

SUBDIVISION REGULATIONS

CORNWALL PLANNING AND ZONING COMMISSION

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PURPOSE OF THESE SUBDIVISION REGULATIONS

The purposes of these Regulations shall be, as provided for in the Connecticut General Statutes, Chapter 126, to assure that the development of tracts of land is in keeping with the character of Cornwall's diverse landscape and to provide safe and pleasant neighborhoods in which to live.

For these purposes the Planning and Zoning Commission of the Town of Cornwall, County of Litchfield, State of Connecticut, hereby adopts the following Regulations.

These Regulations may, from time to time, be amended, changed or repealed by the Planning and Zoning Commission, as provided in the Connecticut General Statutes, 1958, Chapter 126, as amended.

DEFINITIONS AND COMMON TERMS

For the purpose of these Regulations, certain common terms and words used herein shall be interpreted and defined as follows:

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations"; the word "regulations" means "these Regulations." A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following are the definitions of common terms found in these Regulations:

Applicant—The land owner of record or the authorized agent of such owner proposing a subdivision or resubdivision.

Application—The term application, including all required information, data, maps and plans submitted, shall mean the application for approval of a subdivision or resubdivision in accordance with these Regulations.

Commission—The Planning and Zoning Commission of the Town of Cornwall.

Street—A public or private thoroughfare including road, highway, drive, lane, avenue, place, boulevard, or an other way that affords the principle means of access to abutting property.

Town—The Town of Cornwall, Connecticut.

ARTICLE I
GENERAL PROVISIONS

- 1.0 **Authority.** Under the authority granted by the General Statutes of the State of Connecticut (Chapter 126), the Planning and Zoning Commission of the Town of Cornwall does hereby require that any application for subdivision or resubdivision shall meet the following regulations.
- .1 **Application of Regulations:** In accordance with Chapter 126 of the Connecticut General Statutes,
- .1 These Regulations shall apply to the subdivision and resubdivision of land within the Town of Cornwall.
- .2 No subdivision or resubdivision of land shall be made nor any subdivision lot sold or offered for sale by any person until an application for subdivision or resubdivision has been submitted to and approved by the Cornwall Planning and Zoning Commission, and a Record Subdivision Map (as defined herein) has been endorsed by the Commission and recorded by the applicant in the Office of the Cornwall Town Clerk.
- .2 **Subdivision and Resubdivision Defined:** The statutory definitions are as follows or as they may be amended in the Connecticut State Statutes.
- .1 Subdivision—A subdivision is defined as the division of a tract or parcel of land into three or more parts or lots made subsequent to April 10, 1954, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and including resubdivision.
- .2 Resubdivision—A resubdivision is defined as 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.
- The Commission has the authority to determine if existing divisions of any land constitute a subdivision.
- .3 Penalties for Violation: Any person, firm or corporation making a subdivision of land without the approval of the Commission shall be subject to monetary fines as provided for in the Connecticut General Statutes.

ARTICLE II
PROCEDURES FOR SUBMISSION, REVIEW AND DECISION
ON SUBDIVISION APPLICATION

The procedural steps and requirements for subdivision application and review shall be as required by State Statutes, as amended and as required by these Regulations. The following sets forth the key procedural steps to be followed by the applicant and the Commission.

- 2.1 **Informal preliminary subdivision plan review** is strongly recommended but not required (See Article III, Section 3.1).
- 2.2 **Submission of the Formal Subdivision Application.** A complete formal application meeting all the requirements of Article III must be submitted to the Planning and Zoning Office at least ten days in advance of a regularly scheduled meeting in order to be considered at said meeting.

The applicant shall submit an original and two copies of all required maps, plans and reports. Additional copies shall be provided by the applicant where necessary as requested by the Commission.

- 2.3 **Acceptance of the Subdivision Application.** At its regularly scheduled meeting following submission of the application, the Commission shall determine whether the application has been submitted in the complete required form. If the application is incomplete, the applicant should be so advised. An incomplete application is sufficient grounds for denial of the application.

Upon acceptance of an application, the Commission shall set a date for a public hearing, if required (resubdivision), or if deemed necessary (subdivision).

- 2.4 **Regional Referral.** As required by State Statute, where a proposed subdivision abuts or includes land in another municipality, the Commission, before approving such plan, shall submit it for an advisory report to the Regional Council of Governments or Council of Elected Officials which serves the other municipality.
- 2.5 **Field Review.** The Commission may set a date for a special meeting for a field trip review at which the Commission and/or its staff will inspect the subdivision site.
- 2.6 **Commission Review.** In its review of any application, the Commission may request the review, comment and assistance of the Fire Marshall, other Town Boards, Commissions, Town Officials or outside technical or legal advisors.
- 2.7 **Public Hearing.**
- 1 **Hearing on Resubdivision Is Required.** If the Commission determines that an application constitutes a resubdivision, then a public hearing shall be held on the application as required by State Statute.

- .2 **Hearing on Subdivision Is Optional.** If the Commission determines that it is in the public interest, it may hold a public hearing on a subdivision application.
- .3 **Public Notice.** Public Notice of any public hearing shall be given by the Commission as required by State Statute. The applicant shall provide a list of names of all current adjoining property owners of record.
- 2.8 **Decision.** The Commission shall approve, approve and modify, or disapprove the application, entering into the records its reasons for such action and shall publish and communicate its decision as required by State Statute.
- 2.9 **Decision on a Subdivision Involving Inland Wetlands.** Where an application involves Inland Wetlands, the Commission shall not tender its decision until the Inland Wetlands Commission has submitted a report with its final decision on the application. The time for a decision by the Commission is extended to sixty-five days after the filing of the decision of the Inland Wetlands Commission.
- 2.10 **Completion of Required Modifications and Conditions.** When the Commission modifies and approves an application it shall promptly advise the applicant of the required modifications to the maps, plans or other application documents. No application shall be endorsed for filing until the required modifications have been completed and submitted in the final required form.

All approvals shall be conditioned upon the applicant's presentation and recording of any deeds or easements required by the Commission and upon the applicant's execution and filing of any required performance guarantee in the form prescribed under Article VIII, guaranteeing completion of the required improvements and the approval of the Board of Selectmen of the Construction Plan when the subdivision involves the construction of a street or other public improvement which requires approval of the Board of Selectmen.

All of the above conditionally-required information, documents or performance guarantee shall be submitted within ninety days of the date of the Commission's approval. If not so filed, the subdivision approval may be deemed void by the Commission.

The subdivision plan shall not be endorsed by the Chairman or Secretary, nor delivered to the applicant for filing, until the performance guarantee has been received, and until the deeds or easements have been received and until all required modifications to the subdivision map or other documents have been completed.

**ARTICLE III
SUBDIVISION APPLICATION REQUIREMENTS**

3.0 Preparation of the Subdivision Application. It is the subdivision applicant’s responsibility to prepare and present a complete formal application to the Commission. Applicants are advised to review and be familiar with these Regulations.

This Article lists the documents, forms, maps, plans and reports which are required as part of a complete formal application.

Article II sets forth the procedure for submission, review and decision on a subdivision or resubdivision application.

Article IV specifies the required form and content of maps and plans.

Articles V and VI and VII establish the standards that shall apply to the design and/or construction of a subdivision lot layout and site improvements (e.g. streets, drainage systems, etc.)

3.1 Preliminary Plan Review. Subdivision applicants are encouraged to submit a preliminary plan for review before preparation of the complete, more detailed required formal application.

A preliminary plan is not a substitute for the formal application requirement. An applicant is not required to submit a preliminary plan nor is the applicant or the Commission bound to the review comments and suggestions made by the Commission.

Preliminary subdivision plans provide potential applicants with an opportunity to review the layout and design of the subdivision with the Commission to:

- Better understand the requirements for compliance with the Subdivision Regulations before incurring final engineering, application, and legal costs in conjunction with a formal application,
- Identify areas deemed by the Commission to be suitable for open space prior to final layout of subdivision lots,
- Identify potential areas of conflict with the requirements of these Regulations so these can be addressed through redesign at an early stage,
- Avoid an otherwise potentially more difficult and extended process of final subdivision plan review with the Commission.”

.1 Preliminary Plan Review. The preliminary plan review shall not require a fee and shall not include a completed application form. The preliminary plan should show sufficient information on a plan map to allow a general planning review under the standards of these Regulations. It is recommended that the preliminary plan meet the standards for a Site Development Plan. (See Section 4.3)

- 3.2 **Submission of a Formal Application.** A complete formal subdivision application as required by these Regulations (see 3.3 below) must be submitted to the Planning and Zoning Office at least 10 days in advance of a regularly scheduled meeting in order to be considered at said meeting. (Subdivision application procedures are detailed in Article II.)
- 3.3 **Formal Subdivision Application Requirements.** The following is a list of the documentation, maps and plans required as part of the Subdivision Application.

The following shall be required for all formal applications:

- .1 **Application Form.** Applications shall be made in writing on the forms provided by the Commission which are available at the office of the Town Clerk.

The application form shall be signed by the applicant or his lawful agent, as evidenced by attached Power of Attorney. If the subdivision or resubdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided or re-subdivided, the application shall also be signed by the owner of the land or his lawful agent.
- .2 **Fee.** The fees for a subdivision application shall be in the amount stated on the application form and as provided for by Town Ordinance.
- .3 **Record Subdivision Map.** A record subdivision or resubdivision map shall be prepared and submitted in conformity with the requirements of Sections 4.1 and 4.2 of these Regulations.
- .4 **Sewage Disposal Report.** The applicant shall submit a written sewage disposal report prepared by a qualified engineer and certified as accepted by the Health Official.

In this report the applicant shall show and the Health Official shall certify that the proposed location for the subsurface sewage disposal system meets or exceeds the highest applicable requirement of any Town Sanitary Code requirement, the State Public Health Code, as amended, and the appropriate design criteria of these Regulations.

The report shall include the results of percolation tests and deep hole test pits taken at locations and at times as approved by the Health Officer. Where there are regulated inland wetlands soils on a proposed lot, prior to taking the percolation and deep hole tests, wetland boundaries in the vicinity of the proposed house lot and septic field shall be properly marked in the field by a certified soil scientist.

It shall be the responsibility of the applicant to notify the Health Official to arrange for a site inspection for the taking of required tests. The completed Sewage Disposal Report shall be submitted to the Health Official for review and certification well in advance of the planned date of submission of a subdivision application.

Any Sewage Disposal Report submitted to the Commission without the certification of the Health Officer shall be considered incomplete and shall in itself constitute sufficient grounds for denial of the application.

The following shall be required for all formal applications, where applicable:

- .5 **Water Supply Report.** In areas of the Town, as identified by the Commission, where the suitability of groundwater quality is questionable, and when on-site water supply wells are proposed, the Commission may require that the applicant provide information to document the potential quality of the water supply
- When on-site water supply wells are proposed but not established at the time of subdivision approval, the record subdivision map shall include the following statement. "Approval of this subdivision (or resubdivision) by the Cornwall Planning and Zoning Commission cannot and does not guarantee the quantity and quality of water supply. Landowners are advised to drill and test a water supply well before construction of a single family home."
- Where the application involves the creation or expansion of a community water system with a distribution system that supplies water for human consumption to no fewer than 15 service connections or 25 persons, nor more than 250 service connections or 1,000 persons for at least 60 days in a year, then the following is required:
- a. The applicant shall provide evidence of submission of 3 copies of an application for approval of a Certificate of Public Convenience and Necessity to the State Department of Public Utility Control (DPUC).
 - b. The Commission shall not approve a subdivision involving a water system subject to the approval of the DPUC unless and until a Certificate of Public Convenience and Necessity has been issued to the water company and a copy of same has been provided to the Commission.
- .6 **Evidence of Submission to the Cornwall Inland Wetlands Commission.** Whenever an application involves land regulated as an inland wetland or watercourse by the Inland Wetlands Commission, the applicant shall provide evidence that a copy of the subdivision application has been filed with the Inland Wetlands Commission before or not later than the same day as filing with the Planning and Zoning Commission. Any application which does not include this evidence shall be considered incomplete.
- .7 **Site Development Plan.** A site development plan shall be prepared and submitted for any application proposed for building development, whether immediate or in the future. The Site development plan shall conform to the requirements of Sections 4.1 and 4.3 of these Regulations.
- .8 **Erosion and Sediment Control and Grading Plan.** An erosion and sediment control and grading plan shall be prepared and submitted for certification by the Commission with any application where the cumulative disturbed area is more than one-half acre. The control plan shall conform to the requirements of Sections 4.1 and 4.5 of these Regulations. Where it is feasible, the mapped information required for the plan may be shown on the site development plan and construction plan.
- .9 **Construction Plan and Profiles.** Plans, profile drawings and typical cross sections shall be submitted where a subdivision application involves site improvements including streets, catch basins, manholes, ditches, watercourses and modifications, headwalls, sidewalks, curbs, bridges, culverts and other structures and improvements required by these Regulations. The construction plans and profiles shall conform to the requirements of Section 4.1 and 4.4 of these Regulation

- .10 **Hydrological Reports and Flood Elevation Data.** Where an application involves storm drainage improvements or construction within or near the 100-year flood hazard area, a hydrological report shall be required. This report shall be prepared by a civil engineer licensed in the State of Connecticut. It shall meet the requirements of Article VII and shall include at a minimum, a base map prepared in accordance with Section 4.1 showing the drainage watershed, flood plain elevations and drainage patterns. It shall also show the methodology and computations used to calculate stormwater runoff and the recommended pipe sizes.
- .11 **Cost Estimate.** An engineer's estimate of the cost of construction of site improvements shall be submitted.
- .12 **Legal Documentation of Subdivision.** Where there is a question of whether a proposed or filed division of land constitutes a subdivision or resubdivision, the Commission may require the applicant to submit an affidavit issued by a Connecticut licensed attorney that the division of land does or does not constitute a subdivision or resubdivision.
- .13 **Easements and Deeds.** Copies of all easements and deeds necessary to carry the subdivision plan into effect shall be submitted, including instruments proposed to be executed or delivered after approval of the application.
- .14 **Permits and Agreements.** Copies of other Local State and Federal permits, if issued, and copies of proposed agreements with utility companies shall be submitted.
- .15 **Supplemental Data.** Other data and information may be required from the applicant in order to establish that the proposed subdivision complies with the requirements of these Regulations.
- .16 **Waivers.** The Commission may waive the requirements of these regulations by a three fourths vote of the Commission members provided all of the following conditions are met.
 - .1 The applicant requests the waiver in writing. The request shall detail the waiver requested and shall provide sufficient information for the Commission to determine if a waiver is justified.
 - .2 The physical characteristics of the property are such that a strict application of these regulations would result in a development which conflicts with the objectives stated in the Planning and Zoning regulations and/or Town Plan of Conservation and Development.
 - .3 The waiver will not result in any significant adverse impact on adjacent property or on public health and safety.
 - .4 The Commission shall state on the record the reasons for granting the waiver.

ARTICLE IV SPECIFICATIONS FOR MAPS AND PLANS

4.0 **General.** This article provides the detailed specifications and information which must be shown on the various maps and plans required as part of a subdivision application (See Article II). Each map or plan serves a different purpose and must provide certain-information related to that purpose.

The Record Subdivision Map is intended to be suitable for permanent filing in the Town Land Records.

The Site Development Plan shows existing conditions and proposed development so that the Commission can properly evaluate the impact of the proposed design and layout of the subdivision.

The Erosion and Sediment Control and Grading Plan must specify how erosion will be avoided and contained as required by State Statute.

The Construction Plan must specify the specific location and detailed design of proposed site improvements (streets, drainage systems, etc.)

4.1 **Maps and Plans to be Prepared by Professional.** The maps and plans required by these Regulations shall show the information required and shall be prepared in accordance with the required standards hereinafter specified.

All such maps and plans shall be prepared by and bear the name, seal and signature of a professional engineer and/or land surveyor, licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Pertinent survey data and computations shall be presented to the Commission for review upon request.

4.2 **Record Subdivision Map.** The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2" type of survey as specified in the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps," approved by the State Board of Registration for Professional Engineers and Land Surveyors.

The Commission may accept a Class D survey for large parcels not proposed for building or development.

All maps shall be clearly and legibly drawn on polyester film (mylar) .003 thick or better, on sheets of 18" x 24" or 24" x 36".

The Map should be drawn to scale of 1"=40' but in no case at a scale of less than 1"=100'.

The Map shall show the following:

- .1 Title of the subdivision, if any, which shall not duplicate the title of any previous subdivision in the Town of Cornwall.
- .2 Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- .3 Date, scale, true and magnetic north points, zoning classification.
- .4 Existing and proposed property and street lines, indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.
- .5 All inland wetlands soils as defined by PA 155 and as regulated by the Cornwall Inland Wetlands Commission delineated in the field by a certified soil scientist.
- .6 Land within the Flood Hazard Area Overlay Zone as defined in the Zoning Regulations and on the Zoning Map. When a subdivision does not include land within the Flood Hazard Area, the following notation shall be included on the Map, "This subdivision does not include land within the Flood Hazard Area Overlay Zone as defined under the Zoning Regulations".
- .7 Existing and proposed water courses, including ponds and swamps; existing and proposed easements, rights-of-way, encroachment lines and areas reserved for drainage, water courses, wetlands, conservation areas; and the limits of any areas to be reserved or protected from excavation or filling.
- .8 Proposed lots and lot numbers; existing and proposed open spaces for parks, stream protection and other open spaces; the square footage or acreage of all lots and open spaces, and the total acreage of land included in the subdivision.
- .9 Existing permanent buildings and structures.
- .10 The buildable area of the lot as defined in the Town Zoning Regulations.
- .11 Dimensions on all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.
- .12 The width of all streets, rights-of-way and easements; street names.
- .13 Existing and proposed monuments; any Town boundary line.
- .14 A location map showing the location of the subdivision in relation to existing streets in the Town at a scale of not less than 1"= 1000'.
- .15 An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet.
- .16 The survey relationship of proposed streets to nearby documented Town streets or State Highways where practical.
- .17 Approval and endorsement block as shown in the Appendix to these Regulations.

- 4.3 **Site Development Plan.** The Site Development Plan shall be drawn to a scale of not less than 1"=100'. The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and all contiguous land of the applicant in order to allow the Commission to complete a planning review of the proposed subdivision including its relationship to the contiguous land of the applicant.

The site development plan shall show the information required on the Record Subdivision Map and the following information:

- .1 As required on the Record Subdivision Map in Section 4.2, the Site Development Plan shall show the following: items 4.2.1 through 4.2.13 inclusive.
- .2 Identification of the boundary of any streambelt as defined by the U.S.D.A. Soil Conservation Service and as shown on the Town Streambelt Map which shall be confirmed by certified soil scientist survey, if requested by the Commission.
- .3 The boundary of any Aquifer Protection Overlay Zone as defined in the Zoning Regulations and delineated on the Zoning Map.
- .4 The boundary of the Housatonic River Overlay Zone as defined in the Zoning Regulations and delineated on the Zoning Map.
- .5 Areas with slopes in excess of 25%.
- .6 Ridgeline areas as defined in Article V, Section 5.1.6.
- .7 The boundaries and classification codes of soil types under the National Cooperative Soils Survey of the Soil Conservation Service, U.S. Department of Agriculture.
- .8 Approximate dimensions on all proposed property and street lines; approximate lot area and the total acreage of land included in the subdivision.
- .9 The buildable area of the lot, as defined in the Town Zoning Regulations, including a location for a proposed dwelling or other principal building on each lot, the potential location of the subsurface sewage disposal system including primary and reserve leaching fields, well location and driveway corridors.
- .10 Existing topographic contours at an interval not exceeding 10 feet based on U.S.G.S. contours or field or aerial survey. Where deemed necessary the Commission may require contours at intervals not greater than two feet based on field or aerial survey or other suitable sources and keyed to Town, State or U.S. bench marks where such are within 1/2 mile of the subdivision boundary.
- .11 Location of historic or archeological sites, principal wooded areas.
- .12 Any ledge outcrops and existing stone walls and fences within the subdivision.
- .13 The width of all streets, rights-of-way and easements; the proposed width of all pavement; and proposed street names.
- .14 Existing and proposed storm drains, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures.
- .15 Spot elevations on both existing and proposed roads to indicate tentative grading of roads.

- .16 The approximate location of any percolation seepage test holes, deep test pits and borings; locations proposed for water supply well sites; and the location and dimensions of the area suitable for leaching fields for on-site sewage disposal systems and the reserve area for future fields.
 - .17 The limits of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.
 - .18 The limits of any areas of tree removal that would be necessary to provide effective use of a passive solar energy system on each lot, based on an assumed mature tree height of 50 feet.
- 4.4 **Construction Plans.** Construction plans for all proposed streets, drainage and other improvements shall be drawn on polyester film (mylar) .003 thick or better. Plan and profile drawings shall be prepared for all proposed streets, storm drains, gutters, catch basins, ditches, watercourses, headwalls, sidewalks, curbs, and other structures and underground utilities and shall be drawn on polyester film (mylar) having a sheet size 24" x 36", and shall be drawn to a horizontal scale of 1"=40' and a vertical scale of 1"=4'.

Contours shall be shown at two foot intervals based upon field or aerial survey. Profile drawings and elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be noted on the plan. Construction drawings shall show at least the following information in accordance with good engineering practice as appropriate for the particular subdivision.

- .1 Title of the subdivision, date, scale, north point, Town and State.
- .2 For streets, all information required by these Regulations (see Article VI) and the Town Road Ordinance, including but not limited to the existing grades at the center line and at both street lines, and the proposed grade at the centerline; street lines and edge and width of pavement; street cross sections at all cross culverts, and a typical street cross section.
- .3 Depth, invert, slope and size of all pipes, ditches, culverts, catch basins, headwalls and watercourses; ditch and watercourse cross sections.
- .4 Approximate location of lot lines intersecting the street line; lot numbers and street names.
- .5 Sidewalks, curbs, gutters, and other structures and underground utilities.
- .6 Detail drawings of any bridges, box culverts, deep manholes, and other special structures.
- .7 The words "For location of underground electric, telephone and other facilities of public utilities, inquire of appropriate utility company".
- .8 The words "Approved by the Cornwall Planning and Zoning Commission" with a designated place for the signature and the date of signing by the Chairman.
- .9 The words "Recommended for Approval by the Board of Selectmen" with a designated place for the signature and the date of signing by the First Selectman.

- 4.5 **Erosion and Sediment Control and Grading Plan.** An Erosion and Sediment Control and Grading Plan shall be submitted for certification by the Commission with any application for a subdivision or resubdivision when the cumulative disturbed area is more than one-half acre. Said plan shall comply with the requirements of this Section of these Regulations.

Where lots are proposed for future building development, the Commission may at its discretion require that “A detailed erosion and sediment control plan associated with the development of the following subdivision lots (specifying the lot numbers) shall be required as part of the application for a zoning/building permit and shall be certified by the Commission or its authorized agent prior to issuance of the zoning permit.” In such cases, the above statement shall be shown on the Record Subdivision Map. (See Appendix)

.1 **Erosion and Sediment Control Plan Definitions.**

Certification—Approval by the Cornwall Planning and Zoning Commission that a soil erosion and sediment plan complies with the applicable requirements of these Regulations.

Disturbed Area—An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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

Inspection—The periodic review of sediment and erosion control measures shown on the certified plan.

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

Soil—Any unconsolidated material or organic material of any origin.

Soil Erosion and Sediment 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.

- .2 **Information and Requirements, General:** A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Information as required below shall be shown separately or as a part of the site development plan and construction plan.
- .3 **Project Narrative and Time Schedule:** The plan shall include a narrative describing:
- a. The development project and
 - b. The time schedule for the following: All major construction activities indicating the anticipated start and completion of development; creating and stabilizing disturbed areas; grading operations; applying erosion and sediment control measures and facilities onto the land; design criteria, construction

details, detailed installation/application procedures and maintenance programs;
soil erosion and sediment control measures.

- .4 **Erosion and Sediment Control Plan.** The following information shall be shown at a scale of 1"=40' on the site development plan or on a separate plan:
- a. Existing and proposed topography including soil types, wetlands, watercourses and water bodies.
 - b. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
 - c. Within the disturbed areas topography contours shall be at a detail adequate to evaluate the proposal based upon the standards defined below. When it is determined necessary, the Commission may require 2' contour intervals based upon field survey.
 - d. Location of and design details for all proposed erosion and sediment control measures and facilities.
 - e. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.
- .5 **Minimum Acceptable Standards.**
- a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin 34), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.
 - b. The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended. The Commission may grant alternate standards when requested by the applicant, if technically sound reasons are presented.
 - c. An appropriate method as approved by the Commission, shall be used in determining peak flow rates and volumes of runoff.
- .6 **Issuance or Denial of Certification.**
- a. The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations.
 - b. Prior to certification, any plan submitted to the Commission may be reviewed by the Northwest Conservation District which may make recommendations concerning such plan.

.7 Conditions Relating to Soil Erosion and Sediment Control.

- a. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance guarantee (see Article VIII) to guarantee completion of the proposed erosion and sediment control measures.
- b. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

.8 Inspection. Inspections during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

ARTICLE V
GENERAL STANDARDS FOR PLANNING,
DESIGN AND CONSTRUCTION

5.0 **General.** All subdivisions shall be planned to meet the design and construction standards of these Regulations and to meet the objectives for conservation and development as stated in the Town Plan of Development. The purpose of these standards is to assure that the subdivision and development of land will be designed and constructed:

To protect and promote the public health, safety and welfare;

To preserve Cornwall's diverse system of open spaces and its rural character;

To avoid development of land which is not suitable for that purpose; and

To encourage subdivision design that protects and conserves unique and fragile natural resource lands.

5.1 **General Standards for Subdivision Design.** In order to serve the purposes of subdivision regulations as set forth in Chapter 126 of the General Statutes, especially to insure proper provision for protection of irreplaceable resources, unique and fragile features of value to the Town of Cornwall and the State of Connecticut, applicants are encouraged to design subdivisions to avoid development of the house site, septic field, driveway, streets or other development improvements on the land defined below and to protect these lands from harmful effects.

.1.1 Land within the flood hazard areas as defined in the Flood Hazard Overlay Zone and as shown on the Federal Emergency Management Agency Map (Flood Insurance Rate Map).

.1.2 Inland wetlands and watercourses as defined and regulated by the Inland Wetlands Commission.

.1.3 Streambelt land areas as shown on the Town Plan of Development Streambelt Map as defined by the U.S.D.A., Soil Conservation Service.

.1.4 Designated public water supply watershed lands.

.1.5 Land with a slope of twenty percent or greater.

.1.6 Land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the Natural Resources Center of the Department of Environmental Protection and on file in the Town Hall. ("Ridgelines")

In order to reduce the adverse impact of a development affecting the above defined lands, the Commission may require the redesign of the subdivision including road alignments, lot lines, lot area, location and scale of structures and location of reserved open space.

5.2 Lots and Lot Layout and Building Setback.

- .1 Minimum lot area and other dimensional requirements shall be as required by the Cornwall Zoning Regulations. (See Article IV of Zoning Regulations.)
- .2 Every lot shall be of sufficient area with a shape and terrain which will permit a suitable location for all of the following: building site, septic system leaching fields and reserve fields including required setbacks, well water supply source with required separating distances, storm water retention areas and drainage areas, and driveway corridor.
- .3 The buildable area of each lot shall be shown as defined in the Town Zoning Regulations.

5.3 Solar Access. Applicants are encouraged to utilize energy-efficient patterns of development and land use, the use of solar and other renewable special forms of energy and energy conservation.

- .1 Applicants shall demonstrate to the Commission that in developing the Subdivision plan, consideration has been given to passive solar energy techniques which would not significantly increase the cost of housing to the buyer. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.
- .2 Site design considerations shall include but not be limited to house orientation, street and lot layout, vegetation, natural and manmade topographic features and protection of solar access within the development.

5.4 Driveways and Accessways. Driveways shall be so located, designed and constructed as to prevent erosion, prevent excessive road drainage onto driveways or excessive driveway drainage onto the roadways.

Driveway entrances onto State highways or heavily-traveled town roads are discouraged and wherever possible should be laid out and designed to enter onto lightly traveled roads. Where no method of layout other than entrance to a heavily-traveled road is possible driveways serving adjoining lots shall be combined within the road right-of-ways, wherever possible.

All lots shall have a corridor of land for location of a driveway which is suitable for safe access. The applicant shall show the location of a driveway which meets the following standards:

- .1 The maximum driveway travel way gradient for a distance of 15 feet from the intersection with the street shall be 4%.
- .2 For driveways in excess of 200' in length or a 10% gradient, the Commission may require submission of a driveway construction and drainage plan prepared by a Connecticut licensed professional engineer.

.3 Driveway intersections with the street and separating distances between driveway intersections shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Board of Selectmen or the State D.O.T.

5.5 **Fire Ponds.** For fire protection the Commission may require the construction of ponds, including dry hydrants, in any subdivision or resubdivision. Fire ponds shall be constructed in accordance with the standards and practices of the U.S.D.A. Soil Conservation Service and shall have a minimum capacity as determined by the Commission after consulting with the Volunteer Fire Department. Fire ponds shall be accessible from a street via a right-of-way in favor of the Town and said right-of-way shall have a width of 30 feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects.

5.6 **Flood Hazard Area Overlay Zone Regulations.** The Flood Hazard Area Overlay Zone includes all special flood hazard areas designated as Zone A, A1-30 on the Flood Insurance Rate Maps, (FIRM) and the Flood Boundary and Floodway Maps, on file with the Town Clerk. A development permit shall be obtained for any construction or development as required in accordance with the Zoning Regulations.

5.7 **Open Space.** The Commission's objective is to ensure that to the extent possible as subdivision development occurs suitable areas are protected for the purpose of natural resource preservation, passive recreational use (including walking or biking path or trails), scenic views or vistas, scenic roadside buffers, historic preservation or farm use. These objectives may be accomplished with the requirement to set aside open space land in a subdivision or by payment of a fee in lieu of the open space as provided herein. The Commission considers the protection of open space or provision for a fee in lieu of open space as an essential element of subdivision plans and may request professional review and assessment of the open space element of subdivision plans.

.1 Open Space Shall Be Required. Where three or more lots are proposed the Commission shall require either the reservation of up to 15% of the land to be subdivided for the specific purposes herein, or may accept a fee in lieu of open space.

.2 Open Space May Be Required. Where less than three lots are proposed the Commission may require either the reservation of up to 15% of the land to be subdivided for the specific purposes herein, or may accept a fee in lieu of open space.

.3 The land to be reserved as open space shall be a percentage of the total area of the land proposed for subdivision approval. This shall not include land owned by the applicant but not proposed or approved for subdivision approval or a lot created for an existing residence which is part of the subdivision. (see illustration in Appendix 4)

.4 Exceptions to Open Space Requirement.

- a. Where a proposed subdivision includes land that is subject to a conservation easement held by a qualified land trust and the Commission determines the land subject to the easement satisfies the requirements of this section the Commission may determine that no additional open space shall be required.

- b. The Commission at the request of the applicant *may determine* that no dedicated open space or fee in lieu shall be required provided:
- the applicant submits a proposed subdivision application which provides a subdivision feasibility plan, including but not limited to buildable areas for each lot, and
 - the subdivision feasibility plan shows that a minimum of twice as many lots are possible on the property than are proposed in the application, and
 - the applicant proposes to place a conservation easement or other permanent restriction preventing re-subdivision of all lots in the subdivision, and
 - the easement or restriction is approved by the Commission's attorney, and;
 - the easement or restriction shall be enforceable for all lots in the subdivision through a Homeowner's Association, the Town, or some other arrangement acceptable to the Commission.
- c. In accord with the requirements of the Connecticut General Statutes the open space requirements of this section shall not apply where:
- the subdivision involves the transfer of all land in a subdivision of less than five lots to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration; or
 - the subdivision is to contain housing units sufficient in type and number to meet the requirements of the Connecticut Affordable Housing Appeals Procedure (Connecticut General Statutes section 8-30a).

.5 Open Space Requirement May be Deferred. At the request of an applicant the Commission may agree to defer the immediate requirement for open space where the Commission determines that all of the following conditions exist:

- a. The subdivision is part of a larger parcel of land under single ownership and is for residential use, and
- b. The subdivision includes significant "reserved" land not proposed for subdivision but with the potential to be divided into additional subdivision lots, and
- c. The Commission determines that the location of open space is more properly and advantageously located in the "reserved" land, and
- d. The applicant agrees to enter into an agreement with the Town and acceptable to the Town Attorney providing that the required amount of open space for the entire subdivision shall be deferred until the "reserved" land is proposed for subdivision.

.6 Open Space Selection Criteria.

Open space is an integral element of a subdivision plan and in all cases the Commission shall make the final determination of the area designated as open space. Applicants are strongly urged to submit a Preliminary Subdivision Plan (see Section 3.1) at which time the Commission and/or its authorized representative shall provide guidance on selection of suitable open space areas for the final subdivision plan.

Criteria. The Commission shall determine the area selected for open space to serve the purposes stated above and in consideration of the following selection criteria:

a. Linkage to other protected land *, passive recreational values (e.g. trails), water access (river, stream, pond or lake), protection of prime natural features (e.g. major ridgeline), scenic or aesthetic values, farm and/or forestry values, wildlife habitat or other wildlife values, rare plant or animal species, value for protecting public water supply, value for protection of scenic roadways.
(* Subdivision applications shall provide documentation of existing protected land on adjacent property within 2,500 feet of the subdivision boundaries.)

b. In addition to the criteria listed above the Commission shall consider land to be protected as open space in reference to the open space and conservation recommendations in the Cornwall Town Plan of Conservation and Development, Northwestern Connecticut Regional Plan, State Plan of Conservation of Development, Greenprint Plan and similar applicable conservation planning plans and reports.

.7 Public Access. The Commission shall require that open space has a suitable access from a public street where it determines such is needed for public access or for maintenance access. In such cases the Subdivision Plan shall show an access corridor from a street into the open space of not less than 40 feet in width and with a suitable grade for the purpose intended. Such access shall be directly from a street or may be through an adjoining property to a street.

.8 Method of Protection

It is intended that open space in a subdivision shall be permanently protected. The Commission may require permanent protection by fee simple deeding the property, granting a conservation easement or any other method of conveyance which accomplishes permanent preservation in accord with the requirements set forth in this Section.

Proposed conservation easements or other legal instruments for land conservation purposes shall be drafted and presented to the Commission as part of the subdivision application and shall follow the form approved by the Commission for this purpose.

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

- The continued use of such land for the intended purposes, and
- The continuity of proper maintenance for those portions of the Open Space requiring maintenance.

.9 Open Space Protection Entities.

Land protected in fee simple by deed or by conveyance of a conservation easement shall be held by one or more of the following entities:

- The Town of Cornwall;
- The State of Connecticut;

The Cornwall Conservation Trust or similar qualified local, area or state non profit land conservation organization;
An approved Home Owners Association.

The applicant shall provide evidence that the selected entity is willing to accept such property deed or easement for open space protection. Any such dedication, regardless of the method used, shall be completed prior to the endorsement and filing of the final subdivision plan in the office of the Town Clerk.

.10 Homeowners Association

When an association is established to own Open Space or other common interests, the association must be legally established to fulfill the following requirements prior to the endorsement of the final plans. Where the common interests require a common interest community it shall be established according to the procedures and requirements specified in the Connecticut Common Interest Ownership Act (C.G.S. 47-200, as amended.).

- a. The homeowners association must be established as a legally recognized entity. The association must be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities.
- b. There shall be mandatory membership in the association or corporation by all the original lot owners and any subsequent owners.
- c. Each lot owner shall have an equal vote in determining the affairs of the organization, costs shall be assessed equally to each lot; and the organization shall remain under the control of the developer until a majority of the lots are conveyed to permanent owners.
- d. The association or corporation must have the power to assess and collect from each lot owner a specified share of the costs associated with maintenance, repair, upkeep and insurance of the Open Space.
- e. The association must have the authority to adjust the assessment to meet changed needs.
- f. The method or organization, by-laws and rules of procedure of the homeowners' association shall be in a form acceptable to the Commission and are subject to a review by the Town Attorney. The Commission may require that a sinking fund be established and used to maintain common areas. The sinking fund shall be transferred to the homeowners' association when the assets are transferred to the association upon completion of a requisite portion of the development.

.11 Fee In Lieu of Open Space. In lieu of such reservation of open space, the applicant, with the approval of the Commission, may pay a fee to the Town of Cornwall (hereinafter the "Town") or may pay a fee and transfer land to the Town.

Any fee paid to the Town or any fee and the fair market value of any land transferred to the Town shall be equal to no more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision.

The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. The appraisal shall be completed prior to the filing of the approved subdivision map in the office of the Town Clerk. The cost of such appraisal shall be the responsibility of the applicant.

A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision. In the event of any future subdivision, increasing the number of approved lots, the remaining balance of the payments due hereunder shall be equally apportioned among the total number of lots remaining to be sold.

The payment of any fee hereunder to the Town shall be placed or deposited in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or recreation purposes.

Each approved lot on the subdivision or resubdivision shall have a note placed thereon stating the exact dollar amount to be paid to the Town at the time of the sale of the lot as required by the provisions of this regulation

The open space requirement of this fee in lieu of open space 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, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision.

- 5.8 **Easements.** Easements for access to and use of land, or other necessary restriction of use of land outside of a street right-of-way shall be provided as required or approved by the Commission and shall be shown on the Record Subdivision Map with adequate survey information, so that the land subject to easement may be accurately located by field survey.

Easements may be required in the following types of cases as applicable to the particular subdivision:

- .1 For access to bridges and culverts with construction and maintenance equipment;
- .2 For storm water drainage areas or pipes, and water mains and appurtenances, if any, which easements shall be not less than 30 feet in width; for use and access to storm water detention basins and fire ponds;
- .3 Temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street;
- .4 Sight easements across corners of lots at all Street intersections to assure safe lines of sight on the street and to authorize the Town to remove obstructions or re-grade within the easement area;
- .5 Easements at least 10 feet in width for pedestrian ways to open spaces, parks, playgrounds, schools and other public or semipublic places where required by the Commission;

- .6 Easements may also be required for storm water drainage areas, pipes and facilities that may need to be provided for or installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision; easements may also be required where natural prescriptive drainage rights must be altered by land subdivision. Easements for pipe systems shall be located so that the pipe is positioned accessible within the easement area or at least 10 feet from the boundary of such easement.

ARTICLE VI
STREETS -STANDARDS AND SPECIFICATIONS FOR
PLANNING, DESIGN AND CONSTRUCTION

- 6.0 **General.** Proposed streets shall be appropriate to the topography and location. Street patterns shall give consideration to contours and natural features and designed in a manner capable of public use and maintenance by the Town of Cornwall.
- 6.1 **Construction Specifications and Requirements.** The construction plans for streets and street drainage required by these Regulations shall be in accordance with these Regulations, and shall be approved in writing by the Board of Selectmen. All construction of such improvements shall be carried out subject to supervision and inspection by the Board of Selectmen or their authorized agent and shall be built in accordance with these Regulations and the Town Road Ordinance. Where there is a conflict between the Road Ordinance and these Regulations, the more restrictive requirements shall apply.
- 6.2 **Street Classification and Planning.** Streets shall be classified into one of the following categories: a local street, a collector street or a private street.
- Local streets provide access to abutting lots. Traffic on these streets should consist primarily of traffic that has a destination on the local street.
- Collector streets provide a travel path for through traffic. Collector streets shall be as designated by the Planning and Zoning Commission.
- Private streets provide an economical access on a gravel surface to a small number of homes. Private streets shall be owned and maintained by the lot owners in the subdivision the street serves.
- Proposed streets and rights-of-way shall be planned in accordance with the following criteria:
- a. Streets shall provide safe and convenient circulation for both present and prospective traffic within the subdivision and within the neighborhood where the subdivision is located.
 - b. Streets should in general follow the contour of the land and should, as far as practical, consider street alignments along an east-west axis (within 30⁰ of either side of true east, to encourage the development of buildings facing true south), and should have a location and grade which accomplishes an attractive layout and development of the land, which preserves natural terrain, large isolated trees and desirable woods and other vegetation which will enhance the property values in the subdivision.
- 6.3 **Continuation of Streets into Adjacent Property.** The arrangements of streets shall provide for the continuation and construction of such streets to the property line between adjacent properties except where the Commission shall find that such extension is unnecessary or impractical for topographic or other reasons.

Where the Commission determines that continuation of a proposed Street should be provided for and where the adjacent property is undeveloped, the proposed street shall be constructed to the property line. A temporary turnaround shall be provided at the end of any such temporary dead-end Street, with a notation on the map to be filed on the land records that the area within the temporary turnaround but outside the normal street right-of-way shall automatically revert to the abutting property owners whenever the street is extended.

At the time of extension, the developer proposing the extension shall be fully responsible for tree removal and planting in the areas outside the new street lines, the replacement of driveway extensions to the new pavement line, and any modifications of paving and drainage made necessary by the extension of the street.

- 6.4 **Dead-end Streets.** Where a street does not extend to the boundary of the subdivision and its continuation will not be required for future access to adjoining property, its terminus shall not be nearer to such boundary than one hundred feet.

Reserve strips of land shall not be left between the end of a permanent dead-end street and an adjacent piece of property. However, the Commission may require the provision of a twenty-foot wide passageway or easement to accommodate pedestrian traffic or utilities.

A turnaround shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall provide access to not more than eight building lots and shall not be more than 2,500 feet in length.

The above limitation on the length of a dead-end street may be waived by a three-fourths vote of all Commission members where it is shown that the additional length of the street (a) will accomplish a better overall subdivision design, and (b) will result in the permanent protection of an open space area or natural resource feature that would not otherwise be so protected. The Commission may waive the limitation of eight lots on a dead-end Street by a three-fourths vote of all Commission members to allow a maximum of fifteen lots where such additional lots are permanently restricted from further resubdivision. Such permanent restriction shall be accomplished by conservation easements deeded to a land conservation organization subject to the review and approval of the Commission.

- 6.5 **Private Street Subdivision.** Within a R-3 and/or R-5 zone the Commission may permit not more than four lots in a subdivision served by a private street subject to the issuance of a special permit under the Zoning Regulations and the following standards and requirements:

- .1 The design and construction of a private street shall comply with all of the standards and requirements for a local street established in these Regulations except (a) the traveled paved portion may have a minimum width of sixteen feet and (b) the surface course may be in accordance with the specifications of Form 813 Section 4.13 "traffic bound gravel surface" as issued and amended by the Conn. Department of Transportation and titled "Standard Specifications for Roads, Bridges and Incidental Construction" and (c) the street grade on graveled portions shall not exceed 7%.

- .2 The subdivision map shall show private streets clearly labeled “private street.” Lots abutting such a private street shall be sold subject to the following provision which shall appear on the subdivision map:

“Before the private street shown on this plan of subdivision or any part thereof may be considered for acceptance by the Town, such private street or part thereof shall first be improved at the sole cost of the affected landowners, so as to comply with any updated and current specifications of the Town of Cornwall Subdivision Regulations and the Town Road Ordinance.”

- .3 The subdivision shall incorporate covenants in the deeds to all the lots served by the private street obliging the grantee, his heirs, successors and assigns to share proportionally with all other building lot owners in the ownership, maintenance, repair, subsequent improvements and related costs of such private street.

The deed covenant shall further require that all building lot owners participate in a common interest community that shall be solely responsible for these above-stated obligations unless and until the private street is fully improved to the standards of the Town of Cornwall Subdivision Regulations and Town Road Ordinance relating to the construction of public streets at the expense of the common interest community, and acceptance as a public street has been voted at town meeting.

These covenant provisions shall appear on the final subdivision map filed with the Town Clerk. It shall be the responsibility of the sub-divider to legally establish the common interest community in accordance with the procedures and requirements of the Connecticut Common Interest Ownership Act (C.G.S. 47-200 as amended).

The legal agreement and the by-laws of the community shall be submitted to the Commission along with the deed covenants for review and acceptance by the Commission’s attorney. The common interest community agreement and by-laws shall be filed with the Town Clerk with the final subdivision map. The common interest community shall meet the following criteria and requirements as a minimum:

- .4 Upon request of an applicant, the Commission may consider approval of a proposed private street, providing such request complies with the following specific requirements:
- a. The common interest community must be legally established and its agreement and by-laws filed with the Town Clerk before the Special Permit for lots on the Private Street Subdivision are approved.
 - b. Membership shall be mandatory for each home or lot buyer, and any successive buyer.
 - c. Any open space restrictions on the subdivision shall be permanent, not for only a given period of time.
 - d. The common interest community must be responsible for liability insurance and local taxes, maintenance of recreational and other facilities and the maintenance of roads.

- e. Members of this community must pay a pro rata share of all costs and expenses. Such costs and expenses shall be levied by the community in a manner and with the agreement that they may become a lien on the property of each member.
- f. The assessments of the community shall be subject to annual adjustments so that they may properly meet stated responsibilities.

6.6 Street Design. The following standards shall apply to the construction of streets.

- .1 Right-of-Way. Local and collector streets shall have a minimum width of 50 feet for the right-of-way.
- .2 Turnaround. A turnaround with a minimum radius of 60 feet for the right-of-way shall be provided at the closed end of all dead-end streets.
- .3 Width of Travelway. Streets shall be designed with the following width of pavement measured between curb faces:
 - a. Local Street: 20 feet with 2' graveled shoulders.
 - b. Collector Street: 24 feet with 2' graveled shoulders.
 - c. Turnaround: 50 foot radius.

The Board of Selectmen may require a greater width of pavement as deemed necessary to accommodate the amount and type of traffic and turning movements to be generated by the intended use of the lots. Alternative designs for turnarounds compatible with site conditions which will minimize environmental impact while providing a functional and maintainable turnaround may be proposed, subject to review and approval by the Board of Selectmen and the Planning and Zoning Commission.

- .4 Gradient. The minimum grade for all streets shall be 1.0% except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following:
 - a. All streets: 10%
 - b. Turnarounds: 3%
- .5 Vertical Curvature. Appropriate vertical curves for transition, including super-elevated curves meeting acceptable engineering standards, shall be established on all streets and at street intersections to ensure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of pavement. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersection.
- .6 Horizontal Alignment. Connecting curves between tangents shall be provided for all deflection angles in excess of five degrees. Suitable tangents shall be provided between curves and the minimum radius of curvature at the centerline of streets shall be as follows:

- a. Vertical gradient less than 5% - 150 feet.

- b. Vertical gradient greater than 5% -250 feet.
- c. Tangents between curves shall not be less than 100 feet in length.
- d. Where wetlands or other natural features would be seriously impacted, the applicant may propose alternative designs compatible with site conditions and accepted engineering practices. The alternative roadway proposal must be favorably reviewed by the Commission's consulting engineer and approved by the Board of Selectmen and the Planning and Zoning Commission.

.7 Intersections.

- a. New road intersections shall be at least 200 feet from any existing intersection, or other proposed intersection, or shall be part of an existing or proposed intersection. Minimum stopping sight distances shall be 200 feet in each direction from the proposed intersection. Minimum intersection sight distances shall be 350 feet and be established by current accepted engineering standards. Greater distances may be required if the Board of Selectmen, in its sole discretion, shall so determine.
- b. Roads shall intersect at 90⁰ angles where feasible. Where unusual topographic conditions warrant, the Board of Selectmen may, through written approval, allow modification of this standard.
- c. Intersections of right-of-way lines shall be connected with a curve having a radius of 35 feet. Edges of pavement at intersections shall be connected with a radius of 25 feet.

.8 Cross Section. Local Streets and Collector Streets shall be designed with a cross section in accordance with the drawing entitled "Typical Street Cross Section Town of Cornwall," which drawing is hereby made a part of these Regulations.

6.7 **Street Construction.** Streets shall be constructed in accordance with the following standards and procedures:

.1 Survey and Field Layout. Instrument surveys shall be made, maintained and recorded as follows:

- a. A centerline survey of the street shall be run in the field and suitable construction ties established to all control points. Stations shall be established at all control points. Stations shall be established at 50 foot intervals and at all points of curvature and points of tangency. The beginning of this line shall be designated as Station 0 + 00 and shall be the intersection point of the proposed centerline with the centerline of the connecting street. Offset hubs shall be provided as part of the centerline survey.
- b. A construction stake shall be placed perpendicular to the tangent, or radial in the case of curves, at each station on both sides of the streets and clear of all construction. The construction stake shall be marked with the station, offset to centerline and cut or fill to profile grade as measured from the top of the stake.
- c. A stake sheet showing the stations, profile grade, stake offsets and grades, and cuts or fills shall be prepared and presented to the Board of Selectmen before construction starts.

- d. Permanent benchmarks shall be established and recorded with the Board of Selectmen throughout the length of the project at 1,000 foot intervals or as directed by the Board. The datum for benchmarks shall be Town, State or U.S. datum; an assumed datum may be used only with the permission in writing from the Board.
 - e. Grades stakes shall be protected and preserved until the construction work is approved by the Board of Selectmen.
- .2 Clearing and Grubbing. The entire area of the right-of-way required to be graded in accordance with the standard cross section shall be cleared of trees, stumps, brush, roots, large rocks, ledge and other unsuitable materials, except that trees suitable for street trees shall be left standing as directed by the Board of Selectmen.
- .3 Preparation of Subgrade. The subgrade will be prepared as follows:
- a. All trees and roots shall be stripped to below the base course of the pavement area for the full width of the pavement. All soft spots, peat, loam, organic material, spongy soil, boulders, ledge and other unsuitable material shall be removed and replaced by material conforming to State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction Form 813-1985, as amended, and hereinafter referred to as Form 813, Section M.02.07. Where ledge rock is encountered, it shall be removed to a depth of 18 inches below subgrade, and the area backfilled with gravel.
 - b. Embankments shall be constructed of suitable fill material deposited in successive layers not exceeding 12 inches in depth after compaction; embankments to an elevation of three feet above free water surface at the time of filling shall be constructed of rock and/or free draining material conforming to Form 813, Section M.02.07. No stone over five inches in its greatest dimension shall be placed within 18 inches of the elevation of the subgrade.
 - c. The subgrade shall be compacted by the use of tread type equipment, or power rollers of at least 16 tons, or by other means approved by the Board or its agent. The subgrade shall be brought to a uniform surface to conform to the shape of the required cross section.
 - d. Where rock fill is used, fill shall be installed in lifts no greater than three feet to the desired depth.
 - e. The Board of Selectmen may require the installation of underdrains beneath the street pavement or in the right-of-way where necessary to protect the stability of the pavement.
- .4 Base Course. The base course shall be constructed as follows:
- a. On the prepared and approved subgrade, a gravel base shall be constructed having a depth of 12 inches after compaction, and a finish course of processed aggregate base four inches thick after compaction. The gravel material and construction methods shall conform to Section M.02.02 and 3.02 and the processed aggregate base to Section 3.04 and M.05.01 of Form 813.

- .5 Surface Course. On the prepared and approved base course there shall be constructed a two-course surface of bituminous concrete, a 2” Class I bituminous binder course and a 1” Class II bituminous surface course. Construction methods and materials shall conform to Form 813, Section M.04.01 and Section 4.03, Bituminous Concrete Paving Mixture Binder Course. The surface course shall be installed when the temperature is 40 degrees and rising unless written permission is obtained from the Board of Selectmen and unless a period of at least 60 days has elapsed with the drainage subgrade and base course in place where deemed necessary.
- .6 Curbs. Where necessary Bituminous concrete curbs shall be constructed on the outer edge of the completed pavement. Curbs shall be machine formed, having a cross section approved by the Board of Selectmen, a height of six (6) inches and a base width of 9 inches. The curb material method of construction shall conform to Form 813, Section M.04.01 and Section 8.15. Where driveways exist or are planned, depressed curbing must be installed. The surface of the pavement where the curbing is to be constructed shall be cleared of all loose and foreign material, shall be dry and shall be coated with an R.C.-2 or other bitumen just before placing the material. The material shall be properly compacted to the required cross section by use of a suitable machine specifically designed for the purpose. After completion of the curbing, traffic shall be kept at a safe distance for a period of not less than 24 hours and until the curbing has set sufficiently to prevent injury to the work. The requirements of Connecticut General Statutes 7-118a shall be complied with wherever applicable.
- .7 Slopes. Cut or fill slopes beyond the shoulder area shall not exceed one foot of rise or fall for each three feet of horizontal distance, but the Board of Selectmen may permit a variation in the degree of slope to whatever extent is necessary to maintain the stability of the bank under the particular conditions. All earth surfaces of slopes, and areas that have been disturbed in any way due to grading and construction of the streets, shall be covered with a minimum of four inches of top soil and suitably seeded or planted to prevent soil erosion. The Board of Selectmen may require the removal or lowering of embankments adjacent to street intersections in order to assure adequate sight distance at the intersection. No cut or fill sections beyond the right-of-way shall extend into property outside the subdivision or property not owned by the applicant, unless appropriate slope rights are obtained for the Town.
- .8 Guide Posts. Guide posts shall be installed along all streets where there will be an embankment with a depth of four feet or more within 20 feet of the proposed pavement. Posts shall conform to Form 813, Section M.10.01 and shall be installed in accordance with Form 813, Section 9.01 spaced six feet on center with a minimum tip diameter of six inches and a minimum length of seven feet.
- .9 Site Clean-up. All large rocks, boulders, felled trees, stumps and brush shall be removed from the street right-of-way and shall be deposited and suitably covered at an approved location on the property.

6.8 **Storm Drainage Design.** Storm drainage for streets shall be planned and designed in accordance with the following standards:

- .1 General. Sufficient pipe shall be installed to carry existing watercourses in the street right-of-way and to drain both the proposed street or streets and extensions thereof or other streets which, based on topography, will be served by the same drainage system. No open ditches or channels shall be provided in the street right-of-way unless (a) sufficient additional right-of-way, in excess of the minimum standard width, is provided so as to maintain the standard cross section and (b) proper provision is made for protective guide posts or rails. Street drainage systems shall take into account the effects upon downstream systems, shall be coordinated with general drainage requirements for the use and development of the abutting land and shall provide for the following:
 - a. Use and protection, and improvement if needed, of the natural drainage system;
 - b. Interception of channel drainage coming from any adjoining property or street;
 - c. Protection of locations, both in use or proposed, necessary for on-site sewage disposal and water supply facilities and
 - d. Prevention of flooding and soil erosion.

.2 Runoff Calculations. The method to be used in determining runoff include the Rational Method, the Soil Conservation Service (SCS) TR-55, TR-20 or their equivalent.

For drainage greater than 100 acres, the Rational Method shall not be used. All storm drainage facilities shall be designed based on the following storm return frequency criteria:

- a. Drainage System: All drainage systems shall be designed for a storm return frequency of 10 years.
- b. Discharge Pipe at Outlet: All outlets shall be designed for a storm return frequency of 10 years.
- c. Cross Culverts: All culverts crossing any street shall be designed for a storm return frequency of 25 years.
- d. Minor Streams (Watershed Area 200 to 1,000 acres): All minor streams shall be designed for a storm return frequency of 50 years.
- e. Major Streams (Watershed Area more than 1,000 acres): All major streams shall be designed for a storm return frequency of 100 years.

The applicant's consultant shall provide the Commission with drainage computations to determine the adequacy of storm water systems, including the spacing of catch basins and the need for double basins in roadway sags.

- .3. Pipe Design. The minimum size of storm water pipe shall be 15" in diameter. Coefficients used in design for reinforced concrete pipe shall be $N = 0.013$ and for asphalt coated corrugated metal pipe $N = 0.021$. The minimum slope of pipes shall be 0.5%. Pipe size and slope shall be such that the head on the invert shall be contained without damage to any adjacent property. Pipe, except for underdrains, shall be laid on straight alignments, both horizontally and vertically, with manholes, spaced not more than 400 feet apart, providing access at all deflection points or at the junction of two or more lines. The open end cover over the top of the pipe shall be 24 inches. Culverts under streets shall extend to the edge of the right-of-way.
- .4. Discharge. The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams, wetlands or into Town or State drainage systems with adequate capacity to carry the discharge. Otherwise there shall be no discharge onto or over private property within or adjoining the street unless (a) proper easements and discharge rights have been secured by the applicant, (b) such easements and rights are transferable to the Town and (c) there will be adequate safeguards against soil erosion and flood danger.

Easements shall be at least thirty feet in width, offset 10 feet and 20 feet respectively from the storm drain and extended to a suitable existing storm drain or an adequate natural watercourse or wetlands. Greater easement width may be required for ditches/channels or unusual site conditions. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds and wetlands from pollution.

6.9 Drainage Construction. Storm drainage shall be constructed in accordance with the following standards:

- .1 Pipe. All storm drainage pipe shall be either Class 4 reinforced concrete pipe (RCP), asphalt coated corrugated metal pipe (ACCMP) or corrugated aluminum pipe and shall conform to the requirements of Form 813, Section 6.51. The minimum cover over all storm drainage within the right-of-way lines shall be two feet. Where water is encountered in the pipe trenches, or where the Selectmen shall direct, storm drains shall be either slotted RCP, perforated ACCMP or perforated aluminum pipe and shall conform to the requirements of Form 813, Section 7.51. In general, underdrain shall be installed on the uphill side of the road. Reinforced Concrete Pipes (RCP) Class IV shall normally be specified for storm drainage systems except when fill heights require Class V. Asphalt coated Corrugated Metal Pipe (ACCMP) with paved inverts should be used where clearance is limited by utilities, on grades over 10%, and where uneven support is expected. Gauges for corrugated metal pipe shall be as suggested by the manufacturers and approved by the Public Works Department depending on fill heights above top of pipe.

- .2 **Methods.** Storm drainage pipe shall be laid in accordance with the following procedures:
 - a. Prior to laying pipe, the trench shall be excavated to the required depth, the bottom of which shall be graded to afford a uniformly firm bearing for the pipe throughout its length. Where rock is encountered, it shall be excavated to not less than 6” below the bottom of the trench and this depth shall be refilled with crushed stone and thoroughly tamped and shaped. Where the nature of the foundation material is poor, it shall be removed and backfilled with gravel or crushed stone approved by the Board of Selectmen, or its agent.
 - b. All pipe shall be carefully laid, true to the lines and grades given, hubs upgrade and with the ends fully entered into adjacent hubs.
 - c. Line and grade stakes shall be set by a Connecticut licensed land surveyor or professional engineer and shall be maintained in good order until the work has been inspected and approved by the Board of Selectmen. Where necessary, three batter boards shall be maintained in place at all times when laying pipe and shall not be spaced more than 30 feet apart.
 - d. In sandy, silty or other soil in which there is a danger of washing or cave-ins, the joints of concrete pipe shall be thoroughly wetted and caulked.
 - e. All metal pipe shall be carefully joined and firmly clamped together by approved connecting bands which shall be properly bolted in place before any backfill is placed.
 - f. The backfill around the pipe and to a depth of at least eight inches on top of pipe shall consist of crushed stone; where the drainage pipe is necessary to serve as an under drain for the street or to control the water table, the remainder of the trench may be backfilled with bank run gravel upon approval of the Board of Selectmen.
 - g. “Riprap” conforming to the requirements of Form 813, Section 7.03 and M.12.02-3, shall be placed at inlets, outlets, in channel beds at bends or curves as required to prevent scouring, erosion and/or siltation of streams and culverts. Computations shall be submitted for sizing riprap.
 - h. The inlets and outlets of all exposed drainage culverts shall be protected by concrete or mortared stone headwalls, endwalls, and, where necessary, appurtenant wingwalls. All endwalls shall conform to the requirements of Form 813, Section 5.06.
 - i. Catch basins, manholes, drop inlets, endwalls and other related drainage structures shall be constructed in accordance with Form 813, Section 5.07.
- 6.10 **Sidewalks.** Where sidewalks are to be installed, as determined by the Board of Selectmen and the Planning Commission, they shall be constructed of portland cement concrete or bituminous concrete as follows:
- .1 **Width and Location.** Sidewalks shall be a minimum of four feet in width and shall be located within the street lines with one edge abutting the property line. The requirements of Connecticut General Statutes 7-118a shall be complied with wherever applicable.

- .2 **Bituminous Sidewalks.** Bituminous concrete sidewalks shall be laid on a six inch gravel base, tamped and rolled, and three inches thick after compaction. The bituminous materials used shall conform to Form 813, Section M.04.10 and the construction shall conform to Section 9.22.
- .3 **Concrete Sidewalks.** Portland cement concrete sidewalks shall be laid on a six inch bank run gravel base, tamped and rolled and shall be constructed of concrete four inches in thickness. Materials shall conform to Form 813, Section M.03.01 for Class "A" concrete and shall be constructed in accordance with Form 813, Section 9.12.

6.11 **Miscellaneous.**

- .1 **Street Signs.** Street name signs shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen.
- .2 **Monuments and Pins.** Monuments shall be provided on both street right-of-way lines at the beginning and termination of each street and at each deflection or tangent point in between. Monuments shall be made of pre-stressed concrete or granite and shall be not less than five inches square by 30 inches in length with a suitably marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors.

In addition to required monuments, iron pins, not less than 3/4 inch in diameter and 36 inches in length consisting of a suitable rod or pipe, shall be placed (a) at each point of intersection of a lot line and the right-of-way line of a street and (b) at all other lot corners and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. Monuments may be substituted for iron pins. Pins, however, are not required at each change in direction of an irregular lot line such as along a stream or stone wall.

- 6.12 **Street Trees.** Where the Commission determines there are insufficient existing trees within the proposed subdivision, it may require the planting of additional street trees. In general, street trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, in locations approved by the Commission. Trees to be planted shall be at least 3 inch diameter breast high and shall have a minimum height of 10 feet. The species of trees shall be subject to the approval of the Commission. Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front 10 feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Commission.

- 6.13 **Underground Utilities.** Electric and telephone lines and facilities in new streets shall be installed underground unless the Commission has determined that such underground installation is in whole or in part inappropriate or unfeasible. Where possible, such lines and facilities shall not be located under the Street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement.

ARTICLE VII
DRAINAGE-STANDARDS FOR PLANNING, DESIGN
AND CONSTRUCTION

7.0 **General.** The storm drainage system shall provide for drainage from the entire area of the subdivision and shall take into account land outside the subdivision which normally drains across the area of the subdivision as well as the effects of the subdivision upon down-stream drainage systems. The drainage system for the subdivision shall make use of and protect, and improve as needed, the natural drainage system; construction of artificial ditches should be avoided, and no stream or watercourse shall be diverted, filled or enclosed in pipe without specific authorization of the Commission. The drainage system shall provide for the following:

- a. Adequate drainage of proposed streets, including future extensions thereof into adjoining property; (see Article VI)
- b. Interception of existing channeled drainage coming from any adjoining property or street;
- c. Protection of locations necessary for on-site sewage disposal and water supply facilities;
- d. Prevention of flooding and soil erosion; and protection of wetlands and water-courses; and
- e. On-site detention where feasible, in order that runoff from the developed subdivision not exceed the rate of runoff before subdivision (zero incremental increase in runoff).

7.1 **Storm Drainage Requirements.**

- .1 Storm Drainage Requirements related to the construction of streets shall be as provided for Article VI.
- .2 Runoff Determination. The method to be used in determining runoff for drainage areas shall be the same as provided in Article VI.
- .3 Design Storm Criteria. All storm drainage facility designs shall be based on the storm return frequency criteria established in Article VI.
- .4 Storm Water System Analysis. The applicant's consultant shall provide the Commission with drainage computations to determine the adequacy of storm water systems. Where required by the Commission, the applicant shall provide a map of the subregional watershed for the subdivision showing the subdivision location.
- .5 Detention Basins. The Commission may require the construction of detention basins for the purpose of controlling peak discharge from a developed area. The storm drainage and stream flow computations shall be of sufficient adequacy that an assessment of the need for detention can be made.

Detention basins shall be designed for a storm return frequency consistent with Article VI and shall be capable of reducing peak flows for storms with return frequencies ranging from 2 through 25 years at a minimum or as determined by the Commission.

The methods developed by the Soil Conservation Service, U.S.D.A. for computing the outflow from detention areas will be used. The construction requirements and details for the design of detention basins shall be approved by the Commission.

- 7.2 **Discharge.** The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge.

There shall be no discharge onto or over private property within or adjoining the subdivision unless (a) proper easements and discharge rights have been secured by the applicant, (b) such easements and rights are transferable to the Town where the discharge includes storm water from any street and (c) there will be adequate safeguards against soil erosion and flood danger. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds and wetlands from pollution.

ARTICLE VIII
IMPROVEMENTS AND GUARANTEE OF COMPLETION
AND MAINTENANCE

8.0 **Improvements.** The subdivider may either construct all improvements required in connection with the Subdivision, or in lieu of the completion of such work and installation previous to the endorsement of a plan, the Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it securing to the Town the actual construction and installation of such improvements. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer for the construction of any building in the Subdivision, unless all improvements have been completed and accepted by the Town or until the aforementioned performance guarantee has been accepted.

8.1 **Performance Guarantee.** In lieu of requiring the completion of required improvements, including erosion and sediment control measures, previous to endorsements of a Subdivision Plan, the Commission may accept a performance guarantee in an amount and with security and conditions satisfactory to it.

a. Definition. For the purpose of this section, a performance guarantee shall mean one of the following, subject to legal review and the approval of the Commission:

- A passbook savings account.
- An irrevocable letter of credit.
- Any other form of security satisfactory to the Commission.

b. Submission. The performance guarantee shall be submitted to the Commission within 45 days after the approval of a subdivision plan. If a performance guarantee is not so filed with the Commission, subdivision approval shall be deemed automatically void.

c. Amounts and Coverage. The performance guarantee shall be for an amount sufficient to secure to the Town the actual construction and installation of such improvements and utilities. The amount of performance guarantee shall be set by the Commission. The period of coverage of the guarantee shall be determined by the Commission, but shall be not less than one year from the day of approval of the Subdivision Plan. The Commission may extend the completion date for public improvements for additional periods. As a condition for such extension, the Commission may require an increase in the amount of the performance guarantee.

d. Form. The performance guarantee shall be duly executed on forms provided or approved by the Town, with proper reference to all maps and plans showing the streets, drainage and other improvements covered by the performance guarantee and shall have attached thereto a copy of a detailed cost estimate. The performance guarantee shall be provided as follows:

Guarantee Secured by a Passbook Savings Account. shall be accompanied by:

- The Savings Account Passbook;
- A withdrawal slip in the amount of the Guarantee, properly endorsed and made

payable to the Town; and

- A letter from the Bank acknowledging that the account has been assigned to the Town for the period established for the construction or installation of the required improvements, plus six months.
- Guarantee Secured by Irrevocable Letters of Credit shall be provided by a bank or other similar reputable institution subject to the approval of the Commission and subject to legal review. The Letter of Credit shall be in such form and accompanied by such documents as may be prescribed by the Commission.
- Guarantee in Such Other Form as may be approved by the Commission after legal review.

8.2 Inspection of Improvements. The Board of Selectmen or other designated inspector shall be informed by the applicant in advance of all relevant construction by the developer and may inspect required improvements during construction to assure satisfactory completion. In the case of a new street(s) or change(s) in existing street(s), the work shall be inspected in accordance with these Regulations and the Town Road Ordinance. If the Board of Selectmen or other designated person finds upon inspection, that any of the required improvements have not been constructed and maintained in accordance with the approved plans, he shall notify the applicant and the Commission in writing and the applicant shall be responsible for completing or repairing said improvements according to specifications.

8.3 Improvements Required by Unforeseen Conditions. If during the course of construction of any new street, or any other improvements required by the Commission as part of an approved subdivision, additional work is required in order to remedy unforeseen conditions, such additional work shall be done by the developer at no cost to the Town. Such unforeseen conditions may include, but shall not be limited to, springs, existing drains, swampy conditions, sidehill drainage from cuts, bedrock.

8.4 Modification of Design of Improvements. Before or during the construction of required improvements, it may be demonstrated to the satisfaction of the Board of Selectmen or the designated inspector, that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements. If so, such modification may be authorized upon approval of the Chairman of the Commission, provided these modifications are within the spirit and intent of the Commission's approval and do not constitute a waiver of any regulation or substantial alteration of the improvements as required by the Commission. Any such authorization under this Section shall be issued in writing and shall be transmitted to the Commission at its next regular meeting.

8.5 Failure to Complete Improvements. Where a performance guarantee has been posted and required improvements have not been installed within the terms of such guarantee, the Town may thereupon declare the performance guarantee to be in default and require that all the improvements be installed.

- 8.6 **Partial Release.** When and if the Commission determines that a substantial portion of the improvements called for in the Subdivision Plan approved by the Commission has been completed, the Commission may authorize one or more partial releases of a portion of the guarantee, the balance to be sufficient to guarantee completion of the public improvements. Such partial release, if any, shall be authorized by the Commission only upon the recommendation of the Board of Selectmen or the designated inspector. Releases shall be granted in amounts in excess of \$1,000. In no event shall more than 75% of the total amount of the performance guarantee be released.
- 8.7 **Final Release.** A performance guarantee will not be finally released until requested, in writing, by the applicant and the following conditions have been met:
- a. Certification and Acceptance. The Board of Selectmen or the designated inspector has submitted a letter stating that all required improvements have been satisfactorily completed.
 - b. As Built. The applicant's engineer or surveyor has certified to the Commission, through submission of detailed "as built" plans, that all improvements are in accordance with submitted construction plans for the subdivision. "As built" plans shall include plan and profile maps, and may at the discretion of the Commission, include grading plans and erosion and sedimentation control plans. Such plans shall show any modifications or changes made during construction, and one copy of each provided be on polyester film (mylar).
 - c. Maintenance Performance Guarantee. A maintenance performance guarantee, as described below, where deemed necessary, shall be filed with the Town.
 - d. Documents and Conditions. Confirmation that all required documents have been furnished to the Commission and all conditions and requirements of its approval, including the placement of lot markers, have been satisfied.
- 8.8 **Maintenance of Improvements.** The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Town.
- a. Maintenance Performance Guarantee. The applicant shall be required to file a maintenance performance guarantee with the Town in order to assure the satisfactory condition of the required improvements. In the case of improvements which are not to be offered for acceptance by the Town, the maintenance guarantee must be in effect for a period of twenty-four months from the release of the performance guarantee.
- In the case of improvements which are to be offered for acceptance by the Town, the maintenance guarantee shall be in effect for a period of twenty-four months from the release of the performance guarantee or until acceptance of the improvement by the Town, whichever period is lesser. The maintenance guarantee shall be in an amount set by the Commission but in no case shall be less than 10% or more than 50% of the amount of the performance guarantee.

- b. The maintenance guarantee will not be released by the Commission until requested in writing by the applicant. Such request shall be accompanied by a letter from the Board of Selectmen or the designated inspector recommending said release and stating that all required improvements have remained in good condition during the maintenance period.

APPENDIX

The following is a list of the general notations required to be shown on the various maps and plans to be submitted as part of a Subdivision Application. Other more detailed notations, which are not listed here, may be required to meet the specifications of the Subdivision Regulations.

1. The following information shall be included in the Title Block to be shown on all maps and plans:

TITLE BLOCK

Title of the Subdivision

Name of Land Owner:

Name of Applicant:

Zoning District:

Drawn by:

Date:

Professional Seal:

Dates of Revisions: _____

2. The following Approval and Endorsement Block shall appear on the Record Subdivision Map and Construction Plan:

APPROVAL AND ENDORSEMENT BLOCK

Approved by the Cornwall Planning and Zoning Commission on _____
(date of meeting)

Recommended for approval by the Cornwall Board of Selectman on _____
(for Construction Plans only)

Endorsed By

Chairman/Secretary _____ Date _____

And Delivered To the Applicant On _____
(date of delivery)

IN ACCORDANCE WITH STATE STATUTE 8-26C, ALL WORK IN CONNECTION WITH THIS SUBDIVISION SHALL BE COMPLETED BY _____.

Fill in date of five years from the date of endorsement (see above).

3. Pursuant to Section 4.2.6, when a subdivision does not include land in the Cornwall Flood Hazard Area, the following notation shall be shown on the Record Subdivision Map:

“This subdivision does not include land areas within the Flood Hazard Area Overlay Zone as defined under the Cornwall Zoning Regulations.”

4. Pursuant to Section 4.5, where the Commission determines that an erosion and sediment control plan shall be required as a part of a zoning permit application, the following notation shall be shown on the Record Subdivision Map:

“A detailed erosion and sediment control plan associated with the development of the following subdivision lots (specifying the lot numbers) shall be required as part of the application for the zoning permit and shall be certified by the Commission or its authorized agent prior to issuance of the zoning permit.

