

## LEDYARD SUBDIVISION REGULATIONS

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## SECTION 1.0: TITLE, PURPOSE AND AUTHORITY

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### A. Title.

These regulations of the Ledyard Planning Commission shall be known as the "Regulations Governing the subdivision of Land, Town of Ledyard, Connecticut" which are herein called "these regulations."

### B. Purposes.

These regulations are designed to provide that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety; that proper provision shall be made for water, drainage and sewage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures; that proposed streets are in harmony with existing and proposed thoroughfares; that open spaces, parks, and playgrounds shall be provided; that streets shall be graded and improved and public utilities and services are provided in sufficient and satisfactory manner; that proper provision be made for sediment and erosion control; that energy efficient patterns of development, solar and other renewable forms of energy and energy conservation are encouraged; and that security be given to assure completion and installation of streets, improvements, utilities and services.

### C. Authority.

Under the authority vested in the Planning Commission by Chapter 126 of the General Statutes of the State of Connecticut, as amended, the Planning Commission hereby adopts the following regulations. The following regulations shall supersede any subdivision regulations heretofore adopted.

### D. Approved Plan Required.

No person shall make subdivision within the meaning of these regulations of any land within the legal boundaries of the Town of Ledyard, proceed with any improvements (other than surveying, and assessments for adequacy of sewage disposal or water supply), the construction of streets, or the installation of municipal services therein unless and until a vote approving such subdivision plan has been passed by the Planning Commission, and until such plans have been recorded in the office of the Town Clerk.

### E. Sale of Lots Within a Subdivision.

It is illegal for any person, firm, corporation or agent to sell or offer for sale any lot within a subdivision, until the applicant's plan has obtained a vote of approval from the Planning Commission, appropriate signatures endorsing such plan have been obtained, and the signed plan has been recorded in the office of the Town Clerk within the prescribed filing period. Any person, firm, corporation or agent that sells or offers for sale any lot within a subdivision prior to final filing shall be fined not more than five hundred dollars (\$500.00) for each lot sold or offered for sale in accordance with Connecticut General Statutes Chapter 126 Section 8-25.

## SECTION 2.0: GENERAL DEFINITIONS

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- A. For the purpose of these Regulations, the following terms shall have the meaning given herein. The following terms shall be interpreted as follows:
- (1) The masculine includes the feminine;
  - (2) The singular includes the plural and the present tense includes the future tense;
  - (3) The word "person" includes an individual, firm or corporation, limited liability company, trust, and federally recognized tribe;
  - (4) The word "shall" is always mandatory; the word "may" is permissive or discretionary;
  - (5) The word "lot" includes the word "plot" or "parcel;"
  - (6) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied;"
  - (7) Any reference to a residence or residential district shall be interpreted to mean any district with the word "residence" in its title;
  - (8) A building or structure includes any part thereof;
  - (9) The words "zone", "zoning district", and "district" have the same meaning, and
  - (10) The words "abutting" and "adjoining" have the same meaning.

B. Definitions.

**ACTIVE RECREATION:** Recreational activities that require either (a) the use of a playing field or playground; (b) the installation of buildings or other structures; or (c) the substantial modification or grading of a tract of land.

**APPLICANT:** Either the owner of the land stated in the application for subdivision or all owners where title is held jointly, in common or in tenancy by the entirety, including corporations. An agent or representative may act for an owner, provided written evidence of such facts is submitted with the application. Evidence in the form of a list of officers and designated authority to sign legal documents shall be required for a corporation.

**APPLICATION:** Shall consist of all required items listed in Section 8.0 and 9.0 of these regulations, and all information required by Drainage Ordinance.

**CONSERVATION EASEMENT:** An easement which perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Planning Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

**CONSERVATION SUBDIVISION:** A subdivision approved in accordance with Section 4.0(O) of these regulations and with Section 5.0 of the Zoning Regulations as amended.

**CONVENTIONAL SUBDIVISION:** A subdivision design that is consistent with the provisions of the Ledyard Zoning and Subdivision Regulations that would be applicable in the absence of Sections 4.0(O) of these Regulations and Section 5.0 of the Ledyard Zoning Regulations.

**CUL-DE-SAC STREET:** A street, open at one (1) end only, and with special provision for turning around and emergency vehicle access.

**CULTURAL RESOURCES:** Consists of historic and prehistoric archaeological sites and standing structures, cemeteries, human burials, human skeletal remains, and associated funerary objects, and distributions of cultural remains and artifacts.

**DESIGN DRAWINGS:** Design plates found on file with the Department of Public Works or the standard details from the Connecticut Department of Transportation, Bureau of Highways.

**DIRECTOR OF PUBLIC WORKS:** The Town of Ledyard Director of Public Works or duly authorized agent.

**DISTURBED AREA:** An area where the natural vegetative ground cover is destroyed, moved or removed.

**DRAINAGE EASEMENT:** The right, at any time, to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch, swale or trench, or direction by enclosed conduits. Said right also includes the right to enter upon the property and to maintain said direction of the flow of water in perpetuity.

**DRAINAGE ORDINANCE:** The Town of Ledyard Ordinance Regulating the Management of Stormwater Runoff, as amended.

**EASEMENT:** A right established in deed or other legal means, of one (1) party to use a designated portion of a second party's land for a specific limited purpose.

**ENGINEER:** A person licensed and legally permitted to engage in civil engineering practice in the State of Connecticut in accordance with Chapter 391 of the General Statutes as amended.

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

**FINAL FILING:** The act of obtaining signatures of approval on subdivision plans and recording said plans in the Office of the Town Clerk.

**FINAL PLAN:** A plan of a proposed subdivision or resubdivision prepared by a licensed Surveyor in accordance with regulations promulgated by the State of Connecticut Department of Consumer Protection and clearly and legibly drawn in black ink upon Mylar, and showing all information consistent with the format required by these regulations.

**INTERSECTION SIGHT DISTANCE:** The unobstructed sight line, as measured ten (10) feet from the traveled way of the main roadway for driveways and twenty (20) feet from the traveled way for intersecting streets, to an approaching vehicle. The sight line shall be measured at a height of three and one-half (3.5) feet above the proposed grade of the intersecting street. The height of the approaching vehicle shall be assumed to be four and one-fourth (4.25) feet above the pavement of the main roadway. The approaching vehicle shall be assumed to be in the middle of the main road.

**LAND TRUST:** A private non-stock, non-profit corporation that has as its purpose the preservation of open space land.

**LOT:** The unit or units into which land is divided with the intention of offering such units for sale, lease conveyance, or transfer; either as developed or undeveloped sites, regardless of how they are conveyed. Lots shall also mean parcel, site or any similar term.

**MAINTENANCE SECURITY:** A bond, furnished to the Town by the applicant that guarantees all subdivision improvements against defective workmanship or materials and ensures improvements are properly maintained, including, but not limited to landscaping, soil erosion and sediment control measures, and storm drainage infrastructure for the period of one (1) year.

**MONUMENT:** A permanent marker installed to designate the legal limits of a street right-of-way or other boundary of Town owned land, as defined in Section 5.0(D) of these regulations.

**NORMAL LOT SIZE:** The lot size, expressed in square feet, normally applicable to the zoning district in which the proposed Subdivision is located.

**OPEN SPACE:** Protected lands and water bodies that are owned, under easement to, or managed by the Town of Ledyard, State of Connecticut, U.S. Government, non-profit land trusts and other conservation organizations, or private owners, and includes areas for protection of public health and safety, outdoor recreation, natural resource protection, farmlands and forests, areas that shape and preserve the community's rural character, and historic and archaeological sites. ~~Land that is subject to a Conservation Easement, or other form of development restriction, including that within a Conservation Subdivision.~~

**PASSIVE RECREATION:** Recreational activities that do not require either (a) the use of a playing field or playground; (b) the installation of buildings or other structures; or (c) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

**PAVEMENT WIDTH:** The installed width of the bituminous concrete surface course inclusive of the portion beneath any required curbing.

**PERFORMANCE SECURITY:** A bond, furnished to the Town by the applicant, to be used to complete subdivision improvements if the applicant does not complete the improvements as promised, as required, or as indicated on the application.

**PLAN OF CONSERVATION AND DEVELOPMENT:** The Town of Ledyard Plan of Conservation and Development adopted by the Planning Commission.

**PLANNING COMMISSION:** The Planning Commission, Town of Ledyard, Connecticut.

**PRELIMINARY PLAN:** An informal submission of general layout of a proposed subdivision or resubdivision for consideration by the Planning Commission. The preliminary plan shall satisfy the requirements of Section 3.0(B) of these regulations.

**RESUBDIVISION:** A change in a map of an approved or recorded subdivision or resubdivision, if such change (a) affects any street layout shown on such map, or (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. A resubdivision represents a change to the approved layout of an approved or recorded subdivision or resubdivision, which occurs within the recorded boundaries of the approved plan. Addition or extension of the contiguous boundaries of a subdivision do not represent resubdivisions but must be considered as a separate and distinct application for subdivision.

**STREET:** Any street, avenue, lane or any right-of-way dedicated and legally accepted for the purpose of public travel on a subdivision duly filed or recorded in the office of the Town Clerk in the

Town of Ledyard. Streets shall be assigned one or more of the following functional categories as determined by the Planning Commission: arterial, collector, local, or minor local.

~~**Street, Arterial:** Any street or highway that accumulates traffic from collector and local roads and provides for increased travel speeds with minimum interference to through movement. An arterial street may have the following characteristics:~~

- ~~a. Posted speed limit of up to forty five (45) miles per hour (mph);~~
- ~~b. Continuity of several miles;~~
- ~~c. Traffic signals used to control right of way at major intersections;~~
- ~~d. Reverse frontage building lots; and~~
- ~~e. ADT > two thousand (2,000) vehicles per day (vpd).~~

~~**Street, Collector:** Any street or highway that accumulates traffic from local streets and brings all developed areas within reasonable distances of an arterial street. A collector street may have the following characteristics:~~

- ~~a. Posted speed limit of thirty (30) to thirty five (35) mph;~~
- ~~b. Not continuous for more than two (2) miles;~~
- ~~c. Greater emphasis on traffic control devices such as stop signs;~~
- ~~d. Reverse frontage building lots; and~~
- ~~e. ADT between five hundred (500) and two thousand (2,000) vpd.~~

~~**Street, Local:** Any street with a primary purpose to conduct traffic to and from dwelling units to other streets within the hierarchy. Usually, a local street bears no through traffic between two (2) streets of a higher classification. A local street may have the following characteristics:~~

- ~~a. Posted speed limit of twenty five (25) to thirty (30) mph;~~
- ~~b. Easy, safe access to adjoining residential units; and~~
- ~~c. ADT < five hundred (500) vpd.~~

~~**Street, Minor Local:** Any street that provides access to not more than eight (8) dwelling units and shall have a maximum length of four hundred and fifty (450) feet. Usually, a minor local street is a dead-end street with no through traffic and limited on-street parking. A minor local street may have the following characteristics:~~

- ~~a. Posted speed limit of twenty (20) mph or less;~~
- ~~b. Have only one (1) intersection; and~~
- ~~c. ADT < five hundred (500) vpd.~~

~~**Street Line:** The limit or property lines of the street right-of-way. Where such line has not been established, it is deemed to be a line as described in Section 5.0(B)(1).~~

[Standard Specifications and Details: The Connecticut Department of Transportation's "Standard Specifications for Roads, Bridges and Incidental Construction, Form 816, 2004 and any subsequent amendments or issues."](#)

[STREET HIERARCHY: Town of Ledyard, Connecticut Locally-Maintained Arterial, Collector, and Minor Local Roads](#)

<u><a href="#">Street Name</a></u>	<u><a href="#">Improved Miles</a></u>	<u><a href="#">Classification</a></u>	<u><a href="#">Notes</a></u>
<u><a href="#">Avery Hill Rd</a></u>	<u><a href="#">2.49</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Avery Hill Rd Ext</a></u>	<u><a href="#">0.58</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Baldwin Hill Rd</a></u>	<u><a href="#">0.52</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Bittersweet Dr</a></u>	<u><a href="#">0.79</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Christy Hill Rd</a></u>	<u><a href="#">1.32</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Church Hill Rd</a></u>	<u><a href="#">1.12</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Colonel Ledyard Hwy</a></u>	<u><a href="#">3.7</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Conrad Court</a></u>	<u><a href="#">0.09</a></u>		<u><a href="#">Minor Local</a></u>
<u><a href="#">Fairway Dr</a></u>	<u><a href="#">0.15</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Fanning Rd</a></u>	<u><a href="#">0.86</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Friar Tuck Rd</a></u>	<u><a href="#">0.41</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Gallup Hill Rd</a></u>	<u><a href="#">3.42</a></u>	<u><a href="#">Arterial</a></u>	<u><a href="#">The entire length is arterial</a></u>
<u><a href="#">Haley Rd</a></u>	<u><a href="#">0.63</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Hurlbutt Rd</a></u>	<u><a href="#">0.62</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Inchcliffe Dr</a></u>	<u><a href="#">1.04</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Lambtown Rd</a></u>	<u><a href="#">2.19</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Lantern Hill Rd</a></u>	<u><a href="#">1.81</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Long Cove Rd</a></u>	<u><a href="#">4.5</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Mathewson Mill Rd</a></u>	<u><a href="#">1.11</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Meetinghouse La</a></u>	<u><a href="#">1.44</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Military Hwy</a></u>	<u><a href="#">1.62</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Pumpkin Hill Rd</a></u>	<u><a href="#">2.3</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Rose Hill Rd</a></u>	<u><a href="#">1.36</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Sandy Hollow Rd</a></u>	<u><a href="#">2.24</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Shewville Rd</a></u>	<u><a href="#">6.93</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Silas Deane Rd</a></u>	<u><a href="#">1.16</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Spicer Hill Rd No 1</a></u>	<u><a href="#">1.34</a></u>	<u><a href="#">Arterial</a></u>	<u><a href="#">North of Route 214</a></u>
<u><a href="#">Spicer Hill Rd No 2</a></u>	<u><a href="#">0.59</a></u>	<u><a href="#">Collector</a></u>	<u><a href="#">South of Route 214</a></u>
<u><a href="#">Town Farm Rd</a></u>	<u><a href="#">0.99</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Vinegar Hill Rd</a></u>	<u><a href="#">1.49</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Washington Dr</a></u>	<u><a href="#">0.43</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Wendell Comrie Rd</a></u>	<u><a href="#">0.7</a></u>		<u><a href="#">Collector</a></u>
<u><a href="#">Whalehead Rd</a></u>	<u><a href="#">2.89</a></u>		<u><a href="#">Arterial</a></u>
<u><a href="#">Whitford Rd</a></u>	<u><a href="#">0.33</a></u>		<u><a href="#">Collector</a></u>
	<u><a href="#">53.16</a></u>		

[All Town Roads not classified as Arterial, Collector, or Minor Local are classified as Local Streets.](#)

**SUBDIVISION:**

- (1) A division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and including resubdivision.
- (2) Such a division of any tract of land which was one (1) parcel on the date on which these regulations were first adopted (March 21, 1962) is considered to be a subdivision regardless of

present ownership, except that a single first "free split" of the original tract may be made without subdivision application.

- (3) Subdivision of land, which does not have proper road frontage, minimum lot size, or fails to otherwise comply with requirements of the Town of Ledyard's Zoning Regulations shall not be allowed.

~~SUBDIVISION IMPROVEMENT: Installation of curbs, storm sewers, pavement, street lights, street signs, underground wire utilities, monuments, driveway aprons, loam and seeding and shade trees, sidewalks and fire hydrants. Such improvements shall be installed in accordance with Town, State highway or utility company standards. In any event, no site improvement work including grading shall be started for any contemplated subdivision or resubdivision before the Commission has granted approval of the Final Subdivision plan and until an insurance policy and bond in compliance with Section 5.0 of these regulations has been posted. The Commission may accept assurance, in writing, from each utility company whose facilities are proposed to be installed in the subdivision, in lieu of Bond.~~

SURVEYOR: A person licensed and legally permitted to practice land surveying in the State of Connecticut, in accordance with Chapter 391 of the Connecticut General Statutes, as amended.

TRAVELLED WIDTH: The distance between curb faces.

UNBUILDABLE AREA: The area, expressed in square feet, within a proposed subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage and utilities. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25) feet in width.



## SECTION 3.0: APPLICATION PROCEDURES

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The following application procedures shall be applicable to all proposed subdivisions of land:

### A. Pre-Application Conference and Preliminary Review.

In order to eliminate conflict or misunderstanding during later stages of the subdivision application process, a pre-application conference with the Town's Development Staff and preliminary review by the Planning Commission are encouraged by the Planning Commission prior to formal submission of a subdivision application. The objective of these meetings is to determine if the basic requirements can be met prior to incurring application, surveying, engineering and legal fees associated with submission of a formal application. No fee is required until submission of a formal application.

### B. Pre-Application Conference.

A pre-application conference is optional. If desired, the pre-application conference shall be scheduled with the Director of Planning, and may be attended by various members of the Town's Development Staff. At this time, the applicant is advised of pertinent regulations, and staff will provide comment on a preliminary plan.

(1) The preliminary plan shall include:

- (a) Drawings or prints of drawings at a scale of not less than one (1) inch equals forty (40) feet and not more than one (1) inch equals one hundred (100) feet on sheets either eighteen (18) inches by twenty-four (24) inches or twenty-four (24) inches by thirty-six (36) inches in size, and shall contain the following information:
  - [1] Names of owners and proposed subdivider, proposed subdivision name and identifying title, location of subdivision,
  - [2] Approximate north arrow and scale and date of drawing.
  - [3] Location and approximate dimensions of all existing property lines of the subdivision.
  - [4] Names of present record owners of abutting properties, names and approved dates of abutting subdivisions.
  - [5] Locations of all natural resource features and conditions such as existing structures, easements, watercourses, wooded areas, and area of all land to be set aside for the playground and park use in accordance with Section 6.0 of these regulations and in addition, all wetlands and watercourses as defined by the wetland regulations applicable to the Town, all coastal resources as defined in Section 22a-93 of the General Statutes as amended.
  - [6] Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades and approximate contours of the proposed surface of land if any change of the surface of the land is contemplated.
  - [7] Location, width and approximate grade of all proposed roads. Proposed elevations shall be shown at the beginning and end of each road, at road intersections and at all points where there exists a decided change in the slope or direction.

- [8] Proposed lot lines with approximate dimensions and area of all proposed lots including Assessor's map, block and lot numbers.
- [9] Location and approximate dimensions and area of all proposed property to be set aside for conservation use, playground or park use.
- [10] A reference map at the scale of one (1) inch equals one thousand (1,000) feet or one (1) inch equals one hundred (100) feet showing the proposed subdivision and tie-in to the nearest street intersection. If the application submitted covers only a part of the applicant's holding, a map which may appear on the same sheet, drawn to the scale in which one (1) inch equals one thousand (1,000) feet showing an outline of the plotted area with its proposed road system and an indication of a possible future road system for the remaining portion of the tract.

#### C. Preliminary Review.

A preliminary review is optional. If desired, the preliminary review shall be scheduled for a regular meeting of the Planning Commission. At this time, the Planning Commission will provide comment regarding conformance of the proposed subdivision to these regulations. This review is conducted with a clear understanding that preliminary plans enjoy no official status, and that consent with regard to feasibility on the part of the Planning Commission in no way implies approval of the final plan.

#### D. Establishing the Day of Receipt.

The day of receipt of an application shall be the date of the next regularly scheduled meeting of the Planning Commission immediately following the day of submission of the completed application to the Director of Planning, or thirty-five (35) days after such submission, whichever is sooner. An application will be accepted only when it contains all required items listed in Section 8.0 of these regulations. Failure to provide any item as required by Section 8.0 of these regulations renders the application incomplete. Incomplete applications shall not be accepted by the Planning Commission.

#### E. Application Fees.

The Planning Commission shall charge fees for the processing of subdivision applications (see Fee Schedule, [Appendix D](#)). The fee shall be paid at the time of submission of the subdivision application, and shall be nonrefundable. When a proposed subdivision or resubdivision involves the creation of new streets, the applicant shall additionally be charged for the cost of engineering fees for the review of road and drainage proposals by the Town ([see Engineering Fee Schedule, Appendix E](#)). Such additional fees shall be paid prior to review of the plan by the Planning Commission.

#### F. Referral and Notification to Other Governmental Agencies.

Any subdivision of land that abuts or includes land in one (1) or more municipalities adjacent to Ledyard, or that is located within five hundred (500) feet of the boundary of an adjoining municipality, shall be submitted by certified mail, return receipt requested, to the Southeastern Connecticut Regional Planning Agency and to the office of the Town Clerk of the adjoining municipality for review in accordance with Chapter 126 of the General Statutes, as amended. Referrals shall be made within seven (7) days of the date of receipt of the application and not later than thirty (30) days before the public hearing. No hearing may be conducted unless appropriate referrals have been made. If a report is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision. The report shall be purely advisory.

Applicants shall also consult Map #2491 in the Ledyard Land Records to determine if any portion of their proposed development is located within the watershed boundaries depicted on that map. If any portion of the proposed development falls within that watershed boundary the applicant shall notify Groton Utilities and the State Department of Public Health pursuant to Public Act 06-53, Connecticut General Statutes 22a-42f, and Connecticut General Statutes 8-3i as amended from time to time. The notification should be by certified mail return receipt requested and should include a copy of the subdivision plans that were submitted with the application as well as a copy of any drainage calculations that accompany the plans. A copy of the transmittal should be submitted to the Planning Office prior to Planning Commission review of the application. This notification must be made within seven days of the submittal of the application.

G. Zoning Conflicts.

The Planning Commission shall not approve any subdivision or resubdivision which conflicts with any applicable zoning regulations of the Town of Ledyard or results in the creation of a non-conforming use or activity as defined by the zoning regulations.

H. Notification of Abutting Property Owners.

All abutting property owners surrounding proposed subdivisions containing twenty-five (25) or more lots shall be notified by the applicant of any public hearing conducted by the Planning Commission on the proposed subdivision. If the Planning Commission determines that subdivisions containing a lesser number of lots could have a significant impact on the surrounding area, it may require that the applicant notify all abutting property owners of the public hearing for the proposed subdivision.

If so required, the applicant shall present to the Planning Commission proof that notice of the public hearing has been mailed at least fourteen (14) days in advance of the public hearing, directly to each of the owners of record of lots which abut the property which is proposed for subdivision, as such owners and addresses appear in the Assessor's Records for the Town of Ledyard.

I. Action by the Planning Commission on an Application for Subdivision.

There shall be a review period after formal submission of the subdivision application. The intent of the review period is to allow Town Development Staff and other governmental agencies the opportunity to comment on the proposed subdivision, and to allow the applicant sufficient time to revise the application such that it complies fully with applicable Town Regulations and Ordinances. Final revised plans reflecting review comments shall be on file with the Director of Planning not less than ten (10) days prior to the date on which the public hearing begins, or in the event that no hearing is scheduled, ten (10) days prior to the meeting, at which the application will be discussed and action taken.

J. Without Public Hearing.

If in the judgment of the Planning Commission no public hearing is required, the Planning Commission shall, within sixty-five (65) days following the day of receipt of the application, approve, modify and approve, or disapprove the application. Notice of the decision of the Planning Commission shall be published in a newspaper having substantial circulation in the Town of Ledyard and sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved, or disapproved, together with the date of such action. Failure of the Planning Commission to act thereon shall be considered as an approval and a certificate to that effect shall be issued by the Planning Commission, provided an extension of time not to exceed a further period of sixty-five (65) days may be had with the consent of the applicant. The grounds for its action shall be stated in the records of the Planning Commission.

K. With a Public Hearing.

If in the judgment of the Planning Commission a public hearing is warranted by the specific circumstances of the application, and in every case of a resubdivision, no action shall be taken without a public hearing. The hearing shall be closed no later than thirty-five (35) days after such hearing commences. Notice of the public hearing shall be published in a newspaper having substantial circulation in the Town of Ledyard at least twice at intervals of not less than two (2) days – the first, not more than fifteen (15) days, nor less than ten (10) days prior to the date of such hearing, and by sending a copy thereof by certified mail to the applicant.

The Planning Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted within sixty-five (65) days after completion of the public hearing.

Notice of the decision of the Planning Commission shall be published in a newspaper having substantial circulation in the Town of Ledyard and sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved, or disapproved, together with the date of such action. Failure of the Planning Commission to act thereon shall be considered as an approval of the application and a certificate to that effect shall be issued by the Planning Commission. The grounds for its action shall be stated in the records of the Planning Commission.

Extensions of time frames for applications with a public hearing: An applicant can consent to:

- (1) Extend the time frame for starting a public hearing;
- (2) Complete the public hearing; and/or
- (3) Render a decision if the total of all such extensions together does not exceed sixty-five (65) days.

L. Notifying Town Agencies of New Streets.

Within fifteen (15) days after action by it, the Planning Commission shall provide notice of approval of subdivision involving new roads to the Director of Public Works, Town Engineer, Building Official, Zoning and Wetlands Officer, the Ledyard Volunteer Emergency Services, fire companies, police, emergency services dispatcher, and the Ledyard and Gales Ferry Post Offices. Notification shall include subdivision name, road name(s), number of building lots, and approximate location.

M. Final Filing.

Two (2) mylar and three (3) blackline copies of final plans shall be delivered to the Director of Planning. Plans shall contain all modifications or stipulations required by the Planning Commission as a condition of approval. All mylars shall contain the raised seal and live signature of the Surveyor preparing the plan.

Upon receipt of final plans and the posting of any performance security required in Section 3.0(O), the Chairman or Secretary of the Planning Commission will endorse the final plans, which will then be delivered promptly to the applicant for recording in the office of the Town Clerk.

The filing or recording of such plans without endorsement by the Chairman or Secretary of the Commission shall immediately render the plan void. Failure of the applicant to file the approved plan in the office of the Town Clerk within ninety (90) days of the termination of the mandatory appeal period shall render approval null and void, except that the Planning Commission may extend time for final filing for two (2) additional periods of ninety (90) days, during which the plan shall remain valid until the expiration of such extended time.

N. Appeals.

Any person aggrieved by an official decision of the Planning Commission including a decision to take no action under these regulations may file an appeal to the New London Superior Court within fifteen (15) days from the date when notice of such decision is published in a newspaper in compliance with the provisions of Section 3.0(J) and (K) of these regulations. In those situations where the approval of the Planning Commission must be inferred because of the failure of the Planning Commission to act on an application, any person aggrieved by such approval may appeal within twenty (20) days after the expiration of the sixty-five (65) day period prescribed in Section 3.0(J) and (K) of these regulations.

O. Performance Security Requirements.

Before subdivision approval is granted to any applicant, the Planning Commission may direct that a performance security be paid in amount necessary for all construction and installation of such improvements, with the exception of the construction of shared driveways, as may be required by these regulations or the Town Drainage Ordinance.

P. Release of Performance Security.

The performance security may be released in whole or in part at the discretion of the Planning Commission, subject to provisions of the Section 10.0(E).

Q. Maintenance Security.

Prior to the release of the performance security in its entirety, the applicant shall deliver to the Town Treasurer a maintenance bond with security in amount and with conditions satisfactory to the Planning Commission. The maintenance security shall be in effect for a period of one (1) year from the acceptance of completed improvements in order to maintain the improvements.

R. Waiver of Requirements.

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from compliance with these regulations, it may, by a three fourths (3/4<sup>th</sup>) vote of all members, approve waivers to these regulations, provided that such waivers shall not conflict with the intent and purposes of these regulations. The Planning Commission shall not approve a waiver unless it finds in each specific case that:

- (1) The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety;
- (2) The conditions upon which the request for a waiver are based are unique to the proposed subdivision for which the waiver is sought and are not applicable generally to other potential subdivisions;
- (3) The waiver will not create a conflict with the provisions of the Zoning Regulations, Plan of Conservation and Development, Drainage Ordinance, or regulations of other Town Boards or commissions.

A request for any such waiver shall be presented in writing by the applicant at the time when the subdivision application is first submitted.

S. Digital Map Submissions.

At the time approved plans are recorded in the Town Clerk's Office, the applicant shall submit to the Town Planner a hardcopy table or printout of:

- (1) All distances and bearings; and/or
- (2) All coordinates based on the state plane coordinate system.

If subdivision plans have been prepared using computer-aided drafting software, a disk in either DXF or DWG file format for ready conversion to the Town's GIS software may be submitted in lieu of the above hardcopy information. Digital submissions shall conform to layering specifications found in **Appendix C** of these regulations. Such submissions are not mandatory if the surveying or engineering firm does not have access to appropriate software.

## **SECTION 4.0: SUBDIVISION DESIGN REQUIREMENTS**

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### **A. General.**

The Planning Commission's review of an application shall take into consideration the Plan of Conservation and Development, which attempts to maintain the rural character of a large portion of the Town, while providing adequate opportunities for orderly growth. Specifically, the review shall take into consideration subdivision design and layout, protection of health, public safety, environment, and such other factors falling within the scope of responsibility of the Planning Commission as defined in Chapter 126 of the General Statutes, as amended.

### **B. Suitability of Land Use.**

Land shall be suited to the purpose for which it is to be subdivided.

Land of such character that cannot be used safely for building purposes because of danger to health or the public safety, or aggravation of flood, drainage, sewage, or water pollution hazard shall not be platted for human occupancy until appropriate measures have been taken by the subdivider to eliminate such hazards.

Land which is classified as "inland wetlands or watercourses" under Section 22a-28 through 22a-45 of the Connecticut General Statutes, as determined in the field by a certified soil scientist and platted by a Surveyor, shall not be used to satisfy more than twenty-five percent (25%) of the minimum area of a lot as required under the Town of Ledyard's Zoning Regulations. Building lots must contain seventy-five percent (75%) contiguous non-wetland area, based on minimum lot size allowed for the zone in which the subdivision is located.

Land subject to flooding, including tidal flooding, shall not be subdivided for any use whereby danger to health or public safety, as determined by the Planning Commission, may result.

### **C. Open Spaces and Land Reserved for Special Use.**

The Planning Commission may specify that such land as it deems proper be reserved for open spaces, parks or playgrounds and may specify the extent to which improvements on such land shall be completed by the applicant. Allocation of such lands shall be in accordance with Section 6.0 of these regulations and shall be shown on the approved subdivision plans. No narrow strips preventing access to land dedicated or to be dedicated to public use, including open spaces, parks, or playgrounds, will be permitted.

### **D. Benchmarks and Survey Stations.**

No National Geodetic Survey Stations, U.S. Geological Survey Benchmarks, or associated reference points shall be disturbed. Where encountered, such points will be protected by deeded restrictive covenants to prevent property owner disturbance.

### **E. Trails.**

All hiking and bicycle trails shall be preserved in situations where feasible, or otherwise rerouted. Subdivision of land, which contains officially designated hiking or bicycling trails, or trail routes identified in the Town's Plan of Conservation and Development, shall provide right-of-way for these trails in accordance with Section 5.0(G).

### **F. Streets.**

Vehicular traffic to be generated by the proposed subdivision shall not cause hazardous or unsafe conditions upon existing town roads or streets, or upon new streets proposed by the applicant. All street construction and related drainage shall conform to provisions of these regulations-and the Town Drainage Ordinance.

- (1) Traffic Studies.
  - (a) Traffic studies, prepared by a certified traffic engineer, shall be submitted by the applicant for all subdivisions containing thirty (30) or more lots or fifty (50) or more dwelling units. In the case of resubdivision or phased development, previously approved lots or dwelling units shall be considered as part of the total in determining the need for a traffic study.
  - (b) Traffic studies for subdivisions containing less than thirty (30) lots or fifty (50) dwelling units may be required, provided that the Planning Commission determines that hazardous or unsafe conditions may be created or exacerbated by the proposed development.
  - (c) Traffic studies shall cover basic traffic issues including traffic characteristics and level of service (LOS) of existing Town streets affected by the subdivision; impacts of traffic from the proposed subdivision upon operation of existing streets; effects of any planned phasing of the proposed subdivision; trip generation rates for the proposed subdivision; and any recommended alterations or improvements to existing streets necessary to mitigate identified hazardous or unsafe conditions resulting from the proposed subdivision.
- (2) Where the proposed subdivision abuts an existing Town road which does not meet minimum criteria, the applicant shall convey to the Town sufficient land along such road as to permit its widening to conform to the standards of these regulations. Where the Planning Commission determines that the condition of the existing road is such that the approval of the subdivision could result in a potential safety hazard, the Planning Commission may require that the applicant make improvements to the existing Town road to assure the safety of residents of the new subdivision.
- (3) Street Design.
  - (a) New streets shall be laid out in a manner that provides safe and efficient access to properties and does not result in the hazardous concentration of traffic in any part of the proposed subdivision or on existing roads and streets. Adjacent subdivisions or resubdivisions shall not be designed in a manner that local streets become arterial or collector roads unless otherwise specified in the Town Plan of Conservation and Development.
  - (b) Streets shall be laid out so as to obtain as many building sites as possible at or above grade of the street. Curvilinear street arrangements following natural contours shall be generally used in preference to gridiron systems.
  - (c) Subdivisions shall be laid out so as to provide street connections with existing streets on adjoining properties and also with proposed streets that may be provided for in the Plan of Conservation and Development. When a subdivision adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connection with the adjoining land where it appears probable that the latter could be subdivided.



(4) Street Widths.

- (a) Future street rights-of-way shall have a minimum width of fifty (50) feet, and shall be conveyed by warranty deed to the Town of Ledyard. Street widths shall meet the following requirements:

<b>Designation</b>	<b>Right-of-Way</b>	<b>Travelled Width</b>
<b>Arterial</b>	60'	32'
<b>Collector</b>	50'	30'
<b>Local Street</b>	50'	28' -
<b>Minor Local Street</b>	50'	22' -

- (b) The Planning Commission may require that slope rights on parcels abutting the right-of-way be conveyed to the Town of Ledyard and be reflected in applicable property deeds. The Commission may require that a professional engineer or a Surveyor determine the width of such slope rights, based on specifications of these regulations.

- (c) Horizontal and Vertical Design Controls.

[1] Minimum Criteria:

<b>Design Element</b>	<b>Arterial Street</b>	<b>Collector Street</b>	<b>Local/Minor Local Street</b>
<b>Design Speed</b>	45 mph	35 mph	25 mph
<b>Max. Gradient</b>	8%	10%	10%
<b>Min. Gradient</b>	1%	1%	1%
<b>Stopping Sight Distance</b>	350 ft.	250 ft.	200 ft.
<b>K value for vertical curve</b>	90	40	30
<b>Minimum centerline radius curve</b>	800 ft.	300 ft.	150 ft.
<b>Minimum sight distance for intersections</b>	710 ft.	A. -	405 ft.

- [2] Streets shall be adjusted to the contour of the land but no grade shall exceed the limits set above without the prior written approval of the Director of Public Works.

- [3] The finished grade shall be at least three and one-half (3 ½) feet above the high water table. This may be accomplished by filling or through the installation of underdrains. All unsuitable soft materials must be removed from beneath the proposed street.
  - [4] The profile of such new street shall have no abrupt change of grade.
  - [5] Grades Approaching Intersections - Grades shall not exceed three percent (3%) for a distance of not less than seventy-five (75) feet from the centerline of the intersection.
  - [6] Tangent Distance Between Reverse Horizontal Curve: A minimum distance of one hundred (100) feet shall be provided on collector, local, and minor local streets and two hundred (200) feet shall be provided on arterial streets.
- (d) Side Slopes
- [1] Slope Grading: Streets in cut or fill sections shall be provided with slopes not steeper than two (2) feet horizontal to one (1) foot vertical, unless other structural measures are provided to retain the slope. Steeper slopes may be permitted in rock cuts. At intersections, banks shall be cut back to maintain the minimum sight distance for intersections, as required by these standards.
  - [2] Guide Rails: In all areas where the side slopes are steeper than four (4) feet horizontal to one (1) foot vertical drop and slope down from the street and the height of fill exceeds four (4) feet, guide rails should be installed.
  - [3] Slope Rights: Where new streets abut private property, necessary slope rights must be obtained by the developer when in cut or fill, and these slope rights shall be shown on the final layout and on the land records. The developer shall address the effects of fills and cuts on adjacent private property within the slope right area.
- (5) All subdivision streets shall connect directly to one (1) or more accepted Town roads or State highways. Subdivisions containing more than thirty (30) lots shall have at least two (2) direct connections to one (1) or more accepted Town roads. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total in determining the need for a second direct connection. The Planning Commission may require subdivisions containing more than fifty (50) dwelling units to have at least two (2) direct connections to one (1) or more accepted town roads provided that the Planning Commission determines that hazardous or unsafe conditions may be created or exacerbated by the density of the proposed development.
  - (6) Except where impractical because of topographic conditions or where reverse frontage lots are used, blocks shall be of sufficient depth to permit two (2) tiers of lots.
  - (7) Streets, which join or are in alignment with streets of an adjoining or neighboring property, shall bear the same name. No duplication of street names shall be permitted except as indicated above, and similar sounding names shall be avoided. All street names are subject to the approval of the Planning Commission.
  - (8) No new street or any existing street being brought up to standards of these regulations shall be constructed below the base flood elevation of a flood hazard area.

~~(9) Cul-de-sac streets shall be prohibited.~~

(9) Minor Local Streets.

- (a) Minor local streets shall have only one (1) intersection.
- (b) This street configuration may only be used when there is no plan or obvious possibility of extending the roadway beyond the maximum allowable length and only when the Planning Commission determines that adjoining parcels will not become “landlocked” or otherwise inaccessible from Town streets or State highways.

G. Lots.

- (1) All lots shall have frontage on either an existing approved street or upon a new street to be created as part of an approved subdivision plan except in the case of interior lots approved as part of a Conservation Subdivision.
  - (a) All interior lots must meet the minimum criteria set forth in the Town of Ledyard Zoning Regulations for interior lots.
- (2) Frontage lots shall be shaped rectangularly except where prevented by irregular boundaries or where a road curve or cul-de-sac may make a trapezoidal shape appropriate. Other shapes shall be avoided. Side lot lines should be at right angles to the street on which the lot faces or radial to curves of the street.

H. Intersections.

- (1) The following criteria shall be adhered to in the establishment of intersections:
  - (a) Number of Streets: No more than two (2) streets shall intersect or meet at any one (1) point to form a four way (4-way) intersection. The centerline of all streets entering the intersection shall pass through a single point.
  - (b) Spacing of Intersections: Intersections of commercial and industrial roads, local streets, and minor local streets shall be spaced a minimum of two hundred (200) feet apart measured from the points of intersection of the centerlines. Intersections of arterial and collector streets shall be spaced a minimum of eight hundred (800) feet apart, measured from points of intersection of the centerlines.
  - (c) Angle of Intersection: Wherever practical, all streets shall intersect at ninety (90) degrees and no street shall intersect any other street at an angle less than seventy-five (75) degrees or more than one hundred and five (105) degrees. A minimum straight distance of one hundred (100) feet shall be provided on all streets approaching an intersection with another street.
  - (d) Radii of Intersecting Streets: The radii, at the right-of-way line of intersecting local streets, and local streets that intersect with arterial and collector streets, shall be a minimum of twenty-five (25) feet. All other intersections shall have a minimum radius of thirty (30) feet at the right-of-way line.

I. Driveways.

- (1) In order to minimize pedestrian and traffic hazards, the Planning Commission requires that proposed subdivisions minimize, to the greatest possible extent, the number of driveway cuts intersecting designated arterial and collector streets.

- (2) All driveways entering State highways and town roads shall be designed with an unobstructed stopping sight distance as specified below. The grading and clearing at a driveway entrance shall provide for a required stopping distance along the adjoining street of:

Street Design Speed (mph)	Sight Distance (feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

- (3) The apron and drive shall have a grade and transition curve and the drive apron shall be installed as shown on Design Plate #7 on file in the Public Works Department.

#### J. Reverse Frontage

Wherever practicable, lots adjacent to a state highway or the following arterial or collector streets shall have their frontage reversed and shall front on a street one (1) lot depth removed from the state highway or major town road, or shall front on an intersecting side street. Reverse frontage lots which back on a state highway or major town street shall have a buffer zone at least ten (10) feet wide along the property line abutting the road right-of-way. Buffer zones shall contain a fence, wall, stream, hedge, or other suitable deterrent to access. When possible, driveway cuts should be placed along subdivision streets rather than adjoining arterial and collector streets. Reverse frontage lots are permissible along:

- Avery Hill Road
- Christy Hill Road
- Church Hill Road
- Colonel Ledyard Highway
- Gallup Hill Road
- Lambtown Road
- Lantern Hill Road
- Long Cove Road
- Mathewson Mill Road
- Military Highway
- Pumpkin Hill Road
- Sandy Hollow Road
- Shewville Road
- Spicer Hill Road
- Town Farm Road
- Whalehead Road
- Vinegar Hill Road

K. Flood Protection.

The provisions of this section shall apply to Special Flood Hazard Areas, as determined by information formally provided to the Town of Ledyard by the National Flood Insurance Program.

All proposed subdivisions greater than fifty (50) lots or five (5) acres, whichever is the less, shall include base flood elevation data if base flood elevation data is shown on FEMA maps.

The Planning Commission shall require that any proposed subdivision be designed to minimize flood damage. When a subdivision is proposed on land subject to flooding, the Planning Commission shall require written confirmation from the Building Official that the placement of utilities, water, sanitary sewer systems, and electrical service will minimize or eliminate flood damage or infiltration. Adequate drainage systems shall be provided to reduce exposure to flood hazards.

The application for a subdivision of land subject to flooding shall be accompanied by the assurance that the flood carrying capacity is maintained despite any altered or relocated portion of any and all watercourses.

L. Coastal Site Plan Review.

All subdivisions of land located fully or partially within the Coastal boundary, as defined in the State Coastal Management Act Title 22a-90 through 112, Chapter 444, and indicated on the Coastal Boundary Map, shall be subject to the coastal site plan review requirements, procedures and definitions set forth in the Act, and with the following requirements of these regulations:

- (1) In addition to requirements set forth elsewhere in these regulations, coastal site plans must include the following information:
  - (a) A plan showing the location and spatial relationship of coastal resources on and contiguous to the property proposed for subdivision;
  - (b) A description of the location, design, and timing of construction of any subdivision improvements;
  - (c) An evaluation of the capability of resources to accommodate the proposed use;
  - (d) An evaluation of the suitability of the subdivision for the proposed site;
  - (e) An evaluation of the potential beneficial and adverse impacts of the subdivision and a description of proposed methods to mitigate adverse effects on coastal resources.

The applicant shall demonstrate that the adverse impacts of the proposed subdivision on coastal resources and future water-dependent development opportunities are acceptable and that such activity is consistent with the goals and policies of Section 22a-92 of the Coastal Management Act.

M. Energy Efficiency, Energy Conservation, and the Use of Solar Energy.

Pursuant to Section 8-25 (b) of the Connecticut General Statutes, the applicant shall utilize passive solar energy techniques in subdivision design to maximize solar heat gain, minimize heat loss during the heating season, and provide for natural ventilation during the cooling season, provided that use of such techniques will not significantly increase the cost of housing to the buyer after tax credits, subsidies and exemptions. These passive solar energy techniques shall include but are not limited to the following: (See Appendix B for illustrations.)

- (1) Encourage East-West Layouts.

The street and lot layout plan shall, as far as practical, provide for east-west street orientations to facilitate the development of properly oriented passive solar buildings. An east-west street refers to any street with its axis within thirty (30) degrees of true east.

(2) Provide for Flexible Lot Layouts.

Side lot lines shall be perpendicular to the street line unless the purpose of lot line orientation is to provide greater solar access gain or protection.

(3) Encourage Solar Orientation of Proposed Buildings.

The "footprint" of proposed principal buildings for each lot within a subdivision should, wherever practical, be located and oriented so that the longest side of the building is within thirty (30) degrees of true east.

(4) Consideration of Energy Impacts of Other Buildings, Vegetation and Natural Features.

Proposed buildings should be located to avoid shadows cast by other buildings, vegetation or natural and man-made topographical features wherever practical. Solar access should be available to the south wall of the principal building between 9:00 a.m. and 3:00 p.m. local time on December 21st. Where possible, new plantings shall concentrate evergreen trees and hedges on the north side of a structure, and deciduous trees on the south side of a structure.

(5) Encourage Location of Septic Systems on South Side of Structure.

When permitted by soil and topographic conditions, primary and reserve leaching fields should be located to the south of proposed building locations whenever such location will enhance solar access to septic system drainage fields.

N. Cultural Resource Preservation.

Subdivisions and resubdivisions shall be laid out to preserve significant cultural resources and unique natural features. Suitable public access to any cemetery may be required by the Planning Commission.

(1) Cemeteries and Human Burials.

All cemeteries within a proposed subdivision shall be deeded either to the Town of Ledyard, an existing cemetery association, a homeowners association, or other responsible party, as deemed appropriate by the Planning Commission, along with a twenty (20) foot protective buffer, as measured from stone walls surrounding a cemetery, or from any identified human burial in the absence of walls or other demarcated boundary.

(2) Archaeological Assessment.

An on-site archaeological assessment shall be required if in the opinion of the Planning Commission it is likely that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. The assessment shall be conducted in accordance with standards outlined in the Environmental Review Primer for Connecticut's Archaeological Resources. Permanent reference copies are on file at the State Historic Preservation Office and the Ledyard Planning Office.

(3) Determination of Need.

The Commission's determination of need for an archaeological assessment shall be based on:

- (a) Proximity to identified cemeteries, human burials, archaeological sites, historic sites; and/or
- (b) Natural terrain features such as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters, where these factors reflect scientifically documented settlement pattern preferred by Native Americans or European Colonists.

In making this determination, the Planning Commission shall seek advice and comment from the office of State Archaeologist and/or State Historic Preservation Officer. A letter seeking such advice shall be mailed within two (2) working days after the Planning Commission's subdivision preliminary review, as defined in Section 3.0(C) of these regulations.

(4) Management Plans.

Cultural resource management plans submitted to the Planning Commission by the applicant shall consist of the following:

- (a) A written investigative report prepared by a professional archaeologist, containing appropriate historic documentation, a description of research design methods and techniques, and a description of sites, features and artifacts discovered as a result of the archaeological investigation. A list of accredited professional archaeologists is maintained by the State Historic Preservation officer.
- (b) An evaluation of the impact of the proposed subdivision on identified cemeteries, human burials, archaeological sites and historic sites.
- (c) A description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities and identified cultural resources. This may include an estimate of mitigation costs and time required for more extensive investigations. Measures may include open space dedication; conservation easements; redesign or relocation of roads, drainage features, or buildings so as to minimize adverse impacts; or excavation and removal of cultural remains supervised by a professional archaeologist.
- (d) Copies of all investigative reports and management plans shall be submitted to the Office of State Archaeologist and State Historic Preservation Officer for review and comment prior to any Planning Commission public hearing. Comments received from state officials shall be incorporated into the public hearing record.

O. Conservation Subdivisions.

(1) Purpose.

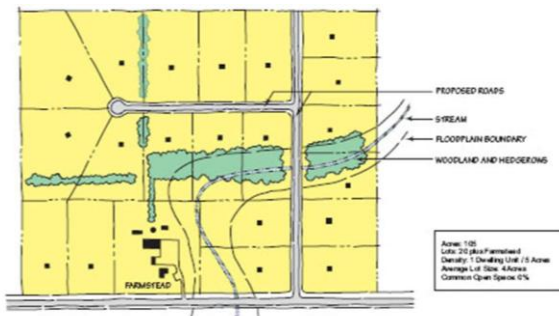
The purpose of this Section is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of open space is accomplished by permitting flexibility in the minimum lot size normally required in specific zones for residential development. The creation of a Conservation Subdivision is intended to:

- (a) Protect natural streams, water supplies and watershed areas;
- (b) Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;

- (c) Promote conservation of soils, wetlands, and other significant natural features and landmarks;
- (d) Enhance the value to the public of abutting or neighboring parks and unfragmented forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces;
- (e) Enhance public recreation opportunities;
- (f) Preserve historic sites;
- (g) Promote orderly efficient development; and
- (h) Limit the extent of impervious surfaces and control runoff.

Conventional Subdivision

Conservation Subdivision



Source: [http://www.sewrpc.org/ca/conservation/subdivisions/pdfs/conservation\\_subdivision\\_design\\_process.pdf](http://www.sewrpc.org/ca/conservation/subdivisions/pdfs/conservation_subdivision_design_process.pdf)

(2) Applicability.

Conservation Subdivision design standards are an option that shall apply only to single-family residential subdivisions within the R-40, R-60 and R-80 zoning districts and shall be subject to all of these regulations as the Planning Commission deems appropriate and Section 5.0 of the Town of Ledyard Zoning Regulations.

(3) Cultural Resource Preservation.

Cultural resources shall be evaluated and preserved in accordance with Section 4.0(N) of these regulations.

(4) Environmental Considerations.

Prevention and mitigation to protect the environment as a result of subdividing and construction shall be in accordance with the provisions of these regulations and current environmental law.

(5) Referrals.

The Planning Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Ledyard Inland Wetlands and Watercourses commission, the Conservation Commission, the Historic District Commission, or any other appropriate agency. no later than the day the application is filed for the subdivision or re-subdivision. The Planning Commission shall not render a decision until the agency Ledyard Inland Wetlands and Watercourses Commission has submitted a report with its final decision to the Planning Commission. In making its decision, the Planning Commission shall give due consideration to the report of the agency Ledyard Inland Wetlands and Watercourses Commission.



(6) Requirements for Submitting a Conservation Subdivision Design.

- (a) Any proposed residential development has the option of being developed as a Conservation Subdivision with the approval of the Planning Commission.
- (b) The Planning Commission may, if it is determined to be consistent with the objectives of the Plan of Conservation and Development (e.g., connection of wildlife corridors), require an applicant proposing to subdivide a parcel of land containing ten (10) acres or more; that has been divided, subdivided, or re-subdivided for residential use, that results in the creation of four (4) or more lots, or involves ten (10) or more contiguous acres in any R-40, R-60 or R-80 zoning district to submit a Conservation Subdivision plan that meets the requirements of this Section and the other relevant provisions of these Regulations and the Ledyard Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included.
- (c) An application for the approval of a Conservation Subdivision shall be in accordance with Section 3.0 of these regulations. In addition, the application must be accompanied by copies of the proposed Certificate of Incorporation, if any, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of open space, including obligations for maintenance of common facilities.

(7) Yield Formula and Bulk Requirements.

- (a) The maximum number of lots in a conservation subdivision shall not exceed the number of lots required by the Zoning Regulations as amended.
- (b) The maximum density allowed for residential units:

[1] Subtract the acreage of the “~~constrained undevelopable~~ land” from the total (gross) acreage of the proposed development. ~~Constrained Undevelopable~~ land includes:

[a] Future road rights-of-way;

[b] Existing utility rights-of-way; and

[c] Stormwater management features;

~~[d] Land which is not contiguous or which is separated from the parcel by a road, railroad; wetlands; watercourses; one hundred (100) year floodplains; and~~

~~[e] Slopes of fifteen percent (15%) or greater which are four thousand (4,000) square feet or more of contiguous sloped area.~~

[2] ~~To determine the “base” number of allowable residential units on the site,~~ Divide ~~unconstrained developable~~ acreage by the allowable number of acres per unit. Round down fractional units of 0.5 or less, and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the site.

[3] The “base density” may be increased if the development complies with one (1) or more of the following standards. Each standard provides a bonus of five percent (5%) in addition to the base density. The maximum bonus permitted is fifteen percent (15%).

[a] Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.

[b] Creating an endowment where the principal would ~~general~~generate sufficient annual ~~interest~~come to cover the conservation easement holder’s yearly costs including, but not limited to, taxes, insurance, maintenance, enforcement and the like.

[c] Reusing historical buildings and structures, including those sites inventoried by the Connecticut Historical Society. The United States Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall apply.

(b) There is no minimum lot size provided that the overall tract density does not exceed the above number of units calculated by the yield formula.

(c) There shall be no minimum lot width and no minimum ~~front,~~ rear, or side yard requirements.

(8) Design Guidelines for Conservation Subdivisions.

In designing a Conservation Subdivision, the applicant shall consider the purposes set forth in Section 4.0(O)(1) and Section 6.0 of these Regulations; the provisions and standards set forth in Section 5.0 of the Zoning regulations, and the following:

(a) Lots.

[1] Proposed lots and improvements should be designed and situated to minimize alteration of natural site features to be preserved.

[2] Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from, and the view of, prospective home sites, and to minimize the area devoted to motor access and travel.

[3] Dwelling units shall be grouped allowing a portion of the parcel to remain as open space.

[4] Lots shall be laid out to the greatest extent feasible to achieve the objectives listed below in order of priority (it is recognized that some objectives may conflict with others on any given site):

[a] To place septic systems on the most suitable soils for sub-surface waste water disposal (in unsewered areas only);

[b] Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);

- [c] In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
  - [d] On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
  - [e] In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
- (b) Open Space.
- [1] The minimum open space to be conveyed within a Conservation Subdivision shall be sixty percent (60%) of the total undivided parcel area. Ponds, streams, Wetlands and watercourses should be included in the open space to the maximum extent possible. Settlement basins and transferred rights-of-way shall not be counted towards the minimum area of open space required.
  - [2] The Planning Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations as amended.
  - [3] Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and significant geological features.
  - [4] Proposed open space must have reasonable access points for maintenance and to facilitate connection with other dedicated open space, existing or planned, to complete trails and wildlife corridors in accordance with the Plan of Conservation and Development. The access may be in conjunction with abutting dedicated open space. The open space in any Conservation Subdivision shall be located entirely within the undivided parcel and shall be in one contiguous piece except where the Commission finds that the purposes of Section 4.0(O)(1) would be more effectively served by separated parcels. The open space shall have a suitable shape, dimension, character and location to promote the purposes specified in Section 4.0(O)(1).
  - [5] Wherever possible ponds, streams, wetlands should be adjacent, contiguous or included in the open space. Shade should be preserved within wetland areas with one hundred (100) feet buffer zones and at least seventy-five (75) feet from ponds and streams.
  - [6] The dedication of open space shall be in accordance with the provisions set forth in Section 6.0(D) of these Regulations.
- (c) The Planning Commission is authorized to seek professional assistance from an engineer, landscape architect or other qualified professional to analyze the Conservation Subdivision design. All extraordinary expense to review documents or conduct special studies in connection with the proposed application, incurred for professional review of an application shall be charged to the applicant.
- (d) Utilities.

- [1] Unless prevented by ledge or other natural restraints, underground utilities shall be required in Conservation Subdivisions.
- [2] Public water/community water system or, public sewer/~~community water system~~, or community sewerage system shall be required for a conservation subdivision in an R-40 zone.
- [3] A Conservation Subdivision utilizing a community water system shall not be approved unless one of the following is obtained by the applicant:
  - [a] A Certificate of Public Convenience and Necessity has been issued pursuant to Sections 8-25a and 16-262m of the Connecticut General Statutes; or
  - [b] A written Water Main Extension Agreement has been approved by the public water company designated to serve the conservation subdivision development.

~~(9) Modification or Exception:~~

~~The Planning Commission may grant a waiver to the requirements of a Conservation Subdivision in accordance with the provisions for waivers in Section 3.0(S) of these regulations.~~

~~(409) Common Driveways:~~

- ~~(a) Common driveways serving more than one (1) dwelling unit are encouraged, especially when interior (rear) lots are proposed and at cul-de-sacs.~~
- ~~(b) Minimum separation between physical driveways is twenty-five (25) feet.~~
- ~~(c) The applicant shall demonstrate adequate snow shelf and driveway curb-cut separations at cul-de-sacs.~~
- ~~(d) Common driveways may not serve as a connecting driveway between two (2) public streets and must be wholly contained within an access strip with a minimum width of twenty-five (25) feet throughout.~~
- ~~(e) Common driveways may serve up to five (5) dwelling units in a Conservation Subdivision, and shall be paved with bituminous concrete, gravel, or other substantial permeable material to a minimum width of eighteen (18) feet.~~
  - ~~[1] Final design is site specific and subject to the recommendation of the Town Engineer.~~
  - ~~[2] Bituminous concrete pavement is required where road grade is greater than or equal to eight percent (8%).~~
  - ~~[3] The pavement cross section in such cases shall consist of:
    - ~~[a] Six (6) inch rolled gravel sub-base (or as required by the Town Engineer);~~
    - ~~[b] Four (4) inch compacted processed stone base;~~
    - ~~[c] One and one half (1 ½ ) inch compacted bituminous concrete Class I pavement binder course; and~~~~

- [d] 4) 1 ½" One and one half (1 ½) inch compacted bituminous concrete Class II pavement finish course.
- [4] The unpaved cross section shall consist of:
  - [a] 4) 8" Eight (8) inch rolled gravel sub-base (or as required by the Town Engineer); and
  - [b] 2) 4" Four (4) inch compacted processed stone finish course.
- (f) Where common driveways exceed six hundred (600) feet in length, a pull-off (12' twelve (12) feet wide x twenty (20) feet deep) shall be provided at intervals of six hundred (600) feet (except the last six hundred (600) feet of driveway may be served by the cul-de-sac).
- (g) All common driveways are to be maintained by either a Homeowner's Association, or through the establishment of private maintenance and liability agreements, and are to remain private in perpetuity in a form acceptable to the Planning Commission, which shall be subject to review by the Town Counsel. Appropriate easements shall be provided for travel, utilities, snow storage and pull-off, hammerhead turnaround, and associated snow shelves.

## SECTION 5.0: IMPROVEMENTS

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### A. Notification.

Prior to actual construction or the installation of any required improvement (other than surveying), the applicant shall notify the Director of Public Works, the Building Official, and the Zoning Official of the Town of Ledyard.

### B. Street Construction.

Streets shall be constructed in accordance with the requirements of Section 4.0 and the following regulations:

#### (1) Construction Survey.

- (a) The centerline of the road shall be located in the center of the right-of-way and shall be run in the field and suitable construction ties established to all control points. Stations shall be established at least at fifty (50) foot intervals and at all point of curvature and points of tangency.
- (b) Construction offset stakes shall be placed at each station and clear of all construction. The construction stake shall be marked with the station, offset to centerline and cut or fill to profile grade.
- (c) Permanent bench marks shall be established throughout the length of the project at a minimum of one thousand (1,000) foot intervals. This information shall be noted on the construction plans. The datum for bench marks shall be based on NGVD 1929.

#### (2) Excavation.

- (a) All excavation shall be made in conformity with the requirements of the plans, cross sections, or as directed by the Director of Public Works.
- (b) When tying into existing roads, the "Call Before You Dig" service shall be notified at least forty-eight (48) hours in advance such that existing utility locations can be marked.
- (c) When ledge rock is encountered, this material shall be removed to a depth such that a minimum twelve (12) inch subbase can be placed. Alternative methods to blasting shall be considered for removing rock when necessary.
- (d) Blasting: If blasting is permitted in rock excavation, all necessary State and Town permits shall be secured. OSHA regulations shall be satisfied. Copies of Certificates of Insurance shall be provided upon request of the Director or Public Works, in order to demonstrate adequate coverage as outlined in 5.0(L) of these regulations. Sufficient warning shall be given to all persons in the vicinity of the work before blasting. No blasting shall be done on Sunday. On weekdays blasting shall not be undertaken between the hours of 6:00 P.M. and 7:00 A.M.
- (e) Topsoil: When encountered, topsoil shall be excavated within the pavement limits. Topsoil shall be stockpiled for finish grading on road side area and lots.

#### (3) Embankments and Slopes.

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- (a) Embankments shall be constructed of earth, rock or a mixture of earth and rock. Stumps, trees, sod, or other biodegradable matter shall not be incorporated in embankments.
  - (b) The depth of each layer shall not exceed twelve (12) inches before compaction.
  - (c) Frozen material shall not be used. No embankment layer shall be deposited on surfaces of snow or ice, nor shall it be placed on frozen or unstable surfaces.
  - (d) No stone over seven (7) inches in its greatest dimension shall be placed within a minimum of twelve (12) inches below the elevation of the subgrade.
  - (e) When embankments are to be constructed on slopes steeper than one (1) vertical to three (3) horizontal, the slope on which the embankment is to be placed shall be plowed deeply or cut into steps (terracing) before the filling is begun.
  - (f) The embankment shall be crowned or pitched to provide drainage at the close of each day's operation.
  - (g) In areas of standing water, embankments for road bed construction shall be constructed of rock or free-draining material, or a mixture of both to an elevation of three (3) feet above the free water surface.
  - (h) During construction of road beds, if the fill material consists predominantly of rock fragments of such size that materials cannot be placed in horizontal layers of the thickness specified above, such material may be placed in the embankments in horizontal layers not exceeding three (3) feet in thickness. Large stones shall not be placed in nests, but shall be distributed over the area; and the interstices shall be filled with spalls, finer fragments, or earth to form a solid, compact mass. No rockfill shall be placed within two (2) feet of the top of the embankment.
  - (i) The dry density after compaction shall not be less than ninety-five percent (95%) of the dry density for that soil when tested in accordance with AASHTO T180, Method D, except that the mold used in the test shall be 6.11 inches high.
  - (j) Slopes shall have a uniform surface as shown on the plans. All slopes, except those in rock or ledge formations, shall be topsoiled and seeded in accordance with these specifications. This work shall be done as soon as practicable in order to prevent erosion.
- (4) Placement of Gravel Fill.
- (a) Description: Gravel fill shall be used to replace unstable material in slopes, in shoulders and elsewhere as ordered by the Director of Public Works.
  - (b) Construction Methods: When gravel fill is used to replace unstable material, it shall be deposited in layers not over six (6) inches in depth, with each layer thoroughly compacted before the addition of other layers.
- (5) Subgrade.
- (a) Description: The area of the roadbed upon which the pavement structure is placed shall be known as the subgrade. After all grading for the roadbed has been substantially completed and all drains and other underground utilities laid, the subgrade shall be brought to the lines, grades, and cross-sections shown on the plans.

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- (b) Unsuitable Material Replacement: All Poor subgrade material as determined by the Director of Public Works shall be removed to a depth of three (3) feet below the finished grade, and all loose rock and boulders over seven (7) inches in size shall be removed to a depth of not less than one (1) foot below subgrade. Removed material shall be replaced with compacted gravel fill placed in lifts not to exceed six (6) inches in thickness.
  - (c) The subgrade shall be properly compacted prior to the placement of the roadway subbase material.
  - (d) Stabilization Fabric: Synthetic filter material may be utilized to stabilize the subgrade provided that a detailed design is submitted to and approved by the Director of Public Works.
- (6) Subbase.
- (a) Description: The subbase shall consist of bank run gravel or crushed gravel, placed in accordance with the typical section for the designation of the street being constructed. The installed depth shall be increased in areas of poor subgrade material and/or seasonally high water table.
  - (b) Construction Methods: Proper preparation of the foundation for the subbase, placing the subbase, and compaction of the subbase shall be in accordance with **Article 2.12.03**. Vibratory rollers or compactors are required for compaction unless a waiver is granted by the Director of Public Works.
- (7) Processed Aggregate Base.
- (a) Description: The base shall consist of one (1) course of processed aggregate constructed on the prepared subbase, placed in accordance with the typical section for the designation of the street being constructed.
  - (b) Construction Methods: Preparation of the foundation for the base, placing the base, and compaction of the base shall be in general accordance with **Article 3.04.03**. Portions of Article **3.04.03** dealing with placing a “top course” shall be disregarded. The use of vibratory rollers or compactors are required for compaction.
- (8) Two-Course Bituminous Concrete Pavement.
- (a) Description: The paved surface shall be constructed of two courses of bituminous concrete. The first course of paving is hereinafter referred to as the “Binder Course.” The second course of paving, which shall be placed on the Binder Course, is hereinafter referred to as the “Surface Course.”
  - (b) Thickness: The depth of the courses shall be as shown on the Street Cross Section. Attention is called to the Minimum Placement Temperatures shown in Appendix B on file in the Public Works Department.
  - (c) Where new pavement joins existing pavements, the existing pavement shall be cleanly cut and the new pavement shall be tapered to create a smooth transition.
  - (d) The vertical contact surfaces of existing pavements, catch basins, and other structures in the pavement shall be painted thoroughly with a thin uniform coating of bitumen tack coat just before the new paving mixture is placed against them.



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- (e) Construction Methods: The methods employed in constructing the binder and surface courses shall conform to the requirements of **Article 4.06.03**.
  - (f) Cut-off Date for Paving: No Bituminous Concrete materials shall be placed between November 15 and April 15, unless special permission is obtained from the Director of Public Works.
- (9) Bituminous Concrete Lip Curbing.
- (a) Description: Bituminous Concrete Lip Curbing shall consist of machine laid bituminous concrete, constructed on the pavement to the dimensions and details shown on Design Plates #1 to #7 on file in the Public Works Department.
  - (b) Construction Methods: The area adjacent to and immediately behind the curb shall be backfilled, loamed and seeded.
- (10) Utilities.
- (a) Where underground utilities will service parcels of land adjoining the proposed street, the applicant shall ensure that an adequate number of conduits, as specified by the power company, water company, telephone company, and cable-TV company, shall be provided. All utility conduits shall extend to the street right-of-way line. Conduits shall be to the diameter specified and placed at locations designated by each utility.
  - (b) Installation of utility conduits shall occur prior to placement of bituminous concrete binder and surface courses and the processed aggregate base (see Design Plates #1 to #3 on file in the Public Works Department).
  - (c) All manhole covers, water grate covers, etc., shall be adjusted so they are one-half (1/2) inch below the required finished pavement surface. Disturbed areas adjacent to and immediately behind the concrete lip curbing shall be back-filled, loamed and seeded.
- (11) Catch Basins.
- (a) Catch basins shall be of the type shown on plans and shall be constructed in locations as shown on approved plans.
  - (b) Catch basins shall have a two (2) foot deep sump.
  - (c) Catch basin grate tops shall be adjusted so they are one-half (1/2) inch below the required finished pavement surface.
- (12) Rip Rap.
- (a) Riprap material shall consist of sound, tough, durable and angular rock, free from decomposed stones or other defects impairing its durability.
  - (b) Broken concrete or rounded stones are not acceptable.
- (13) Other Items in the Right-of-Way.
- (a) No other items, except as required or allowed in these standards, are allowed in the street right-of-way.
  - (b) Mailboxes, within the right-of-way shall meet United States Postal Service location requirements and utility facilities shall meet all required state and local standards.

C. Stormwater Management.

- (1) No subdivision shall be laid out in a manner which will obstruct or prevent the efficient drainage of the land or surrounding lands or cause flooding in downslope areas. Drainage easements shall be required where necessary.
- (2) For all subdivisions involving the creation of new streets, each application shall include a mapped and written description of all drainage measures. This mapped and written description shall include all information required by the Town Drainage Ordinance. All stormwater control measures shall be designed in accordance with the standards set forth in the Drainage Ordinance.

D. Boundary Monumentation and Lot Markers.

- (1) Permanent monuments shall be installed at all points of change in direction or curvature of new streets and at other points as shown on the final plan and where, on the judgment of the Planning Commission, permanent monuments are necessary. These monuments shall be installed along the line separating the street "right-of-way" and the adjoining property. Granite or concrete monuments at least thirty (30) inches in length, dressed to at least four (4) inches square at the top and with a cross or a three-eighths (3/8) inch hole drilled to a depth of one-half (1/2) inch in the center of the top, shall be set to a height of four (4) inches above the finish grade as shown on plans. No monuments shall be installed until all construction, which could destroy or disturb the monuments, has been completed.
- (2) In cases where large boulders or stone walls are present, a one (1) inch long three-eighths (3/8) inch diameter brass pin inserted in a rock may be substituted for the monuments described in this section.
- (3) Lot Markers.
  - (a) Permanent monuments as described above in Section 5.0(D)(1) and 5.0(D)(2) shall be installed at one (1) front and one (1) rear corner of all lots.
  - (b) The applicant shall have a choice of thirty-six (36) inch permanent pipe markers set to a height of four (4) inches above grade or permanent monuments at the remaining front and rear corners and at other points of change in direction along property lines.
  - (c) During construction, it is permissible to use temporary surveyor's stakes or pipe markers to delineate lot boundaries.
- (4) Monuments, permanent pipe markers or brass pins shall be installed at all corners and at intervals no greater than one hundred (100) feet along the boundaries of all open space parcels. Rights-of-way to open space parcels, which are fifty (50) feet in width or less, shall be marked at intervals no greater than fifty (50) feet.

Driveway access strips for all interior lots shall be marked with permanent pipe markers, monuments or brass pins on both sides at intervals of not more than one hundred (100) feet for the length of the access strip.

E. Requirements of Shared-Common Driveways.

- (1) In order to minimize adverse environmental impacts of development, reduce the need for new driveway cuts, and provide access to developable land which is otherwise inaccessible due to topographic conditions, the Planning Commission may allow or may require the construction of common driveways designed to serve no more than ~~two (2)~~ three (3) building lots, or no more

than five (5) building. The following design requirements shall apply to all shared-common driveways:

(2) All commonshared driveways shall be paved to a minimum of fifteen (15) feet in width with a two and one half (2 ½)- inch bituminous concrete layer over eight (8) inches of processed gravel, not to exceed a 12fifteen percent (15%) grade at any point. Construction plans and profiles prepared by a professional engineer are to be provided by the applicant. ~~The Commission may require performance security sufficient to cover costs of constructing the shared driveway.~~

- (a) Final design is site specific and subject to the recommendation of the Town Engineer.
- (b) Bituminous concrete pavement is required where road grade is greater than or equal to eight percent (8%).
- (c) The pavement cross section in such cases shall consist of:
  - [1] Six (6) inch rolled gravel sub-base (or as required by the Town Engineer);
  - [2] Four(4) inch compacted processed stone base;
  - [3] One and one half (1 ½ ) inch compacted bituminous concrete Class I pavement binder course; and
  - [4] One and one half (1 ½) inch compacted bituminous concrete Class II pavement finish course.
- (d) The unpaved cross section shall consist of:
  - [1] Eight (8) inch rolled gravel sub-base (or as required by the Town Engineer); and
  - [2] Four (4) inch compacted processed stone finish course.

(3) The deed for any lot, which utilizes a sharedcommon driveway, shall include all appropriate easements to pass and repass and to install utilities as necessary, and shall contain ~~the~~ provisions that:

- (a) Ensure the access driveway shall be used for access to at least two (2) properties and no more than three (3), unless the Planning Commission determines there is reason to allow a sharedcommon driveway to serve more than three (3) lots.
- (b) The Town of Ledyard shall not ever be required to plow, maintain, assume ownership of, or provide school bus service or other services along the driveway access to such lots.
- (c) Prior to sale of subdivision lots using sharedcommon driveways, the applicant shall prepare an agreement for maintenance of the driveway by the owners of property which is accessed. The agreement shall become part of the conditions of sale, and which shall be binding on all future owners of the lots.

(43) The applicant shall construct the common shared driveway in accordance with the above requirements, prior to the sale of the lots.

#### F. Sidewalks.

- (1) In order to promote pedestrian safety for residents of new subdivisions, and to reduce the number of vehicle trips on existing and/or proposed roadways generated by the subdivision,

enhance connectivity, and provide enhanced multi-modal means of transportation as recommended in the 2003 Plan of Conservation & Development, Section V, the Planning Commission shall require construction of sidewalks within the right-of-way of state highways and/or local roadways for those portions of a subdivision that meet the following criteria:

- (a) Located within Ledyard Center Village Districts and Ledyard Center Multi Family District (LCVD-1, LCVD-2, LCVD-3, and MFVD);
  - (b) Located within Resort Commercial Cluster District (RCCD);
  - (c) Located within Gales Ferry Design Districts (GFDD-1 and GFDD-2);
- (2) The Planning Commission may also require construction of sidewalks within the right-of-way of state highways and/or local roadways for those portions of a subdivision that meet the following criteria:
- (a) Adjacent to State Highways;
  - (b) Adjacent to Local Arterial Streets; and
  - (c) Adjacent to Local Collector Streets within Conservation Subdivision Developments.

To determine whether sidewalks should be required in these areas, the Planning Commission should consider whether sidewalks are necessary for public safety, whether the construction of the sidewalk will disrupt the rural character of the area and unique site characteristics, whether the possibility exists to enhance pedestrian connectivity to an existing sidewalk system or enhance connectivity to a public and/or community facility. The determination of whether sidewalks should be required in these areas will be made based on a majority opinion of the Planning Commission.

- (3) Sidewalks shall be a minimum of five (5) feet in width and shall be located within the street right-of-way with one (1) edge abutting the property line. Location may be varied to preserve designated trees, stone walls, or other desirable features. The Planning Commission and/or Zoning Commission may require an increased width where deemed appropriate.
- (4) Sidewalks shall be concrete.

Concrete sidewalks shall conform to the requirements of Design Plate #5 on file in the Public Works Department. The sidewalk shall be laid out with an inclination sloping toward the gutter of one-fourth (1/4) inch per foot.

- (5) Materials.
  - (a) Concrete shall conform to Class "C" concrete.
  - (b) Gravel for the base shall conform to gravel base, Grading C.
- (6) Construction Methods.
  - (a) Premolded asphalt expansion joints shall be spaced every fifteen (15) feet, with suitable weakened tooled joints located five (5) feet on center, formed with a jointing tool.
  - (b) The concrete shall contain not more than seven percent (7%) and a minimum of four percent (4%) entrained air at the time the concrete is deposited in the forms. The maximum allowable slump shall be four (4) inches.

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- (c) The surface of the concrete shall be finished with a wood float or by other approved means. The outside edges of the slab and all joints shall be edged with a one-fourth ( $\frac{1}{4}$ ) inch radius edging tool. The final surface shall be broomed to provide better footing.
  - (d) The finished concrete sidewalks shall be protected with an application of a penetrating water proofing agent approved by the Director of Public Works. The water proofing agent shall be installed per the manufacturer's instructions and shall not cause the concrete surface to become more slippery under wet conditions than untreated wet surface conditions.
- (7) The location of all sidewalks shall be shown on the approved plans.
  - (8) Sidewalks shall include ramps and curb cuts for the handicapped.

#### G. Trails.

- (1) Trails shall be located within the street right-of-way or elsewhere within a subdivision, as required by the Planning Commission. The location of such trails shall conform to the Town's Plan of Conservation and Development.
- (2) When required by the Planning Commission, trails shall be constructed with a six (6) inch gravel base and a fine crusher run stone surface or other approved material. Trail width shall be determined by the Planning Commission. The trail shall be cleared of trees, brush, and shall be grubbed, as appropriate.
- (3) When not located within a street right-of-way, easements to pass and repass shall be provided for all trails within subdivisions. Easements shall be a minimum of fifteen (15) feet in width, and shall be located in areas where topography or wetlands do not prevent pedestrian use.

#### H. Street Name Signs.

- (1) Location: Street name signs shall be furnished and erected at all intersections resulting from the construction of new streets. In the case of four-way intersections, signs shall be placed on at least two diagonal corners. At "T" intersections, only one (1) sign shall be required. The signs shall be oriented with and bear names of the intersecting streets. Locations of signs shall be designated on the subdivision plan.
- (2) Materials: Street name signs shall consist of cast concrete markers, to be furnished by the applicant. The base of these markers will be installed three (3) feet below the finished grade of the street. The applicant may request the Department of Public Works to install required street sign(s) and shall reimburse the Town for the cost of such signs.

#### I. Regulatory and Warning Signs.

##### (1) Location

Regulatory and Warning signs shall be furnished and erected in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways." Exact type, number and location of signs shall be approved by the Director of Public Works; the sign locations shall be designated on the final subdivision plan.

##### (2) Materials

- (a) Size and shape of signs, color of lettering and background, size of lettering, etc. shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways."

- (b) Sheet aluminum sign blanks and reinforcing plates, sign posts, nuts and bolts and installation, shall conform to the requirements of the Department of Transportation Standard Specifications.

J. Guide Railing.

(1) Location

Guide railing shall be furnished and installed at all locations required in these standards and at other locations required by the Director of Public Works in order to secure safe operations on the street. The type of guide railing system utilized shall be based on the degree of hazard present, ease of maintenance, aesthetic considerations, and consistency with systems presently used by the Town of Ledyard. The system shall be approved by the Director of Public Works.

(2) Materials

The following materials shall be utilized for the various Guide Railing systems:

- a. Three-Cable Guide Railing and Anchorage.
- b. Metal Beam Rail and Anchorage.

K. Painted Pavement Markings.

- (1) Painted pavement markings and painted pavement stop bars, of the type and color specified, shall be furnished and installed at locations indicated on the subdivision plans and in conformity with these standards and as directed by the Director of Public Works.
- (2) Painted pavement stop bars includes paint installed with a hand striping machine.
- (3) Materials
  - (a) Paint used for pavement markings shall conform to the material requirements of Form 816, Sections M.07.21 and M.07.30 for hot applied pavement marking paint and glass beads.

L. Liability Insurance.

(1) Contractor Certificate of Insurance

No work shall be started on the public improvements associated with an approved subdivision or street until the Contractor has filed with the Director of Public Works a Certificate of Insurance with the limits of liability equal to, or exceeding, the current required Town Coverages cited in Section 5.0(L)(3) below.

(2) Indemnification

Insurance Policies shall include the provision that the Contractor indemnifies and holds harmless the Town of Ledyard and its agents from all suits and actions of every name and description brought against said Town or any office of said Town, for or on account of any injuries or damages received or sustained by any person in consequence of, or resulting from any work performed by said Applicant, his servants or agents, or of, or from, any negligence in guarding such work or of, or from, any acts of omission of said applicant, his servants or agents.

(3) Minimum Insurance Coverage

- (a) Workman's Compensation, as required by State Statute.

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- (b) Public Liability, Bodily Injury Liability and Property Damage Liability as follows:
    - [1] Injury or death of one person: \$1,000,000.00.
    - [2] Injury to more than one person in a single accident: \$3,000,000.00.
    - [3] Property damage in one accident: \$300,000.00.
    - [4] Property damage in all accidents: \$500,000.00.
  - (c) Automobile and Truck (Vehicular) Public Liability, Bodily Injury Liability and Property Damage Liability as follows:
    - [1] Injury or death of one person: \$1,000,000.00.
    - [2] Injury to more than one person in a single accident: \$3,000,000.00.
    - [3] Property damage in one accident: \$300,000.00.
    - [4] Property damage in all accidents: \$500,000.00.

#### M. Clearing, Grubbing and Erosion Control

##### (1) General Principles

- (a) No areas shall be cleared or grubbed until Subdivision Plans have been approved in accordance with these regulations.
- (b) All areas within the road right-of-way and slope rights' areas for excavation, embankments and fills, shall be cleared of trees, stumps, brush, rubbish and other objectional material. Excepted will be desired trees and stone walls as noted on the approved plans.
- (c) Areas for the installation of drainage pipe, drainage structures, channels, fences, highway appurtenances and related work shall also be cleared.

##### (2) Method of Clearing

- (a) Within the excavation areas for the road, shoulders, utility right-of-ways and related areas, all trees shall be cut, and all stumps and roots removed.
- (b) Within shoulder areas, side slopes and utility right-of-ways, all trees, stumps and brush shall be cut and removed. All up-rooted and dead material shall be removed.

##### (3) Disposal of Material

- (a) All trees, stumps and brushes shall be removed from the proposed right-of-way and disposed of in areas within the subdivision approved by the Planning Commission. Chipped branches and brush may be disposed of on site, but not within right-of-ways or easements.
- (b) Approved disposal areas shall be shown on the subdivision plan.

##### (4) Erosion and Sedimentation Control Measures

- (a) Erosion shall be prevented by effectively controlling the formation of gullies in both cuts and fills. Early treatment means treating the cut slopes as the excavation progresses and treating the fill slopes as the embankment is being brought up to grade. Slope treatment varies but generally consists of seeding and mulching, diversion structures and hay bale check dams. Stone blankets and other special treatments may be required in glacial till soils.

- (b) Prior to beginning work, an Erosion and Sediment Control Plan shall be approved by the Planning Commission in accordance with Section 7.0 of these regulations.

N. Topsoiling and Seeding

- (1) All disturbed areas outside the pavement, within and outside the road right-of-way, shall be restored.
- (2) Temporary and permanent erosion control seeding shall be completed, as required, prior to final landscape seeding.
- (3) Materials
  - (a) Topsoil. Topsoil shall:
    - [1] Be a friable loam typical of cultivated topsoils of the locality, containing at least two percent (2%) of decayed organic matter (humus).
    - [2] Be taken from a well drained arable site.
    - [3] Be reasonable free of subsoil, stones, earth clumps, sticks, roots or other objectionable extraneous matter or debris.
    - [4] Not contain toxic materials.
  - (b) Lime. Limestone shall be ground limestone, ninety-five percent (95%) of which shall pass one hundred (100) mesh screen.
  - (c) Fertilizer.
    - [1] Fertilizer shall be a commercial grade 10-10-10 fertilizer.
    - [2] Deliver slips showing the weight, analysis, and name of manufacturer shall be provided to the Director of Public Works.
  - (d) Seed Mix.
    - [1] Grass seed shall be fresh, clean, new crop seed composed of the following varieties mixed in the proportions by weight shown and testing the minimum percentages of purity and germination:
      - [a] General Roadside Use

Kind of Seed	Approximate % by Weight
<u>Perennial Rye</u>	20%
Kentucky Blue	20%
K 31 Fescue	25%
Creeping Red Fescue	30%
Alsike Clover	5

- [b] Meadow Grass



Kind of Seed	Approximate % by Weight
<u>Perennial Rye</u>	20%
Kentucky Blue	10%
K 31 Fescue	70%

- [2] Purity and Germination: Bags must contain dealer's guarantee statement of composition of mixture and percentages of purity and germination. Seed shall be delivered in unopened bags with label attached.
- [3] Modifications to these mixes may be made upon approval of the Director of Public Works.
- (e) Placing Topsoil
  - [1] Topsoil shall be spread and shaped to the lines and grades shown on the plans, or as directed by the Director of Public Works. The minimum compacted depth shall be four (4) inches.
  - [2] Placement of topsoil shall be performed only when it can be followed within a reasonable time by the seeding operation. Temporary cover shall be used to prevent erosion to final seeding.
- (f) Fertilizing, Liming, Seeding and Mulching
  - [1] The normal seasonal dates for seeding shall be:
    - [a] Spring Seeding: April 1 to June 1
    - [b] Fall Seeding: August 15 to September 15
    - [c] Out-of-season Seeding shall be carried out for erosion protection measures as necessary.
  - [2] Material shall be applied in accordance with the following schedule, the rates shall be varied to account for unusual soil conditions or for special seed mixtures:

Kind of Seed	Pounds per 1,000 Square Feet
<u>Lime</u>	100
Fertilizer	15
Seed	5

- [3] Mulch: Straw, wood fiber or hay (weed free and in an unrotted condition) to be applied one and one-half (1 ½) to two (2) tons per acre. Securing of mulch shall be the applicant's responsibility. Wood fiber mulch may be used in place of hay

or straw at the rate of fourteen hundred (1400) pounds per acre applied hydraulically at the same time as the seed and fertilizer.

(4) Maintenance, Inspection and Guarantee of Seeded Areas

- (a) All grass areas shall be maintained by watering and reseeding as necessary. Reseeding shall be in any areas that do not show a satisfactory stand of grass within thirty (30) days.
- (b) Inspection: The Director of Public Works shall inspect the grass areas upon request of the applicant. The request shall be received two (2) days before anticipated date of inspection. Acceptance of seeded areas may be granted, provided that grass has successfully taken root, and no bare areas or erosional gullies are observed.
- (c) Guarantee: All seeded areas shall be guaranteed for one (1) year following the date of acceptance. Any disturbed areas shall be reseeded and reinspected.

O. Time for Completing Improvements.

Any person, firm, or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision. Failure to complete all approved improvements within a five (5) year period following the date of subdivision final approval shall result in the automatic expiration of the approval of the subdivision plan provided that the Planning Commission shall file on the land records of the Town of Ledyard notice of such expiration on the subdivision plan on file in the office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the applicant or his successors except with the approval by the Planning Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five (5) year period, the Town shall call the bond or other security on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

P. Certification of Improvements.

When seeking release of final portions of the performance security and official acceptance by the Town of Ledyard of subdivision improvements, the applicant shall provide written confirmation by a licensed professional engineer or Surveyor that all streets, stormwater management systems, and other features such as sidewalks, incidental fills, walls and plantings, comply in all aspects to approved subdivision plans.

- (1) Written documentation must be provided by a Surveyor that all monuments comply with approved subdivision plans prior to the release of a performance security.

*The following is from the Town of Groton per Committee request*

- (2) No Certificate of Occupancy or other, final approval may be issued until the applicant has received a Certificate of Site Plan Compliance from the Planning Department. When minor site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Site Plan Compliance may be issued for a period not to exceed one hundred and eighty (180) days, providing satisfactory surety shall be posted with the Town in an amount sufficient to complete the site work. Improvements which have not been made will be noted and bond estimates made where appropriate.

- (a) Upon receipt of a request for Certificate of Site Plan Compliance by the Planning Department, members of the Staff Review Team (Building Official, Ledge Light Health District, Public Works Department, Fire Marshal, and Utilities) will:
- [1] Be notified of the request;
  - [2] Be given the opportunity to review those site development items which fall within their purview; and
  - [3] Make a report to the Planning Department of the site's acceptability and compliance.
- (b) The Planning Department will notify the applicant of the results of these reviews. The Planning Department will notify the Building Official when a Certificate of Site Plan Compliance or a conditional Certificate of Site Plan Compliance is issued and its conditions.
- (c) A request for Certificate of Site Plan Compliance from the Planning Department must be made at least ten (10) days before a Certificate of Occupancy or other final approval is requested from the Building Official. Upon written request of the applicant and satisfactory completion of the site work, the Planning Commission or its designee shall release any surety posted under this provision.

## **SECTION 6.0: PARKS, PLAYGROUNDS AND OPEN SPACES**

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### **A. Open Space.**

For any subdivision of land under these Regulations, the Planning Commission may require of the sub-divider the conveyance and official dedication of appropriately located and sized open space or recreation areas.

- (1) For the purpose of this Section, "Open Space or Recreation Areas" shall be defined to include, but not be limited to:
  - (a) Areas left in their natural, undisturbed state;
  - (b) Agricultural land for which development rights have been assigned or otherwise alienated in perpetuity;
  - (c) Areas and facilities for non-commercial, non-profit recreation; and
  - (d) Similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.
- (2) In determining the appropriateness of an open space and/or recreation area disposition, the Planning Commission shall consider the Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives:
  - (a) The conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, boulder trains, ledge outcroppings and other unusual physical features;
  - (b) The protection of productive agricultural soil, the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood; and/or
  - (c) Community-wide recreational needs.
- (3) The Planning Commission reserves the right to select that portion of the proposed subdivision to be dedicated open space, and it may reject or modify any area proposed by the applicant.

### **B. Size of Open Space and/or Recreation Area for Conventional Subdivisions.**

Where open space and/or recreation area dedication is deemed appropriate for a conventional subdivision, the size of the required areas shall be determined by the Planning Commission based on the site's value and importance in meeting the objectives cited in this Section, and the scope of the subdivision proposal. Required open space and/or recreation areas shall ordinarily be a minimum of twenty percent (20%) of the area of the undivided property under consideration. In the event the Planning Commission elects to have the applicant dedicate a portion of the proposed subdivision that is proportionately more valuable than the remainder of the subdivision, the Planning Commission may require the dedication of twenty percent (20%) or less of the area of the subdivision if the area to be dedicated would have a fair market value approximately equivalent to twenty percent (20%) of the fair market value of the land to be subdivided, as measured prior to subdivision approval. However, in no case may the fair market value of the land or interests which the Planning Commission requires the owner to dedicate exceed twenty percent (20%) of the fair market value of the total subdivision area as measured prior to subdivision approval. In determining the total land to be reserved as open space and/or

recreation land, the Planning Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, or controlled by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

(1) Fee in Lieu of Open Space:

As set forth in Section 8-25 of the Connecticut General Statutes, the Planning 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 Planning 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.

- (a) 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 Planning Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- (b) Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:
  - [1] The applicant shall submit to the Planning Commission a written proposal to pay a fee or transfer other land to the Town in lieu of providing open space.
  - [2] The Planning Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Planning Commission's determination at this stage shall not be binding on either the Planning Commission or the applicant.
  - [3] If the Planning Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.
  - [4] Note: (Steps i, ii, and iii may be accomplished as part of the consideration of a Preliminary Plan, or at the time of acceptance of a formal subdivision application.)
  - [5] The applicant shall submit the appraisal prior to the completion of the Planning Commission's review of the formal subdivision application. If the Planning Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.
  - [6] The Planning Commission, as part of the action on the application, may either accept the "fee-in-lieu" proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.
- (c) Payment: The method of payment of any fees under this Section shall be one (1) of the following two (2) options:

- [1] The applicant, at his option, may submit the entire fee in one (1) lump sum prior to the filing of the approved Final Plan mylars with the Town Clerk; or
  - [2] The applicant may elect to submit a fraction of such payment, the numerator of which is one (1) 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 Plan 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. Any required fees shall be paid to the Town prior to the release of this bond. The Planning 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 fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.
- (d) 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 passive recreational or agricultural purposes.

C. Dedication of Open Space Provided by the Division of Land.

- (1) The Planning Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject parcel and its specific characteristics to the Plan of Conservation and Development, the desirability and suitability of public access and use, and the scope of the subdivision proposal. The following disposition options may be utilized by the Planning Commission:
- (a) Conveyance in fee simple to the Town.
  - (b) Conveyance in fee simple to the State of Connecticut.
  - (c) Conveyance in fee simple to a land trust.
  - (d) Conveyance in fee simple to a homeowners association.
  - (e) Conveyance of an agricultural easement to the Town, the State, Federal Government or a private, non-profit farm preservation entity.
  - (f) Any combination of the above or any suitable alternative approved by the Planning Commission.
- (2) Modification by the Planning Commission of Designated Open Space.

The Planning Commission may modify any application so as to designate open space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed open space, or whether to require open space in locations different from those proposed, the Planning Commission shall consider the following factors:

- (a) The ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future;
- (b) The proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required;

- (c) The potential benefits which the open space might provide to residents of the Town or the State if it were accessible to them;
- (d) The size, shape, topography, and character of the open space;
- (e) The recommendations of the Plan of Conservation and Development;
- (f) The reports or recommendations of any State or Town agencies, including, but not limited to, the Town Council, the Inland Wetlands and Watercourses Commission, the Conservation Commission, the Parks and Recreation Commission, the Southeastern Connecticut Council of Governments, and the Connecticut Department of Environmental Protection.

(3) Alteration of Open Space.

Any excavation, filling or alteration of open space, any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of open space subsequent to the date of approval of the Conservation Subdivision shall require an amendment to the approval granted under this section in accordance with the applicable sections of these regulations and shall be for the enhancement of the open space use only.

(4) Evidence of Acceptance.

If open space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Ledyard, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Planning Commission, stating that it is willing to accept ownership of, and responsibility for, the preservation and maintenance of the open space.

(5) Required Provisions.

Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Planning Commission to ensure:

- (a) The continued use of such land for the intended purposes.
- (b) The continuity of proper maintenance for those portions of the open space requiring maintenance, and when appropriate, the availability of funds required for such maintenance.
- (c) [Adequate proof of insurance and recovery for loss sustained by casualty, condemnation or otherwise if open space is conveyed to a Home Owners Association or private trust or corporation.](#)

~~a. Adequate insurance protection.~~

~~b.a. Recovery for loss sustained by casualty, condemnation, or otherwise.~~

(6) Boundary Lines.

The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road, or perimeter line within the proposed Conservation Subdivision and at such other points as may be required by the Planning Commission to insure sufficient identification in the field.

(7) Recording.

At the time the approved Conservation Subdivision plan is filed, the applicant shall record on the Ledyard land records all legal documents required to ensure the aforesaid guarantees.

(8) Enforcement.

Any deed of conveyance shall contain language providing the holder of the Conservation Easement with the right to obtain reimbursement of all costs it reasonably incurs, including attorney's fees, in any action to enforce the Conservation Easement, in which it is the prevailing party.

(9) Association Requirements.

If the open space is to be dedicated to an association or corporation of lot owners, then the Planning Commission may set additional requirements, including, but not limited to, the following:

- (a) Creation of the association or corporation prior to the sale of any lot;
- (b) Mandatory membership of the association or corporation by all original lot owners and any subsequent owner; and
- (c) The association or corporation shall have the power to access and collect from each lot owner a specified share of, and where necessary provide reserves for, the costs associated with maintenance, repair, upkeep, and insurance of the open space.



## SECTION 7.0: EROSION AND SEDIMENTATION CONTROL

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### A. Erosion and Sedimentation Control Plan.

- (1) In accordance with Section 22a-329 of the General Statutes, whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of more than one-half (1/2) acre of land, the applicant will submit, as part of the subdivision plan, an Erosion & Sediment Control Plan that presents, in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The Erosion & Sediment Plan shall be based on best available technology as set forth in "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the Connecticut Department of Environmental Protection.
- (2) The Erosion and Sediment Plan shall include the following:
  - (a) A written description of the project and a schedule of the major activities to be constructed on the land.
  - (b) Locations of areas to be stripped of vegetation.
  - (c) Locations of areas to be regraded and contour data indicating existing and proposed grades.
  - (d) A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, and installation of drainage features.
  - (e) Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
  - (f) Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures and debris basins. The narrative shall indicate design criteria used in the design of control measures.
  - (g) A description of procedures to be followed to maintain sediment control measures.
  - (h) Name, address and telephone number of person responsible for maintaining control measures during construction.
  - (i) The plan map shall show the words: "Erosion and Sediment Control Plan certified by vote of the Ledyard Planning Commission on (date)" and a space for the signature of the Chairman or Secretary of the Commission.
- (3) After review of the Erosion and Sediment Control Plan by the Planning Commission or its designee, the Planning Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Planning Commission to approve a subdivision plan shall imply approval of the Erosion & Sediment Plan.)
- (4) The Planning Commission, through its members, agents and consultants, shall periodically inspect construction projects for which Erosion & Sediment plans have been certified to verify that Erosion and Sediment Controls are consistent with the certified plan.
- (5) The performance bond required for improvements in connection with the proposed subdivision shall be sufficient to include the costs of Erosion & Sediment Control measures.

B. General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.

Pursuant to Section 22a-430b of the Connecticut General Statutes, as amended, it is the obligation of the Applicant to register the project with the Department of Environmental Protection's Bureau of Water Management, Engineering and Enforcement Division, if proposed construction activities will result in the disturbance of five (5) or more total acres land area on a site. If required by the Department of Environmental Protection, the Applicant shall develop and adhere to a Construction Activity Stormwater Pollution Control Plan.

## **SECTION 8.0: REQUIREMENTS FOR APPROVAL OF SUBDIVISION NOT INCLUDING NEW PUBLIC STREETS**

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### A. Written Application.

A written application (**see Appendix [X]**) shall be made to the Planning Commission requesting approval of submitted plan(s) and map(s). All information required in this section shall be submitted at the time of application.

### B. Fees.

A fee shall be filed in accordance with Section 3.0(E) of these regulations.

### C. Legal Descriptions.

A legal description of the tract or parcel to be subdivided, as contained in the Land Records of the Town of Ledyard, shall accompany the application. If only a portion of the tract is to be subdivided, the legal description shall include the external boundaries of the entire tract.

### D. Maps.

(1) Information on the proposed subdivision shall be provided on maps with an overall dimension of twenty-four (24) inches by thirty-six (36) inches. Three blackline copies of all maps shall be provided as part of the completed application. The Planning Commission may require additional copies if referrals to outside parties are indicated.

(2) If more than one (1) sheet is required, each sheet shall be sequentially numbered in the form "Sheet \_\_\_\_\_ of \_\_\_\_\_." An index of all supporting detail sheets shall be included on the first sheet. Revision dates shall be shown only on revised sheets if plans are updated or revised during the review process.

#### (3) Key Map.

A key map showing the relationship of the proposed subdivision to the surrounding neighborhood. The key map shall show all public streets, lands reserved for special use, and major subdivisions located within one-half (1/2) mile of the boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided shall be shown on the key map. The scale of the key map shall not be less than one (1) inch equals one thousand (1,000) feet (1":1000').

#### (4) Boundary Survey Map.

A boundary survey map of the entire tract to be subdivided, prepared by a Surveyor. The boundary survey map shall show names of all abutting land owners and public streets, the layout of all lots within the tract to be subdivided, and all lands to be dedicated as open space, parks or playgrounds. Scale of the boundary survey map shall be one (1) inch equals one hundred (100) feet (1":100'). The boundary survey map shall contain the name of the subdivision, the date prepared, north arrow, scale, and the words, "Approved by the Ledyard Planning Commission as to compliance with the Regulations Governing the Subdivision of Land. All improvements shall be completed by \_\_\_\_\_ (date)," followed by a designated space for the signature of the Chairman or Secretary of the Planning Commission and the date of such signing. The 1":1000' scale key map described above should be included as an insert on the sheet containing the boundary survey map. The boundary survey map should show the Connecticut State Coordinate System as taken from the Town Assessor's Tax Maps.

(5) Detailed Layout Maps.

Detailed layout maps shall be at a scale of one (1) inch equals forty (40) feet (1":40') unless otherwise permitted by the Planning Commission. In no case shall maps be at a scale less than one (1) inch equals one hundred (100) feet (1":100'). Where it is not possible to fit the entire subdivision plan on one (1) sheet, more than one (1) sheet may be used, provided that match lines are indicated. All maps shall be executed by a Surveyor who shall state thereon that it is in conformance with class A-2 of the Code of Recommended Practice for Standard of Accuracy of Maps prepared by the Connecticut Technical Council. At the time of final filing, all detailed layout maps shall contain the raised seal and live signature of the Surveyor.

(a) All detailed layout maps shall contain the following signature blocks:

- [1] The words: "Lot numbers assigned by the Assessor", followed by a designated space for the signature of the assessor and the date of signing.
- [2] A signature block, signed and dated by the Zoning and Wetlands Officer, as follows:

IWWC	Application # _____
_____	APPROVED, _____ (date)
_____	No Permit Necessary. (Not within a regulated area.)
_____	Not Applicable At This Time. (Within a regulated area; no regulated activity proposed at this time.)
_____	_____
ZONING & WETLANDS OFFICER	Date

- [3] The words: "Approved by the Ledyard Planning Commission as to compliance with the Regulations Governing the Subdivision of Land. All improvements shall be completed by \_\_\_\_\_(date).", followed by a designated space for the signature of the Chairman or Secretary of the Planning Commission and the date of signing.
- [4] The words: "Erosion and Sediment Control Plan certified by vote of the Ledyard Planning Commission on \_\_\_\_\_ (date)."

(b) The following information shall be provided on each detailed layout map:

- [1] The subdivision name or title.
- [2] The zoning district or districts in which land to be subdivided is located.
- [3] The date, north arrow, and graphic scale. Wherever possible, the north arrow shall be oriented towards the top of the map sheet.
- [4] Subdivision boundary lines; property lot lines for residential lots and other parcels; dimensions and bearings or angles of boundary lines and lot lines, including boundaries of areas reserved for open space or recreation purposes, shall be given. All dimensions shall be given in feet and decimals of a foot.

- [5] The location of all property markers and monuments as required by Section 5.0(D) shall be shown.
  - [6] Building setback lines as required by the Zoning Regulations.
  - [7] All existing and proposed easements and rights-of-way, including width and stated purpose.
  - [8] Existing buildings located within the boundaries of the land to be subdivided, including any partially completed buildings or excavations.
  - [9] Lot numbers as assigned by the Assessor.
  - [10] All abutting property owners, subdivisions, and streets abutting external boundaries of the subdivision.
  - [11] Contour lines at intervals of not more than two (2) feet.
  - [12] The boundaries and location of all inland wetlands, water bodies or stream courses, as delineated by soils scientist and located/placed on map by a licensed Surveyor. All maps are to be signed by soils scientist.
  - [13] Locations of all exposed ledge outcrops within the parcel.
  - [14] Locations of all known significant cultural resources and/or unique natural features.
  - [15] Locations of all deep observation pits excavated to assess suitability of subsurface sewage disposal systems.
  - [16] Location of building footprints and well and septic system primary and reserve areas.
  - [17] Landscaping plan which indicates the boundary of the wooded areas, trees to be retained and to be removed, buffers and other proposed landscaping.
  - [18] Locations of sidewalks and trails.
  - [19] Erosion and Sediment Control Plan in accordance with Section 7.0
- E. Water and Sewage: A written report, endorsed by the Town Health Officer or an official of the Town so designated to act as the Town Health Officer, shall be submitted to the Planning Commission concurring with the adequacy of plans for water and sewage disposal facilities:
- (1) If a community water supply system is proposed to serve the subdivision, design efforts should be initiated very early in the project's planning stages. No subdivision proposed to be served by a community water system shall be approved unless the following criteria have been met:
    - (a) New system: A Certificate of Public Convenience and Necessity has been issued, pursuant to Sections 8-25a and 16-262m of the Connecticut General Statutes;
    - (b) Extension of existing system: A written water main extension agreement has been approved by the water company designated to serve the proposed subdivision. This agreement shall state that the water company guarantees the adequacy and availability of the water supply, and that the water company agrees to maintain elements of the system to be built by the applicant;
    - (c) Pursuant to Section 19-13-B51m of Connecticut Public Health Code, all proposed building lots located within two hundred (200) feet of an existing community water

supply system, as measured along an existing street or easement, shall be served by that water supply system. Exceptions to this requirement may be granted only by the Commissioner of the State Department of Health services.

- (2) If private water supply wells for individual lots are proposed, a written statement from the Town Health Officer or an official of the Town designated to act for the Health Officer, stating the adequacy of the lot to contain a well in compliance with Connecticut Public Health Code, shall be submitted.
- (3) Water studies, prepared by a certified geohydrologist, shall be submitted by the applicant for all subdivisions containing thirty (30) or more lots in which private water supply wells are proposed, and for all subdivisions where community water supply systems to be operated by Southeastern Connecticut Water Authority (SCWA) or the Town of Ledyard are proposed. Water studies shall address the adequacy of ground water supplies and the effect of the proposed subdivision on existing surrounding wells.
- (4) If shared or community septic systems are proposed, written notification of conceptual approval by the State Department of Health Services or Department of Environmental Protection is required prior to Planning Commission approval. Community septic systems serving more than one parcel of land or building lot shall be operated by the Ledyard Water Pollution Control Authority. Written proof of agreement of acceptance by Water Pollution Control Authority (WPCA) is required prior to approval by the Planning Commission.
- (5) If private subsurface sewage disposal systems on individual lots are proposed, a percolation test and a deep observation pit shall be required on each lot in vicinity of the primary and reserve leaching areas. A percolation test and deep observation pit test will not be required on undeveloped portions of the tract as identified in Sections 6.0 and 8.0(F) of these regulations. These tests shall be conducted to conform with requirements of the Connecticut Public Health Code. Deep observation pits shall be to a depth required by the Town Health Officer. These tests shall be witnessed by the Town Health Officer or an official designated to act as Town Health Officer, whose findings and recommendations shall be submitted to the Planning Commission. All proposed lots shall provide for a one hundred percent (100%) reserve capacity. When results of percolation tests indicate a need for larger lots, final approval of the subdivision plan shall not be granted until such larger lots as required are shown on the maps. Results of deep observation pits and percolation tests shall be shown on sheets that contain the detailed lot layouts.

F. Statement of Intended Use for Undeveloped Portions of a Tract.

If only a portion of the tract to be subdivided is proposed for building development, a letter of intent stating the tentative or proposed future use of the undeveloped portion signed by the applicant shall accompany the application.

If it is the intent of the applicant to develop a tract in two [\(2\)](#) or more phases, a map of the entire property shall be provided as part of the application. This map shall show the approximate location of future resubdivisions, including proposed street locations, approximate lot layouts, and the location of areas to be designated as open space. This map is for informational purposes only and shall not be binding on either the applicant or the [Planning](#) Commission.

G. Disposition of Open Spaces.

If the subdivision includes lands reserved for open spaces, parks, or playgrounds, a recommendation for the disposition of such lands in conformance with the provisions of Section 6.0 of these regulations shall be submitted with the application. Prior to the final filing, all legal documents required for disposition in compliance with Section 6.0 shall be submitted to the Planning Commission for review.

H. Inspection.

The Town may employ an inspector to act as agent of the Planning Commission for the purposes of assuring the satisfactory completion of improvements required by these regulations, and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Town costs of inspection before the final plan is signed for filing. If the Planning Commission or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, Section 10(E)(2) shall apply.

I. As-Builts.

Upon completion of the subdivision (or phase of the subdivision), as-built plans shall be submitted in mylar form prior to the release of bond and acceptance of roads in accordance with Section 10.0.

**SECTION 9.0: REQUIREMENTS FOR APPROVAL OF SUBDIVISIONS INVOLVING CREATION OF NEW STREETS OR IMPROVEMENT OF EXISTING STREETS**

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- A. Requirements for approval of subdivision involving creation of a new street or improvement of existing streets shall include all requirements of Section 8.0 with the following additions to the detailed layout map:
- (1) The length of all straight lines, the deflection, angles, radii, length of curves, central angles of all curves, tangent distances and tangent bearings for each proposed street.
  - (2) Proposed finished elevation of all proposed streets at each change of grade, as well as rates of grade of all streets and elevations indicated at intervals not greater than one hundred (100) linear feet. Elevations must be referred to a permanent bench mark which is described on the plan. Where practical, U.S.G.S. datum shall be used.
  - (3) The name and width of all streets.
  - (4) The location of all monuments and markers required by Section 5.0(D).
  - (5) Contour lines at intervals of not more than two (2) feet in areas associated with drainage improvements and road construction.
  - (6) A typical cross-section and profile drawing shall be provided for all proposed streets or existing streets to be improved.
  - (7) The words "Approved by Director of Public Works or Town Engineer for Public Way Layout" with a designated place for the signature of the Director of Public Works/Town Engineer and the date of signing.
  - (8) Location and capacity of all drainage control measures including all pipes, catch basins, culverts and underdrains. Location, capacity and cross sections shall be provided for all proposed swales, diversions or detention areas.
- B. Permit to Connect Public Streets to State Highways.

Where a proposed public street joins with an existing state highway, a permit for such connection or a letter indicating intent to issue such a permit shall be obtained by the applicant from the appropriate state agency and accompany the application prior to Planning Commission approval.



## **SECTION 10.0: APPLICATION FOR ACCEPTANCE OF PROPOSED STREET AS A PUBLIC STREET**

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### A. Preliminary Concept Approval.

Whenever any section of roadway is proposed, the applicant shall present to the Planning Commission a preliminary map of the proposed roadway. Such submission shall include all roadways within one-half (1/2) mile radius and any potential future lengthening of the proposed roadway.

Surrounding topography with five (5) foot contour intervals shall also be provided as part of the preliminary sketch. The Planning Commission shall review the submittal and make their recommendations to the applicant.

### B. Preliminary Design Approval.

- (1) After preliminary concept approval has been received from the Planning Commission, the applicant shall present to the Planning Commission, three (3) stamped copies of plans and profiles prepared by a licensed Connecticut engineer, together with a topography map of the area and a written application for acceptance of such street. The plans shall conform to specifications stated in this Ordinance. Such plans shall include a description of all drainage control measures as required in the Town Drainage Ordinance. The Planning Commission shall refer the plans to the Director of Public Works for review and comment.
- (2) The Director of Public Works shall discuss the preliminary design with the applicant or the applicant's designated agents. Within thirty (30) working days from receipt of the preliminary design, the Director of Public Works shall recommend approval, approval with modifications, or disapproval of the proposed street design. The Director of Public Works shall forward one copy of the plan, signed and dated, and with comments, to the Planning Commission.
- (3) The Planning Commission may grant preliminary approval of the proposed street, taking into account comments of the Director of Public Works, the Director of Planning, and other agencies that have reviewed the plans. The Commission shall establish a performance security in an amount adequate to cover all costs and all aspects of construction, as required by this Ordinance these regulations.
- (4) Performance security shall consist of:
  - (a) A certificate of deposit or a savings pass book, made out jointly in the names of the applicant and the Town of Ledyard. A withdrawal slip payable to the Town of Ledyard shall be provided with any savings pass book. A joint account in both names shall be required.
  - (b) Irrevocable letter of credit from a financial institution licensed to do business in the State of Connecticut with the Town of Ledyard as a beneficiary. Said letters shall allow for partial withdrawals and must be for a period of not less than one (1) year with provisions to be automatically renewable for successive periods of one (1) year.
  - (c) Performance bond issued by an insurance company or other surety licensed to do business in the State of Connecticut, together with a Power of Attorney issued by said insurer or surety, authorizing the person signing to act on behalf of said insurer.
- (5) The applicant shall deposit the required performance security established by the Planning Commission with the Town Treasurer prior to final filing of subdivision plans with the Town

Clerk. No construction shall begin until the applicant has provided the Town Treasurer with the required performance security. Furthermore, no construction shall begin until plans submitted by the applicant have received written certification from the Planning Commission Chairman and have been filed with the Town Clerk.

C. Final Approval of Director of Public Works.

- (1) Whenever any street or road section is completed, the applicant shall furnish the Director of Public Works with a certificate from a licensed Connecticut engineer certifying that:
  - (a) The work has been completed according to the plan submitted and in accordance with all specifications herein stated; and
  - (b) The drainage system has been completed in accordance with the Town Drainage Ordinance. If public utilities have been installed, a letter from the respective utility company indicating that the utilities have been completed and accepted shall be submitted.
- (2) A mylar "as-built" plan and profile of the road and storm drains shall be submitted, together with two (2) blue and white prints. The plans shall be at a scale of one (1) inch equals forty (40) inches, with the pro files at one (1) inch equals four (4) feet. The plan view shall show all water lines, valve boxes, water services and curb boxes, electrical system facilities, telephone system facilities, boundary monuments, front lot pins and any other public improvements. The "as-builts" are to be certified as accurate by a Registered Engineer and/or Surveyor.
- (3) If the road merits approval and has met requirements set forth in this ordinance, the Director of Public Works shall forward a written recommendation of approval to the Planning Commission.

D. Final Approval by the Planning Commission.

Upon recommendation of approval of the street by the Director of Public Works, the Applicant shall give the Planning Commission a warranty deed conveying the street, related drainage easements, any applicable rights-of-way, open space or other easements, to the Town of Ledyard. Deeds transferring property to the Town shall specify actual road dimensions and boundaries in feet to the nearest hundredth, and compass direction to the nearest second.

If the Planning Commission concurs with the recommendation of the Director of Public Works, the Planning Commission shall forward its own recommendation of approval, together with any warranty deeds and the written recommendation of the Director of Public Works, to the Town Council. No deed shall be conveyed to the Town Clerk until Town Council has taken action to accept the street as a public street.

E. Release of Performance Security.

- (1) The Planning Commission may, upon written notification to the Town Treasurer, and after the recommendation of both the Director of Public Works and the Director of Planning, order the release of any performance security or maintenance security required by these regulations. The Planning Commission shall not release any amount greater than that necessary to complete unfinished portions of streets approved under these regulations.
- (2) Upon failure of the Applicant to complete street improvements in accordance with all specifications herein stated or as shown on approved plans, and after the maximum time for completion of such improvements afforded the applicant under State law has passed, the Planning Commission shall revoke necessary portions of the performance security so that the

Town of Ledyard may complete all remaining improvements in compliance with these regulations these regulations.

F. Town Council Acceptance.

- (1) After compliance with the provisions of Section 8-24 of the General Statutes, and the Town Drainage Ordinance, as they may be amended, the Town Council may, pursuant to Section 13a-48 of the General Statutes, accept such street as a public street. Any entry of such acceptance shall be made in the records of the Town Clerk.
- (2) Acceptance shall be effective upon filing of the warranty deed for the street and related easements with the Town Clerk.
- (3) No street shall be officially opened to the public until it has been accepted as a public street pursuant to this section and it has met the requirements of these regulations. No certification of occupancy or building permit shall be issued until the requirements of these regulations are met.

## SECTION 11.0: VALIDITY

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