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# **SUBDIVISION REGULATIONS**

## **TOWN OF STERLING**

## **CONNECTICUT**

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## SECTION 13 EFFECTIVE DATE AND REPEAL



**1.0 PURPOSE:** The Town of Sterling, through the Planning Commission, for the purpose of providing for orderly growth and to establish proper standards for the designs of subdivisions and construction of streets and other improvements, has adopted the following Regulations in accordance with Section 8-24 of the General Statutes of the State of Connecticut.

The Planning Commission may approve or disapprove a subdivision after applying these Regulations to reasonably protect the rights of individuals, property values, public health, public safety and public welfare and after considering the following:

- 1.1 Land to be subdivided shall be suitable for building purposes without danger to health or the public safety, and development shall not result in water or air pollution excessive noise, or other menace.
- 1.2 Proper provision shall be made for water supply, drainage, sewage disposal, fire protection and other appropriate utility services.
- 1.3 Proper provision shall be made for protection of the quality and quantity of water supplies.
- 1.4 In areas subject to flooding, proper provision shall be made for protective flood control measures.
- 1.5 Proposed roads shall be located in accordance with the Town road system as recommended in the Town Plan of Development. Existing and proposed roads and related improvements shall be of such width, grade, location and design as to provide a safe and convenient system for present and prospective traffic.
- 1.6 Proper provision shall be made for the conservation of natural and cultural resources and the preservation of open space, stream belts, agricultural lands and recreation areas as identified in the Town Plan of Development and the Sterling Town Ordinances, as amended.
- 1.7 Proper provision shall be made to control soil erosion and sedimentation and to prevent the pollution of wetlands, watercourses, and water bodies.
- 1.8 Provision shall be made to permit land to be developed in an energy efficient pattern, with consideration given to 8-25 (b).
- 1.9 Proper provision shall be made for securing the construction of required improvements and utilities.

## **SECTION 2 GENERAL PROVISIONS**

**2.0 General Provisions:** The Regulations shall be applied to subdivision and re-subdivision of land within the Town of Sterling, Connecticut

2.1 No person or other entity shall make a subdivision of land or sell or offer for sale lots from a subdivision until a plan for such subdivision has been approved by the Commission and has been filed or recorded by the Town Clerk as provided for in Section 2.14 of these Regulations.

2.2 No subdivision plan shall be filed or recorded by the Town Clerk until its approval by the Commission is indicated upon the plan as prescribed in Section 5.7 of these Regulations, and any recording of a subdivision plan without such approval shall be void.

2.3 Every sub-divider shall be required to follow these Regulations and shall be familiar with them and with other proposed and existing developments in the vicinity of his proposal before preparing a subdivision plan.

2.4 Any land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety. Land subject to flooding shall not be put to any use which will aggravate flood hazard conditions and shall comply with Town Flood Management Ordinance.

2.5 Each subdivision plan shall provide for storm water drainage, surface water drainage, sanitary sewage disposal, fire hydrants, fire bonds and dry hydrants, underground utilities, curbs, walkways, and any other improvements, in amounts and locations considered necessary by the Commission to protect health, safety and general welfare.

2.6 Due regard shall be given to the preservation and enhancement of natural features, scenic points, large trees and natural cover and contours of the land and other community assets.

2.7 The subdivision plan shall conform to the Sterling Town Ordinances, Zoning Regulations and to the Sterling Plan of Conservation and Development as adopted by the Commission in accordance with Section 8-23 of the Connecticut General Statutes, as amended.

2.8 Presentations: All Applications, maps, plans, documents, and data required by these Regulations shall be submitted by mail or by hand to the Sterling Planning Commission at the office of the Commission in the Town Hall.

2.8.1 Such materials shall be considered received on the day of the next Regular Meeting of the Commission immediately following the day of submission at the office of the Commission or 35 days after such submission, whichever is sooner.

**2.9 Application Documents:** In order to make Application for approval of a subdivision or re-subdivision, the Applicant shall submit the following:

**2.9.1 Application:** Application for approval of a subdivision or re-subdivision shall be made be the Commission in writing on forms prescribed by the Commission and signed and dated by the Applicant or his/her lawful agent: if the subdivision or re-subdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided, the Application shall also be signed by the owner or his/her lawful agent.

**2.9.2 Application Fee:** In order for an Application to be considered complete, it must be accompanied by the proper fee, set by the “Ordinance Establishing Individual Cost-based Fees for Municipal Land Use Applications” and outlined in “Schedule A”. All Application fees shall be made payable to the Town of Sterling. The Commission may waive the Application fee requirement for a) the resubmission of an Application disapproved by the Commission within the previous 90 days, or b) submission of a revision of a previously approved subdivision when such revision does not constitute a re-subdivision.

**2.9.3 All maps, plans, reports, data and documents required by these regulations.**

**2.10 State Highway Connection:** Where a proposed street or storm drainage system joins with a State Highway, the Applicant shall present a copy of a letter or other document giving evidence that the construction plans have been submitted to the Connecticut Department of Transportation with an Application for a permit for such connection in accordance with the Connecticut General Statutes.

**2.11 Formal consideration:** After the application requirements have been met to the satisfaction of the Commission, the following procedures shall be followed by the Commission in its formal consideration of the Application:

**2.11.1 Submission Review:** The Commission shall determine that the Application submitted is complete. Failure to submit a complete Application will be cause for disapproval of the Application.

**2.11.2 Inland Wetland and Water Courses Commission:** The Commission shall determine, where applicable, that an Application has been submitted to the Inland Wetland and Water Courses Commission no later than the date the Application has been filed with the Planning Commission.

**2.11.3 Review by Others:** The Commission shall transmit copies of the maps and plans to other boards and Commissions, other public agencies and officials, and to consultants as in the opinion of the Commission may be advisable, for their information, review and recommendations.

**2.11.4 Hearings:** A public hearing regarding an Application for approval of a subdivision may be held by the commission, if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on any Application for a re-subdivision. Notice of any public hearing shall be given as required by law. Whether nor not a public hearing is held, every Applicant shall be afforded the opportunity to appear before the Commission to discuss the Application before final action by the Commission.

**2.11.5 Decision:** After the public hearing, if any, or after the meeting afforded the Applicant, the Commission shall approve the Application if it shall find the maps, plans, documents and date conform to the requirements of these Regulations. Approval shall include and be conditioned upon the following as applicable to the particular Application:

- a. a date when construction of roads, drainage and other improvements is authorized and a date when such construction shall be completed, which completion date shall not be later than five (5) years after the date when construction is authorized;
- b. completion of any required road, drainage, or other subdivision improvements, prior to the endorsement of the RECORD SUBDIVISION MAP, in lieu of such completion prior to endorsement, execution of an agreement and posting of a bond or other security acceptable to the Town Counsel guaranteeing such completion;
- c. presentation of conveyances for easements and open spaces to the Town or other Commission-designated entity;
- d. presentation of a copy of a permit from the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway;
- e. presentation of evidence that final arrangements have been made for provision of any proposed public water supply by a public utility company;
- f. presentation of evidence of NDDH percolation tests and approvals;

- g. presentation of a copy of report and approval from the Sterling Inland Wetland Commission for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements in regulated wetlands;
- h. where the subdivision involves construction of improvements or excavation, grading or depositing of materials in a Special Flood Hazard Area, presentation of a copy of Certificate of Compliance by the Building Official of the Town of Sterling;
- i. presentation of one (1) mylar each of the approved RECORD SUBDIVISION PLAN, the CONSTRUCTION PLANS and GRADING PLAN, for required signatures, incorporating all modifications and conditions specified by the Commission; if such map and plans have been modified since submission of the Application, three (3) blue line or black line prints thereof shall also be presented;
- j. authorization by vote of the Planning Commission, for the Commission Chairman or Secretary to endorse the RECORD SUBDIVISION MAP when all conditions of approval have been met.

2.12 In granting approval the commission may modify the RECORD SUBDIVISION MAP, plans or documents in order to preserve the purpose and intent of these Regulations.

2.12.1 If the Commission does not approve the Application and all the accompanying maps, plans, certificates and documents as presented, it may modify and approve, or disapprove, the Application.

2.12.2 In approving, modifying and approving, or disapproving an Application, the Commission shall state in its records any conditions of approval, any modifications required, and the grounds for its action.

2.12.3 The Commission shall give notice of its decision as required by law.

2.13 Easements and Deeds: Any open space, parks or playgrounds to be dedicated to the Town of Sterling and any easements for storm drainage, sanitary sewers or rights-of-way to be dedicated to the Town shall be confirmed by written conveyance and Certificate of Title describing the land involved and privileges of the Town in a form satisfactory to the Town Counsel.

2.13.1 Open space, parks, playgrounds, easements and rights-of-way which are not to be

dedicated to the Town shall also be confirmed by written conveyance, approved as to form by the Town Counsel describing the land involved and the privileges of the owner of the open space, easement or right-of-way.

2.13.2 The conveyance shall be accompanied by an appropriate map delineating the land involved in accordance with the standards of these Regulations unless such land is shown on the RECORD SUBDIVISION MAP.

2.14 Filing and Recording: The endorsed RECORD SUBDIVISION MAP, showing any modifications upon which final approval of the subdivision was contingent, shall constitute the approved subdivision map.

2.14.1 The date of endorsement of the RECORD SUBDIVISION MAP shall be noted on the map by the Chairman or Secretary of the Commission as well as the date, five (5) years from approval hence, when approval may expire as provided in Sec. 8-26c of the Connecticut General Statutes.

2.14.2 Within 90 days after the expiration of the appeal period provided by Connecticut General Statutes Section 8-28 or, if an appeal is taken within such period, with 90 days after the termination of the appeal by dismissal, withdrawal, or judgment in favor of the Applicant, the Applicant shall file the Recorded Subdivision Map in the office of the Town Clerk. Any plan not so filed or recorded within the prescribed time frame shall become null and void, except that the Commission may by resolution extend the time for such filing and recording for up to two (2) additional periods of 90 days, provided that the Applicant requests an extension within the original 90 day filing period. If an extension is granted the map shall remain valid until the expirations of such extended time.

2.14.3 Filing and recording fees shall be paid by the Applicant.

2.15 As-built Plans: Before release of any subdivision completion bond, or before the Commission endorses any RECORD SUBDIVISION MAP to permit filing or recording with the Town Clerk when no bond has been posted, the Applicant shall present construction plans, meeting the standards of the Regulations showing streets, drainage and other subdivision improvements as built, including the location of any water mains, sanitary sewers, and gas mains, and also showing clearly where the as-built plans differ from the approved CONSTRUCTION PLANS. In lieu of such submission, the Applicant's land surveyor and engineer may update and certify the mylars of construction plans approved by the Commission.

2.16 Release of Bond(performance guarantee): Before release of any subdivision completion

bond, or before the Commission endorses any RECORD SUBDIVISION MAP to permit filing or recording with the Town Clerk when no bond has been posted:

- 2.16.1 the roads, drainage and other required improvements in the subdivision shall have been inspected and approved by the Commission or its agent;
- 2.16.2 the as-built plans shall have been submitted to the Commission as specified in Section 5.10 and 2.15;
- 2.16.3 certification from a licensed surveyor shall have been received by the Commission stating that all required monuments and pins have been set in place, and;
- 2.16.4 at the option of the Commission the Applicant shall execute an agreement and file a bond to guarantee maintenance of and to cover deficiencies as determined by the sole discretion of the Commission or its agent in the required road, drainage and other subdivision improvements. In the case of improvements which are not to be offered for acceptance by the Town, a maintenance bond shall run for a period of one (10) year from the date of such release or filing; in the case of improvements which are offered for acceptance by the Town, the maintenance bond shall terminate no earlier than one (1) year after the date of acceptance of the improvements by the Town;
- 2.16.5 the maintenance bond shall be in a form as required by Town Counsel and with surety as required in the Regulations or by the Town Counsel and shall be an amount approved by the Commission as not less than 10% nor more than 50% of the current cost of the original improvements.

### SECTION 3 DEFINITIONS

3.0 Definition: Certain words used in these Regulations are defined and explained as follows:

3.1 Applicant: The term "Applicant" refers to the person proposing a subdivision or re-subdivision.

3.2 Application: Refers to the maps, texts, reports and supporting data required by these Regulations and proposing a subdivision or re-subdivision.

3.3 Areas of Special Concern: Land areas where soil conditions or topography require additional attention in the design of subsurface and sewage disposal systems as identified by the Connecticut Public Health Code, as amended.

3.4 Board: The term "Board" refers to the Board of Selectmen of the Town of Sterling.

3.5 Buildable Area: A contiguous area of a lot within which permitted buildings or other structures may be readily erected, used and maintained, and primary and reserved septic systems, domestic water, and personal open space and recreation areas may be readily supported, due to favorable soil, groundwater, and other natural characteristics. The minimum buildable area required for a lot in any area in town shall be defined by these regulations.

3.6 Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

3.7 Certification: Approval by the Sterling Planning Commission that a soil erosion and sediment plan complies with the applicable requirements of erosion and sediment control plan Regulations.

3.8 Commission: The term "Commission" refers to the Sterling Planning Commission.

3.9 Contiguous Buildable Area: A continuous area of land within which can be constructed a residential building, accessory structures, fixtures, and supporting services (i.e. water supply, sewage disposal).

3.10 Dead End Street - Permanent: A street having only one intersection with another street and having a turn-around entirely surrounded on its frontage with separate lots.

3.11 Dead End Street - Temporary: A street with a temporary turn-around having one

intersection with another street and designed to be extended into adjoining undeveloped land.

3.12 Disturbed Area: An area where the ground cover or topsoil is destroyed, moved or removed.

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

3.14 Flood Plain: The terms "base flood", "base flood elevations", "floodway" and "Flood Hazard Area" as used in these Regulations are defined in the Town Flood Damage Prevention Ordinance:

- 3.14.1 Base flood (100-year flood) means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).
- 3.14.2 Base flood elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
- 3.14.3 Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than (one)1.0 foot anywhere in Sterling; the regulated floodway is delineated on the Flood Boundary and Flood Insurance Rate Map, which is a part of the Plan of Development prepared by the Commission. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".
- 3.14.4 Area of Special Flood Hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The Area of Special Flood Hazard is also called the Special Flood Hazard Area (SFHA). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM.

3.15 Inspection: The periodic review of construction of a subdivision.

3.16 NDDH: Northeast District Department of Health.

3.17 Person: Includes Corporations, Partnerships, Firms, Associations or any other entity.

3.18 Open Space: Any land designated for land preserve, park or playground purposes in a location approved by the Planning Commission.

3.19 Re-subdivision: Means a change in a map of an approved or recorded subdivision or re-subdivision 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;

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

3.21 Soil: Any unconsolidated mineral or organic material of any origin.

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

3.23 Soils Map: All wetlands and Watercourses shall be flagged in the field by a licensed soil scientist. A Soils Map of the proposed use and property which will be affected shall be drawn by a licensed surveyor, professional engineer, or professional architect, who must be registered with the State of Connecticut, and such Map shall be submitted with the Application. The soil information on the Soils Map shall be certified by a soil scientist who is qualified in accordance with the standards set by the United States Civil Service Commission. The Soils Map shall include the identification of "Wetland", "Watercourses" and "Regulated Areas" as delineated in the field by a licensed soil scientist within the meaning of the Inland Wetland and Watercourses Act of the State of Connecticut.

The Soils Map shall indicate soil types consistent with categories established by the National Cooperative Soil Survey of the Soil Conservation Service of the United States Department of Agriculture. The Soils Map shall be at a scale of not less than 1"=100' and shall include an inset parcel location map and north arrow. Contours, both existing and proposed, shall be

shown at five (5) foot intervals or less. The Soils Map shall also show the approximate acreage of wetlands which continue onto adjoining property if such wetlands are potentially affected by the proposed activity.

The Soils Map shall show the boundaries of soil types having severe limitations and low or very low potential for soil absorption sewage disposal facilities. In Sterling, soils having severe limitations and very low potential are defined in Soil Survey of Windham County Connecticut by United States Department of Agriculture, Soil Conservation Service in cooperation with The Connecticut Agricultural Experiment Station, Dec. 1981. Additional soils information shall be submitted in accordance with Section 11 where soils with severe limitations and low or very low potential for on-site sewage disposal occur in any proposed lot.

3.24 Street: Avenue, boulevard, road, lane, highway or any other thoroughfare between taking lines or right of way lines which provides a principal means of access to property, which is improved to allow the safe movement of traffic, and which will handle storm water drainage adequately. Types of streets:

3.24.1 Accepted Street: A street which has become public by virtue of dedication to and formal acceptance by the Town of Sterling.

3.24.2 Collector Street: A street or road which carries traffic from local streets to primary street and arterial highways, including the principal entrances to developments and streets for circulation within such developments.

3.24.2 Local Street: A street or road used primarily for access to abutting property.

3.23.3 Primary Street (or arterial highway): A street or road used primarily for heavy volumes of traffic or high vehicle speeds.

3.25 Street Profiles: A plan-profile of new streets, showing existing grades and new street profiles, cross- sections, center line data, vertical curves, and drainage and utilities data, coordinated by stations, together with such additional information as may be required by the Commission.

3.26 Structure: A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground including walks.

3.27 Sub-divider: An Applicant for approval of a subdivision or re-subdivision plan, who shall be the owner of record of the premises to be subdivided or re-subdivided, or who shall have a legal or equitable interest therein, at the time of the Application for approval of such plan.

3.28 Subdivision: The division of a tract or parcel of land into three or more parts or lots for the purpose whether immediate or future, of sale or building development expressly excluding development for conservation or agricultural purposes, and includes re-subdivision.

3.29 Town: Shall mean the Town of Sterling, Connecticut.

3.30 Walkway: A sidewalk, path, trail, way or any easement which provides for the movement of pedestrian or other non-motorized traffic.

3.31 Water Courses: The term "water courses" shall have the meaning set forth in the Inland Wetland and Water Courses Regulations of the Town of Sterling, Connecticut.

3.32 Wetland: The term "wetlands" shall be defined in the Inland Wetland and Water Courses Regulations of the Town of Sterling, Connecticut.

## SECTION 4 PROCEDURES

4.0 Procedures: The Commission, in reviewing any proposed subdivision or re-subdivision, and the person proposing a subdivision or re-subdivision, shall follow the procedure hereinafter specified. The Commission shall approve any subdivision or re-subdivision which conforms to the standards hereinafter specified.

4.1 Advance Discussion: The Commission recommends but does not require for subdivision involving one or more new streets, or an appreciable number of lots or any unusual planning or design problems, that an advance discussion be held with the Commission at a public meeting prior to the submission of an Application for subdivision approval.

All persons wishing to submit such preliminary plans, must notify the Commission in writing seven days prior to the date of the next regularly scheduled meeting in order to be placed on the agenda.

An Advance Discussion is not a substitute for a formal Application, and neither an Applicant nor the Commission is bound by the comments made during an Advance Discussion. Binding decisions can only be made by the Commission after a formal Application is submitted to it.

4.2 Application Procedure: The Applicant shall submit to the Commission or its authorized agent an Application consisting of the following documents:

- 4.2.1 A written Application, completed in full on forms especially provided by the Commission, signed by the Applicant or lawful agent, and if the Applicant is other than the owner of the land, signed by the owner of the land.
- 4.2.2 Applicants will submit a lot history for the property under consideration indicating all previous deeded owners by date, volume and page, along with any changes in configuration dating back to December 1, 1970.
- 4.2.3 A Sanitary Report as required by Section 11 of these Regulations.
- 4.2.4 An Application involving lands or regulated areas under the jurisdiction of the Sterling Inland Wetland Commission shall be submitted to the Sterling Inland Wetland Commission no later than the day the Application is filed for subdivision or re-subdivision with the Planning Commission in order to facilitate review by both Commissions. The Planning Commission shall not render a decision until the Inland Wetland Commission has submitted a report with its final decision. In making its decision the Planning Commission shall give due consideration to the

report of the Inland Wetland commission.

If time for a decision by the Planning Commission elapses prior to the thirty-fifth day after a decision by the Inland Wetland Commission, the time period for a decision shall be extended to thirty-five days after the decision of the Inland Wetland Commission. This provision shall not be construed to apply to any extension consented to by the Applicant.

- 4.2.5 Six (6) copies of the proposed plan for development of the property showing all information required by Section 5 of these Regulations.
- 4.2.6 An Erosion and Sediment Control Plan as required by Section 6 of these Regulations.
- 4.2.7 A certificate of public convenience and necessity as required by Section 16-262m of the Connecticut General Statutes, if water is to be supplied by a water company by means of a community water supply system as defined in that section.
- 4.2.8 Copies of all other Applications filed with local, state or federal Commissions or agencies in connection with the proposed development, and any dispositions of those Applications. If such an Application is made subsequent to the filing of a subdivision or re-subdivision Application with the Planning Commission and prior to its decision on the subdivision or re-subdivision Application, or if any decision is made on an Application submitted to such other Commission or agency during that period, the Applicant shall forward a copy of such Application and decision to the Planning Commission immediately.
- 4.2.9 An agreement signed by the Applicant, and by the owner of the land if other than the Applicant, granting to officials and agents of the Town and of the Commission permission to enter onto any part of the land that is the subject of the Application for purposes of inspection and, in the event of the failure of the Applicant to make required improvements, in order to make such improvements.
- 4.2.10 The Applicant shall send notice of the proposed subdivision to land owners within a radius of 500 feet by certified mail, return receipt requested, and mailed not less than 10 days nor more than 30 days before the submission of the subdivision Application.

**4.3 Procedure for Submitting and Considering Applications:** All Applicants shall follow these procedures for submitting Applications:

4.3.1 Formal Application: No Application may be submitted to the Commission until the Application is completed. All Applications including maps, plans, documents and data required by these Regulations shall be filed no later than seven days prior to a regularly scheduled meeting of the Commission. Applications received less than seven (7) days before such meeting will be considered received as set forth below, but the Commission will not be required to consider such Applications on the agenda of the upcoming meeting.

The official date of receipt of Applications and requests shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission at the office of the Commission, or thirty-five (35) days after such submission whichever is sooner.

The official date of receipt for Applications and requests submitted at a regular or special meeting shall be the date of the next regularly scheduled meeting or thirty-five (35) days after such submission whichever is sooner.

If the Commission concludes that the Application is incomplete, it may vote to reject the Application for that reason, specifying the deficiencies in the Application.

4.3.2 Receipts of note of proposed subdivision, as required by Section 4.2.10, shall be submitted.

4.3.3 After the Application has been received by the Commission, three copies shall be retained for study by the Commission and other interested agencies. Three additional copies shall be submitted for the use of the Regional Planning Agency where a subdivision abuts or includes land in another Town.

4.3.4 The Commission reserves the right to require additional copies as necessary for review by the Commission or other interested parties.

4.3.5 The Commission may hold a public hearing on a proposed subdivision plan if, in its judgment, the specific circumstances require such action. No plan of a re-subdivision shall be acted upon without a public hearing. If a public hearing is held, it shall commence within sixty-five (65) days of the official receipt of the Application by the Commission and shall be completed within thirty (30) days thereafter. Due notice of the public hearing shall be given in accordance with Chapter 126 of the General Statutes of the State of Connecticut.

4.3.6 A decision on an Application for subdivision approval, on which no hearing is held,

shall be rendered within sixty-five days after receipt of such Application. The Applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days. If the Commission votes to disapprove an Application, it shall state its reasons for so doing. Notice of the Commission's decision shall be given as required by Chapter 126 of the Connecticut General Statutes.

4.4 Decision: The Commission shall approve an Application if it finds that the Application, maps, plans, and the accompanying documents, certificates and date conform to the requirements and standards of these Regulations.

4.4.1 No Application shall be approved by the Commission until the streets have been graded and improved and public utilities and services provided to the extend and in the manner specified by the commission pursuant to these Regulations and to other ordinances of the Town. In lieu thereof, the Commission may accept a performance guarantee as set forth in Section 12 of these Regulations, filed by the Applicant to guarantee completion of such improvements within five (5) years of the commission's approval of the Application. The performance guarantee shall be in an amount established by the upon recommendation by the Town engineer as to the amount estimated necessary to complete all improvements if the Town would be required to do so.

4.4.2 No Application shall be approved by the Commission without the approval by the Town engineer of construction and grading plans.

## **SECTION 5 SUBDIVISION PLAN REQUIREMENTS**

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

5.1 The maps shall be prepared by a land surveyor and plans by a professional engineer both licensed to practice in the State of Connecticut, and shall be signed and sealed by the engineer or land surveyor.

5.1.1 All prints shall be in six (6) sets and shall be clear and legible and shall be bound along the left side.

5.1.2 Connecticut Grid north point shall, when practical, be consistent on all maps and plans, other than road profiles, and shall be to the top, or right side of sheet depending upon the shape of the subdivision.

5.1.3 Each sheet shall include the name of the subdivision (which shall not have been previously used in the Town of Sterling nor be so similar to a previously used name as to cause confusion), the date of the preparation of the map or plan, the last revision, and the scale.

5.1.4 If this is a re-subdivision, the maps and plans will be so titled.

5.2 The subdivision map is to be filed as a permanent record in the Town Land Records, and shall meet the accuracy standards of an "A-2\_ survey as specified in "Code of Recommended Practice for Standards of Accuracy of Survey and Maps" by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. The Commission may accept a Class "D" Survey, subject to the above-referenced code, for large parcels not proposed for sale or development or to establish the perimeter ownership boundary of a large parcel where a portion of the parcel is proposed for subdivision and shall be subject to an "A-2" survey.

5.3 The record subdivision map shall include all the following information in a neat and legible manner, drawn on polyester film (mylar) at least .003 inches thick on a sheet 24" by 36". The map shall be drawn to a scale of a minimum of 1"=100' and shall show the following:

5.3.1 Date of preparation of the map and revisions thereto, scale, visual scale, Connecticut Grid north point, Town and State.

5.3.2 A location map showing the location of the subdivision in relation to existing

roads in the Town, at a scale of 1"=1000'; north same as sheet.

5.3.3 An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by each section or sheet and match lines between sections.

5.3.4 Name, width and locations of existing and proposed property lines, streets, walks and other rights-of-way or easements including those for utility lines, sewers, septic systems, storm sewers, water mains, catch basins, culverts, other underground structures, buildings, monuments and water courses within and adjacent to the area to be subdivided.

5.3.5 A Soils Map, as defined in Section 3.21, and any subdivision proposal which incorporates any wetlands or any water course shall show the boundaries of soil types having severe limitations and low or very low potential for soil absorption sewage disposal facilities as such soil types are defined in Soil Survey of Windham County Connecticut by USDA Soil Conservation Service, Dec. 1981.

5.3.6 All inland wetlands and watercourses and areas regulated by the Sterling Inland Wetland Commission: wetlands and watercourses shall be "flagged" by certified soil scientist or Civil Engineer with expertise in soils.

5.3.7 On a Soils Map as defined in Section 3.22 all areas of severe slope, exceeding 15%; and all areas of shallow depth to bedrock, twenty inches (20") of consolidated till or less above bedrock, shall be shown.

5.3.8 Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA. When a subdivision does not include land within the 100-year flood hazard area, the map shall include the following notation:

"This map does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area".

5.3.9 Area of each proposed lot exclusive of areas designated as inland wetlands and watercourses by the Sterling Inland Wetland Commission.

5.3.10 For each proposed lot, the proposed septic-leach field system and reserve field shall be mapped showing distances to adjacent uses of land, including distances from all wells within 200' (on or off the tract), and distance from any

manure handling system.

5.3.11 Location of percolation test holes and deep hole tests for each lot, keyed to the Sanitary Report as required by Section 11 of these Regulations.

5.3.12 Location of proposed wells and water sources for each lot, keyed to the Sanitary Report required by these Regulations.

5.3.13 The location of any points of drainage discharge points, onto the tract from any street or other property.

5.4 Property ownership information and development proposals as follows:

5.4.1 All lines on the Record Subdivision Map, except as noted, drawn with dimensions to the hundredth of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs.

5.4.2 Name and address of the owner of the tract; name and address of the Applicant if different from the owner.

5.4.3 Existing property lines within 500' of the perimeter boundary of the area to be subdivided and the approximate area and dimension of adjacent tracts.

5.4.4 Both the street right-of-way lines of any street abutting or within 500 feet of the tract; the survey relationship of the tract to nearby monuments, Town Roads or State Highways where practical; may be presented at a smaller scale.

5.4.5 Names of adjacent subdivisions and all owners of property abutting the tract, and the Assessor's map and lot numbers for all such properties.

5.4.6 Proposed lots and lot numbers, and the area and dimensions of each lot.

5.4.7 Location and dimensions of existing and proposed easements, and existing and proposed monuments.

5.4.8 Within 500 feet of the proposed Subdivision, any municipal or district boundary line; any channel encroachment line.

5.4.9 Land Trust Preserves, Town open spaces, parks and playgrounds on the tract and within 200 feet from the tract.

5.4.10 Any reserved areas for water courses and wetlands protection or for conservation areas.

5.5 Each subdivision that requires street improvements shall be accompanied by street profiles showing the following information at scales of 1"= 40' horizontal and 1"= 4' vertical, drawn on 24" by 36" sheets of polyester film (mylar) at least .003" thick:

5.5.1 Existing and proposed grades at the center line and at both street lines, width of pavement, rate of slope, curve data, elevations of control points and of fifty-foot stations, and dimensions in accurate figures.

5.5.2 Typical cross-section of the streets with paving, shoulders, curbs, ditches and walkways in such detail as may be required by the Commission to evaluate compliance with these Regulations and other applicable Town ordinances and Regulations.

5.5.3 Connections to existing streets.

5.5.4 Top of frame, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls, water courses, water mains, sanitary sewers and other structures and underground utilities.

5.5.5 The limits of any area proposed for grading by major excavation and filling; the limits of any areas proposed to be reserved and protected from excavation or filling.

5.5.6 Detail drawings of any bridges, box culverts, deep manholes and other special structures including those required by Section 6 of these Regulations, Erosion and Sediment Control Plan.

5.6 Site Analysis Plan: A site analysis plan shall be submitted for each Application, which shall show the following information on maps drawn to a scale of not less than 1" = 100'. The purpose of the site analysis plan is to enable the Commission to evaluate the impact of the proposed subdivision on the land that is the subject of the Application, on neighboring parcels, and is the subject of the Application, on neighboring parcels and on the natural and cultural resources and features of the area.

5.6.1 Existing and proposed contours a 2' intervals or at intervals as required by the Commission; contour intervals based upon an aerial survey completed for the proposed subdivision or on field data.

- 5.6.2 Wooded areas, swamps, wetlands, water courses, flood plains, stream belts, rock outcropping, specimen trees exceeding 30" dbh (diameter breast height, 5' above the ground), and other unique and fragile natural features.
- 5.6.3 Prime and important farmland soils as defined by the Soil Conservation Service.
- 5.6.4 Boundaries of any subregional watersheds that cross or lie within 200' of the land that is the subject of the Application, as shown on maps available from the Natural Resources Center of the Department of Environmental Protection.
- 5.6.5 Ridgetops, defined as the area within 200' on each side of the boundary of any sub-regional watershed on or within 200' of the land that is the subject of the Application.
- 5.6.6 All stonewalls, and monuments, and other structures having a historical or cultural significance.
- 5.6.7 Archaeological sites as known to and listed by the American Indian Archaeological Institute or the State Historical Commission.
- 5.6.8 Historic buildings and sites including those known to and listed by the Sterling Historical Society, part of Sterling Historic District or listed on the National Register of Historic Places.
- 5.6.10 Areas recommended for preservation as open space in the Sterling Open Space Plan and Map which is part of the Plan of Development.
- 5.6.11 Soils maps as defined in section 3.21.
- 5.6.12 Unless the site analysis plan is prepared to the same scale as the final subdivision map so it can be used as an overlay to correlate the above site features with the development proposals, the site analysis plan shall also include existing and proposed: street and lot lines; buildings; structures; easements; well locations; septic system and reserve leaching fields if septic systems are used; and proposed drainage facilities.
- 5.6.13 The Commission may require the Subdivider to submit a written report from a qualified expert evaluating the impact of the proposed development on each of the resources shown on the site analysis plan and on the objectives of the Sterling Subdivision Regulations as detailed in Section 1.

5.7 Plan Notations: The following additional information shall be required as noted:

- 5.7.1 a signature block entitled "Approved by the Sterling Planning Commission: with a designated place for the signature of the Chairman and a date of signing, and words "Expiration date per Sec. 8-26c, Connecticut General Statutes" with a designated place for such date;
- 5.7.2 when a proposed public street or drainage easement is part of the subdivision, a signature block entitled "Reviewed by the Town Engineer" with a designated place for the signature of the First Selectman and the date of signing;
- 5.7.3 a signature block entitled, "Endorsed by the Sterling Inland Wetland Commission" with a designated place for the signature of the Chairman and the date of signing;
- 5.7.4 such additional notes as may be required or approved by the Commission, such as restrictions pertaining to stream belt set backs and building lines, reserved areas, easements and other features on the map.

5.8 Construction Plans: Construction plans for all proposed roads, drainage and other improvements shall be submitted on six (6) good quality blue line or black line prints. Construction plans shall show plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, road cross sections, water courses, headwalls (including typical cross-sectional drawings or suitable reference notes), sidewalks, gutters, curbs, underground utilities and other structures. All construction plans shall be submitted on drawings approximately 24" x 36" in size and shall be drawn to a horizontal scale of 1" = 40', and a vertical scale of 1" = 4'. Profile drawings and elevations shall be based on official Town, State or United States Geological Service topographic bench-marks or other permanent bench marks approved by the Town Engineer; the bench-marks used shall be noted on the plan. The seal of the registered professional engineer who prepared the plans shall be imprinted on each print submitted. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

- 5.8.1 title of the subdivision, date, scale, Connecticut Grid north point, Town and State;
- 5.8.2 for streets, the existing grades at the center line and both street lines and the proposed grade at the center line at appropriate intervals, street lines and width of pavement; a typical cross section; and a cross section at all cross culverts;
- 5.8.3 top of frame, invert, slope and size of all pipes, ditches, utility conduits, culverts, manholes, catch basin, headwalls and water courses; typical ditch and water

courses cross sections;

- 5.8.4 on the plan drawing, the location of lot lines intersecting the street line: lot numbers and street names;
- 5.8.5 curbs, gutters, water mains, hydrants and special structures;
- 5.8.6 detailed drawings of any bridges, box culverts, deep manholes, and other special structures.
- 5.8.7 provision for temporary or permanent storm water detention, and provision for control of erosion and sedimentation during and upon completion of construction (see Section 6.1)
- 5.8.8 a signature block entitled "Approved by the Town Engineer of the Town of Sterling: with a designated place for signing and date of signing" and;
- 5.8.9 the words "For location of underground electric, telephone and other facilities of public utilities inquire of appropriate utility company";

5.9 Grading Plan; shall be drawn and submitted in the same manner as the Construction Plans requirements. Contours and elevations shall be based on the same benchmarks as provided in 5.8. The grading plan shall show at least the following information:

- 5.9.1 title of the subdivision, date, scale, North point, Town and State;
- 5.9.2 layout of existing and proposed lot lines and street lines;
- 5.9.3 existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey to determine the adequacy of particular grading plans related to subsurface sewage and/or control of erosion;
- 5.9.4 existing and proposed drainage, wetlands and water courses;
- 5.9.5 the boundaries of any special flood hazard areas and floodways, and the base flood elevation data therefore;
- 5.9.6 existing and proposed buildings and structures together with the proposed locations of the well and subsurface sewage disposal system;
- 5.9.7 location of all test holes, test pits or boring and data, and;

5.9.8 provision for temporary or permanent storm water detention, and provision for control of erosion and sedimentation during and upon completion of regrading (see Section 6)

5.9.9 in addition to the above grading plan, the Commission may request the submission of cross section drawings covering the proposed excavation area.

5.10 As-Built Drawings: Upon completion of the road and storm drainage construction, an "as-built" drawn on polyester film (mylar) at least .003 inches thick on sheets 24" by 26" together with one blue or black line print per sheet must be submitted prior to the acceptance of the road by the Planning Commission or their authorized agent. These drawings shall show the "as-built" location of all items depicted on the plan and profile construction drawing(s) approved by the Planning Commission or their authorized agent. The specifications for the preparation of the "as-built" drawings shall be the same as for the preparation of the construction plans as denoted in Section 5.8.

## **SECTION 6 EROSION AND SEDIMENT CONTROL PLANS**

6.0 Erosion and Sediment Control Plan: Erosion and Sediment Control Plans shall be provided to control erosion and reduce sedimentation as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

A subdivision or re-subdivision involving construction of streets, drainage and other improvements, substantial or critical areas that may be subject to excavation, grading, deposit or removal of earth or stone materials or otherwise involves a disturbed area of one half (1/2) acre or more is required to have a certified SOIL EROSION AND SEDIMENT CONTROL PLAN in effect prior to, during and upon completion of construction, development and grading.

As a minimum, drawings shall be drafted according to the standards of Section 5 and shall include but not be limited to the following:

6.1 Information and requirements: A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Mapped information as required below shall be shown separately or as part of

the subdivision plan and street profile plan. Said plan shall contain, but not be limited to:

- 6.1.1 A narrative describing the development of the project, time schedule for:
  - a. all major construction activities indicating their anticipated start and completion of development;
  - b. creating and stabilizing disturbed areas;
  - c. grading operations;
  - d. applying erosion and sediment control measures and facilities on the land.
- 6.1.2 design criteria, construction details, detailed installation/Application procedures and maintenance programs:
  - a. soil erosion and sediment control measures.
- 6.1.3 A site plan to reveal:
  - a. existing and proposed topography;
  - b. in disturbed areas, topography contours shall be shown at two (2) foot intervals based upon a field survey;
  - c. proposed site alteration and disturbed areas including cleared, excavated, filled or graded areas;
  - d. location of and other detailed information concerning erosion and sediment control measures and facilities.

## 6.2 Minimum acceptable standards:

- 6.2.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sedimentation control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and sedimentation.
- 6.2.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the Applicant if technically sound reasons are presented.
- 6.2.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

6.3 Issuance or denial of certificate. The Commission shall either certify that the soil erosion and sediment control plan comply with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.

6.3.1 Nothing in these Regulations shall be construed as extending the time limits for the approval of any Application under Chapters 124, 125a or 126 of the General Statutes.

6.4 Conditions relating to soil erosion and sediment control.

6.4.1 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Planning Commission may require a performance guarantee as set forth in Section 4.4.1 of these Regulations to ensure completion of erosion and sediment control measures.

6.4.2 All Control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

6.5 Inspection. Inspection by the Commission or its authorized agent during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

6.5.1 The Commission or its agent may require progress reports and verification that control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.

6.5.2 The Commission or its agent may issue a Stop Work Order if soil erosion and sediment control measures are not being carried out as required by the Regulations and any certified Control Plan. The Commission or its agent may order in writing the remedying of any condition found to be contrary to these Regulations or the certified Control Plan.

## **SECTION 7 SPECIAL FLOOD HAZARD AREAS/FLOODWAYS**

- 7.0 Special Flood Hazard Areas/Floodways: When the subdivision includes land in a special flood hazard area or regulatory floodway, the lots, streets, drainage and other improvements shall be reasonably safe from flood damage and shall conform to the Sterling Flood Plain Management Ordinance and to the following:
  - 7.1 The lots and such improvements on subdivision proposals shall be consistent with the need to minimize flood damage within the special flood hazard area and shall be capable of use without danger from flooding or flood related damages.
  - 7.2 All public utilities and facilities on subdivision proposals, such as sanitary sewer systems, water supply systems and electric and gas systems shall be located and constructed to minimize or eliminate flood damage.
  - 7.3 The storm drainage required under Section 10.11 shall be designed to reduce exposure to flood hazards. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - 7.4 Streets shall be of such elevation or shall be suitable protected so as to allow reasonable emergency access during flood conditions.
  - 7.5 The Commission or its agent shall require the applicant to provide base flood elevation (BFE) data for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

## **SECTION 8 PUBLIC OPEN SPACE, April 4, 2004**

8.0 Dedication-The Commission shall require the dedication of land as open space, parks and playgrounds in all subdivisions of two lots or more when it deems that such land will conserve natural or scenic resources; protect natural streams, stream belts, marshes, groundwater tables, specimen trees exceeding 30" DBH (diameter, breast height), prime and important farmland soils as defined by the Soil conservation Service, and other; supplements existing open space and recreational areas; meet recreational needs of present and projected population in the area; save historic sites, wildlife sanctuaries, stone walls and outstanding forests; preserve ridges, ravines, ledge outcroppings, and other unusual physical features; promote orderly community development in accordance with the Plan of Conservation and Development.

8.1 Area - The maximum required area of open space shall be 15% of the land to be subdivided whether or not is so subdivided entirely at the time of application. Generally, such dedication shall be of such size and location as deemed appropriate by the Commission.

8.2 Standards - Such open space shall have access from a public street, with such access at least 50' wide and having a maximum grade of 15% or shall abut existing open space having such access. Any land to be dedicated as public open space shall be left in its natural state by the sub-divider, except for improvements as may be required by the Commission, and shall not be graded, cleared, or used as a repository for stumps, brush, earth, building materials, or debris. However, open space for parks and playgrounds shall be provided in a condition suitable for the purpose intended. The Commission may require such open space area be graded by the sub-divider to properly dispose of surface water, that it be seeded with field grass, and that all brush and debris be removed. Such improvement of open spaces will not be required until subdivision is substantially completed.

### **8.2.1 Method of Disposition**

The following disposition options may be proposed by the applicant for approval by the Commission: after considering the relationship of the subject area(s) to the objectives cited in Section 8.0 and the Sterling Plan of Conservation and Development.

- a. Perpetual dedication to the Town, State of Connecticut, or Land Trust
- b. Dedication to a homeowners' association
- c. Utilization of conservation easement(s), with or without public access.

- d. Utilization of a recreation easement to the Town, the State, or a private, non-profit recreation entity.
- e. Conveyance of an agricultural easement to the Town, the State, or a private, nonprofit farm preservation entity.
- f. Private ownership with the appropriate taking of development rights.
- g. Any combination of the above or any suitable alternative approved by the Commission.

8.3 Fee-in-lieu of Open Space: As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

8.3.1 Amount. Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

8.3.2 Procedure. To employ the fee-in-lieu of open space option, the following procedure shall be used:

- a. The applicant shall submit a narrative to the commission setting forth his desire to utilize the provisions of Section 8.3;
- b. The Commission shall determine whether to accept the applicant's proposal. Or to accept a different combination of land transfer and fee, or to require an open space dedication only
- c. The Commission and applicant shall jointly select an appraiser to submit a report. Steps a. through c. may be accomplished at the application acceptance portion of the process;
- d. The applicant shall submit the appraisal during the formal application review process;
- e. The Commission, as part of the action on the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an open space dedication:

- f. The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to preserve land in its natural state, as satisfaction of the applicant=s obligation to transfer land to the municipality.

8.3.3 Payment. The method of payment of any fees under this Section shall be one of the following two options:

- a. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or
- b. The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office.
- c. Any required fees shall be applied to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the
- d. fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid;
- e. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

8.3.4 Dedicated Fund. Fees submitted under this section shall be deposited by the Town 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.

8.4 Open Space Waiver: The Commission shall require open space in all subdivisions of two or more lots or authorize a fee-in-lieu of open space.. No waivers of this requirement shall be granted except in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes:

8.4.1 Where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding

documents as the Commission may approve, which documents will be filed in the Land Records along with the Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice owing by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and

- 8.4.2 Where the subdivision is to contain affordable housing, As defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

## **SECTION 9 SOLAR ACCESS**

- 9.0 The sub-divider shall establish in the Application that in the preparation of the final subdivision plan the Applicant has considered the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer after considering tax credits, subsidies, and exemptions.
- 9.1 Passive solar techniques and 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 cooling during the cooling season shall be considered. These techniques include:
  - 9.1.1 House orientation and siting, so that the building is sited as close to the north lot line as possible to increase yard space for better owner control of shading.
  - 9.1.2 Lot layout, so that the maximum number of building lots are placed on the south slopes.
  - 9.1.3 Landscaping, by showing the location of any new trees with their mature height including canopy, and the planning of landscaping to facilitate the use of solar collectors and otherwise increase solar heat gain or shade protection as appropriate.

## **SECTION 10 DESIGN AND CONSTRUCTION STANDARDS**

10.0 Subdivisions shall be designed to conform to the current Comprehensive Plan of Development adopted by the Commission for the Town and lands around the subdivision, particularly in regard to streets, drainage and reservation of land for open space. Proposed subdivisions and all street, drainage and other improvements required by these Regulations shall also be designed and constructed in accordance with the standards thereafter specified and in accordance with the Town of Sterling Road Ordinance and other applicable ordinances and Regulations of the Town of Sterling.

10.1 **Supervision and Inspection:** Construction of all required improvements shall be carried out to the specifications and under the supervision of the Planning Commission or its authorized agent in accordance with procedures provided in the Town of Sterling Road Ordinance. All such required construction shall be subject to inspection by the Commission or their authorized agents. The Commission or appointed representative shall have free access to the construction work at all times and shall be authorized to take material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Commission may require the Applicant, at the Applicant's expense, to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut.

10.2 **Building Lots:** Proposed building lots shall be of such shape, size, location, topography, and character that the buildings can be constructed reasonably and so that they can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock, shallow depth to bedrock or other conditions shall be combined with another lot or lots that are suitable, which may result in a reduction of the total number of lots, or shall be marked, "This is not an approved lot" on a subdivision map. No lot so designated by the Commission shall be considered for approval until a grading plan meeting the requirements of Section 5.9 has been submitted. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary regrading, and to preserve substantial trees, woods, and inland wetlands.

10.2.1 **Lot Size:** Any lot proposed for residential development shall be large enough to provide adequate separation between and among the well, septic system components, foundation (including footing drains) and any other such features on any nearby lots, whether existing or possible in the future; and

a. a reserve area for potential replacement of the leach field proposed for such lot, which reserve area meets the requirements of subparagraph a) above; and

- b. that no portion of any septic system may be within 50 feet of any wetland soil, drainage feature, aquifer or area of shallow soil to bedrock, water table or other potential interference with proper functioning of the septic system. (see Sections 5.3, 5.3.6, and 5.3.7 among others)

10.2.2 **Frontage:** Each proposed lot shall have frontage on a public road. A lots proposed frontage must be capable of accommodating a safe and convenient driveway for access to the main part of the lot and must be an indivisible part of the lot. Frontage shall be a minimum of 25 feet (25). At the time of application to the Commission, the applicant must demonstrate that the frontage can accommodate a driveway per the Towns regulations, including any other town, state and/or federal permits that may be necessary (i.e. Inland Wetlands, State of Connecticut Department of Transportation encroachment permit). The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed and owned in fee. There shall be no more than two rear lots per 500 feet of frontage on a Town Road on the same side of the road/street. A rear lot shall be defined as a lot with less than 150 feet of frontage.

10.2.3 **Lot Numbers:** When feasible, lots intended for separate ownership shall be numbered beginning with the number "1" and shall continue consecutively throughout the entire subdivision. Adjoining sections of the same subdivision having the same title shall not duplicate numbers.

10.2.4 **Lot lines and Shape:** Insofar as practical, the side lot lines of all lots shall be at right angles to the street on which the lot faces or shall be radial to the street line. It shall be the discretion of the Commission to refuse to permit Town boundary lines to cross any lot and in the event of such refusal, such Town boundary line shall be made to constitute one of the lot lines.

10.2.5 **Lot Grading:** Lots shall be graded to prevent ponding of water on the lot after construction of streets, drainage and building are completed. Where filling of lots for final grading is required, compactable fill, and topsoil as required for lawn or plant growth, shall be used. Tree stumps, logs, other decomposable material or building debris shall not be used as fill material. When rocks of boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities or underground utilities and shall be so deposited that, in the opinion of the Town Engineer or his duly designated representative, voids likely to cause undue declivity will not be created.

10.3 Street Design and Construction: Streets shall be designed and constructed in accordance with the Town of Sterling Ordinance and the following additional standards:

10.3.1 Classifications: All streets within or abutting the subdivision shall be classified as follows:

- a. Local Street: A street or road used primarily for access to abutting property. Streets in this classification shall be designed and constructed in accordance with the requirements of the Road Ordinance for local streets.
- b. Collector Street: A street or road which carries traffic from local streets to primary streets and arterial highways, including the principal entrances to developments and streets for circulation within such developments. Streets in this classification shall be designed and constructed in accordance with the requirements of the Road Ordinance for thoroughfares.
- c. Primary Street: A street or road used primarily for heavy volumes of traffic or high vehicle speeds (or arterial highways). Streets in this classification shall be designed and constructed in accordance with the requirements of the Road Ordinance for streets.

10.4 Street Planning: Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots, with due consideration for accomplishing an attractive layout and development of the land in the subdivision and in the neighborhood.

10.4.1 Streets should in general follow the contour of the land and shall have a location and grade which preserves the natural features in the subdivision and which enhance property values in the neighborhood.

10.4.2 Proposed local streets and rights-of-way shall be planned to discourage through traffic but also to provide safe and convenient system for prospective traffic in the neighborhood around the subdivision and shall be planned to provide for continuation of existing streets in adjoining areas and for projection on adjoining properties when subdivided.

10.4.3 Town Collector roads shall be planned where necessary to coordinate with the Comprehensive Plan of Development for the Town and neighborhood, and where necessary as a feeder street to a neighborhood.

10.4.4 The design of through streets is encouraged. Where site conditions make a through street infeasible, cul-de-sacs may be permitted. Where a cul-de-sac is

permitted and where it is feasible to extend the street into adjoining properties the cul-de-sac is street right-of-way shall extend to property lines for ultimate future extensions of a through street.

- a. The maximum length of any cul-de-sac street shall be limited to 2,000 feet with a maximum ADT (Average Daily Traffic) of 160 vehicles per day. A single-family residential house shall be considered to have an ADT of 8.

10.5 Street lines: Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with the Road Ordinance. No street right-of-way shall be widened beyond the minimum width specified in the Road Ordinance for the purpose of securing additional street frontage for proposed lots.

10.6 Existing Streets: Proposed subdivisions abutting an existing Town street or State Highway shall provide for proper widening of the right-of-way of such street or highway to the width appropriate for the classification given such street or highway by the Commission in accordance with the requirements of the Town Road Ordinance. Drainage and other improvements made necessary by the subdivision shall be constructed in the existing Town street as required by the Road Ordinance.

10.7 Access: Each street proposed on a Plan of Subdivision shall connect with an existing Town Road or State Highway or a street in a subdivision approved by the Commission or with a proposed street in the subdivision connecting with an existing Town Road or State Highway or a street in a subdivision approved by the Commission. Streets shall be designed to establish building lots at or above the grade of the street, wherever possible.

Lot lines shall be laid out so as not to cross Town boundary lines. No portion of any proposed lot which is outside the boundaries of the Town of Sterling may be considered for purposes of these regulations. Each lot proposed on the Plan of Subdivision shall have access to the Town of Sterling road system without requiring travel out of the boundaries of the Town of Sterling.

10.8 Intersections: The following standards shall apply to street intersections:

- 10.8.1 except where impractical because of topography or other conditions, all streets shall intersect so that for a distance of at least 100 feet the street is at right angles to the street it intersects; two streets intersecting another street on opposite sides shall intersect at the same point or be off-set from one another by at least 125 feet, and no intersection shall be at an angle of less than 60 degrees;

10.8.2 No more than two streets shall intersect at one point. Intersections shall be spaced not less than 300 feet apart, except when in the opinion of the Commission, conditions are presented which justify a variation from this requirement;

10.8.3 at street intersections, property line corners shall be rounded by an arc having a minimum radius of 30 feet.

10.9 Street Names: Streets shall bear names which do not duplicate or closely approximate in spelling or sound of existing street names in the Town of Sterling. Streets which extend or are in alignment with existing streets shall bear the same name as the existing street. All names shall be subject to the approval of the Commission.

10.10 Scheduling: The subgrade and sub-base of any street together with all drainage required for the street, shall be completed in accordance with the Town of Sterling Road Ordinance and, if applicable, any permit issued by the Inland Wetland Commission, prior to approval of an Application for Certificate of Occupancy for any structure on or served by such street. Pavement base courses and surface courses, and curbs shall be completed in accordance with the Road Ordinance before Application for Town acceptance of any street.

10.11 Storm Drainage Design and Construction: Storm drainage shall be designed and constructed in accordance with the Town of Sterling Road Ordinance and the following additional standards:

10.11.1 Pipe and Ditches: Sufficient pipe and ditches shall be installed within the subdivision to carry existing water courses, other than rivers and wide streams, and to drain the proposed streets and streets which may reasonably be expected to be constructed at some future date on adjoining property for water flow which would normally drain across the area of the proposed subdivision. If, in its judgment, there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the continuance of existing water courses in their established courses and may permit the discharge of storm water in open ditches.

10.11.2 Relocation of Major Water Courses: Relocation of major water courses will be permitted only where, in the opinion of the Commission, such relocation improves the flow pattern of the stream or improves the layout of the proposed subdivision without adversely affecting the stream. Ditches and open water courses should not be located in the portion of the lot customarily used for front and side yards, within the area of the lot described by the applicable setback lines, or in the portion of the lot which might logically be used for subsurface sewage disposal and/or water supply systems.

10.11.3 Buried Pipes: all storm water from the street drainage system shall be carried in adequately buried pipe within a distance of 150 feet from a curb line of existing or proposed streets. All ditches and storm drainage piping shall be constructed in accordance with the Town Road Ordinance and shall be sufficient to carry properly the designed storm water flow rates expected to enter the ditch or pipe from the proposed subdivision and from other properties in the watershed which, when fully developed, can be expected to drain across the area of the proposed subdivision.

10.11.4 Discharge: The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town drains, ditches or other Town drainage facilities with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the Applicant from the Town before approval of the record subdivision map and acceptance of the drainage plan.

10.11.5 Water Diversion: No storm water shall be diverted from one watershed to another without a State permit.

10.11.6 Water Channel Lines: Building lines may be required along any stream or river for the purpose of preventing encroachment upon and constriction of the natural water channel by buildings, filling operations, or other facilities and construction. When required, a note shall be placed on the record subdivision map explaining the building lines and stating the restrictions against encroachment upon the channel.

10.11.7 A settling basin may be required by the Town Engineer if it is deemed necessary to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions. All storm sewer outlets within easements on private property shall be piped at least 100 feet beyond the street line unless otherwise directed by the Planning Commission.

10.12 Easements: Easements for access to and use of land, or other necessary rights or restrictions of use of land, outside of a street right-of-way shall be provided as required or approved by the Commission and shall be shown on the Record Subdivision Map with adequate survey information, so that the land subject to easement may be accurately located by field survey. Easements may be required in the following types of cases a applicable to the particular subdivision:

10.12.1 for access to bridges and culverts by construction and maintenance equipment

shall be

10.12.2 for storm water pipes, and water mains and sanitary sewers and appurtenances, if any, which easements shall be not less than 20 feet wide;

10.12.3 for use and access to storm water detention basins, retention basins and fire ponds shall be not less than 20 feet wide;

10.12.4 for identification of points or areas of storm drainage spillage rights from streets when storm drainage conduits are not to be installed;

10.12.5 temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street;

10.12.6 sight-line easements across corners of lots at all street intersections to assure safe line of sight on the street and to authorize the owner of the abutting street to remove obstructions to regrading within the easement area;

10.12.7 easements at least 10 feet in width for pedestrian ways to open spaces, parks, playgrounds, schools and other public or semi-public places where the street system does not conform to a convenient pattern of pedestrian circulation; and

10.12.8 for bikeways (non-motor) or horse riding trails as part of a plan and program for a neighborhood;

10.12.9 Where the right-of-way of any highway adjoining a proposed subdivision is less than 50 feet wide or where any proposed subdivision has frontage on the inside of any curve in a town highway, the Commission may require an easement for highway purposes, to allow widening or straightening such Town highway, of not less than 25 feet from the centerline of the road.

10.13 Easements for Pipe Systems: Easements may also be required for storm water pipes and facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision; easements may also be required where natural prescriptive drainage rights must be altered by land subdivision. Easements for pipe systems shall be located so that the pipe is positioned at least 5 feet from the boundary of such easement, unless otherwise directed by

10.13.1 Easements for pipe systems shall be located so that the pipe is positioned at least 5 feet from the boundary of such easement, unless otherwise directed by the

Commission.

10.14 Safe driveway entrances with adequate sight lines for safe vehicle entry onto a street shall be required and adequate vehicular turnarounds within the lot provided.

10.14.1 Each individual lot shall be designed so that its frontage may contain a separate, individual driveway conforming to these regulations. No more than three lots shall share a driveway. See section 10.2.2.

10.14.2 Driveways to individual lots or interior lots shall be so located, designed and constructed as to prevent erosion, prevent road drainage down driveways or driveway drainage onto the travel way.

10.14.3 Driveway entrances onto heavily traveled roads are discouraged and wherever possible should be laid out and designed to enter onto lightly traveled roads.

10.14.4 Driveways to all lots shall be constructed to provide adequate year-round access for emergency vehicles.

10.14.5 Where topography and/or driveway length dictates, the Commission may require slopes not exceeding 12% and all-weather passable surfaces not less than ten (10) feet wide.

10.14.6 Driveways shall be constructed in accordance with the Driveway Ordinance of the Town of Sterling.

10.15 Monuments: Monuments shall be provided on both street right-of-way lines at all angle points and points of curvature and tangent. At least two monuments shall be provided for each 800 feet of street. Monuments shall be made of concrete and shall be not less than five (5) inches square by 30 inches length with a suitable marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference.

10.16 Special Structures: Bridges, box culverts, deep manholes, dikes and other special structures shall be designed in accordance with good engineering practices acceptable to the Commission or its designated agent.

10.17 Street and Traffic Signs: Street name signs of approved construction shall be installed at all street intersections in locations approved by the Board of Selectmen.

10.17.1 Such signs shall be of a design and material approved by the Board of Selectmen.

10.17.2 Traffic signs as required by the Board of Selectmen of regulation size, shape, and material and imbedded in concrete shall be installed prior to Town acceptance of subdivision roads.

10.17.3 Prior to the issuance of a Certificate of Occupancy for any structure on a new street either the street signs as specified above, or temporary street signs on a post eight (8) feet high, shall be installed.

10.18 Street Trees: The Commission may require the planting of street trees within the front ten (10) feet of the proposed lots. All plantings will be prohibited within twelve (12) feet of the edge of pavement.

10.18.1 Trees to be planted shall be of three (3) inch caliper or larger, shall be planted, protected and maintained using good horticultural practices, and shall have a minimum height of ten (10) feet.

10.18.2 The species of trees shall be subject to the approval of the Commission.

10.18.3 Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Commission.

10.18.4 Where the existing street trees within twelve (12) feet of the edge of pavement have aged to the point of deteriorating, are deemed by the Commission to be a threat to the public safety or an impediment to the flow of roadside drainage, the Commission may require their removal.

10.19 Underground Utility Lines: New electric, telephone, television cable and other utility wires shall be installed underground unless the Commission determines, based on a written report submitted by the Applicant, that such underground installation is inappropriate or infeasible for all or a part of the subdivision or re-subdivision. In making such a determination, the Commission may take into account:

10.19.1 the type of service existing in the area adjacent to the subdivision.

10.19.2 topographic and construction conditions, and

10.19.3 the size of the subdivision or re-subdivision

10.19.4 Wherever possible such underground utilities shall not be located under the street pavement.

10.20 Fire Ponds or Water Storage Tanks: Where deemed necessary by the Commission and the Town Fire Marshal, fire ponds of adequate depth and capacity shall be provided in appropriate locations, registered, and approved by the fire department.

10.21 Monuments and Pins: Lot corners shall be marked with iron or copper pins, or with concrete monuments.

10.22 Maintenance Requirements: The subdivider shall maintain all improvements and provide for snow removal on streets, if required, until acceptance of said improvements by the Town of Sterling.

## **SECTION 11 WATER SUPPLY AND SANITARY REQUIREMENTS**

11.0 It is the responsibility of the Applicant to supply sufficient evidence to the Commission to prove that water supply and each soil absorption sewage disposal facility can be installed to function properly and not cause a pollution problem and be in conformance with the Connecticut Public Health Code or its successor Regulations.

11.1 Where on-site sewage disposal systems are proposed, the subdivision plan shall be accompanied by a Sanitary Report prepared by a professional engineer. The report shall demonstrate the feasibility of the ground for subsurface disposal of septic tank effluent. The report shall deal with the entire tract, discussing the following points:

11.1.1 General nature and development of surrounding area shown on map with explanatory text.

11.1.2 Topography and natural drainage pattern, including references to Soil Conservation Service soils map with specific references to on-site sewage disposal limitations.

11.1.3 Sub-surface conditions as shown by subsurface investigation, including soil absorption characteristics, ground water level conditions, ledge rock, and general nature of soil.

11.1.4 General description of type of development contemplated noting type of dwelling units and structures, number of families per structure, and number of bedrooms per dwelling unit.

11.1.5 Detailed description of proposed sewage disposal facilities, indicating systems sized for various ground conditions, materials to be used, general layout of pattern

to be used.

11.1.6 Special precautions that may be necessary to provide proper functioning of the proposed disposal system.

11.1.7 Flood heights of any streams, brooks, rivers, lakes or ponds on or near the subdivision. Flood heights shall be based upon a 100-year frequency storm.

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

11.2.1 The evaluation shall include a determination whether the soil is suitable for the absorption of septic tank effluent, and if so, how much area is required. The soil must have an acceptable percolation rate, without interference from ground water or impervious strata below the level of the absorption system.

11.2.2 The technical standards used in the evaluation shall be in accordance with commonly accepted standards and procedures with particular reference to the Sanitary Code of the State of Connecticut. Unless those standards are satisfied, the area is unsuitable for sub-surface sewage disposal systems in a subdivision.

11.2.3 When deemed necessary by the Commission, sub-surface explorations may be necessary to determine sub-surface formations in the area. Percolation rates shall be figured on the basis of the test data obtained after the soil has had an opportunity to become saturated and has had opportunity to swell. Percolation tests, where required, shall be taken at or below the probable level of the proposed disposal system. A minimum depth of thirty-six (36) inches shall be required for the percolation test holes. Any other tests shall be made to a depth at least three (3) feet below the probable elevation of the disposal facilities. The same care taken in selecting the location of the percolation test holes shall be employed in the location of any other tests. A minimum depth of six (6) feet will be required for these other tests.

11.3 The Sanitary Report shall contain a statement by the engineer that, in his professional opinion, each lot for proposed development is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report. Any reservations or special conditions considered necessary by the engineer shall be set forth in the Sanitary Report.

11.4 The Sanitary Report shall be a well written, comprehensive and documented study, meeting all of the above requirements. If, in the opinion of the Commission, the sanitary report is

incomplete as to the required information, additional information sufficient to correct the deficiencies of the report may be required.

- 11.5 Where the established public health authority retains qualified sanitary engineering personnel, such public health authority may prepare the Sanitary Report and any other information necessary for a Commission review of a proposed subdivision. Where the Sanitary Report has been prepared by a professional engineer, the Commission may submit the report to the public health authority for review before acting upon the Sanitary Report.
- 11.6 The Commission will only accept percolation tests conducted at time periods designated as acceptable by the NDDH. Applicants should be aware that the NDDH may suspend all percolation tests during certain times or seasons of the year.
- 11.7 Water Supply Report. Every Application for approval of a subdivision must include a report addressing the manner in which the properties are to be provided with domestic water supply.
  - 11.7.1 When a subdivision is not to be served by a public water supply, a report from the NDDH shall be obtained and submitted by the Applicant certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private water supply.
  - 11.7.2 A Hydrological Report shall be submitted including the methodology used to compute pipe sizes and drainage volumes. In addition, calculations and the basis used to evaluate potential impact on aquifer recharge and ground water quality shall be provided.
  - 11.7.3 Development should not be proposed in a manner or density below drinking water standards based upon the normally expected waste water dilution potential of the proposed individual subdivision lots.
  - 11.7.4 Whenever possible, subdivision development will be planned to enhance or maintain levels of ground water recharge to the aquifer.
- 11.8 Potable Water. A potable, adequate, and dependable water supply shall be provided for every lot. The requirements of Section 11.7 may be waived when the developer of the subdivision can demonstrate that the requirements of Section 11.9 have been met and a drilled well, community water supply or public water supply is in place for each lot.
- 11.9 Wells drilled in accordance with 11.8 shall comply with the following:

- 11.9.1 topographic and geological conditions shall be satisfactory for the purpose of providing a potable water supply;
- 11.9.2 each well can be designed, located and constructed in accordance with the standards and requirements of the Connecticut Department of Health Services; and
- 11.9.3 each well shall have the approval of the NDDH.
- 11.9.4 Wells shall be located a minimum of 75 feet from all lot lines.

## **SECTION 12 ENFORCEMENT, SEPARABILITY AND AMENDMENTS**

- 12.1 The Chairman, a member of the Commission or the Commission's appointed representative is hereby designated as the enforcement officer of these Regulations.
- 12.2 These Regulations may be amended, changed, or repealed in accordance with the General Statutes of the State of Connecticut.
- 12.3 Invalidity of one provision shall not invalidate any other provision.
- 12.4 Appeals may be made in accordance with Section 8-28 and 8-30 of Chapter 126 of the Connecticut State Statutes as amended.
- 12.5 Performance and maintenance guarantees: Where authorized by these Regulations, the Commission may require a subdivider to file with the Town of Sterling a performance or maintenance guarantee and sufficient security secured by bond, letter of credit, or other form. Said guarantee and security shall satisfy the following requirements:
  - 12.5.1 The guarantee and the security must be of a type and in a form approved by the Town Counsel.
  - 12.5.2 The amount of the security must be sufficient to protect the Town of Sterling from undue fiscal burden in completing the improvements approved in the plan and maps of the Subdivision and shall be determined by the Commission upon recommendation of the Town Engineer.
- 12.6 Waivers may be granted by the Commission in the following cases upon written request by the Applicant and by a three-quarters vote of all the members of the Commission.
  - 12.6.1 Where conditions exist which affect the subject land and are not generally applicable to other land in the area.
  - 12.6.2 Where a proposed subdivision involves establishment of lots fronting on an existing street, the Commission may vote to waive the required submission of all or part of the Subdivision Plan Requirements, Section 5.
  - 12.6.3 The Commission may waive the required submission of all or part of the Subdivision Plan Requirements, Section 5 in connection with any resubdivision.
  - 12.6.4 With the concurrence of the NDDH, the Commission may waive the required submission of certain of the data required for a sanitation report under Sanitary

Requirements, Section 11 when not deemed essential to make a decision on the Application.

12.6.5 As set forth in Section 11.8.

12.6.6 The Commission shall state its reasons for granting the waiver and these reasons will be clearly stated in the meeting's minutes.

## **SECTION 13 EFFECTIVE DATE AND REPEAL**

- 13.0 The Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- 13.1 The "SUBDIVISION REGULATIONS OF THE TOWN OF STERLING, CONNECTICUT" made effective by the Planning Commission on December 13, 1971 and all amendments thereto, are repealed coincident with the effective date of these Regulations.
- 13.2 The repeal of the above Regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred, prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

## APPENDICES

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**PERMISSION TO ENTER PROPERTY**

THE OWNER AND THE APPLICANT HEREBY GRANT THE STERLING PLANNING COMMISSION, THE BOARD OF SELECTMEN, AUTHORIZED AGENT OF THE PLANNING COMMISSION OR BOARD OF SELECTMEN, PERMISSION TO ENTER UPON THE PROPERTY PROPOSED ABOVE FOR THE PURPOSE OF INSPECTION AND ENDORSEMENT OF THE SUBDIVISION REGULATIONS OF THE TOWN OF STERLING.

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APPLICANTS SIGNATURE

DATE \_\_\_\_\_

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OWNERS SIGNATURE

DATE \_\_\_\_\_



## Appendix A

### DRAINAGE CRITERIA PLANNING COMMISSION

An adequate system of storm water drainage shall be provided. This system shall be designed in accordance with good engineering practice. It is recommended that the Connecticut Department of Transportation Drainage Manual be used as a guide in preparing the design of storm sewer systems, culverts, and bridges. The 1993 Drainage Manual, with addenda, can be obtained from the Connecticut Department of Transportation, Bureau of Highways, Division of Design.

Normally, the rational formula  $A = AIR$  will be used to obtain the design flow and charts based on the Manning formula

$$Q = \frac{1,486}{n} AR^{2/3} S^{1/2}$$

will be used to select the pipe sizes for storm water systems. The use of the rational formula should be limited to areas less forms similar to those contained in the Drainage Manual. Catch basins will be spaced about every 350 feet. It will not generally be necessary to perform a gutter flow analysis. Storm sewers shall be designed to provide capacity for a 25 year frequency storm.

Culverts will be designed using nomographs contained in Bureau of Public Roads hydraulic Engineering Circulars.

Culverts designed to conduct natural water courses shall have sufficient capacity to provide for a 50 year storm frequency.

Culverts and bridges designed for water courses draining areas in excess of 1000 acres shall have a capacity to provide for a 100 year storm frequency of 5 times the mean annual storm

For all designs involving watercourses draining areas in excess of 1000 acres, water surface profiles will be developed using the "Step Method". A water surface profile will be developed based on existing channel conditions and then a second water surface profile developed for the design conditions, to demonstrate that the proposed channels and culverts do not cause an appreciable rise in the water surface for the design "Q"



## SITE TESTING

### A. Deep Test Pits:

1. Minimum of one per lot, additional pits as required.
2. Pits dug in area of the proposed sewage system and located on the Record Subdivision Map by surveying.
3. Pits to be dug to approximately eight (8) feet deep, or four (4) feet below the bottom of the proposed leaching system, whichever is greater.
4. The following information shall be submitted on the Sanitation Report and Plan:
  - a. Soil types encountered including the depth of each horizon. Hardpan, compacted or impermeable layers shall be noted.
  - b. Date of testing.
  - c. Depth to ground water.
  - d. Depth to ledge rock.
  - e. Any other information which may affect the operation or installation of a subsurface sewage disposal system.

### B. Percolation Tests:

1. Minimum of one per lot, additional tests as required.
2. Percolation tests conducted in the area of the proposed system. Multiple tests may be required if the proposed system spans different soil textures or horizons which may adversely affect the design seepage rate. The seepage rate of the slower soil layer shall be utilized as the basis of design for the system.
3. Test holes shall be located on the map by surveying.
4. Tests shall be conducted according to the State of Connecticut Public Health Code, section 19-13-b103d(b).
5. The following information shall be submitted with the plan:
  - a. Date of testing
  - b. Stabilized percolation rate (i.e. minimum uniform rate rather than average rate of drop).

### C. Other Tests

1. Such other test as may be required by the Commission or its designated agent including, but not limited to, permeability tests, sieve analysis, and hydraulic analysis, in order to determine the suitability for on-site sewage disposal.
2. Such other tests as may be required by the Northeast District Department of Health (NDDH).

### D. Site testing requirements of the Northeast District Department of Health (NDDH) shall be required and shall supersede these requirements where the NDDH are more stringent.

# STERLING SUBDIVISION REGULATIONS

## HYDROLOGY REPORT

### Purpose:

The purpose of requiring a Hydrology Report includes, but is not limited to, protecting the public health from the contamination of existing and potential public and private water supplies; and to protect the general welfare by preserving limited water supplies for present and future use.

### Definitions:

"Aquifer" means a geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable groundwater to public or private wells.

"Aquifer, Bedrock" means a geologic formation, group of formations or part of a formation which contains sufficient fractures to yield significant quantities of potable groundwater to public or private wells.

"Groundwater" means all the water beneath the surface of the ground.

"Impervious" means impenetrable by water.

"Leachable wastes" means waste materials, including solid wastes, sewage, sludge and agricultural wastes, that are capable of releasing water-borne contaminates to the surrounding environment.

"Recharge area" means any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland, watercourse, or body of surface water adjacent to such area.

## Hydrology Report:

The Hydrology Report shall be prepared using the best available geological and engineering practices and shall include, but not limited to, the following areas of study and report:

1. Site Location
2. Geological Conditions
3. Depth of Watertable
4. Groundwater Gradation and Flow Duration
5. Rate of Flow
6. Private Well Pump Test
  - a. location of screen and test point
  - b. type of screen
  - c. pump rate
  - d. vertical extent of influence
  - e. field porosity
  - f. recharge rate
  - g. zone of contribution

Conclusion: Per Sections 11.8, 11.7.2, 11.7.3, 11.7.4

Certification: A Hydrology Report shall be certified by a Geologist or Civil Engineer with a significant practice of more than 5 years experience in investigating and reporting on ground water hydrology.

The Hydrology Report (including all maps) shall be signed and certified.



## APPLICATION FORM - STERLING PLANNING COMMISSION

APP. # SUBDIVISION RESUBDIVISION

APPLICANT : \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS : \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT : \_\_\_\_\_ ADDRESS : \_\_\_\_\_ PHONE : \_\_\_\_\_

NAME OF OWNER OF RECORD : \_\_\_\_\_

LOCATION OF PROPERTY : \_\_\_\_\_

ABUTTING PROPERTY OWNERS : \_\_\_\_\_

NAME / SUBDIVISION / RESUB. : \_\_\_\_\_

AREA IN ACRES : \_\_\_\_\_ NUMBER OF PROPOSED LOTS : \_\_\_\_\_

PROPERTY EASEMENTS : \_\_\_\_\_

" DEED RESTRICTIONS : \_\_\_\_\_

" ENCUMBRANCES : \_\_\_\_\_

DEED/S RECORDED, DATE : \_\_\_\_\_ VOLUME : \_\_\_\_\_ PAGE : \_\_\_\_\_

FEE

ALL MAPS, PLANS, REPORTS, DATA AND DOCUMENTS  
REQUIRED BY THE SUBDIVISION REGULATIONS

2 9 3

APPLICATION SUBMITTED TO INLAND WETLANDS COMMISSION. DATE:

APPLICANTS SIGNATURE \_\_\_\_\_ OWNERS SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ DATE \_\_\_\_\_

for use by Planning Commission only

APPLICATION FILED, DATE : \_\_\_\_\_  
DATE OF RECEIPT : \_\_\_\_\_  
APPLICATION DETERMINED COMPLETE : \_\_\_\_\_  
DATE OF HEARING, IF REQUIRED : \_\_\_\_\_

DATE OF DECISION (WITHIN SIXTY-FIVE DAYS AFTER RECEIPT) : \_\_\_\_\_

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