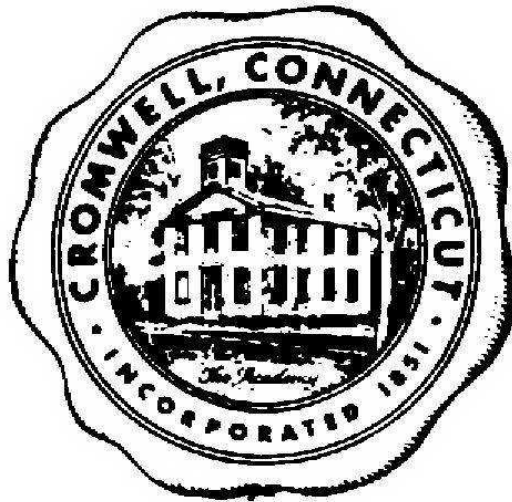


**TOWN OF CROMWELL**

**SUBDIVISION  
REGULATIONS**



**revised September 9, 2011**

<u>Effective Date:</u>	<u>Revised Article:</u>
September 27, 1954	Adopted
June 1, 1993	320 (Fee in Lieu of Open Space).
November 1, 1994	309 (Conditional Approval).
October 16, 2000	307 (Street Name); 403 (Site Development Plan Requirements); 404 (Subdivision Plat Plan Requirements); 405 (Inland Wetland Agency Notification); 406 (Notice to Abutting Property Owners); 407 (Erosion and Sediment Control Plan); 504 (Recording of Plans).
November 20, 2000	320 (Open Space).
September 1, 2001	403 (Contours; Fee in Lieu of Open Space Note).
November 1, 2001	309 (Performance Bond); 310 (Stormwater Runoff Control).
February 16, 2003	202 (Moratorium); 405 (IWWA approval); 406 (WPCA approval); 501 (Sign Posting).
January 23, 2006	202 (Moratorium).
October 24, 2006	100 (Definitions) and 300 (Regulations)
February 13, 2007	300 (Street Trees) and 400 (Documents Submitted with Application)
April 21, 2010	200 (General), 300 (Regulations) and 500 (Approval of Subdivisions)
September 9, 2011	300 (Regulations)

## AUTHORITY

Pursuant to the authority conferred by Chapter 126 of the 1958 General Statutes of the State of Connecticut, as amended, the Planning and Zoning Commission of Cromwell, Connecticut, adopts the following Subdivision Regulations.

### 100 DEFINITIONS

- 101 "Commission": The Cromwell Planning and Zoning Commission.
- 102 "Consultant": Any person or persons engaged for professional advice to the Commission such as a lawyer, engineer, town planner or landscape architect.
- 103 "Cul-de-sac": A dead-end street having only one vehicular outlet.
- 104 "Final Plan": A plan certified substantially correct by a registered land surveyor in the State of Connecticut as to layout, bearings and distances, and prepared with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc. "Site Development Plans" and "Subdivision Plat Plans" shall conform to the definition of "Final Plans." All site improvements, roads, drainage and kindred activities shall be prepared by a professional engineer registered in the State of Connecticut.
- 105 "Improvement, or Public Improvement": Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder. As used in these Regulations, improvements include, but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, open space or recreational facilities, earth filling or removal, seeding and grading, or similar construction work depicted on any final Plan or required by these Regulations.
- 106 "Record Owner": The owner of record at the time application is made.
- 107 "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.
  - b. affects any area reserved thereon for public use.
  - 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.

- 108 "Revision of Subdivision": A minor change in sizes or property lines inside of the area; insofar as no street entrances or future public property is changed and no affected part of the land is already sold.
- 109 "Street," or "Streets": Streets, avenues, boulevards, roads, drives, lanes, parkways, alleys, and other travel ways.
- 110 "Street Line": The boundary line of property along a street which defines the right-of-way. Not the edge of pavement.
- 111 "Subdivision": The division of a tract, or parcel of land, into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.
- 112 "Town Plan of Conservation and Development": The Plan of Conservation and Development of the Town of Cromwell, Connecticut, as prepared by the Commission, and its amendments, as defined in Section 8-23 of the Connecticut General Statute.
- 115 "Zoning Regulations": Those Zoning Regulations which are in effect when an application for a subdivision is received by the Commission.

200 GENERAL

- 201 No subdivision of land shall be made until a plan for such subdivision has been approved by the Cromwell Planning and Zoning Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than two hundred (\$200.00) dollars for each lot sold or offered for sale or so subdivided.

300 REGULATIONS

- 301 Final Plans for a subdivision must be approved by the Commission, and be filed with the Town Clerk before any owner, or agent of the owner, shall transfer, or sell, or agree to sell, or negotiate to sell any land from or in a subdivision.
- 302 All subdivision plans shall conform to the Subdivision and Zoning Regulations and the specifications for the construction of roads in the Town of Cromwell, Connecticut, at the time of receipt of application.
- 303 The arrangement of streets in new subdivisions shall provide for the continuation of principal existing streets into adjoining areas.

- 304 Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed with the Town under conditions approved by the Commission.
- 305 Building setback distances shall be parallel to final street lines and at least the minimum distance required by the Zoning Regulations.
- 306 Where the record owner desires greater setback distances than required under Zoning Regulations, such greater setback distances are the responsibility of the record owner and shall be covered by a deed covenant to all lots and shall run with the land.
- 307 Proposed street names are subject to the approval of the Commission and the Board of Selectmen and shall be indicated on all plans submitted in connection with the application. The Applicant shall receive Board of Selectmen street name approval prior to filing the approved Site Development Plan and Subdivision Plat Plan
- 308 The record owner shall provide and set required monuments and iron pins at his own expense within one year of filing of the Final Plan, and the cost of such shall be included in the bond. Monuments shall be set on all street lines, in accordance with the Town of Cromwell Road Construction Specifications of April 20, 2006, as amended.
- Lot corners and angle points in lot lines shall be marked with iron pins, or concrete monuments, where not otherwise marked with merestones.
- 309 The developer shall file with the Planning and Zoning Commission a performance bond (letter of credit and/or cash) in an amount approved by the Commission as sufficient to secure to the Town of Cromwell the actual installation of the proposed public improvements, including but not limited to roads and stormwater runoff control measures, within five years after the date of acceptance of the bond. The developer shall not sell or offer to sell any land in the subdivision until said bond has been accepted and filed. The developer may not commence construction of roads in the proposed development prior to filing of said bond.

All letters of credit shall be written in accordance with a form satisfactory to the Town Attorney and the Planning and Zoning Commission as to the form, sufficiency and manner of execution. In lieu of a letter of credit the developer or contractor may, at his option, deposit with the treasurer of the Town of Cromwell cash or certified check in the required amount.

All letters of credit and cash bonds shall be filed with the Commission prior to the endorsement of the Final Plan and its filing in the Office of the Town Clerk. In lieu of filing such bonds, the Commission may accept a restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the land records

of the Town of Cromwell, prohibiting the sale of any subdivision lot(s) until such time as all public improvements are completed in accordance with these Regulations, or until the incomplete improvements are completed in accordance with the Regulations, or until the incomplete portions of such improvements are bonded by one of the methods in the preceding paragraph. At the time of such bonding, the Commission shall release the said restrictive covenant.

The above-referenced forms shall be as provided by the Town and shall be the only ones acceptable to the Commission.

- 310 Except as provided for under Article 325, all new streets shall be planned, designed and constructed in accordance with the Town of Cromwell Road Construction Specifications of April 20, 2006 as amended.
- 311 Stormwater Runoff Control: Stormwater runoff control shall be provided in accordance with the Town of Cromwell Road Construction Specifications of April 20, 2006 as amended, or as directed by the Town Engineer.
- 312 Street Trees
- a. Deciduous shade trees at least 2.5" in caliper at planting with a mature height of at least 35 feet shall be planted by the applicant on both sides of all new streets. One tree for every 75' of frontage or fraction thereof shall be provided. Trees shall be spaced evenly along the street and shall be located not less than ten feet nor more than fifteen feet from the property line.
  - b. The applicant shall coordinate street tree location with utility companies to ensure that no trees are planted above underground utility lines nor below overhead utility lines.
  - c. A street tree easement shall be provided along the frontage of all new streets for the planting of required street trees. Such easement shall be twenty feet deep.
  - d. Where the topography or other conditions make a lot unsuitable or inappropriate for street trees, this requirement may be waived or modified at the Commission's discretion.
  - e. Open space parcels and lots with frontage subject to conservation easements shall be exempt from this regulation.
- 313 Lots shall front on streets indicated as state highways, improved local roads or unimproved local roads on the most current maps entitled, "Town Roads, Cromwell, Connecticut, Connecticut Department of Transportation, TR-33, scale

one (1) inch equals one-half (1/2) mile" and "Cromwell, Connecticut, Connecticut Department of Transportation, TRU-33, one (1) inch equals 1,000 feet and approved by the Cromwell Board of Selectmen; or roads which are to be built as part of the subdivision in accordance with these regulations.

- 314 Where the configuration of a parcel of land permits, the Commission may prohibit curb cuts from individual lots onto thoroughfare, collector and boulevard streets. The Commission may also prohibit curb cuts on access streets.
- 315 Sidewalks may be required by the Planning and Zoning Commission and in such event, they shall conform to Town of Cromwell Sidewalk Specifications.
- 316 Clearing: Clearing shall be conducted in accordance with the Town of Cromwell Road Construction Specifications of April 20, 2006 as amended, or as directed by the Town Engineer.
- 317 All streets shown on the Final Plan of an approved subdivision shall be constructed in accordance with plans and profiles, as set forth in, "Town of Cromwell Road Construction Specifications".
- 318 When, in the opinion of the Commission, it is necessary to install sanitary sewer, water facilities, and fire hydrants, the Commission shall require that they be installed by the record owner at his expense in accordance with plans and specifications approved by the Commission, the Board of Fire Commissioners, and the Water Pollution Control Authority.
- 319 Drainage and utility easements of a minimum width of 20 feet shall be provided where necessary and shall preferably follow lot lines. All permanent easements, other than drainage, street tree, and utility easements shall be 30 feet in width.
- 320 Lot sizes and areas shall conform at least to the minimum requirements of the Zoning Regulations and to the topography of the site. The Commission may require larger lot sizes within a subdivision where adverse soil or topographical conditions of the site make it necessary in order to provide adequate leaching area for on-site subsurface sewage disposal systems, and to meet the requirements of the Connecticut Public Health Code.
- 321 OPEN SPACE:
  - a. Provision of Open Space
    - 1. Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission.

2. In determining the need for parks, playgrounds, recreation areas and open spaces, the Commission shall be guided by, but not limited to, a standard of ten percent of the land area of the subdivision, and shall take into consideration the size of the subdivision and any existing parks, playgrounds, recreation areas and open spaces in the neighborhood. The reservation of land shall be consistent with the recommendations of the Plan of Development pertaining to parks, playgrounds, recreation areas and open spaces.
3. The land reserved shall be of such size, location, shape, topography and general character as to be useful to satisfy the needs determined by the Commission. Land reserved shall abut a public street or have access to a public street via a right-of-way dedicated to public use. The area of such right-of-way shall not be included in the required open space area and shall be a minimum of twenty-five feet wide. The cost of all improvements on land to be deeded to the Town shall be included in the total amount to be bonded for subdivision improvements.
4. The Commission will provide copies of the Site Development Plan described in Section 403 to the Conservation Commission and to the Park and Recreation Commission for their review and recommendations. Any such recommendation must be presented to the Planning and Zoning Commission within 35 days of the application's date of receipt. The Commission will consider these recommendations when making its decision.
5. If the size or location of the open space required by the Commission is unacceptable to the applicant, a fair market appraisal of the parcel will be conducted as described in Paragraph b.3 below. The appraisal firm will be instructed to determine the fair market value of the entire parcel and of the required open space. If the value of the required open space exceeds ten percent of the value of the entire parcel, the Commission may modify the required open space, or require the payment of a fee in lieu of open space as provided in paragraph b.3 below.
6. The transfer of open space land to the Town shall take place no later than the time at which roads and other public improvements are accepted by the Town of Cromwell Board of Selectmen. If the subdivision does not entail roads or other public improvements, the transfer shall take place no later than the time the approved subdivision map is filed in the land records.



b. Payment of Fees in Lieu of Open Space

1. An applicant may, with the approval of the Planning and Zoning Commission, make payments to the Town or make payments to the Town and transfer land to the Town, in lieu of providing open space as required in Section 320a above. Such payment or payment and transfer is authorized by Sec. 8-25 of the Connecticut General Statutes as amended by Public Act 90-239.
2. Such payments, or combination of payments and the fair market value of land transferred to the Town, shall be equal to ten percent of the fair market value of the land to be subdivided. For the purposes of this paragraph, "fair market value" shall be established on the basis of the value of the entire parcel prior to its receiving subdivision approval.
3. When such payments or combination of payments and transfer of land to the Town are to be made, the applicant shall provide to the Commission the names of three appraisal firms acceptable to the applicant. The Commission shall approve of one of these firms, or an alternate as might be submitted. The fair market value shall be established by such chosen appraisal firm and the appraisal made part of the record. The cost of the appraisal shall be the responsibility of the applicant.
4. In instances where a combination of payments and transfer of land is approved, the transfer of open space land shall occur no later than the time at which roads and other public improvements are offered to the Town. When the subdivision does not entail roads or other public improvements, open space land shall be conveyed to the Town at the time the approved subdivision map is filed in the land records.
5. Payments due to the Town shall be made in installments, with each installment due at the time an approved lot is sold. The subdivider may defer payment of a lot's installment until the issuance of the Certificate of Occupancy for that lot. The amount of each installment shall be equal to the total payment due divided by the number of lots approved. In that payments are in lieu of a portion of the work necessary to complete the subdivision as defined in Sec. 8-26c of the Connecticut General Statutes, any outstanding balance due to the Town shall be paid to the Town prior to the occurrence of the statutory five year expiration date. The Performance Bond required in Section 309 shall include reservations for payments required under this section.

6. In order to insure timely payments as required in paragraph b.5, the Commission may require the subdivider to enter into an agreement wherein an escrow account is established to guarantee payments to the Town as lots are sold. When such an agreement is reached, the reservations required in paragraph b.5 may be waived.
7. Payments received under the provisions of this Section shall be deposited in a fund established by the Town for the purpose of preserving open space, or acquiring additional land for recreational or agricultural purposes. No money from this fund may be used without the prior approval of the Planning and Zoning Commission. The Town shall make a good faith effort to use these funds as promptly as can be done prudently.

c. Exceptions

1. The open space requirements of this Section shall not apply if the transfer of all land in a subdivision of fewer than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. If a subdivider wishes to claim this exception, a legal affidavit to that effect must be submitted with the application.
2. The open space requirements shall not apply if the subdivision is to contain affordable housing as defined in Section 8-39a of the Connecticut General Statutes, such affordable housing to be equal to twenty percent or more of the total housing units to be constructed in the subdivision. If a subdivider wishes to claim this exception, a legal affidavit to that effect must be submitted with the application.

322 Areas may be set aside for the use by the public or an Association of owners within the subdivision. Areas not deeded to an Association of owners shall be deeded to the Town. On land to be deeded to an Association of Owners the Commission may require the development rights of said property be deeded to the Town. Such open spaces shall have direct access to and from public streets.

When the applicant proposes the formation of a community association, the applicant shall submit documentation that the Association will be formed in conformance with the minimum standards listed below. As part of this documentation the applicant shall furnish a written formal opinion from his attorney indicating that such standards are incorporated in the submitted documents. The Commission shall review and may require modification of the documents if such modifications are in the interest of the public health, welfare

and safety and further will promote a more harmonious and orderly management and operation of the land.

Basic Standards for Community Association Governance:

1. Before the sale of the first dwelling lot, the Association of Owners shall be formed and areas (hereinafter referred to as Common Property) designated to be transferred to the Association of Owners shall have been deeded to the Association, free and clear of any long-term recreation lease, management contract or mortgage for the equal benefit of each dwelling lot.
2. The owner of each dwelling lot must have non-severable rights:
  - To membership in the Association of all owners in the development and
  - To the use by the virtue of title right of Common Property.
3. That dwelling lot owners are obligated by a lienable assessment running with the title of each unit, to pay dues or assessments for the operation and maintenance of the Common Property.
4. That the organizational structure of the Association of Owners is established by a Declaration of Covenants of Record running with the title to the land of the project.
5. A reserve fund for replacement of capital improvements within the Common Property must be established and funded regularly by budgeted common charges.
6. Prior to the completion of the project, all Common Property and improvements proposed thereon shall be completed and available for use by Dwelling lot owners. The Common Property shall be owned in fee simple by the Association of Owners or the Dwelling lot owners. Any restrictions contained in the Declaration of Covenants for the project shall be for the equal benefit of all the owners. All personal property located within the Common Property and intended for the use of the owners as a group shall be owned by the Association of Owners free of encumbrances. No dwelling lot shall be transferred to any person or body corporate until all such common areas are completed to the satisfaction of the Commission.
7. The proposed agreement with any entity providing for Management of the Association Common Property shall be terminable by the Association of Owners on 90 days written notice and the term of such contract shall not exceed three years.

8. If the development is subject to a proposal or a plan for additions or expansions, such as expandable or phased development, there shall be a general plan, which describes the expansion proposal in detail, including provisions for the developers options and control; the minimum and maximum number of dwelling lots, alternative plans for the extent of Common Properties; the timing of additions, etc. This general plan shall be given to each prospective purchaser before sale and shall be posted conspicuously in any sales office on the project and shall be furnished to any sales agent retained by the applicant or subsequent developer.

No deviation from this general plan may be made by the Developer or applicant without the vote and approval of the Association of Owners and The Planning and Zoning Commission(s) of the Town of Cromwell. The vote of the Association shall not be governed by any restrictions as to a developer's controlling vote in this matter.

The above standards shall be considered minimums and the Commission may impose additional requirements on the application. The Commission shall indicate its approval on all documents submitted by the signature of the Chairman or Secretary of the Commission. Said documents shall be considered as part of the Final Subdivision Plan and shall be filed by the Applicant in accordance with Section 504 of these Regulations.

- 323 The application fee shall be one-hundred dollars (\$100) per lot for lots on an existing street (public or private), and two-hundred and fifty dollars (\$250) per lot for lots on a new street (public or private). This fee is nonrefundable and is subject to change as amended by the Cromwell Board of Selectmen. An additional fee in the amount of \$60 shall be paid in accordance with Sec. 22a-27j of the Connecticut General Statutes, as amended.
- 324 Street lighting shall be installed in accordance with Section 2.5.4 of the Cromwell Road Construction Specifications, as amended.
- 325 Waivers and Exceptions:

The Commission may waive provisions of Sections 310, 313, 317, and 319 of these regulations with regard to a specific application provided such waiver is approved by an affirmative vote of 3/4 of the full membership of the Commission. Such waivers shall be considered only under the following conditions:

- a. Conditions affecting the land in question are not generally applicable to other land in the area.
- b. The waiver of the regulation will not have a significant adverse effect on adjacent property or on public health and safety.

- c. Cul-de-sac streets longer than 600' from the nearest intersection having more than one outlet and providing frontage to more than twelve building lots shall require approval by 3/4 of the full Commission.
- d. Wider streets may be required if in the opinion of the Commission such greater width is advisable for safety and public convenience.
- e. Intersections that are less than 400' apart shall require approval by 3/4 of the full Commission and are subject to acceptance by the Board of Selectmen.

In granting a waiver the Commission shall state the reasons for such waiver in its records.

- 326 All subdivision proposals shall be consistent with the need to minimize flood damage.
- 327 All subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 328 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- 329 If the subdivision contains a new street or streets, the Applicant shall send a written request for a pre-construction meeting to the Director of Public Works in accordance with Section 2.5.7 of the Town of Cromwell Road Construction Specifications, as amended.
- 330 Depending on the availability of qualified Town staff, the Applicant may be required to hire a qualified inspector to be onsite during road construction in accordance with Article 3.8 of the Town of Cromwell Road Construction Specifications dated April 20, 2006 as revised. (eff. 9/9/2011)

#### 400. DOCUMENTS TO BE SUBMITTED FOR SUBDIVISION APPROVAL

The following items must be filed with the application form. Incomplete applications will not be reviewed by the staff, nor will they be placed on the next Commission meeting agenda for action other than to be denied without prejudice.

##### 401 Application form:

A written application for approval of the plan, on the form provided by the Commission, shall be submitted by the record owner to the Chairman of the Commission.

402    Application fee:

In an amount as provided for under Article 323 and made payable to the Town of Cromwell.

403    Site Development Plan

The Site Development Plan shall consist of the following:

- a.    Twenty-five (25) copies of the below-described plan prepared by a licensed surveyor or professional engineer with "A-2 accuracy". Such plan shall be drawn at a scale where one (1) inch represents no more than 40 feet on sheets 24 inches wide by 36 inches long. Fifteen (15) copies of this plan shall be in a reduced size format (11" x 17").

The plan shall show the proposed subdivision name or identifying title and location, the scale of the drawing, a north arrow, and the date. It shall also contain the following information relative to existing conditions and proposed elements:

1.    Names of record owners of abutting properties, names and filing data of abutting subdivisions, property lines, existing easements, railroad rights-of-way and water courses; widths, names and grades of all existing or plotted streets or public ways within or adjacent to the tract; parks and public open spaces and similar facts regarding abutting property.
2.    Existing and proposed contours with vertical intervals of two (2) feet or less, referred to a datum acceptable to the Commission. Enlargement of United States Geological Survey maps and interpretations made from them are not acceptable. The plan shall contain the following note: "The proposed contours on this plan have been reviewed by Town staff to ensure minimum runoff from lots during and after house construction. Any significant deviation from these approved contours will require approval by the Planning and Zoning Commission and may require a greater erosion and sediment control bond."
3.    Location, size and invert elevations of storm sewers, culverts, drains and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings; overhead and underground utilities on or adjacent to the site, including the placement and type of street lighting.

4. Proposed method of providing water supply and disposal of storm water and sanitary wastes together with indication of any bridges or culverts that may be required including pipe sizes and invert elevations. Provision for water supply and sewage disposal shall be shown and shall be accompanied by certification by the Health Officer that the proposed method complies with all sanitary codes, rules and regulations. The developer shall furnish a report of seepage tests and any other information required by the Health Officer, certified by a person qualified to make such tests. Where an engineered on-site sewage disposal system is required the design of such shall be shown on the plan.

If public water, fire hydrants and sewerage is to be provided, plans shall be submitted in accordance with the specifications and standards of the Fire District and/or Sewer Commission.

5. The names, locations and widths of proposed streets and easements and tentative grades of streets at not more than 100-foot intervals and at changes of rates of grade.
6. Profiles shall be drawn on plan-profile paper at scales of one (1) inch to 40 feet horizontally and one (1) inch to four (4) feet vertically and shall indicate: (a) plan of the proposed street in sections coordinated with the profiles; (b) bearings, curve data and distances in plus and minus figures; (c ) typical cross section of the streets with paving, shoulders, curbs, ditches, and sidewalks in detail as required by the Commission; (d) connections to existing streets with vertical curbs, (e) elevations at 50-foot stations; and (f) necessary street drainage.
7. Proposed lot lines with lot dimensions and areas.
8. Purpose and location of all parcels of land intended to be dedicated for use by the general public or for the common use of the property owners in the proposed subdivision.
9. Location of all inland wetlands and/or water courses as defined by Section 22a-38(15) and 22a-38(16) of the General Statutes of Connecticut.
10. (a) Location of Special Flood Hazard Areas as indicated on the Official Zoning Map of Cromwell.  
(b) Base Flood Elevation Data.

11. Delineation of soil types on the property in accordance with the Detailed Soil Survey prepared by the United States Agricultural Department Soil Conservation Service.
12. Location of all existing and/or proposed drainage or other easements or rights to drain on the subject property or on adjacent parcels which will service the subject property.
13. Temporary road cuts or construction easements.
14. The general location of existing tree species, their approximate height, diameter and age; and a description of the cutting or removal activities to be undertaken.
15. If the application submitted covers only a part of the applicant's entire holding, a map drawn at a scale in which one (1) inch represents not more than 400 feet showing an outline of the plotted area with its proposed street system and an indication of the probable future street system of the remaining portion of the tract. Such plan will not be reason for changing the assessed value.
16. A copy of such private deed restrictions, conditions and covenants as are intended to cover part of or all of the tract.
17. Evidence that site design techniques encouraging the use of passive solar energy have been considered in the proposed lot layout. The objectives shall be to maximize solar heat gain, minimize heat loss and provide thermal storage during the heating season, and minimize heat gain and provide natural ventilation during the cooling season. Site design techniques may include, but not be limited to: 1) house orientation; 2) street and lot layout; 3) vegetation; 4) natural and man-made topographical features; and 5) protection of solar access within the development. As a minimum demonstration that an applicant has met this requirement, the site development plan shall indicate which lots are particularly suited for passive solar energy and the reasons why.
18. The proposed location and description of street trees required under Article 312.
19. If the Commission determines that a "Fee In Lieu of Open Space" is required, the plan shall contain the following note: "An Open Space Fee of \$\_\_\_\_\_ must be paid to the Town before a Certificate of Occupancy will be issued. This fee shall be paid by either the buyer or the seller, as they mutually decide."



404     Subdivision Plat Plan:

The Subdivision Plat Plan shall consist of:

- a.     Twenty-five (25) copies of the below-described plan prepared by a licensed surveyor or professional engineer with A-2 accuracy. Such plan shall be drawn at a scale where one (1) inch represents no more than 40 feet on sheets 24 inches wide by 36 inches long. Fifteen (15) copies of this plan shall be in a reduced size format (11" x 17"). The map shall show all of the elements listed below:
  1.     The proposed subdivision name or identifying title and location; the scale and north arrow, the date, name, license number and seal of the surveyor or professional engineer and space for approval by the Commission.
  2.     Boundaries of the property; lines of streets, lots, reservations, easements and areas to be dedicated to public use; lengths and deflection angles of all straight lines; radii, length and central angle and tangent distance of all curves. All lengths shall be in feet and hundredths of a foot and all angles shall be given to the nearest 20 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one to five thousand, or better.
  3.     Dimensions of all lot lines.
  4.     Area of all lots in square feet to be done in comparative accuracy.
  5.     The purpose of all public open spaces for which offers of cession are included shall be noted and clearly distinguishable from those open spaces on which the title is to be retained by the applicant.
  6.     Location of all permanent monuments.
  7.     Any portion of a subdivision intended for municipal, conservation or agricultural purposes and not intended for building development shall be clearly indicated on the final map or maps. In addition, it should be so noted on the instrument of conveyance until such time as resubdivision approval has been granted by the Commission.
- b.     If more than one sheet is required to show the entire tract to be subdivided, the applicant shall submit an index map covering the entire tract, drawn at a scale in which one (1) inch represents not more than 400 feet, and showing all streets and lots named and numbered identically with the corresponding streets and lots on the Subdivision Plat Plan.

405    Easements and Other Legal Documents:

A copy of all proposed easements or other legal documents indicated on the Site Development Plan shall be submitted with the application. A copy of all proposed private deed restrictions, conditions or covenants shall also be submitted with the application.

406    Inland Wetlands and Watercourses Agency:

If the proposed subdivision involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, a copy of the Cromwell Inland Wetlands and Watercourses Agency's report with its final decision shall be filed by the applicant with the subdivision application.

407    Water Pollution Control Authority Approval:

If the proposed subdivision requires approval by the Cromwell Water Pollution Control Authority pursuant to Section 193-12 of the Cromwell Town Code, evidence of that approval shall be filed with the subdivision application.

408    Erosion and Sediment Control Plan:

- a.    An Erosion and Sediment Control Plan that adequately addresses the standards established in the "Connecticut Guidelines for Soil Erosion and Sediment Control" prepared by the Soil Conservation Service (1985), as amended, shall be submitted as part of the application. Such control plan may be referred to the Middlesex County Soil and Water Conservation District for its technical review and advisory opinion. The Commission shall certify that the control plan complies with the requirements of this section before the application can be approved.
- b.    The control plan shall consist of the following:
  1.    A narrative that describes:
    - (A)    the proposed project;
    - (B)    the sequence and schedule for grading and construction activities including start and completion dates, installation and/or application of erosion and sediment control measures, and the final stabilization of the project site; and
    - (C )   the design criteria, construction details, installation and/or application procedures, and the operation and maintenance program for proposed soil erosion and sediment control.

2. A map at the same scale as the site development plan that shows:
  - (A) the location of the project and adjacent properties;
  - (B) the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
  - (C ) the location and design details for all proposed soil erosion and sediment control measures; and
  - (D) the proposed land alterations including areas to be cleared, excavated, filled, and graded.

## 500 APPROVAL OF SUBDIVISION

### 501 Public Hearing, Notice to Abutting Property Owners, and Signs:

- a. Notice to Abutting Property Owners: For any subdivision involving a public hearing (including but not limited to a Rear Lot subdivision, an Open Space Conservation Development subdivision, or a resubdivision), the Applicant shall send written notice of the location, time and date of that public hearing to each abutting record owner, each record owner of property on the opposite side of any street adjacent to the proposed subdivision, and each owner of easements or rights-of-way which traverse the land for which such subdivision is proposed. This notice shall contain the name and telephone number of the Applicant or his representative, a general description of the subdivision (location, area, number of lots, etc.) and the date of the Public Hearing as scheduled by the Commission.

Not less than twenty-one days before the date of the Public Hearing the Applicant shall submit a Certificate of Mailing indicating that this requirement has been complied with.

- b. Public Hearing: A public hearing may also be held at the discretion of the Commission. In addition to the notification requirements stated above, notice of the public hearing shall be given by publication in a newspaper of general circulation in the town at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than 10 days, and the last not less than two (2) days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the applicant.
- c. Sign Posting: On any parcel for which a Public Hearing on a proposed subdivision or resubdivision has been scheduled, the applicant shall post a sign or signs. The sign or signs shall be not less than sixteen square feet in

size and shall contain the name of the applicant, the application file number, and the date, time, and location of the Public Hearing in letters that are not less than four inches high. One sign shall be posted on every side of the property that has frontage on a town road, and shall be placed not more than five (5) feet from the edge of the street. The sign shall be two-sided and be perpendicular to the street. The sign shall be in place continuously for not less than ten days prior to the Public Hearing and remain in place throughout the Public Hearing. If the Public Hearing is continued, the sign shall be revised to state the date of the continued Public Hearing.

502 Informal Preliminary Consideration:

The Commission will undertake at the developer's request and prior to submission of an official application for approval of a subdivision or resubdivision, an informal discussion of a preliminary plan of the subdivision or resubdivision. The preparation of the preliminary plan will facilitate general consideration of factors and problems affecting development of the land to be subdivided or resubdivided before the applicant proceeds with the official application and the preparation of final plans, and documents required for formal consideration by the Commission. If the subdivision is presented in preliminary rather than in final form, any alterations or changes recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or resubdivisions of land as contemplated under the provisions of the General Statutes of the State of Connecticut. In particular, neither the preliminary plan nor the informal consideration by the Commission shall be deemed to constitute part of the official procedure described in Chapter 126, Sections 8-28a and 8-28b of the 1958 Supplement to the General Statutes of the State of Connecticut. This Procedure is not a requirement for submission of a subdivision application, and is only intended as an aid to the developer on more complex projects.

503 Recording of Plans:

- a. Upon receiving written notification of subdivision approval, the Applicant shall submit to the Commission the original Site Development Plan and Subdivision Plat Plan, revised in accordance with the written notification of approval, on a suitable dimensionally stable drafting media (i.e. mylar) in accordance with Section 7-31 of the Connecticut General Statutes. The plans will be endorsed by the Chairman of the Commission and returned to the Applicant, who shall then file them in the Office of the Town Clerk.

- b. Any Site Development Plan and Subdivision Plat Plan not filed with the Town Clerk within 90 days of the expiration of the appeal period under Section 8-8 of the Connecticut General Statutes shall become null and void. The Commission may extend the time for such filing for two additional periods of ninety days.
- c. The Site Development Plan and the Subdivision Plat Plan shall also be submitted in digital format as prescribed by the Public Works Department.
- d. Upon completion of all public improvements associated with the subdivision, the Applicant shall file an "as-built" survey of the subdivision with the Town Clerk. All items shown on the approved Site Development Plan (such as pins and monuments, traffic control measures, grading, underground drainage, and utilities) shall be shown on the as-built survey.

504 Appeals:

Notice of all official actions or decisions shall be published in a newspaper having a substantial circulation in the town within 15 days after such action or decision. Any person aggrieved by an official action or decision, including a decision to take no action, of the Commission may appeal therefrom, within 15 days from the date when notice of such action or decision was so published, to the Superior Court of Middlesex County. In those situations where approval must be inferred because of the failure of the Commission to act on an application, any person aggrieved by such approval may appeal therefrom within 20 days after the expiration of the 65-day period prescribed in Section 8-26 of the General Statutes of the State of Connecticut.