

TOWN OF CANTERBURY SUBDIVISION REGULATIONS



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Photo: John Carter House - 3 S. Canterbury Road c. 1765

SUBDIVISION REGULATIONS

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Section 1 ADMINISTRATION

1.1 PURPOSE

The rules and regulations governing the subdivision of Land in the Town of Canterbury, Connecticut have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of Canterbury by ensuring that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health for the safety of the public; and for ensuring sound community growth with minimum governmental costs consistent with the encouragement of the appropriate development of land.

1.2 ENFORCEMENT

A. Criminal

Section 8-25 of the Connecticut General Statutes provides in part, "Any person, firm or corporation making any subdivision land without the approval of the Commission shall be fined not more than five-hundred (\$500) dollars for each lot sold or offered for sale or so subdivided".

B. Civil

The Commission acting through its Chairman shall have full authority provided by law to enforce compliance with these regulations, including instituting legal action for injunctive relief.

1.3 SEPARABILITY

If any section, subsection, sentence or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

1.4 EFFECTIVE DATE

These regulations shall become effective at 8:30 p.m., June 6, 1968; with revisions effective August 1, 1968; March 25, 1970; February 1, 1976; December 2, 1985; December 2, 1985; May 9, 2002; November 1, 2006; August 30, 2007; March 4, 2008; March 1, 2009; October 8, 2012; September 1, 2018

Section 2 DEFINITIONS
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- 2.1 **Agriculture:** See Connecticut General Statutes Section 1-1, subsection q. as amended.
- 2.2 **Applicant:** The term “applicant” refers to the person proposing a subdivision or resubdivision or other decision by the Commission. Same as “Subdivider”
- 2.3 **Application:** A formal request for a subdivision or resubdivision or other decision by the Commission on a form prescribed by the Commission accompanied by all supporting and required information, maps, documents or reports as required by these regulations.
- 2.4 **Block:** A space enclosed by streets and occupied by or intended for buildings.
- 2.5 **Board of Selectmen:** The Board of Selectmen of the Town of Canterbury
- 2.6 **Buildable Area:** As defined in the Canterbury Zoning Regulations.
- 2.7 **C.G.S.:** Connecticut General Statutes as may be amended
- 2.8 **Commission:** The Planning & Zoning Commission of the Town of Canterbury.
- 2.9 **Cul-de-sac:** A dead end street having only one vehicular outlet.
- 2.10 **Dead-end Streets:** For the purposes of these regulations, dead-end streets shall include all roads, or combinations of roads, with a single entrance/exit point to a through street, including non-through streets, loop roads with a single entrance/exit point and any proposed dead-end street off of another dead-end street.
- 2.11 **Driveway:** Any access from a public highway used, designed, or intended to be used for vehicular ingress and egress to a lot. Compare to Street.
- 2.12 **Easement:** A right established in deed or other legal means of a party or parties to use a designated portion of another party’s land for a specific limited purpose.
- 2.13 **Lot:** The unit or units into which land is divided or proposed to be divided with the intention of conveying it or them either as developed or undeveloped building sites.
- 2.14 **Owner:** The owner or owners of record of the land to be subdivided or re-subdivided.
- 2.15 **Parcel or Tract:** A piece of land under one ownership, bounded by other parcels or tracts or by an accepted street.
- 2.16 **Plan:** Survey plans that comply with Sections 20-300b-1 through 20-300b-20 of the Regulations of the State of Connecticut (effective June 21, 1996). These regulations specify the various precisions for horizontal accuracy, vertical accuracy, and topographic accuracy.

In general subdivision plans should comply with the following standards:

Boundary Information- A-2 horizontal accuracy

Topographical Accuracy- V-2 for field generated topography; V-3 for aerial topography

Section 3 of these regulations specify minimum monumentation requirements. The level of accuracy of the information presented on plans should be clearly noted on each plan.

- 2.17 Person:** The term “person” as used in this regulation shall include individuals, firms, partnerships, limited liability companies, corporations, trusts, and other legal entities.
- 2.18 Public Improvements:** Improvements as required by these Regulations made within the existing or proposed public right-of-way such as drainage, sightline or road construction. Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these regulations; or, any approval granted hereunder; or, depicted on any Final Subdivision Plan approved hereunder; or, for rendering the site more suitable for development and/or habitation. As used in these regulations, Improvements include but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees and drainage facilities; erosion and sedimentation control measures; buildings; earth filling or removal, seeding and grading; the establishment or construction of parks, playgrounds, recreational buildings, equipment, structures, fields, and similar facilities; and facilities designed to detain, redirect, store, or treat stormwater discharge.
- 2.19 Regulations:** The Zoning Regulations for the Town of Canterbury, except for the phrase “these Regulations” which shall denote these Subdivision Regulations.
- 2.20 Re-Subdivision:** A change in a map or of an approved or recorded subdivision or re-subdivision 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/or creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval of such map in conformance with the definition “re-subdivision” as stated in Section 8-18 of the Connecticut General Statutes or as it may hereafter be amended.
- 2.21 Street:** The term “street” as used in these Regulations shall include town roads and state highways accepted for public use by lawful procedure and suitable for vehicular travel or a proposed street shown on a subdivision plan approved by the Commission and suitable for acceptance at a duly warned Town meeting. For the purpose of these regulations the words “streets” and “roads” shall be interchangeable.
- 2.22 Subdivider:** Person or party proposing the subdivision or re-subdivision. Same as “Applicant.”
- 2.23 Subdivision:** The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes, and included re-subdivisions in conformance with the definition of “subdivision” as stated in Section 8-18 of the Connecticut General Statutes or as it may thereafter be amended.

- 2.24 **Town Engineer:** The engineer or engineering firm hired by or acting for the Town of Canterbury.
- 2.25 **Zoning Regulations:** The Zoning Regulations of the Town of Canterbury.

Section 3

COMPLIANCE

No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Commission and duly recorded with the Town Clerk.

3.1 Preliminary layout subdivision plan proposal Procedures, Conditions, and Specification for Submission

A. It is suggested a Pre-Application Conference with Town Staff be arranged to discuss the initial conceptual design of any subdivision or re-subdivision. Requests for such meetings are made through the Zoning Enforcement Officer at least five calendar days prior to the next scheduled Planning and Zoning Commission meeting. Many problem areas can be identified and helpful suggestions offered at a Pre-Application Conference with Town Staff. It is further suggested, following the Pre-Application Conference, applicants follow the Preliminary Layout Application Procedure. The purpose for using this procedure is purely to look in more detail at the proposal and provide guidance to the subdivider to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision.

1) Pre-application Conference: The Commission strongly recommends all proposals to subdivide or re-subdivide land should begin with a Pre-Application Conference with the Town Staff before any application to subdivide is made.

2) Recommended Preliminary Layout Procedure: The Commission strongly recommends any proposed subdivision of five (5) or more lots to follow the Preliminary Procedure. This is a recommendation and not a requirement.

3) Effect of Consideration of Preliminary Layout: Neither the applicant nor the Commission shall be in any way bound by any statement made during the Pre-Application Conference or the Preliminary Layout Procedure, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than referrals to other Municipal, State, or Federal agencies for review and comment if deemed advisable by the Town Staff.

4) Application: The applicant may present to the Commission or its designee a request for the consideration of a Preliminary Layout in accordance with the requirements of Section 3.2, of these Regulations.

5) Review by Town Staff: At the time of the filing of a request for the consideration of a Preliminary Layout, the Commission or its designee shall check such request and Requirements.

6) All physical features, such as existing structures, water wells and septic systems, historical foundations, cemeteries, burial plots, all dumps, wetlands, watercourses, water bodies, ledge/bedrock outcroppings, bedrock within forty eight inches (48") of the land surface, stone walls, wooded areas, trees ten inch (10") in caliper or more on proposed driveways and buildable land, and the purpose and location of all existing easements. All features shall be identified with appropriate labels.

7) The approximate elevation contours of the existing land surface with intervals to indicate surface water drainage and grades

8) The location and approximate dimensions and area of all property proposed to be set aside for open space.

9) The location of any test holes dug, percolation tests conducted and the resulting data.

10) Technical Reports as to the general feasibility of the proposed water supply, the proposed drainage plan and sewage disposal. It is recommended the applicant obtain the services of a sanitary or civil engineer; licensed to do business in Connecticut, to conduct testing and develop these technical written reports and drawings for submission to the Commission or its designee.

B. No plan of subdivision shall be approved unless it is clearly drawn on sheets twenty-four (24) inches by thirty-six (36) inches, and at the following scales:

Boundary Plan: 1" = 100' or larger; (1"=50', 1"=40', 1"=30' and 1"=20' would also be acceptable)

Site Development Plans/E&S Plans: 1"=40' or larger; (1"=30' or 1"=20' would also be acceptable)

All maps submitted should be prepared in conformance with the State Regulations noted in Section 2.16 of these regulations.

If multiple sheets are required for a subdivision, then clear match lines and a smaller scale key map should be provided which shows the entire proposed subdivision and sheet layout for ease of multiple sheet plan reviews.

Said plan shall show the following:

- a. Name of owner of land of record
- b. Name of subdivision, if any
- c. Certificate and seal of a professional engineer registered in the State of Connecticut on all plans which include the design of roads, drainage systems, sanitary sewer systems, sewerage disposal systems and water supply and distribution systems and

the certificate and seal of a land surveyor registered in the State of Connecticut on all plans which include land contours and the delineation of the boundary lines of the outside perimeters as well as the interior lots and streets of a subdivision. However, where subdivision plans include the design of non-engineered septic systems and no significant site grading is required, the seal of a land surveyor registered in the State of Connecticut shall be satisfactory.

- d. Wetlands or watercourses must be delineated by a soil scientist, duly qualified in accordance with Standards set by the Federal Office of Personnel Management.
- e. North point, scale of map, original date, and dates of all revisions
- f. The boundary lines on a subdivision plan should be shown with bearings and distances meeting the standards for Class A-2 Horizontal Accuracy per current State Regulations
- g. Name of all abutting property owners within one hundred and fifty (150) feet of the entire tract of land including property located across any town road or state highway from the land and list the adjoining municipalities within five hundred (500) feet of the project.
- h. Layouts of lots, showing accurate bearings, dimensions, angles and building lines; buildable area as outlined by Section 5 of Canterbury's Zoning Regulations; and, the locations of the monuments or markers indicating the lot boundaries
- i. The location of street monuments
- j. Non-tangent curves should be avoided whenever possible. Curves, radius, central angle and arc lengths should be described by the chord bearing and distance.
- k. Wells and septic systems on adjacent properties limiting the development potential of a proposed lot or within 75 feet of the proposed development on a proposed lot should be field located and shown on any subdivision plan submitted for review
- l. As part of the subdivision plan, separate maps shall be filed, which shall contain and delineate the following:
 - 1. A general site or location map at a scale of one (1) inch equals one-thousand (1,000) feet indicating the lots and streets as proposed and the relation of the proposed streets in the subdivision to the existing streets in the vicinity of the proposed subdivision, and the zoning in the area within a one-thousand (1,000) foot radius surrounding the proposed subdivision.
 - 2. Plans must show proposed grading on all lots of a subdivision necessary to demonstrate that the lots can be developed and that the associated impacts are in accordance with the Town of Canterbury's regulations and ordinances, health code standards, and sound engineering practices.

3. The location of all existing and proposed, sanitary and storm water sewers, catch basins, manholes, bridges, and culverts, with invert elevations of all drainage structures.

3.2 APPLICATION FOR APPROVAL

Application for approval of either a subdivision or resubdivision plan shall be made in writing to the Commission on a form provided by the Commission and accompanied by all fees as required under Section C, Item 1 of these regulations and all supporting maps, information and data as required by local, state and/or federal law. Such application shall be submitted to the Commission and received at the next regularly scheduled meeting following the day of submission.

3.3 NOTIFICATION OF ADJACENT PROPERTY OWNERS

- a. After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of the names and addresses of the owners adjacent to the boundaries of the property which is being either subdivided or re-subdivided, all as shown on the latest grand list of the Town of Canterbury in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notifications of said pending application and public hearing to at least one (1) owner of each such property before the date set for public hearing. These notices shall be sent by First Class mail. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to a member of the staff of the Land Use Office, Town of Canterbury not less than seven (7) days prior to the hearing date.
- b. At least fifteen (15) days prior to the Public Hearing, applicants must post a "Notice of Public Hearing/Meeting" sign in front of the property on each road offering frontage to the property to allow persons not being notified by mail to be aware of a pending application. The sign must include the place of public hearing/meeting with a number to call for information and must be clearly visible. The Town of Canterbury shall supply this sign and a twenty-dollar (\$20.00) deposit for each sign shall be taken to assure its return. The applicant will be responsible for posting.

3.4 CERTIFICATE OF COMPLETION

No bond, or any portion thereof, shall be released as to any work for which the same is required hereunder until after the Commission has received a certificate of a professional engineer registered to practice in the State of Connecticut indicating that all such work has been completed in accordance with the subdivision or resubdivision plan and all requirements of these subdivision regulations. Such certificate shall be provided to the Commission by the applicant and any costs for obtaining such certificate shall be borne by the applicant.

3.5 ADDITIONAL STUDIES/REPORTS

The applicant may be asked to provide additional information or studies as requested by the Commission or its agents. These studies and/or reports may include, but are not limited to: traffic studies, archaeological survey, environmental reviews and hydrologic reports.

PROCEDURE OF COMMISSION ON APPLICATIONS

3.6 HEARINGS

The Commission shall hold a public hearing regarding any subdivision proposal or re-subdivision proposal. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the municipality 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, and the last not less than two (2) days nor more than ten (10) days prior to the date of such hearing. A copy of the subdivision proposal or plan of re-subdivision shall be placed on file at the Land Use Office not less than ~~seven~~ **fifteen** (15) days before public hearing. Distribution of all plans for timely review by town staff, commission members and the public is required and therefore may result in the need for additional copies of the submitted plan.

3.7 ACTION

The Commission shall approve, modify and approve, or disapprove any subdivision or re-subdivision application or maps and plans submitted therewith, including existing subdivision or re-subdivisions made in violation of this section, within sixty-five (65) days after the public hearing thereon, or, if no public hearing is held, within sixty-five (65) days after the submission thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and address by certified mail to any person applying to the Commission under this section, by its Secretary or Clerk, under their signature in any written, printed, typewritten or stamped for, within fifteen (15) days after such decision has been rendered.

3.8 ENDORSEMENTS

If the Commission approves a plan, approves a modified plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed thereon and the plan shall be signed by its Chairman; or, in his absence, the Vice Chairman. In addition, plans shall include the signature block for the Inland Wetlands & Watercourses Commission (if applicable) to be signed by its Chairman; or in his absence, the Vice Chairman. Also, a signature block "Reviewed by Town Engineer", to be signed by the Town Engineer or his representative, to ensure all deeds, easements, monumentation and final plan details conform to the approval granted; and, the signature block "Town of Canterbury, Board of Selectmen" to be signed by a representative of the Board of Selectmen to address their jurisdiction over roads and driveways.

3.9 ESTIMATE

Whenever any proposed subdivision or resubdivision plan shall involve the grading and improvement of streets in accordance with the Public Improvements Specifications (April, 1998), as amended; open spaces; items which will impact the public at large including any work within the Town right-of-way; any on or off-site drainage improvements, erosion and sedimentation control, monumentation of the street line(s) and lot line(s); the installation of public utilities and services; and, construction inspections and administrative costs associated with supervision of Public Improvements or if a bond is "called", the applicant shall file with the Commission an adequate and detailed estimate of the cost of said work and improvements. Such cost estimate(s) shall be prepared by a professional engineer and shall be reviewed and approved, or modified and approved by the Town Engineer.

3.10 FEES

The fees for the processing of subdivision and re-subdivision applications and inspection of subdivision improvements shall be in accordance with the current Land Use Fee Schedule. In addition, all applicable State fees per CGS 92-235 shall be included in the cost. Engineering fees shall be at cost to the applicant and include all work and expenses to the Town of Canterbury which go into the review, evaluation and processing of an application, the site or site activity which is the subject of the application.

Engineering fees are payable in full upon receipt. Payment is made to the Town of Canterbury. All outstanding engineering fees must be paid in full prior to final endorsement of the mylars/final plan.

Application fees shall be payable to the Town of Canterbury. Payment shall be made at the time application is filed. Failure to pay all application and engineering fees may be deemed grounds for denial by the Commission or grounds for refusal to endorse the mylars/final plan.

3.11 RECORDING

Per Section 8-25 of the General Statutes, any plan for a subdivision or resubdivision shall, upon approval, or when taken as approved by failure of the Commission to act, be filed or recorded by the applicant or his representative in the Office of the Town Clerk of Canterbury within 90 days of the expiration of the appeal period. In the case of an appeal, the subdivision or resubdivision shall be filed or recorded within 90 days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. Any plan not so filed or recorded within ninety (90) days will be considered null and void, except the Commission may extend the time for such filing for two additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.

No plan may be recorded by the Town Clerk of the Town of Canterbury until the approval of the Commission has been endorsed thereon. Recording of any plan without such approval is void.

3.12 BOUNDARY MARKERS

Markers indicating lot boundaries shall be furnished and set by the applicant at such locations as shall be required by the Commission. Except where a lot boundary may be marked by a street monument as herein required, and except where rock or ledge formation renders the use of the same impractical, such markers shall be either three-quarter inch ($\frac{3}{4}$ ") pipe or five-eighths inch ($\frac{5}{8}$ ") rebar and between thirty inches (30") and thirty-six inches (36") in length. In rock or ledge formations, boundaries shall be permanently marked in accordance with good engineering practice and subject to the approval of the Commission.

All boundary monumentation, including street line monuments, shall be set and properly labeled as such on the mylar to be endorsed by the Commission or properly bonded. The bond shall not be released until the Commission receives a signed and sealed letter from a Licensed Land Surveyor certifying that the monumentation has been set in accordance with the approved plan.

All street line monumentation should be set in accordance with Section 2.2.6 of the Public Improvement Standards.

3.13 RIGHT-OF-WAY BOUNDARY

All street line monumentation should be set in accordance with Section 2.2.6 of the Public Improvement Standards.

3.14 INSPECTION AND APPROVAL

The work of constructing any street, or of installing any public utilities or services, or of constructing any storm or surface water drainage installation shall be subject in all respects to the inspection and approval of the authorized officials of the Town of Canterbury having proper jurisdiction.

3.15 LEGAL DOCUMENTS

All warranty deeds, bonds, and other legal documents submitted pursuant to these regulations shall be subject to the approval, as to form and content, of the Land Use Attorney for the Town of Canterbury.

All deeds for street line dedications, easements, open space, or conservation easements shall be presented for review and approval and then presented in final executed form for filing to the Agent of the Commission prior to endorsement of the final mylar by the Commission and shall be filed by the Applicant at the same time as the filing of the mylar.

Section 4
GENERAL REQUIREMENTS

SUBDIVISION OF LAND

4.1 BUILDING LINE

The building line shall be as required by the Town of Canterbury Zoning Regulations.

4.2 LOT SIZES

In order to control the possibility of danger to health or the public safety, particularly with respect to water, drainage, and sewage, minimum lot sizes shall be those established in the Town of Canterbury Zoning Regulations for the district in which the subdivision located.

4.3 LOT WIDTHS

Minimum lot widths at the building line shall be in accordance with the requirements of the Town of Canterbury Zoning Regulations.

4.4 INTERIOR LOTS

A. Interior lots are allowed in accordance with the Zoning Regulations, limited as follows:

Subdivisions/Resubdivisions of ten (10) lots or less – 1 interior lot*

Subdivision/Resubdivision over ten (10) lots – 1 interior lot per every ten (10) lots*

*The interior lot shall be included in the total of the ten (10) lots. For example, if your subdivision consists of 10 lots, nine (9) shall have at least 200' of street frontage and the tenth lot may be the interior lot with 50' of road frontage.)

B. All interior lots shall have a minimum of fifty (50) feet of street frontage and be at least twice the size of a minimum lot; the access strip must be at least fifty (50) feet wide at all points and shall not be included in calculation of the lot area. Any access strip (to an interior lot) shall be at least four hundred feet (400') from any other access strip measured along the streetline, from any other access strip serving an interior lot as defined in these regulations, where such interior lots are located on land which was a single parcel of land on the effective date of these regulations (April 5, 1974).

C. No access drive shall be over one thousand feet (1,000') in length. Each driveway over one thousand (1000') shall contain emergency vehicle turnouts at each 500 feet (500') of length. However, this condition may be waived in accordance with Section 6 of these Regulations. The Commission must receive a written request for a waiver, explaining the special circumstances.

4.5 LOT LAYOUT

All lots shall front on a street and contain the minimum lot frontage required by the Town of Canterbury Zoning Regulations. Where practical, side lot lines shall be at right angles to the street on which the lot fronts or radial to curved street lines.

4.6 REMAINING LAND

After any subdivision or resubdivision of land the remaining property, exclusive of open space, *shall* be designated as a dwelling lot on the Land Records of the Town of Canterbury. There shall be no "other land" of the Subdivider not contained with a lot.

4.7 CHARACTER OF LAND: FLOODING

The Town of Canterbury is a participant in the National Flood Plan Program and as such, FEMA Regulations 44 CFR, Chapter 1, Section 60.3(b)(3) require that the developer(s) of all subdivisions determine the Base Flood Elevation for all subdivisions over 50 lots or over 5 acres, whichever is lesser.

The applicant shall provide base elevations for any such flood zone(s) on the property to be subdivided.

4.8 LOT SIZES: VARIATIONS

The Commission may require lots of greater dimensions and size than those prescribed by the Town of Canterbury Zoning Regulations, when it finds that because of conditions adversely affecting drainage, sewerage disposal or water supply, lots conforming in dimensions and size to the requirements of these Regulations would be unsuitable because of danger to health and public safety or when it finds that anticipated use requires greater drainage, sewerage disposal, or water supply than average residential use.

4.9 WATER SUPPLY AND SEWAGE DISPOSAL

- A. A written report, endorsed by the Health Department, shall be submitted to the Commission concerning the adequacy of plans for proposed private sewage disposal facilities and water supply. Adequacy of plans for sewage disposal facilities shall be based on soil percolation tests and observation pits made in the area of the proposed leaching system carried out in conformity with the standards and requirements of the Public Health Code of the State of Connecticut by a professional engineer registered in the State of Connecticut and the statements of the registered engineer performing such tests which indicates the results of these tests and soil conditions observed shall be attached to the subdivision application. Where the results of such tests indicate a need for larger lots because of sewage disposal requirements, final approval will not be granted until such larger lots as required are shown on the subdivision plans. All installations of private sewage disposal systems shall conform to the standards and requirement of the Connecticut State Department of Health, and no final approval shall be granted to any subdivision or re-subdivision until written approval of the proposed sanitary septic system has been granted by the Northeast District Department of Health.
- B. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Canterbury Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied.
- C. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any subdivision providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or, in the alternative, a certified copy of the a resolution from the Board of Selectmen waiving such Certificate and agreeing that the Town of Canterbury shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers. If a Phase IA approval has

been granted, the Commission may approve the subdivision subject to the condition that no building shall be occupied until the final Certificate has been granted.

4.10 OPEN SPACE

- A. For the purposes of Section 4.10 Open Space, the following terms shall be defined as follows:

Open Space: Includes, but shall not be limited to land left in its natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; land areas and facilities for non-commercial, non-profit recreation; and, similar land areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.

Land: Real property, including improvements thereof and thereon, and all estates, interests, and rights therein of any kind or description, including, but not limited to, easements, rights-of-way and water riparian rights, provided that these interests run in perpetuity with the subject real property.

Inland Wetlands: Those areas designated and defined as inland wetlands by the Town of Canterbury Inland Wetlands and Watercourses Commission, its agent or a certified soil scientist, pursuant to its regulations.

Watercourses: Those areas designated and defined as watercourses by the Town of Canterbury Inland Wetlands and Watercourses Commission, its agent or a certified soil scientist, pursuant to its Regulations.

- B. When the whole or any portion of a tract of land held in the same ownership on the effective date of these Regulations is subdivided, the Commission may require dedication of appropriately located and sized land as open space, parks and playgrounds when it deems such land will conserve natural or scenic resources; protect natural streams, marshes, and groundwater tables; supplement existing open space and recreational areas; meet recreational needs of present and projected population in the area; save historic and/or archaeological sites, wildlife sanctuaries, and outstanding forests; preserve ridges, ravines, ledge outcroppings, stone walls and other unusual physical features; or promote orderly community development.
- C. Where Open Space dedication is deemed appropriate, the minimum area of open space shall be ten percent (10%) of the gross area of the whole tract to be subdivided, whether or not it is to be so subdivided entirely at the time of application.

Areas to be reserved as Open Space land shall be shown on the subdivision map.

This provision shall apply to subdivisions of more than three (3) lots, except where exempt in accordance with Section 4.10.R below.

- D. Sites of Archeological Significance
In all subdivisions of twenty-five (25) acres or more, all applicants shall make written inquiry of the State Archaeologist to determine if there is evidence of sites of archaeological

significance within the subdivision. Any site deemed significant by the State Archaeologist shall, where possible, be left undisturbed and may be considered in the acreage needed in meeting the minimum Open Space requirements of these requirements.

Any development site within 1,000 feet of a known and documented archaeological site of significance shall make the same written inquiry of the State.

E. Endangered Species

An initial endangered species review using "State & Federal Listed Species and Significant Natural Communities" maps should be conducted. To conduct the initial endangered species review, follow the map review instructions. Performing an initial review cuts down on the number of requests submitted to the Natural Diversity Data Base. If the initial review indicates a potential conflict with an endangered species/community, a Natural Diversity Data Base Request form (available by contacting NDDDB at 860-424-3540) must be completed by the applicant and submitted to the Natural Diversity Data Base along with a project description and a copy of the map (preferably 1:24,000 USGS quadrangle map) clearly showing the project boundaries. A NDDDB review takes approximately two weeks. Findings from the NDDDB review shall be taken into consideration by the commission.

F. Prior to the public hearing, the Planning & Zoning Commission shall notify the Board of Selectmen, the Recreation Commission and any other Board, Commission, or Agency deemed appropriate by the Commission for each Open Space proposal contained in subdivision applications. This allows both entities, at their discretion, to make recommendations to the Planning & Zoning commission with regard to size, maintenance, and ownership of the open space proposed.

G. Condition of Open Space and/or Recreational Land

Designated open space shall typically abut or have direct access to a public street and, as appropriate, any existing park or playground, existing Open Space or existing public land. All such areas, where deemed appropriate, shall include access roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall conform to the Town of Canterbury Public Improvement Standards. The Commission may waive any of these requirements where access is less critical, such as in passive wildlife preserves or fragile ecosystems.

Land to be provided as Open Space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the subdivider. Except for improvement or maintenance as may be expressly permitted or required by the Commission, Open Space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris.

However, open space for parks, playgrounds or recreational fields shall be improved to such a condition as suited for the purpose intended. The Commission may require such open space area be graded by the subdivider to properly dispose of surface water; be covered with topsoil to a depth of at least four inches (4"); that it be seeded with low maintenance grass seed; and be otherwise improved so that the land is left in a condition appropriate to the intended use. Such improvements of open space may not be required until subdivision is

substantially completed. However, work to be performed by the developer in order to comply with provisions set by the Commission, shall be covered by a proper bond.

The ratio of the area of the proposed Open Space classified as inland wetlands to the total area of the Open Space shall not exceed the ratio of all inland wetlands in the subdivision to the total area of the subdivision, unless the Commission considers such areas to have special habitat or other environmental value.

When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.

H. Method and Procedure of Disposition

The Commission shall determine the most appropriate method of disposition after considering the relationship of the subject area(s) and its specific characteristics to the objectives cited in Section 4.18; the desirability and suitability of public access and use and the scope of the subdivision proposal. The Commission may utilize the following disposition options:

- conveyance in fee simple to the Town
- private ownership with the appropriate severance and conveyance of development rights
- conveyance in fee simple to the State of Connecticut
- conveyance in fee simple to a land trust (with the concurrence of the subdivider)
- conveyance of conservation easement(s), with or without public access, to the town
- conveyance of conservation or preservation restrictions, as defined in Connecticut General Statutes 47-42a, with or without public access to the town
- conveyance of a recreation easement to the Town, the State, or a private, non-profit recreation or preservation
- conveyance of an agricultural easement to the Town, the State, or private, non-profit farm preservation entity

The applicant shall designate in its application which of the foregoing entities is proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation. Furthermore, the 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 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 Town of Canterbury Plan of Conservation and Development; and,
- f) the reports or recommendations of any state or town agencies, including, but not limited to, the Board of Selectmen, Recreation Commission, Inland Wetlands & Watercourses Commission and any other boards, commissions or agencies deemed appropriate by the Commission.

I. ALTERATION OF OPEN SPACE

Any excavation, filling, re-grading or other 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 Subdivision, other than work required by the plans as approved, shall require an amendment to the subdivision approval granted in accordance with the applicable sections of these regulations.

J. EVIDENCE OF ACCEPTANCE

The application shall contain written evidence; satisfactory to the Commission, from the entity proposed to own the Open Space, stating that is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.

K. 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 Commission to ensure: The Open Space is dedicated to its intended purpose in perpetuity; the continuity of proper maintenance for those portions of the Open Space requiring maintenance; When appropriate, the availability of funds required for such maintenance; Adequate insurance protection; and Recovery for loss sustained by casualty, condemnation or otherwise.

L. RECORDING

At the time the approved Subdivision Plan is filed, the applicant shall record on the Town of Canterbury Land Records all legal documents required to ensure the aforesaid guarantees. Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of these regulations and shall be submitted prior to the final subdivision map to be endorsed and filed.

All warranty deeds shall be accompanied by owners title insurance, in the amount of the full value of the property interests conveyed, issued by a title insurance company licensed to do business in Connecticut OR a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance at a duly warned Town meeting. In the event that acceptance is rejected by the town at a duly warned town meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

M. 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 subdivision and at such other points as may be required by the Commission for identification in the field.

N. REFERRALS

The Commission may refer for review and comment, any subdivision plan and proposal for the provision of Open Space land to the Recreation Commission or any other appropriate commission or agency. The Commission shall refer to the Town of Canterbury Board of Selectmen any proposal under which the Town would acquire a property interest in the Open Space.

O. ENFORCEMENT BONDING

Unless modified by the Commission in accordance Section 3.24 of these subdivision regulations, all required Improvements of Open space land shall be completed prior to the occupancy of fifty percent (50%) of the lots within the subdivision.

P. DEDICATION FOR OTHER MUNICIPAL BUILDINGS

In the event the subdivider desires to voluntarily transfer to the Town, land for other municipal purposes such as future schools, fire houses, etc. the dedication provisions of this regulation shall be complied with. The Commission may consider such a municipal dedication as a credit toward any Open space disposition requirements, but may not require such dedication.

Q. PAYMENT OF FEE-IN-LIEU OF OPEN SPACE

In accordance with Connecticut General Statutes 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a developer to pay a fee and/or transfer land to the Town of Canterbury in lieu of the disposition of land by one of the methods set for in Section 4.10 of these regulations. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas on the subdivision which merit preservation by one of the methods set forth in Section 4.10 of these regulations, or that there are other areas in the Town of Canterbury where preservation would be more beneficial to the public health, safety and welfare. In the event that the Commission grants such authorization, such payment or combination of payment and the fair market value 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. An appraiser jointly selected by the Commission and the subdivider shall determine the fair market value. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund. Such fund shall be used solely for the purpose of preserving Open Space, including the acquisition of land for Open Space and the capital improvement of existing Open Space lands. The said payment obligation shall be secured by a lien against each lot in the subdivision, and the lien shall be filed at the time that the final subdivision plans are filed in the Office of the Town Clerk, in accordance with Section 4.18K of these regulations. The said lien shall be in a form approved by the Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title, in accordance with these regulations.

R. EXEMPTIONS FROM OPEN SPACE REQUIREMENTS

In accordance with Public Act 90-239, Section 1, the provisions of this Section 4.10 shall not apply if:

1. The transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the land records in accordance with the procedure and other requirements of Section 4.10 K of these regulations. If the Commission determines, based on events subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of Section 4.10, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Town of Canterbury land records.
2. The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Town of Canterbury land records.

4.11 WETLANDS

No subdivision or re-subdivision plan which contains lands on which an inland wetland or watercourse is located, shall be acted upon by the Planning & Zoning Commission until such subdivision or re-subdivision plan has been forwarded to the Town of Canterbury's Inland Wetlands and Watercourses Commission.

4.12 COMPLAINT WITH ZONING REGULATIONS

No subdivision or re-subdivision shall be approved unless all lots created meet all applicable requirements of Section 5 of the Town of Canterbury Zoning Regulations or variances from the Zoning Regulations have been approved by the Town of Canterbury Zoning Board of Appeals.

4.13 STREETS/ROADS

For the purpose of these regulations the words "streets" and "roads" shall be interchangeable.

Please refer to DEAD END, NON-THROUGH STREETS, LOOP ROADS, CUL-DE-SACS (Section 4.13E) for more details.

All new streets/roads shall be constructed in accordance to the Town of Canterbury Public Improvement Specifications, as amended and adopted by the Board of Selectmen, including but not limited to street grading, surfacing, street curves, sidewalks and drainage. All streets in any subdivision or resubdivision shall have free access to a state or town highway and as far as practicable, shall follow natural contours.

For the purposes of these regulations, dead-end streets shall include all roads with a single entrance/exit point, non-through streets, loop roads with a single entrance/exit point and any proposed cul-de-sac off of the principal dead-end street.

A. Private Roads

Applicants may propose to install a Private Road, with an option to limit use only to residents of applicant's development, provided:

1. The Commission determines that there are no compelling reasons why the road should be publicly owned or have public access, such as the desire for connectivity with Town roads (existing or proposed), recreational facilities, open space, or other places needing for public access.
2. There are to be no more than 15 houses on said Private Road.
3. That the Private Road is built to the public improvement specifications, with the exception of road paved width which shall be 12 feet for roads serving up to 5 houses, 16 feet for roads feeding 6 - 10 houses and 20 feet for roads serving 11 - 15 houses.
4. Dead-end streets shall not exceed one thousand five hundred (1,500) feet in total.
5. That an association be established to maintain said Private Road. If the road is not maintained to assure safe access, the Town may perform the needed maintenance and bill the Homeowner's Association, placing liens on the homeowner if necessary. That said road is fully inspected during installation, just as a Town Road would be.

That the following statement be boldly placed on the final mylar plans, as well as on the deeds for the lots as they are initially sold, and filed on the Land Records of the Town of Canterbury:

- *“(Name of road) is a **Private Road**, not owned by the Town of Canterbury, and is covered under an association agreement for maintenance filed on the land records of the Town of Canterbury separately from this document.*
- ***This Private Road will not be maintained by the Town of Canterbury.***
- *The Town **will not** fix pavement or drainage deficiencies, plow snow or apply ice melting treatments, clean catch basins, sweep the road, remove trash or debris or any other maintenance services along the Private Road.*
- *There shall also be no expectation that the Town will accept this Private Road in the future and take on its maintenance responsibilities.*
- *At the discretion of the School Board, they may require children living on this Private Road to be picked up at the nearest Public Road intersection.*
- *The Town will, to the extent possible, provide emergency response to fires, medical, or other emergencies or recovery assistance as provided on any Town Road.*
- *Residents have access to the Town's Transfer / Recycling facility and other non-road related Town services.*
- *The Private Road may be posted as private, but access to Town Officials and Emergency Responders is granted”.*

B. Layout

No subdivision of land requiring the layout and establishment of new streets shall be made unless the proposed layout of new streets is in harmony with existing or proposed streets, particularly in regard to safe intersections and so arranged as to provide an adequate and convenient system for present and prospective traffic and maintenance.

C. Street Names

All street and road names shall be subject to the final approval of the Board of Selectmen. No name shall so nearly duplicate an existing street name as to cause confusion; proposed names should be submitted to the Planning & Zoning Commission for review.

D. Street Signs

All street signs shall be located at all intersections and constructed and installed at the developer's expense to specifications approved by the Town Road Foreman and the Board of Selectmen.

E. Dead End, Non-Through Streets, Loop Roads, Cul-de-sacs

Dead end streets shall be permitted in residential subdivisions providing all dead end streets, as defined above, and resulting cul-de-sacs shall not exceed one thousand five hundred (1,500) feet in total. All dead-end streets shall have a turnaround or cul-de-sac that meet all requirements of the Public Improvement Specifications. The length of dead end streets shall be measured from the end of the cul-de-sac to the existing public road.

All new roads shall be constructed in accordance to the Public Improvement Specifications adopted in April, 1998, and as amended.

F. Guard Rails

Guard rails shall be placed along all streets at hazardous locations as deemed necessary by the Town Road Foreman in conjunction with the Board of Selectmen, who have jurisdiction of such matters, and shall consist of such quantity and quality as directed. The cost of such shall be the responsibility of the applicant/subdivider.

G. Drainage

Drainage pipes, culverts headwalls, catch basins, and ditches shall be installed where deemed necessary by the Commission. An adequate storm and surface water drainage system shall be provided with outfalls to a natural watercourse or existing adequate storm drainage system as directed by the Commission and, when applicable, in conjunction with the Inland Wetlands and Watercourses Commission and the Town Engineer.

All drainage requirements, including but not limited to drainage pipes, culvert headwalls and catch basins shall conform to the requirements of the Town of Canterbury Public Improvement Specifications, as amended.

The Commission may request the reservation of sufficient easements for stormwater drainage to be deeded to the Town of Canterbury.

The applicant shall acquire all drainage rights and shall be responsible for connecting all new drainage to an existing adequate town drainage system or to an existing natural water course.

H. Trees and Brush

No trees or brush shall be left standing within six (6) feet of the shoulders off the road unless authorized by the Commission, except that existing trees and shrubs standing within the right-of-way which, because of their location, species or condition, are suitable for preservation, must be shown on the subdivision plans, and may be preserved with the approval of the Commission. The planting of new trees adjacent to the streets may be required by the Commission, with the edge of the expected growth outside of the six foot (6") cleared area above, at intervals of fifty (50) feet or as otherwise directed by the Commission.

Existing trees, noteworthy because of the location, size, species or condition, shall be considered by the applicant and preserved whenever possible.

I. School Bus Accommodation

The Commission may require that accommodations be provided for school bus stops. These accommodations shall include a paved stopping lane, good sight lines and sufficient right-of-way to provide safe waiting area.

4.13 Driveways

A. All proposed driveways shall be shown on the plan and will be submitted to the Town Road Foreman for review prior to the public hearing by the Commission. All driveways shall be constructed in accordance with the Town of Canterbury Driveway Ordinance, as amended. This ordinance outlines driveway construction including grading, required aprons, slope, surfacing and bonding. Pull-outs and turnarounds shall be constructed as required by the Fire Department.

B. Shared Driveways

Shared driveways may be proposed when it is the intent of the developer to conserve natural or scenic resources; protect natural streams, marshes or wetlands; avoid ridges, ravines, ledge outcroppings or any other unusual physical feature or to protect residents by maintaining a safe and approved sight line.

Shared driveways shall be allowed by the Commission only when approved by a 2/3 vote of the Commission members present and voting on the application and shall serve no more than two dwelling lots.

4.14 EXISTING TOWN ROADS

If the Commission finds that a subdivision which includes a new road that intersects with an existing accepted Town Road will adversely affect the health, safety or welfare of vehicular or pedestrian traffic and the general public due to poor sight lines, inadequate drainage or inadequate pavement and pavement widths, then the commission shall require the subdivider to improve the existing road to the required standards in the area of such intersection. The subdivider will be responsible for the cost of required improvements that are a result of the property being subdivided.

Improvements required may include, but are not limited to:

- A. Dedication of right-of-way to bring road to current road standards, which may be required for all subdivisions on existing streets
- B. Necessary improvements to improve sight distance
- C. All, or a portion of, the cost of required drainage improvements
- D. Widening of the impacted road(s) to the minimum required width for traffic including any additional traffic generated by the development

4.15 REQUIRED DOCUMENTATION

The subdivider shall submit along with the final subdivision map, the following:

- A. An engineer's estimate of cost of construction satisfactory to the Town Engineer of all public improvements;
- B. Any agreement made with the State Department of Transportation when a proposed street or storm drain joins with a State Highway;
- C. A letter from the Board of Selectmen approving the plan for streets and drainage;
- D. A statement regarding the methods of dedicating proposed easements and rights-of-way and the method of ownership of open space; and,
- E. A statement regarding the considerations that have been made to address solar access and energy-efficient design.

4.16 OPTIONAL DOCUMENTATION

The Commission may require the subdivider to submit additional documentation including, but not limited to:

- A. Tentative plans for the future development of land abutting the proposed subdivision if such land is owned or controlled by the applicant/subdivider.
- B. Plans showing relationships of road layouts, drainage and utility systems, and open space within the subdivision to such facilities existing or potential, outside the subdivision.
- C. Statements of any Town, State or Federal agency, organization or official that the Commission deems may have an interest in the proposed subdivision.
- D. An environmental impact statement evaluating the impact of the subdivision on the land, air, and water, and considering, among other elements: soils, surface and subsurface water, topography, air quality, flora and fauna, noise levels and other such elements as may be specified by the Commission.
- E. A traffic impact report evaluating the potential impact of the proposed subdivision on existing streets and intersections.

4.17 SOIL AND EROSION CONTROLS

Activities requiring a certified Erosion and Sediment Control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

4.18 EROSION AND SEDIMENTATION CONTROL PLAN

- A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best

available technology and best management practices. Such principles, methods and practices may be used with prior approval of the commission.

- B. Said Plan shall contain, but not be limited to:
 - 1. A narrative describing
 - a. the development;
 - b. the schedule for grading and construction activities including (a) start and completion dates; (b) sequence of grading and construction activities; (c) sequence for installation and/or application of soil erosion and sediment control measures; and, (d) sequence for final stabilization of the project site;
 - c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - f. the operations and maintenance program for proposed soil erosion sediment control measures and storm water management facilities; and
 - g. drainage calculations showing that the proposed measures are of sufficient size and design to properly control or contain storm water runoff of the design frequency storm as specified by the Commission or its Agent.
 - 2. A site plan map at a scale of at least one (1) inch equals forty (40) feet and with 1"=30', 1"=20' and 1"=10' also being acceptable to show:
 - a. the location of the proposed development and adjacent properties;
 - b. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - c. the existing structures on the project site, if any;
 - d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;
 - e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f. the sequence of grading and construction activities;
 - g. the sequence for installation and/or application of soil erosion and sediment control measures; and
 - h. the sequence for final stabilization of the development site.
 - 3. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

4.19 MINIMUM ACCEPTABLE STANDARDS

- A. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and, does not cause off-site erosion and/or sedimentation.

- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

4.20 ISSUANCE OR DENIAL OF CERTIFICATION

- A. Canterbury Planning & Zoning Commission or the Town Engineer shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.
- B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124a or 126 of the Connecticut General Statutes, as amended.
- C. The Commission may forward a copy of the development proposal to any review agency or consultant, deemed appropriate by the Commission, for review and comment.

4.21 CONDITIONS RELATING TO SOILD AND EROSION CONTROL

- A. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- B. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- D. Additional control measures, if requested by the Town or its agent(s), shall be immediately installed during construction.

4.22 INSPECTION

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. The Commission or its designated agent may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

4.23 BONDING

A. Performance Bonds

A Performance Bond shall be posted by the subdivider prior to the sale of any lot or lots in the subdivision to insure the completion of required Improvements and utilities in the event the subdivider shall fail to install the same within the term of such Bond or any extension thereof. The term of the Performance Bond may be extended by the Commission upon approval of a petition from the subdivider to the Commission requesting an extension subject to agreement of such extension by the Surety. If the subdivider shall fail to complete all Improvements in accordance with these Regulations and the approved plans, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, supervision and inspection of work, legal fees, and the like. The restriction on the sale of lots until the posting of the Performance Bond shall be enforced by a Restrictive Covenant in a form required by the Commission's attorney.

B. Computation of Performance Bonds

In computing the amount of the Bond, the Commission shall include the construction cost of the following items:

- 1) The construction cost of all required Work, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks and curbs, trees, grading setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final Subdivision Plan, Plan and Profile, Erosion and Sedimentation Control Plan, or any other plan as approved by the Commission.
- 2) Estimated costs shall be those that would allow for the Town advertising and awarding a contract for construction of the Improvements.
- 3) Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.
- 4) The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering.
- 5) Where a subdivision is to be developed in phases, the subdivider may post a Performance Bond covering the costs itemized in paragraphs (b) 1 through 4 above, related to that Improvement located within or required to serve one or more phases rather than for the entire development. Where the subdivider bonds in phases as authorized in this paragraph, no Improvement, as that term is defined in these Regulations, shall lot or lots shall be sold in any phase for which no bond has been posted.

C. Form of Performance Bonds

As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:

- 1) Cash in the form of a certified check; or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in Tolland or Windham Counties;
- 2) A Letter of Credit in favor of the Town in the form prescribed by the Commission's legal counsel. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining officer in the State of Connecticut. The issuing bank ("Surety") shall be one maintaining offices in Tolland or Windham Counties;
- 3) In lieu of all or a part of the Performance Bond specified in the preceding two (2) paragraphs, the Commission may allow a restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the land records of the Town of Canterbury, prohibiting the sale of any subdivision lot(s) until such time as all Improvements are completed in accordance with these Regulations, or until the incomplete portions of such Improvements are bonded by one of the methods in the preceding two (2) paragraphs. The Commission may deny the use of a restrictive covenant, in whole or in part, where the actual construction of the Improvements, irrespective of the sale of lots, would be in the public interest; such as construction of roads needed for traffic circulation or public safety, walking trails, scenic vistas, or other public amenities. In addition, the Commission may deny the use of a restrictive covenant, in whole or in part, based on a recommendation of the Board of Selectmen indicating that the financial exposure to the Town is excessive in light of the cost of the Improvements to be assured by a restrictive covenant.

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

D. For all Performance bond documents

If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership or limited liability company, then a resolution must be provided indicating that the partner or member executing the bond documents has authority to do so. Any

corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership or limited liability company shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out of state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

- E. If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted Improvement, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the subdivision upon notice to the subdivider and owner(s) of any lot(s).

**Section 5
Supervision and Engineering Fees and Conditional Approvals**

- 5.1 No final plan of subdivision filed with the Commission shall be endorsed by the Chairman or, in his or her absence, the Vice Chairman, until such time as all engineering fees and anticipated costs are deposited with the Town.
- A. All engineering fees incurred by the Town as a result of review or consultation in direct conjunction with the proposed subdivision shall be borne, at cost, by the applicant and payable upon receipt.
 - B. An estimate, as determined by the Town's Engineer, of the costs to inspect any public improvements needed by the development shall be deposited with the Town to cover said costs.
- 5.2 The Commission may, with the advice of the Town Road Foreman and the Town Engineer, prescribe the extent to which and the manner in which the streets shall be graded and improved and public improvements and utilities and services provided in connection with any subdivision plan.

**Section 6
WAIVERS**

- 6.1 The Commission recognizes that each parcel of property is unique in location, dimensions, orientation topography, etc. And, that the various factors in the design of subdivision are variable with relation to each other and to foregoing characteristics of the property. Therefore, the Commission may waive or vary, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions are not requisite to public health, safety and general welfare. However, such waiver shall not be contrary to the Town Plan of Conservation and Development or contrary to the purposes and intent of these regulations or have a significant adverse effect on adjacent property.
- 6.2 The requirement of an A-2 boundary survey of the entire perimeter of a large tract may be waived where less than 5% of the property is being subdivided.
- 6.3 A three-quarter (3/4) vote of all the members of the Commission is required for a waiver. The Commission shall state upon its record the reasons for each waiver granted.

**Section 7
ENFORCEMENT**

In accordance with Connecticut General Statutes Section 8-25, any person, firm, corporation, partnership or association making the subdivision or re-subdivision of land without approval of the Commission shall be liable to a fine of Five Hundred (\$500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the

violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.