

# TOWN OF VERNON CONNECTICUT



# SUBDIVISION REGULATIONS

Amendments through May 1, 2013  
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**TOWN OF VERNON  
SUBDIVISION REGULATIONS**

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## **SECTION I - TITLE AND AUTHORITY**

- 1.1 These regulations shall be known as "Subdivision Regulations of the Town of Vernon".
- 1.2 Chapter 126 of the General Statutes of the State of Connecticut establishes the Vernon Planning and Zoning Commission with the responsibility to adopt, amend and administer subdivision regulations.

## **SECTION 2 – PURPOSE**

- 2.1 In order to insure sound Community growth, it has become a widely accepted function of municipalities to regulate the subdivision of land for residential, industrial and commercial uses. Subdivision regulations are designed to promote proper street and lot layout, proper provision of safe water supplies, sanitary sewage facilities, storm water drainage, adequate utilities, suitable open spaces, proper street widths, grades and construction, and other necessary improvements. Land subdivision carries with it consequences, which cannot be easily reversed. What originally consisted of acreage is changed into building lots. Where there may have been one property owner, there are soon many. Cow paths give way to new streets and roads. Obviously, land subdivision can, and does, set to a considerable degree the physical character and pattern of a growing town. When properly executed, a development can be a credit to a community's livability, and a stabilizing influence on its economic well-being. Improperly executed, a development can be a burden, possibly involving considerable expenditures to rectify unnecessary mistakes, as well as detracting from the general appearance and value of an area.

## **SECTION 3 - DEFINITIONS**

- 3.1 For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations", the word "Regulations" means "these Regulations". A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

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## 3.2 Words and terms defined.

- 3.2.1 Applicant - the (owner of the land, proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises when the Applicant is other than the owner.
- 3.2.2 Bond - any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Commission.
- 3.2.2A Cluster Development Subdivision - A subdivision or resubdivision concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes except that nothing herein shall prevent the commission from requiring more than one-third open space in any particular cluster development.
- 3.2.3 Commission - shall mean the Vernon Planning and Zoning Commission.
- 3.2.4 Construction Plan - the maps or drawings accompanying a subdivision plot and showing the specific location and design or improvements to be installed in the sub- division in accordance with the requirements of the Commission as a condition o-l the approval.
- 3.2.5 Developer - the owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner-of the premises when the applicant is other than the owner.
- 3.2.6 Basement - authorization by a property owner for the use by another, aid for a specified purpose, of any designated part of his property.
- 3.2.7 Lot, Plot, Parcel - a plot or parcel of land occupied or capable of being occupied by one principal building determine the land use form and the accessory buildings, structures or uses customarily incident to it, including such open spaces as are required by the Zoning Regulations. A piece of land saleable as a unit. In the case of public, institutional, commercial or industrial, it's a group of buildings under the same ownership, may be considered as occupying one and the same lot.
- 3.2.8 Reserve Strip - a privately owned strip of land which controls access to land dedicated, or to be dedicated, to public use.

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- 3.2.8A Open Space - Land protected from development by legislation, dedication conservation or other legal means, which shall be used only for recreational, conservation, educational and agricultural purposes.
- 3.2.9 Resubdivision - a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; 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.
- 3.2.9A Town LID Manual: the Town of Vernon Low Impact Development Stormwater Quality Manual adopted by the Planning and Zoning Commission February 21, 2013, as may be amended.
- 3.2.10 Streets
  - 3.2.10.1 Collector Streets - a street intended to move traffic from local streets to secondary arterials. A Collector Street services a neighborhood or large subdivision and should be designed so that a minimum of residential properties face onto it.
  - 3.2.10.2 Dead--End Street (Permanent) - a street having only one intersection with another street, and having a turnaround entirely surrounded on its frontage with separate lots.
  - 3.2.10.3 Dead-End Street (Temporary) - a street having one intersection with another street and designed to be extended into adjoining undeveloped land, with a temporary turnaround.
  - 3.2.10.4 Limited Local Street - a permanent dead-end street not exceeding 1,000 feet in length, serving no more than 12 lots.
  - 3.2.10.5 Local Street - a street intended to provide access to other roads from individual residential properties.
  - 3.2.10.6 Primary Arterial Street - a street intended to move traffic to and from such major attractors as central business districts, regional shopping centers, major industrial areas, and similar traffic generators and/or as a route for traffic between communities or large areas.
  - 3.2.10.7 Secondary Arterial Street - a street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community- commercial areas, primary and secondary educational plants, major recreational

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areas, churches and offices and/or designed to (carry traffic from collector streets to the system of primary arterials.

- 3.2.11 Subdivision - the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.
- 3.2.12 Town - shall mean the Town of Vernon, Connecticut.
- 3.2.13 Certification - a signed statement that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 3.2.14 Commission - the Planning & Zoning Commission of the Town of Vernon.
- 3.2.15 County Soil and Water Conservation District - the Tolland County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.
- 3.2.16 Development - any, construction or grading activities to improved or unimproved real estate.
- 3.2.17 Disturbed Area - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 3.2.18 Erosion - the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 3.2.19 Grading - any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 3.2.20 Inspection - the periodic review of sediment and erosion control measures shown on the certified plan.
- 3.2.21 Sediment - solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 3.2.22 Soil - any unconsolidated mineral or organic material of any origin.
- 3.2.23 Soil Erosion and Sediment Control Plan - a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

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## **SECTION 4 - PROCEDURES**

- 4.1 Application for a subdivision or resubdivision shall be made on application forms approved by the Vernon Planning & Zoning Commission and are available in the office of the Town Planner.
- 4.2 Applications shall be filed at the Town Planner's office at least twenty (20) calendar days prior to the next regularly scheduled meeting of the Commission.
- 4.3 All material outlined on the application form shall be submitted with the application. If all required information is not submitted, the application will not be accepted.
- 4.4 Subdivision modifications: Any modifications to an approved subdivision or resubdivision shall be accompanied by a filing fee according to the following schedule.
  - 4.4.1 If over 50% of the Lots are affected, the fee shall be 50% of the original filing fee.
  - 4.4.2 If between 25% to 50% of the lots are affected; the fee shall be 25% of the original filing fee.
  - 4.4.3 If 25% or less of the lots are affected, the fee shall be \$50.00.
  - 4.4.4 In no case shall the fee for a modification be less than \$50.00.
- 4.5 Subdivision regulation amendments: Any amendments to these regulations shall be accompanied by a filing fee of \$200.00.
- 4.6 Subdivision modifications which in the opinion of the Building Inspector, the Town Planner and Town Engineer are of such a minor nature that the public health and safety will not be adversely affected, are exempt from obtaining commission approval; said modification must be approved in writing by all three department heads;
- 4.7 The subdivision and resubdivision fee shall be \$250.00 plus \$100.00 per lot for each lot proposed on a new road, \$50 per lot proposed on existing road.

## **SECTION 5 - STANDARDS FOR MAPS AND PLANS**

- 5.1 **GENERAL REQUIREMENTS** - The maps and plans required by these Regulations shall show the information and be prepared in accordance with the standards hereinafter specified. All such maps and plans shall be prepared by, and shall bear the name and seal of, a land surveyor and/or engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Pertinent survey

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data and computations shall be presented by the Applicant to the Town Engineer for review if requested by him.

5.1.1 All maps and plans submitted to the Commission shall have a Revision Number. The first time a particular map or plan is submitted to the Commission it shall be Revision 0. Each time a revision is made on a plan and submitted to the Commission the Revision Number shall be changed by one.

5.1.1.1 Note: All maps or plans within a set may or may not have the same Revision Number depending on the number of changes seen by the Commission on any particular sheet.

5.2 SITE DEVELOPMENT PLAN - The Site Development Plan shall be drawn to a scale of not less than 1" = 100' on sheets 24" x 36". The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future, in order to allow the Commission to complete a general planning review of the proposed subdivision including its relationship to the future subdivision of contiguous land of the applicant. Twelve (12) black or blue line prints shall be submitted. The plan shall show at least the following information:

5.2.1 Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town of Vernon.

5.2.2 Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.

5.2.3 Date, scale, north point, key map at 1" = 1000'.

5.2.4 Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.

5.2.5 Existing and proposed water courses and ponds, vernal pools, conservation areas, and easements and right-of-way; base flood elevation data, wetland soils, other land subject to potential flooding; the location and limits of all swamps, flood plains including those within 200' beyond subdivision boundaries.

5.2.6 Existing contours at an interval not exceeding two (2) feet based on field or aerial survey and using official Town, State or U.S. bench marks, which shall be noted on the plan.

5.2.6.1 Contours are to extend 200' past the edge of the subdivision.

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- 5.2.7 Proposed lots and lot numbers, existing and proposed open spaces for parks, playgrounds, stream protection and other open spaces.
  - 5.2.8 Existing permanent buildings and structures.
  - 5.2.9 Principal wooded areas and the approximate location of any large, isolated trees.
  - 5.2.10 Any ledge outcrops and existing stone walls and fences within the subdivision
  - 5.2.11 Approximate dimensions on all proposed property and street lines; approximate lot area and the total acreage of land included in the subdivision.
  - 5.2.12 Proposed width of all streets, rights-of-way and easements; the proposed width of all pavement, and proposed street names.
  - 5.2.13 Existing and proposed monuments; any municipal boundary line and zoning districts.
  - 5.2.14 Existing and proposed storm drains, catch basins, man-holes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures; and existing and proposed water mains, sanitary sewers, and related facilities.
  - 5.2.15 Spot elevations on both existing and proposed roads to indicate tentative grading.
  - 5.2.16 The approximate location of any test holes, test pits and borings and findings.
  - 5.2.17 The limits of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.
  - 5.2.18 Natural resource data from federal, state, and local sources.
  - 5.2.19 Favorable aquifer areas with saturated thickness greater than thirty (30) feet and primary recharge areas.
  - 5.2.20 Critical wildlife habitat areas.
  - 5.2.21 Scenic points and vistas, ridgelines.
- 5.3 CONSTRUCTION PLANS - Four (4) sets of blue or black line print plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures shall be submitted on a sheet size of 24" x 36", and drawn to a horizontal scale of 1" = 40' and a vertical scale of 1"= 4'. Profile drawings and elevations shall be based on Town, State or U.S. bench

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marks or other permanent bench marks approved by the Town Engineer, the bench marks used shall be noted on the plan. All construction plans, plans for streets, storm drainage, water supply and other utilities and structures shall be designed by, and bear the seal of, a professional engineer licensed to practice in the State of Connecticut, Plan-profile drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision or resubdivision.

- 5.3.1 Title of the subdivision or resubdivision, date, scale, Town and State.
  - 5.3.2 For streets, the existing grades at the centerlines and both street lines and the proposed grade at the centerline and both street lines, width of pavement, and typical cross section of roads with specifications.
  - 5.3.3 Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; typical ditch And water course cross sections.
  - 5.3.4 Approximate location of lot lines intersecting the street line; lot numbers and street names.
  - 5.3.5 Sidewalks, curbs, gutters and special structures to include streetlights.
  - 5.3.6 Detail drawings of any bridges, box culverts, deep manholes and other special structures.
  - 5.3.7 Notation and details on erosion and sedimentation control methods to be employed.
- 5.4 GRADING PLAN - The area shown on the grading plan may be limited to the portion of the subdivision or resubdivision affected by the proposed major regrading, cuts, fills or soil or rock removal. Four (4) blue or black line prints of the grading plan shall be submitted. The grading plan shall be drawn on sheets 24" x 36" and to the scale of 1"= 40' or larger, and shall bear the seal of an engineer licensed to practice in the State of Connecticut. Contours and elevations shall be based on the same benchmarks as provided in Paragraph 5.3. The grading plan shall show at least the following information:
- 5.4.1 Title of the subdivision or resubdivision
  - 5.4.2 Name and address of the owner of the land to be sub- divided; name and address of the applicant if different from the owner.
  - 5.4.3 Date, scale, north point, Town and State.
  - 5.4.4 Layout of existing and proposed lot lines and street lines.

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- 5.4.5 Existing and proposed contours at an interval not exceeding two (2) feet based on field and aerial survey.
  - 5.4.6 Existing and proposed drainage and watercourses.
  - 5.4.7 Existing permanent buildings and structures, including well and septic locations.
  - 5.4.8 Location of all test holes, test pits or borings and findings.
  - 5.4.9 Cross-section drawings covering proposed excavation areas.
  - 5.4.10 Notations and details on erosion and sedimentation control methods to be employed.
- 5.5 RECORD SUBDIVISION MAP - The Subdivision Map shall be prepared with an accuracy meeting, or exceeding, standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc. The map shall be clearly and legibly drawn and submitted in six (6) copies of blue or black line prints. The map shall be drawn to a scale of 1" = 40'. The map shall show the following:
- 5.5.1 Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town of Vernon.
  - 5.5.2 Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
  - 5.5.3 Date, scale, north point, Town and State.
  - 5.5.4 Existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.
  - 5.5.5 Existing and proposed water courses and ponds, conservation areas, and easements and rights-of-way; the location and limits of all easement or reservation areas for the protection of swamps, flood plains, other land subject to potential flooding.
  - 5.5.6 Proposed lots and lot numbers, house numbers; existing and proposed open spaces for parks, stream protection and other open spaces; the square footage or acreage of all lots and open spaces, and the total acreage of land included in the subdivision.
  - 5.5.7 Existing permanent buildings and structures.

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- 5.5.8 Dimensions on all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.
  - 5.5.9 The width of all streets, rights-of-way and easements; street names.
  - 5.5.10 Existing and proposed monuments; any municipal boundary line.
  - 5.5.11 A location map showing the location of the subdivision in relation to existing streets in the Town at a scale of 1" = 1000'.
  - 5.5.12 An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers street, street names and delineation of areas covered the section or sheet.
  - 5.5.13 The survey relationship of proposed streets to nearby monumented Town streets or State highways where practical.
  - 5.5.14 The error of closure, which shall not exceed 1 in 5000.
  - 5.5.15 All stipulations of approval imposed by the Planning & Zoning Commission,
  - 5.5.16 If the subdivision is within 1000 feet of a control survey that the control be extended at the level of an AA survey for the horizontal control and an A-1 survey for vertical control.
- 5.6 APPROVED MAPS - Upon approval of the subdivision, final plans shall be submitted as follows:
- 5.6.1 Record Subdivision Map - two (2) sets drawn on mylar drafting film.
  - 5.6.2 Construction and grading plan - four (4) blue or black line paper sets.

### **SECTION 6 - REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

- 6.1 GENERAL IMPROVEMENTS - Subdivisions and resubdivisions, including related streets, drainage and other improvements required by these Regulations, shall be planned, designed and constructed in accordance with the standards hereinafter specified. In cases where reasonable and necessary need for an off-site improvement or improvements is demonstrated or required by the proposed development application and where no other property owners received a special benefit thereby, the Commission may require the applicant, as a condition of subdivision approval and at the applicant's sole expense to

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provide for and construct such improvements, including development of public roads contiguous to the subdivision.

6.1.1 Plan of Development - Subdivisions shall be planned and designed' in general conformity with the Town of Vernon Plan of Development, adopted by the Commission under Chapter 125 of the Connecticut General Statutes for the Town, particularly with regard to:

6.1.1.1 Location and classification of streets

6.1.1.2 Sanitary sewer, water supply and drainage system service area

6.1.1.3 Reservation of land for parks, recreation and open space

6.1.2 Subdivision Name - The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations. The principal road in the subdivision shall bear the same name as the subdivision.

6.1.3 Open Space - It is strongly recommended that prior to the submission of a Subdivision application that a pre-application meeting be requested with the Planning and Zoning Commission and/ or Town Staff in order to evaluate the criteria and requirements contained in this Section.

6.1.3.1 Open Space to be Dedicated - The Commission may, in accordance with Connecticut General Statutes (CGS) Section 8-18, 8-25, & 8-26 require the set aside of Open Space as part of a subdivision, except as noted in Section 6.1.3.9, as a condition of approval, where the Commission finds the existing land is applicable to one or more of the following:

Section 10-148 of the Vernon Town Code;

- The Goal's Policies and Objectives of the Plan of Conservation and Development (POCD); and other relevant sections of the POCD including but not limited to:
- Areas Sensitive to Development;
- Prime & Important Farmland Soils;
- Natural Diversity Database Areas as updated by the Connecticut Department of Environmental Protection;
- Unconsolidated Aquifers and Aquifer Protection Areas;
- Areas Indicated for Future Community Facility Needs;
- Existing Open Areas & Significant Cultural and Natural Resources;
- Potential Open Space System;
- Land Use Plan and Strategy;
- Significant Natural and Cultural Resources Inventory;

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- Viable Vernal Pools verified by the Town of Vernon Vernal Pool Study or by a qualified licensed professional;

6.1.3.2 Location of Open Space - The location of Required Open Space shall be proposed by the applicant, and shall be located and/ or designed to further the findings determined in Section 6.1.3.1. In reviewing the location and the design of the Open Space proposed by the applicant, the Commission shall also consider but not be limited to the following criteria:

The Open Space:

- provides a buffer between the proposed subdivision and abutting properties;
- preserves agricultural land;
- supports or connects to Existing Open Space or Open Areas, or the Potential Open Space System, or Priority Open Space Area as identified in the POCD;
- supports, protects, or enhances the Significant Natural and Cultural Resources Inventory as identified in the POCD;
- carries out or meets the Open Space Policies Goals and Objectives of the POCD;
- supports or carries out portions of the Land Use Plan and Strategy as identified in the POCD;
- is located in areas that preserves significant man made features such as stone walls, archaeological sites, or historic structures;
- is suitable for public recreational use;
- preserves ridgelines, substantial tree stands, waterfalls, scenic vistas, and other environmentally scenic areas;
- provides a buffer between existing roads and the proposed lots;
- creates a disconnection of impervious surfaces to manage stormwater provided that this does not significantly interfere with other open space uses of the area.

Where the parcel being subdivided contains portions of the Hockanum River, Ogden Brook, Tankerhoosen River, Gage's Brook, Railroad Brook, Walkers Reservoir East, Walker's Reservoir West, Valley's Fall's Pond, or a Vernal Pool identified by the Town of Vernon Vernal Pool Verification Study or other scientific evaluation, the protection and preservation of these resources shall be a priority in the design and/ or location of Open Space;

Where the parcel being subdivided contains portions of land that would allow for the connection of the Shenipsit Trail, Hockanum River Trail, Risely Pond Trail, Land Trust Trail, Belding Path, Hockanum River Linear Park, Box Mountain Greenway, Talcottville & Tankerhoosen Trail/ open

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space system, Ellington Trail System, Tolland Trail System, Bolton Greenways, Manchester Greenways, other potential greenway, linear park, or trail identified in the POCD or by the Department of Parks and Recreation, the provision and connection of these amenities shall be a priority in the design and or location of Open Space;

The applicant may offer land within the municipality that is not a portion of the subject parcel being subdivided in order to satisfy this requirement subject to the criteria of this Section (6.1.3.2) and Section 6.1.3.1.

Prior to subdivision approval, the Commission may request a review of all proposed Open Space by the Town of Vernon Recreation Department, the Conservation Commission and/or its Open Space Task Force, or a land trust which could be the Open Space recipient.

The final location and design of Open Space, when required, must be deemed appropriate by the Commission prior to subdivision approval. The Commission must also find that such Open Space reservation is consistent with the POCD prior to subdivision approval.

In the event that the Commission rejects the Open Space location, the Commission shall designate what alternate areas may be acceptable to it and the reason why the proposed Open Space is not acceptable.

- 6.1.3.3 Size of Open Space - The size of such Open Space proposed by the applicant shall achieve the purpose intended and consider established criteria as noted in Sections 6.1.3.1 and 6.1.3.2; serves the increased density of population resulting from the subdivision; and, serves to achieve the goals and objectives of the Vernon Plan of Conservation and Development. The recommended amount of land to be dedicated as specified in this Section (6.1.3.3) shall guide the applicant in considering initial plans for the future development of land and designing required Open Space as part of a proposed subdivision.

6.1.3.3.1 When Open Space is required per Section 6.1.3.1 and 6.1.3.2 - The minimum recommended amount of Open Space to be provided is 12% of the total area of land to be subdivided, unless otherwise determined by the Commission by the terms of this Section (6.1.3.3);

Where the parcel being subdivided is located in an area identified in the Land Use Plan and Strategy of the POCD as a New Subdivision Management or Open Space Conservation Area, the minimum amount of Open Space to be provided is 15% of the total area of land to be

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subdivided unless otherwise determined by the Commission by the terms of this Section (6.1.3.3);

Where the parcel of land being subdivided is located in an area identified as a Priority Area for Open Space Protection or conservation, or determined by the Commission to be essential in the carrying out of the specific Open Space Plan, Policies, Goals, and Objectives of the POCD, the minimum amount of Open Space to be provided is 20% unless otherwise determined by the Commission by the terms of this Section (6.1.3.3);

6.1.3.3.2 The applicant may request a waiver or reduction by  $\frac{3}{4}$  vote that the amount of land recommended by this section, or otherwise determined by the Commission to be required, is not appropriate. Such waiver or reduction shall be granted if the Commission finds that there is adequate open space, playgrounds and parks, etc already established, or, that the nature and extent of the impact of the subdivision on the town's open space is not roughly proportional to the Town's recommendation and that the granting of the waiver or reduction would not have a significant adverse effect on adjacent property or on the public interest.

6.1.3.3.3 Cluster Development Subdivision - Open Space generated through Cluster Development per Section 7 of the Zoning Regulations shall provide no less than one-third of the parcel as Open Space. Per Section 6.1.3.1, the Commission may require Open Space in addition to that created through Clustering.

#### 6.1.3.4 Open Space Standards

6.1.3.4.1 The Open Space as per Section 6.1.3.3 shall be "like land" that is proportionately representative to the characteristics of the land being subdivided unless specifically waived by the Commission. The Commission may permit the inclusion of proposed Open Space that is not proportionately representative to the land being subdivided by finding such inclusion furthers specific policies, goals and objectives of the POCD.

6.1.3.4.2 Access - Such Open Space shall have access from a public street, with such access at least 25 feet wide and having a maximum grade of 14%, or shall abut existing Open Space having such access. The Commission may waive the access requirement by finding that such access is not appropriate for the parcel being subdivided, or does not further specific policies, goals and objectives of the POCD. Access may be dedicated in fee or through an access easement.

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6.1.3.4.3 Condition - Any land to be dedicated as Open Space (except Open Space set aside for parks, playgrounds or other outdoor recreational facilities) shall be left in its natural state by the subdivider, except for improvements as may be required by the Commission, and shall not be graded, cleared, disturbed, or used as a temporary or permanent repository for stumps, brush, earth, building materials, debris, detention ponds or basins. Open Space for parks, playgrounds or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such Open Space area to be graded by the subdivider to properly dispose of surface water, that it be seeded with appropriate perennial grass, and that all brush and debris be removed. Such improvement of Open Spaces will not be required until the subdivision is substantially completed.

6.1.3.4.4 Open Space in Phased Developments - If the entire parcel is not to be subdivided at one time, or where the land to be subdivided is adjacent to other land of the applicant, or adjacent to land owned by the owner of the land to be subdivided, the applicant may submit a phased dedication plan as part of the first phase consideration. The Commission shall utilize among other information, the Town of Vernon Plan of Conservation and Development and Open Space Plan. Any approved phased dedication plan shall be shown in the approved subdivision plans and recorded with the subdivision Mylar's.

6.1.3.5 Dedication of Open Space - The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and, the Town shall consider any such dedication as satisfying the Open Space requirements of this Regulation and as provided in CGS 8-25.

6.1.3.5.1 Method of Dedication - Permanent dedication of each such area of Open Space shall be accomplished by a) conveyance of fee simple ownership to the Town of Vernon; b) creation of a Conservation Easement in favor of the Town of Vernon; c) creation of a Conservation Easement in favor of the Town of Vernon reserving specific agricultural rights as approved by the Commission; d) conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission; e) conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision are members, along with a conservation easement over the entire Open Space area; or f) any combination of the above alternative means of dedication; or g) any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section. Any such dedication, regardless of the method used, shall be completed prior to the issuance of Building

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Permits. Any conveyance of an interest in the dedicated Open Space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission, shall be free of all encumbrances or defects.

Any proposal that involves the conveyance of an interest in land to the Town of Vernon requires approval and acceptance by the Vernon Town Council. In the event that the Town Council Rejects acceptance of all or a part of the proposed transfer, the applicant shall then satisfy this section by one of the alternate dedication means provided above.

6.1.3.5.2 General - When any dedication of Open Space is made per Section 6.1.3.5.1e (Conveyance to a Connecticut non-stock corporation), the deed, declaration, or other instrument transferring interest in the property shall be in a form acceptable to the Town, and shall provide, at a minimum:

- a) That all such covenants or restrictions shall be binding upon and ensure to the benefit of all present and future owners of the land within the subdivision;
- b) That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;
- c) That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and
- d) That if at any time maintenance, preservation or use of such Open Space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred by the Town for such purposes.

6.1.3.5.3 Evidence of Acceptance - If Open Space is to be dedicated to an entity other than the Town, the applicant shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity. Any

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instrument conveying land to an entity other than the Town as part of a Subdivision approval shall contain a reverter clause to the Town of Vernon.

### 6.1.3.6 Delineation/Marking of Open Space

6.1.3.6.1 All corners of the Open Space or Conservation Easement shall be permanently marked by monuments as required for all other parcels as noted in Section 6.1.4 of these Regulations.

6.1.3.6.2 The Commission may require the applicant to post identification plaques, provided by the Town, on trees, fences or posts, each 75 ft., or such other distance as required in the discretion of the Commission, along the edge of the Open Space as visual identification of these areas to future residents.

6.1.3.7 Legal Transfer - Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Council. In the event that acceptance is rejected by the Town Council, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

6.1.3.8 Fee-in-lieu of Open Space - As set forth in Section 8-25 of the Connecticut General Statutes, the applicant may, at its option, pay a fee to the Town, or pay a fee to the Town and transfer land to the Town, in lieu of the full requirement to provide Open Space as set forth above.

6.1.3.8.1 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

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jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

6.1.3.8.2 Procedure: To employ the fee-in-lieu of Open Space option, the following procedure shall be used:

- a) If it is the applicant's request to employ the option, then the applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of 6.1.3.8;
- b) The Commission may approve, modify and approve, or deny the proposal for fee-in-lieu of Open Space;
- c) The Commission and the 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.
- d) The applicant shall submit the appraisal during the formal application review process.

6.1.3.8.3 Payment. As provided in CGS 8-25, the applicant shall 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 notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. The applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

6.1.3.8.4 Deposit of fees. As provided by The Town of Vernon Ordinance #228, An Ordinance Establishing a Reserve for Land Acquisition and Preservation, the fees collected in this section shall be deposited in a fund which shall be used for the purpose of preserving Open Space or acquiring additional land for recreational, conservation, educational or agricultural purposes.

6.1.3.9 Open Space Waiver - Waivers of any required Open Space shall be allowed in the following instances as provided in CGS 8-25:

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6.1.3.9.1 Where the transfer of all land in a subdivision that is less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Subdivision Plan.

6.1.3.9.2 Where the subdivision is to contain affordable housing, as defined in CGS 8-39a, 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.

6.1.3.9.3 An approved subdivision plan need not be modified to comply with any change in the subdivision regulations adopted by the planning commission after the approval. This exemption would not apply if the subdivision approval has lapsed because the developer's failure to complete all required improvements with the time allowed by law.

6.1.3.10 Bonding - In addition to the bonding identified in Section 6.2.3.8.3, the applicant, in accordance with CGS 8-26c(c), shall provide a bond equal to the fair market value of any Open Space determined to be required through the subdivision process.

6.1.4 Monuments - Permanent reference monuments shall be placed within the subdivision as required herein.

6.1.4.1 Town Road Right-of-Way Merestones, perimeter boundary and lot corners shall conform to Class A-2 of Code of Recommended Practice for Standards of Accuracy of Maps, as amended. A Registered Land Surveyor in the State of Connecticut will certify to the correctness.

6.1.4.2 A minimum of two (2) vertical and horizontal control points will be set within the Town right-of-way at positions designated by the Town Engineer. Horizontal coordinates will be from the Connecticut State Co-ordinate System with tie-in requirements as above. Vertical control will be U.S.G.S. mean sea level datum. The markers used for horizontal and vertical control shall consist of a merestone with a brass cap as shown in Appendix C.

6.1.4.3 A registered land surveyor will certify to the horizontal and vertical accuracy of the points set. Class A-2 of the Code of Recommended

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Practice for Standards of Accuracy of Maps prepared by the Connecticut Technical Council, Inc., January 1945.

- 6.1.4.4 Highway lines will be monumented by standard Town of Vernon merestones at all points, PC, PT, PRC. The maximum distance between highway merestones will be 500, on tangent or curved sections of the highway line. Highway merestones will be set to the accuracy of Class A-2 of the Connecticut Technical Council, Inc. The proposed highway line will be tied into existing highway lines by distance and bearing. Additional highway merestones may be required at locations on the highway line as required by the Town Engineer.
- 6.1.4.5 All lot corners shall be permanently located by iron or steel stakes at least 3/4 inch in diameter and thirty (30) inches in length.
- 6.1.5 Street Trees - Shade trees of varieties acceptable to the Commission shall be provided along existing and proposed streets by planting new trees or preserving existing trees. Trees shall be provided at the rate of one per 50 feet on either side of the right-of-way. Such trees shall be located between the building line and ten (10) feet inside the lot line. New trees shall not be less than 3 – 3-½ inches in caliper and shall be guaranteed for one season's growth by the developer.

## 6.2 LOT IMPROVEMENTS AND ACCESS

- 6.2.1 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 Zoning Regulations and Health Codes and in providing driveway access to buildings on such lots from an approved street.
  - 6.2.1.1 Double Frontage - Double frontage and reversed frontage lots may be required where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
  - 6.2.1.2 Lot Access - Where driveway access from a major or secondary arterial street may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.
  - 6.2.1.3 Rear Lots - The development of rear lots shall be subject to the following special requirements:

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6.2.1.3.1 Rear lots shall be avoided in new subdivisions, where possible. Such lots will be approved only under unusual conditions and the number shall be kept to a minimum.

6.2.1.3.2 If an access way will serve more than one rear lot, then that accessway shall be built to conform to standards for Town roads except with regard to width of pavement and curbs which may be modified at the discretion of the Commission, on recommendation from the Town Engineer.

6.2.1.4 The developer must demonstrate to the Commission that he has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. As used in this subsection, passive solar energy techniques mean site design techniques which maximize heat gain, minimize heat loss and provide such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots. In general, 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. Dimensions of coiner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

6.3 LOT DIMENSIONS - Lot dimensions shall comply with the minimum standards of the Zoning Regulations. Where lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots. In general, 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. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

6.4 LOT GRADING AND DRAINAGE - Where substantial regrading of the lot is required in order to provide a buildable site, grading plans shall be submitted for Commission approval. Such plans shall demonstrate practical methods for controlling potential erosion and stabilizing areas of cuts and fills on individual lots. The plan shall employ standards and methods equal to or exceeding those set forth in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control by The Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection.

6.4.1 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern

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for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

6.4.2 Water bodies and Watercourses - If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the waterbody among the fees of adjacent lots. The Commission may approve an alternative plan whereby responsibility for safe maintenance of the waterbody is assured.

6.5 STREETS, GENERAL - No subdivision shall be approved unless the area to be subdivided, and each lot to be created shall have frontage on and access from another existing public street which is suitably improved and paved; or a street shown upon a map approved by the Commission and recorded in the Town Clerk's office. The Planning & Zoning Commission may require that existing roads, shown to be directly or indirectly impacted by the proposed subdivision, be improved to bring those roads up to the standards outlined in these regulations.

6.5.1 Street Grading and improvement - Street shall be graded and improved and conform to the Town of Vernon construction standards and specifications and shall be approved as to design and specifications by the Town Engineer.

6.5.1.1 Road shall be related appropriately to the topography. Local roads shall be curved wherever possible, to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these Regulations.

6.5.2 Traffic Circulation Plan - All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established by the Town and/or the Town of Vernon Plan of Development. Additionally, all thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities and to the pattern of existing and proposed land uses.

6.5.3 Street Extensions - Where required by the Commission, rights-of-way shall be provided for extending streets to adjoining unsubdivided property. Land in such rights-of-way shall be deeded as parts of abutting lots subject to the right of the Town to acquire such rights-of way for future Town streets, unless streets and improvement fire constructed as a part of the sub- division, in which case street rights-of-way shall be deeded to the Town.

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- 6.5.3.1 Where a proposed subdivision abuts an approved subdivision containing a future street right-of-way, the developer of the proposed subdivision shall construct the street and all required improvements from the proposed subdivision street to the approved street in the existing subdivision.
- 6.5.3.2 New streets shall be extended to the boundaries of the subdivision to provide access to adjoining property, and shall intersect with other streets designated as such by the Commission or as shown on the Street Map of Vernon, as amended, part of the Town of Vernon Plan of Development.
- 6.5.3.3 Where a temporary turnaround is provided on a street that is to be extended in the future, the 50-foot street right-of-way to the subdivision boundary shall be deeded to the Town, and the segments of the turnaround outside the 50-foot street shall be deeded to the abutting lot owners subject to an easement to the Town for street purposes. When such street is extended beyond the turnaround, the subdivider constructing the extended street shall remove the road construction in the segments of the temporary turnaround, fill with earth and loam and seed in an appropriate manner.
- 6.5.4 Street Names -All street names shall be shown on subdivision plans and shall be approved by the Commission. Proposed street names shall be substantially different from any present names, to avoid confusion in sound or spelling. Streets that become extensions of existing streets shall generally bear the same name.
- 6.5.5 Street Lighting Facilities - The applicant shall be required to install one lighting pole at each inter- section, together with any additional lighting poles as the Commission may require, to prevent hazard. The location of such poles shall be shown on the Construction Plans under Section 4. The cost of all lighting fixtures, poles and installation shall be the responsibility of the developer. The developer shall bond such lighting facilities with all other public improvement. The developer shall pay all charges for electricity on said lights until the street is accepted.
- 6.5.6 Street Name Signs - The developer shall be responsible for the cost and installation of street name signs. Such signs shall be placed at each intersection with existing street-s as well as at each intersection within the development. The location, type and size of such signs shall be subject to the approval of the Vernon Traffic Authority and shall conform to the standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways. The developer shall bond such street name signs with all other public improvements.
- 6.5.7 Traffic Control Devices - The developer shall be responsible fox the cost and installation of any traffic control devices deemed necessary by the Traffic Authority. Such devices shall meet the appropriate standards set forth in the manual on Uniform Traffic Control Device for Streets and Highways. The developer shall bond

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such traffic control devices with other public improvements. Necessary state permits for work related to state highways shall be the responsibility of the developer and shall be coordinated through the office of the local Traffic Authority.

6.5.8 Reserve Strips - The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

6.6 CUL-DE-SAC or DEAD-END - A temporary turnabout shall be provided on all temporary cul-de-sac streets, with the notation on the subdivision map that land outside the normal street right-of-way shall revert to abutters whenever the street ' is continued. The Commission may limit the length of temporary dead-end streets in accordance with the design standards of these Regulations. The intent of this section is to provide greater development flexibility, particularly where a site will be developed in phases or has an unusual lot line or natural resource configuration or where said street development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new development. No approval shall be granted authorizing construction of cul-de-sac streets unless the applicants for such development have demonstrated compliance with all of the following conditions to the satisfaction of the Commission.

6.6.1 That such cul-de-sac layout provide the best development of the land, considering subject lot and lot configurations, topography and other natural resources characteristics, drainage and traffic impacts, driveway site lines and any development phasing.

6.6.2 That any proposed cul-de-sac is not detrimental to the health, safety, general welfare, property values, future land use or road layouts, abutting landowners or the community at large and shall not impair future land use and road layouts anticipated by the Master Plan of Development.

6.6.3 That there is no logical or feasible alternate for the subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.

6.6.4 Except as otherwise provided in Section 6.6.7 below, cul-de-sacs shall not exceed 1500 feet or 20 lots, whichever is the more restrictive requirement.

6.6.4.1 The twenty lot criteria shall not apply to mobile home park subdivisions.

6.6.5 Permanent cul-de-sacs should be avoided whenever possible in the opinion of the commission.

6.6.6 Cul-de-sac pavement shall be a minimum 45' radius except when an island is used; then the outside radius shall be a minimum of 50', and an island radius shall be a

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minimum of 20'. The outside radius shall be increased incrementally with an increase in the island radius to provide pavement width of 30'. Whenever practicable, cul-de-sacs should incorporate stormwater management in accordance with the Town LID Manual. This should include the use of cul-de-sac islands for stormwater management practices whenever practicable.

6.6.7 Except as provided herein, no point on any cul-de-sac shall be more than 1500 feet, measured along the center line of the road, from another public street which is not a cul-de-sac.

6.6.7.1 Cul-de-sacs in excess of 1500 feet or serving more than 20 lots shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate how special circumstances make specific cul-de-sac development proposals consistent with this section and how it will void adverse effects on surrounding land. The special situations or circumstances that may warrant such an extension in cul-de-sac length include any combination of the following:

- a. Difficult topographical conditions or site configuration.
- b. Minimization of environmental disturbance, including grading, blasting or other disturbance of vegetation, wetlands and watercourses, or other natural or man-made features.
- c. Possibility of future road extension to adjoining parcels.
- d. Conformity with the Plan of Conservation and Development.
- e. Availability of additional access via existing or proposed privately owned roadways or emergency access routes.
- f. Implementation of special highway designs such as increased pavement and/or right of way width, use of a divided highway or boulevard etc.

In the Commission's evaluation of such special circumstances or situations, the Commission must be satisfied that such cul-de-sac extension will allow for safe and reasonable access by residents, service vehicles, emergency vehicles and town maintenance vehicles.

6.6.7.2 In order to obtain approval for a cul-de-sac exceeding 1500 feet or serving more than 20 lots, the applicant shall submit written reports for each cul-de-sac from the Chief of Police, and the Fire Marshal as to the feasibility of

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access to each proposed building or structure and accessory, buildings from the point of view of fire and police protection, and from the Director of Public Works as to the impact on, and the feasibility of, maintenance of the roadway, sewer and drainage structures and snow removal.

6.6.7.3 The Commission shall give due consideration to the reports submitted under Section 6.6.7.2 and shall not grant approval until all reports are received.

6.7 DESIGN STANDARDS - In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads shall be adhered to:

### 6.7.1 TABLE I

Road Class	Row Width	Pavement Width	Maximum Grade	Minimum Grade	Design Speed	Cross Slope
Collector	60 ft.	32 ft.	8%	2%	30 MPH	3/8"ft
Local	50 ft.	28 ft.	8%	2%	25 MPH	3/8"ft
Limited Local:	50 ft.	28 ft.	10%	2%	20 MPH	3/8"ft

6.7.1.1 Road classification-may be indicated on the Plan of Development; otherwise it shall be determined by the Commission. Streets of a higher classification, i.e., primary and secondary arterial shall, at the minimum, meet collector street standards.

6.7.1.2 The maximum grade shown in Table I may be increased to 12% for Collector and Local streets, and 14% for Limited Local, upon recommendation of the Town Engineer and approval of the Town Council.

6.7.1.3 All roads in commercial or industrial subdivisions shall be built to requirements of the Collector Road Class.

6.7.2 Curbs - Curbs shall be required on all new streets and shall conform to construction and design standards as required in Appendix A of these Regulations. If said standards are waived by the Commission, alternative curb designs or no-curb designs may be used for the purpose of managing stormwater and promoting the

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use of low impact development (LID) techniques (e.g., roadside swales in lieu of storm drainage piping) in accordance with the Town LID Manual.

- 6.7.3 Guide Rails - Guide rails shall be provided where the side slope or fill is steeper than one vertical to four horizontal. Such rails shall conform to the standards and specifications adopted by the State of Connecticut.
- 6.7.4 Road Pavement - All road pavement, shoulders, drainage, improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the Town of Vernon. Alternatively, permeable pavement may be substituted in accordance with the Town LID Manual.
- 6.7.5 Right-of-Way - The full width of the road right-of-way shall be graded in accordance with the cross section shown in Appendix B. This requirement may be modified where, in the opinion of the Commission and upon recommendation of the Town Engineer, the existing character of the land creates unusual difficulty or hardship or will require removal of desirable natural growth, or where the location and kind of street appears not to require sidewalks in the future.
- 6.7.6 Stopping Sight Distance - Sight distance is the length of roadway ahead that is visible to the driver. The minimum stopping sight distance (SSD) made available should be sufficiently long to enable a vehicle traveling at the design speed to stop before reaching a stationary object in its path. In determining the SSD for subdivision streets, the AASHTO criteria has been referenced. For a design speed of 30 mph, an SSD of 200 ft. is required. At 35 mph, the SSD equals 225-250 ft. The SSD will be measured from a height of eye level to 3 ft. to an object height of 6 inches. Special consideration should be given to streets, which are expected to experience a high volume of on street parking, because the parked vehicles will restrict the driver's horizontal line of sight.
- 6.7.7 Minimum Curve radius - The radii presented below are measured from the inside curb line or edge of the street. For a normal crowned section an adverse cross slope of .015 ft/ft is assumed. Steeper cross slopes will require greater radii to compensate for the higher friction factor. For roads with a normal crown section, a radius of 300 ft. is adequate for a 30 mph design speed. At 35 mph, a radius of 450 ft. is the recommended minimum.

	Limited Local	Local	Collector
Normal Crown	300 ft.	300 ft.	450 ft.

- 6.7.8 Minimum Tangent - Any abrupt reversal in horizontal alignment should be avoided. Such a change makes it difficult for a driver to keep within his/her own lane. In the case of the Collector Road, it is also difficult to superelevate both curbs adequately,

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and hazardous and erratic operation may result. A reversal in alignment can be safely accommodated if a tangent section is provided between the two curves. The values provided below are the minimum tangent length recommended in subdivisions; however, longer tangents are desirable, where practical.

	Limited Local	Local	Collector
Min. Tangent Length	50 ft.	50 ft.	100 ft.

- 6.8 INTERSECTIONS - streets have to be laid out so as to intersect as nearly as possible at right angles proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Nor more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.
- 6.8.1 Proposed New Intersections - Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect major streets; their alignment shall be continuous. Intersection with major streets should be at least eight hundred (800) feet apart.
- 6.8.2 Curb Radius - Minimum curb radius at the intersection of two (2) local streets shall be at least twenty-five feet; and minimum curb radius at an intersection involving a collector street shall be at least thirty (30) feet.
- 6.8.3 Cross-Section - At street intersections, the normal cross-section of the main street shall be maintained. The centerline grade of the secondary street shall begin at the curb line of the main street and have a maximum grade of 20% at least fifty (50) feet from said curb line. Maximum may be increased to 4% at the discretion of the Commission, when the proposed road is a permanent cul-de-sac less than 400' in length.
- 6.8.4 Street Intersections - Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent required by the Commission to provide an adequate sight distance. A sight-line easement shall be shown on the subdivision map limiting future plantings within this area to ensure the continuance of adequate sight lines.
- 6.8.5 TABLE 6.8.5 - provides recommended criteria for the design of intersections in residential subdivisions.

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**Table 6.8.5  
RESIDENTIAL SUBDIVISION STREETS  
RECOMMENDED INTERSECTION DESIGN GUIDELINES**

Design Element	Limited Local Street	Local Street	Collector Street
ADT	500	500 to 1500	1500 to 3000
Design speed (mph)	30	30	35
Minimum Intersection Sight Distance (ft.)	200	200	285
Vertical Alignment Intersection	2	2	2
Approaches	3	3	3
Minimum-Angle of Intersection (deg)	60	60	60
Minimum Curb Radius (ft.) when intersecting with:			
LLS	20	20	25
Local	20	20	25
Collector	25	25	25
Arterial	DNA	DNA	DNA
Minimum Centerline Offset (ft.) where through street is:			
Local	125	150	DNA
Collector	150	150	200
Arterial	DNA	1300	1300
Minimum Approach Tangent (ft.)	30	30	50

6.8.5.1 Design Speed - This element refers to the speed of a vehicle as it approaches an intersection. For any particular leg of the intersection, the approach speed is equal to the design speed of that leg. That is, if a residential street intersects a residential collector street, the approach speed along the residential collector is 35 mph and the approach speed of the residential street is 30 mph. Light residential streets will also be designed with a 30 mph design speed.

6.8.5.2 Intersection Sight Distance - Each intersection contains several potential vehicle conflicts. The possibility of these conflicts actually occurring can be greatly reduced through the provision of proper sight distance and appropriate traffic controls. The operator of a vehicle approaching an

## TOWN OF VERNON SUBDIVISION REGULATIONS

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intersection should have an unobstructed view of the entire intersection and sufficient lengths of the intersecting streets to permit control of his/her vehicle to avoid collision. To achieve the required sight distance, a sight triangle, void of obstructions, must be established at all corners of the intersection. The legs of this triangle require a minimum length equivalent to the stopping distance (SSD) for a particular approach, which is 200 ft. for light residential and residential streets and 250 ft. for residential collectors. At a minimum, it is suggested that stop signs be placed on the minor leg(s) of an intersection. In this case, it is necessary to provide sufficient sight distance to the stopped driver for a safe entry into the intersection. This distance is provided in Table 6.8.5, which is 200 ft. along light residential and residential streets and 285 ft. along residential collector streets. It should be assumed that the driver's eye will be located 10 ft. from the normal shoulder line (curb line or edge of pavement) of the crossing street. The height of the driver's eye shall be assumed to be 3.5 ft. and the height of object shall also be 3.5 ft. Stop control on all legs of an intersection should be considered only in those situations where even the minimal sight triangle described in the previous paragraph cannot be achieved, because the indiscriminate use of stop signs fosters disrespect for these and other signs. The basic requirement for all controlled intersections is that approaching drivers must be able to see the control device soon enough to stop comfortably. For this purpose, stopping sight distance is adequate. The added height of the stop sign or signal will provide an added factor of comfort.

- 6.8.5.3 Vertical Alignment (%) - Intersection areas should be designed to be as flat as possible. In more difficult terrain where this becomes impractical, a maximum of 2%. Intersection grade is recommended. It is also important to provide a reasonably level "landing" area for vehicles on all approaches therefore, approach grades within 50 ft. of the intersection should not exceed 3%.
- 6.8.5.4 Angle of Intersection - Within subdivisions, most intersections will connect at or near a 90-degree angle, which is desirable. If, due to geographical or other considerations, a skewed angle is deemed necessary, then in no case should this angle be less than 60 degrees (or greater than 120 degrees). Greatly skewed intersections tend towards higher accident rates due to reduced visibility and less definition of the "normal" intersection.
- 6.8.5.5 Minimum Intersection offset - Basically there are two kinds of intersections found in subdivisions the 3-way (T-type) intersection and the 4-way (cross type) intersection. Multi-leg intersections (over four) are undesirable from the control and safety standpoint. Intersections involving high volume streets are best served by the cross type design a stop control on all legs.

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Where the volumes on the intersecting streets are low, however, the T-type intersection is a safer design, and its use is encouraged throughout the subdivision. One disadvantage to this type is "corner-cutting" when inadequate offset exists between adjacent intersections. To reduce this potential conflict, offsets between adjacent centerlines are provided in Table 6.8.5. For example, where the through street is classified as a residential collector street, intersecting limited local and/or local streets should be spaced at least 150 ft. apart. If one of the adjacent intersecting streets is a collector, then an offset of 200 ft. is required. In addition to intersections within the subdivision, the table includes connections to major highways. Because the function of a collector is to provide greater mobility with less access to adjacent land, a distance of 1300 ft. between intersecting streets is desirable. Distances less than 1300 ft. may be considered, providing the major route is minimally impacted.

6.8.5.6 Minimum Approach Tangent - it is desirable to provide a tangent section of roadway on intersection approaches when the street leg has a minimal radius curve. The values in Table 6.8.5 will be applied to approaches using a radius of less than 500 ft. Curves with greater radii are flat enough not to require a minimum tangent length.

## 6.9 DRAINAGE AND STORM SEWERS

6.9.1 General Requirements - The developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating within the subdivision area or in a tributary drainage area. All drainage facilities shall include LID practices and shall be designed in accordance with the Town LID Manual by a registered professional engineer and be subject to the approval and final acceptance of the Town Engineer.

6.9.1.1 Storm Water Drainage System - The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Town Engineer.

6.9.2 Location of Storm Water Facilities - Drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements, where necessary. Such easements shall be at least twenty (20) feet in width.

6.9.2.1 When a proposed drainage system will carry water across private land outside the sub-division, appropriate drainage rights must be secured and indicated on the map.

## TOWN OF VERNON SUBDIVISION REGULATIONS

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- 6.9.2.2 The applicant may be required to dedicate either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Commission.
- 6.9.2.3 Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways.
- 6.9.3 Drainage Discharge - The discharge of all storm water from a subdivision shall be into suitable streams or other acceptable and suitable storm water drainage facilities having adequate capacity to carry the additional water. Where the discharge will be into private property, proper easements and discharge rights shall be secured for the Town by the applicant from all affected property owners. Such easements must be acceptably executed before acceptance of drainage plan and approval of the subdivision map.
  - 6.9.3.1 Sufficient and adequate facilities shall be constructed on private lots wherever necessary to prevent the flow of surface drainage from the property on which it originates onto adjacent property in sufficient quantity, concentration or velocity to cause damage or create a nuisance on adjoining property.
  - 6.9.3.2 Where a new street intercepts an existing street which has no underground drainage system or has a drainage system of insufficient capacity to carry the additional flow, appropriate facilities shall be installed by the developer to intercept and dispose of any drainage from the new street which would otherwise be discharged onto the surface of the existing street or into its drainage system.
- 6.9.4 Drainage Design - All designs shall be based on the maximum ultimate development of the entire watershed as permitted by the Zoning Regulations. All bridges and culverts shall be designed such that the required head and water backwater produced by the structure shall not cause flooding of abutting property.
  - 6.9.4.1 On watersheds one square mile or over, the design of culverts, bridges and through watercourses shall be based upon not less than a 100-year storm. On watersheds of less than one square mile, the design for the through drainage system shall be for not less than a 50-year storm.
  - 6.9.4.2 The drainage system for roads, including catch basins, inlets, pipes, underdrains and gutters within or abutting the subdivision shall be designed for not less than a 10-year storm.

## TOWN OF VERNON SUBDIVISION REGULATIONS

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- 6.9.4.3 Adequate under-drains shall be constructed whenever, in the opinion of the Town Engineer, drainage conditions require it. They may be required even though not shown on the approved construction plans. Design shall be as approved by the Town Engineer.
- 6.9.4.4 Drainage ditches will, in general, not be permitted where it is feasible to install underground pipe. Leadoff culverts shall be extended to grade.
- 6.9.4.5 Culverts under streets shall be extended at least to the edge of the right-of-way of the street. Headwalls, paving, flaredends, and/or riprap, adequate to prevent erosion, shall be provided at the ends of all culverts.

6.10 WATER - A potable, adequate and dependable water supply shall be provided for every lot or dwelling unit.

6.10.1 Public Water Supply - Shall be required to serve all of the following:

6.10.1.1 Any subdivision within the required distance of an existing water service as determined by the following formula: ultimate number of lots times 50 feet equals distance of extension. The ultimate number of lots shall be determined by multiplying the total acreage of the tract by the appropriate density factor. Distance shall be measured from the end of the existing service line along existing or proposed streets or rights-of-way to the nearest point in the subdivision. If the Commission determines that it would no be reasonably feasible to serve one or more of the lots in a proposed subdivision with existing public water supply facilities for reasons of elevation, the Commission may permit service of one or more lots with water from private wells in lieu of water from a public water supply. In making this determination, the Commission shall consider whether:

- 1 The extension from existing public water supplies is required in order to provide water service to future developments;
- 2 Such extension is required in order to improve water supply or service in existing developments by providing interconnections between existing public water supply systems;
- 3 Such lot or lots can adequately be served by on-site wells under Section 6.10.3 of these regulations and
- 4 The use of private wells in lieu of a public water supply will have an adverse effect on the public health, safety and welfare.

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- 6.10.2 Fire Hydrants - Where a public water main is extended, fire hydrants shall be installed at the expense of the developer. Fire hydrants shall be located no more than 750 feet apart. The location of hydrants shall be subject to the review and approval of the Fire Chief.
- 6.10.3 Private Wells - In a subdivision which is located where a public water service is not required, a private well shall be permitted for each lot provided that: (1) topographic and geological conditions are satisfactory; (2) each well can be designed, located and constructed in accordance with the standards and requirements of the Connecticut Department of Health; (3) each well shall have the approval of the Vernon Director of Health or his agent.
- 6.11 SEWAGE DISPOSAL FACILITIES - Every application for approval of a subdivision must include satisfactory-evidence that the site has suitable physical characteristics to adequately satisfy the requirements of the State Health Code for subsurface sewage disposal or that the proposed lots can be connected to an operational public sanitary sewer.

Sanitary sewerage systems shall be constructed as follows:

- 6.11.1.1 Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
- 6.11.1.2 Where public sanitary sewerage systems are not reasonably accessible, but may become available within a reasonable time (not to exceed five (5) years) as determined by W.P.C.A., individual disposal systems may be used provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system where such exist and shall be ready for connection to such public sewer main. All sanitary sewers are to be installed per Vernon Water Pollution Control Authority policy and regulations.
- 6.11.1.3 Where sanitary sewer-systems are not reasonably accessible and will not become available for a period in excess of five (5) years, the applicant may install individual disposal systems.

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- 6.12 SIDEWALKS - Sidewalks, when required, shall conform to the design requirements in the Town of Vernon Regulations & Specifications Regarding Curbs, Sidewalks, & Street Excavations.
- 6.12.1 Sidewalks shall be required in all subdivisions on at least one side of all new streets, unless waived by a three-quarters vote of all members of the Commission, and may be required on both sides at the discretion of the Commission. For the purposes of managing stormwater, sidewalks may be constructed of pervious pavement materials or be graded to other permeable surfaces whenever practicable.
- 6.12.1.1 Subdivisions that were approved prior to 6/1/98 may be re-approved at the discretion of the Commission and, upon a three-quarter vote of all members of the Commission, the Commission may waive the sidewalk requirement contained in Section 6.12.1 above.
- 6.12.1.2 Subdivisions that were approved after 6/1/98 and before the effective date of this Regulation, and for which sidewalks were required by the terms of the Regulations in effect at that time, may, at the discretion of the Commission, be modified to have the sidewalk requirement waived upon a three-quarters vote of all members of the Commission and upon receipt of written consent of three-quarters of the owners of the lots abutting both sides of the road along which the sidewalk would otherwise be required to be constructed. Nothing in this section shall be construed to permit existing sidewalks constructed within a subdivision to be removed.
- 6.12.2 Pedestrian Accesses - The Commission may require, in order to facilitate pedestrian access from the roads to schools, parks playgrounds or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the map.
- 6.13 UTILITIES All utility lines shall 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 installations impractical.
- 6.13.1 Underground locations of utilities shall comply generally with the following: Sanitary sewer shall be located along the center line of street Storm drain shall be located along the edge of the street opposite water line: Water line shall be located within the right-of-way at least ten feet (10') from and above the sanitary line: Electric and telephone lines shall be located within right-of-way opposite the water line

# TOWN OF VERNON SUBDIVISION REGULATIONS

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## 6.14 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

6.14.1 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

6.14.2 A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

### 6.14.3 EROSION AND SEDIMENT CONTROL PLAN

6.14.3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

6.14.3.2 Said plan shall contain, but not be limited to:

6.14.3.2.1 A narrative describing:

6.14.3.2.1.1 the development;

6.14.3.2.1.2 the schedule for grading and construction activities including:

6.14.3.2.1.2.1 start and completion dates;

6.14.3.2.1.2.2 sequence of grading and construction activities;

6.14.3.2.1.2.3 sequence for installation and/or application of soil erosion and sediment control measures;

6.14.3.2.1.2.4 sequence for final stabilization of the project site.

## TOWN OF VERNON SUBDIVISION REGULATIONS

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- 6.14.3.2.1.3 the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - 6.14.3.2.1.4 the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - 6.14.3.2.1.5 the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
  - 6.14.3.2.1.6 the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 6.14.3.3 Site plan map at a sufficient scale to show:
- 6.14.3.3.1 the location of the proposed development and adjacent properties;
  - 6.14.3.3.2 the existing and proposed topography including soil types, wetland, watercourses and water bodies;
  - 6.14.3.3.3 the existing structures on the project site, if any;
  - 6.14.3.3.4 the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property line
  - 6.14.3.3.5 the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - 6.14.3.3.6 the sequence of grading and construction activities;
  - 6.14.3.3.7 the sequence for installation and/or application of soil erosion and sediment control measures;
  - 6.14.3.3.8 the sequence for final stabilization of the development site.

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6.14.3.4 Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

### 6.14.4 MINIMUM ACCEPTABLE STANDARDS

6.14.4.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

6.14.4.2 Minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission (or County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

6.14.4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

### 6.14.5 ISSUANCE OR DENIAL OF CERTIFICATION

6.14.5.1 The Tolland County Soil and Water Conservation District shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

6.14.5.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the General Statutes.

6.14.5.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of receipt of such plan.

6.14.5.4 The Commission may forward a copy of a development proposal to the Conservation Commission or other review agency or consultant for review comment.

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### 6.14.6 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

- 6.14.6.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site! Plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 4 of the regulations.
- 6.14.6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 6.14.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 6.14.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

### 6.14.7 INSPECTION

- 6.14.7.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

## **SECTION 7 - AS BUILT DRAWINGS**

- 7.1 As built drawings, when required by the Commission, shall show all improvements made with respect to the subdivision. As built drawings are to be submitted to the Town Engineer and are to meet the requirements of the Town of Vernon Engineering Department for As Built Drawings.

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**SECTION 8 - BONDING REQUIREMENTS**

- 8.1 No lots may be sold, transferred or leased and no site development, modification, alteration or construction of any type shall commence in the tract of land for which a subdivision has been finally approved by the Commission until the developer shall have:
- 8.1.1 Provided an acceptable bond instrument to cover the cost of all improvements, which relate to public health and safety of the subdivision.
  - 8.1.2 Obtained a construction permit from the Town Engineer not more than ten (10) days in advance of the start of construction of the approved subdivision. The construction permit shall not be issued before the plan for subdivision has been finally approved by the Commission, nor before the subdivider has provided the surety bond of subparagraph 8.1.1 above. The issued construction permit shall be preserved by the subdivider for inspection by the Town Engineer, Planner, Building Inspector or other official of the Town until release of the surety bond by the Commission.
    - 8.1.2.1 Any site development, improvement, modification, alteration or other construction commenced prior to the filing of the construction permit shall, apart from other suitable relief, also subject the subdivider to a fine not to exceed two hundred dollars (\$200) for each lot of the approved subdivision, at the Commission's discretion.
- 8.2 Before release of any bond by the Commission, the subdivider shall submit a set of "as built" drawings, if required, showing all improvements as constructed, in the detail as required by Section 7. Said drawings shall bear the signature and seal of a land surveyor registered in Connecticut and, preferably, the same engineer who prepared the original plans:
- 8.2.1 No reduction shall reduce the bond below the estimated cost of completing the unfinished portions of the covered improvements.
  - 8.2.2 No reduction shall be granted until the Commission has received verification from the Town Engineer that substantially more than fifty (50) percent of the required improvements have been satisfactorily completed.
  - 8.2.3 No bond may be reduced below \$5,000.
- 8.3 Even though all improvements covered by a bond may have been made or built and are one hundred (100) percent complete, the Commission may, at its discretion, refuse to release any surety bond or cash escrow and may recommend acceptance of the roads or streets as highways of the Town for a period not to exceed five (5) years from the date that all

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improvements are one hundred (100) percent complete, if completion of construction on the remaining undeveloped or partially developed lots of the subdivision poses a substantial risk of injury to the covered improvements.

- 8.4 Before release of any bond by the Commission, the subdivider shall submit a warranty deed running from the record owner to the Town of Vernon, free and clear of all encumbrances except easements, of the street or streets in the subdivision together with, as appurtenant to such streets, all required drainage and sanitary easements as shown on the plan of subdivision finally approved by the Commission, such deed to be acceptable to the Town Attorney. Said deed shall be held in escrow by the Commission to be recorded on the Town land records upon acceptance of such roads or streets as Town highways of the Town, and all deeds or lots in the subdivision shall be made subject to any such easements to which such lot or lots may be subject according to such final plan.
- 8.5 A maintenance bond in an amount not to exceed twenty-five (25) percent of the original bond identified in Section 8.1.1.1 above shall be filed with the Town to guarantee the improvements for an additional period of one year from the date of acceptance by the Town.

## **SECTION 9 - STREET ACCEPTANCE PROCEDURE**

- 9.1 According to State statute, the Town Council "accepts" the streets for the Town, upon recommendation of the Planning and Zoning Commission.
- 9.2 The procedure is as follows:
  - 9.2.1 The developer requests that the Town Council accept the streets.
  - 9.2.2 The Town Council requests a report from the Planning & Zoning Commission.
  - 9.2.3 The Planning & Zoning Commission shall not recommend acceptance unless:
    - 9.2.3.1 All the improvements they have required are complete and the own Engineer finds them acceptable.
    - 9.2.3.2 The street being accepted has direct access to a Town owned road.
  - 9.2.4 Upon favorable recommendation by the Planning & Zoning Commission, the developer shall:
    - 9.2.4.1 Satisfy all conditions of the Planning & Zoning Commission's recommendations.

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9.2.4.2 Deliver to the Town Engineer a separate Warranty Deed for each street and each easement.

9.2.4.2.1 The Warranty Deeds shall provide an accurate boundary line description of the road right-of-way from a known starting point.

9.2.5 The Vernon Town Council may then accept the road without condition.

**SECTION 10 - ENFORCEMENT**

10.1 Enforcement of these regulations shall be by the Vernon Planning and Zoning Commission or its authorized agent. Any person, firm or corporation found in violation of these regulations may be fined or enjoined for each violation as provided by the General Statutes.

**SECTION II - AMENDMENTS**

11.1 These regulations may be amended by the Commission at any meeting called for such purpose after a public hearing, notice of which shall be given in accordance with Connecticut General Statutes, Section 8-25. (Amend. of 1-11-77)

**SECTION 12 - REPEAL**

12.1 All regulations pertaining to the subdivision of land previously adopted, which are inconsistent with these regulations, are hereby repealed.

**SECTION 13 - REAR LOTS**

13.1 Intent - The intent of this section is to provide greater residential development flexibility, particularly where a site has an unusual lot line or natural resource configuration or where rear lot development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new development and is limited to residential construction.

13.1.1 No approval shall be granted authorizing construction on rear lots unless the applicants for such permits have demonstrated compliance with all of the following conditions to the satisfaction of the Commission:

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- 13.1.1.2 That such lot or lots provide the best development of the land, considering subject lot and lot configurations, topography and other natural resources, characteristics, drainage and traffic impacts and driveway site lines.
  - 13.1.2.2 That any proposed Rear Lot development is not detrimental to the health, safety, general welfare, property values, future land use or road layouts of the future occupants of rear lot or lots, abutting landowners or the community at large and shall not impair future land use and road layouts anticipated by the Master Plan of Development.
  - 13.1.2.3 That there is no logical or feasible alternate for the lot or Subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.
- 13.1.2 If rear lots are proposed in subdivisions, the incidence of tear lots shall not exceed the greater of one (1) lot or ten percent (10%) of the number of lots for which subdivision approval is sought.
- 13.1.3 Rear lot applications shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate how special circumstances make a specific rear lot development proposal consistent with this section and how it will avoid adverse effects on surrounding land.
- 13.2 All rear lots require approval of the commission. Those lots, which do not require subdivision approval, must apply for and receive a special permit from the Planning and Zoning Commission. All applications for a subdivision or special permit must meet the following requirements:
- 13.2.1 The provision of an unobstructed right of access (aka access strip) in fee simple, at least 25 feet wide at all points to a public street and designed to accommodate emergency, vehicles, etc., to such lot. If, however, the rear of such lot shall exceed twice the area requirements of the zone in which the rear area is located, such access strip to said area shall be at least 50 feet wide to all points (to provide for future roadway development) and no building permit shall be issued for more than one-building in the original rear area until all regulations or subdivisions have been complied with.
  - 13.2.2 The rear lot line of the primary lot and that from which the access strip for the rear lot originates, shall be considered the front yard line of the rear lot.
  - 13.2.3 The access strip shall not be used in computing lot size area requirements.

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- 13.2.4 No access strip shall exceed 500 feet from the centerline of the traveled portion of any street.
  - 13.2.5 Rear lots more than twenty-five (25) acres in area shall, have two (2) access strips spaced a minimum distance of six hundred (600) feet apart with all measurements taken from the midpoint of the access strip(s).
  - 13.2.6 The maximum number of adjoining rear lot access strips shall not exceed two (2) and a common driveway shall be employed.
  - 13.2.7 The minimum separation distance, as measured along one side of the street, between single rear lots shall be 350 feet. The minimum separation distance between adjoining access strips sharing a common driveway and any other access strip(s) shall be 600 feet. All measurements shall be from the midpoint of the access strip(s).
  - 13.2.8 The commission shall require and receive written reports as to each rear lot from the Chief of Police and the Fire Marshall as to the feasibility of ready access to each proposed dwelling and accessory buildings from the point of view of fire and police protection.
  - 13.2.9 Parking on the access strip shall be prohibited to permit unrestricted entry of emergency vehicles.
  - 13.2.10 An unobstructed vehicular turnaround with at least a 45-foot radius shall be provided at the dwelling to accommodate emergency vehicles.
  - 13.2.11 To ensure a buildable area exists on the rear lot, at least 50% of the minimum lot area required shall be "developable," as defined in section 2 of the zoning regulations.
- 13.3 In order to approve a subdivision containing rear lots or a special permit for a rear lot, the commission shall find:
- 13.3.1 That the development or rear lots will provide the most suitable use of the land considering such factors as drainage, natural resources configuration, accessibility, and topography and
  - 13.3.2 The rear lot(s) shall not present any problems with the provision of emergency services and
  - 13.3.3 All the requirement of the zoning and/or subdivision regulations are met.

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**SECTION 14**

Deleted effective 4/25/2007

**SECTION 15 – VALIDITY**

15.1 If any section, paragraph, subdivision, clause or provision of this regulation shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the regulation shall be deemed valid and effective.

**APPENDIX**

**SUBDIVISION AMENDMENTS**

<b><u>SECTION</u></b>	<b><u>EFFECTIVE DATE</u></b>	<b><u>REMARKS</u></b>
Monuments	10/15/87	
5.2.5	10/15/88	Flooding
5.2.6.1	10/15/88	Contours
5.4	10/15/88	Grading plan
5.5.16	10/15/88	Control survey
6.1.5	10/15/88	Street trees
6.6.2	10/15/88	Permanent cul-de-sac
6.6.3	10/15/88	Permanent cul-de-sac
6.7.1	10/15/88	Table
6.7.1.3	10/15/88	Roads
6.7.6	10/15/88	Site distance
6.7.7	10/15/88	Minimum curve radius
6.7.8	10/15/88	Minimum tangent

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6.8.5	10/15/88	Table
6.8.5.1	10/15/88	Design speed
6.8.5.2	10/15/88	Intersection sight distance
6.8.5.3	10/15/88	Vertical Alignment
6.8.5.4	10/15/88	Angle of Intersection
6.8.5.5	10/15/88	Minimum Intersection Offset
6.8.5.6	10/15/88	Minimum Approach Tangent
6.10.2	10/15/88	Fire Hydrants
4.5	12/1/88	Fees for amendments
4.4., 4.6, 4.7	6/15/89	Subdivision fees and modifications
6.5	5/15/90	Off site road improvements
14	11/1/90	Fee for open space
14	1/1/92	Fee for open space
13	1/1/92	Rear lots
6.6.1.1.	11/15/92	MHP subdivision
4.7	11/1/93	Fee structures (P.A. 93-19)
6.6	4/15/95	Cul-de-sacs
4.7	5/1/96	Fee structures
6.12.1	12/1/98	Sidewalks & approved subdivisions

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8.2	12/1/98	Bonding requirements
6.6.	2/1/2000	Cul-de-sacs length
6.1	6/1/2000	Off site improvements
6.12.1		
6.12.1.1		
6.12.1.2	4/7/03	Sidewalks
6.1.3 & 14	4/25/07	Dedication of Open Space
3.2.9A, 5.2, 6.1.3.2, 6.6.6 6.7.2, 6.7.4, 6.9.1, 6.12.1	5/1/2013	Addition of Low Impact Development (LID) Regulations