

SUBDIVISION REGULATIONS

FOR THE

**TOWN OF GRISWOLD, CONNECTICUT
& THE BOROUGH OF JEWETT CITY, CONNECTICUT**



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GRISWOLD PLANNING & ZONING COMMISSION

TABLE OF CONTENTS

SECTION		PAGE
SECTION 1	PREAMBLE.....	1
1.1	Authority	1
1.2	Policy	1
1.3	Title	1
SECTION 2	OPTIONAL SKETCH PLAN PREVIEW	1
2.1	Purpose	1
2.2	Optional Sketch Plan Review	1
2.3	Sketch Plan Contents.....	2
2.4	Commission Review.....	2
2.5	Review of Free Split Lot Documentation by Zoning Officer and/or Town Planner	2
SECTION 3	REQUIRED PROCEDURES	3
3.1	Submission	3
3.2	Fee	3
3.3	Hearing	3
3.4	Regional Planning Agency Referral.....	4
3.5	Wetlands Agency Referral	4
3.6	Approval	4
	3.6.1 Vote by the Commission	4
	3.6.2 Final Approval	5
3.7	Posting of Performance Guarantee	5
3.8	Endorsement of the Plan	5
3.9	Filing the Plan	6
3.10	Time Limit on Completion	6
3.11	Acceptance of Roads	6
3.12	Soil Erosion and Sediment Control Plan.....	7
3.13	Notice to Neighboring Municipalities	7
3.14	Street Numbers	7
SECTION 4	SUBDIVISION PLAN CONTENTS.....	7
4.1	General Requirements	7

4.2	Key Map.....	8
4.3	Boundary Survey Map.....	8
4.4	Construction Plan	10
4.5	Soil Erosion and Sediment Control Plan	11
4.6	Soil Investigations	13
4.7	Other Supporting Documents	13
4.8	Re-subdivision Plans	14
SECTION 5	CONVENTIONAL SUBDIVISION DESIGN STANDARDS	14
5.1	General	14
5.2	Lots	14
5.3	Streets	15
5.4	Drainage	16
5.5	Open Space	17
	5.5.1 Area	17
	5.5.2 Standards	17
	5.5.3 Fee-in-lieu of Open Space	17
	5.5.4 Open Space Waiver	19
5.6	Pedestrian Easement	19
5.7	Reserve Strips	19
5.8	Flooding Considerations	20
5.9	Floodway Encroachments.....	20
SECTION 6	CONSERVATION SUBDIVISION DESIGN STANDARDS	20
6.1	General	20
	6.1.1 Findings	21
6.2	Allowable Density.....	21
	6.2.1 Density Yield Plan	21
	6.2.2 Bonus Lots	21
6.3	Lots.....	21
6.4	Streets	22
6.5	Drainage	24
6.6	Open Space	24
6.7	Pedestrian Easement	25
6.8	Reserve Strips	26
6.9	Flooding Considerations	26

6.10	Floodway Encroachments	26
SECTION 7	IMPROVEMENTS	26
7.1	Streets	26
7.2	Drainage	27
7.3	Monuments and Markers	27
7.4	Street Signs	27
7.5	Utilities	27
7.6	Open Space	28
7.7	Cleanup.....	30
7.8	Inspection and Approval of Work	30
7.9	Revisions	30
7.10	Bond Release	30
SECTION 8	WAIVERS.....	31
8.1	Waivers	31
8.2	Authority for Waivers of Subdivision Requirements	31
SECTION 9	GENERAL	32
9.1	Amendments	32
9.2	Interpretation.....	32
9.3	Penalties.....	32
9.4	Validity.....	32
9.5	Effective Date.....	32
9.6	Temporary and Limited Moratoria from Residential Subdivisions /Resubdivisions	32
SECTION 10	DEFINITIONS	33
	Applicant	33
	Attorney.....	33
	Building Lot	33
	Commission	33
	County Soil and Water Conservation District.....	33
	Disturbed Area.....	33
	Erosion	33
	First Selectman.....	33
	Improvements	33

Land Surveyor.....	33
Net Buildable Area and Well Installations	33
Non-Buildable Area	33
Plan	34
Pedestrian Easement	34
Re-subdivision.....	34
Sediment.....	34
Side walk	34
Soil	34
Soil Erosion and Sediment Control Plan.....	34
Street	34
Subdivision	34

APPENDIX

A Town Ordinance of Fees for Land Use Application Processing & Review	35
Fees Established.....	35
Definitions.....	35
Fee Schedule	36
Fixed Application Fees	36
Maximum Fee: Calculation of Fee.....	37
Additional Reimbursable Costs	38
Fees Not in Lieu of Bonds	38
Exemptions	38
Payment of Fees.....	39
Periodic Updates of Fee Schedule	39

SECTION 1 – PREAMBLE

- 1.1 Authority.** Pursuant to the authority conferred by Chapter 126 of the General Statutes of the State of Connecticut, the Planning and Zoning Commission adopts these Regulations controlling the subdivision and re-subdivision of land in the Town of Griswold.
- 1.2 Policy.** It is declared to be the policy of the Planning and Zoning Commission to consider land subdivision as a part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; that proper provision shall be made for water supply, surface-drainage and sewage disposal, especially in regard to existing or officially proposed municipal utility facilities; that the proposed streets shall be in harmony with existing or officially proposed principal thoroughfares, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that, in places deemed proper by the Commission, open spaces for parks and playgrounds shall be shown on the subdivision plan; that undue density of population shall be avoided, especially where development would create an undue burden on municipal facilities; that adequate access to properties for emergency vehicles shall be provided; that adequate light and air shall be afforded to all properties; and that proper provision be made for the control of erosion and sedimentation.
- 1.3 Title.** These Regulations shall be known as the Subdivision Regulations of the Town of Griswold, Connecticut, and shall be referred to herein as “these Regulations”.

SECTION 2 – OPTIONAL SKETCH PLAN REVIEW

- 2.1 Purpose.** The subdivision of land is a complex procedure, usually involving action by several officials and agencies and frequently costing a lot of money. Therefore, persons intending to subdivide land in the Town of Griswold are urged to submit a sketch plan of the land to be subdivided and to discuss their intentions informally with the Commission prior to the preparation of the required plan. Presentation of a sketch plan is at the discretion of the applicant and is intended to ensure that basic requirements can be met prior to incurring engineering, legal and application costs related to the proposed subdivision. The informal review of the sketch plan affords both the Commission and the applicant an opportunity to gain information and raise questions about the subdivision, local regulations and procedures. The sketch plan enjoys no official status, and consent of the Commission with regard to its feasibility in no way implies approval of the formal subdivision plan. No fee or application form is required for the presentation of a sketch plan.
- 2.2 Effect of Optional Sketch Review.** Neither the applicant nor the Commission shall be in any way bound by any statement made during the Optional Sketch Review consideration, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Optional Sketch Review consideration, other than referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission. (8/10/09)

2.3 Sketch Plan Contents. The sketch plan should be drawn at a scale of at least one (1) inch equals 100 feet, and should show such information as will enable the Commission to locate the property, determine the physical characteristics of the property, and understand what the applicant proposes to do with the property. At least the following should be shown:

1. The property boundary and the names of abutting property owners.
2. Contour information. (These may be simple enlargements of U.S. Geological Survey topographic maps.)
3. Locations of existing structures, roads, easements, utility rights-of-way, rock outcrops, wetlands and watercourses.
4. Locations of proposed streets, building lots and open space.
5. Estimated total acreage of the parcel to be subdivided and the estimated size, in square feet, of each lot.
6. An indication of the proposed method of providing water supply and sewage disposal.

2.4 Commission Review. A presentation of a sketch plan to the Commission may be arranged by contacting the Chairman or Secretary of the Commission or the Zoning Enforcement Officer at least ten (10) days prior to a regularly scheduled meeting and requesting that the presentation be placed on the meeting agenda. The Commission shall discuss the proposal with the applicant and shall give its informal comments to the applicant not later than the next regularly scheduled meeting of the Commission.

2.5 Review of "Free-Split" lot documentation by Zoning Enforcement Officer and/or Town Planner. In order to avoid possible nonconformance to the zoning regulations, or to avoid the creation of illegal lots which would require some subdivision or resubdivision processes under these Regulations, no division of property, by map or deed, should be filed on the land records without compliance with this Section. Owners or their agents should certify by letter, the owner's basis for their entitlement for a "free-split" designation; and documentation including the status of the land prior to March 1971; and including the dimensions of the current parent parcel and "free split" parcel; and including the owners' or their agent's certification that the division is in compliance with zoning and subdivision regulations. The site plan for any "free-split" should not contain any notes indicating "remaining land" or other comparable wording for a parcel that does not comply with the Zoning Regulations of the Town of Griswold and these Regulations. (8/10/09)

In the event that the status of the land division is unclear, the Planning Commission shall determine whether an existing division of land constitutes a subdivision or resubdivision under authority of Connecticut General Statute Section 8-26, or upon application to the commission by the owners or their agent.

SECTION 3 – REQUIRED PROCEDURES

- 3.1 Submission.** Any person intending to make application for a subdivision of land in the Town of Griswold shall contact the Chairman or Secretary of the Commission or the Zoning Enforcement Officer at least ten (10) days prior to a scheduled meeting of the Commission and request that such application be placed on the meeting agenda. Copies of the plan as described in Section 4 of these Regulations shall be submitted to the Commission or the Zoning Enforcement Officer, along with a completed application form and the required fee. Application forms are available at the office of the Zoning Enforcement Officer.
- a. The day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or the Zoning Enforcement Officer of such application or thirty-five (35) days after such submission, whichever is sooner.
 - b. The Commission shall transmit two (2) copies of the plan to the Board of Selectmen or its designee who shall review and comment on the plan's compliance with the Road Ordinance of the Town and shall recommend the amount of a bond to cover proposed improvements relating to the roads, drainage features and street signs. (8/10/09)
 - c. For subdivisions or re-subdivisions involving the construction of new streets, the applicant shall submit two copies of the plan to the Assessor's office for verification of new street names to avoid duplicate street names.
- 3.2 Fee.** All applications shall be submitted with cash, check or money order made payable to the Treasurer, Town of Griswold, in an amount which is shown in the Land Use Fee Ordinance currently in force and amended from time to time to reflect reasonable fee increases. The current version of Section 144 is attached to this document as Appendix A. (8/10/09)
- a. In the case of a re-subdivision, the fee shall be based on the number of new lots created. However, in no case shall the fee be less than three hundred fifty (\$350) dollars.
- 3.3 Hearing.** The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days of the submission thereof if, in its judgment, the specific circumstances require such action. A public hearing shall be held for any subdivision involving more than five (5) lots, or a creation of a new street or road, or an extension to an existing street, or a reconfiguration in width, length or direction of an existing street. No plan or re-subdivision shall be approved by the Commission without a public hearing. Whenever a subdivision/resubdivision application is filed with the Commission that requires a public hearing, or whenever the Commission deems it necessary to hold a public hearing for the application, the applicant shall, no later than 10 (ten) days prior to the date of the scheduled public hearing, send notices to all abutting property owners and all owners directly across the street from the applicant's property by First Class Mail, with proof of such mailing to be evidenced by a certificate of mailing. Such ownership shall be as indicated on the most recent Grand List. Said notices shall contain the following information: (8/10/09)
- a. A copy of the subdivision application filed with the Commission.

- b. A copy of the subdivision site plan. If the site plan contains multiple sheets, the sheet that best describes the proposed project shall be forwarded. The copy may be reduced as long as the document is readable.
- c. A narrative describing the proposed subdivision/resubdivision.
- d. A copy of the legal notice giving the date, time, and place of the public hearing.

Notice of a hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days; the first not more than 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. The Commission shall close the public hearing no more than thirty-five (35) days after its opening.

3.4 Regional Planning Agency Referral. Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the regional planning agency or agencies of the region or regions within which it is located. The regional planning Commission or agencies receiving such referral shall, within thirty-five (35) days report to the Commission and to the applicant its findings on the inter-municipal aspects of the proposed subdivision. If such report of a regional planning Commission is not submitted within thirty-five (35) days after the referral from the Commission, it shall be presumed that such agency does not disapprove of the proposed subdivision. The regional planning Commission's report shall be purely advisory. (8/10/09)

3.5 Wetlands Agency Referral. If the proposed subdivision or re-subdivision 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 Griswold Inland Wetlands Commission no later than the day the application is filed for subdivision or re-subdivision approval with the Griswold Planning and Zoning Commission. The Planning and Zoning Commission shall not render a decision until the Inland Wetlands 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 Griswold Inland Wetlands Commission.

3.5.1 The Commission may notify, in riverine situations, adjacent communities and the Water Resources Unit of the Connecticut Department of Environmental Protection, prior to approving any alteration or relocation of a watercourse, and submit copies of such notices to the Federal Insurance Administrator. (8/10/09)

3.6 Approval

3.6.1 Vote by the Commission. The Commission shall vote to approve, modify and approve, or disapprove any subdivision 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. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to the applicant by its secretary or clerk, under his signature within fifteen (15) days after such decision has been rendered. Provided, however, an extension of time not to exceed a further period of sixty-five (65) days, in total, may be had with the

consent of the applicant for all of the time limits for the opening of a public hearing, closing of a public hearing, or time to act on an application.

3.6.2 Final Approval. The Commission shall give approval to the application if it finds it conforms to the requirements of these regulations and the Zoning Regulations. Unless provided otherwise by Statute, any such final approval shall lapse on the date, not more than five (5) years from the date of final approval was granted, if the subdivision is not completed by that date, provided, however, that the final approval may, upon request by the applicant, be renewed by the Commission at its discretion for not more than five (5) years from the expiration of the initial approval period. (8/10/09)

3.7 Posting of Performance Guarantee. Prior to endorsement of the Final Approval Plan, the Commission shall require from the applicant a cash bond or an irrevocable letter of credit from an adequately-capitalized bank or financial institution licensed to do business in the state of Connecticut, and in a form reviewed and approved by the Town Attorney with conditions satisfactory to the Commission and the town attorney securing to the Town of Griswold the actual construction and installation of all improvements as required by these Regulations, including the construction of streets, drainage features, street signs, the installation costs 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 cash bond or irrevocable letter of credit shall be determined by the Commission after consultation with the First Selectman. (8/10/09)

3.8 Endorsement of the Plan. If the Commission votes to approve a plan, or modify and approve a plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on one (1) Mylar copies of the plan provided by the applicant. In addition to the above, the applicant shall provide three (3) paper copies of the endorsed plan. (8/10/09)

Endorsement of the Final Subdivision Plan. When the Commission approves a subdivision application without required modifications or conditions, signed plans shall be delivered by the Commission to the Applicant for filing with the Griswold Town Clerk not more than Thirty days after the time for taking an appeal from the action of the Commission has elapsed; or when the Commission approves, with modifications, and/or conditions, signed plans shall be delivered by the Commission to the applicant for filing with the Town Clerk, not more than thirty days after the revised plans modified in accordance with the Commission's approval, are delivered to the Commission, (8/10/09)

The plans shall bear the seal of the surveyor and the engineer, and a certification that they are substantially correct to the degree of accuracy shown thereon, and shall be Mylar film or its equivalent or as updated from time or any other material approved by the Town Clerk and shall be 36 inches long and 24 inches wide. The final plans shall be accompanied by any documents required by these Regulations such as bonds, road deeds, liens, conservation and drainage easement and the like. (8/10/09)

Any conveyance to the town of Griswold shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage lien, restriction or other encumbrance. The final plan shall contain a statement pursuant to C.G.S. 8-26c of the date when approval of the subdivision shall expire for failure to complete all work. (8/10/09)

- 3.9 Filing of the Plan.** Alteration of Subdivision Plan Before or After Filing with Town Clerk: If the Final Subdivision Plan is altered, changed, erased, or revised in any way before or after the time the Plan is filed with the Town Clerk, the approval shall be void unless the Amended Subdivision has been approved by the Commission and a new Plan is endorsed and filed with the Town Clerk. (8/10/09)

One of the endorsed Mylar copies of the plan shall be filed by the applicant in the office of the Griswold Town Clerk and any plan not so filed 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, shall become null and void, except that the Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time. (8/10/09)

- 3.10 Time Limit on Completion. Unless provided otherwise by Statute** any person, firm or corporation 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 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.

3.10.1 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, as may be required by these Regulations.

- 3.11 Acceptance of Roads.** When all improvements relating to a subdivision road have been completed, the applicant shall request from the Board of Selectman that a Town Meeting be scheduled to accept said road. The applicant shall provide the Board of Selectmen with three (3) copies of as-built plans of the road and related improvements at the time of the request in all instances where the actual construction varied from the originally approved plans.

3.11.1 The Board of Selectmen shall notify the Commission of such request and provide the Commission with one (1) copy of the as-built plans for the road where appropriate. The Commission shall examine the as-built plans for consistency with the approved plan of subdivision and report its findings to the Board of Selectmen within thirty-five (35) days after being notified by said Board.

3.11.2 The Board of Selectmen shall examine the road for consistency with the construction plans or as-built plans, as appropriate, and shall call a Town Meeting for action on acceptance of the road, provided the date of such meeting shall be no sooner than thirty-five (35) days after the notice to the Commission of the request for acceptance.

3.12 Soil Erosion and Sediment Control Plan. 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 (1/2) acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 4.5 of these Regulations and be consistent with the CTDEP Soil and Erosion Control Manual dated 2002 or as amended from time to time. The Commission, in its sole discretion, shall determine what constitutes the size of the disturbed area. (8/10/09)

3.13 Notice to Neighboring Municipalities. The Commission shall notify the clerk of any adjoining municipality of the pendency of any subdivision or re-subdivision on any site when:

3.13.3 Any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality;

3.13.4 A significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;

3.13.5 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

3.13.6 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 mail and shall be mailed within seven (7) days of the date of receipt of the subdivision or re-subdivision application. A representative from the adjoining municipality may appear and be heard at any hearing on any such subdivision or re-subdivision.

3.14 Street Numbers. On all approved subdivisions and re-subdivisions, the applicant shall submit a one-inch equals 100 feet (1" = 100') 11 x 17 inch paper copy of the approved plan (the original of which shall be 24 x 36 inches) to the Assessor's Office for the assignment of street numbers. (8/10/09)

SECTION 4 - SUBDIVISION PLAN CONTENTS

4.1 General Requirements. Ten (10) copies of all maps, plans and profiles shall be submitted with the application, and unless otherwise permitted by these Regulations, conform to Class A-2 standards for accuracy as defined in "Regulations of Connecticut State Agencies, Section 20-300b-1 through 20-3006-20" as amended from time to time. They shall be presented on good-quality white paper prints and shall be no larger than thirty-six (36) by twenty-four (24) inches in size. All such prints shall have a one-half (1/2) inch border on three (3) sides and a two (2) inch border on the left side. If more than one (1) sheet is submitted, they shall be bound. All such prints shall bear the following information: (8/10/09)

- 4.1.1 The name or title of the subdivision and the words, "Griswold, Connecticut".
 - 4.1.2 The name of the subdivider and owner of the property.
 - 4.1.3 North point, scale, date of survey, and date of drawing and dates and subject matter of all subsequent revisions. (8/10/09)
 - 4.1.4 Where only a part of the subdivision is shown on the sheet, a key map shall show its location in relation to the whole subdivision.
 - 4.1.5 Name, registration number, and seal of land surveyor or engineer who prepared the drawing.
 - 4.1.6 A parcel history and a parcel map or inset showing and documenting the origin and previous division procedures, if any, to the parcel status in March 1971 to the present parcel subject to subdivision or resubdivision approval. This parcel history, and parcel map should be signed and certified by a licensed land surveyor and/or attorney. (8/10/09)
- 4.2 **Key Map.** The key map shall be at a scale not smaller than one inch equals 2,000 feet (1" = 2,000') and shall show the location of the proposed subdivision and all existing roads and watercourses within 2,000 feet of it. If space permits, the key map may be included as an insert map on the boundary survey map. The key map may be a simple tracing of the area from a U.S. Geological Survey topographic map.
- 4.3 **Boundary Survey Map.** This map shall show the entire parcel at a scale of at least one inch equals one hundred feet, (1" = 100') although a scale of one inch equals fifty feet (1" = 50') or one inch equals forty feet (1" = 40') will also be acceptable. If the property to be subdivided contains more than ten (10) acres and less than half of it is to be divided into new building lots, only that portion of the property to be divided into building lots shall be required to be surveyed to conform to the Class A-2 standards referred to in Section 4.1, above. The boundaries for the remainder of the property may be taken from the Assessor's Maps for the Town of Griswold. The boundary survey map shall show the following:
- 4.3.1 North point, scale, date of survey, date of initial drawing and subsequent dates of revisions and change descriptions made to the plans.
 - 4.3.2 Boundaries, dimensions and acreage of the property to be subdivided.
 - 4.3.3 Boundaries of properties and names of property owners within 100 feet of the proposed new building lots.
 - 4.3.4 Locations and designations of all wetlands and watercourses including seventy-five (75) feet onto the adjoining property and rock outcroppings. (8/10/09)
 - 4.3.5 Boundaries, dimensions, bearings, area in square feet, and lot numbers of all proposed lots. (Lot areas may be shown in tabular form on the same sheet.)
 - 4.3.6 All existing buildings, stonewalls. Type of construction and state of repair of all stonewalls (abandoned walls, heritage walls, or recent and rebuilt walls) shall also be described on the plan sheets. (8/10/09)

- 4.3.7** All existing monuments, pipe markers and other physical evidence concerning property boundaries. Where new markers are established, they shall be referenced to established points of the Connecticut State Plane Coordinate System, unless the applicant can show, in writing and to the satisfaction of the Commission that such reference would be an unreasonable hardship because of distance or topographic problems.
- 4.3.8** Locations of all existing and proposed easements, rights-of-way, drainage rights and open spaces.
- 4.3.9** Locations of street rights-of-way, bearings, curve data, including arc length, radii and central angles, street names, pavement widths, stations along centerlines at one hundred (100) foot intervals, and locations of sidewalks and street pavement within the rights- of-way.
- 4.3.10** Contour lines at five (5) foot intervals, where the general slope exceeds ten percent (10%), and at two (2) foot intervals for lesser slopes. Elevations shall be referenced to U.S. Geological Survey datum.
- 4.3.11** Locations of lots, open space, easements, rights-of-way, boundary or lot frontage stone walls to be retained, new location and construction details/cross section for stone walls to be relocated, and rights to drain. Refer to Zoning Regulation Section 21 for construction and configuration details describing abandoned walls, heritage walls, or recent/rebuilt walls. (8/10/09)
- 4.3.12** Street names of existing and proposed streets.
- 4.3.13** All applications for subdivisions (including manufactured home parks and subdivisions) greater than five (5) acres or fifty (50) lots (whichever is less) shall include with such applications base flood (100-year flood) elevation data for that portion of the subdivision which permits the construction of buildings and which is located within A Zones on the Town's Flood Insurance Rate Map, dated January 3, 1985, or any subsequent revision thereof. (1/1/93)
- 4.3.14** The words "Approved by the Griswold Planning and Zoning Commission" with designated spaces provided for the date and signature of the Chairman or Secretary of the Commission and where an Inland Wetlands and Watercourses Conservation Commission permit was required, a signature space and date for the Chairman/Secretary of the Inlands Wetlands and Watercourses Conservation Commission. (8/10/09)
- 4.3.15** The words "Date of Completion of all work" with designated space for the date and initials of the Chairman or Secretary of the Commission, the Chairman of the Inland Wetlands and Watercourses Conservation Commission, and the date when public improvements must be completed shall be included in a signature block located on the boundary survey plan or plans that show all lots involved in the subdivision/resubdivision process.

4.3.16 Line of Sight Measurements for Driveways Serving All Lots. The applicant shall show either by a table or by notes on the boundary survey plan for each driveway location the measured line of sight distance and the necessary clearing or grading to achieve the minimum sight distances suggested by Conn DOT standards for the level of use of the road accessed by this driveway. (8/10/09)

4.4 **Construction Plan.** A Construction Plan, drawn at a scale of one inch equals forty feet (1" = 40 feet') shall be submitted when any type of construction, such as roads, drainage, water supply or sewer systems, retaining walls, etc., is to be carried out in connection with the subdivision. The construction plan shall be prepared by a Connecticut registered professional engineer. The construction of all new streets and required improvements to existing town streets shall be in conformance with the current Road Ordinance of the Town of Griswold or as amended from time to time. All other construction shall be in accordance with Form 815 or the most current edition of the Connecticut Department of Transportation, Bureau of Highways "Standard Specifications for Roads, Bridges, and Incidental Construction" and any supplements and amendments thereof unless otherwise specifically provided by these Regulations. The construction plan shall include the following where applicable:

4.4.1 Plan and profile for all proposed streets and required improvements to existing town streets, showing:

- a. Existing surface elevation along the centerline.
- b. Locations, proposed grades, vertical curves with centerline elevations every fifty (50) feet, except that such information shall be provided at ten (10) foot intervals within eighty (80) feet of the centerline cross point of an intersection.
- c. Location, size and invert elevations of existing and proposed storm drains, catch basins, manholes, bridges, culverts, outfalls, and other drainage features.
- d. Location, size and invert elevations of proposed sewers, if any.
- e. Location and size of all water supply and distribution facilities and hydrants.
- f. Cross-sections at 100-foot intervals where existing terrain slopes more than ten percent (10%).
- g. Sidewalk location, if any.
- h. Locations of street signs, trees and other special landscape features to be installed by the applicant.

4.4.2 Where drainage systems are to be constructed, one copy of the construction plan shall be suitably marked to show watershed data used in the design of such systems and shall be accompanied by all calculations used in the drainage design, including easements, rights-of-way and rights to drain.

Drainage systems for stormwater shall encourage low impact design (LID) techniques and be consistent with the 2004 CTDEP Stormwater Management Manual or its amendments from time to time, unless site topographic or soil infiltration conditions preclude their use.

4.4.3 In the case of retaining walls or other special features, such as stone walls to be preserved, relocated and/or reconstructed, a drawing to a scale of one-half (1/2) inch equals one (1) foot of all such details shall be furnished. Stonewalls shall be classified on the site plans as abandoned walls, heritage walls, or recent/rebuilt walls described in the Zoning Regulation Section 21.

4.5 Soil Erosion and Sediment Control Plan. If the proposed subdivision will result in the disturbance of more than one-half (1/2) 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 stormwater runoff in the proposed subdivision based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002) as amended, available from the Natural Resources Center of the Connecticut Department of Environmental Protection. Alternative principles, methods and practices may be used with prior approval of the Commission.

4.5.1 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 stormwater management facilities.
4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
5. The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

(b) A map meeting the scale requirements of Section 4.3, showing:

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. The existing structures on the project site, if any;

4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures and stormwater 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 Griswold Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.

(c) A separate site plan/profile sheet(s), showing proposed temporary erosion and sedimentation control measures while the road/drainage improvements are under construction, shall be filed for review and approval. This sheet may form the substance of the temporary stormwater plan for the CTDEP General Permit. (8/10/09)

4.5.2 The narrative required in Section 4.5.1(a) may be included on the map of Section 4.5.1(b) if room allows it without affecting readability of the map. The items required to be mapped in Section 4.5.1(b) may be depicted on the subdivision plan map required in Section 4.3 if the readability of the subdivision plan is not affected.

4.5.3 After review of the Soil Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote by the Commission to approve a subdivision plan shall mean certification of the erosion and sediment control plan as well. Prior to certification, 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 receipt of such plan by the New London County Soil and Water Conservation District.

4.5.4 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be secured by a partial or full cash bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 3.7 of these Regulations.

4.5.5 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.

- 4.6 Soil Investigations.** Any subdivision or part thereof for which a public sewage disposal system is not available shall be subject to the following requirements:
- 4.6.1** Soil percolation test holes shall be taken as requested by the Director of Health and certified by him to be satisfactory for on-lot sewage disposal.
 - 4.6.2** At least two (2) percolation test holes per lot shall be required. Such test holes shall be located not closer than 100 feet from each other. The results of such tests shall be listed in tabular form by lots and made part of the Subdivision Plan.
 - 4.6.3** In investigating soil conditions, observation pits may be required to check for ground water, ledge rock, or available good seepage soil below normal depths.
 - 4.6.4** Soils must have an acceptable percolation rate, without interference from ground water or impervious strata below the level of the absorption system. The technical standards for determining acceptance shall be the State Sanitary Health Code.
- 4.7 Other Supporting Documents.** Before approval of any subdivision, the Commission shall require the following:
- 4.7.1** Evidence of permits for activities that might be controlled by the Griswold Inland Wetlands & Watercourses and Conservation Commission.
 - 4.7.2** Where applicable, written statements attesting to the suitability of (1) water and sewer systems from the Jewett City Water Company and Griswold Sewer Authority and/or the Director of Health, and/or the Southeastern Connecticut Water Authority under provisions of Section 13 of Special Act 381 (1967), as amended, and (2) all other improvements such as road, drainage and monuments from the First Selectman.
 - 4.7.3** The subdivider shall submit to the Commission written copies of all agreements, restrictive covenants, or other documents governing the use, reservation, or maintenance of all land.
 - 4.7.4** When the subdivision includes any portion of a watercourse that is located within an A Zone on the Flood Hazard Boundary Map for Griswold and the subdivision would result in the alteration or relocation of that watercourse, the applicant shall submit assurance in writing that the flood-carrying capacity of the watercourse will be maintained.
 - 4.7.5** Review letter from State Archeologist. Subdivision or resubdivision site plans, which include more than 10 acres shall be forwarded by the applicant to the State Archeologist on or before the date of submittal of the application to the commission, with a request for review regarding significant historical or cultural resources which may be located on the parcel to be subdivided. The applicant must submit a copy of their letter with certified mail receipt. Before approval, the Applicant shall submit for consideration by the Commission a letter from the State Archeologist with the conclusions or recommendations for site plan revisions to protect real or likely historical or cultural resources, or the results of an investigation by a consulting archaeologist where such investigation is recommended by the State Archeologist. When the applicant demonstrates that the State Archeologist has had thirty days or

more to provide such letter, the commission can consider a lack of response as a “no effect” decision. (8/10/09)

- 4.8 Re-subdivision Plans.** The information required to be submitted under Sections 4.1 through 4.7, above, of these Regulations shall apply to both subdivisions and re-subdivisions, except that for re-subdivisions, the information submitted need not cover that area of the original subdivision unaffected by the re-subdivision.

SECTION 5 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS

- 5.1 General.** The design of the subdivision shall show consideration of and respect for the natural landscape. Designs shall be aimed at fitting the subdivision to the land rather than altering the land to make it fit the subdivision.
- 5.2 Lots.** All lots shall front on and provide driveway access to an existing street or one proposed by the subdivision plan. (3/1/05)
- 5.2.1** Wherever possible, side lot lines shall be at right angles to the street and radial to curves and lots shall be generally four-sided and largely rectangular in shape consistent with zoning regulations that proscribe a minimum lot width of 100 feet at any point except for a rear lot and a common driveway to a rear lot and contain a net buildable area of 30,000 contiguous square feet. (8/10/09)
- 5.2.2** Lot sizes and street frontage requirements shall conform to the Zoning Regulations of the Town of Griswold.
- 5.2.3** Locations of proposed principal buildings, driveways, water supplies and sewage disposal systems shall be shown on all lots containing wetlands, watercourses, slopes in excess of ten percent (10%), ledge outcrops or shallow to bedrock soils.
- 5.2.4** 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.
- 5.2.5** 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 between 10 percent and 15 percent slope with an additional twenty-five (25) feet to be paved on both ends of that driveway segment. (8/10/09)
- 5.2.6** Up to two-tiers of rear lots behind the frontage lots, may be proposed only in R-60 and R-80 zoning districts. With one tier of rear lots, each rear lot shall have at least a 50 foot access strip to the road frontage. With two tiers of rear lots, a minimum frontage access strip for each lot of 30 feet is required. Rear lots are encouraged to

have common driveways whose length for the common portion shall have a maximum length of 1000 feet for 1 and 2 tiers. (8/10/09)

5.2.7 All land shall be in the form of zoning compliant lots conforming to the requirements of the underlying zoning district or that have obtained appropriated variances from the Zoning Board of Appeals; there shall be no notes describing lots as “remaining land” on any subdivision site plans. (8/10/09)

5.3 Streets. Streets shall be in harmony with existing streets and highways in the Town of Griswold, especially in regard to safe intersections, and shall be constructed to effect the safest possible movement of pedestrian and vehicular traffic. (3/1/05)

5.3.1 All proposed new streets shall connect with one or more approved town streets or state highways, except that any part of an approved subdivision containing more than thirty (30) residential lots shall have at least two (2) points of access. (3/1/05)

5.3.2 Streets shall be laid out to provide connections with existing streets on adjacent properties, where appropriate. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears possible under current zoning and subdivision regulations. (8/10/09)

5.3.3 A dead-end street shall be provided with a circular turn-around area at the closed end having a paved radius of at least forty (40) feet. Such streets will be permitted only where an alternative street layout is deemed by the Commission to be impractical because of the dimensions, shape, or physical conditions of the property. A dead-end street shall not exceed six hundred (600) feet in length unless it is of a temporary nature and is planned for extension and can reasonably be expected to connect with an existing or proposed road on adjoining land or where it would otherwise be impossible to develop the property. In no case shall a dead-end street exceed 1,200 feet. No street shall be extended from an existing dead-end street if the farthest point of the new dead-end street exceeds 1,200 feet from a road with an alternative route of access.

5.3.4 The tangent distance between reverse curves shall not be less than fifty (50) feet. Except for intersections and turn-a-rounds on dead-end streets, no curve shall have a radius of less than one hundred (100) feet, as measured radial to the centerline.

5.3.5 Except where impractical because of topography or other conditions, streets shall be perpendicular to intersections for a distance of at least one hundred (100) feet. All corners shall be rounded, with a radius of not less than twenty-five (25) feet. Centerlines of alternate side streets shall not be closer than one hundred twenty-five (125) feet, measured along the centerline. Wherever a proposed subdivision street intersects with a state highway or major Town road, a minimum sight distance of three hundred fifty (350) feet shall be required in each direction along the state highway or major Town road.

5.3.6 If authorized by Statute, whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations or the Road Ordinance of the Town of Griswold, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed

subdivision or beyond the limits of the proposed subdivision, as long as the road section within those limits is deemed directly impacted by the creation of the subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street within those said impacted limits by and at the expense of the subdivider, as long as it is reasonable and necessary to maintain the health and safety of the public, or may disapprove such plan until the Board of Selectmen has authorized expenditures for such improvements. (3/1/05) (8/10/09)

5.3.7 Where such improvement from the centerline is impractical, the Commission may require, if authorized by Statute, improvements of comparable value to be performed along the existing road frontage of the subdivision or adjacent frontage impacted by the subdivision. In the alternative, the Commission may require that the cost of such improvements shall be paid to the Board of Selectmen, or its designated agent, in lieu of the completion of such improvements by the applicant. Such payment shall be held in a separate fund to be used exclusively for the improvement of the subject street in ways which directly benefit the future owners of lots in the subdivision. (3/1/05) (8/10/09)

5.3.8 In making the determinations set forth in the preceding two paragraphs, the Commission shall take into account the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision; the ability of school buses and emergency vehicles to travel the street safely to serve the new lots in the subdivision in view of the additional traffic caused by the new subdivision; the drainage conditions of the street and the impact of the new lots and related improvements on the existing stormwater management systems or the need for expansion or improvement of such systems; the impact of proposed driveways on the existing street, including sight lines, drainage impacts, required grading, and safe access; the projected pedestrian traffic from the lots and the anticipated pedestrian improvement between them; and generally the impact of the subdivision on the ability of any vehicle to use the street safely. (3/1/05)

5.4 Drainage. An adequate system of stormwater drainage shall be provided and no natural watercourse shall be altered or obstructed in such a way as to reduce the natural runoff capacity unless substitute means of runoff are provided. The developer shall use as guidance the Connecticut Department of Environmental Protection Stormwater Manual (2004) to manage stormwater flows that result from requested subdivision lot development and road drainage improvements and shall be incorporate any additional requirement that may be included in the Municipal Stormwater Management Plan and resulting ordinances. The developer shall provide additional capacity in adjacent culverts and other drainage features for accommodating increased runoff from the proposed development should it be deemed necessary by the Commission. All existing and proposed drainage systems shall be indicated as to size and location on plans and profile sheets. Drainage rights-of-way through lots shall be at least twenty (20) feet wide, and follow property lines wherever possible. The Commission may require culverts and other stormwater drainage installations where it deems necessary, to connect with one or more natural watercourse(s). All necessary easements for drainage shall be provided prior to plan approval. (8/10/09)

5.5 Open Space. In accordance with the authority granted in Section 8-25 of the Connecticut General Statutes, the Commission shall require the provision of open spaces, parks and playgrounds within all conventional subdivisions of five (5) or more lots, according to the following requirements: (3/29/06)

5.5.1 Area. When deemed appropriate by the Commission in accordance with Section 5.5, above, the area of dedicated open space within a conventional subdivision shall be ten percent (10%) of the overall gross area of the parcel to be subdivided whether or not it is so subdivided entirely at the time of application. Generally such dedication shall not be less than one acre and shall be of such size and location as deemed appropriate by the Commission. (3/29/06) (8/10/09)

5.5.2 Standards. To the greatest extent possible, dedicated open space(s) shall be contiguous, and separation between open spaces on the subject parcel or other contiguous parcels shall be minimized. In determining the amount and location of open space to be required under this Section, the Commission may consider the entire parcel owned or controlled by the applicant and not just that portion which is the subject of the pending application; and the Commission may allocate open space areas for future subdivision phases when and if they are sought. (3/29/06)

Where more than ten (10) lots are proposed, the Commission may require that two (2) or more acres be suitable for active recreational use. Such active recreation area shall be graded and drained, if necessary, and seeded to prevent erosion. Areas intended for active recreation shall be so shaped that the greatest dimension is not more than three times than the least dimension. Open spaces intended for public access shall directly abut a public street with a required street frontage of not less than 20 feet. (3/29/06)

No open spaces intended for natural protection buffers or ornamental purposes shall be filled, excavated, or re-graded; nor shall any vegetation within such area be cut, without specific approval of the Commission, and such land shall be left free and clear of any waste, such as refuse, debris, cut brush, stumps or boulders. Land intended for conservation purposes shall remain in its natural state, unaltered from its condition at the time of subdivision application. (3/29/06)

5.5.3 Fee-in-lieu of Open Space. In accordance with Section 8-25 of the Connecticut General Statutes, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee and/or transfer land to the Town of Griswold in lieu of the disposition of land by one of the methods set forth in Section 7.6.1 of these Regulations. Such authorization may be granted by the Commission and when it determines, in its sole discretion, that there are inadequate areas on the subdivision which merit preservation by one of the methods set forth in Section 7.6.1, or 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. (3/29/06)

5.5.3.1 Amount. Such fee or combination of fee and the fair market value 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 selected from a list of approved appraisers provided by the Commission. The applicant shall pay directly all appraisal fees and expenses incurred by the applicant and/or the Commission. (3/29/06) (8/10/09)

5.5.3.2 Procedure. To employ the fee-in-lieu of open space option, the following procedure shall be used: (3/29/06)

- a. The applicant, an advisory agency to the Commission, Commission staff, or the Commission itself identify a subdivision where the fee-in-lieu of procedure should be utilized with a brief narrative explaining the reasons for such procedure to be used; (3/29/06)
- b. The Commission shall determine whether to accept the proposal, or to accept a different combination of land transfer and fee, or to require an open space dedication only; (3/29/06)
- c. The Commission and applicant shall jointly select an appraiser to submit a report. Steps a. through c. may be accomplished at the application acceptance portion of the process; (3/29/06)
- d. The applicant shall submit the appraisal during the formal application review process; (3/29/06)
- e. The Commission, as part of the action on the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an open space dedication. (3/29/06)

5.5.3.3 Payment. The method of payment of any fees under this Section shall be one of the following options "a" or "b" as prescribed below: (3/29/06)

- a. The applicant, at his/her option, may submit the entire fee in one lump sum prior to the filing of subdivision Mylars with the Town Clerk; or, (3/29/06)
- 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 lots in the subdivision, no later than the time of the sale of each approved building lot; and a restriction executed by the applicant and filed in the land records 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 cash or passbook bond or an irrevocable letter of credit in a form acceptable to the Town under provision stated in these regulations, 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. (3/29/06) (8/10/09)
- c. No building permits shall be issued for any lot in the subdivision until such fractional part is paid for that lot. (3/29/06)

5.5.3.4 Dedicated Fund. Fees submitted under this Section shall be deposited by the Town of Griswold 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. (3/29/06)

- 5.5.4 Open Space Waiver.** The Commission shall make provisions for open space as set forth in Section 5.5, or authorize a fee-in-lieu of open space for all conventional subdivisions. Waivers of the fee-in-lieu of procedure of Section 5.5.3 shall be granted in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes. (3/29/06)
- 5.5.4.1** 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 any or 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 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 owing 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 (3/29/06)
- 5.5.4.2** Where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. 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 that purpose, 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. (3/29/06)
- 5.6 Pedestrian Easement.** In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds, commercial centers, or other semi-public places, the Commission may require the establishment of 10-foot easements for pedestrian ways. Concrete sidewalks four (4) feet in width are encouraged; but in lieu of sidewalks in residential areas, the Commission may require a flat, clear, walkable area on either side or both sides of a town road within the right-of-way. This walkable area should, at a minimum, have a four (4) foot paved width graded to provide a route with no more than five (5%) percent change in topography across its width and generally following the horizontal topography of the road right-of way. (8/10/09)
- 5.7 Reserve Strips.** Reserve strips of land which, in the opinion of the Commission, shows intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted. When a subdivision proposes the extension of or the connection to an unimproved reserved street right-of-way, it shall be the responsibility of the subdivider to improve the entire length of said street extension or connection to the adjacent property. (8/10/09)

5.8 Flooding Considerations. 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:

5.8.1 That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.

5.8.2 That all public utilities and facilities, such as sewer, gas, electricity and water systems are located and constructed to minimize or eliminate flood damage.

5.8.3 That adequate drainage is provided to reduce exposure to flood hazards.

5.8.4 That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the systems.

5.8.5 That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the system or discharge from the systems into flood waters.

5.8.6 That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.

5.8.7 That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.

5.9 Floodway Encroachments. Within the floodway, designated on the Flood Boundary and Floodway Map for the Town of Griswold, 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 proved by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during a 100-year flood.

SECTION 6 – CONSERVATION SUBDIVISION DESIGN STANDARDS

6.1 General. These conservation subdivision regulations are intended to provide flexibility in the placing of residential units on areas of a proposed site best suited for development and to protect the remaining land as open space. Proposed building lots shall be of such shape, size, location, topography, and character that buildings can be constructed reasonably, occupied, and used for building purposes without danger to the health, safety and general welfare of the occupants and the public. The amount of disturbance such as site grading, vegetative and rock wall removal shall be minimized insofar as practicable to preserve worthy land characteristics and lessen the likely impact on environmental systems such as areas of steep topography, significant wetland areas, groundwater, watercourses, and vegetative and wildlife communities. Proposed building lots shall be designed and arranged to make the best use of the natural terrain, to avoid unnecessary regrading, to protect the natural environment, to preserve natural features such as stone walls, ridge lines, water bodies, watercourses and vegetation, and to preserve existing significant historical or cultural features. Conservation subdivision design standards shall apply only to single-family

residential subdivision. This section is adopted pursuant to Connecticut General Statutes Section 8-25(c) and is intended to adopt some of those provisions for "cluster subdivisions". (8/18/05) (8/10/09)

6.1.1 Findings: The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Griswold may result in:

- a. The consumption of areas containing valuable recreational, agricultural, forest and other unique natural resources.
- b. The construction of extensive road or other improvements requiring maintenance by the Town of Griswold.
- c. The development of sites without specific consideration of the limitations or opportunities offered by the existing topographical and soil conditions.
- d. The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, watercourses, wetlands, wildlife habitat or other areas of environmental value, natural beauty or historic interest.

6.2 Allowable Density. The determination for the number of allowable lots in a conservation subdivision shall be determined by a density yield plan as prescribed in Section 6.2.1, below.

6.2.1 Density Yield Plan. The determination for the number of allowable lots in a conservation subdivision shall be determined by a conventional subdivision plan, produced under the signature and seal of a Connecticut licensed design professional, which demonstrates compliance to the satisfaction of the Commission with all the applicable requirements for conventional subdivisions as prescribed in Section 5 of these Regulations. A minimum of fifty percent (50%) of the building lots shown on the Density Yield Plan shall demonstrate compliance with public health code requirements.

6.2.2 Bonus lots. Where 34 percent or more of lots of the existing or proposed road frontage is within a dedicated open space area and that 34 % is at least 200 feet in depth; and where 34 percent or more of the subdivision acreage is dedicated to open space, then the conservation subdivision shall be granted one (1) additional bonus lot beyond the number of lots estimated by the density yield plan. (8/10/09)

6.3 Lots. All lots shall front on, and provide driveway access to a street, which meets the standards of the Road Ordinance of the Town of Griswold as revised from time to time. (8/10/09)

6.3.1 Wherever possible, side lot lines shall be at right angles to the street and radial to curves and lots shall be generally four-sided and largely rectangular in shape and consistent with zoning regulation that proscribe a minimum lot width of 100 feet at any point except a driveway / common driveway to a rear lot and a minimum net buildable area of 30,000 contiguous square feet not containing watercourses, wetland soils, topographic slopes over twenty (20%) percent. (8/10/09)

6.3.2 All land shall be in the form of lots or in proposed open space. No notes suggesting "remaining land" shall appear on the subdivision plans. (8/10/09)

6.3.3 Dimensional requirements for lots in a conservation subdivision shall conform to the minimum requirements as shown below.

Minimum lot size	40,000 square feet
Minimum street frontage	150 feet
Minimum front yard setback	50 feet
Minimum side and rear yard setback	30 feet
Maximum lot coverage	20 %
Maximum building height	35 feet

6.3.4 Locations of proposed principal buildings, driveways, water supplies and sewage disposal systems shall be shown on all lots.

6.3.5 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.

6.3.6 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. Portions of driveways requiring paving shall be shown on subdivision lot site plans at a scale of 1 inch to 40 feet with an additional 25 feet paved on both ends of a driveway segment with a slope between 10 percent and 15 percent.

6.3.7 Lots located within a conservation subdivision shall, upon approval and recording of the final plans, be noted for zoning purposes as being part of a conservation subdivision (e.g. R-80(C); R-60(C), and thereafter be regulated by the dimensional requirements of the R-40 zoning district, as established in Section 10 of the Griswold Zoning Regulations.

6.3.8 Rear lots with lot area that is 1 1/2 times the requirement of frontage lot in the underlying zone may be approved in no more than two tiers behind the frontage lots with an access strip consisting of a minimum of 30 feet frontage on the town or state road, with common driveways being encouraged to serve no more than four (4) lots to a maximum length of 1000 feet, with a minimum ratio of frontage to rear lots of 2:5 where permitted by the geometry of the parcel. Minimum rear lot area shall be determined as the area of the lot wider than 100 feet, i.e., not counting the access strip for any portion of the driveway. In laying out rear lots, the applicant is encouraged to use the natural terrain, to avoid unnecessary regrading, to protect the natural environment, and to preserve existing significant historical or cultural features. (8/10/09)

- 6.4 Streets.** Streets shall be in harmony with existing streets and highways in the Town of Griswold, especially in regard to safe intersections, and shall be constructed to effect the safest possible movement of pedestrian and vehicular traffic.
- 6.4.1** All proposed streets shall connect with one or more approved Town streets or state highways, except that any part of a subdivision containing more than thirty (30) residential lots shall have at least two (2) points of access.
- 6.4.2** Streets shall be laid out to provide connections with existing streets on adjacent properties, where appropriate. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears probably.
- 6.4.3** A dead-end street shall be provided with a circular turn around area at the closed end having a paved radius of at least forty (40) feet. Such streets will be permitted only where an alternative street layout is deemed by the Commission to be impractical because of the dimensions, shape or physical conditions of the property. A dead-end street shall not exceed six hundred (600) feet in length unless it is of a temporary nature and is planned for extension and can reasonably be expected to connect with an existing or proposed road on adjoining land or where it would otherwise be impossible to develop the property. In no case shall a dead-end street exceed 1,200 feet. No street shall be extended from an existing dead-end street if the farthest point of the new dead-end exceeds 1,200 feet from a road with an alternative route of access.
- 6.4.4** The tangent distance between reverse curves shall not be less than fifty (50) feet. Except for intersections and turn-a-rounds on dead-end streets, no curve shall have a radius of less than one hundred (100) feet, as measured radial to the centerline.
- 6.4.5** Except where impractical because of topography or other conditions, streets shall be perpendicular to intersections for a distance of at least one hundred (100) feet. All corners shall be rounded, with a radius of not less than twenty-five (25) feet. Centerlines of alternate side streets shall not be closer than one hundred twenty-five (125) feet, measured along the centerline. Wherever a proposed subdivision street intersects with a state highway or a major town road, a minimum sight distance of three hundred fifty (350) feet shall be required in each direction along the state highway or major town road.
- 6.4.6** If authorized by Statute, wherever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations or the Road Ordinance of the Town of Griswold, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision, as long as the road section within those limits is deemed directly impacted by the creation of the subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street within those said impacted limits by and at the expense of the subdivider, as long as it is reasonable and necessary to maintain the health and safety of the public, or may disapprove such plan until the Board of Selectmen has authorized expenditures for such improvements. (3/1/05) (8/10/09)

6.4.7 In making the determinations set fourth in the preceding two paragraphs, the Commission shall take into account the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision; the ability of school buses and emergency vehicles to travel the street safely to serve the new lots in the subdivision in view of the additional traffic caused by the new subdivision; the drainage conditions of the street and the impact of the new lots and related improvements on the existing stormwater management systems or the need for expansion or improvement of such systems; the impact of proposed driveways on the existing street, including sight lines, drainage impacts, required grading, and safe access; the projected pedestrian traffic from the lots and the anticipated pedestrian improvement between them; and generally the impact of the subdivision on the ability of any vehicle to use the street safely. (3/1/05)

6.5 Drainage. It shall be the policy in these regulations that stormwater management resulting from development of lots, roads, and drainage improvements should be consistent with the guidelines of the CTDEP Stormwater Manual of 2004 as amended from time to time. To reduce long term maintenance of roads and drainage structures, the Commission may encourage drainage swales and curbless roads where these measures have been shown to be effective and reduce town maintenance costs for the catch basins, piping and curbs to be installed only when higher slope, stormwater volume or soil infiltration characteristics preclude the preferred curbless, swaled road design. An adequate system of stormwater drainage shall be provided and no natural watercourse shall be altered or obstructed in such a way as to reduce the natural runoff capacity unless substitute means of runoff are provided. The developer shall provide additional capacity in adjacent culverts and other drainage features for accommodating increased runoff from the proposed development should it be deemed necessary by the Commission. All existing and proposed drainage systems shall be indicated as to size and location on plans and profile sheets. Drainage rights-of-way through lots shall be at least twenty (20) feet wide, and follow property lines, wherever possible. The Commission may require culverts and other storm drainage installations where it deems necessary, to connect with one or more natural watercourses. All necessary easements for drainage shall be provided prior to plan approval. (8/10/09)

6.6 Open Space. The Commission shall require dedicated open space for all conservation subdivisions, according to the following requirements:

6.6.1 The minimum area of dedicated open space within a conservation subdivision shall be at least one-third (34%) of the overall gross area of the parcel to be subdivided. The gross area of the parcel to be subdivided shall be characterized as percent buildable and percent non-buildable according to definitions in Section 10. (8/10/09)

6.6.2 To the greatest extent possible, dedicated open space(s) shall be contiguous, and separation between open spaces minimized. Open space offered should consist of a variety of front and rear land whose characteristics in total reflect the percentages of buildable versus non-buildable land in the total parcel to be subdivided. (8/10/09)

6.6.3 Where eight (8) or more lots are proposed, the Commission may require that two (2) or more acres be suitable for active recreational use. Such active recreation area shall be graded and drained, if necessary, and seeded to prevent erosion. Areas intended for active recreation shall be so shaped that the average greatest dimension is not more than three times than the average lesser dimension. (8/10/09)

- 6.6.4** All open spaces shall directly abut a public street with a required street frontage not less than 100 feet. (8/10/09)
- 6.6.5** No open spaces intended for natural protection buffers or ornamental purposes shall be filled, excavated, or regraded, nor shall any vegetation within such area be cut, without specific approval of the Commission, and such land shall be left free and clear of any waste, such as refuse, debris, cut brush, stumps or boulders. Land intended for conservation purposes shall remain in its natural state, unaltered from its present condition at the time of subdivision application.
- 6.6.6** Lands proposed as dedicated open space within a conservation subdivision that are used for a bona fide agricultural purpose at the time of subdivision approval may be continued to be used as such, though no agricultural use employed on dedicated open space may be expanded or intensified by the owner or lessee of said open space. Expansion shall mean the development, clearing, or physical alteration of open space lots or portions thereof which are not used for bona fide agricultural purposes at the time of subdivision application, and shall be prohibited. Intensification shall mean an increase in the number of buildings other structures, the number of cattle grazed, or a change in the nature of the agricultural use from that employed at the time of subdivision application and shall be prohibited. The harvest of timber and/or the extraction of gravel and earth products shall not be considered a bona fide agricultural use as allowed by this section.

As an information statement to future lot owners, a note will be added to the subdivision site plan for lots adjacent to active farms stating that active agricultural activity on the adjacent lot may occasionally create odors or dust associated with it and that there is a Right to Farm law in Connecticut. (8/10/09)

- 6.6.7** Proof, in accordance with Section 7.6 of these Regulations and to the satisfaction of the Commission, shall be provided to the Commission prior to the endorsement of final Mylars, that the land identified as open space has been protected in perpetuity from development or any other use not specifically allowed by these Regulations.
- 6.6.8** The Commission may require an applicant to provide a written recommendation from the Griswold Inland Wetlands & Watercourses Conservation Commission (IW&WCC) regarding the most appropriate location and/or use of proposed open space(s).
- 6.7 Pedestrian Easement.** In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds, commercial centers, or other semi-public places, the Commission may require the establishment of 10-foot easements for pedestrian ways. Concrete sidewalks four (4) feet in width are encouraged; but in lieu of sidewalks in residential areas, the Commission may require a flat, clear, walkable area on either side or both sides of a town road within the right-of-way. This walkable area should, at a minimum, have a four (4) foot paved width graded to provide a route with no more than five (5%) percent change in topography across its width and generally following the horizontal topography of the road right-of way. (8/10/09)

- 6.8 Reserve Strips.** Reserve strips of land which, in the opinion of the Commission, shows intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted. When a subdivision proposes the extension of or the connection to an unimproved reserved street right-of-way, it shall be the responsibility of the subdivider to improve the entire length of said street extension or connection to the adjacent property line. (8/10/09)
- 6.9 Flooding Considerations.** 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:
- 6.9.1** That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.
 - 6.9.2** That all public utilities and facilities such as sewer, gas, electricity and water systems are located and constructed to minimize or eliminate flood damage.
 - 6.9.3** That adequate drainage is provided to reduce exposure to flood hazards.
 - 6.9.4** That new and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the systems.
 - 6.9.5** That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of floodwaters into the system or discharge from the systems into floodwaters.
 - 6.9.6** That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.
 - 6.9.7** That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.
- 6.10 Floodway Encroachments.** Within the floodway, designated on the Flood Boundary and Floodway Map for the Town of Griswold, 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.

SECTION 7 – IMPROVEMENTS

- 7.1 Streets.** Streets shall be constructed in accordance with the Town of Griswold Road Ordinance.

- 7.1.1** The applicant will place easily identifiable stakes at even one hundred (100) foot stations along the centerlines of proposed streets prior to submission of the subdivision plan to facilitate evaluation of the plan by the Commission and the Board of Selectmen.
- 7.2 Drainage.** Drainage features shall encourage, where appropriate, non-structural stormwater best management techniques as outlined in the Connecticut Department of Environmental Protection Stormwater Management Manual (2004) or as amended; and shall be in accordance with Standard Specifications for Roads, Bridges and Incidental Construction, Form 815 of the Connecticut Department of Transportation, except as otherwise provided by these Regulations or other applicable ordinances of the Town of Griswold. (8/10/09)
- 7.3 Monuments and Markers.** Stone or reinforced concrete monuments shall be placed at all points of curvature or tangency, at all angle points on the street lines and at one front corner of each lot. Iron pipes or pins shall be placed at all other lot corners or angle points.
- 7.3.1** Monuments shall be not less than four (4) inches square and thirty (30) inches long with a brass or copper plug, drill hole or cross marking the center of the monument. They shall be set flush with or slightly above finished grade. Iron pipes shall be at least one-half (1/2) inch nominal inside diameter and thirty-six (36) inches long. The top of the pipes or pins shall normally be at least two (2) inches above finished grade.
- 7.4 Street Signs.** Street signs are required at all intersections. Four-way intersections shall have two (2) sign posts located on diagonally opposite corners. T-intersections shall have one signpost. Each signpost shall identify both intersecting streets.
- 7.4.1** The Town of Griswold shall prepare and install all street signs; however, the cost of preparation and installation shall be borne by the developer pursuant to applicable Town Fee Ordinance. (8/10/09)
- 7.5 Utilities.** All utility lines will be located underground except that the Commission may approve overhead electrical and telephone lines in subdivisions not involving new streets or where physical conditions make underground installation impractical. Adequate conduit, which is considered to be at least one (1) inch diameter PVC, shall be installed with underground electric utilities to provide for future street lights. 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. (9/28/90)
- 7.5.1** Water supply and distribution systems shall be installed in accordance with the specifications of the Jewett City Water Company or the Southeastern Connecticut Water Authority or the Connecticut Department of Health, whichever has jurisdiction.
- 7.5.2** All sewage shall be disposed of by methods approved by the Connecticut Departments of Environmental Protection or Health, in accordance with Section 19-13-B20 of the Connecticut Health Code.

7.6 Open Space. The Commission may require grading, seeding, planting, fencing and other reasonable improvements to the open space, if said open space or a portion thereof is to be used for active recreation purposes. The following regulations shall apply to all proposed open spaces within subdivisions throughout the Town of Griswold. (Entire Section Effective 8/18/05)

7.6.1 Method of Disposition. The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 6.1, the desirability and suitability of public access and use; and the scope of the subdivision approval. The following disposition options may be utilized by the Commission (generically referred to as the "Development Restriction").

1. Perpetual dedication to the Town of Griswold;
2. Perpetual dedication to the State of Connecticut;
3. Perpetual dedication to a nonprofit land-holding organization as defined in Connecticut General Statutes Section 47-6b;
4. Dedication to a Homeowner's Association; (see Section 7.6.4 and Section 7.6.8 of these Regulations)
5. Utilization of Conservation Easements, with or without public access;
6. Utilization of a recreation easement;
7. Private Ownership with the appropriate taking of Development rights; or
8. Any combination of the above or any suitable alternative approved by the Commission.

Any Conservation Easements or other Open Space Covenants or restrictions shall be subject to the approval of the Commission in form and content.

7.6.2 Evidence of Acceptance. If open space is to be owned by a nonprofit land-holding organization, the State of Connecticut, the Town of Griswold, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance (if required) of the open space.

7.6.3 Required Provisions. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

1. The continued use of such land for the intended purpose(s);
2. The continuity of proper maintenance for those portions of the open space requiring maintenance;
3. When appropriate, the availability of funds for such maintenance;

4. Adequate insurance protection; and
5. Recovery for loss sustained by casualty, condemnation or otherwise.

7.6.4 Homeowner's Association. The Commission may, upon request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners. Such transfer shall be in accordance with standards established by the Commission to include, but not limited to the following:

1. Establishes a mandatory participation in an association of property owners to maintain the land reservation for open space, park, and playground purposes with power to assess all members for all necessary costs;
2. Will be binding on all future property owners;
3. Will be perpetual;
4. Will not be affected by any change in zoning or land use;
5. May be enforced by the Town by appropriate legal action; and
6. Shall provide that if maintenance or preservation of the dedication no longer comply with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

After approval of the Town Attorney and the Commission, said document shall be filed by the subdivider in the Office of the Town Clerk.

7.6.5 Boundary Lines. The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers to be provided by the town and installed by the subdivider on durable posts at approximately 100 foot intervals and where such lines intersect any lot line, road, or perimeter line within the proposed subdivision and at such other points as may be required by the Commission to insure identification in the field. (8/10/09)

7.6.6 Recording. At the time the approved subdivision is filed, the applicant shall record on the Griswold Land Records all deeds and legal documents required to ensure the aforesaid guarantees.

7.6.7 Right to Enforce. A right to enforce the Development Restrictions or Conservation Easements shall be conveyed to: (8/10/09)

1. The Town of Griswold, the State of Connecticut or a nonprofit land-holding organization as defined in Connecticut General Statutes Section 47-6b in cases where the open space is dedicated to an association or corporation of land owners; or
2. To the association or corporation of lot owners in cases where the open space is dedicated to the Town of Griswold, the State of Connecticut or a nonprofit land-holding organization.

Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce the Development Restriction in which it is the prevailing party.

7.6.8 Association Requirements. If the open space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements including, but not limited to the following:

1. Creation of the association or corporation prior to the sale of any lot;
2. Mandatory membership in the association or corporation by all original and subsequent lot owners; and
3. The association or corporation shall have the power to assess and collect from each lot owner a specified share of and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep, and insurance of the Open Space.

7.7 Clean-up. Upon suspension or completion of the work or any portion thereof, the developer or contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. Tree stumps and boulders shall be buried along property lines with a minimum two (2) foot cover. Cut-down trees and brush shall be removed from the property. All ditches shall be filled; all sewers, drains, catch basins and manholes cleaned and flushed; streets, walks, curbs, and other structures cleaned and repaired and the whole work left in a neat condition. All unpaved areas within the street lines and excavated or filled areas on private property shall be graded, covered with suitable topsoil or loam, rolled, fertilized and seeded with a mixture conforming to Section M.13.04 of the State Highway Department Standard Specifications for Roads, Bridges, and Incidental Construction, Form 815.

7.8 Inspection and Approval of Work. All subdivision improvements shall be inspected and approved. Inspections shall be made by the Board of Selectmen of all road and drainage features at such times as prescribed by the Town Road Ordinance. All other inspections shall be made by the Commission or its representative. All questions regarding the interpretation of plans and specifications shall be decided by the inspector. He may require additional working drawings from the applicant to facilitate inspection at any time during construction of improvements.

7.9 Revisions. Any revision of an approved or filed subdivision plan that changes the boundaries of any lot shall be submitted to the Commission for approval.

7.10 Bond Release. The Commission may, in its sole discretion, upon application from the developer and after consultation with the Board of Selectmen, approve the release of portions of a performance guarantee in the form of a cash bond or irrevocable letter of credit after clearly definable portions of the improvements have been completed in accordance with the approved subdivision plan. For street improvements, the developer may apply to the Commission for the reduction in the cash bond or irrevocable letter of credit as follows: (1/26/90) (8/10/09)

- 7.10.1** A release of fifty percent (50%) of the bond or other surety upon completion of the grading of the street, installation of the sub-base and base, installation of storm drainage pipes and catch basins, and installation of underground utilities (water, sewer, and electric) where applicable. Certification of completion of these items shall be provided in a statement signed by a professional engineer licensed to practice in Connecticut and by the Board of Selectmen. (9/28/90)
- 7.10.2** A release of fifty percent (50%) of the bond or other surety upon completion of all other required improvements and acceptance of the street by the Town of Griswold. Certification of completion shall be provided in a statement signed by a professional engineer licensed to practice in Connecticut and by the Board of Selectmen. Upon acceptance, a one-year maintenance bond shall be filed with the Town of Griswold as specified in Section 5 of the Road Ordinance of the Town of Griswold. (9/28/90)

SECTION 8 – WAIVERS

- 8.1 Waivers.** The Commission may waive a requirement of these 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 affect on adjacent property or on public health and safety. No waiver shall be granted unless one of the following conditions exist:
- 8.1.1** The proposed subdivision includes land in more than one municipality.
- 8.1.2** Strict adherence to the requirements of these Regulations would result in the alteration or destruction of a significant or unique natural feature, such as a large tree, a watercourse, a wetland or a rock formation.
- 8.1.3** Strict adherence to the requirements of these Regulations would result in significant alteration of the natural land contour in a manner that would aggravate natural drainage or cause erosion and sedimentation problems that would be difficult to control or correct.
- 8.1.4** Strict adherence to the requirements of these Regulations would result in the completion of an improvement that is not likely to benefit the public in any way in the foreseeable future.
- 8.1.5** Strict adherence to the requirements of these Regulations would result in the immediate or eventual expenditure of public funds without commensurate public benefit.
- 8.2 Authority for Waivers of Subdivision Requirements.** Only the Commission may waive subdivision requirements as described in the above paragraph. No waivers or variances of subdivision requirements granted by another board or commission or Town official are legal or valid. (8/10/09)

SECTION 9 – GENERAL

- 9.1 Amendments.** The provisions of these Regulations may, from time to time, be amended, modified, changed, or repealed by the Commission in accordance with the provisions of Chapter 126, Section 8-25 of the General Statutes of the State of Connecticut.
- 9.2 Interpretation.** In the interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Where these Regulations impose a greater restriction upon land, buildings, structures, or improvements than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of these Regulations shall control.
- 9.3 Penalties.** Any person, firm, or corporation making any subdivision of land without the approval of the Commission shall be fined not more than \$200.00 for each lot sold or offered for sale or so subdivided.
- 9.4 Validity.** If any chapter, section, paragraph, clause or provision of these Regulations shall be declared invalid, such invalidity shall apply only to the chapter, section, paragraph, clause or provision so invalidated, and the remainder of these Regulations shall be deemed valid and effective.
- 9.5 Effective Date.** These Regulations amend and supersede previously adopted regulations for the subdivision of land in Griswold and originally effective on March 1, 1971. Revisions incorporated into this printing of these Regulations are effective February 1, 2008.
- 9.6 Temporary and limited moratoria from residential subdivisions/resubdivisions. (2/1/08)**
- 9.6.1 Purpose:** The purpose of this moratorium is to provide relief from considering larger subdivisions often involving proposed new town roads in regular scheduled meetings of the Commission so that they may consider and adopt through public hearings, modifications to the Subdivision Regulations that are the result of planned studies or discussion of goals recommended in the updated Plan of Conservation and Development effective July 30, 2007;
- 9.6.2 Applicability:** During this temporary and limited moratorium, no new subdivision or resubdivision applications relating to parcels from the R-40, R-60 or R-80 zoning districts, dealing with the creation of a total of five or more lots (including the parent parcel), or any subdivision/resubdivision containing a new proposed town road or extension to a town road shall be received or acted upon by the Commission;
- 9.6.3 Effective Date/Term:** This temporary moratorium will be effective on February 1, 2008 and remain in effect and extended for a term ending up to and including August 10, 2009.
- 9.6.4 Revisions to the term of the moratorium may be made for good cause through a similar public hearing process as created this section.**

SECTION 10 – DEFINITIONS

- Applicant** The record owner of the parcel of land to be subdivided or any person authorized to act for the owner by a written and signed statement from the owner to the Commission accompanying the application.
- Attorney** An attorney admitted to bar of the State of Connecticut and in good standing with said bar. (8/10/09)
- Building Lot** Lot that meets all of the zoning district requirements or a lot for which variances have been granted; existed in its present configuration before the enactment of zoning; or a lot reduced in accordance with the Conservation Subdivision Design Standards (Section 6.3 of these Regulations). (8/10/09)
- Commission** The Planning and Zoning Commission of the Town of Griswold, Connecticut.
- 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.
- Disturbed Area** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- Erosion.** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- First Selectman** The First Selectman of the Town of Griswold, or his/her designee.
- Improvements** Streets, bridges, curbs, gutters, sewers, water systems, culverts, catch basins, and other drainage features, monuments and markers, recreation facilities, soil erosion and sedimentation control measures, and any other structures or measures prescribed by these Regulations.
- Land Surveyor** A surveyor licensed in the State of Connecticut and in good standing. (8/10/09)
- Net Buildable Area** A minimum contiguous buildable area containing no wetland soils, no topographic slopes over twenty (20%) percent, no shallow to bedrock soils, no bedrock outcrops, and electric or gas transmission offsite utility easements. (8/10/09)
- Non-Buildable Area** For the purposes of dedicating open space on a parcel to be subdivided in the same ratio of buildable to non-buildable area as over the entire parcel, non-buildable area shall be land that does contain wetlands soils or watercourses including intermittent watercourses, that does contain slopes of over twenty (20%) percent, that does contain shallow to bedrock soils or bedrock outcrops, and that does not contain soils favorable for development of public health code compliant septic and well installations. (8/10/09)

- Plan** The plan of subdivision, including maps, profiles, and supporting documents as required by these Regulations.
- Pedestrian Easement** An easement along one or both sides of a local road where sidewalks have been deemed not practicable but some permanent provision for pedestrian movement along the side of the road outside of the travel lane has been required by the Commission. See Sections 5.6 and 6.7 of these Regulations. (8/10/09)
- Re-subdivision** A change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- Sediment** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion
- Sidewalk** A cement pedestrian route alongside public roads or within parking lots suitable for pedestrian travel to be generally level with a width of 4 ft. and constructed of durable materials including but not limited to concrete or paving blocks. (8/10/09)
- Soil** Any unconsolidated mineral or organic material of any origin.
- Soil Erosion and Sediment Control Plan** A scheme that minimizes soil erosion and sedimentation and includes but is not limited to a map and a narrative.
- Street** An improved right-of-way accepted for public use by lawful procedure and suitable for two-way automobile travel; or a proposed street shown on the subdivision plan under consideration or on one previously approved by the Commission.
- Subdivision** The division of a tract or parcel of land into three or more parts or lots subsequent to March 1, 1971, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal conservation or agricultural purposes, and includes re-subdivision.

APPENDIX A

TOWN ORDINANCE OF FEES FOR LAND USE APPLICATION PROCESSING AND REVIEW

Land Use Ordinance 144 of the Town of Griswold pertaining to Land Use Application Processing and Review Fees, adopted 9/23/08 and made effective on 10/11/08. 144.030 Fee Schedule (03/30/09)

§144.010 Fees Established.

Pursuant to Section 8-1c of the Connecticut General Statutes there is established a schedule of fees for the processing of land use applications received by the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Conservation Commission. The schedule of fees established shall supersede those fees presently charged by the land use commissions and boards as previously established in Section 143 and pursuant to any provision of the General Statutes or any Special Act. These fees are intended to cover a portion of the Town's costs for processing and administrative handling of land use applications, including, but not limited to: legal advertisements regarding public hearings, decisions of a commission, and other matters requiring publication in a newspaper; other notifications or referrals required or authorized by applicable law; recording and transcribing, where necessary, of public hearings and meetings, the preparation of minutes and other documentation applicable to the application, and other clerical expenses; staff salaries and overhead expenses for staff to the commission, including officials of the Town for whom land use application review is only a part of his/her duties, such as the sanitarian, fire chief, etc.; Town Attorney fees in direct connection with legal advice, review of documents, and attendance at meeting, where deemed desirable, in connection with the application; inspection of construction and other work to insure compliance with approved permits and applicable regulations; keeping and updating of files and other documentation relative to the application; such other expenses as may be incidental to the processing of land use applications or subsequent research or review relating to land status requested by outside parties but involving documents or procedures within the Town of Griswold.

§144.020 Definitions.

For the purpose of this chapter the following definitions shall apply:

“Commission(s)” means one or all of the land use regulatory agencies of the Town of Griswold known as the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Conservation Commission.

“Processing of land use application(s)” means the actions of a commission, supported by staff employed by the Town of Griswold, independent contractors, or consultants, in receiving, reviewing and acting upon an application to conduct an activity regulated by said commission and including both pre-action reviews and post-approval supervision of work and inspection of activities permitted.

“Improved land area” means any portion(s) of a development site not covered by buildings, but covered by parking, driveways, outdoor storage or loading areas, lawns, formal landscaped areas, or any other area not in its natural state.

“Fixed Application Fees” shall mean those set forth in Section 144.030, subsection A of this Chapter.

“Additional Expenses” shall mean those reimbursements set forth in Section 144.030, subsection C of this Chapter.

Any other term not defined in this Ordinance shall have the meaning set forth in the “definitions” section of any applicable regulations (e.g., the zoning regulations for zoning applications, the subdivision regulations for subdivision or resubdivision applications, etc.).

§144.030 Fee schedule.

A. Fixed Application Fees. Commissions shall charge Fixed Application Fees for the processing of land use applications in accordance with the following schedule:

Planning & Zoning Commission

Completed application forms along with the required fee are to be submitted to the Planning and Community Development Department no later than ten (10) Business days prior to the meeting. Meetings are held on the second Monday of each month.

	<u>Application Fee</u>		<u>State Fee</u>		<u>Total</u>
Zone Changes					
Text Amendment Flat Fee	\$375	+	\$30.00	=	\$405.00
Map Amendment Flat Fee	\$400 1 to 14 acres	+	\$30.00	=	Variable
Map Amendment*	\$600 15 acres or more	+	\$30.00	=	Variable
*PZC Commission may reduce the map amendment fee to the Flat Fee if the requested zone change is for a less intensive zone usage.					
Zoning Permits					
Residential	\$150 / unit	+	\$30.00	=	Variable
Basic Review of Site Plan	\$250	+	\$30.00	=	\$280.00
Minor Change in Use or Site Plan for Existing Commercial /Industrial	\$300	+	\$30.00	=	\$330.00
New Commercial/Industrial or Site Plan Amendment of Existing Commercial /Industrial	\$400 + \$25 / 1,000 sq. ft.**	+	\$30.00	=	Variable
Home Occupation	\$250	+	\$30.00	=	\$280.00
Special Exceptions					
Residential (multifamily)	\$200 / unit	+	\$30.00	=	Variable
New Commercial or Industrial	\$600 + \$25 / 1,000 sq. ft.**	+	\$30.00	=	Variable
Existing Buildings/Modifications	\$350 + \$25 / 1,000 sq. ft. **	+	\$30.00	=	Variable
** Charge per 1000 sq. ft. of buildings and outside active area proposed					
CGS Section 8-30 Zoning Appeals	\$500 + \$50.00/unit	+	\$30.00		Variable
Subdivisions	\$300 / lot Minimum \$350	+	\$30.00	=	Variable
Re-Subdivisions	\$350 / lot Minimum \$400	+	\$30.00	=	Variable

Zoning Board of Appeals

Completed application forms along with the required fee are to be submitted to the Planning and Community Development Department no later than three Thursdays prior to the meeting. Meetings are held on the first Wednesday of each month.

	<u>Application Fee</u>		<u>State Fee</u>		<u>Total</u>
Variance	\$150.00	+	\$30.00	=	\$180.00 0
Appeal of Zoning Enforcement Officer Order	\$150.00	+	\$30.00	=	\$180.00 0
Automotive Location	\$150.00	+	\$30.00	=	\$180.00 0

Inland Wetlands & Watercourses Conservation Commission

Completed application forms along with the required fee shall be submitted to the Planning & Community Development Department no later than 15 days prior to the meeting. Meetings are held on the third Thursday of each month.

	<u>Application Fee</u>		<u>State Fee</u>		<u>Total</u>
Basic Fee					
1-family & 2-family residences	\$100.00	+	\$30.00	=	\$130.00
Commercial multi-family residence per dwelling unit	\$ 50.00	+	Basic Fee		
If Applicable add:					
Public Hearing	\$175.00	+	Basic Fee		
Wetlands Jurisdiction Review	\$ 75.00	+	Basic Fee		
Regulation Amendment	\$175.00	+	Basic Fee		
Subdivision: For each lot with wetlands or watercourses and/or in which activity is proposed in a wetland/ regulated area	\$ 50.00/lot	+	Basic Fee		
Commercial Activity	\$300.00	+	Basic Fee		
			Total		Variable

B. Maximum Fee; Calculation of Fee. Except as provided in Paragraph C below, no application fee calculated in accordance with the preceding formulae shall exceed \$20,000.00. Each applicant for any permit shall provide, at the time of application, the necessary data to permit the calculation of the application fee (such as square footage of buildings or outside storage or active display area requested, the proposed number of lots, or acreage involved in a zone change), and such information shall, where appropriate, be certified by a licensed land surveyor, professional engineer, or registered architect. Failure to file any application fee set forth in this ordinance shall be grounds for denial, without prejudice, of such application.

C. Additional Reimbursable Costs.

1. In addition to the fixed fees set forth in subsection A of this section, the commissions may collect payment for direct costs of materials and review services performed by other than town employees, including but not limited to:
 - a. specialized inspections;
 - b. third party reviews with professional certifications;
 - c. reviews by consultant Town Attorneys;
 - d. reviews by consultant Town Professional Engineers;
 - e. reviews by licensed Landscape Architects;
 - f. reviews by licensed Architects;
 - g. reviews by archeologist/cultural resource consultants;
 - h. reviews by certified soil scientists, wildlife biologists, or ecologists;
 - i. reviews by Licensed Environmental Professionals;
 - j. reviews by certified professional in stormwater quality;
 - k. legal, stenographic and transcription services associated with any type of land use application.

The Commission may require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense. It is intended that the fixed fees set forth in subsection A do not cover such costs for additional expenses resulting from non-town staff reviews necessitated by land use applications. These additional expenses will be required where applicable for any permit application before any land use Board or Commission, regardless of whether a public hearing is required. This section is also applicable to all expenses incurred after an approval is issued in the event that action is needed to enforce compliance with specific conditions of approval or violation of regulations.

- D. Fees Not in Lieu of Bonds.** The payment of fees shall not prohibit commissions from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

§144.040 Exemptions

All boards and agencies of the Town of Griswold, including the use of fire company properties for fire protection purposes, shall be exempt from the payment of fees established pursuant to this chapter. Each board may in whole or in part exempt an application from the payment of any or all fees if said application is for low and moderate income housing or special needs housing. In addition, each commission shall be authorized, by majority vote, to reduce or waive application fees where (1) the application does not appear, upon initial examination, to require intensive staff review and (2) the applicant is a non-profit entity which qualifies for tax deductible charitable contributions under Regulations of the U.S. Internal Revenue Service. The commission may also credit all or a portion of application fees from previous application(s) which were denied or withdrawn, where the review work performed on the previous application(s) may be of benefit in reviewing the new application. Any commission exempting an application from payment of a fee, in whole or in part, shall state in the minutes of the meeting at which the plan was received the fee type exempted, the percentage exempt and reasons for granting the exemption. This exemption shall not prohibit a commission from requiring consultant reports, professional certification or conducting inspection to ensure conformance with land-use regulations.

§144.050 Payment of fees

- A. Other Fees. The payment of a fee established in accordance with the provision of this chapter shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land use application, or by another ordinance of the Town of Griswold.
- B. Fees Nonrefundable. All fees received by a commission as part of a land use application submission shall be nonrefundable.
- C. Method and Timing of Payment, Failure to Pay. All Fixed Application Fees shall be paid by cash, check or money order made payable to the Town of Griswold. Fees shall be paid at the time of application submission. The applicant shall be provided with invoices or other evidence of any Additional Expense(s), and reimbursement to the Town shall be made within thirty (30) days after presentation of such invoices or other evidence. Failure to comply with this subsection shall be grounds for denial of any application without prejudice, or revocation of any permit previously issued. Reimbursement of the Town under this subsection shall be a condition for the endorsement of any plan, the issuance of any final permit, or the issuance of any certificate of zoning compliance for an approved application, or the renewal of any periodic or temporary approval, as the case may be.
- D. Post Approval Notices and Fees. The Town is authorized to place a notice of non-payment of review fees on the land records if any fees from pre-approval or post-approval non-staff reviews are not paid for a period of 90 days.

§144.060 Periodic Updates of Fee Schedule

The foregoing fees schedules are based upon an analysis of the expenses incurred, on average, in the processing of land use applications as of the date of passage of this Chapter. The First Selectman shall periodically examine the expenses incurred by the Town in the processing of land use applications, and shall make recommendations based on input from land use boards and commissions to the Board of Selectmen for adjustments to the foregoing fee schedules based upon current staffing, regulatory requirements, and other relevant factors.