TOWN OF
EAST WINDSOR

SUBDIVISION REGULATIONS

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Town of East Windsor
SUBDIVISION REGULATIONS
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PREAMBLE

To assure that the subdivision of land is carried out in a manner, which promotes the best utilization of such land and because of the desire to improve the general economy and health of the Town of East Windsor, the need for uniform and intelligent subdivision control is apparent. For the purpose of providing for orderly growth, pursuant to the authority conferred on it by Chapter 126 of the General Statutes of Connecticut, the East Windsor Planning and Zoning Commission hereby adopts the following regulations for the subdivision of land within East Windsor.

SECTION 1: DEFINITIONS

The words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context. Words not defined in this Section shall be interpreted by the Commission after consulting one or more of the following:

1. The East Windsor Zoning Regulations.
2. The Connecticut General Statutes, as amended.
3. "A Planners Dictionary" (Planning Advisory Service, American Planning Association, Chicago, IL, 2004)..
4. A comprehensive general dictionary.

(Effective 6-17-06)

Certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
   a. Words in the present tense include the future and vice-versa.
   b. Words in the singular include the plural and vice-versa.
   c. Words in the masculine include the feminine and neuter and vice-versa.
4. The word "person" also includes a partnership, association, trust, corporation or other legal entity.

(Effective 6-17-06)

PLAN OF DEVELOPMENT - means the East Windsor Plan of Conservation and Development, as amended. **(Effective 6-17-06)**

1.1 **AFFORDABLE HOUSING** – Pursuant to Section 8-39a of the Connecticut General Statutes, as may be amended from time to time, means housing restricted to, and for which, persons or families pay thirty percent or less of their annual income, where such income is less than or equal to the area median income for the Town of East Windsor as determined by the United States of Housing and Urban Development.

1.2 **CERTIFICATION** – means a signed, written approval by the Town of East Windsor Planning and Zoning Commission (its designated agent or the Hartford County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

1.3 **COMMISSION** – means the Planning and Zoning Commission of the Town of East Windsor, Connecticut.

1.4 **COUNTY SOIL AND WATER CONSERVATION DISTRICT** – means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

1.5 **DEVELOPMENT** – means any construction or grading activities to improved or unimproved real estate.

1.6 **DISTURBED AREA** – means any area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

1.7 **EROSION** – means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

1.8 **GRADING** – means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled conditions.

1.9 **INSPECTION** – means the periodic review of sediment and erosion control measures shown on the certified erosion control plan and the review of the required subdivision improvements.

1.10 **OPEN SPACE LAND** – means any lands used for agriculture, parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, reservoirs, hunting, golfing, boating, historic and scenic preservation and other purposes as set forth in state and federal laws and regulations.

1.11 **PLAN OF DEVELOPMENT** – means the East Windsor Plan of Development, adopted in 1986.

1.12 **RECREATIONAL OR AGRICULTURAL PURPOSES** – Use of lands for agriculture, parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, reservoirs, hunting, golfing, boating, swimming, snowmobiling, sanitary landfill, a subsurface septic system provided such system is adjacent to a municipally owned building, historic and scenic preservation, and other purposes as set forth in Section 7-131c of the Connecticut General Statutes, as may be amended from time to time.

1.13 **RESERVE STRIP** – means areas for which future public use is intended for street connections and for street or pedestrian ways giving access to land dedicated to public use.

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

1.15 **SEDIMENT** – means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

1.16 **SOIL** – means any unconsolidated mineral or organic material of any origin.

1.17 **SOIL EROSION AND SEDIMENTATION CONTROL PLAN** – means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

1.18 **SOLAR ACCESS** – means access, which protects solar energy collection areas from being blocked or shadowed from direct sun exposure between the hours of 10 a.m. and 2 p.m.

1.19 **STREET** – means streets, avenues, boulevards, roads, lanes, alleys, and any other way exclusive of driveways serving not more than two (2) contiguous lots.

1.20 **SUBDIVIDER** – means the owner of record at the time of a filing of an approved subdivision plan.

1.21 **SUBDIVISION** – means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (January 22, 1953), for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal conservation or agricultural purposes, and includes resubdivision.

SECTION 2: GENERAL CONDITIONS AND REQUIRED IMPROVEMENTS

2.1 SUBDIVISION OF LAND

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than five hundred dollars for each lot sold or offered for sale or so subdivided.

2.2 TOWN PLAN AND ZONING

The proposed subdivision shall conform to the town Plan of Development and to Zoning Regulations. Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with the Regulations may be approved by the Commission provided that the spirit of the Regulations and public convenience and welfare not be adversely affected.

2.3 LAND SUBJECT TO FLOODING

Land subject to flooding and land deemed, by the Commission, to be uninhabitable shall not be plotted for residential occupancy or for any use, which might be hazardous to health, life, or property. In all special flood hazard areas, the following requirements shall apply:

2.3.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

2.3.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

2.3.3 All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and

2.3.4 Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) that are located in or adjacent to a special flood hazard area as defined in Section 19 of the East Windsor Zoning Regulations.

2.4 RESERVE STRIPS

In general, no reserve strip controlling access to land dedicated, or to be dedicated, to public use will be permitted. Reserve strips of land, which may prove to be untaxable for improvements, shall not be permitted.

2.5 WATER, SEWER SYSTEMS (AMENDED 3/13/90, EFFECTIVE 4/1/90)

No subdivision shall be approved until the health officer of the North Central Health Department has approved the layout and design of on-site water service and sewage systems and disposal methods. When public utilities are available, no subdivision shall be approved until: 1) it is demonstrated that the WPCA has available capacity to serve the system and has approved the sewer system layout, and 2) the water company has verified the availability of public water service to the site. When deemed necessary, the Town Engineer shall review construction requirements.

2.6 DEVELOPABLE LAND (AMENDED 10/1/89)

That portion of a parcel of land deemed to be appropriate for development by the Commission after deducting those portions of the parcel that have slopes in excess of 15% or are in areas of Special Flood Hazard as defined in Section 19.2.3 of the East Windsor Zoning Regulations. Only land that is so determined to be developable can be used in calculating the minimum lot area required for the district.

2.7 STREET TREES

Street trees, selection of which shall be approved by a registered Landscape Architect or by the municipal official whose duties include supervision of street trees, shall be incorporated into the plans and planted as construction of the subdivision progresses.

2.8 PERFORMANCE BOND

Before final approval of a subdivision, there shall be filed a performance bond in an amount sufficient to cover the cost of the construction of streets and other improvements, approved as to form and sureties by the Town Attorney, and conditioned on the completion of such within two (2) years of the date of the bond. Conditional approval may be given, in lieu of a bond, if the Commission shall be satisfied that no lots shall be sold until the specified streets, together with the necessary sanitary improvements, are satisfactorily constructed within two (2) years of the date of such conditional approval.

2.9 OPEN SPACE

The Planning Commission may require the provision and reservation of open space in any subdivision as a condition of subdivision approval. Specific requirements are outlined in Section 7. **(Effective 6-17-06)**

2.10 ENERGY CONSIDERATIONS

Any subdivider submitting a Final Plan for approval must demonstrate through plans, maps or narrative statement that consideration has been given to using passive solar energy design techniques which maximize solar heat gain, minimize heat loss and provide for natural ventilation during the cooling season. Such design techniques include, as an example: 1) house orientation, 2) street and lot layout, 3) vegetation, 4) natural and manmade topographical features, and 5) protection of solar access within the development.

2.11 IMPROVEMENTS REQUIRED

The following improvements shall be required in all subdivisions except where waived by a specific resolution of the Commission:

2.11.1 Curbs, storm sewers and pavement between the edge of the existing pavement and the new curb and pavement between the edge of existing streets which bound or intersect the proposed subdivision.

2.11.2 Street signs, monuments, driveway aprons, streetlights, loam and seeding and shade trees;

2.11.3 The Commission may require sidewalks on thoroughfares, in pedestrian easements, on local streets in the vicinity of existing or planned schools and playgrounds and in other places deemed proper by the Commission for the public necessity and safety.

2.11.4 Fire hydrants as necessary.

2.11.5 Such improvements shall be installed in accordance with Town, State or utility company standards.

2.12 INSPECTION PROCEDURE

All subdivision improvements, to be dedicated to the Town, shall be inspected by the Commission, or such agent as may be designated by the Commission. The developer shall not proceed to work on any stage subsequent to the first stage until such inspection has been made by the Commission, or its approved agent, on the preceding stage and approval, in writing, has been obtained on the preceding stage. At least forty-eight (48) hours notice, excluding Sundays and Holidays, shall be given by the developer to the Commission or its appointed agent, for each inspection.

2.13 STAGED DEVELOPMENT

The Commission may require a large subdivision to be developed in stages to promote the purposes of Section 8-23 and 8-25 of the Connecticut General Statutes.

2.14 ENFORCEMENT

These regulations shall be enforced under, and any violations shall be subject to, penalties set forth in the Connecticut General Statutes or any ordinance enacted by the Town. The building official and zoning enforcement official may withhold certificates of occupancy if these regulations are not adhered to.

2.15 WAIVER OF PROVISIONS (AMENDED 2/26/02, EFFECTIVE 3/19/02)

The Commission may waive certain provisions and requirements of the regulations by a three-fourths vote of the Commission and no waiver may be granted unless specifically authorized by these regulations. If a waiver has a major and significant adverse effect on adjacent property or public health and safety, it shall not be granted.

2.16 GENERAL DESIGN REQUIREMENTS

All land to be subdivided shall be of such character that it can be used for its intended purposes without danger to healthy or the public safety, that proper provision will be made for water, drainage and sewerage and, in areas contiguous to wetlands, brooks, rivers or other areas subject to flooding, that proper provision will be made for protective flood control measures, that in places deemed proper by the Commission, open space for parks and playgrounds will be established and, if the Commission shall have adopted a town Plan Of Development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed streets shown on said plan, especially in regard to safe intersections with such streets.

2.17 AGRICULTURE BUFFER ZONES (AMENDED 12/13/2011; EFFECTIVE 1/1/2012)

Buffers adjacent to actively farmed land shall be established in residential subdivisions. Said buffer strips, when required shall be no less than one hundred (100) feet in width, but may be lessened through a waiver. The setback shall be determined based on the type of agriculture or farm use, the topography, existing vegetation and the proposed design and planting of such strip. It shall be the responsibility of the developer, subject to approval by the Commission, to provide an effective barrier that will reasonably protect adjacent residential living areas from dust and spray drift. It shall be the responsibility of individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent. Such responsibility shall be specifically noted on the filed subdivision plan and in the deeds of affected lots. Where a buffer strip is part of a common open space, the responsibility for maintenance will be assumed by a Homeowners Association or any other arrangement that is acceptable to the Commission.

In addition, the following statement shall be noted on the subdivision plan: *"This property abuts or is in proximity of an active agricultural or farming operation*

which is a permitted zoning use, and protected in accordance with Section 19a – 341(a) of the Connecticut General Statutes. Agricultural operations sometimes emit noise, run-off, odor, dust or chemical spray drift during either the day or night that may be annoying or irritants to some people".

If abutting actively farmed land comes under development, then these requirements shall be voided. New farm activity abutting existing residential development is exempt from agricultural buffers.

SECTION 3: PROCEDURES

3.1 SUBMISSION OF FORMAL FINAL PLANS

The subdivider shall submit to the Town Planner a formal application for subdivision approval and any final plans for a proposed subdivision at the next regularly scheduled meeting of the Commission. In the period between the submission of the final plans and the meeting with the Commission, the Town Planner shall refer the application to the appropriate Town Officials and Commissions to evaluate the proposal, review the final plans, and compile their comments and recommendations regarding the subdivision, including bonding requirements.

3.2 PUBLIC HEARINGS

Before the final plan shall have been approved or disapproved, the Commission may hold a public hearing on the plan. No plan of resubdivision will be acted upon without a public hearing. Such hearing shall be held in accordance with the provisions of Section 8-26d of the CGS as amended and shall be advertised as prescribed in Section 8-26, Chapter 126, 1985 Revision of the General Statutes of the State of Connecticut as amended.

3.3 DECISIONS – APPROVAL, DISAPPROVAL, MODIFICATION

The Commission may approve, modify and approve or disapprove any formal Final Plan of subdivision. All decisions shall be rendered within the statutory time limit established in Section 8-26d of the CGS as amended.

3.4 NOTIFICATION OF DECISION

The Commission shall notify the subdivider of its decision by certified mail within 15 days after the decision has been rendered. Notice of the decision shall also be published in a newspaper having a substantial circulation within the town.

3.5 APPROVAL BY DEFAULT

Failure of the Commission to approve or disapprove a final plan of subdivision or to recommend modifications within the statutory time limits established in Section 8-26d of the CGS, as amended, shall constitute approval of the plans, and a certificate of approval shall be endorsed thereon by the Commission upon demand.

3.6 FILING OF THE APPROVED FINAL PLAN

Two sets of mylars of the final plans will be provided to the Commission for signature after an approval has been issued. One set of the signed mylars will be retained in the Town Planner's office and one set of signed mylars shall be returned to the subdivider for recording and filing after the time for taking an appeal from the action of the Commission has lapsed. Final approved plans may be filed, at the subdivider's expense, in the office of the Town Clerk. Any plans

not so filed within 90 days of approval or 90 days of the date upon which such Final Plan is approved because the Commission failed to act shall be null and void. Filing time may be extended for two 90-day periods upon request of the subdivider and approval of the Commission. No Final Plan may be recorded or filed unless approval has been endorsed thereon by the Chairman or Secretary of the Commission. Without such approval the plan is null and void.

SECTION 4: THE PRELIMINARY CONCEPT PLAN

(This section deleted by vote of the East Windsor Planning and Zoning Commission, effective 3/1/89)

SECTION 5: THE FINAL PLAN

5.1 FORM AND CONTENT

The final subdivision plan submitted for approval of the Commission may be paper copies. The final approved plans submitted for filing in the Planner's office and for recording in the Town Clerk's Office shall be clearly and legibly drawn in ink upon tracing cloth or mylar.

Any maps submitted for recording in the Town Clerk's Office must be on sheets of 24' x 36", 18" x 24" or 12" x 18" as provided for in Section 7-31 of the CGS as amended.

In the event that the size of the final plan shall be so great as to render it impractical to be contained in one sheet, as many sheets (of the required size) as may be necessary, may be used provided that the continued portion(s) are matched by means of a "Match mark".

5.2 KEY MAP

5.2.1 A generalized key map showing the entire proposed subdivision at a scale of 1"= 200' shall show:

a) layout of street and proposed names
b) layout of lots and numbers
c) natural features – watercourses, ponds, etc.
d) topography at 2 foot intervals
e) total acreage and number of lots
f) names and addresses of abutting property owners within 500 feet
g) an inset map at 1"= 1,000' showing the zone and the general location of the proposed subdivision.

5.3 FINAL PLAN AND MAPPING REQUIREMENTS

5.3.1 Name of subdivider.

5.3.2 Name of subdivision, if any.

5.3.3 Certificate of registered land surveyor and registered professional engineer as required by State Law and statements that the plans or maps conform to the Class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Maps" of the CT Technical Council, Inc.

5.3.4 North point, scale of map, and date.

5.3.5 The drawing shall be at a scale of not more than one inch equals forty feet (1" = 40')]

5.3.6 Boundary lines of subdivision and accurate distances and bearings.

5.3.7 All dimensions, shown in feet and decimals of feet.

5.3.8 Names of abutting property owners.

5.3.9 Zone(s) of subdivision and abutting properties of a different zone.

5.3.10 Layout of lots, showing accurate dimensions, areas, angles, building lines; location of existing and proposed structures, access drives, and location of any monuments or markers to be placed at corners or angles of all lots. Dimensions of lots on curved streets shall be given in arc lengths.

5.3.11 Lot numbers and block letters, shown in accordance with prevailing Town practice.

5.3.12 Accurate location and description of monuments, which shall be installed in all new streets at points of tangency and changes in direction.

5.3.13 Layouts of existing streets and proposed new streets, including names of streets, easements, rights-of-way, including those for utilities, sewers and drainage, either on or off-site, bearings and dimensions shall be accurate and shall include arc lengths, radius and central angle of all curves.

5.3.14 Open Space reserved for natural areas, parks, playgrounds or other common or public uses in accordance with the provisions of Section 7 of these Regulations.

5.3 PLANS AND PROFILES

A plan and profile of the proposed streets drawn on plan and profile paper at scales of 1" = 40' horizontally and 1" = 4' vertically on sheets not exceeding 25 inches by 36 inches shall show the following:

5.4.1 Layout of streets in sections coordinated by stations with the profiles.

5.4.2 Plan of street layouts with street names showing partial lot lines, roadways and drainage.

5.4.3 Profiles of roads showing existing and finished grades including tangent grade and vertical curve information.

5.4.4 Profiles will show catch basins and drainage lines with all invert and top of frame elevations.

5.4.5 Profiles shall include and show all sanitary sewer lines, manholes including elevations, sizes, lengths and slopes of pipes.

5.5 SOIL EROSION AND SEDIMENTATION CONTROL PLAN

The Final Plan shall include a Soil Erosion and Sedimentation Control Plan, which conforms and meets the requirements of such regulations adopted by the Commission and made part of these regulations (Section 9).

5.6 TOPOGRAPHIC PLAN

A topographic map shall be prepared at a scale of not more than 1" = 40'. At the Commission's discretion, it may be used as a substitute for the Topographic Map required by the Soil Erosion and Sedimentation Control Regulations to avoid duplication. The Map shall show:

5.6.1 Existing and proposed contours at not less than two (2) foot intervals. In the case of level land, one (1) foot intervals are acceptable.

5.6.2 All existing structures and streets.

5.6.3 Existing and proposed sanitary and storm drainage systems and water systems including catch basins, manholes, end walls, culverts, sizes of pipe, etc.

5.6.4 Wetlands, watercourses, flood limits, woodlands, other natural features and proposed open space.

5.7 Landscape Design (Effective: 6-17-06)

1. For any subdivision containing five (5) or more lots, the following materials shall be prepared by a Connecticut licensed landscape architect and submitted with the application:
    a. a site inventory / analysis map,
    b. an overall lot / roadway layout plan, and
    c. a conceptual PRD plan if the proposed residential subdivision in the R-2, R-3, A-1 or A-2 district is not proposed as a PRD Development under Section 20 of the Zoning Regulations.

2. If the Commission is not satisfied with the quality of the analysis prepared by the applicant's landscape architect, it may hire another landscape architect to prepare such analysis and charge the applicant for the cost of such services.

5.8 Traffic Analysis (Effective: 6-17-06)

1. For any subdivision containing twenty (20) or more lots, a traffic impact analysis shall be prepared by a Connecticut licensed professional engineer with expertise in traffic engineering and submitted with the application indicating:
    a. the existing traffic conditions in the vicinity of the site,
    b. the expected traffic generation from the development,
    c. the effect of the expected traffic upon the level of service of the streets and intersections providing access to the development and other critical intersections affected by the development.

2. If the Commission is not satisfied with the quality of the analysis prepared by the applicant's traffic engineer, it may hire another traffic engineer to prepare such analysis and charge the applicant for the cost of such services.

SECTION 6: DESIGN INFORMATION AND CRITERIA

6.1 **STREETS** in a subdivision shall conform to the following criteria:

6.1.1 STREET ARRANGEMENT

The arrangement of streets in the subdivision shall provide for the coordination of the principal streets of adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. When the topographic or other conditions make such continuance impractical in the opinion of the Commission, the above requirements may be modified.

6.1.2 STREET ORIENTATION – SOLAR ACCESS

Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits the east-west orientation of new streets, the layout of the lots and buildings shall be adjusted for orientation to the sun.

6.1.3 NEW STREETS

Where the subdivision adjoins unsubdivided and potentially developable land, the Commission may require new streets to be carried to the boundaries of the proposed subdivision. If proposed new streets either do not extend, or are not adjacent to, the boundaries of the tract, they shall be separated from such boundaries by a distance of not less than two hundred feet (200'). Reservation of title in and land controlling access to streets is prohibited.

6.1.4 RESERVED RIGHTS-OF-WAY

When required by the Commission, the developer shall dedicate, to the Town, reserved rights-of-way for future street connections to adjoining properties susceptible to being subdivided. Such reserved rights-of-way shall be included in any agreement by and between the Town of East Windsor and the developer, and shall include slope rights fifteen feet (15') outside of the street right-of-way. These right-of-ways shall have necessary radial intersection. Lots adjoining these rights-of-way shall be so laid out that access to the house or garage shall not be over the reserved right-of-way. When the adjoining property is subdivided, the developer of said adjoining property shall be required to connect to and build the street over the reserved right-of-way at his own expense.

6.1.5 STREET WIDTHS (EFFECTIVE 6/17/06)

Minimum widths for the various street designations shall be as shown in the following table:

DESIGNATION	RIGHT-OF-WAY	PAVEMENT WIDTH
Major collector street	As determined by the Commission	As determined by the Commission
Minor collector street	Sixty feet (60')	Thirty-six feet (36')
Minor local street	Fifty feet (50')	Twenty-six feet (26')
Cul-de-sac serving Less than 20 lots	Fifty feet (50')	Twenty-two feet (22')

Wider streets than those specified above may be required where the Commission deems them to be necessary.

Where a subdivision abuts or contains an existing street, which does not comply with the specified width requirements, the subdivider shall dedicate the necessary area to the Town for street widening and show such widening on the final subdivision plan.

6.1.6 BLOCK DIMENSIONS

Block dimensions shall be sufficient, in the opinion of the Commission, to allow for safe ingress and egress to the subdivision for Fire Department and public safety vehicles with regard to the topography and location of said subdivision, but the minimum block length shall be no less than two-hundred feet (200'). Special attention shall be given to blocks in industrial and business areas to provide for access to off-street parking and loading areas.

6.1.7 CUL-DE-SAC STREETS

Where cul-de-sac streets are included in a subdivision, they shall not contain more than twenty (20) homes. They shall be equipped with a turn-around which has a minimum right-of-way radius of sixty feet (60') and a minimum pavement radius of fifty feet (50'). On permanent cul-de-sac streets, the Commission may permit a landscaped center island provided that the inside radius of the paved travel way shall be able to accommodate the turning radius of a vehicle with a 40-foot fixed wheelbase (WB-40). When a cul-de-sac is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract. **(EFFECTIVE 6/17/06)**

When there is a possibility of extension of street, all portions of the cul-de-sac, including pavement, grass strip and sidewalk width, shall occupy the space by virtue of an easement delivered to the Town before acceptance of the street.

The developer extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed said area in which pavement has been removed and install curbs and sidewalks in the original cul-de-sac area in accordance with Town requirements and all at his own expense.

6.1.8 HALF STREETS

The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

6.1.9 SIDE SLOPES

Streets in cut of fill shall be provided with slopes not steeper than two feet (2') horizontal to one foot (1') vertical, or the permanence of the street grade shall be otherwise provided to the satisfaction of the Town. In all areas where the side slopes are steeper than four feet (4') horizontal to one foot (1') vertical and slope down from the street, metal beam type guardrails shall be installed in accordance with the Standard Specifications for Subdivisions.

Where new streets abut private property, necessary slope rights shall be obtained by the developer when in cut or fill, and these slope rights shall be shown on the final layout submission to the Commission. The developer shall investigate the effect of fills on adjacent property within the slope rights area. The developer shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.

6.1.10 RELATION TO TOPOGRAPHY

The street of a proposed subdivision shall bear a logical relationship to the topography, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the street. Special effort should be made to orient streets east/west on south facing slopes to allow buildings to be sited for optimum solar access. All natural features shall be preserved where so required by the Commission.

6.1.11 INTERSECTIONS

No more than two (2) streets shall intersect or meet at any one (1) point and the centerline of all streets entering an intersection shall pass through a single point. Except where impracticable because of topography or other conditions, all streets shall join each other so that, for a distance of at least One-hundred feet (100'), the street is at approximately right angles to the street it joins. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred feet (100') from the centerline of said intersection. Intersections shall be spaced a minimum of two hundred feet (200') apart, measured from the point of intersection of the center lines. Two (2) streets intersecting opposite sides of a third street are to have the same points of intersection or else their center lines are to be separated by a minimum of two-hundred feet (200') on a third street. The subdivision plan shall be submitted to the State Highway Department if a proposed street in the subdivision intersects with a State Highway.

6.1.12 STATE HIGHWAY DEPARTMENT (STATE OF CT DEPARTMENT OF TRANSPORTATION)

Review may be required by the Commission. For a distance of fifty feet (50') from the point of two (2) intersecting lines nearest to the street intersection, all planting, screening and grading shall be so designed and maintained as to assure adequate visibility for approaching pedestrian and vehicular traffic. This sight line shall be shown on the map so as to become a permanent property requirement.

6.1.13 WATERCOURSES

Where a major watercourse separates an existing street from abutting property to be subdivided, provision shall be made for carrying such watercourse by means of culverts or other structures of design. Any such plans shall be reviewed and approved by the Inland Wetlands Agency/Conservation Commission and the Town Engineer prior to Commission approval.

6.1.14 DEDICATION OF STREETS

Approval of a Final Subdivision Plan shall not be deemed to constitute or affect an acceptance of any street by the Town. However, the filing of an approved final Subdivision Plan shall constitute an irrevocable offer of dedication by the owner of the land to the Town.

6.1.15 DRIVEWAYS

All driveways shall be provided with fifteen foot (15') paved aprons ending at the gutter or street face of the curb lines.

6.1.16 STREET SIGNS

Street name signs shall be erected at points designated by the Board of Selectmen and shall be shown on the Final Subdivision Plan. They shall be installed in accordance with the Standard Specifications of the Town.

6.1.17 VERTICAL DESIGN CRITERIA

The minimum grade of all streets shall be one percent (1%). The maximum grade on major local streets shall be five percent (5%) and on secondary local or minor local streets shall be eight percent (8%). All changes in grade shall be connected by vertical curves so that clear visibility shall be provided for a minimum stopping distance of three hundred feet (300') on minor local streets and three hundred fifty (350') on secondary local and major streets. Vertical curves shall be designed in accordance with AASHO Standards for stopping sight distance for sag and crest curves.

6.1.18 HORIZONTAL DESIGN CRITERIA

Where street lines deflect from each other within a block, the inside radius shall not be less than one hundred feet (100'). At street intersections, the property lines shall be on a curve with the radius of fifteen feet (15').

6.1.19 EXCESSIVE COST TO THE TOWN

Where, in the opinion of the Commission, a subdivision requires undue expenditure by the Town to improve existing Town streets which do not conform to the minimum requirements of grade, alignment, width, and construction set forth in these Regulations, the Commission may not approve such subdivision until the Board of Selectmen and the Board of Finance have recommended such expenditures, and such expenditures have been approved by a Town Meeting.

6.1.20 STREET BOUND STONES

Street bound stones shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary. The location of all street monuments shall be indicated on the final subdivision plan. They shall be installed and their accuracy certified by a registered land surveyor. The monuments shall be made of concrete, and shall be thirty inches (30") in length. The top shall be four inches (4") square with an "H" cast into it. The base shall be six inches (6") square. The monuments shall be set with the top two inches (2") above the finished grade.

6.2 PEDESTRIAN EASEMENTS

In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of **ten-foot (10') or wider easements for pedestrian ways and the establishment of a pedestrian pathway. (Effective 6/17/06)**

6.3 SIDEWALKS AND PATHWAYS (EFFECTIVE 6/17/06)

1. **Provision Required** – Every subdivision in East Windsor shall make some provision for sidewalks and/or trails in places deemed proper by the Commission for the public necessity and safety.

2. **On-Site Sidewalks** – This requirement may, with approval of the Commission, be met by providing sidewalks on internal roads within the development and along adjoining streets.

3. **On-Site Trails** – alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by providing trails within the development in locations approved by the Commission:
   a. that may interconnect existing and future trails, and
   b. which shall be open to the general public.

4. **Off-Site Installation** – Alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by installing sidewalks and/or trails elsewhere in East Windsor in locations approved by the Commission provided that the value of such sidewalks and/or trails is equal to at least fifty percent (50%) of the estimated cost of installing sidewalks and trails in the development.

5. **Fee-In-Lieu-Of Installation** – Alternatively, the applicant may propose and the Commission may accept that some or all of this requirement shall be met by making a payment of a fee in-lieu-of installing sidewalks or trails to a Town Sidewalk and Trail Fund provided that such payment is at least forty percent (40%) of the estimated cost of installing sidewalks in the development.

6. **Sidewalk Requirements** – When sidewalks are to be provided within the development, plans for such sidewalks shall be shown on the construction plans and any sidewalk shall:
   a. be a minimum of four feet (4') in width,
   b. have four foot (4') concrete slabs with expansion joints with a maximum twelve foot (12') separation,
   c. have a minimum four inch (4") thick concrete slab on a minimum six inch (6") deep processed gravel base except that where such sidewalk extends across any driveway, it shall have a minimum seven inch (7") thick concrete slab on a minimum eight inch (8") processed gravel base.

7. **Pathway Requirements** – When pedestrian pathways are required, plans for the pathways shall be shown on the construction plans. Pathways shall be a minimum of four feet (4') in width with an appropriate surface treatment (such as stone dust or other surface material.

6.4 UTILITIES

All utilities in a subdivision shall be underground where feasible. Any costs incurred for relocation of existing utility poles shall be borne by the developer.

6.5 STREET LIGHTS

All subdivisions shall have streetlights.

6.6 LOTS

6.6.1 All lots shall conform to the zoning requirements.

6.6.2 No land adjacent to the subdivision shall be withheld by the subdivider, which is not capable of satisfactory independent subdivision into lots of the size specified. Nor shall there be any fragment of a lot or remainder in the subdivision area of less than specified for lot dimensions. Fragments and remainders must be incorporated into full size lots.

6.6.3 No parcel, regardless of size, which is rendered useless for building due to utility easements, right-of-way, watercourses, or topography, shall be shown as building lots on any subdivisions. Such property shall be included in adjoining lots.

6.6.4 On lots located on the outside of sharp curves and cul-de-sacs, the Commission may allow the frontage requirement to be applied at the building line instead of the street line.

6.6.5 On corner lots the lot dimensions may be determined from the point of intersection of the two (2) street lines. The front yard of any corner lot shall be considered to be located on the street in which the lot has its least dimension.

6.6.6 Solar Access: Lot lines shall, whenever possible, be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.

6.6.7 Sidelines of lots shall, insofar as practicable, be either right angles or radial to street lines. In those cases where roads cannot be properly oriented along east-west or north-south axis, the orientation of lot lines should be varied, as practical, to allow for the southern orientation of lots.

6.6.8 Space shall be provided on all lots for off-street parking.

6.6.9 Rear Lots:

a) Rear lots may be approved only by Special Permit by the PZC in accordance with Section 6.1.1 of the Zoning Regulations.

b) There shall be a maximum of one single-family dwelling with permitted accessory buildings or uses on each rear lot.

c) No rear lot or subdivision shall land lock another rear property by blocking or removing the most logical or feasible access to such other rear property, except that the Planning and Zoning Commission may modify this requirement due to unusual circumstances such as topography, present divisions of property and the like.

d) Any driveway to a rear lot or subdivision shall be of a durable and dustless surface and shall be no less than 12 feet in width. Trees shall be preserved or planted along such side of the right-of-way as requested by the Commission in accordance with Section 6.1.1(e) of the Zoning Regulations.

e) A special permit for the use of a rear lot in a subdivision shall be approved only if the Commission determines that there is no logical or feasible alternative for the lot in a subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.

f) The Town shall not be responsible for the maintenance or repair of any driveway or access road required or provided for a rear lot or subdivision.

g) Not more than two access strips may be adjacent. When two access strips are adjacent only one driveway opening onto a street is allowed having a paved surface 20 feet wide by 20 feet long conforming to Town driveway standards.

6.7 BUILDING ORIENTATION

Buildings should be oriented with the long access oriented east and west within 30 degrees of true south. This creates the best possibility that large roofs and walls may receive solar radiation.

6.8 SEWERS

The Planning Commission may require capped sewers and laterals in addition to septic tanks.

6.9 WATER SUPPLY

6.9.1 Every proposed lot must be suitable for the installation of adequate water supply consisting of a drilled well, artesian well or community water supply. The developer shall submit evidence as to the adequacy, quality and quantity of water supply, which shall be certified by the Town Board of Health, or its designated agent.

6.9.2 If the use of a community water supply or existing public water supply is proposed, the subdivider shall submit evidence of approval by the State Department of Health and Town Board of Health, or its designated agent and/or the public water company.

6.9.3 No permit for a building shall be issued until the water system has been approved as noted previously.

6.9.4 No proposal for a development using water supplied by a company incorporated on or after October 1, 1984, shall be approved by the Commission unless the Company has been issued a "certificate" pursuant to Section 16-262 m. of the general Statutes.

6.10 SANITARY WASTE DISPOSAL

6.10.1 No individual lot septic system for sewage disposal shall be considered by the Commission until the land area has been approved by the Town Board of Health or equivalent authority as suitable for said system. Percolation tests, soil reports, duplicate field report, and Town Board of Health or equivalent authority report must be submitted with the preliminary layout.

6.10.2 It is the responsibility of the subdivider to contact the Town Board of Health or equivalent authority of the Town of East Windsor to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. Such proof shall consist of the evidence submitted by the subdivider and the approval of the Town Board of Health or equivalent authority of such evidence and after such tests as may be required. The subdivider shall provide the necessary equipment and labor for the making of the tests. When the Town Board of Health or its designated agent approval is given subject to conditions, such shall be noted on the record map.

6.10.3 In subdivisions that will have on-site sewage disposal, no development shall take place unless the land is brought up to minimum standard quality with regards to seepage and percolation tests in conformance with all Town Health requirements. Minimum standard quality is to be defined as the quality of the soil, displaying a seepage rate of not greater than thirty (30) minutes per inch in a standard seepage test as defined by the Public Health Code, State of Connecticut.

6.10.4 For subdivisions involving public sewer, the subdivider shall develop plans for such sewer and submit them to the WPCA for approval prior to the Commission acting on the application. It shall be the responsibility of the subdivider to prove that there is adequate sewer capacity available to the subdivision. Such proof shall consist of a final guaranteed allocation from the WPCA.

6.11 STORM DRAINAGE

6.11.1 Each subdivision shall have a storm water system capable of accommodating a maximum storm water flow from higher regions of the drainage area or watershed in which the subdivision is located. The design of the system shall be based on a hydraulic study.

6.11.2 If improvements to any existing Town system are necessary to accommodate increased drainage discharge from the subdivision, the developer shall make such improvements as may be required by the Commission based on a report from the Town Engineer and such improvements shall be shown on the plan of subdivision.

6.11.3 All subdivision proposals shall be consistent with the need to minimize flood damage.

6.11.4 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

6.11.5 For details regarding Hydraulic Design Requirements and Design Criteria, refer to the Appendix.

6.11.6 Unless modified by the Commission upon recommendation of the town planner and town engineer, each subdivision shall make provision for a zero percent increase in the peak rate of runoff from the development compared to pre-development conditions. **(Effective 6/17/06)**

6.11.7 oUnless modified by the Commission upon recommendation of the town planner and town engineer, each subdivision shall make provision for best management practices (such as infiltration) to reduce the amount of runoff from the development compared to pre-development conditions. **(Effective 6/17/06)**

SECTION 7: OPEN SPACE REQUIREMENTS (AMENDED, EFFECTIVE 6/17/06)

7.1 Open Space Required

The Commission shall, except as noted below, require provision be made for preservation of open space as part of every residential subdivision.

7.2 Flexibility of Approach

1. In accordance with Section 8-25 of the Connecticut General Statutes, such preservation may be accomplished through the dedication of one or more parcels of open space land in the subdivision or through the provision of a fee in lieu of dedication of land or both.

2. The Commission is aware that it is not desirable in all situations to require the dedication of open space land in all subdivisions, particularly those which are small, and because there is a need to treat all subdividers equally, the Commission may, at its discretion, accept a fee in lieu of land dedication from the subdivider for all or any part of the open space, in accordance with the provisions of section 8-25 of the CGS.

7.3 Declaration and Consideration

1. At the time of filing the formal application for subdivision approval the subdivider shall indicate on the application and final plans whether 20% of the land will be reserved for open space purposes or a fee in lieu of the land for open space will be paid to the town or a combination of land reservation and fee is proposed.

2. The Commission shall consider the proposal and make the final determination after discussing with the subdivider as to whether land shall be dedicated, or fee levied or any combination thereof shall occur. The Commission's decision shall be based on an examination and evaluation of:
    a. The Town's existing and proposed recreation elements, proposals in the town's Plan of Development and recommendations of the Park and Recreation Commission and Inland Wetland / Conservation Commission;
    b. The topography, geology, access and location of land within the proposed development, and;
    c. The size and shape of the development and its relation to other proposed developments in the immediate area.

7.4 Dedication Requirements

1. Where the open space requirement will be met, in whole or in part, through the dedication of land, the total area reserved for open space shall equal or exceed twenty percent (20%) of the total land area of the subdivision.

2. Such open space shall:
   - Be contiguous to other open space whenever possible.
   - Be of sufficient size to make a meaningful contribution to the open space network, and
   - At the option of the Commission, be dedicated to the Town, State, land trust, or other recognized conservation organization with adequate controls to assure its maintenance and preservation.

3. Land which comprises the minimum open space set-aside of twenty percent (20%) of the total parcel shall be of a similar ratio of buildable land to unbuildable land as the entire subdivision or shall, in the opinion of the Commission, preserve environmentally sensitive areas such as river corridors, wildlife sanctuaries or other natural features.

4. To satisfy all or a portion of the open space requirements of a subdivision, the Commission may consider lands located elsewhere in East Windsor.

5. When the subdivision is a portion of a larger parcel of land, the Commission may consider dedication of an area of land in the undeveloped part of the parcel but outside of the proposed area of the subdivision.

6. The Commission may determine the area to be preserved as open space on the parcel being subdivided in order to:
   a. preserve important natural resources,
   b. preserve scenic areas,
   c. preserve agricultural lands,
   d. provide for the establishment of a greenway, or
   e. expand adjacent open space areas.

7. The ultimate ownership of dedicated open spaces, parks and playgrounds – be it the Town of East Windsor, a land trust, or a recognized conservation organization – should be determined by the Commission on a case-by-case basis at the time of subdivision approval after considering such factors as:
   a. the function and location of the parcel,
   b. its intended users/beneficiaries, and
   c. the amount and cost of the future maintenance.

8. The Commission reserves the right to make the final decision on the suitability of open space land and the means of preservation.

7.5 Fee In Lieu Requirements

1. Where the open space requirement will be met, in whole or in part, through the payment of a fee, a flat fee shall be paid for each lot. The amount of the per-lot fee shall be established by the Commission each year based on a recommendation from the Assessor. Alternatively, the subdivider may instead pay a fee equal to ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision based on an appraisal prepared by a licensed appraiser paid for by the subdivider. If there is any dispute about the value of the appraisal, the fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider at the subdivider's expense.

2. If payment of a fee is proposed, the Commission may refuse such fee if it determines, in its sole discretion, that there is one or more areas on the parcel being subdivided which should be preserved through dedication of land.

3. When a fee in lieu of land is accepted by the Commission, the subdivider may elect, at his or her option, to pay the fee to the Town Treasurer prior to filing the approved subdivision with the Town Clerk.

4. If the applicant chooses not to pay the fee prior to the recording of the subdivision then the pro-rated fee for each lot shall be paid to the Town Treasurer at the time of the first sale or transfer of each approved lot in the subdivision. The fee due the Town of East Windsor shall constitute a lien against each individual lot, and shall be so noted on the land records of the Town. The Commission, or its designated agent, shall cause such lien(s) to be discharged upon notice by the Town Treasurer that the fee for an individual lot has been paid.

5. The Town Treasurer shall place all fees collected under the provisions of this regulation in a special fund appropriately named to be used at some future date for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

7.6 Exemptions

1. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration provided, however, that the waiver of the provisions for open space fees shall be noted on the land records along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total fee at the time of subsequent sale or transfer to a person not exempt under this subsection if such sale or transfer occurs within five years of the original subdivision approval.

2. The open space requirements of this section shall not apply if:
    a. a subdivision meets the requirements for an affordable housing development under Section 8-30g of the Connecticut General Statutes, or
    b. the Commission elects to exempt the proposed subdivision since it will contain affordable housing, as defined herein, equal to twenty percent or more of the total housing to be constructed in such subdivision.

SECTION 8: EROSION AND SEDIMENTATION CONTROL

8.1 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT PLAN

8.1.1 A soil 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 acre.

8.1.2 The determination of the area that will be disturbed shall be the responsibility of the Planning and Zoning Commission or its designated agent.

8.2 EXEMPTIONS

A single family dwelling that is not part of a subdivision of land, farming activities normally demonstrated in the growing of crops, cultivation of soil and harvesting shall be exempt from these soil erosion and sedimentation control regulations.

8.3 EROSION AND SEDIMENTATION CONTROL PLAN

8.3.1 To be eligible for certification, a soil 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. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sedimentation Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

8.3.2 Said plan shall contain, but not be limited to:

a. A narrative describing:

1) the development;
2) the schedule for grading and construction activities, including:
   (a) start and completion dates;
   (b) sequence of construction and grading activities;
   (c) sequence for installation and/or application of soil erosion and sedimentation control measures;
   (d) sequence for final stabilization of the project site.
3) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
4) the construction details for proposed soil erosion and sedimentation control measures and storm water management facilities;
5) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
6) the operation and maintenance program for the proposed soil erosion and sedimentation control measures and storm water management facilities.

b. A site plan at a sufficient scale to show:

1) the location of the proposed development and adjacent properties;
2) the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3) the existing structures on the project site, if any;
4) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;
5) the location and design details for all proposed soil erosion and sedimentation control measures and storm water management facilities;
6) the sequence of grading and construction activities;
7) the sequence for installation and/or application of soil erosion and sedimentation control measures;
8) the sequence for final stabilization of the project site.

8.4 MINIMUM ACCEPTABLE STANDARDS

8.4.1 Plans for soil erosion and sedimentation 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 (1985), as amended. Soil erosion and sedimentation control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

8.4.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

8.4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

8.5 ISSUANCE OR DENIAL OF CERTIFICATION

8.5.1 The East Windsor Planning and Zoning Commission or its delegated agent (or the Hartford County Soil and Water Conservation District), shall either certify that the soil erosion and sedimentation 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.

8.5.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.

8.5.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review, shall be completed within thirty (30) days of the receipt of such plan.

8.5.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

8.5.5 If certified, the applicant shall file a copy of the Final Plan with the Office of the Town Clerk.

8.6 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

8.6.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, whether for a subdivision, special development district or site plan review, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions of the applicable regulation(s).

8.6.2 Site development shall not begin unless the soil erosion and sedimentation control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

8.6.3 Planned soil erosion and sedimentation control measures and facilities shall be installed as scheduled according to the certified plan.

8.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance with the certified plan.

8.7 INSPECTION

8.7.1 Inspection 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 are properly performed or installed and maintained. The Commission 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.

SECTION 9: BOND REQUIREMENTS

9.1 No subdivision will be approved by the Commission until the subdivider has provided:

9.1.1 A surety bond or cash escrow to be filed with the Commission in a form and sum which it determines to be satisfactory (Based on 100% of the estimated costs of roads and other improvements submitted by the subdivider's engineer and approved by the Commission and/or its engineer) to cover the completion of work within two (2) years, or where the size or other unusual characteristics of a subdivision would make a longer completion period be in the best interests of the Town at the sole discretion of the Commission, within such period of time as the Commission shall designate.

9.1.2 In the event that the Commission shall deem it in the best interests of the Town to extend the completion date of any such bond, such bond may be extended by the Commission; provided both principal and surety have joined in an application to the Commission for such extension; or cash may be provided in an amount to be determined by the Commission, to be deposited in escrow with the Treasurer of the Town after approval by the Town Counsel.

9.1.3 Release of Surety Bond: Before the release of any surety bond or cash escrow by the Commission, the subdivider shall submit a set of "as-built" drawings showing all improvements as constructed, in the same detail as required for the approved subdivision plan. Said drawings shall bear the signature and seal of a Civil Engineer registered in the State of Connecticut and, preferably, the same engineer who prepared the original plans. Prior to the final release of the surety, the Commission may grant one (1) release of the survey up to fifty percent (50%) of the total when it has received written verification from the Town Engineer that substantially more than fifty percent (50%) of the required improvements have been satisfactorily completed.

9.1.4 A warranty deed running from the record owner to the Town of East Windsor, free and clear of all encumbrances except easements, of the street or streets in the subdivision together with as appurtenant to such streets, all required drainage easements as shown on the plan of subdivision finally approved by the Commission such deed to be acceptable to the Town Counsel. Said deed shall be held in escrow by the Commission to be recorded on the Town land records upon acceptance of such road or streets as town highways, and all deeds in lots in the subdivision shall be made subject to any such easements to which such lot or lots may be subject to on such final plans.

9.1.5 A maintenance bond in an amount not to exceed twenty-five (25%) of the surety bond or cash escrow shall be filed with the Town to guarantee the improvements for an additional period of one (1) year from the date of acceptance of roads or streets as town highways.

SECTION 10: AMENDMENTS TO THE SUBDIVISION REGULATIONS

10.1 In accordance with the provisions of Section 8-25 of the Connecticut General Statutes, the East Windsor Planning and Zoning Commission may, of its own initiative, or upon application, adopt amendments to the subdivision regulations in the manner prescribed for the adoption of regulations.

10.2 All applications for subdivision regulation amendments shall be accompanied by the following:

a. The text of the proposed changes with an existing text to be deleted in [brackets] and any proposed text in UNDERLINED CAPITAL LETTERS.

b. A fee equal to that which is set by the Town for Zoning Text Amendments except that the fee provision shall not apply for amendments initiated by the Commission.

c. A written statement of justification for the proposed change. Such statement shall include, but not be limited to, an analysis of the proposed changes compatibility with: 1) the provisions of Section 8-25 of the Connecticut General Statutes; 2) the Zoning Regulations of the Town of East Windsor; and, 3) the most current Plan of Development of the Town of East Windsor.

SECTION 11: PLANNED RESIDENTIAL DEVELOPMENT (EFFECTIVE 6/17/06)

11.1 Purpose and Authority

The purpose of this Regulation is to encourage variety and flexibility in single-family detached residential development, conservation of open spaces and scenic and natural resources, and imaginative site planning and architectural design.

The Planned Residential Development (PRD) is an open space/conservation subdivision regulation that is allowed for single-family detached residential development in the R-2, R-3, A-1, and A-2 residential/agricultural zones, provided that a Special Permit is granted by the Commission for the location and development. The requirements and provisions of the existing zone shall apply, unless specifically noted as part of the PRD or specifically waived by the Commission as part of the subdivision approval in accordance with Section 8-26 of the CGS.

The Commission may waive any requirement of the Subdivision Regulations, including the provisions of Section 11, by a three-fourths vote, of those members present and voting provided the following conditions are met:

a. Conditions exist which affect the subject land adversely and are not generally applicable to other land in the area
b. The granting of a waiver will not have a significant adverse effect upon adjacent property or the public health and safety.
c. The granting of a waiver will not be in conflict with the Plan of Conservation and Development
d. Sound engineering practices shall be followed and approved by the Town Engineer.

11.2. Design Requirements for PRD

When designing a PRD site, the developer shall consider the following:

a. The natural layout of the site including natural resources and topography.
b. The character of the surrounding land and area.
c. Open space policies and open space needs of the community.

When designing a PRD site, the developer shall, when possible:

a. Provide or maintain adequate green space along existing roads.
b. Avoid or minimize driveway access to existing roads.
c. Avoid or minimize rear yards fronting on existing roads or limit the views of rear yards.
d. Preserve natural and scenic vistas.

11.3. Open Space Requirements

The following are the Commission's Open Space priorities and policies:

a. Open Space shall be meaningful and contribute to the Town's Open Space plan and policies.
   - If the open space does not contribute to the Town's Open Space Plan, the

developer shall demonstrate the value of the proposed open space.

- A fee in lieu of open space or combination of open space and a fee may be accepted. The applicant must demonstrate the need and value of this option. The base fee may increase in relation to the area and bulk waivers granted.

b. Open space that encourages active recreation (ball fields, playgrounds, etc.) is strongly encouraged.

c. The Commission encourages open space that includes passive recreation (walking trails) and that adds to or creates open space networks.

d. The Commission encourages open space that is adjacent to existing open space and is willing to consider off-site open space that is adjacent to existing open space, provided that satisfies open space needs.

e. Depending on the situation, open space may be dedicated to the Town, State, a land trust or other recognized conservation organization acceptable to the Commission.
   - The Commission encourages dedication options that encourage public access, ensure maintenance, and maximizes public benefit and minimizes financial impacts to the Town.
   - When open space is part of the Town's Open Space Plan, dedication to the Town is preferred.
   - The Commission encourages open space that preserves prime agricultural land and provides the opportunity to continue agricultural use of the land.

SECTION 12: SEPARABILITY

12.1 If any section, subsection, sentence, clause, phrase, or portion of these Regulations is for any reason held to be 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 effect the validity of the remaining portion thereof.

APPENDIX

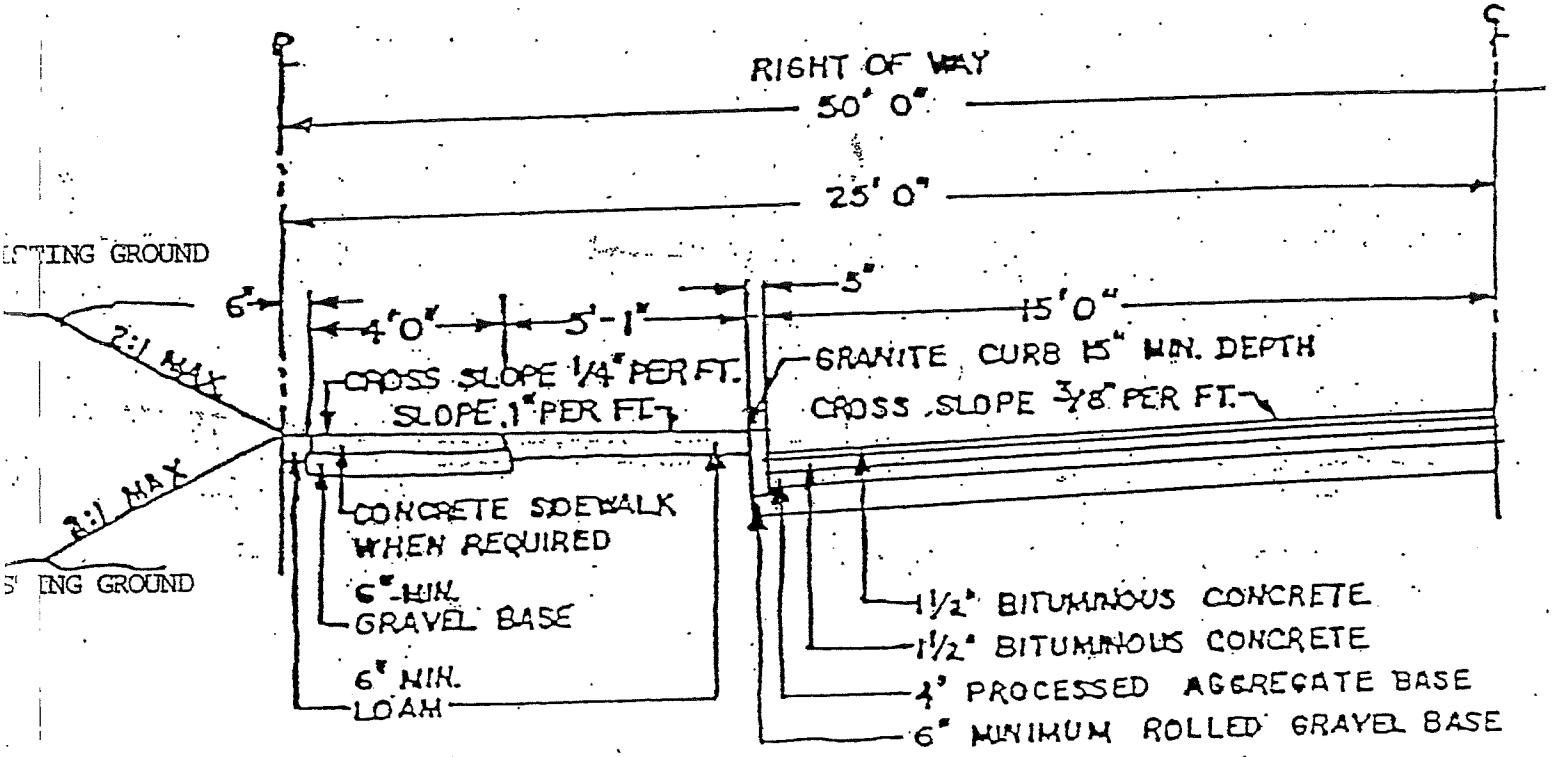
1. STREET DESIGN TYPICAL SECTIONS

2. STORM DRAINAGE

   - General Hydraulic Design Criteria
   - Design Storm Criteria

3. STATE STATUTES - Re: SUBDIVISIONS

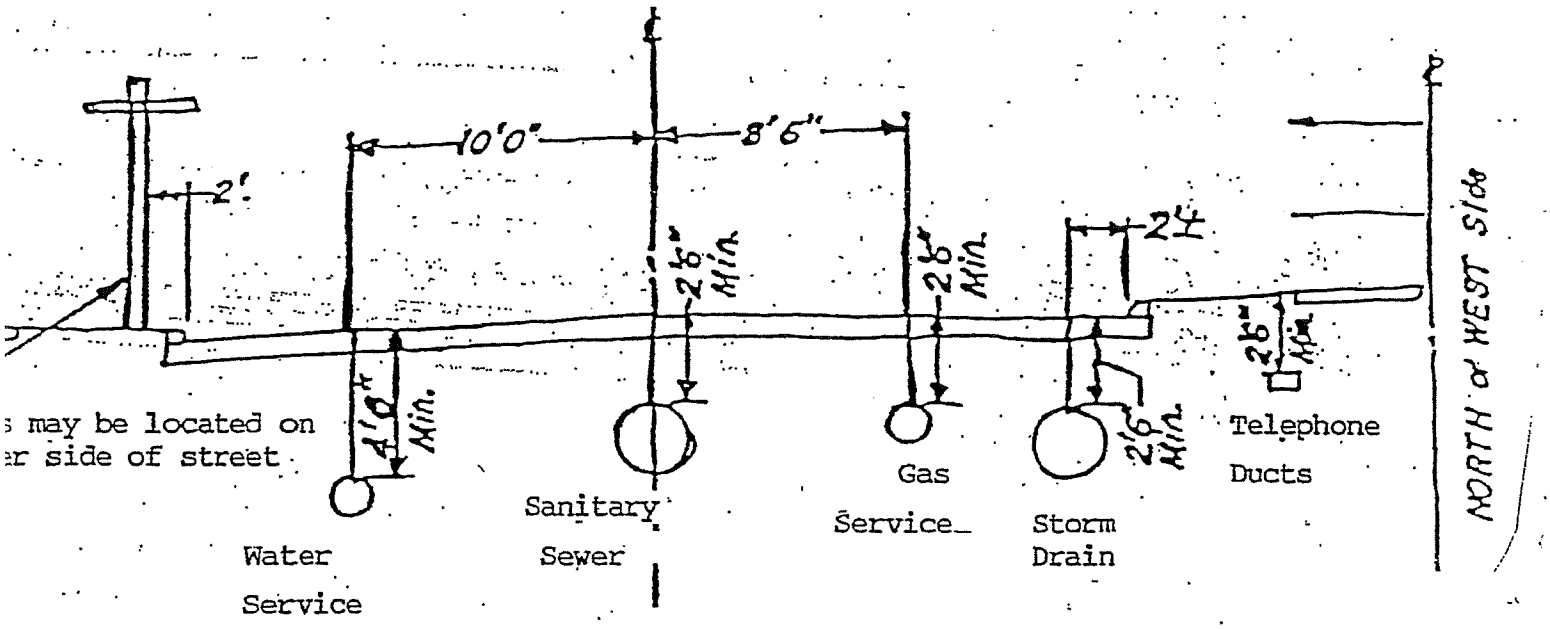
4. APPLICATION FORM



MINOR LOCAL STREET

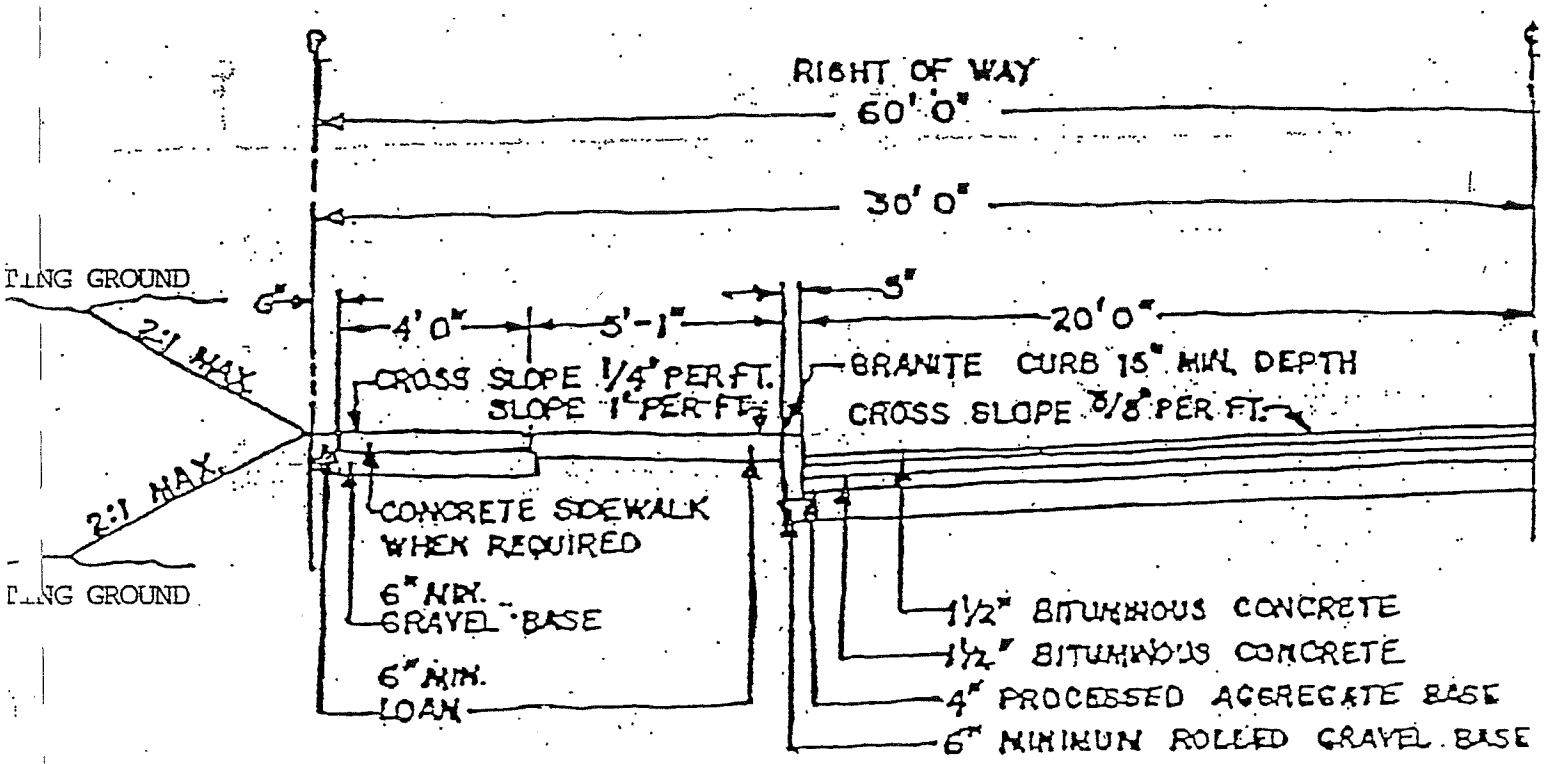
HALF SECTION

TYPICAL STREET SECTION



TYPICAL SECTION

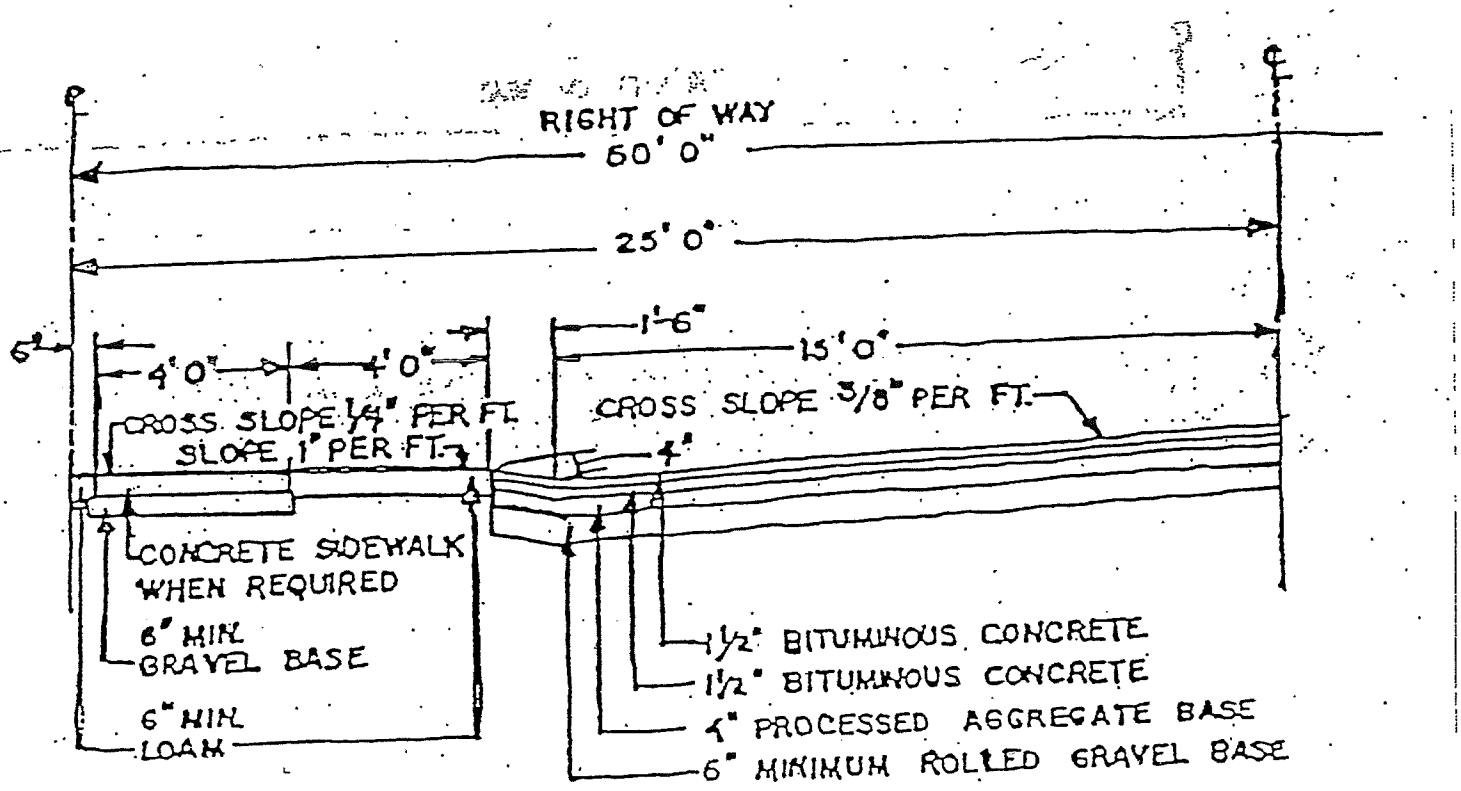
UTILITY LOCATION



SECONDARY LOCAL STREET

HALF SECTION

TYPICAL STREET SECTION



MINOR LOCAL STREET WITHOUT CURBS

HALF SECTION

TYPICAL STREET SECTION

STORM DRAINAGE

I. GENERAL HYDRAULIC DESIGN REQUIREMENTS:

1. Storm drainage systems constructed under these regulations shall provide for the proper drainage of the tributary area to the satisfaction of the Commission. The subdivider shall make provisions for the proper elimination of all stagnant water within the limits of the proposed subdivision.

2. Storm drainage shall be designated to flow full.

3. Storm sewers shall have a minimum pitch of one-half of one percent (0.5%). Variance from this requirement may be granted by the Commission if storm sewers are designed with a minimum self-cleaning velocity of three feet per second (3'/s) with full flowing pipes.

4. A minimum cover of two and one-half feet (2½') shall be provided for all storm drains.

   No storm drain shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse without provisions being made to satisfactorily increase the capacity of the watercourse as required.

5. All storm drain system outlets shall be terminated with an approved outlet structure.

6. The first inlet in a storm drain system shall be located within three hundred-fifty feet (350') of the roadway highpoint. A drainage structure, either an inlet or a manhole, shall be provided at three hundred foot (300') intervals on all storm drains with exception of the first inlet. A drainage structure shall also be placed at each grade change along a storm drain, at each change in horizontal direction, and at each junction point of two (2) or more storm drains.

7. Under drain outlets shall be connected to drainage structures whenever practical. When impractical, they shall be terminated with an approved end wall. At all under drain outlets, a "free outlet" condition should be provided.

8. The minimum pipe size for all storm drain systems constructed under these Regulations shall be fifteen inch (15") inside diameter except that culverts in rural areas shall be thirteen (13") diameter minimum and under drain shall be eight inch (8") diameter minimum.

9. The following types of pipes shall be used for drainage installations:

   a) Reinforced concrete pipe for surface drainage storm sewer systems and cross culverts;
   b) Where clearance is limited by existing utilities, pipe arches or oval pipe will be used;
   c) On grades over ten percent (10%), use ACCMP;
   d) Where uneven support is expected, use ACCMP.

10. A channel or brook right-of-way or easement of sufficient minimum width to include a ten-foot (10') access strip in addition to the width of the channel or brook from bank top to bank top, shall be offered for dedication to the Town for drainage purposes. Channels shall be rip rapped or paved when deemed necessary by the Commission.

11. Drainage easements, outside of street lines, shall be not less than twenty feet (20') nor more than thirty feet (30') wide and shall include wording so as to allow inclusion of other utilities such as water and sanitary sewer. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse. The centerline of the storm sewer is to be installed ten feet (10') from one edge of the right-of-way.

12. Where the development streets join existing Town streets, the developer must provide drainage at intersections as necessary, or as directed by the Commission.

13. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Commission prior to installation. A waiver must be filed by the developer with the Commission. The waiver shall relieve the Town of East Windsor of any responsibility for damage resulting from any failure of the storm drainage system. This waiver shall be part of the deed so as to run with the property as to subsequent purchasers.

14. Rear yard drains and cellar or foundation drains that are connected to storm drainage systems must be shown on the final approved plan of the drainage system.

15. Details of special or unusual drainage structures shall be submitted to the Commission for review and approval before construction.

16. Where any proposed lot, or lots, has its required frontage on an existing Town street, and has an existing ditch or waterway along the front of said lot, or lots, but within the Town right-of-way, the developer, at his expense, shall install a storm water pipe drain of suitable size and material, necessary catch basins, and a curb, to conform with the curb line.

STORM DRAINAGE *(CONTINUED)*

II. DESIGN STORM CRITERIA:

1. All storm drainage facilities shall be designed based on the following storm return frequency criteria:

   a. Residential Drainage Systems:

      1) Storm sewers and minor ditches – ten (10) year storm;
      2) Major ditches and channels – twenty-five (25) year storm;

   b. Commercial Districts: All drainage facilities – twenty-five (25) year storm;

   c. Industrial Parks: All drainage facilities – twenty-five (25) year storm;

2. Rainfall intensities used for storm drainage design shall be taken from Plate No. 48.

3. Time of concentration shall be derived for all storm drains constructed;

4. Weighted run-off coefficients shall be derived based on the following criteria:

   a. Areas containing roads, roofs, parking lots, sidewalks, and driveways shall use ninety-percent (90%);

   b. Areas containing lawns and natural ground shall use fifteen percent (15%) to forty percent (40%), depending on the slope of the ground.

5. Off-site drainage and the ultimate development of adjoining land shall be taken into account in the design of a storm drainage system for the subject site.

SELECTIVE STATE STATUES RE: SUBDIVISIONS
CHAPTER 126 - MUNICIPAL PLANNING COMMISSIONS

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