

**SUBDIVISION REGULATIONS
OF THE
TOWN OF GREENWICH
CONNECTICUT**

PLANNING AND ZONING COMMISSION

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Adopted September 10, 1970
As Amended through May 2005

May 2005

ARTICLE 4. SUBDIVISIONS.¹⁴

Division 1. General Provisions

Sec. 6-258. Authority for regulations.

The Planning and Zoning Commission, pursuant to the authority granted by Special Act No. 469 of 1951 as amended, adopts the following Subdivision Regulations, effective September 14, 1970, which may be amended from time to time under procedures outlined under the cited authority.

Sec. 6-259. Jurisdiction of Article; compliance.

(a) No person proposing to make a subdivision on property owned within the Town limits shall make any contract for the sale of any part of the subdivision less than the whole, or shall proceed with any construction work of any kind on the proposed subdivision which may affect the arrangement of streets, including clearing, grubbing, grading or other works, until he has obtained from the Commission approval of the plan of the proposed subdivision. Nothing in this subsection shall prevent the subdivider from entering into a contract for sale conditional upon subdivision approval. (3/9/81)

(b) In planning and developing a subdivision, the subdivider or his agent shall in every case pursue the procedure as outlined in this Article.

Sec. 6-260. Purposes of Article.

- (a) The purposes of this Article shall be to:
- (1) Further the orderly development of the Town in accordance with the Town Plan of Development.
 - (2) Insure that any land subdivided can be used for building purposes without danger to health or public safety. (3/9/81)
 - (3) Regulate the layout of streets in accordance with sound engineering principle to further the orderly development of the existing and projected street systems of the Town.
 - (4) Control the layout of lots to protect the environment.
 - (5) Regulate the layout, design and construction of drains along natural drainage routes and watercourses to further the orderly and efficient development of the drainage system of the Town.
 - (6) Provide for protective control measures in areas subject to flooding.
 - (7) Secure the preservation of natural features of the landscape and the setting aside of open space for the recreational needs of future residents.
 - (8) Control the placement of utilities.

¹⁴State Law reference: As to authority to plan subdivisions. Sec C.G.S. § 8-25

Sec. 6-261. Definitions.

- (a) As used in this Article:
- (1) Commission shall mean the Planning and Zoning Commission of the Town.
 - (2) Drainage Manual shall mean the drainage manual of the Town prepared, approved, adopted and as amended from time to time by the Commissioner of Public Works, which sets forth design standards for all drainage projects in the Town.
 - (3) Easement shall mean the authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.
 - (4) Lot shall mean a separately identified parcel of land designed or intended for separate ownership, occupation or use.
 - (5) Plan of Development shall mean the plan of development of the Town adopted by the Commission and approved by the Representative Town Meeting in accordance with the Planning and Zoning Act, Special Act S 469 of 1951, as amended on June 8, 1964, together with any amendments and additions thereto.
 - (6) Resubdivision shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change: (2/8/91)
 - (A) Materially affects any street layout or the layout of any private way shown on such map; (3/9/81)
 - (B) Affects any area reserved thereon for common use; or, (3/9/81)
 - (C) Materially diminishes the size of any lot shown thereon as defined in this Article, if any of the lots shown thereon have been conveyed after the approval or recording of such map;
 - (D) Substantially alters the shape of any lot so as to eliminate the septic and/or the septic system reserve area without substituting another approved by the Health Dept. (3/9/81)
 - (7) Street shall mean any public or private way approved by the Commission permanently dedicated to movement of vehicles and pedestrians and providing the principal means of access to abutting property. The words shall not include private driveways and rights-of-way.
 - (8) Street, Local shall mean a street which serves or will serve, primarily, only those properties having frontage on it, and which does not or will not carry through traffic from surrounding areas, and any street shown as a local street on the Plan of Development.
 - (9) Street, Major shall mean a street which is used primarily as a route for traffic between communities or large sections of the Town, and any street shown as a major street on the Plan of Development.
 - (10) Street, Secondary shall mean a street which collects or will collect traffic from local streets and which carries, or will carry, through traffic from surrounding areas, and any street shown as a secondary street on the Plan of Development.
 - (11) Street Design Manual shall mean the street design manual of the Town prepared, approved, adopted and as amended from time to time by the Commissioner of Public Works, which sets forth design standards for all streets in the Town.
 - (12) Street Intersection shall mean the crossing, or meeting without crossing, of one (1) street with another.
 - (13) Street Pavement shall mean the wearing or exposed surface of the street used by vehicular traffic.

(14) Street Right-of-way shall mean the area between property lines reserved for use of any street. Its width shall be measured at right angles to or radial to the center line of the street.

(15) Subdivision shall mean the division of a tract or parcel of land into two (2) or more parcels or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision. (5/4/2005)

(16) Zoning Regulations shall mean this Chapter of the Building Zone Regulations of the Town.

Sec. 6-262. Subdivision including business or industry zones.

(a) If a proposed subdivision includes land that is zoned for business or industrial purposes, and if such land is not restricted against business use by the imposition of deed restrictions by the owner, the layout of the subdivision with respect to such land shall make such provision as the Commission may require for safe and convenient access to such automobile parking and loading and unloading spaces as may be required by the Building Zoning regulations, or otherwise for safe and convenient service access to such land.

(b) Any new subdivision streets in a business or industrial zone shall conform to the standards contained in the "Engineering Design Manual" as amended from time to time. The "Engineering Design Manual" is a document prepared by the Commissioner of Public Works which provides standards of regulating streets, sidewalks and other such improvements. (3/9/81)

Sec. 6-263. Variances; approval.

(a) Where, due to topography or other conditions especially affecting the land being subdivided, a literal enforcement of this Article would result in practical difficulty, unnecessary hardship, or a conflict with other requirements in such subdivision deemed to be of greater benefit or importance, the Commission may vary the application of this Article in harmony with its general purpose and intent.

(b) The approval of any variance between a subdivision plan and this Article shall be deemed to be included in the approval by the Commission of such subdivision plan. The Commission shall state in its minutes its reasons for approving any such variances, but any failure by the Commission to do so shall not affect the validity of such approval.

Sec. 6-264. Subdivision fees; amendment.

(a) The fee for each final subdivision application or revision that would increase the total number of lots is Twenty-five Dollars (\$25.00) per lot with a minimum fee of Fifty Dollars (\$50.00). In addition to the fee the subdivider shall reimburse the Town for costs incurred in connection with

(5/4/2005)

publication of the Commission's approval. In addition, an Eighteen Dollar (\$18.00) filing fee will be assessed. For subdivisions requiring a public hearing and for resubdivisions, an additional Seventy Dollars (\$70.00) public hearing fee shall accompany each application. (3/9/81)

(b) The fees may be changed from time to time at the discretion of the Commission without further approval of the Town Representative Meeting.

Division 2. Preliminary Layout.

Sec. 6-265. Submission of preliminary layout.

It is strongly recommended that, prior to the required submission of a subdivision plan a preliminary layout be submitted in order that the Commission may advise a potential subdivider of any requirements that will apply to the subdivision plan before considerable expenditures are made in the preparation of that plan. The subdivider shall notify all adjacent landowners that an application has been filed, and an affidavit, certifying same shall be present to the Planning and Zoning Commission prior to hearing the application. The preliminary layout shall be considered as a helpful guide in the preparation of a subdivision plan and should include the information set out in Section 6-266. (3/9/81)

Sec. 6-266. Preliminary layout contents.

(a) The preliminary layout shall be drawn on tracing paper or tracing cloth not more than forty (40) inches wide or thirty (30) inches high and shall be drawn at a scale of twenty (20), thirty (30), forty (40), fifty (50), sixty (60), one hundred (100), or one hundred fifty (150) feet to one (1) inch, except that for tracts in the RA-1, RA-2, and RA-4 zones a scale of two hundred (200) feet to one (1) inch may be used, provided required data is clearly shown. If more than one (1) drawing is required to show an entire tract, an index map shall be provided. The preliminary layout shall include as many of the following items of information as is practicable.

(1) Title of the layout, including name of subdivider, and Town Project number, issued upon request by the Chief, Engineering Division, Department of Public Works, located in the lower right hand corner of the tracing; also date, north point and scale.

(2) Boundaries of the tract to be subdivided accurately plotted to scale. If the subdivider intends to develop only a portion of a tract, the entire tract shall nevertheless be included in the preliminary layout.

(3) A map at a scale of two hundred (200) feet to one (1) inch showing the location of the tract in relation to existing streets, the boundaries of the tract, and the location of proposed streets; and sufficient information to permit correct delineation of the tract on the Town's topographic survey.

(4) Name and address of owner of tract to be subdivided.

- (5) Names of owners of adjacent land or names of adjacent subdivisions.
- (6) Existing streets and easements for drains, sewers, and utilities immediately adjoining and within the tract to be subdivided.
- (7) Existing drains and sewers nearby and within the tract to be subdivided with their location, size, type and approximate elevations and gradients, using mean sea level as datum plan wherever practical.
- (8) A topographic survey showing ground contours within the tract to be subdivided at intervals of not more than five (5) feet of elevation, unless the Town Planner or his or her designee determines that two (2) foot contour intervals are deemed necessary in the interest of good subdivision planning. Said survey shall include all pertinent topographic features within or adjoining the tract, including water courses, water bodies, land subject to flooding, swamps and the approximate line of mean high tide where a proposed subdivision is adjacent to tidewater, and the contours representing occasional extreme high tide (Elev. 8.0, mean sea level datum) and hurricane time (Elev. 11.0, mean sea level datum). (3/9/81)
- (9) Location of stream encroachment lines where such exist through the tract.
- (10) Existing features such as buildings, stone walls, wooded areas, rock outcrops, isolated trees of 10 inches in caliper or more and such other trees as may be significant to the property, or other similar items. (3/9/81)
- (11) Proposed approximate lot lines with approximate lot areas. The lots shall be numbered.
- (12) The approximate lines and gradients of proposed streets.
- (13) The approximate lines and purpose of proposed easements.
- (14) Approximate location of proposed open space for park and recreational purposes.
- (15) Approximate location of proposed utility lines, including water, gas, electricity and sewer.
- (16) Statement as to source of water supply and method of sewage disposal.
- (17) The zone in which the land to be divided falls and the location of any Town and zone boundary lines within the tract, and yard dimensions in respect to existing buildings.
- (18) Certification with signature and seal or registration number of a registered land surveyor that the drawing is substantially correct, and that the property is in a designated zone or zones under the zoning regulations, and statement as to whether or not the lots in the proposed subdivision comply with zoning regulations, provided that any certification as to Subsections (a) (12) and (a) (15) shall only be made by a registered professional engineer.
- (19) For a subdivision of ten (10) lots or more or the subdivision of ten (10) or more acres, an environmental assessment by qualified environment specialists shall be provided. The Commission may require said assessment for smaller subdivisions if deemed necessary. The assessment shall include an evaluation of the following: (3/9/81)
 - (a) Conformance with the Open Space Plan of Development
 - (b) Significant wetlands
 - (c) Steep Slopes
 - (d) Stormwater Drainage
 - (e) Soils capabilities
 - (f) Vegetation including forested areas and the identification of trees over 10" in caliper when not part of forested areas

- (g) Significant geological formations
- (h) Historical and archaeological factors
- (i) Animal habitats
- (j) Water availability and quality
- (k) Aquifer protection in accordance with the Statutes of the State of Connecticut
- (l) Other data which the Commission deems appropriate

The environmental assessment shall be subject to a review, after the receipt of recommendations of the Conservation Commission, by the Planning and Zoning Commission including the mitigation measures for minimizing environmental impact before the applicant proceeds to final plan.

(20) For subdivisions within the coastal zone boundaries, the standards contained in the Coastal Area Management Act of the State of Connecticut shall be applied in addition to those contained in (19) above. (3/9/81)

Sec. 6-267. Preliminary layout; omission.

(a) When the preliminary layout is not submitted, the following information will be required either separately or on the following sheets:

- (1) Record Sheet: Section 6-266(a)(3) and (9).
- (2) Construction Sheet: Section 6-266(a)(8) and (10), insofar as the information relates to the proposed construction and Section 6-266(a)(13).
- (3) Topographic Sheet: Section 6-266(a)(1), (2), (8) and (10).

Division 3. Subdivision Plan Format.

Sec. 6-268. Subdivision plan requirements.

(a) The subdivision plan shall be drawn in ink on tracing cloth not larger than twenty-five (25) inches by thirty-seven (37) inches and shall give sufficient survey data to determine readily the location, bearing, and length of all lines shown thereon and to reproduce such lines upon the ground. If the area to be shown produces a larger drawing than the prescribed size, two (2) or more drawings shall be submitted, with suitable match lines.

(b) In addition to the original tracings, the subdivider shall submit five (5) prints of each sheet on a standard size of thirty (30) inches by forty (40) inches. "An 8-1/2x11" reduction of the subdivision plan shall also be submitted. (3/9/81)

- (c) The subdivision plan shall be composed of two (2) parts:
- (1) Construction sheets; and,
 - (2) Record sheets.

Sec. 6-269. Record sheets; contents.

(a) Record sheets shall be drawn at a scale of twenty (20), forty (40), fifty (50), one hundred (100), or one hundred fifty (150) feet to one (1) inch except that for tracts in the RA-1, RA-2, or RA-4 zones a scale of two hundred (200) feet to one (1) inch may be used, provided required data is clearly shown.

(b) The following information shall be shown:

(1) Title of the sheet including the name of subdivider, Town project number, issued upon request by the Chief, Engineering Division, Department of Public Works and endorsement block for Commission signature in the lower right hand corner of the tracing; also date, north point and graphic scale.

(2) The location and dimensions of all boundary lines of the property.

(3) The dimensions and areas of all existing lots and approximate dimensions and areas of all proposed lots.

(4) Information to show the location of the subdivision in relation to surrounding property and streets.

(5) The names of owners of adjacent land or names of adjacent subdivisions and locations of structures on adjacent properties within one hundred (100) feet of the proposed subdivision. (3/9/81)

(6) The lines of existing and proposed streets within the subdivision and the lines of existing or approved streets and driveway entrances on adjoining properties and opposite the site. Survey data shall be shown across all street intersections to relate accurately one (1) block with another and one (1) side of a street with the opposite side. (3/9/81)

(7) Location of all proposed monuments. (See Sec. 6-285.)

(8) The names of existing and proposed streets.

(9) The lines and purposes of existing and proposed easements immediately adjoining and within the subdivision.

(10) The location of all existing and proposed water bodies and streams.

(11) The location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservations with designation of the purposes thereof.

(12) The location of any Town and zone boundary lines within the tract; and yard dimensions in respect to existing buildings.

(13) Sufficient data acceptable to the Chief, Engineering Division, to determine readily the location, bearing and length of all street lines, and to reproduce such lines upon the ground. These should be tied to reference points previously established, such as State Highway, or Town line, adjacent subdivision monuments, or Town or State established grid points, and shown on the map.

(14) Certification with date, signature and seal of a registered land surveyor, that the drawing is substantially correct, and that the property is in a designated zone or zones under the zoning regulations, and statement as to whether or not the lots in the proposed subdivision comply with zoning regulations.

(15) The following note shall be placed on the record sheet. Upon approval of this subdivision plan, the owner agrees with the Town that unless otherwise specified hereon, the areas within at least ten (10) feet of the center line of any drainage facility, ditch or stream shown hereon, are dedicated for drainage, that no building or other structure shall be located thereon and that the Town shall not be under any obligation to maintain, clean, enclose, or otherwise alter or improve, such drainage facility.

(16) The endorsement block for Commission action required to appear on Record Sheet shall be shown as follows:

Approved by Resolution of the Planning and Zoning Commission, Town of Greenwich, Connecticut, dated

(Signature of Chairman) (Date)

- (17) A note indicating the type of sewage disposal and water supply facilities to be provided. (3/9/81)
- (18) All notes required for the preliminary layout not mentioned above. (3/9/81)

Sec. 6-270. Construction sheet; contents.

(a) The construction sheet shall be drawn at a scale of twenty (20), forty (40), or fifty (50) feet to one (1) inch, except that for tracts in the RA-1, RA-2, and RA-4 zones a scale of one hundred (100) feet to one (1) inch may be used.

(b) The following information shall be shown:

(1) Title of the sheet including name of the subdivider and Town project number issued upon request by the Chief, Engineering Division, Department of Public Works, located in the lower right hand corner of the tracing; also date, north point, and scale.

(2) The lines of existing and proposed streets immediately adjoining and within the subdivision.

(3) The names of existing and proposed street.

(4) Typical cross sections of proposed streets and all culverts.

(5) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation at center line at all intersections and at turnarounds and other areas where roadway geometry deviates from typical roadway cross-section.

(6) Data concerning watershed tributary to drainage systems and structures, computations used as a basis for design and selection of drainage systems and structures, and other data in accordance with requirements of the Drainage Manual. Computations, etc., shall be submitted on supplementary sheets in the form specified in the Drainage Manual.

(7) The locations of street trees, street lighting standards and street signs, the location, type, size and elevations of any existing and proposed sanitary sewers, storm water drains and fire hydrants, the exact location and size of all water, gas, or other utilities and structures, and detailed description of all other required improvements.

(8) Standard Construction Details and Specifications for all proposed construction of streets and drainage facilities.

(9) Such other information as may be consistent with good engineering practice.

(10) Certification with signature and seal or registration number of a registered professional engineer that the drawing is substantially correct.

(11) The endorsement block for Commission actions required to appear on Construction Sheet shall be shown as follows:

Approved by Resolution of the Planning and Zoning Commission, Town of Greenwich, Connecticut, dated

(Signature of Chairman) (Date)

Sec. 6-271. Health Department report; sewage disposal facilities.

(a) When, after review of topographic and other data submitted, the Commission is of the opinion that further information is required to determine the suitability of the tract for purposes of private sewage disposal, the Commission shall require that a written report concerning the adequacy of plans for such sewage disposal be submitted. The written report shall be endorsed by the Director of Health or his authorized representative.

(b) Adequacy of plans for sewage disposal facilities shall be based on percolation tests carried out in accordance with State practices (Public Health Code of the State of Connecticut) by a professional engineer registered in his State. Where the results of such tests indicate the need for larger lots because of sewage disposal requirements, final approval will not be granted until such larger lots as required are shown on the map. All installations of private sewage disposal systems shall conform with the provisions of the Public Health code of this State and the Town Health Department Regulations.

(c) This report shall be waived where the subdivision will be served by public water and sanitary sewers. A statement as to the provision of public water and sanitary sewers shall appear on both the preliminary layout and final subdivision plans.

Division 4. Submission and Approval Procedures.¹⁵

Sec. 6-272. Formal application; accompanying documents.

(a) A formal application by the owner, in triplicate, on a form approved by the Commission shall be filed with the Commission at least twenty-one (21) days before a regular meeting of the Commission in order to permit the public notice required by law for the public hearing to be advertised, in the event a public hearing is required.

¹⁵**State law reference:** As to approval of subdivision plans, see C.G.S. § 8-26

- (b) The application shall be accompanied by the following:
- (1) An application fee, payable to the Town, as required in Section 6-264.
 - (2) Proof of ownership by applicant of the premises included in the application.
 - (3) Statement from applicant's engineer, indicating estimated cost of construction of subdivision roads, drainage and other improvements, if the applicant is required to post a performance bond with the Town.
 - (4) Five (5) copies each of the Record Sheet, and Construction Sheet, conforming to this Chapter and showing those items listed in Section 6-268 through Section 6-271 and Health Department Report. (3/9/81)
 - (5) An affidavit stipulating that adjacent property owners have been notified accompanied by a list of said property owners. (3/9/81)

Sec. 6-273. Submission date.

No application shall be accepted or considered officially filed unless it complies in all respects with the provisions of Section 6-267(a) and Section 6-266(19). If the application is in full compliance the Commission, or its authorized agent, shall date and sign a receipt therefore. Such date shall be deemed to be the official date of submission of the application for the purpose of Section 8-26 of the General Statutes, as amended from time to time. (3/9/81)

Sec. 6-274. Application withdrawal.

(a) At any time prior to final action by the Commission on any application, the applicant, or his successor in interest, may withdraw such application by filing with the Commission, in writing, a formal request to that effect.

(b) If approval of an application has been granted by the Commission, the applicant, or his successor in interest, may, at any time prior to filing the approved plan on the Land Records, return such approved plan to the Commission with a written request for cancellation of the plan shall be noted thereon. No fees shall be refunded on such withdrawal.

Sec. 6-275. Commission approval required.

Subsequent to the filing of an application, no construction of any kind, including any building, street or any drainage facility on, and no modification of the land involved in such application will be authorized or permitted prior to the approval of the subdivision plan by the Commission.

Sec. 276. Action on application; approval; extension.

(a) Within sixty (60) days from the official date of submission of the application, the Commission will approve, modify and approve, or disapprove the subdivision application by resolution. The resolution shall set forth, in detail, any modifications to which the approval is subject, or the reasons for disapproval. Notice of such action shall be sent to the applicant by certified mail. (3/9/81)

(b) The failure of the Commission to act upon any such subdivision plan within sixty (60) days shall be deemed to constitute an approval thereof. A certificate to that effect shall be issued by the Commission on demand.

(c) The sixty (60) day period for action may be extended with the written consent of the subdivider.

Sec. 6-277. Subdivision plan revision.

Based upon the resolution noted in Section 6-276, the applicant shall, if necessary, have the Record Sheet and Construction Sheet revised to conform to any modifications called for in the Commission's action.

Sec. 6-278. Signing of subdivision plan.

The original tracings and three (3) prints of the approved Record Sheet and Construction Sheet shall be submitted to the Chairman of the Commission, who, after determining that they comply with the Commission's resolution approving the Subdivision Plan, shall sign the tracing cloth originals of the Subdivision Plan. When the Chairman is absent, or otherwise unable to act, the Secretary of the Commission shall sign.

Sec. 6-279. Filing with Clerk.

In accordance with the general statutes, the original of the Subdivision Plan shall be filed with the Town Clerk within ninety (90) days of the date of approval. Upon request of the subdivider, the Commission, may extend the filing period for an additional ninety (90) days if deemed appropriate. The approval of any plan not so filed shall expire ninety (90) days from the date of approval. When a subdivision plan is approved and the time for any appeal therefrom has elapsed with no such appeal being taken, the Commission shall file in the office of the Town Clerk the record sheet of the Subdivision Plan, and the Declaration of Restriction for the reserved area. (3/9/81)

Sec. 6-280. Revision after signature; void plan.

No changes, modifications or revisions shall be made in any Subdivision Plan after approval has been given by the Commission and endorsed, in writing, on the Plan. In the event that any Subdivision Plan, when recorded, contains any such changes, the Plan shall be considered null and void. The Commission shall institute proceedings to have the Plan stricken from the records of the Town Clerk.

Sec. 6-281. Public hearings; notices.

(a) A public hearing may be held upon any subdivision plan. Upon receipt of the application and all required accompanying material, the Commission may call a public hearing on the application, if in its judgement, the specific circumstances require such action.

(b) The Commission shall hold a public hearing on any application for a resubdivision.

(c) The Commission shall publish notice not less than seven (7) days before the date of such hearing, once in a newspaper having general circulation in the Town. The Commission shall send a copy of such notice by registered or certified mail to the applicant.

(d) At, or prior to, the public hearing, the Commission will give an opportunity to any interested persons to examine or comment upon the Subdivision Plan.

Division 5. Design Standards.

Sec. 6-282. Character of land.

Land of such a character that it cannot be used without danger to health or peril from fire, flood, or other menace, shall not be subdivided for residential purposes nor for any other permitted use which might increase danger to health, life or property, or aggravate a flood hazard. Such land may be set aside for such uses as shall not involve such danger.

Sec. 6-283. Conformity with Plan of Development; zoning regulations.

(a) The Subdivision Plan shall include all streets shown on the Plan of Development that fall within the subdivision area, and any other streets that the Commission may require.

(b) All zoning requirements of this Chapter shall be followed.

Sec. 6-284. Subdivision straddling municipal boundaries.

Whenever access to the subdivision can be had only across land in another municipality, the Commission shall determine that an access road has been legally established and that such access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross Town boundary lines.

Sec. 6-285. Monuments; specifications.

(a) Monuments shall be placed at all points of curvature, points of tangency and angle points on one (1) side of each street and other locations as may be required to fully define the street lines of streets located within or bordering the subdivision.

(b) Monuments shall be installed in accordance with Town Standard Construction Details and Specifications.

(c) Where monuments cannot be constructed at locations described in Subsections (a) and (b), they shall be installed at appropriate substitute locations approved by the Commissioner of Public Works.

(d) Before acceptance of any road construction by the Commissioner of Public Works, certification of each monument shall be submitted in accordance with Street Design Manual.

Sec. 6-286. Street design.

The design of the streets shall be in accordance with the Street Design Manual.

Sec. 6-287. Drainage facilities.

(a) The design and construction of drainage facilities shall be in accordance with the Drainage Manual specifications and details.

(b) The Commissioner of Public Works shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold approval of the subdivision until provision has been made for the improvement of such condition.

Division 6. Improvements.**Sec. 6-288. Street improvements.**

Streets shall be graded and improved with pavement and related drainage facilities. Such grading and improvements shall conform to the Drainage Manual, U.S. Soil Conservation Service "Sedimentation and Erosion Control Manual" as amended from time to time, and Street Design Manual, and shall be approved as to design and specifications by the Commissioner of Public Works. (3/9/81)

Sec. 6-289. Sidewalk specifications.

- (a) Paved sidewalks shall be provided as follows:
- (1) In business zones concrete sidewalks at least ten (10) feet wide shall be provided on both sides of streets.
 - (2) In R-MF zones concrete or asphalt sidewalks at least four (4) feet wide shall be provided on both sides of the streets.
 - (3) In R-6 and R-7 zones concrete or asphalt sidewalks at least four (4) feet wide shall be provided on at least one (1) side of streets.
 - (4) In all other zones no sidewalks shall be required.

Sec. 6-290. Trees on streets; specifications.

(a) Street trees shall be provided, either by preserving existing trees or by planting new ones as approved by the Tree Warden. Such trees shall be located on both sides of the street right-of-way and at intervals of approximately fifty (50) feet, subject to location of drives, street intersections, or other features of the subdivision. They shall be of varieties approved by the Tree Warden, and the method of planting shall be in accordance with instructions issued by him.

(b) In areas where sidewalks are required new trees shall be located five (5) feet outside the street property line. In all other areas they may be located within the street right-of-way as approved by the Tree Warden. In general, the street right-of-way shall be cleared of all other existing trees, but occasional existing trees within the right-of-way may be preserved on approval by the Tree Warden.

Sec. 6-291. Street signs.

Street signs shall be provided at all intersections. They shall be of the same design and materials as are used by the Town for street signs in the area in which the subdivision is located.

Sec. 6-292. Street lighting standards.

Where required by the Commission, street lighting standards of a design approved by the Commission, or by a municipal agency having jurisdiction, shall be placed in a manner and location approved by the Commission.

Sec. 6-293. Sanitary sewers, water mains and fire hydrants.

Where required by the Commission, the subdivider shall install sanitary sewers, and/or water mains and fire hydrants of a type and in a manner prescribed by the regulations of the Department having jurisdiction.

Sec. 6-294. Underground utilities; installation cost.

(a) The Commission may require that any part or all of the utility facilities within the subdivision be appropriately placed underground.

(b) Underground service connections to the property line of each lot shall be installed at the subdivider's expense, where the Commission considers such appropriate, before the street is paved.

Sec. 6-295. Cul-de-sac planting.

Center island of cul-de-sac shall be fully planted as approved by the Superintendent of Parks and Trees.

Division 7. Preservation of Land.**Sec. 6-296. Natural features; preservation.**

(a) The natural features of the site should be preserved to the fullest extent, and the felling of trees should be held to a minimum. The developer shall leave not less than two (2) naturally growing trees with trunk diameter not less than two (2) inches in the front yard of each lot, or shall plant two (2) trees with trunk diameter of not less than two (2) inches in the front yard of each lot. The developer or his assignee shall maintain these trees for at least two (2) years and replace any that die.

(b) All water courses shall be protected during the construction stage of the subdivision in accordance with a sedimentation and erosion control plan approved by the Town Planner or his or her designee. (3/9/81)

(c) No water course shall be disturbed, rerouted or otherwise altered unless approved by the Inland Wetlands and Watercourses Agency and other local or State requirements are satisfied. (3/9/81)

(d) Where an Environmental Assessment indicates the need for a redesign or larger lots in order to protect environmental or historic resources, the Commission may require such revisions. (3/9/81)

Division 8. Reservation of Land.**Sec. 6-297. Parks and playgrounds; standards.**

(a) The Commission shall require that land, open space or easements, be reserved for park and playground or open space use, where such reservations are shown in the Plan of Development, or where the Commission deems such reservations appropriate. Each reservation shall be of suitable size, location, topography and general character and shall have adequate road access to serve the particular

purposes deemed proper by the Commission. (3/9/81)

(b) The required open space reservation shall not exceed fifteen percent (15%) of the total area of the subdivision but this Subsection shall not prevent additional voluntary reservations being made by the subdivider.

(c) The area shall be shown and marked on the final subdivision plan "Reserved for Park and Playground Purposes", or Reserved for Open Space Purposes, and shall contain the name of the non-profit conservation organization to which the open space is dedicated. Pedestrian access from each lot to the reserved area shall be provided and shown on the Record Sheet. (3/9/81)

Sec. 6-298. Ownership of park and playground or open space land; proof; filing.

(a) Land marked "Reserved for Park and Playground Purposes" or open space purposes on the final subdivision plan shall be owned and maintained by an association of property owners within the subdivision or shall be donated to a non-profit conservation organization, the land shall be maintained as open space in perpetuity. The donation of Park and Playground land to said organization shall not require the consent of adjacent property owners. Lot owners in the subdivision within which the open space is located shall have right of access for the purposes of passive recreation. (3/9/81)

(b) Proof of the ownership shall be established by the execution and filing with the Commission of a document acceptable to Town Attorney which:

(1) Establishes an association of property owners to maintain the land reservation for park and playground purposes, with power to assess the members for all necessary costs;

(2) Will be binding on all future owners;

(3) Will be perpetual;

(4) Will not be affected by any change in zoning or land use;

(5) Will assure appropriate maintenance of the reservation;

(6) May be enforced by adjoining property owners or the Town by appropriate court action; and,

(7) Shall provide that if maintenance, preservation or use of the reservation no longer complies 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.

(c) After approval by the Commission the document shall be filed by the applicant in the office of the Town Clerk.

Sec. 6-299. Existing roads; widening or realignment.

Where a subdivision borders an existing narrow road, or when the Plan of Development indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the Commission shall require the subdivision plan to show areas for widening or realigning such roads on the plan. Such areas shall be marked "Reserved for Road Realignment (Widening) Purposes". It shall

be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Plan of Development. Land reserved for such purposes may not be counted in satisfying yard, or area requirements of the Building Zone Regulations, Article 1 of this Chapter.

Sec. 6-300. Utility and drainage easements.

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within road rights-of-way, perpetual unobstructed easements of at least twenty (20) feet in width for such utilities or drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Subdivision Plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the Subdivision Plan.

Sec. 6-301. Pedestrian access ways.

The Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements or public ways at least twenty (20) feet in width for such pedestrian access. These shall be shown on the Subdivision Plan.

Division 9. Lot Requirements.

Sec. 6-302. Lot arrangement.

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Building Zone Regulations, and Health Regulations, and in providing driveway access to buildings on such lots from an approved street.

Sec. 6-303. Access across water course.

Where a water course separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Commissioner of Public Works after receipt of a permit from the Inland Wetlands and Watercourses Agency. (3/9/81)

Sec. 6-304. Lot dimensions.

Lot dimensions shall comply with the minimum standards of the Building Zone Regulations, Article 1 of this Chapter. The Commission may require lots of larger size than such minimum standards where it finds that due to topographic or subsoil features such are required for proper drainage, water supply, waste disposal or environmental purposes.

Sec. 6-305. Side lot lines.

Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

Sec. 6-306. Major street access.

Lots shall not front directly on (that is to say - have ingress from or egress to) a major street, but shall front on a marginal or local street. Unless otherwise permitted by the Commission, such a marginal road shall provide a twenty (20) foot paved roadway, a ten (10) foot strip for planting adjoining the major street, and, where necessary, a sidewalk.