

# **SUBDIVISION REGULATIONS**

**Sprague, Connecticut**

**SPRAGUE PLANNING AND ZONING COMMISSION**

**Adopted:** January, 1959  
**Revised To:** January 1, 2005

**SPRAGUE SUBDIVISION REGULATIONS**

**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page</u></b>
1. AUTHORITY .....	1
2. PURPOSE .....	1
3. DEFINITIONS .....	1
4. GENERAL PROVISIONS .....	3
5. PROCEDURE OF THE COMMISSION ON APPLICATION .....	4
6. PLAN SPECIFICATIONS .....	8
7. SUBDIVISION DESIGN STANDARDS .....	18
8. RECORDS AND REVIEW .....	27
9. PENALTIES .....	27
10. VALIDITY AND CONSTITUTIONALITY .....	28
11. EFFECTIVE DATE .....	28
12. AMENDMENTS .....	28
13. WAIVERS .....	28
 APPENDIX A: SUBDIVISION APPLICATION .....	 29

## **SECTION 1. AUTHORITY**

1.1 The Planning and Zoning Commission of the Town of Sprague, Connecticut, prescribes the following rules and regulations to control the subdivision of land pursuant to Chapter 126, Connecticut General Statutes, 1958 Revision, as amended. No subdivision, either public or private, shall be authorized in the Town until it has been approved by the Sprague Planning and Zoning Commission. These Regulations amend and supersede the Subdivision Regulations, Town of Sprague, effective January 26, 1959, and revised to January 1, 2005.

## **SECTION 2. PURPOSE**

2.1 The purpose of these Regulations is to achieve orderly development through land subdivision, and to promote and develop the utilization of land to assure the best possible environment so that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; so that proper provisions shall be made for water supply, surface drainage, and sewage disposal; so that proposed streets shall be in harmony with existing or officially proposed principal thoroughfares and so arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs; so that open spaces for parks and playgrounds shall be provided in locations deemed proper by the Planning and Zoning Commission; and in general, to protect the safety, convenience, and welfare of the inhabitants of Sprague.

## **SECTION 3. DEFINITIONS**

3.1 Whenever used in these Regulations, the singular shall include the plural and vice versa.

3.2 **Commission** - The Planning and Zoning Commission of the Town of Sprague.

3.3 **County Soil and Water Conservation District** - The New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

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

3.5 **Easement** - A right to use land owned by another for a special, limited purpose and includes right(s)-of-way.

3.6 **Erosion** - The detachment and movement of soil or rock fragments by water, wind, ice, gravity, or other natural causes.

3.7 **Interior Walk** - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

3.8 **Lot** - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by the Sprague Zoning Regulations. In the case of multi-family

dwellings and public, institutional, educational, recreational, commercial and industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

3.9 **Master Plan for the Town of Sprague, Connecticut** - A plan of development for the Town showing its present and planned physical development drawn pursuant to Chapter 126, Section 8-23, of the General Statutes of the State of Connecticut, 1958 Revision, as amended.

3.10 **Performance Bond** - A surety bond issued by an insurance company or bonding company licensed to do business in the State of Connecticut, which assures performance of certain activities or work.

3.11 **Person** - Every natural person, partnership, corporation, fiduciary, association or other entity. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any partnership or association shall mean the partner or members thereof, and as applied to any corporation shall include the officers thereof.

3.12 **Print** - A white paper reproduction of the original drawing.

3.13 **Reverse Frontage Lot** - A lot extending between and having frontage on a major street or highway and a residential street, with vehicular access solely from the latter.

3.14 **Right-of-Way** - Land reserved for use as a street, interior walk or for other public purpose.

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

3.16 **Sight Distance** - The maximum distance of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

3.17 **Soil** - Any unconsolidated mineral or organic material of any origin.

3.18 **Soil Erosion and Sediment Control Plan** - A scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative.

3.19 **Street** - An improved right-of-way dedicated and accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan under consideration or one previously approved by the Commission. Streets may be further classified as follows:

- a) **Collector-Arterial** - provides for through traffic movement between areas of and across the Town, and direct access to abutting property.
- b) **Local** - provides for direct access to abutting land and for local traffic movement.
- c) **Cul-de-sac Street** - a local street having but one vehicular access to another street and terminated by a paved vehicular turn-around.

3.20 **Subdivider** - The owner, equitable owner, or authorized agent of the owner of the property subdivided.

### 3.21 **Subdivision** -

a) "Subdivision" shall mean the division of a tract or parcel of land into three (3) or more parts or lots subsequent to January, 1959 for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

b) "Resubdivision" shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change;

1. affects any street layout shown on such map, or
2. affects any area reserved thereon for public use, or
3. 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.

c) Where only a portion of land is subdivided, the balance of said tract for which subdivision is not proposed need not be included in the Subdivision Plan as required hereunder. However, a statement of intent and a tentative sketch plan for the future development of the entire tract shall be submitted.

### 3.22 **Subdivision Plan** - The subdivision map, drawing or drawings, and supporting documents prepared for approval by the Commission and filing in the office of the Sprague Town Clerk.

## **SECTION 4. GENERAL PROVISIONS**

4.1 No subdivision of any lot, tract, or parcel of land shall be affected, and no street, driveway, sanitary sewer, storm water sewer, water main, or public service or other facilities in connection with land subdivision, shall be constructed, maintained, opened or dedicated for public use, or for the common use of occupants of buildings abutting thereon, until a subdivision plan has been approved by the Commission and the provisions of these Subdivision Regulations have been complied with.

4.2 No subdivider shall sell or offer for sale any lot in a subdivision or erect any building on land in a subdivision, unless and until a subdivision plan has been approved by the Commission and filed with the Sprague Town Clerk.

4.3 The Commission shall review and approve, modify and approve or disapprove subdivision plans and shall administer provisions of these Subdivision Regulations. Final approval of a subdivision plan shall consist of all of the following:

- a) Approval by majority vote of the Commission of the application and all attendant documents, maps, and charts required by these Subdivision Regulations.
- b) Guarantee of performance in compliance with Section 5.2 of these Subdivision Regulations.

c) Endorsement of the plan in compliance with Sections 5.3 and 5.4 of these Subdivision Regulations.

4.4 Any person making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for said subdivision as specified in Section 5.3 of the Subdivision Regulations.

4.5 A soil erosion and sediment control plan shall be submitted with any subdivision application for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 6.3 of these Regulations. The Commission, in its sole discretion, shall determine what constitutes the size of the disturbed area.

4.6 If the proposed subdivision or resubdivision involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application to the Sprague Inland Wetlands Commission no later than the day the application is filed for subdivision or resubdivision approval with the Sprague Planning and Zoning Commission. The Planning and Zoning Commission shall not render a decision until the Inland Wetland Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Sprague Inland Wetlands Commission.

4.7 The Commission shall notify the clerk of any adjoining municipality of the pendency of any subdivision or resubdivision on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the date of receipt of the subdivision or resubdivision application and no hearing shall be held on the application until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such subdivision or resubdivision.

## **SECTION 5. PROCEDURE OF THE COMMISSION ON APPLICATION**

5.1 **Subdivision Plan** - Written application shall be made to the Enforcement Officer or Secretary of the Commission on an application form (see Appendix A) not less than seven (7) days prior to the regularly scheduled meeting of the Commission. Said application shall be accompanied by seven (7) prints of the maps, plans, profiles, and other required documents that shall be submitted as specified in Section 6 of these Regulations.

a) The Commission shall, upon receipt of the plans, check said plans to ascertain that they comply with these Regulations and the Sprague Zoning Regulations.

b) The fees for subdivisions and resubdivisions are specified in the Town of Sprague Planning and Zoning Commission Schedule of Fees for All Applications, Petitions, and Permits Prescribed by the Zoning Regulations and Subdivision Regulations of the Town of Sprague.

c) Approval of other departments is necessary before action can be taken by the Commission:

1. Approval of the proposed methods of sanitary sewage disposal shall be expressed in writing by the Sprague or State Health Officer, or Sprague Water and Sewer Authority as specified in Section 7.8 (a).

2. Approval of the engineering design of the street and storm drainage systems shall be expressed in writing by the Board of Selectmen. Where a proposed street or storm drain joins with a State of Connecticut Highway, the applicant shall present evidence that an application for a permit has been submitted to the Connecticut State Department of Transportation, and shall present evidence that the proposed street or storm drain is in accord with State Department of Transportation regulations and specifications.

3. If required, approval of the water system by the Southeastern Connecticut Water Authority according to Section 7.8 (c) of these Regulations.

d) **Hearings** - The Commission may hold a public hearing regarding any subdivision proposal, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of the time and place of such a hearing shall be published in a newspaper of general circulation in Sprague at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the applicant.

e) **Action** - The Commission may approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith within sixty-five (65) days after the public hearing thereon or, if no public hearing is held, within sixty-five (65) days after the receipt thereof if the subdivision plan and application conforms in all respects with these Subdivision Regulations. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in Sprague and addressed by certified mail to any person applying to the Commission under this section, by its secretary, under his signature within fifteen (15) days after such decision has been rendered. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. One sixty-five (65) day extension period may be had with the consent of the applicant. The reasons for the action of the Commission shall be stated in the records of the Commission.

f) **Minutes** - If the Commission shall disapprove a plan of subdivision or resubdivision, it shall state the grounds thereof in its minutes. If the Commission shall approve or modify and approve a plan of subdivision or resubdivision, it shall note the same in its minutes.

g) Whenever a subdivision of land is planned, the area of which will abut or include land of two or more municipalities, one of which is the Town of Sprague, the Planning and Zoning Commission of the Town of Sprague will submit said plan of subdivision to the regional planning agency having appropriate jurisdiction for report pursuant to Section 8-26b of the Connecticut General Statutes.

## **5.2 Agreement and Performance Bond Requirements**

Prior to endorsement of the subdivision or resubdivision plan, the applicant shall provide the Commission with a performance bond from a bonding company licensed to conduct business in Connecticut, or other surety with conditions satisfactory to the Commission securing to the Town of Sprague the actual construction and installation of all improvements as required by these Regulations, including the construction of streets, drainage features, public utilities, street signs, the installation of monuments and markers, the grading and improvement of recreation facilities, clean up of the premises and measures to be taken to control soil erosion and sedimentation likely to occur from the proposed subdivision. The amount of the bond shall be estimated by the applicant who shall provide the Commission with the basis for the estimate. The amount of the bond or other surety shall be determined by the Commission after consultation with the First Selectman and other appropriate local and state officials. Such performance bond or other surety shall be satisfactory to the Sprague Town Attorney. The five year period within which improvements must be completed as specified in Section 5.3 of these Regulations shall be incorporated in the bond or other surety.

5.2.1 The penal sum of any performance bond or other surety held under Section 5.2 above may, from time-to-time, be reduced by the Commission in part after clearly definable portions of the improvements have been completed in accordance with the requirements of these Subdivision Regulations and the approved subdivision or resubdivision plan.

5.2.2 Upon completion of improvements required by the approved subdivision or resubdivision plan, security for the performance of which was given by bond or deposit, the applicant shall send by registered mail to the Commission a written statement that the said construction or installation in connection with which such bond or deposit has been given has been completed in accordance with the requirements of these Subdivision Regulations.

a) The Commission may, in its sole discretion, and after receipt of the following written reports, approve the release of a performance bond or other surety:

1) The Commission shall obtain in writing from the Board of Selectmen a statement that all work required by the Board of Selectmen has been inspected by their agent, and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, monuments, bridges, and sidewalks and that they have approved the methods of construction and materials used in the performance of such work.

2) The Commission shall obtain in writing from the Sprague or State Health Officer, or Sprague Water and Sewer Authority, a statement that they have inspected, and the applicant has completed, each water main and sanitary sewer and their appurtenances in accordance with the construction, material and other requirements of the appropriate State and Town regulations.

3) The Commission shall obtain in writing from the Town or State Health Officer or Enforcement Officer, a statement that each installed on-lot water and sewerage system was installed in accordance with these Regulations and the Public Health Code of the State of Connecticut.

b) If the Commission determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the requirements contained in these Subdivision Regulations.

c) Before release of the performance bond or other surety, the Commission may require that a maintenance bond be submitted which shall be in an amount equal to ten percent of the performance bond, and which shall be retained by the Town of Sprague for one year. The purpose of the maintenance bond is to guarantee correction of any construction deficiencies or failures related to the subdivision or resubdivision.

**5.3 Endorsement** - If the Commission shall approve a plan of subdivision or resubdivision, or modify and approve a plan of subdivision or resubdivision, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed thereon and signed by its Chairman or Secretary on behalf of the Commission. This endorsement shall be on a mylar print of the plan. The Chairman may not be required to endorse a plan if a bond or other surety required by the Commission has not been provided.

Any person, firm, or corporation making any subdivision or resubdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision, which completion date shall be noted on the plan by the Chairman or Secretary of the Commission at the time of endorsement of the approved plan.

a) Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such plan, and no additional lots shall be conveyed in the subdivision by the subdivider except with approval by the commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete work required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approval of the plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

**5.4 Recording** - The approved and endorsed subdivision plan showing any modifications upon which final approval of the subdivision was contingent shall constitute the approved subdivision plan. The applicant shall file and record the approved and endorsed subdivision plan in the office of the Town Clerk of Sprague within ninety (90) days of the date such plan is delivered to the applicant or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act. Any subdivision plan not so filed and recorded within ninety (90) days shall be null and void, except that the Commission may extend the time for filing for two

additional periods of ninety (90) days and the approved subdivision plan shall remain valid until the expiration of such extended time. No lots in the subdivision shall be sold or offered for sale until the approved and endorsed subdivision plan has been filed in the office of the Sprague Town Clerk.

## **SECTION 6. PLAN SPECIFICATIONS**

6.1 **Pre-Application Sketch Plan** - The pre-application sketch plan is a general layout of a proposed subdivision submitted by the subdivider for informal consideration by the Commission prior to a formal submission of an application for approval. A pre-application sketch plan shall not be a required requisite to submission of an application, but applicants are encouraged to preview potential subdivision requests with the Commission before formal submission of an application to ensure that basic requirements can be met prior to incurring engineering, application, and legal fees involved with submission of an application and plan. It is recommended that prior to the preparation of the pre-application sketch plan, the subdivider ascertain from the Commission those elements and conditions which should be taken into consideration in the design of the subdivision. These shall include any features of the Master Plan for the Town of Sprague and its amendments, or of any plans of the Commission, including but not limited to proposed streets, recreation areas, drainage reservations, shopping centers and school sites. It should be clearly understood that the pre-application sketch plan enjoys no official legal status and that consent with regard to feasibility of the pre-application sketch plan on the part of the Commission in no way predicates approval of the required plan. A pre-application sketch plan is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but is at the sole discretion of the applicant.

a) Contents of the Pre-application Sketch Plan - The pre-application sketch plan may be drawn on tracing paper with pencil at a scale of not less than 200 feet to the inch which will show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Subdivision Plan. The preapplication sketch plan should show:

1. The subdivision name, boundaries, true north point, date, scale.
2. The names and addresses of the record owner and the applicant.
3. All major site features such as existing streams, waterbodies, stone walls, large trees, rock ridges, outcroppings.
4. The names and approximate location of existing adjacent streets and proposed streets.
5. The total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines and approximate area of each proposed lot.
6. Sites dedicated or reserved for purposes other than residential.
7. Subsurface soil conditions based on results of random soil pit tests at the ratio of one per two (2) acres distributed evenly over the proposed subdivision site.
8. It is recommended that a vicinity or location map also be submitted. This map should be at a scale of not more than 1,000 feet to one inch and it should show adjacent streets and roads, all property owned or optioned by the applicant, or owner, public water and sanitary sewer lines.

b) The Commission may hold an informal discussion with the applicant to discuss the proposal. In any case, the Commission should inform the applicant of any general comments and recommend changes or modifications before submission of a subdivision plan.

## 6.2 **Subdivision Plan.**

a) The subdivision plan shall be prepared with an accuracy of "Class A-2 Transit Survey" of the Code of Recommended Practices for standards of accuracy of maps, as described by the Connecticut Technical Council, Inc. The application shall be accompanied by a minimum of seven (7) prints of the subdivision plans, maps, profiles and other required documents. Maps shall be on a good quality white print paper. The size of the sheets shall not exceed thirty-seven inches (37") long or twenty-five inches (25") wide. The plan shall be clearly drawn in ink at a preferable scale of forty feet (40') to one inch (1") horizontally and in any case not less than a scale of one-hundred feet (100') to one inch (1") horizontally and four feet (4') to one inch (1") vertically. Where it is not possible to fit the entire subdivision plan on one map sheet, more than one sheet may be used provided that match lines are indicated on each sheet and an index map is submitted.

b) Said plan shall include the following:

1. Name of the subdivider and of the owner in whose name the subdivision is to be recorded. If the subdivider is a corporation, the principal officers of the corporation.
2. Title, if any.
3. North point, scale of map, original date and date of any revisions.
4. Name, seal, and signature of the registered professional engineer or land surveyor or other qualified person certifying that the maps and plans are substantially correct.
5. Primary control points or ties to such control points to which all pertinent engineering data shall be referred.
6. Tract boundaries of subdivision with bearings or angles, and distances.
7. Layout of lots, the total area in square feet of each lot, bearings, dimensions, angles, building markers or monuments indicating the lot boundaries.
8. Name of adjacent subdivision, or of owners, and of record owners of adjacent unplatted properties.
9. Contours of the land to be subdivided in sufficient detail to show general topography, watercourses, and drains. The contour interval shall not be greater than five (5) feet. If grading of lots is to be carried out by the subdivider, the finished grade shall also be shown.
10. Layouts of existing and proposed new streets including rights-of-way and roadway width, names, and sidewalks.

11. The location of street and lot monuments and markers.
12. Radii, length of curves, and tangent bearings for all streets.
13. Adjacent streets with names and dimensions.
14. The location and size of all existing and proposed water, oil, and gas mains, sanitary and storm water sewers, catch basins, manholes, bridges, and culverts, with invert elevations of all drainage structures.
15. Location and boundaries of all easements; rights-of-way, including those for utilities, sewers, and drainage whether on or off site; and other land divisions and their purpose.
16. Location and outline of all existing structures to remain.
17. Location of all watercourses, wetlands, land subject to flooding, rock outcroppings, open spaces reserved for parks, playgrounds, or other common or separate uses; or in general, features that add to the attractiveness of the property including trees in excess of two (2) feet in diameter, stone walls, and architecturally and/or historically significant buildings.
18. For those areas where public sewers are not available, the subdivision plan must show the location of the percolation test on each lot and a log showing the results of each percolation test hole. The location of the percolation test shall be in the expected area of the septic system leaching field.
19. If the subdivider is not the record owner of the land, documentation showing that the subdivider is properly authorized by the record owner.
20. Statement dedicating streets, rights-of-way or other areas for public use as may be required by the Town.
21. Copies of all covenants or deed restrictions that will apply to any part of the proposed subdivision.
22. Limits of zoning classifications in which the property lies.
23. Such other certificates, affidavits or endorsements as the Commission may require for the enforcement of these Regulations.
24. A place for the signature of the Commission Chairman or Secretary, with date.
25. All applications for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include with such application base flood (100-year flood) elevation data for that portion of the subdivision which permits development, including fill, within A Zones on the Town's Flood Insurance Rate Map, dated January 3, 1985, or any subsequent revision thereof.

26. Locations of proposed principal buildings, driveways, water supplies and sewerage disposal systems shall be shown on all lots containing wetlands, watercourses, slopes in excess of ten percent, ledge outcrops or shallow to bedrock soils.

c) As part of the subdivision plan, a separate map or maps shall be filed, which shall contain and delineate the following:

1. A general site or location map to a scale not greater than one inch (1") equals 500 feet indicating the relation of the proposed streets in the subdivision to the existing streets in the vicinity of the proposed subdivision. This may be a separate map or if there is sufficient space on the final plan, this general site or location map may be shown as an insert.

2. A street profiles map showing accurate existing and finished grades, together with detailed road construction plans, including details of any drainage structures and grading plans of embankments and slopes.

**6.3 Soil Erosion and Sediment Control Plan** - If the proposed subdivision will result in the disturbance of more than one-half acre of land, the applicant will submit as part of the subdivision plan, a Soil Erosion and Sediment Control Plan that contains proper provisions to adequately control storm water runoff in the proposed subdivision based on the best available technology. Such principles, methods, and practices necessary for certification maybe found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985) as amended, available from the Natural Resources Center of the Connecticut Department of Environmental Protection, and the Commission strongly encourages the use thereof. The Commission shall determine, in its discretion, the best available technology for the Plan.

6.3.1 The Soil Erosion and Sediment Control Plan shall include the following:

a) A narrative describing:

1. The development;
2. The schedule for grading and construction activities including:
  - A. start and completion dates;
  - B. sequence of grading and construction activities;
  - C. sequence for installation and/or application of soil erosion and sediment control measures;
  - D. sequence for final stabilization of project site.
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

b) A map meeting the scale requirements of Section 6.2a) showing:

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including soil types, wetlands, watercourses, and waterbodies;
3. The existing structures on the project site, if any;
4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. The sequence of grading and construction activities;
7. The sequence for installation and/or application of soil erosion and sediment control measures;
8. The sequence for final stabilization of the development site;
9. The words "Certified by the Sprague Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.

c) The narrative required in Section 6.3.1 a) may be included on the map of Section 6.3.1 b) if room allows it without affecting readability of the map. The items required to be mapped in Section 6.3.1 b) may be depicted on the subdivision plan map required in 6.2 a) if readability of the subdivision map is not affected.

6.3.2 Prior to action, any subdivision plan submitted to the Commission may be reviewed by the New London County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan by the New London County Soil and Water Conservation District.

6.3.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in the performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 5.2 of these Regulations.

6.3.4 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.

**6.4 Conservation Subdivisions:** The purpose of this section is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies,(3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks , forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban

development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character by: a) permitting a transfer of density by way of reduction in the minimum lot size normally required in specific zones for residential development; or b) permitting the development of oversized lots as provided for in Section 15.18.6 of the Sprague Zoning Regulations, by incorporating open space into individual lots.

#### 6.4.1 **Definitions:**

a. **Active Recreation.** Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

b. **Passive Recreation.** Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as “active” if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

c. **Conservation Subdivision.** A subdivision approved in accordance with this Section and with Section 15.18 of the Zoning Regulations.

d. **Conventional Subdivision.** A subdivision design that is consistent with the provisions of the Sprague Zoning Regulations and Subdivision Regulations that would be applicable in the absence of this Subsection 6.4 and Section 15.18 of the Sprague Zoning Regulations.

6.4.2 **Requirements of Submitting a Conservation Subdivision Design:** Except as otherwise provided for in Section 6.4.11, every applicant proposing to subdivide a parcel of land containing fifteen (15) acres or more; or any parcel that has been in existence as of January 1, 2005, that has been divided, subdivided, or re-subdivided for residential use, that results in the creation of five (5) or more lots, or involves fifteen (15) or more contiguous acres in any R-20, R-40, R-80 or R-120 zoning district, must submit a Conservation Subdivision plan that meets the requirements of this Section and the other relevant provisions of these Regulations and the Sprague Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included.

The Commission recommends that prior to the submission of an official application for Conservation Subdivision approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the

development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for approval of the final Conservation Subdivision plan.

**6.4.3 General Density Limitations:** The maximum number of units for a Conservation Subdivision shall be determined by the Yield Plan Method.

**Yield Plan Method.** The applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Sprague Zoning and Subdivision Regulations governing Conventional Subdivision lots, and the Sprague Road Ordinance. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a Conventional Subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than ten (10) feet; inland wetlands and watercourses in areas of the property not being proposed for development (on either the Yield Plan or the Conservation Subdivision Plan) may be depicted as they appear on various sources of other mapping, inland wetlands and watercourses in areas of proposed development must be delineated by a Professional Soil Scientist; 100-year floodplains (Flood Zones A, as shown on FEMA maps); and easements and rights-of-way affecting the parcel. The Commission may require that the Yield Plan include a "Property Survey" prepared in accordance to the "Standards for Surveys and Maps in the State of Connecticut", as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996.

On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

**6.4.4 Minimum Area of Open Space Required:** The minimum percentage of land that shall be designated as permanent open space shall be as required under Section 15.18.7 of the Sprague Zoning Regulations.

**6.4.5 Design Guidelines for Conservation Subdivisions:** The dimensional requirements for lots in a Conservation Subdivision shall be as specified in Section 15.18.6 of the Zoning Regulations. In designing a Conservation Subdivision, the applicant shall consider the purposes set forth in Section 6.4 and Section 7.10 of these Regulations; the provisions and standards set forth in Section 15.18.6 of the Zoning

regulations, and the following:

- a. Proposed lots and improvements should be designed and situated to minimize alteration of natural site features to be preserved.
- b. Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- c. Open space intended for recreation or other active public use should be easily accessible to pedestrians, including to the extent feasible, the handicapped and elderly.
- d. Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from, and the view of, prospective home sites, and to minimize the area devoted to motor access and travel.

The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations.

**6.4.6 Common Driveways:** Common driveways serving more than one dwelling unit are encouraged, especially when interior (rear) lots are proposed and at cul-de-sacs. Minimum separation between physical driveways is 25 feet. The applicant shall demonstrate adequate snow shelf and driveway curb-cut separations at cul-de-sacs (public or private). Common driveways may not serve as a connecting driveway between two public streets or private laneways, and must be wholly contained within an access strip with a minimum width of 40 feet throughout.

Common driveways may serve up to five (5) dwelling units in a Conservation Subdivision, and shall be paved with bituminous concrete or gravel to a minimum width of eighteen (18) feet. Final design is site specific and subject to the recommendation of the Town Engineer. Bituminous concrete pavement is required where road grade is greater than or equal to 8%. The pavement cross section shall consist of: 1) 6" rolled gravel sub-base (or as required by the Town Engineer); 2) 4" compacted processed stone base; 3) 1 ½" compacted bituminous concrete Class I pavement binder course; and 4) 1 ½" compacted bituminous concrete Class II pavement finish course. The unpaved cross section shall consist of: 1) 8" rolled gravel sub-base (or as required by the Town Engineer); and 2) 4" compacted processed stone finish course.

Where common driveways exceed 600 feet in length, a pull-off (12' wide x 20' deep) shall be provided at intervals of 600 feet (except the last 600 feet of driveway may be served by the cul-de-sac).

All common driveways are to be maintained by either a Homeowner's Association, or through the establishment of private maintenance and liability agreements, and are to remain private in perpetuity in a form acceptable to the Commission, which shall be

subject to review by the Town Counsel. Appropriate easements shall be provided for travel, utilities, snow storage and pull-off, hammerhead turnaround, and associated snow shelves.

**6.4.7 Conservation Subdivision Streets:** New public streets serving a Conservation Subdivision shall be paved to a minimum width of twenty (20) feet (bituminous concrete) with a cross slope from center crown to gutter of no less than 3/8"/foot. Final design is site specific and subject to the recommendation of the Town Engineer.

Curbing and formal closed drainage systems (e.g., culverts, catch basins, etc.) are to be held to a minimum, except as provided below. Curbing shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required. Curbing is not required: where land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.

Where public streets exceed 600 feet in length, a hammerhead turnaround (12' wide x 20' deep) shall be provided at intervals of 600 feet (except the last 600 feet of roadway may be served by the cul-de-sac). Additional street right-of-way may be required to accommodate a hammerhead turnaround and associated snow shelf. Public streets within a Conservation Subdivision may not exceed 1,200 feet in length.

All dead-end streets shall terminate in a cul-de-sac. Cul-de-sac streets shall not serve more than (12) dwelling units, except that waivers for cul-de-sac streets serving not more than sixteen (16) dwelling units may be granted by the Commission in instances where the applicant has satisfactorily demonstrated that street length, topography, natural features, site layout and emergency vehicle access are adequate to properly serve the proposed dwellings (three-quarters (3/4) of the Commission quorum present must vote in favor for the waiver to be granted).

All new public streets shall be designed to the standards of these regulations, and to the standards of the Sprague Road Ordinance, except where expressly modified by this chapter.

**6.4.8 Conservation Subdivision Private Lanes:** Private lanes may serve up to ten (10) dwelling units in a Conservation Subdivision. All private lanes shall be paved with 3" bituminous concrete (1 1/2" Class I and 1 1/2" Class II) or gravel to a minimum width of twenty (20) feet. Final design is site specific and subject to the recommendation of the Town Engineer. Private lanes may not serve as a connecting road between two public streets.

Bituminous concrete pavement is required: where road grade is greater than or equal to 6%; where a closed drainage system is required; and where curbing is required. The Commission may waive the requirement for bituminous concrete pavement (three quarters (3/4) of the Commission quorum present must vote in favor for waiver to be granted), in instances of road grade greater than 6% but not more than 8%, if the

applicant satisfactorily demonstrates site design, use and physical features of the site can sustain and support a twenty (20 feet wide gravel street.

Curbing and formal closed drainage systems are to be held a minimum, except as provided below. Curbing shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required. Curbing is not required: where the land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design. The cross slope from center crown to gutter shall be no less than 3/8"/foot.

Pavement cross-section shall consist of: 1) 6" rolled gravel sub-base (or as required by the Town Engineer); 2) 4" compacted processed stone base; 3) 1 1/2" compacted bituminous concrete Class I pavement binder course; and 4) 1 1/2" compacted bituminous concrete Class II pavement finish course. Unpaved cross sections shall consist of: 1) 8" rolled gravel sub-base (or as required by the Town Engineer); and 2) 4" compacted processed stone finish course.

All dead-end private lanes shall terminate in a cul-de-sac with an outside radius of travel way of 50 feet. If a center island is proposed, the width of the travel way around the island shall be at least 20 feet. Where roads exceed 600 feet in length, a hammerhead turnaround (12' wide x 20' deep) shall be provided at intervals of 600 feet (except the last 600 feet of roadway may be served by the cul-de-sac). Private lanes within a Conservation Subdivision may not exceed 1,800 feet in length.

All private lanes are to be maintained by a homeowner's association, and are to remain private in perpetuity in a form acceptable to the Commission, which shall, at the Commission's discretion, be subject to review by the Town Counsel. Appropriate easements shall be provided for travel, utilities, snow storage, maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf. All private lanes shall be identified on the subdivision plans.

**6.4.9 Indemnification:** If a Conservation Subdivision contains a private lane or common driveway, a note shall be placed on the final Conservation Subdivision plan, and in the deed to the property stating: "This subdivision is serviced by a private lane (and/or common driveway). The Town of Sprague will provide no maintenance, repair or school bus service along this private lane (and/or common driveway)."

**6.4.10 Dedication of Open Space:** The dedication of open space shall be in accordance with the provisions set forth in Section 15.18.8 of the Sprague Zoning Regulations.

**6.4.11 Modification or Exception:** An applicant may apply to the Commission for a modification or exception to the Conservation Subdivision plan requirements. The purpose of the modification or exception is to provide flexibility with regard to parcels of land for which a Conservation Subdivision would be impractical due to existing physical conditions or limitations, would create an undue hardship, or would be substantially

detrimental to the character of, or property in, surrounding areas. In evaluating, approving or disapproving an application for such a modification or exception, the commission may consider the following criteria:

- a) The nature of the proposed development.
- b) The nature of the resources present on the land.
- c) The size of the subdivision.
- d) Road access.
- e) The shape of the parcel.
- f) Any undue hardships that the creation of a Conservation Subdivision would cause.
- g) Any other factor the Commission deems appropriate.

## **SECTION 7. SUBDIVISION DESIGN STANDARDS**

### **7.1 General.**

a) The principles, standards and requirements set forth in this section shall be applied by the Commission in its review of a proposed subdivision. Such principles, standards and requirements shall be deemed as minimal in nature and whenever the principles, standards or requirements of other town codes, ordinances or regulations are higher or more restrictive, the latter shall control any application for a proposed subdivision.

7.2 **Recommendations** - In the consideration of subdivision, the Commission shall make such recommendations as seem necessary to preserve and enhance or produce scenic values and conditions for the improvement of subdivision or development design.

### **7.3 Suitability of Land Use.**

a) Land shall be suited to the purpose for which it is to be subdivided. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, or other menace shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard until appropriate measures have been taken by the subdivider to lessen such hazards.

b) All plans shall be in reasonable conformity to the Town Plan of Development as adopted by the Planning and Zoning Commission, fit the land and conserve the natural features.

### **7.4 Reserve Strips.**

a) The Commission may prohibit reserve strips of land, which in its opinion show an intent by the subdivider to control access to land of another, or to control access to land dedicated or to be dedicated to public use, including open spaces, parks, playgrounds, or public ways.

### **7.5 Street System.**

- a) Streets shall be logically related to the topography so as to produce reasonable grades and suitable building sites.
- b) In addition to the requirements of these Subdivision Regulations, streets shall be constructed in accordance with the standards and requirements of the Board of Selectmen, the Town of Sprague, the State of Connecticut, and any other appropriate agencies.
- c) Residential streets shall be laid out as to discourage through traffic; however, the arrangement of streets shall provide for the continuation of existing or proposed major streets or highways.
- d) If lots resulting from a subdivision are large enough to permit resubdivision, or if a portion of a tract is not subdivided, adequate street right-of-way to permit further subdivision may be provided.
- e) The arrangement of streets in a subdivision shall provide for the continuation of streets as required by the Commission in adjoining subdivisions or for their future extensions when adjoining property is not subdivided, and shall be of a width consistent with that of existing connecting streets.
- f) Where a subdivision abuts or contains an existing or proposed collector-arterial street, the Commission may require reverse frontage lots, local streets parallel to such street, or such additional treatments as will reduce the number of intersections with such street, separate local and through traffic, and provide protection for abutting properties.
- g) Where a subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of the Town of Sprague, the applicant may be required to deed sufficient land to the Town of Sprague to permit widening of the street and may be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.

## 7.6 Sidewalks.

Paved sidewalks are required in all subdivisions in the R-3 zoning category of the Sprague Zoning Regulations; in subdivisions within one (1) mile of the property line of a public school, or site designated for a public school; and in other areas deemed appropriate by the Commission for public safety where there is the likelihood of substantial pedestrian or vehicular traffic generated by high residential densities, industrial, commercial, or institutional uses. Paved sidewalks are not required but are recommended in all other subdivisions. If sidewalks are not constructed, provisions of space for future sidewalk construction shall be provided. Paved sidewalks shall conform to the standards and requirements of the Board of Selectmen, the Town of Sprague, the State of Connecticut and any other appropriate agencies.

## 7.7 Lots and Lot Sizes.

- a) Side lot lines shall be substantially at right angles or radial to street lines.
- b) Reverse frontage lots shall be avoided except where desirable to provide separation from traffic arteries or to provide protection for abutting properties or to overcome certain conditions of topography or orientation.
- c) All lots shall conform to the minimum requirements of the Zoning Regulations of the Town of Sprague, Connecticut, and shall include the provision for cluster as defined in the Zoning Regulations.
- d) Lots with no frontage on an accepted street or on a street proposed for acceptance shall not be permitted.
- e) All lots in a subdivision plan shall be numbered consecutively with the first lot designated by the numeral one (1). No fraction, suffix or prefix shall be permitted. Adjoining subdivisions, having the same name, shall not duplicate the numbers of the previous plan, but shall continue the sequence used in the previous plan.
- f) Driveways shall be designed so that the final grade does not exceed fifteen percent (15%). Driveways with ten percent (10%) to fifteen percent (15%) grades shall be paved with concrete or bituminous concrete for that portion or portions of the driveway ten percent (10%) or greater in grade.
- g) To the maximum extent possible, lots shall be arranged in a manner that provides the best opportunity for the use of solar energy in buildings subsequently constructed on them. As a general rule, lot arrangement should enable principal buildings to be situated so that their longest axis lies in an east/west direction, so as to expose the front or rear of the building to the south. Attention should be given to ensuring that projected building locations are not shaded by topographic features or by buildings on adjoining properties.

## 7.8 **Water and Sewer Requirements.**

a) In areas where no public off-lot sewerage and/or water facilities are available, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of the individual sewage disposal system (septic tank and drain field). Such information shall consist of a written report of the Town or State Health Officer regarding seepage and other tests he may require. The subdivider shall provide the necessary equipment and labor for the making of these tests. Adequacy of plans for subsurface sewage disposal facilities shall be based on percolation tests taken on each lot in the proposed subdivision in the probable location of the private sewage disposal facility and carried out in conformity with the standards and requirements of the Connecticut State Department of Health Services by a professional engineer, or a qualified individual approved by the Commission. The Town Health Officer or his assistants and the Commission shall be given at least one (1) day's notice of the time of proposed percolation tests. All installations of private sewage disposal systems shall conform with the standards and requirements of the Connecticut State Department of Health Services. If a proposed subdivision is located within an area served by the Town of Sprague sanitary sewerage system or located within a reasonable distance of the Town of Sprague sanitary sewerage system as determined by the Commission, the subdivider shall provide connections to the Town of Sprague sanitary sewerage system for each unit in the proposed subdivision. Such a sanitary sewerage system shall be designed and constructed in accordance with the provisions of the Connecticut Public Health Code and the regulations of the Sprague Water and Sewer Authority.

b) Provision shall be made by a subdivider for an adequate water supply for each dwelling unit in said subdivision according to the appropriate provisions of the Connecticut Public Health Code. If a proposed subdivision is located within an area served by the Town of Sprague public water system or located within a reasonable distance of the Town of Sprague water system as determined by the Commission, the subdivider shall provide connections to the Town of Sprague water system for each unit in the proposed subdivision. Such a water system shall be designed and constructed in accordance with the provisions of the Connecticut Public Health Code and the regulations of the Sprague Water and Sewer Authority.

c) If any proposed water system will consist of one or more wells having estimated combined yields of more than fifty (50) gallons per minute and are located more than one thousand feet (1,000') from the Town of Sprague system or if the land area of the subdivision, together with any adjacent tracts owned or controlled by the subdivider or his agent, contains fifty (50) acres or more, the proposed system shall be reviewed by the Southeastern Connecticut Water Authority for a report to the Commission prior to approval of the subdivision.

d) Under Section 8-25a. of the Connecticut General Statutes no plan shall be approved by the Commission that involves the construction or expansion of a water company serving not less than fifteen (15) service connections or twenty-five (25) persons nor more than two-hundred fifty (250) service connections or one-thousand (1,000) persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Departments of Public Utility Control and Health Services, pursuant to Section 16-262m of the Connecticut General Statutes.

## 7.9 **Easements.**

a) Easements shall be provided as necessary for public utilities and shall have a minimum width of twenty feet (20').

b) Such easement shall be located on or be adjacent to rear or side lot lines.

c) Where a subdivision is traversed by a watercourse, there shall be a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to provide drainage and permit access for maintenance by the Town.

d) Where a subdivision adjoins a park, watercourse, or other land use different from that proposed in the subdivision, the Commission may require a setback or buffer from such watercourse or other land use for the protection of, or separation of, the several land uses; provided: such setback shall be not less than ten feet (10') nor more than fifty feet (50').

7.10. **Open Space and Recreation Areas.** For any subdivision of land under these Regulations, the Commission may require of the sub-divider the conveyance and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Section, "Open Space or Recreation Areas" shall be defined to include, but not be limited to, areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit

recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider the Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, ledge outcroppings and other unusual physical features; the protection of productive agricultural soil, the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space or recreational purposes, and it may reject or modify any area proposed by the applicant.

a) **Size.** Where open space and/or recreation area dedication is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Section 7.10, and the scope of the subdivision proposal. Required open space and/or recreation areas shall ordinarily be a minimum of twenty percent (20%) of the area of the property under consideration. In the event the Commission elects to have the applicant dedicate a portion of the proposed subdivision that is proportionately more valuable than the remainder of the subdivision, the Commission may require the dedication of ten percent (10%) or less of the area of the subdivision if the area to be dedicated would have a fair market value approximately equivalent to ten percent (10%) of the fair market value of the land to be subdivided, as measured prior to subdivision approval. However, in no case may the fair market value of the land or interests which the Commission requires the owner to dedicate exceed ten percent (10%) of the fair market value of the total subdivision area as measured prior to subdivision approval. In determining the total land to be reserved as open space and/or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

b) **Sites of Archaeological Significance.** In all subdivisions of five (5) acres or more, all applicants shall make written inquiry (unless modified by the Commission) of the office of State Archaeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archaeological significance within the subdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of this Chapter. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance.

c) **Environmental Assessment.** The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

d) **Dedication.** The dedication of open space shall be accordance with the provisions as set forth in Section 15.18.8 of the Sprague Zoning Regulations.

e) **Referrals.** The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Sprague Inland Wetland and Conservation Commission, the Sprague Board of Selectmen, the Sprague Recreation Commission, the Southeastern Connecticut Council of Governments, or any other appropriate agency.

f) **Transfer.** Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of this Section and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Planning Staff and shall refer to the subdivision maps by title. All deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Meeting. In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the sub-divider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to Town Meeting approval be deemed as acceptance of the open space and/or recreation area by the Town.

g) **Fee in lieu of open space.** As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

1. **Amount:** Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

2. **Procedure:** To employ the fee-in-lieu of open space option, the following procedures shall be used:

a. The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.

b. The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.

c. If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

(Steps a, b, and c may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Formal Subdivision application.)

d. The applicant shall submit the appraisal prior to the completion of the Commission's review of the Formal Subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.

e. The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.

3. **Payment:** The method of payment of any fees under this Section shall be one of the following three options:

a. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved Final Subdivision mylars with the Town Clerk; or,

b. The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lot in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Final Subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.

c. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

4. **Dedicated Fund:** Fees submitted under this section shall be deposited by Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

h) **Open Space Exemptions.** In accordance with Connecticut General Statutes Section 8-25, the following instances shall be exempt from the provisions of Section 7.10 Open Space and Recreation Areas:

1. where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Final Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and

2. where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, and as amended. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for the purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

#### 7.11 **Approval of Appropriate Departments.**

a) All improvements such as streets, driveways, water mains and sewers shall be constructed at the expense of the subdivider in accordance with the specifications and regulations established by the department having jurisdiction.

#### 7.12 **Tree Planting.**

a) For subdivisions lacking existing trees, the Commission may require the planting of trees. In general, one tree shall be planted for every sixty (60) feet of lot street frontage with the exact number, size, and genus determined by the Commission after review of the proposed plantings by the Sprague Tree Warden or a forester of the Connecticut Department of Environmental Protection. Trees shall be planted not less than eight (8) feet from the edge of the street pavement.

#### 7.13 **Loam.**

a) All areas excepting roadways, sidewalks, and other hard surfaced areas shall be covered with a minimum of four inches (4") of loam and planted with grass or other suitable vegetation to prevent erosion.

7.14 **Street Signs.**

a) Street signs shall be erected by the Sprague Highway Department at the expense of the subdivider.

7.15 **House Numbers.**

a) House numbers shall be assigned by the Sprague Assessor.

7.16 **Monuments and Markers.**

a) Monuments shall be set at all street intersections, at all points of change in direction or curvature of streets and at other points as shown on the Plan and where, in the opinion of the Commission, permanent monuments are necessary. Monuments shall be of granite or reinforced concrete, not less than four inches (4") square and thirty inches (30") long with a drill hole marking the top center of the 4-inch (4") square. Monuments shall be set plumb at finish grade as shown on the Plan. One monument meeting these specifications shall also be located on at least one front corner of each lot.

b) Lot markers shall be permanent pipe markers three feet (3') long and one inch (1") diameter, set plumb at finish grade at all points or direction change on each lot shown on the Plan, except on one front corner of each lot where a lot monument as described in 7.16 (a) will be required.

c) No permanent monuments or markers shall be installed until all construction which could destroy or disturb the monuments is completed.

7.17 In matters of judgment or interpretation of the above standards, the opinion of the Commission shall prevail.

7.18 **Floodway Encroachments.**

a) Within the floodway, designated on the Flood Boundary and Floodway Map for the Town of Sprague, dated January 3, 1985, or any subsequent revision thereof, a copy of which is on file with the Commission, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during a 100-year flood.

7.19 **Flooding Considerations.**

a) The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in an A Zone on the Town's Flood Insurance Rate Map, dated January 3, 1985, or any subsequent revisions thereof, it shall be reviewed to assure the following:

1. That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.
2. That all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
3. That adequate drainage is provided to reduce exposure to flood hazards.
4. That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood water into the system.
5. That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharge from the system into flood waters.
6. That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.
7. That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.

#### 7.20 **Utilities.**

a) All utility lines will be located underground except that the Commission may approve overhead electrical, telephone, and cable television lines in subdivisions not involving new streets or where physical conditions make underground installation impractical. The Commission may permit overhead lines to be extended along a proposed street if such street is an extension of an existing street which has overhead lines and such extension involves a distance less than the existing street length.

### **SECTION 8. RECORDS AND REVIEW**

8.1 The Commission shall keep a record of its findings, decisions, and recommendations relative to all subdivision applications filed with it. All such records shall be public records.

### **SECTION 9. PENALTIES**

9.1 Any person who shall layout or open any street or tract of land within the Town without a map or plat of said street or tract having been approved by the Commission and filed in the office of the Town Clerk shall be fined not more than five hundred dollars (\$500) for each lot sold or offered for sale or so subdivided.

9.2 Any subdivision of land in violation of the terms of these Regulations is hereby declared to be a public nuisance and the appropriate officers of the Town are hereby authorized to institute any appropriate action or proceedings to restrain or abate such violation.

Each and every day's violation of any provision of these Regulations shall constitute a separate and distinct offense.

## **SECTION 10. VALIDITY AND CONSTITUTIONALITY**

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

## **SECTION 11. EFFECTIVE DATE**

11.1 These amended Regulations shall be in full force and effect as of January 1, 2005.

## **SECTION 12. AMENDMENTS**

12.1 These Regulations may be amended from time-to-time in accordance with the procedures in Section 8-25, Chapter 126 of the Connecticut General Statutes, 1958 Revision, as amended.

## **SECTION 13. WAIVERS.**

13.1 The Commission may waive requirements of these Subdivision Regulations, in whole or in part, by a three-quarters vote of all the members of the Commission in cases where conditions exist which affect the subject land and which are not generally applicable to other land in the area, except that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. Waivers may be granted only when strict compliance with these Subdivision Regulations is deemed by the Commission not to be in the best interests of the Town of Sprague or the general public.