

TOWN OF PLYMOUTH SUBDIVISION REGULATIONS

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TOWN OF PLYMOUTH

DEPARTMENT PHONE NUMBERS

Land Use – (Planning & Zoning; Wetlands; Zoning Board of Appeals
and Economic Development)

80 Main Street

Terryville CT 06786

860-585-4043

M-F 8:30 – 4:30

Public Works

80 Main Street

Terryville CT 06786

860-585-4030

M-F 8:30 – 4:30

Sanitarian – Torrington Area Health District

80 Main Street

Terryville CT 06786

860-585-4034 or 860-489-0436

Tue – 8:30 – 10:30 & Thurs. 1:30 – 3:30

Water Pollution Control Authority

35 Canal Street

Terryville CT 06786

860-582-4881

M-F 9:30 – 3:30

Fire Marshal

80 Main Street

Terryville CT 06786

860-585-4012

part-time -call first

SECTION ONE

GENERAL PROVISIONS

1.01 AUTHORITY – These Regulations, referred to as the Subdivision Regulations of the Town of Plymouth, are adopted by the Plymouth Planning and Zoning Commission under the Connecticut General Statutes to regulate the subdivision of land within the Town of Plymouth.

1.02 RULES AND DEFINITIONS – In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.

Agency, Commission, Board, or Department - is that of the Town of Plymouth, unless otherwise specified.

Applicant – Any person, firm or corporation, partnership who shall apply to the Commission for approval of a subdivision as hereinafter defined, either for himself or as an agent for others.

Commission – The Planning and Zoning Commission of the Town of Plymouth.

Cul-De-Sac – A local street open at one end only.

Date of Receipt – The date of the next regularly scheduled meeting of the Commission immediately following the date of submission or thirty-five (35) days from the date of submission, whichever is sooner.

Development for Agricultural Purposes – Includes forestry, but does not include residential use. Agriculture, for the purposes of this section shall be as defined in Section 1-1(q) of the Connecticut General Statutes.

Development Plan – The Plan of Development of the Town, when and if adopted, in accordance with Section 8-3g of the General Statutes, as amended.

Easement – The authorization by a property owner for specific use of his property by another.

Open Space – Any parcel of land, including water bodies, essentially unimproved and dedicated for public use or enjoyment.

Print – A blue print or other copy which reproduces exactly the data on the original drawing from which it is made.

Reserve Strip – A privately owned strip of land which controls access to land dedicated, or to be dedicated, to use as a public street.

Resubdivision – A change in map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Street – Land or right-of-way dedicated and legally accepted for the purpose of public travel or shown on a subdivision approved by the Commission.

Subdivider – See Applicant

Subdivision – The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, (6/12/58), for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

These Regulations – The Subdivision Regulations of the Town, and includes amendments thereto.

Town – The Town of Plymouth, County of Litchfield, Connecticut.

Wetlands – Land which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the Nation Cooperative Soil Survey.

Watercourses – Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, located in the Town of Plymouth.

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

1.03 JURISDICTION – These regulations shall apply to the subdivision and resubdivision of land located within the corporate limits of the Town of Plymouth. No subdivision or resubdivision of land shall be made by any person until an application for same has been submitted to and approved by the Commission, and a map thereof has been endorsed by the Commission and filed by the applicant in the office of the Plymouth Town Clerk.

1.04 PURPOSE – These regulations are adopted for the following:

- (1) To protect and provide for the public health, safety, and general welfare of the Town;
- (2) To guide the future growth and development

of the Town in accordance with the Plan of Development for the Town;

- (3) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, parks, schools, and other public facilities;
- (4) To provide for the beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town so that proposed streets shall be in harmony with existing and proposed streets, especially as regards safe intersections and be so arranged and of such width as to provide an adequate and convenient system for present and future traffic needs;
- (5) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land;
- (6) To ensure that public facilities are available and have adequate capacities to serve the proposed subdivision;
- (7) To prevent the pollution of air, streams, rivers, and water bodies; 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 in order to preserve the integrity, stability, and beauty of the Town and the value of the land.
- (8) To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.
- (9) To encourage energy efficient patterns of development and land use, use of solar and other renewable forms of energy, and energy conservation.

1.05 INTERPRETATION, CONFLICT, SEPARABILITY –

- (1) Interpretation – In their interpretation and application, the provisions of these regulations shall be deemed to be the minimum requirements for the promotion of the public health, safety, and public welfare.
- (2) Conflict – These regulations are not intended to interfere with or revoke any other ordinance, rule, or regulation, statute, or provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these or other regulations, rules, or ordinances, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.
- (3) Separability – If any section, subsection, sentence, clause, phrase, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

1.06 WAIVER – When requested by the applicant in writing, the Commission may waive certain requirements of these Regulations by a three-quarters affirmative vote of all its members, if it finds that all of the following conditions have been satisfied:

- (1) Conditions exist which adversely affect the subject property and which are not generally applicable to other property in the area;
- (2) In the absence of a waiver, one or more requirements of these Regulations cannot be satisfied;
- (3) The requested waiver is the minimum deviation necessary from these Regulations to permit the subdivision of the subject property; and,
- (4) The granting of the waiver shall not have a significant adverse effect on adjacent property or on the public health, safety and welfare.

In granting a waiver, the Commission shall state upon the record its reasons for which such a waiver was granted.

1.07 PENALTIES – Any person making any subdivision of land without the approval of the Commission is subject to the maximum penalty allowed by law.

1.08 CONDITIONS – Regulation of the subdivision of land and the attachment of reasonable conditions to same is a valid exercise of the regulatory power delegated by the State to the Town. The developer has the duty to comply with reasonable conditions imposed by the Commission to protect the public health, safety, and welfare.

1.09 SELF-IMPOSED RESTRICTIONS – If there are any restrictions on any of the land being subdivided which are greater than those required by the Town's Zoning or these Subdivision Regulations, such restrictions or reference thereto shall be indicated on the subdivision map. Such notation shall not require enforcement of such restrictions by the Town.

1.10 PARCELS CROSSING MUNICIPAL BOUNDARIES – Whenever direct access to the subdivision is required across land which is located outside of the Town's boundaries, the Commission may require documentation that the access is legally established, and that the access road is adequately improved. Should improvements to the access road be necessary, then the Commission may require documentation that a performance bond has been posted to assure adequate improvements.

In general, lot lines should be laid out so as not to cross municipal boundary lines.

1.11 APPLICATIONS INVOLVING INLAND WETLANDS AND WATERCOURSES – If an application involves land regulated as an inland wetland or watercourse, the applicant shall submit an application to the agency responsible for administration of the Inland Wetlands Regulations no later than the day the application is filed for the subdivision or re-subdivision. The Commission shall not render a decision until the Inland Wetlands Agency has submitted a report with its final decision to such Commission. In making its decision, the Commission shall give due consideration to the report of the Inland Wetlands Agency.

1.12 CHARACTER OF THE LAND – Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety. Land which the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soil, utility easements or similar features which might pose a threat to the public health, safety or welfare shall not be approved for subdivision unless adequate provisions are made by the sub-divider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

1.13 AMENDMENTS – The Commission, either on its own initiative or by the petition of others, may amend these Regulations. The Commission shall hold a public hearing on all proposed amendments.

1.14 EFFECTIVE DATE – The effective date of these Regulations shall be April 17, 1997. These Regulations shall supersede the subdivision regulations previously adopted by the Planning Commission on 6/12/58, revised to 2/22/88.

SECTION TWO

APPLICATION REQUIREMENTS AND PROCEDURES

2.01 APPLICATION SUBMISSION. All applications, maps, plans, documents, and data required by these regulations shall be submitted to the Land Use Department. The date of receipt of such applications shall be determined in accordance with the Connecticut State Statutes.

The subdivider is encouraged to become familiar in advance with all State and Town regulations relative to health, buildings, streets, and other pertinent data so as to become thoroughly aware of the obligations and standards expected. The sub-divider is encouraged to thoroughly understand these Regulations and the requirements contained herein and the Town's Plan of Development.

2.02 PUBLIC HEARINGS. A Public hearing shall be held on all subdivision and/or re-subdivision applications.

2.03 PRELIMINARY PROCEDURE. Prior to submission of a formal application for subdivision approval, the sub-divider may submit an informal subdivision plan to the Commission and/or to Town staff for the purpose of preliminary discussion. The plan may be general in nature but should contain sufficient information to allow the Commission or Town staff to conduct a preliminary review. Any comments or suggestions regarding the informal plan by the Commission or Town staff shall not be construed as a form of approval and shall not be binding upon the Commission should a formal application for subdivision approval be subsequently filed.

2.04 APPLICATION REQUIREMENTS. An application for subdivision approval shall not be considered complete unless all plans and other data as required by the following paragraphs have been submitted. A checklist of required information is available from the Planning Department.

(1) Application Form – Application for subdivision approval shall be made in writing on forms provided by the Commission. Applications shall be signed by the applicant or the applicant's lawful agent, as well as by the owner or the owner's lawful agent.

(2) Fee – Application fees shall be as required by the schedule of fees adopted by the town.

Additionally, when in the opinion of the Public Works Director, a consulting engineer needs to be retained to represent the town's interest's, the applicant shall agree to pay all reasonable costs associated with the engineer's inspection and review of the development during the formal application process.

If additional inspection is required prior to the completion and acceptance by the town of all public improvements, the applicant shall be responsible for all costs incurred by the consulting engineer as per the fee schedule assessed to the town Public Works Department in any given year by the consulting engineer(s).

The Public Works Department may require estimated consulting engineer's fee to be deposited with the department prior to the initiation of any reviews. Unused fees will be returned upon completion of the review/approval process.

(3) Record Subdivision Map – A subdivision map conforming to the requirements of Section 4.01-(2).

(4) Plan and Profile Drawings – Plan and profile drawings and typical cross sections of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwalls, gutters, sidewalks, curbs, bridges, culverts, and other structures and improvements. Such plans shall conform to the requirements of Section 4.01-(4).

(5) Site Development Plan – A plan meeting the requirements of Section 4.01-(3).

(6) Sanitation Report – Documentation, in the form of a written report from a professional engineer licensed in Connecticut, that the site has suitable physical characteristics to adequately satisfy all the requirements of both the Town and the Connecticut State Department of Health for subsurface sewage disposal. The report shall contain a statement by the engineer that, in his professional opinion, the area is suitable for the installation of individual sanitary disposal systems of the general type and size described in his report. The engineer's statement shall contain any reservations or special conditions necessary in regards to the suitability of the site for on-site septic systems.

When public sewers are proposed, a sewer feasibility study, as required by the Town Engineer, shall accompany the subdivision application.

(7) Hydrological Report – Documentation of the design of the storm drainage system, to include special structures, as prepared by a civil engineer licensed as a professional engineer in the State of Connecticut. The report shall, at the minimum, include the following:

- a. Base map at 1"=100' used to determine watershed and drainage patterns to include downstream runoff areas affected by the storm water runoff from the subdivision for both existing and proposed conditions.
- b. Methodology used to compute runoff and pipe sizes and associated calculations.
- c. Gutter flow analysis for non-standard road designs.

(8) Other Permits – Nothing in these regulations shall release the applicant from the requirement to obtain any other permits, or licenses required by law or regulation by the Town of Plymouth, the State of Connecticut, and the Government of the United States, including but not limited to any approval required by the Connecticut Departments of Environmental Protection, Health, and Transportation, as well as the US Army Corps of Engineers.

(9) Additional Information – Other data may be required from the applicant in order to establish that the proposed subdivision complies with these regulations.

2.05 CONSIDERATION OF PROPOSED SUBDIVISION. After the above application requirements have been met to the satisfaction of the Commission, consideration shall be given to the application as follows:

(1) Hearing – Public hearings shall be held in accordance with Section 2.02, above. Notice of the hearing shall be given as required by law. Additionally, the applicant shall be required to post a notice on the property of the pending public hearing. Posting of the property shall be in accordance with the following:

- a. A minimum of one sign shall be posted facing each street on which the property has frontage. Signs shall also be posted approximately every 200 feet along the street frontage of the subject property. There shall be a minimum of two signs posted on corner and through lots, one facing each street. In those cases where the subject property does not have frontage on or is not otherwise readily visible from a street, the sign shall be posted in a location deemed suitable by the Zoning Enforcement Officer.
- b. Signs shall be posted no more than five feet from the street line and shall be visible and readable from the street for the entire time of the required posting.
- c. Signs shall be posted at least 12 days before the hearing and shall be removed within 5 days after the completion of the hearing.
- d. Signs shall be prepared and posted by the applicant, agent, or property owner. The cost of the signs shall be borne by the applicant, agent, or property owner.
- e. The minimum size of the sign shall be two feet by two feet. Printed lettering shall be black on a yellow background. All letters shall be capital, 1 inch high. The wording shall be as follows:

NOTICE OF HEARING
THIS PROPERTY
PURPOSE: SUBDIVISION
PLACE – TOWN HALL
TIME – _____ PM DATE _____

- f. The applicant shall present at the public hearing an affidavit stating that the site was posted as required by these regulations and that the sign was visibly present on the property for her required period.

(2) Review by Others – To assist with its review of an application for subdivision approval, the Commission may refer such application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency, or official.

(3) Decision – The Commission shall approve, modify and approve or deny an application for subdivision approval within the period of time permitted under Section 8-26d of the Connecticut General Statutes. Notice of the Commission's decision shall be as per the requirements of Section 8-26 of the Connecticut General Statutes.

(4) Approval – The Commission shall approve the subdivision if it determines that the subdivision map and plans and accompanying certificates, documents, and data conform to these regulations.

No construction/development activity shall begin on an approved subdivision tract until such time as a performance agreement has been signed and a performance bond has been filed with the town in accordance either with Section 3 of these regulations or by requirement of the Inland Wetlands & Conservation Commission. [amended 12/04]

In granting an approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents so as to meet the requirements of these regulations.

2.06 FILING AND RECORDING. The approved subdivision plan shall be filed or recorded by the sub-divider at his/her own expense in the office of the Town Clerk within 90 days after the time for taking an appeal from the action of the Commission has elapsed or, in the event of an appeal, within 90 days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the subdivider. Any plan not so filed or recorded within the prescribed time shall become null and void, except that the Commission may, upon written request from the applicant, extend the time for such filing for two additional periods of 90 days, and the plan shall remain valid until the expiration of the extended time.

(1) Delivery of Plans – The approved subdivision plan shall be delivered to the subdivider for filing or recording not more than 30 days after the time for taking an appeal from action of the Commission has elapsed or, in the event of an appeal, not more than 30 days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the subdivider.

(2) Endorsement of Map – Approval of the subdivision shall be signified by endorsement of the signature of either the Chairman or another member designated by the Commission. In the event that approval included conditions, such conditions shall be noted on the map. No such plan shall be filed or recorded by the Town Clerk until approval has been endorsed thereon, and the filing or recording of a subdivision plan without such endorsement shall be void.

(3) Effective Date – The date on which the Commission votes to approve the subdivision shall be the date on which the approval of the subdivision map becomes effective.

2.07 CERTIFICATION OF IMPROVEMENTS. Prior to the filing of the subdivision map per Section 2.06, the sub-divider shall certify to the Commission that all required public improvements have been completed as required. Such certification shall be in the form of a written statement from the sub-divider's engineer to the effect that the engineer has inspected the site and found the improvements installed therein to be as required by the plans approved by the Commission. In lieu of completion of such work prior to filing of the subdivision map, the Commission shall accept a bond in accordance with Section 3.

2.08 CONDITIONAL APPROVAL. In lieu of either (1) the completion of street improvements, storm drainage, sanitary sewers, water supply and any other improvements required by the Commission or (2) the filing of a performance bond with the Commission as provided in this Section, an applicant may request and the Commission may grant a conditional approval of a subdivision plan. Such conditionally approved plans shall be filed with the Town Clerk.

(1) Endorsement of Map – Conditional approval of the subdivision shall be signified by endorsement of the signature of either the Chairman or another member designated by the Commission. Such endorsement shall state that the approval is conditional, and that no lots may be sold nor may any building permits issued relative to the lots thereon until all public improvements are completed or a bond for same has been posted with the town.

(2) Expiration Date – Any such conditional approval shall lapse two (2) years from the date it is granted. However, the sub-divider may apply for and the Commission may, at its discretion, grant a renewal of such conditional approval for an additional period of one (1) year.

(3) Penalties – Any person who, prior to the final approval of a subdivision plan, sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined the maximum amount as provided by the law.

2.09 COMPLETION OF SUBDIVISION. Any person making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision; the Commission's endorsement of approval on the plan shall state the date on which such five-year period expires.

(1) Extensions – The sub-divider may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided that the time for all extensions shall not exceed ten years from the date the subdivision was approved. If the Commission grants an extension of an approval, it may condition the extension on a revision of the amount of the bond or other surety furnished under Section 3 securing to the Town the actual completion of the work to insure that such amount is adequate.

(2) Expiration of Approval – Failure to complete all work within such five year period or any extension thereof shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records or the Town notice of such expiration on the subdivision map on file in the office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the sub-divider or his/her successor in interest as such sub-divider except with the approval by the Commission of a new application for subdivision approval of the subject land.

(3) Performance Bond – If lots have been conveyed during such five year period or extension thereof, the Commission shall call the performance bond to the extent necessary to complete the bonded improvements and utilities required to serve those lots, and make any repairs resulting from incomplete or improper work.

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SECTION THREE

ASSURANCE FOR COMPLETION AND MAINTANENCE OF IMPROVEMENTS, CERTIFICATES OF USE AND COMPLIANCE

3.01 BONDS. Except as otherwise provided in Section 2.08, a performance bond shall be filed by the subdivider with the Commission prior to the filing of the endorsed subdivision map in the office of the Town Clerk. Such bond shall guarantee the satisfactory completion of all street improvements, storm drainage, sanitary sewers, water supply and any other required improvements as shown on the approved plans within five (5) years of the date on which such bond is posted. When other agencies, such as the Water Company and the Water Pollution Control Authority, require separate bonds, duplicate bonding under this section for those specific improvements shall not be required.

(1) Extensions – Upon written notification by the subdivider of his/her inability to complete the required improvements within the prescribed time and the reasons therefore, the Commission may extend the time for completion of such improvements for additional periods if it deems the reasons for incomplection a just cause. The original performance bond shall remain in force during such extension, and the amount of same may be increased as required by the Commission to account for increased costs or inflation.

(2) Form – The performance bond shall be in a form satisfactory to the Commission. The bond may be in the following forms:

- a. Cash;
- b. A certified check payable to the Town of Plymouth;
- c. A savings passbook in the name of the subdivide “for the benefit of the Town of Plymouth”, bearing the subdivider’s taxpayer identification number for reporting interest for tax purposes. The account shall be established at a bank authorized to transact banking business, and with offices within the State of Connecticut. The account shall be federally insured to maximum extent required by law. The authorized signatures on the account shall be those of the Comptroller and the Mayor of the Town of Plymouth and one more designated by the subdivider; two such signatures, one of which shall in every case be that of the Comptroller, shall be required for withdrawal of funds;
- d. An irrevocable letter of credit from a bank authorized to transact banking business, and with offices, within the State of Connecticut. The term of the letter of credit shall be not less than ninety (90) days after either such time as the Town of Plymouth has accepted the required improvements or such time as the improvements are to be completed as stated in the maps or any extension thereof;
- e. [deleted 12/04]

(3) Amount – The performance bond shall be in an amount equal to the cost of the improvements required by the Commission, plus a 10% allowance for administrative expenses to cover costs incurred should the bond be called, plus a 15% allowance for contingencies. The cost of such improvements shall be estimated by the sub-divider using all available data to give a true and reasonable cost. The estimated cost shall be submitted to the Town Engineer for review.

(4) Performance Agreement – The applicant shall execute a performance agreement with conditions satisfactory to the Commission to guarantee the completion of the actual construction and installation of the approved subdivision improvements and utilities, the conveyance of any approved open space, easements or other rights, and the installation and maintenance of any required soil erosion and sedimentation control measures. The agreement shall be in a form approved by the Commission. The Commission may refer the agreement to the Town Attorney and the Town Engineer for approval or comment as to form. The agreement shall secure to the Town the completion of the improvements and conveyances within five years. The Commission may extend the completion date for additional periods, as permitted by the General Statutes and, as a condition of any such extension, may require the performance bond be increased or altered. Such agreement shall remain in full force and effect until the approved improvements have been accepted for public use and maintenance by the Town.

[amended 12/04]

3.02 FAILURE TO COMPLETE IMPROVEMENTS. When a bond has been posted and required improvements have not been installed within the terms of such bond, the Commission may call that portion of the bond necessary to complete the required improvements for acceptance.

3.03 PARTIAL BOND RELEASE. When and if the Town Engineer determines that a substantial portion of the public improvements called for in the final plan approved by the Commission has been completed, the Town Engineer may recommend to the Commission one or more partial releases of the bond, the balance to be sufficient to complete any outstanding public improvements. In no case shall the bond be reduced below 25% of the original bond amount, nor shall there be any release without a recommendation from the Town Engineer.

3.04 BOND RELEASE. The performance bond shall not be released until the following conditions have been met:

(1) The Commission has been satisfied that the required street improvements, storm drainage, sanitary sewers, water system and all other improvements required by the approval have been completed in conformance with these Regulations and the specifications of the Town of Plymouth.

(2) The Town Council has accepted the streets.

(3) All deeds covering the transfer of land for public use, all easements, rights-of-way and rights to drain onto, through or across private property have been filed in the office of the Town Clerk.

(4) The sub-divider has submitted six sets, (2 sets of mylars plus 4 sets of paper prints), of "as built" drawings to the Town Engineer. Such drawings shall accurately locate all land, easements and improvements contained within the subdivision. The drawings shall be signed by a land surveyor and/or professional engineer licensed in the state of Connecticut.

(5) A Maintenance Bond has been posted in accordance with Section 3.05, below.

(6) Documentation that all other necessary permits, state and federal, for construction of public improvements have been received.

3.05 MAINTENANCE BOND. Before the release of the performance bond or, if the required improvements are satisfactorily completed without the filing of a performance bond, the Commission shall require the sub-divider to file a maintenance bond. The maintenance bond shall be in the amount of \$5,000 or 10% of the value of the required improvements, whichever is greater, as required by the Town Engineer and in one of the forms specified above for performance bonds. The maintenance bond shall remain in effect for a period of two years from the date of street acceptance by the Town Council and shall be a guarantee that any deterioration to the accepted street and its appurtenances due to defects in material and/or workmanship shall be repaired and that, at the end of the two years, such street shall be in the condition it was when the street was accepted.

3.06 CERTIFICATE OF USE AND COMPLIANCE. Before any Certificate of Use and Compliance is issued relative to the construction of any building in a subdivision, and before any building on any lot in an approved subdivision can be first conveyed to any prospective buyer by the sub-divider and/or builder, there shall be obtained from the Commission a Certificate of Use and Compliance showing that the utilities, (sanitary sewer, storm sewer, water, electricity, telephone, cable TV, gas, and fire protection facilities), to service such building as required in the plan of subdivision have been completely installed and approved and that the street improvements extending for the entire frontage of said lot have been completed in accordance with Town specifications to a stage of construction at which only final surfacing of the road, curbs, and sidewalks remain to be done before completion of the public improvements. Additionally, the amount of the performance bond must be sufficient to guarantee the installation of the remaining public improvements. Such Certificate of Use and Compliance shall be on forms provided by the Commission and shall be delivered by the Commission to the Building Inspector for his information in connection with the issuance of Certificates of Occupancy.

3.07 CONTINUOUS COVERAGE. Any lapse in the performance security will cause the permit to expire immediately. It is the permittees responsibility to secure continuous coverage.

[amended 12/04]

SECTION FOUR

STANDARDS FOR MAPS AND PLANS

4.01 GENERAL REQUIREMENTS: All plans and drawings submitted as part of the application for subdivision approval, with the exclusion of the Concept Plan, shall be based upon a boundary survey prepared in accordance with Class A-2 survey standards as set forth in "Minimum Standards for Surveys and Maps in the State of Connecticut", as prepared and adopted by the Connecticut Department of Consumer Protection on June 21, 1996, as may be amended. As appropriate, all plans and drawings shall be certified, signed and sealed by a registered land surveyor and a professional engineer, each of whom shall be licensed to conduct business in the State of Connecticut.

(1) Concept Plan: If the sub-divider submits an application for subdivision approval for only a portion of a larger tract capable of being subdivided, he shall also submit a Concept Plan for the possible future subdivision of the entire tract. Such Concept Plan shall not be considered a subdivision plan as defined herein. The Concept Plan shall indicate the approximate outline and sequence of those portions of the tract for which subsequent subdivision plans may be submitted. The Concept Plan shall be drawn to a scale of 1"=100'; a different scale may be permitted for larger parcels. The Concept Plan, at a minimum, shall contain the following information:

- a. A title block showing the name of the subdivision, the name of the property owner and the name of the sub-divider; the scale of the plan, the date of the plan, and a north arrow;
- b. The names of abutting property owners, abutting subdivisions and existing buildings on or adjacent to the tract;
- c. Contours at 10-foot intervals; the location of all wetlands and watercourses and drainage areas on or within 100 feet of the boundaries of the tract; and,
- d. The proposed layout of lots, streets and open spaces; existing Town streets adjacent to the tract; proposed intersections of streets in the tract with such Town streets.

The requirement for a concept plan may, at the discretion of the Commission, be waived when the overall parcel size is less than 10 acres, and the Commission has determined that the surrounding properties will not require utility or road extensions through the parcel under review.

4.02 RECORD SUBDIVISION MAP. The Subdivision Map shall be prepared to an accuracy meeting the standards for a Class A-2 Survey. The Subdivision Map shall be drawn on sheets of 24 by 36 inches or 18 by 24 inches at a scale of at least 1" = 40' and, one set shall also be submitted in a digital format which is compatible with hardware/software utilized by both the Central Connecticut Regional Planning Agency (CCRPA) and with the town engineer. The Record Subdivision Map, at a minimum shall contain the following information:

[amended 01/04]

- a. Title block showing the name and location of the subdivision, the name of the property owner, the name of the sub-divider, and the name, signature in black ink, raised seal and license number of the surveyor.
- b. Date; map scale; north arrow; date and nature of any revisions.
- c. Key map at 1 inch = 1,000 feet showing the location of the tract relative to surrounding properties and streets for a distance of 500 feet.
- d. Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 100 feet and the names of all abutting property owners.
- e. Assessor's map, block, and lot number of the tract, zoning district of the tract.
- f. Bench mark on USCGS, (if within 1500 feet), or other Town-approved datum.
- g. Dimensions on all lines to the hundredth of a foot and angles to the nearest second; all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.
- h. Any existing permanent structures or buildings and their disposition.
- i. Dimensions, location and type of any existing or proposed easements or rights-of-way on or adjacent to the tract.
- j. Wetlands, flood plains, or stream encroachment lines to include any special flood hazard areas as established by the Federal Emergency Management Agency; existing and proposed watercourses, ponds conservation areas, and easements and rights-of-way.
- k. Proposed lots, including lot number, lot lines with accurate distances and bearings, the lot area in square feet or acres, the area of wetlands and or watercourses on the lot, and the total area of the tract.
- l. Building setback lines in accordance with the Plymouth Zoning Regulations.
- m. Existing and proposed streets and sidewalks, including curve data, rights-of-way and easements.
- n. The proposed radii of curvatures at street intersections.
- o. Proposed street names.
- p. Existing and proposed survey monuments, located in accordance with the requirements of Section Five of these regulations.
- q. Proposed open spaces, their lot lines with accurate distances and bearings and the open space area in square feet and acres.

4.03 SITE DEVELOPMENT PLAN: The Site Development Plan shall be drawn at a scale of 1"= 40' and bears the seals and signatures of a professional engineer and land surveyor. Elevations shall be based on USCGS mean sea level datum, or other datum acceptable to the Town Engineer. The plan shall contain the same information as that required on the Record Subdivision Map plus the following additional information:

- a. Existing and proposed final Contours, including spot elevations at high and low points, at intervals of not more than two feet for areas of 20% slope or less, and at intervals of not more than ten feet for areas in excess of 20%;
- b. Percolation test and test pit data as required in Section 2.04 (6).
- c. Proposed sanitary sewer system.
- d. Proposed water system.
- e. Proposed storm drainage system.
- f. Any existing natural features such as wooded areas (shown by foliage lines, as well as major rock outcroppings. Existing and/or proposed trees to meet the street tree requirements of these regulations shall also be noted. Such landmark information is to be provided as a locational aid.
- g. Proposed fire hydrants, fire ponds to include dimensions and depth, and water storage tanks.
- h. Any dominant vegetation and/or significant topographic features within 75 feet of the tract, where such information is within the ability of the sub-divider to obtain.
- i. Public streets abutting the property and within 75 feet of the property. Utilities within the public street and existing drive way cuts thereon shall also be noted.
- j. Lot Grading Plan – A lot grading plan shall be submitted as part of the subdivision plan to show the feasibility of constructing a residence and driveway on such lot. Such plan shall include existing and proposed final contours, a footprint of a proposed building and a proposed driveway location, as well as the proposed sewer and water system for the lot.
- k. Existing wells and septic systems within 75 feet of the property.
- l. Proposed techniques incorporating passive solar design into the subdivision layout.

4.04 Plan and Profile Drawings - Plan and profile drawings shall be drawn at a scale of 1"= 40' in plan, and 1"= 40' horizontal and 1"= 4' vertical in profile. Elevations shall refer to USCGS datum or other datum acceptable to the Town Engineer. Plan-profile drawings shall, at a minimum, contain the following information:

- a. The layout of proposed streets in both plan and profile, coordinated by stations, indicating the right-of-way dimensions as shown on the subdivision

plan; the width of the right-of-way; the width of the pavement; existing and proposed grades at the center lines and at both street lines with stations every 50 feet; vertical curve elevations at the beginning of the curve, end of the curve, intersection of the tangent lines and intermediate points every 50 feet; percent of grade; length of vertical curves. Where required by the Commission, street intersections shall be drawn at a larger scale to show proposed grading in greater detail.

- b. Typical street cross-sections indicating right-of-way, pavement structure, curbs, sidewalks and back-of-walk grading. Additional critical cross-sections may be required.
- c. All drainage, sanitary sewer and utility lines, fire hydrants, underground water storage tanks, street lights, and easements; other rights-of-way; the location, size, type, length, slope and invert elevations of all existing and proposed drainage structures; sanitary sewer facilities with manholes. Plans shall contain notations regarding the type and location of proposed street lights.
- d. Provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff from the subdivision based on the best available technology. Such provisions shall include a narrative which describes: (1) the development; (2) the schedule for grading and construction activities including start and completion dates, the sequence of grading and construction activities, the sequence for installation and/or application of soil erosion and sediment control measures, and the sequence for final stabilization of the site; (3) the design criteria, construction details, installation and/or application procedures, and the operations and maintenance program for the proposed soil erosion and sediment control measures and storm water management facilities. Such provisions for the control of soil erosion and sedimentation shall meet the requirements of regulations established by the Connecticut Department of Environmental Protection.
- e. Raised Seal and signature of professional engineer and or surveyor as appropriate.

SECTION FIVE

DESIGN STANDARDS

5.01 GENERAL IMPROVEMENTS: Subdivisions, including related streets, drainage, and other improvements required by these regulations, shall be planned designed and constructed in accordance with the design standards hereinafter specified, as well as in accordance with the following standards and references on file in the Plymouth Town Hall:

American Standard for Nursery Stock, American Association of Nurserymen

Americans with Disabilities Handbook, U.S. Equal Employment Opportunity Commission and U.S. Department of Justice

ANSI / AASHTO / AWS Bridge Welding Code

Building Code Requirements for Reinforced Concrete, American Concrete Institute

Drainage Manual, Connecticut Department of Transportation (CTDOT)

Geotextile Engineering Manual, Federal Highway Administration, (FHA)

Hydraulic Design Series, USDOT, FHA

Hydraulic Engineering Circulars, USDOT, FHA

The Institute of Electrical and Electronic Engineers and the National Electrical Manufacturer's Association Requirements

Manual for Selecting, Locating and Designing Guide Railing and Traffic Barriers, CTDOT

Manual on Uniform Traffic Control Devices, USDOT, FHA

The National Electrical Code

A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Traffic Officials

Roadway Lighting Handbook, USDOT, FHA

Soil Erosion and Sedimentation Regulations, Connecticut Council on Soil and Water Conservation.

Standard Specifications and Details for Town of Plymouth, CT , Subdivisions Regulations

Standard Specifications for Roads, Bridges and Incidental Construction (form 815) and Supplemental Specifications, CTDOT

In cases of uncertainty, the Town Engineer shall determine the appropriate design/construction standards. Such determination shall also apply when there is a conflict between Town standards and those cited by other sources.

- (1) Plan of Development - Subdivisions shall be planned and designed in general conformity with the Plan of Development as adopted by the Commission under Section 8-23 of the Connecticut General Statutes, particularly with regard to the following:
 - a) Location and classification of streets.
 - b) Sanitary sewer and water supply service areas.
 - c) Reservation of land for parks, recreation, and open space.
- (2) Preservation of Natural Features – In the design and construction of a subdivision, due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, scenic vistas and other assets of a community nature. The Commission may require conservation easements to ensure the long-term protection of such resources.
- (3) Passive Solar Design – Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation shall be encouraged in all subdivisions.
 - a) The sub-divider shall be required to demonstrate to the Commission that, in developing the subdivision plan, consideration has been given to using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions.
 - b) Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.
 - c) The site design techniques shall include, but not be limited to: house orientation; street and lot layout; vegetation; natural and man-made topographic features; and protection of solar access within the subdivision.

5.02 LOT IMPROVEMENTS AND ACCESS: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all of the lots in compliance with the Zoning Regulations and the Health Code, and in providing driveway access to buildings on such lots from an approved street.

- (1) Lot Size – Lot size shall be as required by the Town's Zoning Regulations for the zoning district in which the lots are located. No parcels, strips or other remnants of land of a size unsuitable for a building lot shall be left in any subdivision.
- (2) Configuration – Side lot lines shall generally be at right angles to straight street lines or radial to curved street lines, unless a variation from this provision would result in a better street or lot layout.
- (3) 3Double Frontage Lots – Unless otherwise approved by the Commission, through lots bounded by two generally parallel streets shall be prohibited.
- (4) Corner Lots – Corner lots shall be so configured as to allow for the erection of buildings which comply with the minimum front yard requirement on both streets.
- (5) Access – All lots shall have access directly from a public street or from a street approved by the Commission.
- (6) Grading – Where feasible, lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm water pattern for the area. Drainage shall be designed so as to avoid concentration of storm water from each lot onto adjacent lots.
- (7) Rear Lots – In general, rear lots shall be kept to a minimum.
- (8) Lot Pins – Where not otherwise marked by monuments as set forth in Section 5.03, lot corners shall be marked with iron pins at least on-half inch (1/2") in diameter by eighteen inches (18") long. Pins and monuments shall be installed prior to road acceptance.

5.03 SUBDIVISION STREETS: Proposed streets shall be designed in accordance with the typical cross-sections appended to these regulations. Consideration given to existing topography and natural features. All streets shall be so arranged as to place as many of the lots as possible at or above the grade of the streets.

- (1) Plan of Development – Proposed streets shall be in harmony with existing and proposed streets as shown in the Town's Plan of Development. Streets shall be so arranged, designed and constructed and of such width as to provide an adequate and convenient street system for present and prospective traffic needs.
- (2) Construction Standards – Proposed streets shall be constructed in accordance with the standards and references cited in Section 5.01.
- (3) Minimum Requirements – Proposed streets shall meet the following minimum requirements:
 - a) The street shall have at least one intersection with another Town street or State highway.
 - b) The street right- of- way shall have a minimum width of 50 feet.

- c) The street geometry shall conform substantially to these Regulations and to the requirements of the Town Street Construction Specifications.
- d) Unless otherwise approved by the Commission, upon recommendation of the Town Engineer, subdivision streets shall intersect other streets at or near right angles for a distance of at least 100 feet from the intersecting street lines. In no case shall the angle of intersection between adjoining street lines be less than 60 degrees. Street lines at intersections shall be connected by a curve having a minimum radius of 25 feet.
- e) Multiple street intersections where more than one street converges with another street to intersect at the same intersection shall be prohibited.
- f) Street intersections shall be spaced not less than 300 feet apart, measured from center line to center line.

(4) Existing Streets – Where a subdivision contains lots which have frontage on an existing street and such street does not have the minimum right-of-way or improvements as specified by the Plan of Development, such lots shall be designed to allow for the widening of the street to a minimum width described in Section 5.03 (3), above. The Commission shall also require that the sub-divider make improvements to that portion of the street on which the lots have frontage, including, but not limited to, widening, installation of drainage, grading or tree removal. In determining the extent of such improvements, the Commission shall take into consideration the recommendations of the Town Engineer.

(5) Permanent Dead-End Streets – Unless otherwise approved by the Commission, permanent dead-end streets shall not exceed 1500 feet in length or a total of 20 lots. A greater length may be permitted because of adverse topographical or soil conditions, difficult site configuration, or similar circumstances. Permanent dead-end streets shall terminate in a turnaround 120 feet in diameter with a paved area 100 feet in diameter. The center portion of the turnaround shall be a planted area in accordance with the Town's street specifications. Easement areas, 10 feet in width, beyond the required street line shall be provided for snow storage as recommended by the Town Engineer.

(6) Temporary Dead-End Streets – Temporary dead-end streets shall terminate in a turnaround 120 feet in diameter with a completely paved area 100 feet in diameter. (A hammer-head design may be used if the property abutting the street is owned by the sub-divider.) Easements to those segments of the turnaround outside the normal street right-of-way width shall be provided to the Town; such segments shall revert to the abutting property owners when the street is extended. Easements for snow storage shall also be provided on the turnarounds in locations recommended by the Town Engineer.

(7) Boulevard Design – Where permitted by the Commission, a boulevard design may be incorporated into the street layout to provide for improved emergency access.

(8) Street Extensions – The arrangement of streets in a subdivision shall provide for the extension of existing streets and for the future extension of proposed streets into abutting property not yet subdivided, except where the Commission determines that topography, soils or other conditions make such continuation impractical or undesirable.

- a) When a street is to be extended from an existing cul-de-sac, the developer shall be responsible for removing existing pavement beyond the standard pavement width, loam and seed such area, and install curbs and sidewalks in the original cul-de-sac area in accordance with Town requirements and all at his own expense.
- b) Where a proposed street connects to the unimproved portion of an existing street left for future extension into abutting property, the subdivision plan and the plan-profile drawings of the subdivision shall show and include all work required to connect and complete the improvements and utilities between the existing street and the proposed street.
- c) The Commission may require that provisions be made for the future extension of streets into abutting undeveloped property.
 - i. When the proposed street is a cul-de-sac, the paved area of same shall be extended a distance sufficient to provide the minimum frontage requirements for the abutting lots.
 - ii. When the proposed street is to be reserved as future access to abutting property, pavement and other improvements need not be installed. However, the sub-divider shall rough grade the proposed street and prepare and stabilize all slopes made necessary by such street.

(9) Reserve Strips – No reserve strips shall be left at the end or side of any proposed street which adjoins abutting property.

(10) Grading Rights – To allow for the future extension of streets into abutting property not yet subdivided, the Commission may require the provision of sloping rights on those lots which abut the unimproved portion of the street.

(11) Street Names – Proposed street names shall be so selected as to avoid duplication or similarity with existing street names. Proposed street names shall require the approval of the Commission. In general, names relevant to Plymouth's history should be used. Proposed street names shall be indicated on the subdivision plan. When existing streets are proposed to be extended, the existing street name shall be used.

- a) Temporary street name signs shall be installed during street construction and prior to the issuance of any building permit. Such signs shall be of a durable, weatherproof material and located at the street intersections.
- b) Permanent street name signs as well as traffic control signs shall be installed by the sub-divider as required by the Town's Street Ordinance. For dead end streets, "No Outlet" signs shall be required in addition to street name signs.

(12) Street Lighting – The sub-divider shall provide for the installation of street lights in the subdivision. The location and type of lighting shall be subject to the Commission's approval and shall meet the standards cited in Section 5.01.

(13) Street Trees – Street trees shall be planted on both sides of any street to be dedicated to the Town. Trees shall be spaced approximately fifty (50) feet apart subject to the variations made necessary by driveways, street corners and walks, and shall be located between ten (10) feet and fifteen (15) feet from the street line. Trees to be planted shall be 1 ¼” to 1 ½” in caliper or larger and shall have a minimum height of eight (8) feet. The kind of tree shall be subject to the approval of the Tree Warden who shall not approve low branching trees, trees which are disease bearing or cause damage to sewers, or trees which create a traffic hazard. Where the tree may interfere with utility poles and wires, the Tree Warden may permit the location of required trees within the front ten (10) feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees.

(14) Monuments – Stone or concrete monuments conforming to Town specifications shall be set at the street line of all streets at: all points of curvature, all points of tangency, all angle points and other intermediate points as may be required by the Town Engineer. The monuments shall be purchased from the Town and set as directed by the Town Engineer at the sub-divider’s expense. The proposed location of such monuments shall be indicated on the subdivision plan.

(15) Driveway Cuts – Private driveways intersecting with existing or proposed public streets shall be paved from the street intersection to the front property line of the lot.

(16) Traffic Control Devices and Signs – The developer shall be responsible for the cost and installation of any traffic control devices deemed necessary by the Commission. Standards for such devices shall be as set forth in the most recent issue of The Manual on Uniform Traffic Control Devices for Streets and Highways.

(17) State Highways – When a subdivision is proposed on a State highway, the applicant shall refer the subdivision to the Connecticut Department of Transportation, (CTDOT), for its review and comment. A copy of the letter referring the subdivision to the CTDOT, as well as their written response, if any, shall be presented to the Commission. No zoning permit shall be issued until a right-of-way permit has been issued by CTDOT.

(18) Maintenance of Unaccepted Subdivision Streets – The Developer shall be responsible for the complete maintenance of all subdivision improvements including snow plowing, street sweeping and drainage until such improvements are accepted by the Town. Prior to initiating any street improvements, the Developer shall enter into an agreement with the Town authorizing the Town to undertake such maintenance in the event that the Developer fails to do so. The agreement shall authorize the Town to draw funds from the performance bond, or other such bond as the developer might post, for the cost of such maintenance.

(19) Dedication of Streets – Approval of a Subdivision Plan shall not be deemed to constitute or affect an acceptance of any street by the Town. However, the filing of an approved subdivision plan shall constitute an irrevocable offer of dedication by the owner of the land to the Town.

- (20) Road Design Standards – In order to provide for roads of suitable location, width, and grade, the following standards shall be adhered to:

Road Class.	ROW Width	Pavement Width	Max. Grade	Min. Grade	Design Speed
Arterial	60 ft. Min.	36 ft. Min	10%	1%	45 MPH
Collector	50 ft.	30 ft.	10%	1%	30 MPH
Local	50 ft.	28 ft.	10%	1%	25 MPH
Limited Local	50 ft.	24 ft.	10%	1%	25 MPH

Note that existing roads are classified in the Plymouth Plan of Development. The Commission shall determine the classification of proposed roads as they are submitted for subdivision approval.

5.04 SIDEWALKS: To protect public health and safety, and to provide safe pedestrian movement, unless otherwise deferred by the Commission, sidewalks shall be provided along the frontage of land to be subdivided wherever a proposed subdivision abuts an existing, or proposed street. Easements, or quit claim deeds shall be given to the Town for the land between the established, or newly established, street line to the subdivision edge of the right of way. Sidewalks shall be completely installed before the street shall be considered for acceptance by the Town.

- (1) Sidewalks shall be designed and constructed in accordance with standards developed by the Town of Plymouth's Department of Public Works.
- (2) Deferment-Any request for deferment of sidewalk installation shall be made in writing by the subdivider at the time of submission of an application for subdivision approval. The subdivider shall be responsible for grading streets to the specification of the standard cross section as appended to these regulations. Deferment shall apply to the installation of a paved surface for the sidewalks. The grading and base for sidewalks may not be deferred. In deciding upon such a request for deferment, the commission shall consider the following:
 - a. The proximity of the subdivision to schools, parks, playgrounds or other such public/private facilities. In general, if such facilities are located within a one (1) mile radius of the proposed subdivision, sidewalks may not be deferred.
 - b. The proximity of the subdivision to shopping facilities
 - c. The presence of other sidewalks in the area.
 - d. Sidewalk plans as may be adopted by the Commission as part of the Town's Plan of Development.
 - e. The number of lots and size of the parcel being subdivided, together with the

existing and potential development of the surrounding area.

f. The character and safety of existing roads serving the area.

- (3) Payment in Lieu – The Commission may authorize as an option as part of the subdivision approval, the payment of a fee to a sidewalk fund of the Town of Plymouth in lieu of installing sidewalks. Such fee to be calculated by the Town Engineer to reflect the average cost per linear foot of such construction. All monies to be so collected shall be used exclusively for the construction of new sidewalks in areas being necessary for pedestrian safety as recommended to the Town Council by the Planning & Zoning Commission.

5.05 UTILITIES, GENERAL REQUIREMENTS. Proper provision shall be made for water, sewerage and storm water drainage. In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures.

(1) Laterals – Prior to paving the street, the sub-divider shall install laterals from all utilities in proposed and existing streets to the street line.

(2) Easements – The sub-divider shall convey in writing to the Town general utility easements at least 20 feet in width for those utilities which are not located within the street right-of-way, to allow for present or future connections or extensions of such utilities, and for maintenance.

(3) Installation – All utilities associated with the subdivision shall be installed at the sub-divider's expense. Gas, electric, telephone and cable television utilities shall be installed in proposed and existing streets as specified by the standards of the Town as well as those of the appropriate utility company. All such utilities shall be placed underground. Proposed corner lots fronting on existing streets may be served by overhead utility lines provided same is shown on the submitted plans.

5.06 SANITARY SEWERS. All sanitary sewers shall be designed and constructed in accordance with the Town's sanitary sewer specifications, under the inspection of and to the satisfaction of the Town. All sewer construction shall be performed only after issuance of permit for sanitary sewers by the Water Pollution Control Authority. Sanitary sewer systems shall be constructed as follows:

(1) Public Sewers – Where a sanitary sewerage system is within the required extension distance of a proposed subdivision, the developer shall connect with same and provide sewers to each lot in the subdivision. The required extension distance shall be determined as follows:

Ultimate number of lots within the subdivision multiplied by one hundred (100) feet.

The distance from the nearest public sewer to the closest point of land to be subdivided shall be the shortest distance measured along accepted streets, unaccepted streets, existing rights-of-way, said measurement to be in whatever combination that yields the shortest distance for the purpose of determining whether connection to the public sewer system is required.

(2) On-site Systems – Where sanitary sewers are not accessible, and the property is not within a public sewer service area as shown in the Plymouth Water Pollution Control Authority's Master Plan, the applicant may install individual disposal systems. (For sewer service areas, see maps in Plymouth Plan of Development.)

(3) Capped Sewers – When public sewers are not being extended to the proposed subdivision, but the area of the subdivision is shown in the Plymouth WPCA's master sewer plan as one which is to be supplied with sewers within ten (10) years, then the applicant, in addition to installing on-site disposal systems, shall also install capped sewers and laterals, provided that a new subdivision street is being constructed in conjunction with the proposed subdivision.

(4) Design and Construction Standards – Public sewers shall be designed and constructed in accordance with the standards of the Plymouth Water Pollution Control Authority and the Town Engineer. On-site disposal systems shall be designed and installed in accordance with the Connecticut Public Health Code and the requirements of the Town Sanitarian or certification has been received from the Town Engineer that public sewers will be available to serve the proposed building.

5.07 WATER. A potable, adequate and dependable water supply shall be provided for every lot within the subdivision. Where public water is provided, design, construction, inspection and acceptance with the rules and regulations of the Connecticut Water Company.

(1) Extension of Water Service – Where a public water system is within the required extension distance of a proposed subdivision, the developer shall connect with the same and provide public water to each lot in the subdivision. The required extension distance shall be determined as follows:

Ultimate number of lots within the subdivision multiplied by one hundred (100) feet.

The distance from the nearest public water to the closest point of the land to be subdivided shall be the shortest distance measured along accepted streets, unaccepted streets, existing rights-of-way, said measurement to be in whatever combination that yields the shortest distance for the purpose of determining whether connection to the public water system is required.

(2) Capped Public Water Lines – When public water is not being extended to the proposed subdivision, but the area of the subdivision is shown on the Water Company Facility Plan as being served by public water within a ten (10) year period, then the applicant, in addition to installing individual wells for each lot shall also install capped water lines and laterals, provided that a new subdivision street is being constructed in conjunction with the proposed subdivision. (See Plymouth Plan of Development for map of water service areas.)

(3) Department of Public Utility Control Certificate – No subdivision using water supplied by a company incorporated on or after October 1, 1984, and as defined by Section 16-262m of the Connecticut General Statutes, shall be approved by the Commission unless such company has been issued a certificate of public convenience and

necessity from the Connecticut Department of Public Utility Control and the Connecticut Department of public convenience and necessity from the Connecticut Department of Public Utility Control and the Connecticut Department of Public Health Services pursuant to Section 16-262m of the Connecticut General Statutes.

(4) Fire Hydrants – When a water main is extended, fire hydrants shall be installed at the expense of the developer. Hydrants shall be located no more than 800 feet apart, and their location shall be as approved by the Commission upon recommendation of the Fire Marshal.

(5) Private Wells – Where public water is not required, a private well may be permitted for each lot provided that each well can be designed, located, and constructed in accordance with the Public Health Code. Additionally, the publication entitled “Separating Distances Between Bedrock Wells”, by David L. Mazzaferro, available in the Planning Office, shall be used as a guide for the locating of individual wells.

(6) Underground Water Tanks – When public water is not available to the subdivision, an underground water tank or tanks shall be installed in the subdivision with a total water capacity meeting the following standards:

Two to ten lots: 5,000 gallons

Eleven to thirty lots: 10,000 gallons

Thirty one lots or more: 500 gallons for each lot

The location, size, and distribution of tanks within the subdivision shall be subject to the Commission’s approval based upon the recommendations of the Fire Marshal. The tanks shall meet the design and installation standards contained in the appendices to these regulations, as well as those standards cited in Section 5.01. The Commission may waive the requirement for an on-site site cistern when it has determined, based upon recommendations from the Fire Marshal that there is adequate water available within three-quarters (3/4) of a mile of all the property to be subdivided. Such off-site water may be available from an existing cistern, a public water main or a fire pond. Said off-site water supply shall be located at or above the elevation of the subdivision for which approval is sought. The Fire Marshal shall also consider the distance and elevation from the public roads of all primary structures to be served. [Amended 3/99]

No building permits shall be issued in any section of an approved subdivision until the required fire tank for that section is installed, tested and approved. [Amended 2/03]

(7) Fire Ponds/Dry Hydrants: Fire Ponds may be utilized in lieu of fire cisterns when the capacity and location of same has been found acceptable by the Commission based upon recommendations from the Town Engineer and the Fire Marshal. Fire pond construction and the installation of dry hydrants shall meet the standards contained in the appendices to these regulations, as well as those standards contained in Section 5.01.

5.08 STORM DRAINAGE. The developer shall be fully responsible for constructing adequate facilities for the control, collection conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area. All drainage facilities shall be designed by a registered professional engineer and shall be subject to the approval of the Town Engineer.

(1) Location of Drainage Facilities – Drainage facilities shall be located within the street right-of-way where feasible, or in perpetual unobstructed easements, where necessary. Such easements shall be at least 20 feet in width.

a. Where it is necessary to establish a new point of discharge for storm water from a public right-of-way across private property not included in the subdivision, the sub-divider shall obtain from the owners of such property an agreement which grants to the Town a right to permanently discharge storm water across such property and shall submit copies of such agreement to the Commission prior to final approval of the subdivision.

b. Within the limit of the street and other public rights-of-way, all storm drainage, watercourses, and drainage ways within the subdivision shall be enclosed in suitable closed conduits. Open drainage, where approved, shall be in swales of acceptable design with protection to prevent erosion and other damage to the slopes.

(3) Design of Drainage Facilities – All designs shall be based upon the maximum ultimate development of the watershed as permitted under existing zoning. All bridges and culverts shall be designed such that the required head water and backwater produced by such structures shall not cause flooding of abutting property.

a. In watersheds one square mile and larger, the design of cross culverts, ridges, and through watercourses shall be based upon not less than a 100-year storm. For watersheds of less than one square mile, the design shall be for not less than a 50-year storm.

b. The drainage system for roads, including catch basins, inlets, pipe, under drains and gutters within or abutting the subdivision shall be designed for no less than a 25-year storm.

c. Storm drainage facilities shall be adequate for present uses, and additional storm drainage created by new subdivisions shall not increase the Town's obligation for additional storm drainage facilities on existing Town streets.

d. All subdivisions located within or adjacent to the 100 year flood plain as designated by the Federal Emergency Management Agency, (FEMA), shall utilize the 100 year storm design as required by FEMA guidelines.

e. Pequabuck River & Poland River Watershed shall utilize zero increase runoff design based upon a 25 year storm.

5.09 OPEN SPACE PARKS AND RECREATION AREAS. The Commission may require that up to 10 percent of the total area of a subdivision be set aside for open spaces, parks and playgrounds. Such open spaces, parks, and playgrounds shall be shown on the subdivision plan. In determining the need for such land, the Commission shall consider the size of the subdivision, the Town's Plan of Development, and the presence or absence of any existing spaces, parks and playgrounds in the neighborhood, and the preservation or potential enhancement of existing natural features of natural or historical significance.

(1) General Character of Land – Such land shall be of such location, shape, topography and general character to meet the purpose of these Regulations, as determined by the Commission. Due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, and other scenic points.

(2) Deferred Dedication – The Commission may defer the requirements for immediate provision of open space in a subdivision which is a part of a larger tract of land, providing that the subdivider:

- a. Agrees to dedicate an area of land in the undeveloped portion of such tract equal to the requirements for open space in the developed portion, and;
- b. Grants the Town an option to accept such dedication when such undeveloped portion is hereafter subdivided.

(3) Access and Location – Such open space shall abut or have direct access to a public street through a right-of-way dedicated to public use. Such right-of-way shall be a minimum of 20 feet in width, and not exceed a grade of 15%. When a subdivision abuts existing open spaces, parks and playgrounds, the Commission may require the new open space parcel to form a continuation of the existing area to provide a single large unified area. The grading and access requirements may be waived and or modified where the intended use of the open space does not warrant improved access.

(4) Parcel Size – Unless otherwise approved by the Commission or impractical under the requirements of these regulations, areas proposed for open space, or recreation shall be a minimum of one acre in size. Required park and recreation areas shall be contained in a rectangle whose average greatest dimension is not more than three times its lesser dimension. Such requirements as to configuration and size may be modified or waived where the intended use of the land does not warrant such configuration.

(5) Improvements to Open Space Areas – Any land to be dedicated for park a recreation areas shall be graded to properly dispose of surface water, shall be covered with top soil to a depth of 4 inches, seeded with field grass as appropriate.

Additionally, areas of brush and debris shall be cleared such that the land is left in a condition for the use intended. These requirements may be modified or waived where the intended use of the land does not warrant such improvements.

(6) Conservation Easements – Where the purposes of open space preservation can be achieved through permanent restrictions upon property, as distinct from ownership of the fee, then the Commission may approve the use of conservation easements. Such easements shall be in a form approved by the Commission and shall apply to property locations meeting the general standards of this Section.

(7) Schedule – Unless otherwise approved by the Commission, provisions for the permanent disposition, reservation, and management of such land shall be completed or implemented no later than the time the approved subdivision map is delivered to the Commission for signing. Unless otherwise approved by the Commission, disposition of

such land shall be by warrantee deed. The sub-divider shall deliver to the Commission a certificate of title showing the disposition of such land free of all encumbrances except those approved by the Commission.

- a. Provisions for Ownership and Maintenance – Proper provision shall be made by the developer and approved by the Commission for the permanent disposition, reservation and management of such land, including but not limited to one or more of the following options:
 - b. Establishment of suitable restrictive covenants
 - c. Establishment of a homeowners' association
 - d. Conveyance to a land trust or similar non-profit conservation organization
 - e. Conveyance to the Town
- (8) Fees in Lieu of Open Space – The Commission may require a sub-divider to pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide open space. Procedures for same shall be as follows:
- a. Such payments, or combination of payments and fair market value of land transferred to the Town, shall be equal to ten (10) percent of fair market value of the land to be subdivided. For the purposes of this paragraph, fair market value shall be established on the basis of the value of the parcel prior to its receiving subdivision approval.
 - b. In instances where a combination of payments and the fair market value of land is approved, the transfer of open space land shall occur no later than the time at which the approved subdivision map is delivered to the Commission for signing.
 - c. Payments due to the Town may be made in installments, with each installment due at the time an approved lot is sold. The amount of each installment shall be equal to the total payment due divided by the number of lots approved. In that payments are in lieu of a portion of the work necessary to complete the subdivision as defined in State Statute 8-26c, any outstanding balance due to the Town shall be paid to the Town prior to the occurrence of the 5 year expiration date. The Performance Bond required in Chapter V, Section 2 shall include reservations for payments required under this section.
 - d. In order to insure timely payments as required in paragraph c, the Commission may require the sub-divider to enter into an agreement wherein an escrow account is established to guarantee payments to the Town as lots are sold. When such an agreement is reached, the reservations required in paragraph c may be waived.
 - e. The applicant has the option of paying the entire fee prior to the filing of the subdivision plan with the Plymouth Town Clerk in which case the fee in lieu of open space shall be discounted by 10%.

- f. Payments received under the provisions of this Section shall be deposited in a fund established by the Town for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.
- g. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. The appraisal shall be completed prior to the filing of the approved subdivision plan in the office of the Town Clerk. The cost of the appraisal shall be the responsibility of the applicant.
- h. In determining the use of the fee in lieu of open space option, the Commission shall be guided by the applicable sections of the adopted plan of conservation and development.

(10) The open space requirements of this Section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. Additionally, the open space requirements shall not apply if the subdivision is to contain affordable housing as defined in Section 8-39a of the CGS, such affordable housing to be equal to twenty percent or more of the total housing units to be constructed in the subdivision. [rev. 2/03]

5.10 NOTIFICATION. The sub-divider shall notify the Planning Department forty eight (48) hours prior to the construction or installation of major improvements associated with the subdivision. Such improvements include but are not limited to drainage facilities, sewers, fire cisterns, and roads. When an inspection is required by town staff, staff shall be notified not less than forty eight (48) hours prior to the time of the desired inspection.