw without prejudice, or agree by majority vote of sitting Commissioners to postpone the hearing until appropriate notification is given; adequate statutory timeframes must be considered.
 - 3.** Fees for an application that fails to meet these requirements shall not be refunded or credited to any subsequent same or similar application.
- 03.** Consideration: The Commission shall consider all comments on the proposed subdivision or resubdivision offered by Town staff and by other Town Departments, including the Plainville Police and Fire Departments. The Commission shall determine regulatory compliance based on testimony received.
 - 1.** On any application, the Planning and Zoning Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.

2. On any application, the Planning and Zoning Commission may retain an engineer, architect, landscape architect, professional land use planner, or other such technical expertise as it feels is necessary to review, comment, and guide its deliberations on any application if it finds that the nature and intensity of the proposed development may have a significant impact on the site and its surrounding areas and that Town staff will not be able to complete a technical review of an application in the time period prescribed by State Statute.
3. When the Commission determines such additional technical expertise is required:
 - a. An estimate for the cost of those services shall be made by a qualified party.
 - b. The applicant shall deposit one hundred and fifty percent (150%) of that estimated cost with the Commission.
 - c. Such payment shall be made prior to the review of the application.
 - d. Upon completion of the technical review and final action of the Commission, the balance of remaining funds, if any, shall be reimbursed to the applicant.
 - e. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred and fifty percent (150%) of the estimate received by the Commission.
04. Action: The Commission shall approve, modify and approve, or deny an application for subdivision or resubdivision within the timeframe prescribed by the Connecticut General Statutes. The Commission may prescribe such modifications to a plan as it deems necessary to bring the plan into compliance with these regulations and/or the Zoning Regulations and/or to effect design changes that the Commission judges will improve the layout of the subdivision; the use or preservation of important site features; provisions for pedestrian, bicycle, and/or vehicular circulation; the layout, type, and orientation of open space in relation to the pattern of site development and continuity with off-site open space and open space corridors; diminish adverse impacts on adjacent properties; and/or promote neighborhood cohesion and sustainability.

4.00 Post-Approval Procedures:

01. Finalizing Approved Plans: Final plans shall be revised to conform to any modifications required by the Commission prior to final endorsement by the Commission.
02. Plan and Final Submittals
 1. Following the Commission's approval of subdivision plans, the applicant shall submit to the Commission:
 - a. One (1) Mylar set of the approved plans, with the appropriate signature blocks and any required modifications, and;
 - b. Three (3) paper sets of the approved plans, with any required modifications, and;
 - c. One (1) electronic copy of drawings and data of the approved subdivision in an approved electronic format (GIS) acceptable to the Planning Department.

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2. Additional Submittals shall also be required, in a form satisfactory to the Town:
 - a. Any required grant(s) to the Town in a form ready for execution, and;
 - b. Any required easements for drainage, access, utility, or other purposes in a form ready for execution, and;
 - c. A certificate of title indicating that any proposed conveyance to the Town is free of encumbrances, and;
 - d. Evidence of the signatory's authority to sign on behalf of the grantor.
 3. Such grants or easements shall not be recorded on the land records until the Subdivision Plan has been filed on the land records and until any necessary action has been taken by any other appropriate Town agency or agencies.
03. Procedure for Recording. The Chairman or Secretary of the Commission shall sign the approved plans and notify the applicant that they are ready to be recorded by the applicant. Delivery of such plans to the applicant will be at the applicant's expense.
04. Filing of Approved Plans. Once signed and authorized by the Commission, the applicant shall file the signed set of the approved plans with the Town Clerk at the applicant's expense.
 1. Unless otherwise provided by Connecticut General Statutes Section 8-25, as amended, such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under Connecticut General Statutes Section 8-8, 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.
 2. The Commission may extend the time for such filing for up to two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time. The Commission shall not grant any request for an extension which was submitted after the time for filing plans already expired.
 3. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk voiding the subdivision.
05. Modification of Approval. Any applicant requesting to modify an approved plan, or any condition of approval, shall file a written request with the Commission, together with the required fee.
 1. The applicant shall state the reason why a modification is requested, and shall describe any change in facts, circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
 2. The Commission, in its sole discretion, may require a public hearing on any request, or may require the applicant to submit a complete application under these Regulations.
 3. The Commission shall require a complete application under these Regulations for any change meeting the definition of "resubdivision" under Connecticut General Statutes Section 8-18, as amended.

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- 06. Alternate Approval Formats:** When submitting the subdivision plans for final Commission endorsement, the applicant shall declare the type of approval formats as authorized by Section 8-25 of the Connecticut General Statutes as may be amended by using one of the following approval blocks:
1. Final Approval – No Financial Guarantee Required (§4.07).
 2. Final Approval – Financial Guarantee Provided (§4.08).
 3. Conditional Approval – No Financial Guarantee Provided (§4.09).
- 07. Plans to be Filed as “Final Approval – No Financial Guarantee Required”**
1. A subdivision plan may be filed in this manner when:
 - a. no street improvements, public utilities, or other required improvements need to be provided prior to the sale of any building lot in the subdivision, or;
 - b. street improvements, public utilities, or other required improvements have been completed to the satisfaction of the Commission and the Town Engineer, or;
 - c. street improvements, public utilities, or other required improvements have already been accepted by the Town of Plainville.
 2. Such subdivision plans shall contain the following approval block:

Final Approval - No Financial Guarantee Required	
No street improvements, public utilities, or other improvements are required to be provided prior to the sale of any lot in the subdivision or street improvements, public utilities, and other requirements have been completed and, if necessary, accepted by the Town of Plainville.	
Lots in this subdivision may be sold at any time	
At a meeting on _____, the Plainville Planning and Zoning Commission approved this subdivision plan in accordance with the Plainville Subdivision Regulations.	
_____	_____
Commission Endorsement	Date
Expiration Date:	

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08. Plans to be Filed as “Final Approval – Financial Guarantee Provided”

1. A subdivision plan may be filed as “Final Approval – Financial Guarantee Provided” when a financial guarantee in a form and amount acceptable to the Commission and the Town Engineer has been provided for street improvements, public utilities, and other requirements remaining to be constructed.
2. Such subdivision plans shall contain the following approval block:

Final Approval - Financial Guarantee Provided	
A financial guarantee has been provided to the Town of Plainville to ensure that street improvements, public utilities, and other required improvements will be constructed.	
Lots in this subdivision may be sold at any time	
At a meeting on _____, the Plainville Planning and Zoning Commission approved this subdivision plan in accordance with the Plainville Subdivision Regulations.	
_____ Commission Endorsement	_____ Date
Expiration Date:	

09. Plans to be filed as “Conditional Approval – No Financial Guarantee Provided”.

1. A subdivision plan and supporting plans shall be filed as “Conditional Approval” when the street improvements, public utilities, and other requirements have not been completed prior to filing of subdivision plans and no financial guarantee has been provided to the Commission to ensure that such improvements will be constructed.
2. Such subdivision plan shall contain the following signature block:

Conditional Approval No Financial Guarantee Provided	
Street improvements, public utilities, and/or other requirements in this subdivision have NOT been completed to the satisfaction of the Commission and the Town Engineer and a financial guarantee has NOT been provided to the Town of Plainville to ensure that such improvements will be completed.	
No lots shall be sold and no certificate of occupancy shall be issued until all improvements, utilities, and/or other requirements are completed, or an approved financial guarantee has been provided to the Town of Plainville.	
At a meeting on _____, the Plainville Planning and Zoning Commission approved this subdivision plan in accordance with the Plainville Subdivision Regulations.	
_____ Commission Endorsement	_____ Date
Expiration Date:	

3. Once all requirements are met and the public improvements are accepted by the Town, the Conditional Approval filed in the Town Clerk's Office may be superseded with a new set of Mylar plans to be endorsed and filed with the appropriate Final Approval – No Financial Guarantee Required" block in accordance with Section 4.08.
4. Once a financial guarantee has been filed with the Commission, the Conditional Approval may be superseded with a new set of Mylar plans to be endorsed and filed with the appropriate "Final Approval – Financial Guarantee Provided" block in accordance with Section 4.09.

5.00 Financial Guarantee:

01. An estimate of the cost of all public improvements shall be prepared by the applicant's engineer for review and comment by the Town Engineer. Such estimate shall have added to it a contingency factor of no less than ten percent (10%).
02. Acceptable financial guarantees shall include:
 1. a savings account, money market account, or certificate of deposit from financial institutions approved by the Town of Plainville, provided each such account shall be federally insured for the full amount of the deposit, and the Town of Plainville shall have the sole authority to withdraw funds from the account, or;
 2. a certified or official check from a financial institution approved by the Town of Plainville, made payable only to the Town of Plainville, or;
 3. an unconditional irrevocable letter of credit in accordance with the sample letter in the Appendix, approved by the Town of Plainville and issued by a financial institution authorized to do business in Connecticut, naming the Town as sole beneficiary.
03. Any financial guarantee which has an expiration date shall include the following provisions:
 1. the financial guarantee shall not expire unless the Commission or its designated agent has received written notice of such expiration at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and;
 2. in the event such notice is received, the Town may withdraw without further condition the balance of the financial guarantee, and;
 3. unless such notice is received, the financial guarantee shall automatically be extended for a period of not less than one year until all improvements or other requirements of these regulations are completed.
04. Accrual of Interest or Dividends. Any interest or dividend on any account or instrument shall accrue in the name of the applicant, and such funds shall be deemed to increase the principal amount of the financial guarantee and may be used by the Town in the same manner as the principal.

05. Release of Financial Guarantee

- 1.** If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission shall, no later than sixty-five days after receiving such request:
 - a.** release or authorize the release of any such financial guarantee or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or;
 - b.** provide the person posting such financial guarantee with a written explanation as to the improvements that must be completed before such financial guarantee or portion thereof may be released.
- 2.** No required financial guarantee, or portion of such required financial guarantee, shall be released by the Commission until:
 - a.** The release has been requested in writing by the applicant, providing sufficient documentation of costs remaining on the project, as prepared by a professional engineer, and;
 - b.** The Town Engineer has submitted a letter indicating all required improvements have been satisfactorily completed and whether all conditions and requirements of the Commission's approval have been satisfied, and;
 - c.** The applicant's engineer or surveyor has certified to the Commission or its designated agent that all improvements and other work are in accordance with submitted site plans, through submission of a set of detailed "As-Built" plans or other sufficient documentation. All As-Built plans shall be filed in the Plainville Land Records.

06. Retention of Financial Guarantee for Maintenance. A minimum of ten percent (10%) of the total cost of construction and installation of all public improvements shall be retained by the Town for twelve (12) months, including at least one (1) full winter season, after Town acceptance of such completion.

07. Use of Financial Guarantee by Town. To the extent allowed by law, the Town or the Commission may use funds derived from a financial guarantee to satisfy an applicant's obligations under these Regulations. If the financial guarantee is inadequate to satisfy all such obligations, the applicant shall remain liable for the remainder.

08. Erosion and Sedimentation Control Financial Guarantee. An erosion and sedimentation control financial guarantee shall be established and provided in accordance with the standards outlined under this Section prior to any activity being conducted on the site. Release of such erosion and sedimentation control financial guarantee shall be subject to the standards outlined under this Section as they apply to erosion and sedimentation control.

IV. Design Standards

1.00 Predevelopment:

01. Site clearing, excavation, filling: No site shall undergo any clearing, excavating, or filling until all requisite approvals and/or permits have been granted in writing by all municipal, state, and federal agencies having jurisdiction. Site clearing, excavation, or filling shall not be initiated until the zoning enforcement officer and the wetland enforcement officer, if applicable, have determined that appropriate erosion and sediment control measures are in place according to the approved erosion and sediment control plan.
02. Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the subdivision without prior approval from the Town Planner and Wetlands Enforcement Officer, and in no instance shall they be buried in regulated wetlands, upland review areas, and/or areas of high groundwater. All dead or dying trees, standing or fallen, shall be removed from all areas except open space. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Town Planner and Wetlands Enforcement Officer.
03. Protection of existing plantings: Maximum effort shall be made to save existing vegetation, and relocation of desirable trees on-site is particularly encouraged. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or within the drip line of trees designated on the landscape plan to be retained (unless it can be demonstrated that the drip line area is excessive for specific tree species). Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences are an example of acceptable barriers.
04. Topsoil preservation: Topsoil shall be removed from disturbed areas and stored in one or more stockpiles that are protected from erosion. Topsoil shall be redistributed on all surfaces after final grading to provide at least 4 inches of even cover to all disturbed areas of the subdivision and shall be stabilized by seeding, planting, and other measures in accordance with the erosion and sediment control plan.

2.00 Identification and Conservation of Natural and Cultural Features:

- 01.** Location and mapping: Natural and cultural site features identified in item 02, below, shall be identified on a map showing existing site conditions.
- 02.** Conservation: The following specific features shall be conserved, either within dedicated open space or via appropriate conservation mechanisms, to the extent consistent with the reasonable utilization of land and in accordance with other applicable local regulations. If it appears that such area(s) may exist on the site, the Commission may seek expert input or may require the applicant to provide expert input regarding the existence and/or relative value of such areas.
 - 1.** Unique and/or fragile areas that may be identified by agencies or individuals possessing bona fide expertise or as may be identified in adopted plans or studies;
 - 2.** Water bodies, watercourses, wetlands, and flood prone areas;
 - 3.** Significant mature trees or significant mature stands of trees;
 - 4.** Noteworthy flora and fauna inhabiting or using the site within their life cycle, and habitats of endangered, threatened wildlife and wildlife of special concern, as identified on federal or state lists or that may be identified by agencies or individuals possessing bona fide expertise or as may be identified in adopted plans or studies;
 - 5.** Historically/archaeologically significant structures and sites;
 - 6.** Stone walls, and fences;
 - 7.** Rocky outcrops;
 - 8.** Slopes in excess of 15% extending a distance of 100 feet or more. Where construction is proposed on slopes in excess of 15%, additional engineering/best management practices may be required for slope stabilization/conservation.
- 03.** Improvements: Site improvements shall be located to preserve the natural and cultural features of the site to the maximum extent practicable, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural and cultural features.
- 04.** Preservation of trees and woodlands: The applicant shall preserve existing trees in accordance with a landscape plan required under Section IV.12.00.
- 05.** Mitigation: The subdivision shall be laid out to reduce cuts and fills; to avoid unnecessary impervious cover; to provide adequate access to lots; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

3.00 Residential Subdivision Design:

- 01.** Access: Residential lots shall generally front on local streets, not on collector or arterial streets as identified in the Town of Plainville Plan of Conservation and Development. The Commission may waive this requirement for a very limited number of lots, only upon substantial demonstration that it is impractical and infeasible for lots to front on local streets. Where such a waiver is granted, a turnaround driveway must be provided. Shared driveways must be provided for contiguous lots on a collector or arterial street where feasible.
- 02.** Curb cuts: One driveway curb cut will be permitted per residential lot on a local street, unless the distance between them is greater than 50 feet and approval has been granted by the Town Planner and the Town Engineer. Only one driveway curb cut will be permitted per residential lot on a collector street.
- 03.** Emergency access: Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property for its intended use.
- 04.** Unit placement: The placement of units in residential subdivisions shall take into consideration topography, privacy, building height, solar orientation, drainage, conservation of natural and cultural features, preservation of open space, and character of the surrounding properties.
- 05.** Rear lots: The Commission shall not approve rear lots unless it finds that such lots provide the best development of the land because of the topography and shape of the lands
- 06.** Concept meeting: When open space is required in a subdivision, a concept meeting with the Commission is encouraged so that the location of open space may be agreed upon early in the application process.
- 07.** Layout: Subdivisions shall be laid out to protect and preserve open space and to advance the purposes identified in Section I.2.00. The subdivision shall also be laid out to achieve any one, or a reasonable mix, of the following objectives:
 - 1.** To promote the conservation and open space goals, policies, and recommendations outlined in Town Plan of Conservation and Development.
 - 2.** That consideration be given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space.
 - 3.** That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations.

4. That the location of the open space areas be primarily in areas which are contiguous to existing open space areas or in areas of the site with the highest probability of connecting with future open space areas.
5. That the scenic views and vistas, particularly as seen from public or scenic roads, be preserved.
6. That the visual integrity of hilltops be maintained by siting lots so that building silhouettes will be below the hilltop or, if the area is heavily wooded, the building silhouettes will be at least ten (10) feet lower than the average canopy height of trees on the hilltop.

4.00 Commercial and Industrial Subdivision Design:

01. Commercial and industrial subdivisions shall be designed according to the same principles governing the design of residential subdivisions, namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided, and such access shall conform to applicable access management regulations; and adverse impacts buffered.

5.00 Open Space and Recreation:

01. Purposes: All subdivisions under the terms, conditions and requirements of these Regulations shall preserve open space land to serve one or more of the following purposes:
 1. The preservation of land areas as may be recommended within the Plan of Conservation and Development.
 2. The creation of public parks, playgrounds or other outdoor non-commercial recreation areas, athletic fields and related facilities.
 3. The protection of watercourses, or water supply.
 4. The conservation of wetlands, marshes, and floodplains.
 5. The protection of natural drainage systems.
 6. The preservation of existing natural buffers.
 7. The conservation of forests, ridgelines, wildlife, and other natural resources.
 8. The networking of trails and corridors on which motorized vehicles shall be prohibited.
02. Open Space Plan: The subdivision map shall clearly delineate the extent of open space land. The plan shall include the following information:
 1. Areas of wetlands by soil type, flood plain zones by type, and areas with slopes in excess of twenty-five percent (25%) that extend fifty (50) linear feet or more, and;
 2. The amount of these land types, if any, within the proposed open space shall be calculated and shown in tabular form on the required plan, and;

3. Proposed improvements if any, including public access trails, parking, access easements, landscaping and fencing or buffers, and;
4. Proposed property markers.

03. Minimum Requirements:

1. Conventional Subdivision: Twenty percent (20%) of the tract proposed for subdivision shall be preserved as open space. Detention basins, watercourses and wetlands, floodways and special flood hazard areas and slopes in excess of twenty-five percent (25%) that extend fifty (50) linear feet or more shall not be considered as meeting the requirements of open space, except when in the judgment of the Commission such land is reasonably subject to future development and deemed to be of benefit to the Town's existing or proposed open space inventory, recreation areas, and/or upstream or downstream watersheds. In no case shall more than one-half of said land be considered as satisfying open space requirements.
2. Open Space Subdivision: A minimum of twenty percent (20%) of the site shall be preserved as open space and, as provided in Section 1.04.B of the Zoning Regulations, greater development flexibility is allowed as more open space is preserved. At least 20% of the open space preserved must be free of wetlands, watercourses, flood plain A zones, and slopes in excess of 20% that extend 100 linear feet or more.

04. General Open Space Requirements:

1. Location of open space parcels: The location of the open space shall be designed in accordance with one or more of the following factors as appropriate to the site (some do conflict with others).
 - a. Where new roads are proposed, open space is located so as to create a buffer between the existing Town/State road(s) and the proposed lots.
 - b. The open space is designed as a buffer between the proposed subdivision and abutting properties.
 - c. The open space is located in areas to preserve significant cultural features such as stone walls, canals or historic structures.
 - d. The open space is located in areas which connect existing open space or areas with the greatest potential for future open space and facilitates recreational and green space corridors and/or trails.
 - e. The open space extends beyond the wetland boundary side of a stream or watercourse. Where a proposed subdivision includes an area containing a significant stream or a stream linkage, the applicant shall, where possible, preserve as open space the stream and an area located within two hundred feet from either side of the centerline of the stream as part of the open space requirement.
 - f. The open space is suitable for public active recreational use.

2. **Access:** All open space shall abut or have direct access to a street through a right-of-way dedicated to public use. The right-of-way shall not be included in the required open space area, shall be at least fifty (50) feet wide and shall be suitable for foot traffic. In acceptable circumstances the Commission may reduce or waive this requirement. Private open space land that is to be used by selected or limited groups for recreation or other similar purposes shall have access as required above, but such access shall remain part of the private land.
3. **Parking:** Subdivision applications shall preserve a location for the parking of vehicles within areas that can provide public access to existing and proposed open space, particularly those areas which provide access to new and existing trails and recreational areas as part of the open space requirement. The Commission may reduce the open space requirement, and thereby permit an equal increase in density, where an application proposes the construction of parking areas, provided the value of the construction is equivalent to the value of the land and the additional lots obtained as a result of open space reduction.
4. **Reduction of requirement:** The Commission may permit a reduction in the open space requirement and thereby permit an equal increase in density, where the application proposes to construct public facilities, such as ball fields, and other recreational facilities, provided the value of the construction is equivalent to the value of the land and the additional lots obtained as a result of open space reduction.
5. **Adjacency to existing open space:** When a property line of a subdivision abuts existing open space, the Commission may require the new open space lines to form a continuation of the existing area to provide a single, large, unified area.
6. **Monumentation:** Monuments are required at all corners and angles of Town open space, except where land characteristics cannot accept the monuments.
7. **Security:** Any security for the completion of public utilities and improvements shall also be available for completion of public or private open space requirements in the event of a default of performance by the applicant or his/her successor.

05. Preservation of Open Space:

The permanent preservation of open space shall be accomplished by deeding the property, granting conservation easements, or any other method which accomplishes irrevocable preservation in accordance with the requirements set forth in this section to one of the following entities:

1. The Town of Plainville;
2. The State of Connecticut;
3. An approved owners association;
4. A recognized, nonprofit organization, such as a land trust.

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- 06.** Property deeded to the Town under the provisions of this section must be retained as open space in perpetuity. If any open space land is required to be used for a different public purpose, the Town shall provide an equivalent amount of open space elsewhere in Plainville.
- 07.** The preservation as outlined in Sections 5.04 and 5.05, regardless of the method used, shall be completed within one year of the date of approval.
- 08.** In determining which of the entities should own or control the proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors:
 - 1.** The ownership of any existing open space on adjacent properties or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future.
 - 2.** The proposed use of open space for active or passive uses and the extent of maintenance, supervision, or management required.
 - 3.** The potential benefits which the open space might provide to residents of the Town or the state, if it were accessible to them.
 - 4.** The size, shape, topography and character of the open space.
 - 5.** The recommendations of the Plan of Conservation and Development;
 - 6.** The reports or recommendations of other Town or state agencies, including, but not limited to the Plainville Conservation Commission, the Central Connecticut Regional Planning Agency, and the Connecticut Department of Environmental Protection.
- 09.** Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:
 - 1.** The continued use of such land for the intended purposes;
 - 2.** The continuity of proper maintenance for those portions of the open space requiring maintenance; and
 - 3.** When appropriate, the availability of funds required for such maintenance.
- 10.** If dedicated open land or community recreation facilities are to be owned jointly or in common by the owners of lots or dwelling units, maintenance of the common land or facilities shall be permanently guaranteed through the declarations of an owners association.
- 11.** When an association is to own open space, the association must be legally established to fulfill the following requirements prior to the endorsement of the final plans.
 - 1.** The owners association must be established as a legally recognized entity.
 - 2.** The association must be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities.
 - 3.** There shall be mandatory membership in the association by all the original lot owners and any subsequent owners.

4. Each lot owner shall have an equal vote in determining the affairs of the association; costs shall be assessed equally to each lot; and the association shall remain under the management of the applicant until the subdivision assets are transferred to the association upon completion of a requisite portion of the subdivision.
5. The association must have the power to assess and collect from each lot owner a specified share of the costs associated with maintenance, repair, upkeep and insurance of the open space.
6. The association must have the authority to adjust the assessment to meet changed needs.
7. The method or organization, by-laws and rules of procedure of the owners association shall be in a form acceptable to the Commission and are subject to a review by the Town Attorney. The Commission may require that the applicant for a subdivision establish a sinking fund to be used to maintain common areas. The sinking fund shall be transferred to the owners association when the assets are transferred to the association upon completion of a requisite portion of the subdivision.
8. To prevent trespassing on adjacent lands, the boundary lines of all open space shall be identified and marked in such reasonable manner as may be required by the Commission to insure the identification of the open space.

6.00 Open Space Subdivisions:

01. Purpose: The purpose of an open space subdivision is to ensure that future residential development in Plainville, to the extent reasonably possible, preserves open space and the natural and cultural features of the land including wetlands, watercourses, floodplains, wildlife, and the character of the community. In the interest of promoting these objectives, these regulations and Section 1.04.B of the Zoning Regulations allow a subdivision be designed and developed with lots of lesser dimension and area than would otherwise be required by the Zoning Regulations in exchange for a set-aside of a higher percentage of the site as open space.
02. Establishment: It is hereby established that all land within the R-20, and R-40 zones, if subdivided, shall be evaluated for design as an open space subdivision. Where the Commission approves an open space subdivision the dimensional requirements (lot area, width/frontage, and required yards) of the underlying zones shall be as provided for open space subdivisions in the Zoning Regulations.

- 03.** Pre Application Conference: Prior to the submission of an application for an open space subdivision, the applicant is strongly encouraged to initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed subdivision and to prepare and present a conceptual plan for informal consideration by the Commission. The conceptual plan shall be designed to allow the Commission to make a general comparison between the open space subdivision and a conventional subdivision plan and should contain all necessary information to facilitate the comparison such as potential lot layout for both conventional and open space subdivision; regulated wetlands; topography and areas of steep slopes; wooded areas; other permanently-preserved open space within the vicinity of the proposed subdivision; existing rights-of-way, road stubs, and potential roadway interconnections to existing streets; and any other relevant information. The concept plan must incorporate the design guidelines contained within these regulations. Neither the pre-application conference, the informal review of the conceptual plan, nor the Commission's suggestions shall be deemed to constitute approval or denial of any portion of the application.
- 04.** Recreational uses: The Commission, in its sole discretion, may permit non-commercial recreational uses within the open space, provided that such uses are not inconsistent with or harmful to the preservation of the restricted area or to the character of the neighborhood. The Commission may also permit activities and accessory structures necessary to support open space uses.
- 05.** Modifications: The Commission may modify any application so as to designate open space in locations other than those proposed if such modification will further the conditions and requirements set forth in these regulations.

7.00 Improvement of Open Space Parcels:

- 01.** Land to be used as public or private open space shall be left in a condition for the purpose intended. The Commission may require certain improvements to be made to developed and underdeveloped open space parcels. Where directed by the Commission, undesirable growth and debris shall be removed by the applicant; and open space to be used for recreation shall be graded to dispose of surface water in accordance with these regulations and shall be seeded as indicated by the proposed end use. In general, wetlands, watercourses and wooded areas shall be left natural.
 - 1.** Improved open space: The Commission may require the installation of landscaping and/or recreational facilities, taking into consideration:
 - a.** The character of the open space land;
 - b.** The estimated age and the recreational needs of persons likely to reside in the subdivision;
 - c.** Proximity, nature, and excess capacity of existing municipal recreational facilities;
 - d.** The cost of the recreational facilities;

- e. Separation/delineation of open space from surrounding land uses; and
 - f. Reports of other Town commissions or departments regarding the proposed improvements.
 - g. Sports field lighting and/or audio speakers are not permitted on subdivision open space acquired under these regulations.
 - h. The Commission may at its discretion require a site improvement plan as part of the final plans on public open space land that is reserved for recreation. These plans shall be subject to the approval of the Commission.
2. Unimproved open space: As a general principle, unimproved open space should be left in its natural state. The Commission may require naturalized planting of open space that has been used or disturbed in other ways and is not in a suitable natural condition. The Commission may require certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the Commission may require an applicant to make other improvements, such as removing debris and dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, repairing or replacing deteriorating/ dysfunctional drainage features/structures, etc. Any such improvements shall be included in an open space improvement site plan and approved by the Commission.

8.00 Fee in Lieu of Open Space:

01. When required: When conditions such as subdivision size, population density, existing municipal facilities, topography, or other site- or subdivision-specific characteristics are such that on-site open space is not desirable, the Commission may require the applicant to provide a fee in lieu of open space or a combination of land and fee.
02. Amount: Such payment or combination of payment and the fair market value of land transferred shall be equal to no more than ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost to be borne by the applicant.
03. Payment: Payment in full may be accepted prior to the recording of the approved map, or a fraction of such payment, the numerator of which is one, and the denominator of which is the number of approved parcels in the subdivision, shall be made to the Town of Plainville at the time of the sale of each approved parcel of land in the subdivision, and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

- 04.** Notice: If payments are to be made upon the sale of individual lots, notice shall be provided by the applicant alerting future buyers of the pendency of such payments by notating the approved subdivision plan and recording a notice for each approved lot in the Town Land Records. The Town shall file a release in the Land Records for each payment received.

9.00 Streets:

01. General

- 1.** The arrangement of streets shall be in harmony with the goals, policies, and recommendations of the Town Plan of Conservation and Development and any specific plans for the area of the subdivision.
- 2.** For streets not shown on the Town Plan, the arrangement shall provide for the appropriate and reasonable provision of new streets or other access or the extension of existing streets.
- 3.** Any street that is to be constructed in phases must make provisions for a temporary cul-de-sac at the location where it is to terminate. This provision may be waived only where the street extension is to occur immediately following completion of the previous section.
- 4.** The required right-of-way shall be accepted by the Town in accordance with generally accepted procedures for acceptance of such land/improvements.

02. Street Hierarchy

Streets shall be classified, designed, and constructed in accordance with the guidelines of the Town of Plainville Plan of Conservation and Development and the following hierarchy:

- 1.** Arterial Street: intended to accommodate presently or at any future time traffic other than that of the immediate neighborhood, as determined by the Commission.
- 2.** Collector Street: any street other than an Arterial Street which is intended now or in the future to conduct traffic between local streets or between a local street and arterial street as determined by the Commission.
- 3.** Local Street: any street whose primary function is to give access to properties only and which is not and will not in the future be likely to be used by traffic other than that having origin and destination upon such streets, as determined by the Commission. Local streets include gridiron streets, loop streets, and cul-de-sacs.

03. Street Design

1. Right-of-Way Width: The road right-of-way shall be 50 feet in a residential zone and 60 feet in a business or industrial district.
2. Pavement Width: The pavement width shall be as follows:

		Pavement Width
• Arterial Street	• Business or Industrial Districts	36 feet
	• Residential Districts	30 feet
• Collector Street	• Business or Industrial Districts	34 feet
	• Residential Districts	28 feet
• Local Street	• Business or Industrial Districts	30 feet
	• Residential District	26 feet

04. Cul-de-Sac Streets

1. Residential Cul-de-sac streets in all residential zones shall not exceed 600 feet in length, measured from the right-of-way line of the intersection street to the center point of the cul-de-sac radius along the street centerline. The Commission may grant a waiver of the length requirement of this section if the Commission deems it desirable due to adverse topographic or environmental conditions, difficult site configuration, if such street is likely to be extended in the future to another outlet, if no potential outlet would be available to serve the residential zone area, or if such extension serves the purposes of access management. A cul-de-sac street shall conform to the following design criteria:
 - a. In no case shall a cul-de-sac street exceed 1,500 feet in length.
 - b. The transition curve entering into the cul-de-sac shall have a minimum pavement radius of one hundred feet (100'), to create a "tear drop" shape.
 - c. There shall be no driveway curb cuts within the transition curves.
 - d. Unless otherwise modified by the Commission, sidewalks are required on both sides of the street from the intersecting street to the nearest driveway on each side of the circle.
2. Industrial Cul-de-Sac Streets: Cul-de-sac streets in all industrial zones shall generally not exceed 1500 feet in length, measured per Section 9.04.1 above. The Commission may grant a waiver of the length requirement of this section if the Commission deems it desirable due to adverse topographic or environmental conditions, difficult site configuration, if such street is likely to be extended in the future to another outlet, if no potential outlet would be available to serve the industrial zone area, or if such extension serves the purposes of access management. A cul-de-sac street shall conform to the following design criteria:
 - a. In no case shall a dead end street exceed 2,500 feet in length.

2. It shall be the responsibility of the applicant to rough grade the street stubs as shown on the final plans.
3. Ownership of street stubs and/or temporary cul-de-sacs shall be deemed accepted by the Town of Plainville at the time of acceptance of all other streets in the subdivision. Slope and grading rights, fifteen (15) feet outside of the street right-of-way for grading of such future streets, shall be reserved for future construction. Reservation of slope and grading rights shall also be shown on the final subdivision map.
4. Final construction of street stubs shall be done by the applicant of the abutting land. In the event two or more abutting subdivisions are being built simultaneously, it shall be the shared responsibility of the applicants to fulfill these requirements.
5. Any future developer extending a temporary street stub, cul-de-sac, or other approved turnaround shall be required to remove the existing pavement outside of the standard right of way, loam and seed said area from which pavement has been removed, and install curbs and sidewalks in the disturbed area in accordance with Town requirements. The subdivision plan shall provide notification that such reclaimed paved area will be deeded to adjacent property owners, upon extension of the road, to the boundary of the standard street right of way required by the Town. Documents transferring such ownership shall be prepared and recorded by the developer proposing such reconstruction or extension after review and approval by the Town.

11. Curbs and Gutters

1. Curbing may be required on all new streets for the purposes of drainage, safety, and delineation and protection of pavement edge. Curbing may be required where existing streets are widened/improved.
2. Curbing may be waived on one or both sides of a subdivision street if, in the judgment of the Commission, nonpoint drainage of storm water is a viable and preferable alternative to its collection and discharge into a structured storm water system and safety or delineation factors are of lesser concern.
3. Where curbing is not required, some type of edge definition and stabilization shall be furnished for safety reasons and to prevent unraveling of the pavement.
4. Curbing shall be designed to provide a ramp for bicycles and/or wheelchairs as required by State law.
5. Curbing and ramps shall be constructed according to the specifications set forth in the Specifications for Street Construction within the Town of Plainville, as contained within the Ordinances of the Town of Plainville, Connecticut.
6. Concrete curb shall be installed on all commercial and industrial roadways unless waived or modified in favor of bituminous concrete curbing by the Commission.
 - a. Concrete curb shall be six (6) inches at the top, eight (8) inches along the bottom and twenty (20) inches in depth. The top of curb shall be five (5) inches above the finished pavement grade.

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- b.** The concrete mix shall be composed of a four thousand (4000) lb. mix with a maximum slump of five (5) inches. Placement shall include mechanical vibration of the concrete.
 - c.** At least one (1) test cylinder per day shall be taken by the Department of Technical Services. If warranted the Department of Technical Services may request additional test cylinders. Any costs associated with the test cylinders and testing shall be borne by the developer and a copy of each test report shall be given to the Department of Technical Services for its records.
- 7.** Bituminous concrete curbing shall be installed on residential roadways except that the following alternatives to standard continuous bituminous lip curbing may be permitted by the Commission upon recommendation of the Town Engineer:
 - a.** Cast in place concrete curbing,
 - b.** Granite curbing,
 - c.** Cape Cod Bituminous concrete curbing with a 3" high rolled curb, or
 - d.** Any of the above types of curbing installed with 24" openings at 50-foot or closer intervals to allow runoff to discharge into a LID stormwater conveyance or treatment system.
- 8.** Equipment specifically designed for the installation of six (6) inch bituminous concrete curbing shall be used. Hand formed curb will be permitted only upon written approval of the Department of Technical Services. The material and installation requirements shall conform to the guidelines outlined in the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction.
- 9.** The developer shall be required to receive permission from the Department of Technical Services to install any curbing during the period which extends from November 15th to April 15th.

- 12.** Sidewalks: In order to support and encourage alternate transportation modes, these regulations seek to provide safe and convenient bicycle and pedestrian access within new subdivisions and between existing subdivisions, including movement to and from public walkways, bikeways and streets. Pedestrians and cyclists who are offered clearly defined routes that are well lit, safe, comfortable and convenient will be encouraged to use such alternative modes of transportation. These regulations strive to improve the viability and interconnectivity of all existing and future transportation systems.
 - 1.** Sidewalks required on new residential streets except that the Commission may allow sidewalks on only one side of the street where, due to unusual topography, wetlands, rock outcroppings or other impediments, and with due consideration to safety factors, where such sidewalk placement is unfeasible. Sidewalks may be required in non-residential subdivisions, and on existing streets that will connect sidewalks within the subdivision to existing sidewalk within 150' of the subdivision boundaries.
 - 2.** Sidewalks and graded areas shall be constructed in accordance with the following specifications:
 - a.** The concrete sidewalk shall be installed over a compacted four (4) inch process trap rock base. The walks shall be four (4) inches thick, except at driveways where they shall be six (6) inches thick, reinforced with six by six (6 x 6) wire mesh extending two (2) feet beyond each edge of the driveway.
 - b.** Sidewalk slabs shall be five (5) feet long, four (4) feet wide with proper type expansion joints every twenty (20) feet and flush with the walk surface.
 - c.** Concrete shall be a four thousand (4,000) lb. mix, minimum five (5) to seven (7) percent air entrainment and a maximum six (6) inch slump.
 - d.** Concrete surfaces shall be thoroughly consolidated to remove air voids, lightly screened, broom finished, edged and protected from the elements.
 - e.** All construction materials and methods shall be consistent with the guidelines outlined in the applicable sections of the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction.
 - f.** The developer shall be required to receive permission from the Department of Technical Services to install any sidewalks during the period which extends from November 15th to April 15th.
 - 4.** The Commission may accept the recording of a caveat in the Plainville land records providing that owners of lots designated by the Commission shall install sidewalks across the front of their lots at a future date, upon direction of the Commission, when sidewalks are constructed for land development proximate to the subdivision.
 - 5.** A modification to provisions requiring sidewalks may be permitted by the Commission in accordance with Section I.5.02 of these regulations.

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6. If the Commission does not grant a waiver for sidewalks, the following requirements may be used in place of the standard requirements by permission of the Commission:
 - a. Alternate sidewalks shall be constructed within a right-of-way, accepted by the Town of Plainville, and;
 - b. Such alternate sidewalks shall be considered equal to standard sidewalks in terms of public and private maintenance responsibilities, and;
 - c. The alternate sidewalk location is preferable due to added benefits that cannot be realized by standard placement such as connection to an adjacent sidewalk system and/or connection to a multi-use trail and /or mitigation of negative environmental impacts.

13. Construction Specifications

The construction of roads in subdivisions shall be in accordance with the following specifications:

1. All streets shall have a five (5) inch crown.
2. The sub-base shall be constructed of twelve (12) inches of bank run gravel topped with a base of four (4) inches of processed aggregate or a total of twelve (12) inches of processed aggregate. All sub-base and base materials shall conform to the applicable specifications in the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction.
3. The developer shall perform all necessary grading operations to bring the roadbed to finished sub-grade elevations as shown on the approved plan and profile drawings. Where the initial excavation uncovers spongy or unstable material, the developer shall remove such material within the roadbed area to such depths as directed by the Department of Technical Services and back fill with gravel or other suitable material before placing the sub-base material. Grading shall include the placing of the bank run gravel and the processed aggregate to the depths noted above.
4. The sub-base shall be compacted in material lifts not exceeding six (6) inches with a self-propelled roller weighing not less than ten (10) tons or equivalent vibratory unit exerting a downward force of not less than three hundred (300) pounds per lineal inch of contact surface. Compaction shall continue until the density of the compacted material achieves ninety-five (95) percent of the theoretical dry density. After compaction, any low or uneven portions of the roadbed shall be brought to grade to the satisfaction of the Department of Technical Services. Any other method of compaction must be approved by the Department of Technical Services.
5. Only after the roadbed base has been installed, inspected and approved by the Department of Technical Services, may the pavement surface be installed. The pavement surface shall consist of three (3) inches of bituminous concrete for residential roadways and four (4) inches for commercial and industrial roadways.

6. The bituminous concrete shall be manufactured in conformance with the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction. The pavement shall be installed in two courses consisting of a two (2) inch binder and minimum one (1) inch finished course after compaction. All bituminous surfaces shall be thoroughly compacted to ninety five (95) percent of the maximum theoretical density. The developer shall be required to receive permission from the Department of Technical Services to install any bituminous concrete pavement during the period which extends from November 15th to April 15th.

14. Driveway Apron Installation

1. All driveway aprons shall be installed on public rights-of-way in Commercial and Industrial zones. Such aprons shall be of eight (8) inch concrete of the same strength and installed in the manner prescribed for concrete sidewalks where applicable. The curb edge of the apron shall be trenched at least six (6) inches wide, the total concrete pour height shall be twenty (20) inches and the curb line grade shall be one and one-half (1 ½) inches above the gutter line of the road surface. The apron shall be the full width of the driveway with edges at a ninety (90) degree angle from the sidewalk edge for a distance of eighteen (18) inches and curving at a quarter circle turn to the road curb.
2. Driveway aprons in residential zones shall be constructed of concrete or bituminous concrete. Any concrete apron shall be six (6) inches thick and reinforced with wire mesh. Bituminous concrete aprons shall consist of a three (3) inch surface over a compacted six (6) inch process aggregate base.
3. The developer shall be required to receive permission from the Department of Technical Services in order to install driveway aprons during the period which extends from November 15th to April 15th.
4. No Certificate of Occupancy shall be granted unless the required driveway apron is installed or an appropriate financial guarantee is provided in a form and amount approved by the Director of Technical Services.

15. Merestones

1. Merestones shall be furnished and set by the developer on the street lines at all points of curvature (PC) and points of tangent (PT) and development boundaries so that at final grade they shall be level with the ground surface.
2. Merestones shall be of reinforced concrete at least thirty-six (36) inches in length, four (4) inches at top, six (6) inches at base.

16. Utilities

- 1.** Utilities shall generally be located within the right-of-way on both sides of and parallel to the street.
- 2.** Utility areas shall have a minimum of 4" of topsoil and shall be planted with grass or ground cover; or treated with other suitable cover material.
- 3.** Electric power, telephone, and other cable systems shall be placed underground in all residential subdivisions, except that in those portions of a subdivision adjacent to an existing Town road, the existing electric power and telephone/cable system facilities on such road may be used. This provision may be waived by the Commission only where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

10.00 Sanitary Sewers:

- 01.** General: All installations shall be properly connected to an approved and functioning sanitary sewer system prior to the issuance of a certificate of occupancy.
- 02.** Connection to Public Sanitary Sewer System
 - 1.** All subdivisions shall install public sewerage where feasible. All extensions of public sewerage require the approval of the Water Pollution Control Authority (WPCA). The Superintendent of Water Pollution Control should be contacted early in the subdivision planning process for a determination of feasibility.
 - 2.** All sanitary sewerage extensions and connections shall be done in accordance with the rules and regulations of the WPCA.
 - 3.** The subdivision developer shall prepare and submit all plans and profiles for approval of the Department of Technical Services prior to submission to the Planning and Zoning Commission. The Department of Technical Services may request engineering reports, additional engineering plans and other relevant information pertaining to the sewer installation if deemed appropriate. The sanitary sewer installation shall be inspected and tested under the direction of the Department of Technical Services. Any costs associated with inspections and testing shall be the responsibility of the developer. No lateral connections to the public sanitary sewer will be permitted until it is accepted by the Plainville Water Pollution Control Authority.
 - 4.** Sanitary sewers shall be installed where possible within the right-of-way. Otherwise, the developer shall grant the Town of Plainville all easements and rights necessary to install and maintain the sewer lines. Such easements shall be a minimum of twenty (20) feet in width. The grant of easement shall be in a form approved by the Town of Plainville and filed in the land records of the Town Clerk's Office.

03. Subsurface Sewage Disposal Systems

- 1.** If the Superintendent of Pollution Control determines that connection to the public sewerage system is infeasible, all lots shall be served by subsurface sewage disposal systems.
- 2.** Subsurface systems shall be designed and installed in accordance with the requirements of the Connecticut Public Health Code Regulations and Technical Standards for Subsurface Sewage Disposal Systems. When subsurface sewage disposal systems are proposed, the Town Sanitarian should be contacted early in the subdivision planning process for coordination of necessary percolation tests and required data. The applicant is responsible for ensuring that the Director of Health has all the required data needed to make a determination of the land's suitability for subsurface sewage disposal. Such determination is required prior to the Commission's action on a subdivision application.

11.00 Storm Water Management:

- 01.** Any subdivision shall provide for a stormwater management system, including low impact development techniques, in accordance with the Low Impact Development & Stormwater Manual for the Town of Plainville adopted by the Commission.
- 02.** Any modifications to the standards and requirements of the Low Impact Development & Stormwater Manual shall be as provided for in the Manual.

12.00 Landscaping Standards:

01. Purpose

- 1.** Landscaping shall be provided as part of subdivision design along streets, at subdivision entrances and within open space, And other areas if appropriate. It shall be conceived in a total pattern or theme throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
- 2.** Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculptures, walls, fences, paving material, and street furniture.
- 3.** Where a landscaping pattern/theme has been previously approved in a neighborhood, new subdivision lots should generally adhere to the established theme.

02. Landscape Plan

- 1.** A landscape plan prepared by a registered landscape architect shall be submitted with each subdivision application which contains five (5) or more lots and/or new road(s). The plan shall identify the existing tree line plus existing mature trees, and proposed trees, shrubs and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located, and

planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.

2. A waiver to this provision may be granted by the Commission where it is demonstrated that subdivision landscaping is not practical or feasible, or where existing site vegetation to be preserved is sufficient to preclude the need for additional landscaping. If a waiver is granted, the subdivision plan must contain provisions for preservation of existing vegetation (where appropriate), in accordance with Site Protection and General Planting Requirements below.

03. Street Trees

1. Location. Shade and/or ornamental trees shall be installed along streets in accordance with the approved landscape plan. Trees shall be either massed or spaced evenly along the street or both, and shall be located within a street trees easement located adjacent to the street right-of-way, coordinated with utilities companies to ensure no trees are planted above utility lines.
2. Street trees easement. All street trees will be located within an easement dedicated to the Town of Plainville, located directly adjacent to the street right-of-way. Said easement will prohibit removal of street trees without the express written consent of the Director of Physical Services of the Town. Maintenance of street trees will be the responsibility of the lot owner.
3. Street trees waiver. Where topography or site conditions are not suitable for street trees, street trees may be eliminated or may not be designed in strict accordance with the above standards, at the Commission's discretion.

04. Site Protection and General Planting Requirements

1. Slope plantings. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 1 foot vertically to 3 feet horizontally (1:3 ratio) shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.
2. Additional landscaping. In residential subdivisions, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for privacy or other reasons in accordance with the landscape plan approved by the Commission and taking into consideration cost constraints (for example, where lots have back yards fronting on a street, the Commission may require screening between the street and the back yard). In nonresidential subdivisions, all disturbed areas of the site not occupied by buildings and other impervious surfaces shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the Commission.

3. Planting specifications. Deciduous trees shall have at least a 2-1/2 inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of tree/shrub. All plant materials shall be of nursery stock quality; and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the applicant during the following planting season.
 4. Plant species. The plant species selected should be hardy and non-invasive for this area as identified by the state of Connecticut, and appropriate in terms of function and size.
- 05. Buffers**
1. Buffers are required at the perimeters of a subdivided tract.
 2. Buffers shall consist of natural vegetation supplemented by suitable noninvasive landscape material to provide a continuous visual barrier along the boundaries of adjoining properties.

13.00 Off-Subdivision Improvements:

01. Purpose: The Commission may require that reasonable off-subdivision improvements are designed and constructed as part of an approved subdivision plan to provide connections to existing infrastructure or to ensure that existing infrastructure is of suitable condition and/or capacity to accommodate the flows, movements, or volumes generated or demanded by the future residents of the subdivision.
02. Types of Improvements That May Be Required
 1. The Commission may require an applicant to provide reasonable and necessary traffic and pedestrian circulation improvement; sewerage; drainage facilities and other improvements including land and easements, located off-subdivision of the property limits of the subdivision but necessitated or required by the subdivision. 'Necessary' improvements are those clearly and substantially related to the subject subdivision. The Commission shall indicate in its approval the basis of the required improvements.
 2. Streets. Street improvements may include (but are not limited to): alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements. Off-subdivision streets from which the subdivision is directly accessed shall be of such condition that safe, adequate access to the subdivision is provided. The applicant may be required to correct deficiencies such as horizontal/vertical alignment (inadequate sight line), inadequate drainage, substandard width, substandard pavement condition, where such conditions directly affect the safety of the proposed subdivision's future residents.

3. Drainage. If the existing system functions inadequately or does not have adequate capacity to accommodate the applicant's stormwater runoff given existing and reasonably anticipated peak-hour flows, drainage improvements may include (but are not limited to): installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances.
4. Sanitary Sewers. If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, sanitary sewer improvements may include (but are not limited to): installation, relocation, or replacement of collector, trunk, and interceptor sewers, pump stations, and associated appurtenances.

14.00 Individual Lot Requirements:

01. Building Permit Plot Plan/Topographic Map

1. Prior to the building of any structure on a lot, a plot plan/topographic map drawn under the standards of a Zoning Location Survey to a scale not smaller than 1" = 40' and not larger than 1" = 20', certified Class A-2 and bearing the certification and seal of a Land Surveyor licensed in Connecticut, shall be provided.
2. Certificate of Occupancy
 - a. Prior to issuance of a permanent certificate of occupancy, an as-built plan, at the same scale as the plot plan/topographic map submitted for the building permit, certified Class A-2, shall be submitted.
 - b. No permanent certificate of occupancy shall be issued until site/grading plans have been complied with and accepted by the Town Engineer and Zoning Enforcement Officer (per CGS 8-3(f)). If for any reason, finished grading and other site work is not completed, the Town Engineer shall determine the amount of a cash bond to insure final grading and site work. The cash bond shall be submitted to the Planning Department prior to issuance of a permanent certificate of occupancy.
 - c. No permanent certificate of occupancy will be issued unless a roadway base and binder course of bituminous concrete, constructed in accordance with these regulations, has been completed to the satisfaction of the Town Engineer.
 - d. No permanent certificate of occupancy will be issued unless all lot corners and angle points as indicated in the certified plot plan have been marked with iron pins or monuments in the field.

15.00 Engineering and Inspection:

01. Basic Requirements

1. The developer shall furnish all lines, grades and construction stakes for all construction, setting of merestones, etc.

02. Inspections

1. All construction and materials used in connection with these public improvement specifications shall be subject to the inspection and approval of the Department of Technical Services or its authorized representatives. No materials or work shall be approved or accepted without such inspection and it shall be the responsibility of the developer to notify the Department of Technical Services or his agents at various stages during construction so that the necessary inspections may be made.
2. The developer shall provide connections to a public water supply and sanitary sewer system for each lot deriving its access from the proposed streets covered under these public improvement specifications, when such utilities are available or when their extension is deemed practical by the Town. The standards for water mains shall be those in effect by the Valley Water Systems or its successor, but in no case shall they be less than six (6) inch cement lined cast iron pipe.
3. The Department of Technical Services and Fire Department will arrange for locations of fire hydrants as required.
4. All trenches within the roadway limits shall be backfilled with materials acceptable to the Department of Technical Services and in no case shall clay or other unsuitable material be used for backfill. All trench backfill shall be thoroughly compacted to the satisfaction of the Department of Technical Services before the roadway pavement is installed.
5. Where the land contours adjacent to a street right-of-way requires a cut or fill slope on the adjacent property, such slopes shall be constructed in accordance with specifications of the Department of Technical Services and the developer shall install such protective facilities as the Department of Technical Services shall require. In all cases where grading outside street limits are required, the developer shall furnish necessary easements and slope rights to and in the name of the Town of Plainville so that the Town may maintain them upon acceptance of the streets. Where such abutting property is owned by persons other than the developer, necessary easements and/or slope rights shall be acquired prior to construction. All documents shall be subject to approval of the Town of Plainville.
6. All construction and materials used in connection with these public improvement specifications shall be subject to the inspection and approval of the Department of Technical Services or its authorized representatives. No materials or work shall be approved or accepted without such inspection and it shall be the responsibility of the developer to notify the Department of Technical Services or his agents at various stages during construction so that the necessary inspections may be made.

Plainville Subdivision Regulations

7. On any application, the Planning and Zoning Commission may authorize the Town Engineer to retain engineering, material and construction inspection and/or other technical expertise as it feels is necessary to perform construction review and inspection on any application where it finds that the nature and intensity of the proposed development rises to the level that Town staff is unable to provide adequate inspection and review services.
8. When the Commission determines such additional technical expertise is required:
 - a. An estimate for those services shall be made by a qualified party, and;
 - b. The applicant shall deposit one hundred and fifty percent (150%) of that estimated cost with the Commission, and;
 - c. Such payment shall be made prior to the review of the application and/or submission, and;
 - d. Upon completion of inspections and upon final acceptance of the improvements by the Town of Plainville, the balance of remaining funds, if any, shall be reimbursed to the applicant, and;
 - e. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty percent (150%) of the estimate received by the Commission.