

**SALISBURY SUBDIVISION REGULATIONS**  
**Effective Date 15 June 2008**

**TABLE OF CONTENTS**

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1.0 AUTHORITY, PURPOSES AND GENERAL PROVISIONS	3
2.0 GENERAL REQUIREMENTS	5
3.0 APPLICATION PROCEDURES	6
3.1 PRE-APPLICATION REVIEW	
3.2 APPLICATION	
3.3 REVIEW OF PLANS	
3.4 PUBLIC HEARING	
3.5 WAIVER	
3.6 ACTION ON APPLICATION	
3.7 PERFORMANCE BONDS	
3.8 EASEMENTS AND DEEDS	
3.9 FILLING OF APPROVED MAPS	
3.10 MODIFICATION OF APPROVED PLANS	
4.0 INFORMATION REQUIRED FOR SUBDIVISION APPLICATIONS	13
4.1 GENERAL	
4.2 BASIC REQUIREMENTS FOR ALL MAPS AND PLANS	
4.3 SUBDIVISION MAP AND SITE DEVELOPMENT MAP	
4.4 SUBDIVISION MAP	
4.5 SITE DEVELOPMENT MAP	
4.6 CONSTRUCTION PLANS	
4.7 SEDIMENT AND EROSION CONTROL PLAN	
5.0 OPEN SPACE AND COMMON ELEMENTS	19
5.1 PROTECTION OF NATURAL FEATURES	
5.2 LOT LAYOUT	
5.3 OPEN SPACE	
5.4 COMMON ELEMENTS	
6.0 DESIGN STANDARDS AND REQUIREMENTS FOR STREETS	23
6.1 GENERAL	
6.2 STREET HIERARCHY	
6.3 DESIGN STANDARDS BY STREET TYPE	
6.4 DRIVEWAYS	

6.5	INTERSECTIONS	
6.6	CURBS, SIDEWALKS AND GUARD RAILS	
6.7	TELEPHONE, CABLE AND ELECTRICAL UTILITIES	
6.8	STREET NAMES	
6.9	SIDE SLOPES	
6.10	MONUMENTS AND PINS	
6.11	TRAFFIC CONTROL	
6.12	STREET LIGHTS	
6.13	DEAD END STREETS	
6.14	LOTS ON DEAD END STREET	
6.15	LOTS ON DEAD END STREET-STANDARDS & CRITERIA	
6.16	PRIVATE STREETS	
7.0	STORM WATER DRAINAGE	38
7.1	GENERAL	
7.2	DETENTION BASINS	
8.0	SOLAR AND RENEWABLE ENERGY	40
8.1	SITE DESIGN	
8.2	PASSIVE SOLAR ENERGY	
8.3	PASSIVE SOLAR ENERGY TECHNIQUES	
9.0	WATER SUPPLY	41
9.1	PUBLIC WATER SUPPLY	
9.2	PRIVATE WATER SUPPLY	
10.0	FIRE PROTECTION	42
10.1	FIRE HYDRANTS	
10.2	FIRE PONDS, DRY HYDRANTS AND CISTERNS	
11.0	SEWAGE DISPOSAL	43
11.1	PUBLIC SEWER SYSTEMS	
11.2	ON-SITE SEWAGE DISPOSAL SYSTEMS	
12.0	ENFORCEMENT	43
13.0	DEFINITIONS	44
14.0	AMENDMENTS	47
15.0	VALIDITY	47

## **SALISBURY SUBDIVISION REGULATIONS SALISBURY PLANNING AND ZONING COMMISSION**

### **1.0 AUTHORITY, PURPOSES AND GENERAL PROVISIONS**

#### **1.1 AUTHORITY**

These Regulations are adopted by the Town of Salisbury Planning and Zoning Commission under the authority of Chapter 126 of the Connecticut General Statutes.

#### **1.2 PURPOSES**

As provided in Section 8-25 of the Connecticut General Statutes, these Regulations are adopted for the following purposes:

- 1.2.1 Protecting and providing for the public health, safety and welfare in the community and promoting the general welfare and prosperity of its people.
- 1.2.2 Promoting the coordinated development of the community and guiding future growth and development in Salisbury in accordance with the Plan of Conservation and Development.
- 1.2.3 Ensuring that land to be subdivided is of such character that it can be used for building purposes without danger to health or public safety.
- 1.2.4 Guiding public and private policy and action in order to provide safe, adequate and efficient transportation, drainage, water, sewer, parks, open space, schools and other public facilities.
- 1.2.5 Providing for the circulation of traffic throughout the community so that proposed roads shall be in harmony with existing and proposed roads, especially as regards safe intersections, and shall be so arranged and of such width as to provide an adequate and convenient system for present and future traffic needs.
- 1.2.6 Establishing reasonable standards of design and procedures for subdivisions in order to serve the proposed subdivision.
- 1.2.7 Ensuring that public facilities and services are available and have adequate capacities to serve the proposed subdivision.
- 1.2.8 Preventing the pollution of the air, streams, rivers and water bodies and their watersheds; assuring the adequacy of drainage facilities, providing for protective flood control measures;

- and encouraging the wise use and management of natural features throughout the community in order to preserve the integrity, stability and beauty of Salisbury and the value of the land.
- 1.2.9 Preserving the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features.
  - 1.2.10 Encouraging land use patterns that protect and maintain natural resources.
  - 1.2.11 Encouraging energy efficient patterns of development and land use, use of solar and other renewable forms of energy and energy conservation.

**1.3 APPLICABILITY** No subdivision of land shall be made and no lot in any subdivision shall be sold, or offered for sale, until a subdivision map, prepared in accordance with these Regulations, has been approved by the Salisbury Planning and Zoning Commission and the approved map has been endorsed by the Commission Chairman or Secretary and filed in the Office of the Salisbury Town Clerk.

**1.4 CONFORMITY TO ZONING REGULATIONS**

All subdivision plans shall conform to the Salisbury Zoning Regulations in effect at the time of the receipt of the subdivision application.

**1.5 INTERPRETATION**

- 1.5.1 Where a conflict arises between the provisions of these Regulation and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
- 1.5.2 For the purposes of interpretation and enforcement of these Regulations words not defined in this Section shall be defined by the Commission after consulting and considering as necessary:
  - A. The Building Code;
  - B. The "Illustrated Book of Development Definitions";
  - C. The Connecticut General Statutes;
  - D. Black's Law Dictionary;

- E. A comprehensive general dictionary (such as Webster's Third New International Dictionary).
- 1.5.3 Words used in the singular shall include the plural, and the plural the singular.
- 1.5.4 Words used in the present shall include the future.
- 1.5.5 The phrase "these Regulations" shall refer to the entire Subdivision Regulations.
- 1.5.6 The word "Section" shall refer to a section of these Regulations, unless otherwise specified.
- 1.5.7 The word "person" shall include any individual, firm, partnership, corporation, association, organization or other legal entity and the word "subdivider" shall include applicant and developer.

## **2.0 GENERAL REQUIREMENTS**

### **2.1 APPLICABILITY**

- 2.1.1 These Regulations shall apply to any subdivision or re-subdivision of land within the Town of Salisbury, Connecticut.
- 2.1.2 No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a subdivision map plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission and has been filed in the office of the Town Clerk.
- 2.1.3 The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or re-subdivision under the provisions of these Regulations.

**2.2 SELF IMPOSED RESTRICTIONS** If a subdivider places a restriction on any of the land being subdivided which is greater than that required by the Zoning Regulation or these Subdivision Regulations, such restriction shall be indicated on the subdivision map and referenced in the deed.

**2.3 INTER-MUNICIPAL PARCELS** When access to a subdivision or a lot can only be achieved across land which is located in another municipality, the applicant shall demonstrate that the access road has been legally

established and is adequately improved, or that a performance bond has been posted to assure adequate improvements, and that the road will be adequately maintained.

- 2.4 LAND CHARACTER** Land which the Commission finds to be unsuitable in its present condition for building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soils, utility easement or similar features which might pose a threat to the public health, safety or welfare shall not be approved for subdivision unless adequate provisions are made by the subdivider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.

### **3.0 APPLICATION PROCEDURES**

#### **3.1 PRE-APPLICATION REVIEW**

To expedite the technical review of proposed subdivision applications and to provide procedural guidelines for prospective applicants, it is recommended that each prospective applicant:

- 3.1.1 Thoroughly review the requirements of these Regulations and other applicable regulations, including where applicable: the Salisbury Inland Wetland Regulations, the Housatonic River regulations and guidelines, Aquifer Protection regulations and Town Ordinance Governing Individual Sewage Systems.
- 3.1.2 Contact all Town agencies, in addition to the Planning and Zoning Commission, whose approval or report will be required as part of the formal application in order to understand their requirements for complying with these regulations.
- 3.1.3 Submit for preliminary review by the Town Staff and the Commission a draft subdivision map showing proposed lot lines, driveway and road locations as they relate to existing conditions including contour lines and soil types, open spaces, easements and rights of way and important natural and other features as site conditions including the boundaries of wooded areas, location of specimen trees, historic and archeological sites, stone walls, habitat of threatened, endangered species or species of

special concern as defined by the State Department of Environmental Protection. To be placed on the agenda of the Commission's next regularly scheduled meeting, the draft subdivision map must be received at least six days prior to the meeting. The draft map shall be a tentative proposal to be used for the sole purpose of clarifying and guiding the design of a subdivision map to be later submitted with a formal application, and shall not be construed to constitute an application for approval within the meaning of the Connecticut General Statutes. The Commission may review a draft subdivision map, along with any other relevant comments, at a meeting and advise the prospective applicant of its comments and suggestions, if any, for changes. Such comments and suggestions shall be purely advisory in nature and shall not bind either the Commission or the prospective applicant. The Commission's comments and suggestions shall not imply approval or denial.

### **3.2 APPLICATION**

- 3.2.1 An applicant for subdivision shall submit to the Zoning Administrator, as the representative of the Commission, the following:
- A. Completed application form as prescribed by the Commission;
  - B. Two copies of the information specified in Section 4.0, up to five additional copies shall be provided where required by the Commission; and
  - C. The application fee as set by Town Ordinance on Land Use Fees.
- 3.2.2 A subdivision application which involves a regulated activity, as defined in the regulations of Salisbury Inland Wetlands Commission shall be submitted after, or at the same time as, an application to the Inland Wetlands Commission. Where a subdivision application involves a regulated activity under the Salisbury Inland Wetland and Watercourse Regulations the application shall be submitted first to the Inland Wetland and Watercourse Commission. The Connecticut General Statutes

permit simultaneous submission to the Planning and Zoning Commission and Inland Wetland Commission but this is not encouraged unless it is clear that there is not significant inland wetland activity associated with the proposed subdivision development application.

- 3.2.3 To be placed on the agenda of the Commission's next regularly scheduled meeting, the application must be received at least ten days prior to the meeting. The date of receipt of the application is governed by the Connecticut General Statutes.

### **3.3 REVIEW OF PLANS**

- 3.3.1 The Commission at its discretion may schedule a site visit to familiarize the members with a proposed plan and the conditions of the subject property.
- 3.3.2 For the purpose of such a site visit, the applicant shall at the request of the Commission have a surveyor stake out the parcel perimeter, lot boundaries, easement boundaries, drainage structures, and/or the centerline of any proposed road and driveway. The staking shall be done in such a manner that the Commission members visiting the site can readily identify the locations of the parcel, the roads and driveways, the easements, the drainage structures and the lots.

### **3.4 PUBLIC HEARINGS**

- 3.4.1 As required by the Connecticut General Statutes, the Commission shall hold a public hearing on all applications for resubdivision. The applicant is responsible for submitting sufficient evidence for the Commission to determine if the application is a subdivision or resubdivision.
- 3.4.2 The Commission may hold a public hearing on any subdivision application when, in the opinion of the Commission, the application warrants a public hearing.
- 3.4.3 In addition to the notification requirements in the Connecticut General Statutes, notice of all public hearings shall be given in the following manner.

It shall be the responsibility of the applicant to send written notice furnished by the Zoning Administrator of the pending application to all neighboring property owners. Neighboring properties shall include the record property owners, as shown on Assessor records, with 200' in all directions from the proposed subdivision perimeter boundary, including properties located across the road, which except for road would also be adjoining.

Notice shall be certified by mail, return receipt requested, on forms provided by the Zoning Office. The notice shall be mailed no later than ten days prior to the date of the public hearing. The date of the hearing may be counted in calculating this 10 day prior notice requirement.

The applicant shall submit to the Commission a list of the names and addresses of all neighboring property owners and all certified mail receipts prior to the commencement of the public hearing. The Commission shall not consider the application complete, nor shall it approve such application, if the list and the recipients have not been submitted.

### **3.5 WAIVER**

The Commission may waive any requirement of these Regulations by an affirmative vote of four seated Commission members, provided:

- A. The applicant shall request the waiver in writing.
- B. The request shall detail the waiver requested and shall provide sufficient information for the Commission to determine if the waiver is warranted, and
- C. The Commission determines that all the following conditions are met:
  - 3.5.1 The waiver is not for the purpose of creating additional building lots;
  - 3.5.2 Conditions exist which affect the subject land and are not generally applicable to other land in the area; and

3.5.3 The waiver will not result in any significant adverse impact on an adjacent property or on public health or safety.

The Commission shall state on the record the reason for granting the waiver.

### **3.6 ACTION ON APPLICATION**

3.6.1 The Commission may deny an application when the Commission determines that the application is incomplete.

3.6.2 The Commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application. The grounds for its actions shall be stated in the Commission's records.

3.6.3 The Commission may approve or approve with modifications a subdivision to be developed in phases only if the Commission determines that each individual phase meets the requirements of these Regulations and clear phase lines are shown on the Subdivision Plan Map and approved by the Commission.

### **3.7 PERFORMANCE BONDS**

3.7.1 Prior to the signing of an approved subdivision map by the Commission Chairman or Secretary, the applicant shall post a performance bond with the Town in an amount sufficient to satisfactorily complete all roads, utilities and other public improvements that are to be made in connection with the subdivision. The bond shall cover a period described in the Road Ordinance.

3.7.2 The amount of the performance bond shall be determined by the Commission which may request review of the same by a professional engineer and/or the Town of Salisbury First Selectman. In computing the amount of the performance bond the Commission shall increase the computed amount by 10% to cover contingencies.

3.7.3 Performance bonds shall be in one or more of the following forms.

- A. A certified check payable only to the Town of Salisbury.
- B. At least 10% of the bond shall be in the form of an interest bearing certificate of

deposit, a money market account or a saving passbook account. The account shall be federally insured. The names of the developer and the Town of Salisbury shall be on the account and shall be accompanied by a withdrawal slip signed by the developer.

C. A maximum of 50% of the performance bond may be in the form of a surety bond from a surety company licensed to do business in the State of Connecticut. The bond shall cover a period described in the Road Construction Specifications Ordinance.

3.7.4 Prior to the acceptance of the improvements covered by the performance bond, the Town may use all or part of the funds provided by the performance bond to keep the improvements already constructed in good repair and/or to eliminate hazardous conditions. Prior to taking any action, the Town shall notify the developer of its intent to take such action and its reasons for doing so.

3.7.5 If the Town uses all or part of the performance bond as permitted in Section 3.7.4 above, the developer shall be required to restore the performance bond funds to an amount deemed sufficient by the Commission to complete the required improvements.

3.7.6 The developer may apply for a partial release of the performance bond. After inspection of the completed improvements, the Commission and the First Selectman may release an amount equal to the costs of the completed improvements.

3.7.7 If for some reason the performance bond is insufficient to pay for all costs associated with constructing the required improvements, the developer shall remain liable for such costs in excess of the performance bond and such excess costs shall become a lien against the property.

3.7.8 The final release of the performance bond is governed by the "Ordinance Concerning Construction and Acceptance of Streets in Subdivisions in the Town of Salisbury".

### **3.8 EASEMENTS AND DEEDS**

Prior to the signing of an approved subdivision map by the Commission Chairman or Secretary, the applicant

shall provide the Commission with all deeds, easements and restrictions required by the subdivision plan. This includes, but is not limited to, deeds for all new roads, rights of way, drainage areas, and open space. These documents shall be in recordable form acceptable to the Commission.

### **3.9 FILING OF APPROVED MAPS**

- 3.9.1 The signed subdivision map shall be filed in the Town Clerk's office within the time period as specified in the Connecticut General Statutes. Failure to file the subdivision map within the prescribed time period shall cause the map to become null and void.
- 3.9.2 To provide the Commission adequate time to review any modifications or changes to the approved maps or plans, the Commission may require the applicant to deliver the revised maps and plans, performance bonds, and other required documents to the Zoning Administrator within forty five days of the date of approval or approval within conditions or modifications. The Commission, at its discretion, may extend this forty five day period up to the period specified in the Connecticut General Statutes.
- 3.9.3 Within the time period specified by the Commission, the applicant shall deliver the following maps to the Land Use Administrator for signing by the Chairman or Secretary of the Commission:
- A. One final reproducible subdivision map; the commission may also require eh applicant to submit one final reproducible development map;
  - B. Five paper prints of the final subdivision map;
  - C. Three paper prints of the final site development map;
  - D. Three paper prints of the construction plan;
  - E. One copy of the final subdivision map in a format acceptable to the Town. This requirement shall not apply in cases where the subdivision map was not produced using a computerized system.
  - F. Where maps have been prepared on a digital system the format of the map shall be, where

possible, compatible with the format used by the Town.

- 3.9.4 The Commission shall deliver the endorsed subdivision plan to the applicant within the time period provided in the Connecticut General Statutes.

### **3.10 MODIFICATION OF APPROVED PLANS**

If an application determines that changes to an approved subdivision plan are needed because of unanticipated site conditions, the applicant shall request approval of those changes from the Commission. The Commission may authorize the Chairman, Vice Chairman or Zoning Administrator to approve, in writing minor changes. The Chairman, Vice Chairman and Zoning Administrator shall report all requests and changes to the Commission. If the person authorized by the Commission to approve minor changes determines that the requested change is significant or if the Commission does not authorize a person to approve minor changes, the requested change shall be referred to the Commission. The Commission shall either:

- A. Approve the change, with or without modifications and conditions, if the Commission determines the change is minor; or
- B. Deny the change; or
- C. Require the applicant to resubmit a new subdivision application according to Section 3.2.

## **4.0 INFORMATION REQUIRED FOR SUBDIVISION APPLICATIONS**

### **4.1 GENERAL**

This section describes the detailed specifications and other information that must be shown on the various maps and plans required as part of the subdivision application. Each map or plan serves a different purpose. The subdivision map is meant to be suitable for filing in the Town Clerk's Office. The site development map shows existing conditions and proposed changes so that the Commission can evaluate the design of the proposed subdivision.

### **4.2 BASIC REQUIREMENTS FOR ALL MAPS AND PLANS**

- 4.2.1 The subdivision map, the site development map, and the sediment and erosion control map shall be drawn at a scale of 1 inch equal to 100 feet. Applicants may combine the Site Development and Sediment and Erosion Control Map where all required information can be clearly shown. The Commission, at its discretion, may require other scales to be used.
- 4.2.2 Maps shall be drawn on sheets 24 inches by 36 inches or such smaller size as can show the parcel at the required scale.
- 4.2.3 If more than one sheet is required, an index map showing the entire subdivision shall be provided. The index map shall show the outline of the parcel, proposed lots, existing and proposed roads, and the identification and limits of each map sheet. Match lines shall be shown on each sheet. The scale of the index map shall not exceed 1 inch equals 200 feet unless otherwise allowed by the Commission.

#### **4.3 SUBDIVISION MAP AND SITE DEVELOPMENT MAP**

The following information shall be shown on both the subdivision map and the site development map. In preparing the site development map, the applicant may use topographic and utility information provided by the Town. However, if the Commission determines it necessary, the Commission may require the topography and utility locations to be verified in the field.

- 4.3.1 Name of the subdivision (if any). The name should not duplicate, or be similar to, the name of any previous subdivision in the Town.
- 4.3.2 The Town Assessor's street address for the parcel.
- 4.3.3 Name of the owner of the land to be subdivided.
- 4.3.4 Name of the applicant, and the relationship of the applicant to the owner, if different from the owner.
- 4.3.5 Scale of map.
- 4.3.6 Date of original preparation and dates of all revisions.
- 4.3.7 North arrow.
- 4.3.8 Existing and proposed roads.
- 4.3.9 Names for proposed roads.

- 4.3.10 Boundaries of inland wetlands, vernal pools, regulated areas and watercourses as defined by the Salisbury Inland Wetlands Commission.
- 4.3.11 Boundaries of flood hazard areas as defined by the federal government.
- 4.3.12 Ponds, lakes and streams and their direction of flow.
- 4.3.13 Boundaries of all aquifer recharge areas.
- 4.3.14 Existing structures and notes indicating their preservation or removal.
- 4.3.15 Zoning district.
- 4.3.16 Town boundaries.
- 4.3.17 Lot lines.
- 4.3.18 Yard, setback, minimum square and lot areas meeting the requirements specified in the Zoning Regulations.

#### **4.4 SUBDIVISION MAP**

In addition to the information required in Section 4.3, the following information shall be shown on the subdivision map.

- 4.4.1 Existing parcel boundaries and proposed lot lines with dimensions and bearings for each segment. Lots shall be numbered or lettered.
- 4.4.2 Dimensions and bearings of all existing and proposed easements including information on the purpose of the easement (e.g. utilities, conservation, open space, right of way, etc.) and the existing or proposed owner of the easement.
- 4.4.3 Total area of the parcel in acres to three decimal places.
- 4.4.4 Total area of proposed open space in acres to three decimal places.
- 4.4.5 Area of each proposed lot in acres to three decimal places.
- 4.4.6 Existing and proposed monuments and pins.
- 4.4.7 Location map at the scale not to exceed 1 inch equals 1,000 feet showing the proposed roads and lots in relation to the surrounding roads within 500 feet of the proposed subdivision.
- 4.4.8 Note indicating how the subdivision is to be provided with water and sanitary services.
- 4.4.9 Dimensions on all lines are to be to the hundredth of a foot.
- 4.4.10 All bearings or deflection angles, tangent distances and the radius of each arc.

- 4.4.11 State plane coordinates at not less than four points on the subdivision perimeter.
- 4.4.12 Certification by a surveyor that the map meets the standards of a Class A-2 survey.
- 4.4.13 A note describing any conditions, modifications, special exceptions or variances pertaining to the subdivision including dates of approval thereof.
- 4.4.14 A note listing all the lots and stating whether or not any lot may be further resubdivided under the density limitations of the zoning regulation.

#### **4.5 SITE DEVELOPMENT MAP**

In addition to the information required in Section 4.3, the following information shall be shown on the site development map.

- 4.5.1 The A-2 survey on which the site development map is based.
- 4.5.2 Existing and proposed lot lines and boundaries including lot numbers.
- 4.5.3 Location of all existing and proposed easements including information on the purpose of the easement (e.g. utilities, conservation, open space, right of way, etc.) and the proposed owner of the easement.
- 4.5.4 Existing and proposed contour lines at an interval of not more than 2 feet unless otherwise allowed by the Commission. The source of the topographic information shall be given.
- 4.5.5 Boundaries of all soil types.
- 4.5.6 Location of proposed structures and primary and reserve septic fields for each lot.
- 4.5.7 Location of existing and proposed utility poles.
- 4.5.8 Location of existing and proposed utilities for water, sanitary, and storm water drainage. This is to include water lines and wells, septic tank and lines, detention and retention basins, headwalls, manholes, catch basins, and all related facilities.
- 4.5.9 Walkways.
- 4.5.10 Proposed driveways for each lot.
- 4.5.11 Boundaries of wooded areas.
- 4.5.12 Location of specimen trees within the area to be disturbed or affected by construction activities.
- 4.5.13 Location of existing landscaping and proposed landscaping. The botanical and common name of

- all species to be planted shall be given as well as the size at time of planting.
- 4.5.14 Sight lines for existing and proposed roads.
  - 4.5.15 Location of historic and archeological sites and stone walls and built features as foundations and dams, areas of rock outcroppings and slopes in excess of 20%.
  - 4.5.16 Location of any threatened or endangered species or species of special concern as defined and provided by the Connecticut Department of Environmental Protection including locations from the State DEP Natural Diversity Data Base.
  - 4.5.17 Location of existing and proposed electrical, cable, telephone, water and natural gas lines.
  - 4.5.18 Location of existing and proposed fire ponds, stand pipes and cisterns.
  - 4.5.19 Location and type of all traffic control devices, existing and proposed.
  - 4.5.20 Location of existing and proposed road lights, height of the poles, and type of lighting.
  - 4.5.21 Any proposed disturbance of existing conditions in the area between the property boundary and the edge of the traveled surface of any public road or private road.
  - 4.5.22 Maps shall have the seal of a licensed surveyor.
  - 4.5.23 Other information as may be required by the Commission, including:
    - A. A written statement from the Town Sanitarian that the land to be subdivided and the proposed subdivision plan is satisfactory for water supply and sewerage disposal systems.
    - B. The Board of Selectmen's approval of the layout and/or changes to existing or proposed public or private streets and associated drainage systems.
    - C. An executed warranty deed of cessation of all easements, streets and other public spaces to the Town of Salisbury.

#### **4.6 CONSTRUCTION PLANS**

This section outlines the minimum construction information that must be submitted. The Commission may require additional information if, in the opinion of the Commission, that information is needed to determine that the improvements will be built in accordance with good engineering practice.

- 4.6.1 Plans and profile drawings shall be submitted for all public improvements and utilities including but not limited to, proposed roads, storm drains, sanitary sewers, catch basins, manholes, watercourses, headwalls, walkways, electrical lines, curbs, gutters, culverts, bridges, water lines, and natural gas lines.
- 4.6.2 Plan and profile drawings shall be at a horizontal scale of 1 inch equals 40 feet and at a vertical scale of 1 inch equals four feet.
- 4.6.3 For roads, the following additional information shall be shown:
  - A. Sample road cross section;
  - B. Existing grades and proposed elevations at the center line and both road edge lines; and
  - C. Beginning, end, low or high point and length of vertical curve;
- 4.6.4 The depth, invert, slope and size of all pipes, ditches, culverts, manholes, and catch basins shall be shown.
- 4.6.5 Detailed drawings of any bridges, culverts, manholes, or other structures shall be submitted.
- 4.6.6 All construction plans shall be sealed by a professional engineer.

#### **4.7 SEDIMENT AND EROSION CONTROL PLAN**

A soil erosion and sediment control plan shall be submitted. Applicants may combine the Site Development and Sediment and Erosion Control Map where all required information can be clearly shown.

This plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site. Such principles, methods and practices are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Alternative principles, method and practices may be used with prior approval of the Commission. The soil erosion and sediment control plan shall contain at minimum, the following information:

- 4.7.1 A site specific narrative describing:
  - A. The development;
  - B. The schedule for grading and construction activities including:

- a. the start and completion dates;
  - b. a site specific sequence of grading and construction activities including construction of storm drains, drainage structures, roads, etc.;
  - c. the sequence of installation of soil erosion and sediment control measures; and
  - d. the sequence for the final stabilization of the project site;
- C. The design criteria for proposed soil storm water management facilities; erosion and sediment control measures;
  - D. The construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  - E. The installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
  - F. The operations and maintenance program for the proposed soil erosion and sediment control measures and storm water management facilities.
- 4.7.2 A map at a scale of 1 inch equals 40 feet showing the following:
- A. The location of the proposed subdivision and adjacent properties;
  - B. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
  - C. The existing structures on the site;
  - D. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines; and
  - E. The location of, and design details for, all proposed soil erosion and sediment control measures and storm water management facilities.

## **5.0 GENERAL DESIGN STANDARDS, OPEN SPACE AND COMMON ELEMENTS**

### **5.1 PROTECTION OF NATURAL FEATURES**

5.1.1 The subdivisions shall be designed and arranged and provision shall be made to:

- A. Preserve natural features as defined in these Regulations;
  - B. Make best use of natural terrain;
  - C. Prevent the pollution of wetlands, watercourses, and water bodies;
  - D. Protect the quality and quantity of water supplies; and
  - E. Minimize flood damage.
- 5.1.2 During the review process, the Commission may require:
- A. The preservation or enhancement of specific natural features and the method of protection.

## **5.2 LOT LAYOUT**

- 5.2.1 Minimum lot size and frontage on a public road shall be as required by the Salisbury Zoning Regulations for the zoning district in which the lot is located.
- 5.2.2 The size, shape, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
- A. Securing building permits to build on the lot in compliance with the Zoning Regulation and the Public Health Code,
  - B. Occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public; and
  - C. Providing driveway access to buildings on such lot.
- 5.2.3 In so far as practical, side lot lines shall be at right angles to straight lines or radial to curved street lines, unless a variation from this provision would result in a better road or lot layout. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
- 5.2.4 Corners of all lots, open space, conservation easements, and other parcels or areas shall be marked with 5/8 diameter pin or reinforcing rod at least eighteen inches long thirty six (36) inches long, or with concrete monuments four inch square or bigger.

## **5.3 OPEN SPACE**

- 5.3.1. Objectives

In reviewing proposed open space and recreation areas the Commission shall consider the following objectives.

- A. Preservation of wetlands, vernal pools, watercourses, floodplains, streams, ponds, lakes and adjacent regulated areas as wells as ridgelines, slopes greater than twenty five percent, archeological and historic sites, distant open views visible from public roads, and unusual natural areas, areas of valuable wildlife diversity, biotic corridors.
- B. Preservation of the habitat and the presence of any species listed by the State or Federal government as threatened or endangered or of special concern.
- C. Proposed open space and recreation area(s) should, where feasible and practical, abut open space and recreation areas on adjoining properties. Scattered small areas of open space should be avoided in favor of larger biologically intact and cohesive areas.
- D. Preservation of a rural environment and the Town's character.
- E. Protection of aquifers, aquifer recharge areas, and public water supply watersheds.
- F. Protection of, or provision for, buffering and screening of development within the parcel from roads or adjacent properties.

#### 5.3.2 Minimum Requirements for Open Space

- A. In pursuit of the objectives set forth above, the Commission shall require the applicant to set aside 15% of the land area of the subdivision as open space, unless the applicant offers persuasive reasons, acceptable to the Commission, why less land should be set aside.
- B. Land covered by existing easement for utilities, conservation or other purposes shall not be counted towards meeting the open space required. However where the applicant has within a five year period permanently protected a portion of the property as open space the Commission may in its discretion find that the size and location and nature of such protected land meets the requirements of this section and that it therefore may be

counted toward a portion or all of the open space requirement under this section.

- C. Unless specifically waived by a two-thirds (2/3) vote of the Commission, the minimum required Open Space as shall not include land designated as inland wetland soils nor slopes in excess of 25 percent; and, the Commission, to permit the inclusion of these areas, shall find that proposed open space accomplishes the above Objectives and/or the recommendations of the Town Plan of Conservation and Development.
- D. The amount, location, ownership and means of maintenance of the open space must be acceptable to the Commission. The Commission may require the open space to have access to a road.
- E. Any land to be set aside as open space shall not be graded, cleared or improved, except as specifically approved by the Commission, and shall not be used at any time as a repository for building materials, stumps, brush, earth, demolition materials, or other debris.

#### 5.3.3

Exceptions to the Open Space Requirements

In accordance with CGS Section 8-25, as amended, the open space requirements stated above shall not apply if:

- A. The transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration; or
- B. The subdivision is an affordable housing development in accordance with the requirements of CGS 8-30g.

#### 5.4 COMMON ELEMENTS.

In a subdivision where there are common ownership interests subject to the Common Ownership Interest Act, Chapter 828 of the Connecticut General Statutes, or other State law or regulation the applicant shall so declare this fact as part of the Subdivision Application.

Where there are common ownership interest which are not subject to the Common Ownership Interest Act, including but not limited to common private streets or driveways, or open space land or drinking water

supplies or septic systems, the responsibility for all maintenance improvements, and liability therefore shall be in a home owner's association. Covenants in the deed to property owners and all lots shall oblige the grantee, his heirs, successors and assign to share with all other building lot owners in such responsibilities and associated expenses.

These covenant provisions shall be prominently referenced on the final subdivision map filed with the Town Clerk. It shall be the responsibility of the applicant to legally establish the home owners' association. The legal agreement and the by-laws of the association shall be submitted along with the deed covenants for review and acceptance by the Commission's attorney. The approved agreement and by-laws shall be filed with the Town Clerk with the final subdivision map.

Said association shall have the power to assess members for all necessary costs. Membership in said association shall be mandatory. The Town must be authorized to assure compliance with all such responsibilities and must be empowered to assess the association for all costs incurred for such purposes.

## **6.0 DESIGN STANDARDS AND REQUIREMENTS FOR STREETS**

### **6.1 GENERAL**

Streets shall provide a safe and convenient circulation pattern for both existing and future traffic within the subdivision and within the surrounding neighborhood. Street construction methods and materials shall conform to the Connecticut Department of Transportation Form 814, as revised. Construction of all subdivision streets shall comply with standard details in the Town Road Ordinance. Construction of a street approved by the Planning and Zoning Commission, as part of a subdivision plan shall not commence until a permit for the construction has been issued by the Board of Selectmen under the provisions of the Town Road Ordinance.

- 6.1.1 The arrangement of streets shall conform to the Town's Plan of Conservation and Development where applicable.

- 6.1.2 The arrangement of proposed streets shall be compatible with existing and planned streets. Existing streets shall be continued into the proposed subdivision if deemed appropriate by the Commission.
- 6.1.3 When a proposed subdivision covers only part of a larger contiguous piece of land, applicant shall provide the Commission with a preliminary map indicating a reasonable street layout for the remaining unsubdivided portion of the land.
- 6.1.4 Where the Commission determines the potential exists for the future subdivision of an abutting property the Commission may require the applicant to provide a preliminary map indicating a reasonable street layout to extend and connect a proposed subdivision street to such abutting property.
- In order to provide for such future street extension the Commission may require that:
- A. The full width of the proposed street right-of-way be extended to the property line of the subdivision.
  - B. The paved area of a temporary cul-de-sac shall be brought as close to the boundary as practical.
  - C. No privately owned "reserved strips" of land will be permitted to be retained by the applicant or owner of a subdivision which would prevent permitting access to abutting property.
- 6.1.5 In general, streets should follow the contours of the land and avoid stream and inland wetland crossings to minimize land disturbance, cuts and fills and impact on the scenic and visual quality of the landscape.
- 6.1.6 Streets shall be planned to provide a safe and convenient system for present and reasonable prospective traffic needs and to reasonably accommodate fire fighting, school bus, snow removal and service vehicles.
- 6.1.7 Street design (location, layout and grade) in general, as far as practical, should be such that it preserves important natural and man-made features including aligning streets along wood rows to preserve farm fields and to avoid removal of large isolated trees, stone walls, historic and other sites which are a part of the rural

character of the Town and enhance the value of the property in the subdivision.

- 6.1.8 A proposed subdivision street shall connect to an existing street located within the Town of Salisbury that is owned and maintained by the Town, or to a State highway located in the Town of Salisbury or to a street in a subdivision approved by the Planning and Zoning Commission (where the applicant has access rights).

## **6.2 STREET HIERARCHY**

Streets as defined herein shall be defined and classified by type according to the street hierarchy described below. A street's classification is determined by the Commission. The Commission may require the applicant to provide a traffic study to aid in the classification of proposed streets.

- 6.2.1 STATE HIGHWAY. A highway located within the Town of Salisbury that is owned and maintained by the State of Connecticut according to State established standards. A State Highway collects and distributes traffic between Towns and other widely separated points.
- 6.2.2 COLLECTOR STREET. A street located with the Town of Salisbury that collects and distributes traffic from State highways and connects village centers or other main points within the Town. A collector street is a street serving more than 50 homes and an average daily traffic of more than 500 vehicles.
- 6.2.3 RESIDENTIAL STREET. A street located within the Town of Salisbury that carries local residential traffic, necessary local emergency and service vehicles and serves up to 50 homes and an average daily traffic of up to 500 vehicles.
- 6.2.4 PRIVATE ROAD or PRIVATE STREET. A privately owned and maintained street located in the Town of Salisbury shown on an approved subdivision plan labeled "private road" or "private street" for which street the Town will be under no obligation to maintain, nor furnish snow removal, garbage, or rubbish collection, school bus pick-up service or other town facilities or services.

## **6.3 DESIGN STANDARDS BY STREET TYPE**

6.3.1 Each street shall be classified and designed for its entire length to meet the standards for one of the street types as defined above. The design standards for each street type are given in Tables 1 A, B and C and other requirements stated below and in Appendix A Typ. Cross Section for Subdivision Street.

**TABLE 1 A**

<b>STREET TYPE</b>	<b>DESIGN SPEED (MPH)</b>	<b>MINIMUM RIGHT OF WAY (feet)</b>	<b>MINIMUM TRAVEL-WAY */ SHOULDERS WIDTH (feet)</b>	<b>MAXIMUM GRADE**/ MINIMUM GRADE</b>	<b>VERTICAL CURVES: MINIMUM STOPPING SIGHT DISTANCE</b>
<b>Private Street</b>	20	60	20/2	10%/0.5%	175 FT.
<b>Residential</b>	30	60	20/2	10%/0.5%	200 FT.
<b>Collector</b>	35	60	26/2	10%/0.5%	250 FT.

**\* PAVEMENT LOCATION:** The centerline of pavement shall be in the center of the right of way, except where modified to preserve natural features (trees, stone walls, ledge, streams, etc.) or to minimize conflicts with existing property uses.

**\*\* MAXIMUM GRADE:** The maximum grade of the street or private travelway within the first 100' beyond the Town or State right of way shall be 8%.

For the balance of the street travelway the maximum grade shall be 10% with the following exception: Upon the request of the applicant the Commission may approve a section or sections of a private street travelway with a grade greater than 10%, by no greater than 12% subject to the following limitation. In no case shall a portion of the travelway with a grade in excess of 10% exceed a total length of 200 feet nor shall the cumulative length of portions of the travelway with a grade in excessive 10% exceed a total of more than 200 feet in length. For purposes of this section measurement of the length of grade in excess of 10% shall be made along the centerline of the travelway.

**TABLE 1 B**

<b>STREET TYPE</b>	<b>MINIMUM CURVE RADIUS-NORMAL/SUPER ELEV.</b>	<b>CROWN</b>	<b>MINIMUM TANGENT</b>
<b>Private Street</b>	200' DNA	3/4" / FT.	50'
<b>Residential</b>	300' DNA	3/8" / FT.	50'
<b>Collector</b>	450' DNA	3/8" / FT.	50'

**TABLE 1 C**

<b>MINIMUM PAVEMENT STRUCTURE</b>	<b>PRIVATE</b>	<b>RESIDENTIAL</b>	<b>COLLECTOR</b>
BITUMINOUS CONCRETE	DNA	3"	4"
BASE COURSE, PROC. AGG.	6"	6"	6"
SUBBASE, ROLLED GRAVEL	12"	12"	12"

6.3.2 Minimum Sight Lines. The minimum sight line distance along proposed streets shall be the Stopping Distance for vehicles traveling at the Design Speed on the proposed street. The method of measuring Stopping Sight Distance shall conform to the AASHTO Standard modified by the State of Connecticut DOT document titled "Interim Guidance for implementation of AASHTO (1984) Green Book". A copy of this document is available in the Salisbury Planning and Zoning office.

6.3.3 Residential streets shall be laid out so that their use by through traffic will be minimized.

6.3.4 The minimum tangent distance between reverse curves shall be 100 feet.

6.3.5 Shoulder. All streets shall have a grass shoulder on each side of the pavement. This shoulder shall:

- A. Be free of all obstructions such as trees, walls, and fences; and
- B. Be able to support a 40,000-pound vehicle.

#### **6.4 DRIVEWAYS**

- 6.4.1 Driveways as defined herein to all proposed lots shall be designed in accord with the following standards and requirements:
  - A. Each lot shall be designed to include a driveway corridor meeting the requirements of the Town Driveway Ordinance, these standards and requirements and any requirements of the Zoning Regulations.
  - B. Driveways corridors shall be located to follow existing contours to minimize disturbance and erosion, and to avoid wetlands, watercourses and other important site features.
  - C. Driveways shall be designed to shed water along length of driveway side slopes and to avoid concentration of water runoff.
  - D. Crowned driveways are encouraged and driveway curbing is discouraged.
  - E. Each driveway shall have a paved apron within the public road right of way unless the public road is gravel.
- 6.4.2 Additional standards and requirements for residential driveways.
  - A. The driveway grade for the first 100' beyond the Town or State right of way shall have a maximum grade of 8%.
  - B. Driveways with a grade in excess of 8% for a length of more than 100' shall require submission of a driveway construction plan.
  - C. Maximum driveway grade shall be 12%, with the following exception. A driveway grade of not more than 15% may be permitted for a total length of 100 feet or not more than 10% of the total driveway length, which ever is greater. Grades in excess of 10% shall be paved.
- 6.4.3 Common Driveway Intersection. Where access is proposed with a driveway to a Town Street or State highway the Commission may require that driveways serving adjacent lots shall be served by a single driveway intersection within the Town

or State highway right of way. A driveway construction plan shall be required for the common portion of a driveway and shall meet the following standards and requirements:

- A. The driveway apron shall be a minimum of 16 feet in width,
- B. The sub-base shall consist of a twelve (12) inch thick processed aggregate layer or an eight (8) inch thick crushed stone layer on compacted sub-grade.
- C. The travel surface shall be paved with two (2) inches of compacted bituminous concrete where the Commission determines that such surface pavement is necessary for safe emergency access.

In addition to the above the applicant shall submit mutual and reciprocal vehicular and pedestrian easements over that portion of the common driveway serving the lots.

6.4.4 The Commission may require that any driveway and related drainage work with a grade in excess of 10% be constructed as shown on the Subdivision Plan as subdivision improvement. In such case the Commission may require that a performance bond be posted to ensure construction of such driveways in compliance with this section.

6.4.5. All driveways shall have a drainage design that minimizes discharge of water to the Town or State road, its right-of-way, or to adjacent property.

## **6.5 INTERSECTIONS**

6.5.1 No more than two streets shall intersect at any one point.

6.5.2 Streets shall intersect at an angle as near to ninety degrees as practical for at least 50 feet from the intersection travelway.

6.5.3 Proposed subdivision street intersections with an existing Town street or State highway shall either:

- A. Coincide exactly with intersections along the opposite side of the street; or
- B. Be offset by a distance of at least 500 feet from existing street intersections on the same

side and the opposite side of the street. The distance between street intersections shall be measured between centerlines of the streets. Where 500 feet is not practical the Commission may permit a lesser separating distance, if it determines that in consideration of present and prospective traffic the lesser separating distance will be safe. In no case shall the separating distance be less than 200 feet.

- 6.5.4 The use of "T" intersections, rather than four way intersections, shall be encouraged.
- 6.5.5 The minimum sight line distance along an existing street from a new street intersection shall be the intersection Sight Distance for vehicles traveling at the 85 percentile of operating speed on the existing street. The method of intersection Sight Distance shall conform to AASHTO standards as modified by the Connecticut DOT in the same document cited in 6.3.2 above.
- 6.5.6 The Subdivision Street shall have a minimum travelway gradient of 6% as measured along the centerline for a distance of 50 feet from its intersection with another street.

#### **6.6 CURBS, SIDEWALKS, GUARD RAILS AND STREET TREES**

- 6.6.1 Curbs. The Commission may require that curbs be installed on any street. In general, natural shoulders are encouraged in preference to curbing. However curbs may be required at the discretion of the Commission where:
  - A. There is a paved street and sidewalks;
  - B. Road fill is over 5 feet high;
  - C. There is non residential development;
  - D. There are dips in the roadway;
  - E. There is a paved roadway intersection; or
  - F. It is recommended by the Board of Selectmen.
- 6.6.2 In general sidewalks are not necessary however sidewalks may be required under the following conditions:
  - A. Within  $\frac{1}{2}$  mile of a school;
  - B. In commercial areas or village center areas;  
or
  - C. Where recommended by the Board of Selectmen.
- 6.6.3 Guide Rails. Guide rails may be used:

- A. Where the proposed roadway center line is 4 feet or higher over the surrounding ground and the side slope is 4:1 (horizontal or vertical) or greater;
- B. Where water bodies are located along the shoulder;
- C. At bridge abutments, utility poles, and other fixed obstructions.

6.6.4 Street Trees and Shrubs

The Commission may require that streets be dedicated to the public be planted with trees on both sides, spaced approximately 50 feet apart of a type and size satisfactory to the Commission and that existing natural desirable trees and shrubs be retained in the subdivision in so far as feasible.

**6.7 TELEPHONE, CABLE AND ELECTRICAL UTILITIES**

6.7.1 All telephone, cable, and electrical lines shall be installed in accordance with the specifications and polices of the respective utilities.

6.7.2 All telephone, cable and electrical lines shall be installed underground unless the Commission determines that such underground installation is in whole, or in part, inappropriate or unfeasible. Except for crossings, such lines 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.

**6.8 STREET NAMES**

Street names shall be proposed by the applicant. The Commission shall recommend street names to the Selectmen who approve all street names. There should be no duplication of existing street names nor should there be a phonetic resemblance to the names of existing streets. Proposed streets that are continuations of existing streets should be given the same name.

**6.9 SIDE SLOPES**

6.9.1 Streets in cut or fill shall be provided with side slopes not steeper than two feet horizontal to one-foot vertical.

6.9.2 In all areas where the side slopes are steeper than four feet horizontal to one-foot vertical and slope down from the street, the guardrails shall be installed in accordance with the Town Subdivision Street Ordinance.

**6.10 MONUMENTS AND PINS** The requirements for street monuments and pins shall be as provided in the Ordinance Concerning the Construction and Acceptance of Streets in Subdivisions in the Town of Salisbury.

**6.11 TRAFFIC CONTROL** Street name signs, traffic regulatory signs and warning signs shall be installed as prescribed by the Town at the expense of the applicant. All signs shall be installed prior to the street's provisional acceptance by the Town.

#### **6.12 STREET LIGHTS**

6.12.1 Rural character will best be preserved by the absence of street lights. Street lights, however, may be required by the Commission on all proposed streets. Illumination is to be kept to the minimum consistent with public safety.

6.12.2 Illumination shall be designed so as not to cause either a hazard to drivers or a nuisance to residents.

6.12.3 Street lights may be required at:

A. Street intersections and at the end of cul-de-sacs.

B. Horizontal and vertical curves if, in the opinion of the Commission, lighting is needed to warn drivers of the curves.

6.12.4 The maximum height of light poles shall be twenty feet.

6.12.5 The Commission shall approve the number, location, and design of light poles and fixtures.

#### **6.13 DEAD END STREETS**

6.13.1 Proposed Dead End Streets - General  
The Commission shall consider and decide on subdivision applications involving proposed dead

end streets based on the following standards, criteria and procedures:

- A. In general proposed dead end streets shall not be of excessive length. The subdivision application shall state the reason for proposing a dead end street. Where a permanent dead end is proposed the application shall document reasons and shall show that it is not feasible to extend or loop the proposed street to an existing or proposed connector street.
- B. In order to approve a proposed dead end street the Commission must find that it does not pose a significant safety hazard due to the potential for temporary blockage in consideration of the number, location and density of the dwelling units served. In evaluating a subdivision application involving a dead end street the Commission shall consider the site's topographic and natural conditions, the number and location of dwelling units served by the dead end street, the potential for future development and the amount and location of permanent open space proposed.

- 6.13.2 Dead End Streets - Requirements for turnarounds  
All dead end streets, both permanent and temporary, shall terminate in a circular turnaround (reverse "P" cul-de-sac) with a minimum right-of-way radius of 90 feet. Within said turnaround there shall be a circular roadway, with a minimum of 20 foot paved surface constructed as show in Appendix B Turn Around Detail of these Regulations.  
There shall be a natural or low-maintenance planted island at the center of the circle with a diameter of 120 feet. Maximum roadway gradient within the turnaround shall be 6% width, with a minimum gradient of 1%.  
A hammerhead type turnaround or other alternative turnaround designed may be proposed where it is shown such that that alternative will be compatible with site conditions, will minimize negative environmental impact and provide a functional and maintainable permanent turnaround.

Such alternatives shall be subject to review and approval by the Board of Selectmen.

6.13.3

Temporary Dead End Street Turnaround Dedication  
A temporary dead end street may be permitted where future extension of the street would be feasible and desirable, considering topographical site conditions and potential availability of adjacent land for development and where the Commission determines that the street can be extended to connect with another point in the Town road system.

The turnabout at the end of the temporary dead end street shall be planned to provide for the dedication of the required right of way for a future street extension. This provision shall be so noted on the subdivision plan and the applicant shall submit deed language which shall accomplish these purposes.

Such deed provisions shall be reviewed and approved by the Town Counsel prior to the endorsement of the subdivision plan map.

The subdivision plan map shall also:

- A. Provide a notation that the temporary turnaround will be removed when the street is extended,
- B. Show street and right of way boundary lines to be established when the street is extended and the turnaround is removed,
- C. Show the required setback lines for the street when extended, using current set back requirements; and
- D. Provide a notation that the area beyond that required for the extended paved street will be spread with topsoil and seeded by, and at the expense of, the future subdivider.

**6.14 LOTS ON A DEAD END STREET - SPECIAL PERMIT REQUIRED**

6.14.1

Lot(s) served by a proposed dead end street shall be subjected to the requirement for a Special Permit where any one of the following conditions exists:

- A. Where the total length of the proposed dead end street is in excess of 2,000 feet; or
- B. Where the proposed dead end street is a continuation of or a lateral extension off an

existing dead end street and the total length of the existing or proposed dead end streets is in excess of 2,000 feet; or

- C. Where the proposed dead end street is in continuation of, or a lateral extension of, an existing dead street and the total number of dwelling units on the existing and proposed dead end streets is in excess of 20.

6.14.2 For the purpose of this regulation the following rules shall apply in determining total length of a dead end street(s) and total number of dwelling units on a dead end street(s).

- A. The calculation of total length and total number of dwelling units on dead end street(s) shall begin at the point of intersection with a Town through street or State Highway and shall include the cumulative length of all existing and proposed dead end streets and all existing and proposed dwelling units (with the exception of accessory apartments) from the point of beginning.
- B. Exception: Proposed building lots with frontage on and direct access to an existing Town owned and maintained dead end street which are not a part of a subdivision involving a proposed dead end street shall not be subject to the requirement for a Special Permit under this Section.

6.14.3 Lots on a dead end street - Special Permit Standards and Criteria. All lots on a dead end street which require a Special Permit shall comply with the following standards and requirements:

- A. The Special Permit application shall include a report prepared by a Connecticut licensed professional engineer qualified to evaluate and recommend improvements to the safety of the existing and proposed dead end streets including:
  - a. the standards and recommendations in the Town Plan of Development,
  - b. the need to provide safe access and egress to the proposed lots at all times by emergency vehicles and emergency personnel,

- c. the length of the dead end street, the number, location and density of the dwelling unit it serves and its relationship to surrounding existing and prospective streets and developments.
- B. The engineer's report shall address but not be limited to the following specific factors:
  - a. the road grade, pavement width and cleared right of way width as it would affect access by emergency equipment and the potential for temporary blockage;
  - b. identify and evaluate all existing and potential conditions which could pose a threat to temporary blockage of the dead end street (bridges, steep slopes, rock areas and large trees adjacent to the roadway, location of utility lines, etc.);
  - c. identify potential alternative emergency access ways to the proposed dwelling units;
  - d. identify and evaluate proposed or needed on site safety improvements, including but not limited to fire ponds (or water storage tanks), emergency pull offs or turnabout areas, etc.;
  - d. identify and evaluate the potential to extend the proposed dead end road to a connector road and the associated cost; and
  - e. analysis of the potential need and benefit of providing an internal loop on the dead end road and a split entry to the dead end road at the intersection with a connector street.

The Commission shall refer all subdivision applications involving a proposed dead end street to the Selectmen and the Fire and Ambulance Departments and shall consider any report received in its decision on the subdivision application.

- 6.14.4. DECISION. In evaluating subdivision applications involving a dead end street the Commission shall consider the above stated factors and the application's engineer's report and any report submitted by the Commission's engineer.

The Commission shall also take into consideration the site's topographic and natural conditions, the number and location of dwelling units served by the dead end street, the potential for future development and the amount and location of permanent open space proposed.

The Commission may approve a Special Permit with conditions where it determines such conditions are necessary to protect public safety and welfare, to provide for proper traffic circulation, to provide for access for emergency vehicles and personnel, to provide for emergency egress by residents of the proposed subdivision or for other General Considerations as set forth in section 245 of the Zoning Regulations.

6.15 **PRIVATE STREETS.**

A proposed new street or an extension of an existing street in a subdivision may be approved as a private street subject to the following requirements:

- A. There shall be no more than (6) lots cumulative total, show in or otherwise provided for or permitted on a private street.
- B. The design and construction of the private street shall comply with all the requirements of this regulation and the requirements for a private street as specified in Table 1.
- C. The subdivision map shall show the street clearly labeled a private street.
- D. The Town shall not be responsible for the maintenance or repair of private streets.
- E. Lots abutting on a private street as herein defined shall be sold subject to a provision to appear on the subdivision map which reads as follows:

"If The private street(s) shown on this plan of subdivision or any part or parts thereof, **are** to be accepted by the Town for the benefit of the lot owners on such street rather than for the benefit of the Town generally, such private streets or streets or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specifications as contained in the then applicable Salisbury Subdivision Regulations and

"Ordinance Concerning Construction and Acceptance of Streets in Subdivisions in the Town of Salisbury" relating to the construction of a Residential Street suitable for acceptance as a public street."

## **7.0 STORM WATER DRAINAGE**

### **7.1 GENERAL**

- 7.1.1 The storm water drainage system shall provide for drainage from the entire parcel and shall take into account land outside the parcel that drains across the parcel.
- 7.1.2 The overall storm water drainage system shall be designed so that the peak runoff rate at all points where the storm water leaves the property does not exceed the rate existing prior to the development. Existing drainage patterns shall be preserved to the extent possible. Any transfer between watersheds shall occur within the parcel. Such transfers are feasible only if there is a zero increase in the peak rate of runoff at all points where the water leaves the parcel and no significant decrease in the total runoff volume, unless approved by the Commission.
- 7.1.3 Where the subdivision's storm drainage system is proposed to discharge into a Town storm drainage system, the applicant shall make provisions to accommodate anticipated additional discharge in the event that the Town system is not adequate. Necessary improvements to the Town system to accommodate the additional storm water discharges shall be done at the applicant's expense.
- 7.1.4 Storm drainage systems shall conform to the following requirements: all enclosed drainage within roads, from catch basins to outlets, etc. shall be designed for a storm return frequency of 10 years.
- 7.1.5 All cross culverts under roadway, for streams and ditches shall be designed for a storm return frequency of 25 years.
- 7.1.6 Drainage facilities for major streams with watersheds of between 1 and 10 square miles in area shall be designed for storm return frequency of 50 years.

- 7.1.7 All bridges and any culvert which carries a major waterway which is subject to seasonal flooding, or which is part of a watershed of more than 10 square miles in area, or which is otherwise designated by the selectmen; and all cross culverts on dead-end streets shall be designed for a storm return frequency of 100 years.
- 7.1.8 The Rational Method may be used to design drainage systems serving watershed of less than 100 acres, except where detention basins are required. Natural Resource Conservation Service (NRCS) methods (TR-55 and TR-20) shall be used for watershed of over 100 acres and all detention basins.
- 7.1.9 The size of culverts shall be determined in accordance with the federal Highway Administration Hydraulic Engineering Circular No. 5 and the Conn. DOT Drainage Manual, as revised.

## **7.2 DETENTION BASINS**

- 7.2.1 The Commission may require the construction of detention basins to control peak storm water discharges from a developed area, to control sedimentation and erosion and to filter storm water runoff from developed areas. The storm drainage and stream flow computations shall be of sufficient adequacy so that the Commission can make an assessment of the need for detention.
- 7.2.2 Detention basins shall be designed to achieve a zero percent increase in the peak rate of runoff for the two year to one hundred-year storm events.
- 7.2.3 Basins shall be constructed to blend into the existing contours of the land. The Commission may require that vegetation be added for storm water filtration. The Commission may also require that the basin be of an irregular shape so as to better blend into the parcel's existing contours. The basin's side slopes shall be no steeper than 3 feet horizontal for one foot vertical.
- 7.2.4 Maintenance access ways and easements shall be provided for all facilities. The access way shall be 10 feet wide. The access way surface shall be 12 inches of rolled gravel formed in two

equal lifts. The access way's slope shall not exceed 15%.

7.2.5 Easements

Twenty foot wide easements centered on the storm drain pipe shall be provided to the Town for all storm water pipes which are not installed either in a right of way or on other land to be deeded to the Town. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse.

7.2.6 Private Drains

Provisions shall be made for all private storm water drains such as footing drains and yard drains. Although on-site drains are preferable, public drains may be used. The size and location of all private drains that are to be connected to the public storm water drainage system shall be shown on the site development map.

**8.0 SOLAR AND RENEWABLE ENERGY**

**8.1 SITE DESIGN**

The applicant shall consider site designs that promote energy efficient patterns of development, the use of solar or other renewable forms of energy and energy conservation.

**8.2 PASSIVE SOLAR ENERGY**

The applicant shall demonstrate to the Commission that the use of passive solar energy techniques has been considered in the development of the subdivision plan. Passive solar energy techniques mean site design techniques which:

- A. During the heating season, maximize solar heat gain, minimize heat loss and provide thermal storage within a building; and
- B. During the cooling season, minimize heat gain and provide for natural ventilation during the cooling season.

**8.3 PASSIVE SOLAR ENERGY TECHNIQUES**

Passive solar energy techniques include, but are not limited to, the following:

- 8.3.1 Having the proposed principal building(s) oriented so that the longest side of the building faces within 30 degrees of true south;

- 8.3.2 Having streets lay out within 30 degrees of an east-west axis;
- 8.3.3 Providing vegetative buffers on the northwesterly side of principal building to reduce heat loss due to winter winds;
- 8.3.4 Locating buildings to avoid shadows cast by other buildings or natural features; and
- 8.3.5 Providing easements to protect solar access.

## **9.0 WATER SUPPLY**

An adequate, dependable and potable water supply, as defined by the Health Department, shall be shown to be feasible for each building lot.

### **9.1 PUBLIC WATER SUPPLY**

Lots shall be served by a public water supply where the Commission determines such service is proximately available and economically feasible. In making its determination, the Commission shall consider:

- 9.1.1 The location and size of existing water lines;
- 9.1.2 The adequacy of the water pressure and service;
- 9.1.3 The need for fire protection;
- 9.1.4 The number of lots in the proposed subdivision; and
- 9.1.5 The potential for private wells in the proposed subdivision. The public water supply system shall have sufficient capacity to handle the necessary flow for domestic demand as well as fire demand.

### **9.2 PRIVATE WATER SUPPLY**

In subdivisions where the lots are not to be connected to a public water supply, a private well shall be located and constructed on each lot. However, the Commission may allow a private well to serve two or more lots provided the applicant demonstrates to the Commission's satisfaction that the well has sufficient capacity to supply the lots to be served and that the necessary easements and agreements will be in place to ensure each lot owner's use of the well and the well's maintenance.

Each well shall be located and constructed in accordance with the requirements of the Connecticut State Department of Health and shall have the approval of the Torrington Area Health Department.

## **10.0 FIRE PROTECTION**

All fire protection measures required by the Commission shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision, and a note to that effect shall be placed on the subdivision map.

### **10.1 FIRE HYDRANTS**

- 10.1.1 In subdivisions to be served by a public water supply system, fire hydrants shall be installed.
- 10.1.2 Fire hydrants shall be spaced so that each potential residential building shall be within 1,000 feet of a hydrant.
- 10.1.3 The size, type and installation of hydrants shall conform to the specifications of the local fire department.

### **10.2 FIRE PONDS, DRY HYDRANTS AND CISTERNS**

- 10.2.1 In areas not served by a public water supply system the Commission may require the construction of fire ponds, dry hydrants and/or cisterns. A fire pond, dry hydrant and/or cistern shall be accessible to an emergency vehicle. The installation of a fire pond, dry hydrant, cistern and accessway shall conform to the specifications of the local fire department.
- 10.2.2 Access. To provide access to the fire pond, dry hydrant and/or cistern the Commission may require the construction of an access way capable of supporting emergency vehicles. The Commission may require an easement for the use of the pond, dry hydrant and the access way by the local fire department.
- 10.2.3 Cisterns
  - A. Cisterns shall have a minimum capacity of 10,000 gallons. The Commission may require cisterns with greater capacity when, in the opinion of the Commission, the situation warrants.
  - B. Cisterns shall be located underground in, or adjacent to, a street right of way.
  - C. Cisterns shall be deeded to the Town.

The responsibility for the maintenance of the fire pond, dry hydrant and/or cistern and access

way shall be determined by the Commission prior to approval of the Subdivision?

**11.0 SEWAGE DISPOSAL**

Each building lot shall have a means of sanitary sewage disposal that is acceptable to the Commission and the Torrington Area Health Department

**11.1 PUBLIC SEWER SYSTEMS**

The Salisbury Plan of Conservation and Development contains a public sewer avoidance policy. All subdivision applications shall be consistent with this sewer avoidance policy.

**11.2 ON-SITE SEWAGE DISPOSAL SYSTEMS**

11.2.1 Prior to approving any subdivision with on-site sewage disposal systems, the Commission shall have received a report from the Torrington Area Health department indicating that each lot in the subdivision is capable of supporting an on-site system.

11.2.2 On-site sewage disposal systems shall be designed and constructed in accordance with the health regulations of both the Torrington Area Health Department and the State Health Department.

**12.0 ENFORCEMENT**

12.1 Any person, firm or corporation subdividing or resubdividing land without the approval of the Commission shall be subject to penalties as specified in the Connecticut General Statutes. Any person, firm or corporation offering for sale a lot in a subdivision or resubdivision that has not been approved by the Commission shall also be subject to penalties as specified in the Connecticut General Statutes.

12.2 If a condition of subdivision approval has been violated, the Commission may have a notice of the violation placed on the Salisbury Land Records in the Town Clerk's Office. The purpose of this notice is to alert potential buyers and lenders of the violation. No zoning permits or certifications of occupancy shall be issued for

the subdivision until the violation has been corrected to the Commission's satisfaction.

### 13.0 DEFINITIONS

- 13.1.1 A-2 Survey - Survey information meeting the standards for an "A-2" survey as specified in the Code of Recommended Practice for Standards of Accuracy of Survey and maps" by the State of Connecticut Board of Registration for Professional Engineers and Land Surveyors.
- 13.1.2 Applicant - the owner of the property that is the subject of the subdivision or re-subdivision. The owner may be represented before the Commission by an agent duly appointed in writing.
- 13.1.3 Application - the completed official form by which a subdivision or re-subdivision is proposed to the Commission in accordance with these Regulations, along with all required data, maps, reports, plans, and other information.
- 13.1.4 Biotic Corridor: An area of land that has been scientifically determined to be essential for the seasonal movements of animals and for genetic connectivity between populations. Biotic corridors can be modest in size, for example the upland habitat used by amphibians that lies within 750 feet of a vernal pool breeding habitat. Biotic corridors can also be large, spanning large areas of thousands of acres. These larger corridors are essential for maintaining populations of area-sensitive carnivores such as the bobcat.
- 13.1.5 Bond. A bond shall mean a surety bond, a bond secured by a passbook savings account, or a bond secured by an irrevocable letter of credit.
- 13.1.6 Building Lot - a lot approved for construction of a structure.
- 13.1.7 Caliper - diameter of a tree trunk as measured six inches from ground level.
- 13.1.8 Commission - The Planning and Zoning Commission of the Town of Salisbury.
- 13.1.9 Common Driveway - that portion of a private driveway located within a Town street right of way or a State highway right of way providing a

- common access to the Town street or State highway to not more than two adjacent lots.
- 13.1.10 Cul-de-sac - a road with a single means of entry and exit.
- 13.1.11 Detention Basin - a facility for the temporary storage of storm water runoff.
- 13.1.12 Developer - the owner of a proposed or approved subdivision.
- 13.1.13 Drip Line - the ground line around a tree that marks the limits of the tree canopy.
- 13.1.14 Driveway - A private driveway that provides access to not more than one lot or parcel.
- 13.1.15 Dry Hydrant - a hydrant used to draw water from a cistern or a pond.
- 13.1.16 Easement - A right in favor of one other than the owner of land to use the land for a special purpose not inconsistent with the general property interest of the owner.
- 13.1.17 Final Approval - in referring to a subdivision, means that (1) all required municipal improvements have been bonded, (2) all modifications deemed necessary by the Commission to bring the proposed subdivision into compliance with these Regulations have been satisfied or bonded and (3) the approved subdivision map has been endorsed by the Commission's Chairman or Secretary.
- 13.1.18 Invert/Flow line - A part of a drainage or sewer system, generally the lowest point of the internal cross section or stream bed or floor within a structure or channel.
- 13.1.19 Lot - a unit of land resulting from a subdivision or re-subdivision.
- 13.1.20 Natural - as applied to land, it is land in an undeveloped, un-built condition including agricultural land, forest land, meadows, wetlands and other rural landscapes.
- 13.1.21 Natural Features - rock outcrops, glacial erratic, specimen trees, streams, ponds, watercourses, wetlands, meadows, native shrubs, wildlife Communities and other features typical of a natural landscape.
- 13.1.22 Open Space - land that is dedicated or reserved in perpetuity for public or private use and enjoyment and on which development is limited or prohibited.
- 13.1.23 Parcel - a contiguous piece of land that is the

- subject of a subdivision or re-subdivision application.
- 13.1.24 Professional Engineer - a person licensed by the State of Connecticut to practice as a professional engineer in civil engineering.
- 13.1.25 Rational Method - A method of determining stormwater runoff utilizing an empirical approach relating peak discharge to drainage area, rainfall intensity and runoff coefficient.
- 13.1.26 Recreation, Active - means leisure-time activities, usually of an organized nature and usually performed with others and requiring equipment and a dedicated playing area. Baseball, soccer, tennis, golf and basketball are examples of active recreation.
- 13.1.27 Recreation, Passive - means activities that are less energetic than active recreation and require little, if any, equipment or playing fields. Examples include walking, fishing, jogging, non-motorized biking, picnicking, and bird watching.
- 13.1.28 Reserve Strip - a lot, or part of a lot, or strip of land used to limit access to another lot or other land.
- 13.1.29 Re-subdivision - a change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any road layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot 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. Re-subdivision is included in the term "subdivision".
- 13.1.30 Specimen Tree - a tree with a trunk measuring 24 inches or greater in diameter at 4.5 feet above ground level.
- 13.1.31 State plane coordinates - Primary horizontal and vertical datum based on NAD83 datum (horizontal) and NGVD29 datum (vertical). All units in US feet.
- 13.1.32 Street - A Town owned and maintained street including the right of way, a State highway including the paved travelway and the right of way or a street, including a "private street" shown on a subdivision plan approved by the Planning and Zoning Commission.

- 13.1.33 Subdivision - the division of a parcel of land into three or more lots made subsequent to the adoption of subdivision regulations by the Commission for the purpose of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.<sup>1</sup>
- 13.1.34 Surveyor - a person licensed by the State of Connecticut to practice as a land surveyor.

#### **14.0 AMENDMENTS**

The Commission may amend these Regulations in accordance with the procedures in the Connecticut General Statutes.

#### **15.0 VALIDITY**

If any part of these Regulations is declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the rest of these Regulations.

**Effective Date 15 June 2008**