



# **SUBDIVISION REGULATIONS - THE TOWN OF EAST HAVEN**

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# **SUBDIVISION REGULATIONS OF THE TOWN OF EAST HAVEN**

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**PART 1**  
**GENERAL PROCEDURES and ADMINISTRATION**

**SECTION I: GENERAL PROVISIONS**

- 1.1 JURISDICTION:** the following Regulations are the “Subdivision Regulations” of the Town of East Haven, Connecticut, adopted by the East Haven Planning and Zoning Commission pursuant to the General Statutes of the State of Connecticut. These regulations shall apply to the subdivision and resubdivision of land within the Town of East Haven. No subdivision and/or resubdivision of land shall be made by any person, firm, or corporation, except in accordance with these Regulations.
- 1.2 DEFINITIONS:** certain words and phrases used in these regulations are defined and explained in paragraphs which follow; and other words in these regulations shall have the meaning that is commonly attributed to them. doubts as to the precise meaning of the words in these regulations shall be determined by the Commission, by resolution, giving due consideration to the expressed intent and purpose of these regulations.
- 1.2.1 APPLICANT:** the term applicant refers to the person, firm or corporation proposing a subdivision or resubdivision, and making application for the approval thereof to the Commission.
- 1.2.2 COMMISSION:** the term Commission refers to the East Haven Planning and Zoning Commission.
- 1.2.3 SUBDIVISION & RESUBDIVISION:** the requirements specified as applicable to subdivisions are also applicable to resubdivisions. The terms “subdivision” and “resubdivision” are defined in the Connecticut General Statutes which, as amended to 1999 reads as follows:
- 1.2.3(a) 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.
- 1.2.3(b) RESUBDIVISION:** means 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 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.
- 1.2.4 AREA of SPECIAL FLOOD HAZARD:** means the land in the flood plain within a community; subject to a one percent (1%) or greater chance of flooding in any given year

**1.2.5 BASE FLOOD:** means the flooding having a one percent (1%) chance of being equaled in any given year.

**1.3 SUBDIVISION APPROVAL:** no subdivision or resubdivision shall be considered approved until so voted by a majority of the members of the Commission...and...until the Commission has endorsed it's approval on the record subdivision map. All applications, maps, plans, documents and data required by these regulations, to be submitted by the applicant shall be subject to the approval of the Commission.

**1.3.1** In the event a subdivision and/or resubdivision is approved by the Commission with imposed conditions and/or modifications; the applicant shall, within ninety (90) days of such approval, a revised, and/or updated Record Subdivision (resubdivision) Map delineating or illustrating or documenting all of the aforesaid conditions and/or modifications imposed by the conditions at the time of the approval on the Record Subdivision (resubdivision) Map. Failure to adhere to the provisions of this section within the timing constraints of this section shall render the subdivision and/or resubdivision approval null and void.

**1.3.2** In the event a subdivision (resubdivision) is approved by the Commission with imposed conditions and/or modifications, said conditions and/or modifications shall be completed and/or fully implemented within two (2) years from the date of the approval of the subdivision/resubdivision. The Commission may require the applicant to post a separate bond, in an amount and type acceptable to the Commission, that will ensure the implementation and completion of any condition(s) and/or modification(s) by the Town in the event of non-compliance to this section by the applicant.

**1.4 CONSTRUCTION APPROVAL:** all construction and installation of streets, drainage and other improvements required by these regulations shall be carried out under the supervision of the Town Engineer/Director of Public Services, and/or his authorized agent(s) who shall report to the Planning & Zoning Commission and/or the Town Council. Construction and installation of streets, drainage and other improvements in a subdivision or resubdivision shall not be deemed authorized and shall not commence until approval of the subdivision or resubdivision has been voted on by the Commission.



## **SECTION II: PROCEDURE**

**2.1 GENERAL:** the procedures hereinafter specified are the requirements for submission of applications for the approval of a subdivision or resubdivision and for other requests for Commission action related to subdivisions and resubdivisions.

**2.1.1 Informal Preliminary Consideration:** The Commission recommends that, prior to submission of an application for the approval of a subdivision or resubdivision, the applicant prepare and present a preliminary sketch plan of the subdivision or resubdivision for informal consideration by the Commission. Presentation of a preliminary sketch plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided or resubdivided before the applicant proceeds with the required application and the preparation of final maps, plans and documents for formal consideration by the Commission. If the plan is presented in preliminary form, any alterations, changes or modifications recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary sketch plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approving subdivisions or resubdivisions of land under the provisions of the *General Statutes* of the State of Connecticut. The Commission recommends that the preliminary sketch plan be prepared in conformance with all of the requirements of these regulations for a “site development plan” as specified in Section 6.2. A total of five {5} prints of the preliminary sketch plan should be submitted to facilitate the review.

**2.2 APPLICATION REQUIREMENTS:** in order to make application for the approval of a subdivision or resubdivision, the applicant proposing the project shall submit an application and maps, plans and documents as follows:

**2.2.1 Presentations:** all applications, maps, plans, documents, fees and data required by these Regulations shall be presented to the Commission at a regular meeting of the Commission, scheduled in accordance with the by—laws of said Commission. Any

such material may also be transmitted by mail, or may be submitted to the East Haven Planning and Zoning Office, or at a Commission meeting other than a regular meeting, but such materials shall not be considered “formally submitted”, unless otherwise voted by the Commission, until the next regularly scheduled meeting.

**2.2.2 Application:** Application for the approval of a subdivision or resubdivision shall be made to the Commission, in writing, on forms prescribed by the Commission, and signed by the applicant or his lawful agent; if the subdivision or resubdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided or resubdivided, said application shall also be signed by the land owner or his lawful agent.

**2.2.3 Application Fees:** Application fees, pursuant to Section 57 of the Zoning Regulations, in the amount of \$ 250.00, plus \$ 50.00 for each lot being proposed; made payable to the Town of East Haven shall accompany an subdivision application. In the case of resubdivision applications, an additional charge of \$ 200.00 for advertisement costs shall also be submitted.

**2.2.4 Site Development Plan:** A site development plan shall be submitted with the application and shall conform to all of the requirements of Section 6.2 of these Regulations. In the event that a preliminary sketch plan, as provided for in Section 2.1.1, and meeting the requirements for a site development plan was previously submitted and received “informal approval” or approval with modifications within the previous 120 days, a site development plan need not be submitted with the application.

**2.2.5 Record Subdivision Map:** A record subdivision map shall be submitted with the application and shall conform to all of the requirements of both the Zoning and Subdivision Regulations.

- 2.2.6 Construction Plans:** Construction plans, including plan—profile drawings, for any proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks and curbs, gutters and all other structures shall be submitted with the application and shall conform to all of the requirements of Section 6.4 of these Regulations.
- 2.2.7 Grading Plan:** In the event that any major re-grading, cuts, fills or soil or rock removal is proposed in the area of the subdivision, resulting in changes in elevations of three [3] feet or more, a grading plan shall be submitted with the application and shall conform to all of the requirements of paragraph 6.5 of these regulations.
- 2.2.8 Technical Reports:** when the subdivision is not to be served by municipal sanitary sewers and/or public water supply, the applicant shall have seepage tests taken on each proposed lot in locations approved by the director of health or his authorized agent; and in accordance with Connecticut State Health Department specifications. The applicant shall present a written report, prepared by a sanitary or civil engineer, licensed to practice in the state of Connecticut, describing the tests taken and the results, and certifying that the land to be subdivided and the subdivision plan are satisfactory for private sewage disposal and/or water supply systems.
- 2.2.9 Public Water Supply:** when the public water supply is to be provided in any subdivision, the applicant shall obtain a letter from the water company, stating that the application has been made for water main extension and service to serve the proposed subdivision; that water company regulation have been complied with, and that satisfactory water supply, pressure and service are available to serve the proposed subdivision.
- 2.2.10 Connecticut State Highway Department Permit:** when a proposed subdivision street or storm drains joins with a state highway, the applicant shall obtain a permit for such connection from the Connecticut state highway department, and shall present a copy of such permit to the commission.

**2.2.11 Flood Plain Area:** Applications for subdivisions to be located in special flood hazard area shall include base flood elevation data submitted by a licensed surveyor, certified by the State of Connecticut, and using A-2 standards

**2.2.12 Additional Evidence:** The commission may require the submission of additional evidence to establish, to its satisfaction, that the land to be subdivided is of such character that it can be used for building purposes without danger to the health or the public safety; that proper provision will be made for water, drainage, and sewerage; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water that are subject to flooding, that open spaces for parks and playgrounds will be established in places deemed proper by the commission; and if the commission shall have adopted a plan of development affecting the area of the proposed subdivision, than any proposed street shown on the subdivision plan is in harmony with existing or proposed thoroughfares shown on said plan, especially in regard to safe intersections with such thoroughfares.

**2.3 FORMAL CONSIDERATION:** After the above application requirements have been met, the commission shall follow the procedures hereinafter specified:

**2.3.1 Review:** The commission or its authorized agent shall give consideration to the proposed subdivision or resubdivision and shall determine whether the maps and plans accompanying certificates and documents conform to the requirements of these regulations. The commission or its authorized agent may request the submission of such additional information from the applicant that it deems necessary to make a reasonable review of the proposed subdivision in accordance with the policy and requirements of these regulations.

**2.3.2 Referral to Regional Agency:** When a subdivision is proposed, the area of which will abut or include land in an adjoining municipality, the Commission shall submit a

copy of the maps and plans to the *Regional Planning Agency* of South Central Connecticut at least 30 days prior to the approval of said subdivision.

**2.3.4 Hearing:** A public hearing regarding a subdivision application may be held by the Commission if, in its judgement, the circumstances require such an action. The Commission shall hold a public hearing on any application for a resubdivision. Notice of any public hearing shall be in conformance with the requirements of Connecticut General Statute 8-26, and by sending a copy thereof, by certified mail, to the applicant. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the commission to discuss the application before the final action by the Commission.

**2.3.5 Date of Decision:** The Commission shall render its decision on the application for the approval of a subdivision or resubdivision within sixty five {65} days after either the date of the determination of the completeness of the application, or the date of the scheduled regular meeting of the commission at which the application is received, whichever is earlier. The applicant may consent, in writing, to an extension of the sixty five {65} day period. If the Commission requests the submission of additional information, such as under paragraph 2.2.11; such information shall be submitted within the sixty day period; otherwise, the failure to timely submit the requested information will be grounds for a disapproval of the application.

**2.3.6 Decision:** After the public hearing {if any}, or after the meeting afforded the applicant, the Commission shall give approval to the subdivision application if it shall find that the subdivision map and plans accompanying certificates, documents and data conform to the requirements of these Regulations. Approval shall be conditioned upon the following actions if applicable to the particular subdivision:

- [a] endorsement of any construction plans and grading plans as approved by the town engineer, if such an endorsement has not already been obtained.
- [b] endorsement of the record subdivision map by the director of health if such endorsement has not already been obtained.

- [c] the presentation of easements and deeds, as specified in paragraph 2.3.7 and:
- [d] the completion of any required subdivision improvements or the execution of an agreement and posting of a bond to guarantee such completion.

In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans or documents, and to preserve the purpose and intent of these Regulations. If the Commission does not approve the subdivision application and all the accompanying maps, plans, certificates and documents, it may modify and approve or disapprove the application or any accompanying item. In approving, modifying and approving, or disapproving an application or accompanying item the commission shall state in its records, the conditions of approval, any modifications required, and the grounds for its actions. Notice of the Commission's decision shall be published in a newspaper having a substantial circulation in the town and addressed by certified mail to the applicant within 10 days after the decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved or disapproved, together with the date of said action.

**2.3.7 Easements & Deeds:** Any open spaces for parks and playgrounds to be dedicated to the Town, and any easements for sanitary sewers and public rights-of-ways, and any easements for storm drainage and water courses draining, existing or proposed public streets that may be constructed in the future shall be confirmed by written easements and deeds describing the land involved and the privileges of the Town in a form satisfactory to the Town Council. The applicant shall also submit a written agreement in a form satisfactory to the Town Council, permitting entrance by the Town onto the land covered by the grants mentioned above, as well as the area of streets shown on the subdivision plan, for the purpose of inspections and of installing the required improvements in the event of the failure of the applicant to make such improvements or properly maintain them until the town has assumed responsibility for them, and such written agreements shall provide that the developer, on demand, shall execute and deliver to the Town, a deed to the area of the street or streets shown

on the subdivision plan, as approved. Such easements, deeds and agreements shall be presented prior to the endorsement of the record subdivision map.

**2.3.8 Map Endorsement & Bond:** The Commission map approve and authorize the chairman to endorse the record subdivision map to permit filing with the Town Clerk; but such endorsement shall not be executed until all the conditions of approval have been met. The applicant shall comply with all such conditions of approval within 90 days of the date of action of the Commission; and failure to do so shall render the approval null and void. The Commission shall not endorse the record subdivision map to permit filing with the Town Clerk until all conditions of the approval have been met. All required easements and deeds have been presented and all required subdivision improvements have been completed in accordance with the approved plans. In lieu of completion of all, or part of the improvements of the required improvements prior to the endorsement of the record subdivision map, the applicant shall execute an agreement, and file a bond, or bonds with the Commission to guarantee such completion within five [5] years. the bond and/or bonds shall be in form[s] and amount[s] with surety acceptable the Commission and to the Town Council; and shall be a surety bond, executed by a surety company authorized to enter into such bonds in the State of Connecticut, or shall be a Cash, or Savings Account Bond.

**2.3.8a Types of Bonding Required:** In conjunction with any approved subdivision or resubdivision, the Town shall obtain adequate bonding for the following functions:

- [1] Performance Bond:** a bond, set by the Town Engineer and established by the Commission, that will insure the completion of the subdivision or redubdivision, as approved. In instances where the applicant develops a subdivision or resubdivision in phases or stages, the performance bond may also be phased; however, in no instance shall work in any subsequent phase and/or stage be authorized or

allowed without adequate bonding in place prior to the commencement of any work in said phase.

- [2] **Sedimentation & Erosion Control Bond:** a separate bond, set by the Town Engineer and mandated by the Commission, calculated to insure the developer establishes and maintains adequate Sedimentation and Erosion Control measures during development
- [3] **Maintenance Bonding:** A separate bond, set by the Town Engineer and mandated by the Commission in an amount that is adequate to insure the completion of any maintenance and/or repair work needed on a road that is completed but has yet to be accepted into the Town's infrastructure by the Town Council.
- [4] **Post Approval Maintenance Bond:** A separate bond, set by the Town Engineer and established by the Commission in an amount that will reimburse the Town for "day-to-day" operations to insure the public health, safety and welfare of its residents from, and for the interim period, from the time the subdivisions roads are inspected by the Town Engineer and deemed complete until a *Warranty Deed*, acceptable to the Town for said roads is submitted by the Developer of said subdivision/resubdivision.

The intended purpose of this bonding is to insure available funds to reimburse the Town of East Haven for the use of its equipment, materials and manpower utilized for such day-to-day services like, but not necessarily limited to snow plowing, sanding, street sweeping and the necessary maintenance of sanitary and storm sewer lines

**2.3.9 FILING and RECORDING:** The endorsed subdivision map, showing any modifications upon which final approval of the subdivision was contingent, shall constitute the approved, record subdivision map. The date of endorsement of the record subdivision map shall be noted on the map by the Chairman of the Commission within ninety [90] days after the endorsement of the record subdivision map.



**2.3.10 Certificates of Compliance:** Before the release of any subdivision bond, or before the Commission endorses any subdivision map to permit the filing with the Town Clerk when no subdivision bond has been posted, the following shall be completed by the applicant and submitted to the Commission:

- [a]** The applicant's Land Surveyor, licensed to practice in the State of Connecticut, shall certify the installation and precise location of monuments by noting such monuments and their locations on the linen construction plan; and by signing and sealing said plans.
- [b]** The applicant's land surveyor or engineer, licensed to practice in the state of Connecticut, shall update the linen construction plans to show "as-built" conditions, and shall sign and seal said plans, certifying that all of the required improvements have been completed in the location and at the elevation shown thereon;
- [c]** The applicant shall submit a formal request for the Town of East Haven's acceptance of all streets shown on the record subdivision map; such requests shall be in a form, and with accompanying documents as approved by the Town Council.

**2.3.11 Release of Bond[s]:** No bond shall be released until the improvements or services covered by said bond have been inspected by the Town Engineer and the certificates of compliance submitted; as provided in Section 2.3.10. For purposes of maintenance, and to cover any unforeseen deficiencies, a portion of any subdivision performance subdivision bond shall not be released until one [1] year after completion of the required subdivision improvements, and the amount of such portion shall be determined by the Town Engineer and mandated by the Commission. The applicant, however, may post a new bond to covered the required portion of the Original bond. If no bond has been posted to guarantee completion of the improvements, the applicant shall post a one [1] year bond, meeting the requirements of Section 2.3.8a, for the purposes of maintenance and to cover unforeseen deficiencies in the approved road[s].

### **SECTION III: PENALTIES**

- 3.1** Any person, firm or corporation making any subdivision of land without the approval of the Planning and Zoning Commission is subject to penalties provided in the *General Statutes* of the *State of Connecticut*.

## **SECTION IV: VALIDITY**

- 4.1 VALIDITY:** If any section, paragraph, sentence, clause or phrase of these Regulations shall, for any reason, be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not effect or impair the validity of any other section or remaining portion of these regulations.

## **SECTION V: EFFECTIVE DATE**

- 5.1 EFFECTIVE DATE:** These Regulations, and any amendments hereto, shall be in full force and effect from the date of adoption by the Planning and Zoning Commission or from a date subsequent to adoption that the Commission may establish.

## **SECTION 6: MAPS & PLANS**

**6.1 GENERAL:** The Maps and Plans required by these Regulations shall show the information, and be prepared in accordance with the standards hereinafter specified. In accordance with the provisions of the Connecticut *General Statutes*, which define “Professional Engineer” and “Land Surveyor”; and which limit practice to the field of registration, all required maps and plans that involve the design of roads (both horizontal and vertical alignment); drainage systems (including the design and location of structures and pipe), sanitary sewer systems, sewage disposal systems and water supply and distribution systems constitute professional engineering and, as such, must bear the **name and seal** of a Connecticut licensed engineer. A Land Surveyors seal or the seal of an Architect is **not acceptable** for this phase of land subdivision design work. Conversely, the phase of land subdivision, including all required maps and plans which relate to **topography** and the delineation of the boundary lines of the perimeter of the subdivision as well as the interior lots and streets constitutes land surveying (within the meaning of the General Statutes) and, as such, must bear the name and seal of a Connecticut licensed Land Surveyor. A Professional Engineer’s seal or an Architect’s seal is **not acceptable** for this phase of land subdivision. Pertinent survey data and computations shall be presented to the **Town Engineer** for review when requested.

**6.2 SITE DEVELOPMENT PLAN:** The site development plan shall be drawn on sheets **24” x 36”**, and to a scale of not less than **one inch = forty feet**. The plan shall show existing conditions, the proposed layout of lots, streets, open space and improvements for the proposed subdivision; and a tentative layout of all contiguous land of the applicant that may be subdivided in the future.

The purpose of this plan is to allow the Commission to complete a general planning review of the proposed subdivision, including its relationship to future subdivisions of contiguous land of the applicant. **Fifteen [15] blue or black line prints** shall be submitted. Said plan shall show at least the following information:

**6.2.1 The Title of the Subdivision:** which shall not duplicate, or too closely approximate the title of any previous subdivision in the Town of East Haven.

- 6.2.2 The name and address of the Owner:** of the land to be subdivided; and the name and address of the **applicant** if not the owner
- 6.2.3** The date, scale, North point, Town and State
- 6.2.4** The **existing** and **proposed** property and street lines; adjoining property and street lines for a distance of two hundred [200] feet; and the names of all adjacent subdivision or property owners from the current Assessor's records.
- 6.2.5** The **building street, side and rear setback lines** from existing and proposed streets and adjacent lots as is required by the current zoning regulations.
- 6.2.6** All existing and proposed **water courses, ponds, swamps, shorelines, wetlands, easements** and **rights-of-ways**; the line of **mean high tide** [in the event the proposed subdivision is adjacent to tidewater
- 6.2.7** All existing **contours** at an interval not exceeding two [2] feet on steep land, and not greater than **five [5] feet** on rolling land, based on a field or aerial survey, using the same bench mark as provided in **section 6.4**
- 6.2.8** The proposed **lots** and **lot numbers** along with proposed areas for **parks, playgrounds and open space.**
- 6.2.9** All existing permanent buildings and structures.
- 6.2.10** Principal wooded areas and the approximate location of any large, isolated trees.
- 6.2.11** Any **ledge outcrops** and existing stone walls and fences within the subdivision.
- 6.2.12** The approximate dimensions on all proposed property and street lines; approximate lot area and the total acreage of land included in the subdivision.
- 6.2.13** The proposed width of all streets, rights-of-way and easements; the proposed width of all pavement, sidewalks and the proposed street names.
- 6.2.14** Existing and proposed **monuments**; any municipal boundary lines and any **zoning district** boundary lines.
- 6.2.15** Any existing or proposed **storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs** and other structures, including tentative invert elevations at key points.
- 6.2.16** Key elevations of existing, adjoining roads and spot elevations showing tentative grading of proposed roads within the subdivision.
- 6.2.17** The location of all test holes

**6.2.18** Any areas subject to periodic or potential flooding

**6.2.19** A complete and concise **sedimentation and erosion control plan** also showing means of entry and/or egress to the proposed subdivision and tracking pad data.

**6.3** **RECORD SUBDIVISION MAP:** The record subdivision map shall be prepared with an accuracy that meets or exceeds the standards for a **CLASS A-2 survey**, as defined by the Connecticut Technical Council Inc. The map for filing with the Town Clerk shall be clearly and legibly drawn and shall be submitted on good quality, heavy linen tracing cloth; on sheets 24" x 36". The map should be drawn to a scale of 1 inch = 40 feet; but in no case at a scale of less than 1 inch = 100 feet. In addition, a tracing of the **record subdivision map** on good quality mylar shall be presented along with five [5] blue or black line prints. These maps shall show the following:

**6.3.1** The title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town of East Haven.

**6.3.2** The name and address of the owner of land to be subdivided; and the name and address of the applicant, if different from the owner.

**6.3.3** The date, scale, North point, Town and State.

**6.3.4** Existing and proposed property and street lines; adjoining property lines and street lines for a distance of 200 feet, and the names of all adjacent subdivisions or property owners from the current Assessor's records.

**6.3.5** Any existing and proposed water courses, ponds, shorelines, easements, rights-of-way, the line of mean high tide [in the case the subdivision is adjacent to tidewater, areas of inland wetlands and/or tidal wetlands [as defined by the State of Connecticut, D.E.P.].

**6.3.6** Proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds; the square footage or acreage of all lots and open spaces, and the total acreage of land included in the subdivision.

**6.3.7** Existing permanent buildings and structures

**6.3.8** Dimensions on all lines, in feet and decimals of a foot [to the hundredth of a foot] and all bearings or deflection angles on all straight lines and the central angle, tangent distances and radius of all circles.

- 6.3.9** The width of all existing and/or proposed streets, rights-of-way and easements; and all street names.
- 6.3.10** Existing and proposed monuments and municipal boundary lines and zoning district boundary lines.
- 6.3.11** A location map [at a scale of 1 inch = 800 feet], showing the location of the subdivision in relation to the existing roads in Town.
- 6.3.12** An **index map** if the proposed subdivision is divided into sections or phases; or is of such size that more than one sheet is required, showing the entire subdivision, with lots, lot numbers, streets, street names and delineation of areas covered by the section, phase or sheet.
- 6.3.13** The survey relationship of proposed streets to nearby Town streets or State Highways when practical.
- 6.3.14** The error of closure, which shall not exceed 1 in 5000.
- 6.3.15** The words: ***“Approved by the Planning and Zoning Commission, Town of East Haven”*** along with a designated place for the signature of the Chairman of said Commission and the date of signing.
- 6.3.16** The words ***“Approved by the Director of Health”*** with a designated place of signing and the date of said signing.

- 6.4     CONSTRUCTION PLAN:** 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 drawn on good quality mylar or auto-cad mapping, approximately 22” in width and drawn to a horizontal scale of 1” = 40’ and a vertical scale of 1” = 4’. Five blue or black line prints shall be submitted. The original reproducible shall be retained by the applicant for the purpose of preparing **“as built drawings”** upon the completion of the improvements. Profile drawings and elevations shall be based on official Town, State or U.S. benchmarks or other permanent bench marks approved by the Town Engineer. The bench marks used shall be clearly noted on the plan. All construction plans shall bear the words **“Approved by the Town Engineer”**, with a designated place for the signing and date of signing. Construction drawings shall show at least the following



information in accordance with good engineering practice, as appropriate for the particular subdivision.

- 6.4.1** The title of the subdivision, the date, scale, Town and State
- 6.4.2** For streets, the existing grades at the center line and both street lines, and the proposed grade at the center lines, at the beginning and end of all vertical curbs; apex elevation; elevation at all even stations; percentage of grade on all tangents; street lines and edge and width of pavement; sample street cross sections; stations on centerline at fifty [50] foot intervals and at the beginning and end of all horizontal curves and at centerline intersections.
- 6.4.3** Location, depth, invert, slope and size of all utility pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; sample ditch and water course cross sections; sufficient computations to permit the Commission and/or Town Engineer to check the drainage design.
- 6.4.4** The location of existing and proposed monuments.
- 6.4.5** The approximate location of lot lines, intersecting the street line; lot numbers and street names.
- 6.4.6** Sidewalks, curbs, gutters and other special structures.
- 6.4.7** Detail drawings of any bridges, box culverts, deep manholes and other special structures.
- 6.4.8** Cross sections at 50' intervals, drawn at 1" = 40' horizontal and vertical.

In addition to the above plan-profile drawings, other necessary construction drawings and details shall be submitted on good quality, heavy linen tracing cloth along with five [5] blue or black line prints.

- 6.5** **GRADING PLAN:** The area shown of the grading plan may be limited to the portion of the subdivision affected by the proposed major regrading, cuts, fills or soil or rock removal. At minimum, the grading plan shall cover those areas of the subdivision where proposed changes in elevation equal or exceed three [3] feet. The grading plan shall be drawn on good quality mylar or auto-cad mapping to the scale of 1" = 40' minimum. Contours and elevations shall be based on the same bench marks as provided in **Section 6.4**. In addition to

the prints, five [5] blue or black line prints shall be submitted. The grading plan shall bear the words ***“approved by the Town Engineer”*** with a designated place for signing and the date of signing. The grading plan shall show at least the following information:

- 6.5.1** The title of the subdivision
- 6.5.2** The name and address of the owner of the land to be subdivided; the name and address of the applicant, if different from the owners.
- 6.5.3** The date, scale, North point, Town and State
- 6.5.4** The existing and proposed contours, at an interval not exceeding two [2] feet; based on a field or aerial survey and of A-2 standards.
- 6.5.5** The layout of the existing and proposed lot lines and street lines affected by the proposed grading.
- 6.5.6** The existing and proposed drainage and water courses.
- 6.5.7** The existing and proposed permanent buildings and structures.
- 6.5.8** The location of all test holes, test pits and/or borings
- 6.5.9** Any inland/wetland or watercourses
- 6.5.10** All house elevations, driveway grading and any grading associated with house construction or road construction
- 6.5.11** Any major cuts and/or fills planned on the parcel.

In addition to the above grading plan, the Commission or the Town Engineer may request the submission of cross section drawings covering the proposed excavation area and a complete **sedimentation and erosion control plan** for the proposed subdivision.

## **SECTION VII: DESIGN STANDARDS**

**7.1 GENERAL:** Subdivisions shall be designed to conform to the current comprehensive plan of development, adopted by the Commission for the Town or neighborhood encompassing the subdivision; particularly in regards to streets, drainage and the reservation of land for parks, recreation and open space. Subdivisions proposed in **areas of special flood hazard**, including their utilities and drainage facilities, shall be located and designed to be consistent with the need to minimize flood damage. Proposed subdivisions and re-subdivisions, and all street, drainage and other improvements required by these Regulations shall be designed and constructed in accordance with the standards hereinafter specified, and in accordance with the applicable Ordinances of the Town of East Haven

**7.2 BUILDING LOTS:** Proposed building lots shall be of such shape, size, location, topography and character that buildings can be reasonably constructed thereon, and that they can be occupied and used for building purposes without danger to the health, safety and welfare of the occupants and the public. Any lot which is found to be *unsuitable* for occupancy and/or building by reason of water or flooding conditions, unsuitable soil, topography, ledge or rock outcroppings, depressions or other conditions shall be combined with another contiguous lot that is suitable, or shall be marked ***"This is not an approved lot"*** on the subdivision map until such time that the necessary improvements to the lot have been made and approved by the Commission and a **revised subdivision map** has been submitted to, and approved by the Commission. All proposed building lots shall be designed and arranged to make the **best use** of the natural terrain, avoiding unnecessary re-grading, and to preserve substantial trees and wooded areas.

**7.2.1 Lot Size:** Each created lot shall conform to the **Zoning Regulations** of the Town of East Haven. In addition, where the lot is not to be served by the public water supply and/or sanitary sewers, each lot shall have sufficient area and suitable dimensions to provide ample space to accommodate a private water supply system (where adequate public water supply is not available) and/or to accommodate the proper layout,

installation and future extension of private sewage disposal system (where sanitary sewers are not available), both as needed by the intended use of the lot and both in accordance with good engineering practice and the applicable requirements of the Connecticut State Department of Health, and the Director of Health for the Town of East Haven.

**7.2.2 Lot Design:** In any subdivision, all **building lots** shall be designed in such a manner as to provide the future occupants with useable “Rear yards” devoid of steep inclines, rock ledges and/or significant depressions that would make said rear yard unusable for normal day-to-day activities. For the purpose of this Section, the term “rear yard” shall mean the area of the lot encompassing the entire width of the lot, and for a distance of 25 feet, measured from the rear end of the foundation of the main structure on the lot, to the rear.

**7.2.3 Lot Numbers:** All lots in any subdivision shall be numbered, beginning with the number one (1), and shall continue consecutively throughout the entire subdivision, with no omissions or duplications. No fractions or letters shall be used unless necessary for clarity in a re-subdivision. Adjoining subdivisions and sections of a subdivision having the same title shall not duplicate numbers, but shall continue the sequence of numbers used previously for the adjoining land. All lot numbers shall be conspicuous, and noted on the map in the approximate center of the lots.

**7.2.4 Lot Lines:** Insofar as practical, the side lot lines of all lots shall be a right angle to the street on which the lot faces, or shall be radial to the street line. It shall be the discretion of the Commission to refuse to permit municipal boundary lines to cross any lot, and in the event of such refusal, such boundary line shall be made to constitute one of the lot lines.

**7.3 STREET DESIGN:** All streets in subdivisions, except for streets in **Open Space Subdivisions with individual lots** shall be designed for acceptance by the Town of East Haven; and shall conform to the following standards:

**7.3.1 Classification:** All proposed streets in the subdivision, and any existing street abutting the subdivision shall be classified by the Commission as one of the following:

- [A] **Thoroughfare:** A street of considerable, or potential continuity on which traffic past abutting lots will be dominant and serving as an artery for intercommunication among large areas of the Town or servicing as a feeder to a neighborhood; also, a street giving access to, or circulation within business and industrial areas.
- [B] **Local Resident Street:** A street primarily providing access to abutting lots, used for residential purposes.

**7.3.2 Street Planning:** Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots and safe and convenient circulation within the neighborhood in which the subdivision is located. In planning streets, due consideration shall be given to accomplishing an attractive layout and development of the land and should have a location and grade which preserves natural terrain, substantial trees, woods and other natural features, and which enhances property values in the subdivision. Permanent dead end streets shall be avoided unless connecting streets are impractical. Proposed streets, which may be projected into adjoining properties, shall be carried to the boundary line. No **reserve strips** will be permitted without Commission approval. Streets shall be planned in accordance with the following additional standards:

- [A] **Thoroughfare:** Thoroughfares shall be provided as indicated on any comprehensive plan of development adopted by the **Commission** and where necessary as a feeder street to a residential neighborhood, or to serve a commercial or industrial area.

- [B] **Local Residential Street:** Local residential streets shall provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided.

**7.3.3 Right-of-Way Width:** Streets shall have the following minimum width of right-of-way according to their classification:

- [A] **Thoroughfare:** 60 feet
- [B] **Local Residential Street:** 50 feet

**7.3.4 Width of Pavement:** Streets shall be designed with the following width of pavement, centered between the street lines:

- [A] **Thoroughfare:** 40 feet
- [B] **Local Residential Street:** 30 feet—except in the case of *Open Space Subdivisions w/ individual lots*; the width of the pavement may be no less than **26 feet**, subject to the approval of the Town Engineer and the Commission.
- [C] **Cul-de-sac Residential Street:** On cul-de-sac streets having no more than 10 residential lots, the pavement width of said street may be reduced to no less than **26 feet** upon the concurrence of the Town's Engineer, Planner, and the Commission.
- [D] **Turnaround:** 50 foot radius

**7.3.5 Alignment:** Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves. A minimum tangent length of 300 feet shall be provided between reverse curves. The minimum radius of curvature at the centerline of streets should be as follows:

- [A] **Thoroughfare:** 600 feet
- [B] **Local Residential Street:** 150 feet

**7.3.6 Grade:** The **minimum grade** for any street shall be **0.7 percent**, except that a minimum grade of **0.5 percent** may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following according to its classification:

- [A] **Thoroughfare:** 6 per cent
- [B] **Local Residential Street:** 10 per cent
- [C] **Turnaround:** 3 per cent

**7.3.7 Vertical Curves:** Appropriate vertical curves shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street and good engineering practice. Where any street approaches an intersection at a grade of **4 percent** or more, a transition area; having a maximum grade of **2 percent** shall be provided for a minimum of 50 feet, measured from the right-of-way line of the street intersected. The following minimum stopping sight distances shall be provided.

- [A] **Thoroughfare:** 350 feet
- [B] **Local Residential Street:** 250 feet

**7.3.8 Intersections:** The following standards shall apply to street intersections.

- [A] No more than two (2) streets shall intersect at one point. In general, intersections shall be spaced not less than 200 feet apart.
- [B] Streets shall intersect one another at as near to a right angle as is practical. No intersection shall be at an angle of less than 60 degrees.
- [C] At street intersections, property line corners shall be rounded by an arc having a minimum radius of 25 feet
- [D] The distance between intersections and connecting streets shall not be less than 200 feet nor more than 1200 feet to avoid excessively long blocks and unnecessary circuitous travel on streets.

**7.3.9 Street Lines:** Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with these regulations. No street right-of-way shall be widened beyond the minimum width specified in these regulations for the purpose of securing additional street frontage for proposed lots. The boundary line between a private street and public street shall be clearly delineated.

**7.3.10 Dead end Streets:** No permanent dead end street shall be planned except when topography or physical conditions make it **impractical** to extend it or connect it with another proposed or existing street. No permanent dead end street shall exceed in length the frontage of six (6) lots per side; temporary dead end streets may exceed such length but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission.

Notwithstanding the above, after due consideration of topography, soil conditions, horizontal and vertical roadway geometry, the length and width of the proposed road, the availability of public water, the physical circumstances of the property and other considerations impacting emergency access and egress to an area, the Commission, at its sole discretion, may approve more than six (6) lots per side if it determines that the health, safety and welfare of the present and future residents of the area will not be compromised. Under no circumstance, however shall the total number of lots served by the dead end street exceed twenty (20) lots.

**7.3.11 Turnarounds:** A turnaround, with a minimum diameter of 120 feet for the right-of-way shall be provided at the closed end of a cul-de-sac or dead end street which may be projected into adjoining property at some future date and which provides sole access to one or more building lots. Land for a turnaround on a temporary dead end street which may, at some future date, be projected into adjoining property, shall be provided in the form of a **temporary easement** bearing a note on the map “*easement for temporary turnaround which automatically terminates upon extension of the street*”.



**7.3.12 Existing Streets:** Proposed subdivisions abutting an existing town street or state highway shall provide for proper widening of the right-of-way of such street or highway to the width appropriate for the classification given such street or highway by the Commission.

**7.3.13 Street Names:** All proposed streets serving one or more lots shall be named and shall bear names which are appropriate to the character of the Town and which do not duplicate, or too closely approximate in spelling or sound, existing street names in east haven or any adjoining municipality. All street names shall be subject to the approval of the Commission.

**7.3.14 Cross Section:** The street cross section shall be designed with a cross section in accordance with the classification of the street and the standard construction details of the Town of East Haven.

**7.3.15 Street Maintenance:** On any street in any subdivision, it shall be the obligation of the applicant/owner/developer of said subdivision to plow, sweep, patch or otherwise repair and maintain all streets and portions thereof in a timely manner, from the time any dwelling in said subdivision becomes occupied until such time that the roads in said subdivision are “officially accepted” by the Town Council of the Town of East Haven. The obligation to plow, sweep and otherwise maintain said streets shall be in addition to any road performance bond held by the Town. In addition, until such road(s) in any subdivision are officially accepted by the Town, the developer shall provide and post, in a conspicuous location, a sign indicating that said road(s) **“HAS/HAVE NOT YET BEEN ACCEPTED BY THE TOWN OF EAST HAVEN, and are PRIVATELY OWNED”**.

The Town Engineer, through the Commission, may request the applicant provide to the Town, a separate **Road Maintenance Bond**, in a form and amount acceptable to the Engineer and the Commission, to cover the costs of manpower, equipment,

supplies and normal wear and tear of equipment necessary to reimburse the Town or its agents or contractors the costs for snow removal, sanding, patching or other necessary maintenance during this interim period.

In instances where the applicant and/or owner and/or developer either fails to maintain said unapproved subdivision streets/roads; and/or does not have sufficient bonding to enable the Town or its agent to perform these maintenance duties; said Town Engineer and/or Zoning Enforcement Officer shall order that all zoning and/or building permits and Certificate of Use and Occupancy not be issued until such time that the necessary street/road maintenance is performed, and/or adequate bonding to perform said functions is in place.

**7.3.16 Open Space Streets:** Streets in open space subdivisions with individual lots shall meet all the requirements of section **7.3 (Street Design)**; but shall not be accepted into the street system of the Town of the Town of East Haven. All privately owned road shall be suitably and conspicuously posted as being a **“PRIVATE ROAD”**.

**7.3.17 Street Utilities:** All utilities for residential subdivisions shall be placed *underground*, with provisions for the connecting of said utilities to each individual lot.

**7.4 STORM DRAINAGE:** Storm drainage shall be provided and designed in accordance with the following standards:

**7.4.1 Pipe and Ditches:** Sufficient pipe shall be installed within the subdivision to carry existing water courses, other than rivers and large streams, and to drain the proposed streets and streets which may reasonably be expected to be constructed at some future date on adjoining land which normally drains across the area of the proposed subdivision.

If, in its judgment, there will be no substantial danger from soil erosion or danger to health and safety, the Commission may permit, on lots of one (1) acre or larger, the continuance of existing water courses in their established courses; and may permit the discharge of storm water in open ditches.

Ditches and open water courses shall not be planned in the portion of the lot customarily used for front and side yards or the portion of which might be used for private sewage disposal and/or water supply systems.

In general, the storm drainage system shall be piped to fifty (50) feet beyond the rear of proposed houses before being allowed to discharge into open channels. All ditches shall be of such size and all pipe shall be of such diameter (not less than 15 inches) as will in the judgment of the Town Engineer be sufficient to properly carry the storm water expected to enter the ditch or pipe from the proposed subdivision. The design of all storm drainage facilities shall be subject to the approval of the Town Engineer.

A **minimum rate** of rainfall of **two (2) inches per hour** shall be used in the design of roadway storm drainage facilities and **four (4) inches per hour** shall be used in the design of **culverts** under roads at brooks and water courses. The design of all pipe sizes shall give due consideration to the entire drainage area, whether on-site or off-site. The **minimum slope** for 15 inch pipe shall be **1.0 percent**. The minimum **cover** over pipe shall be four (4) feet from the invert but, in no case, shall be less than two (2) feet over the top of the pipe.

**7.4.2 Manholes:** Manholes shall be provided at each change in direction or grade of the pipe and shall not be spaced more than 400 feet apart.

**7.4.3 Catch Basins:** Catch basins shall be provided in order that surface water will travel without interception not more than 300 feet.

**7.4.4 Discharge:** The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into town drains, ditches or other town drainage facilities with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the Town before approval of the **record subdivision map** and acceptance of the drainage plan. No storm water shall be diverted from one watershed to another.

**7.4.5 Headwalls and Culverts:** Suitable headwalls shall be provided at the open end of any pipe. Culverts under streets shall be extended to the edge of the right-of-way of the street and shall have a minimum diameter of eighteen (18) inches.

**7.5 SPECIAL STRUCTURES:** Bridges, box culverts, deep manholes and other special structures shall be designed in accordance with good engineering practice. Bridges and box culverts shall be designed to carry the full width of required street pavement and at least a four (4) foot sidewalk on each side.

**7.6 SANITARY SEWERS:** Sanitary sewers shall be installed in, or near areas served by town sanitary sewers. Plans shall be submitted to, and approved by the sewer authority, and the design and installation of sanitary sewers shall be in accordance with good engineering and construction practice and in accordance with the design standards of the East Haven sanitary sewer system. In areas of “**special flood hazard**”, sanitary sewers shall be located and designed to avoid impairment and to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

**7.7 WATER SUPPLY:** Public water supply shall be supplied to lots in any subdivision located within any area served by the public water supply. In addition, for areas in proximity to public water supply service, when it is deemed, by the Commission, to be practical, convenient and economically feasible to do so, public water supply shall be extended to serve the subdivision.

The applicant shall obtain from the water company, the location and size of the nearest water main and shall indicate or note this information on the **site development plan**. The decision by the Commission to require extension of the public water supply system to serve the subdivision will be based upon the location of the nearest main, the adequacy of the pressure and service, the proposed layout of the subdivision, the nature of the terrain of the subdivision and such other additional information as the Commission may deem pertinent. In areas of **special flood hazard**, water supply systems shall be located and designed to minimize or eliminate infiltration of flood waters into the system.

**7.8 EASEMENTS:** Easements, having a minimum width of twenty (20) feet or such greater width as may be required by the Town Engineer, shall be provided for all storm water and sanitary sewer pipes which will not be installed in streets to be dedicated to the Town. The easement shall be located so that the pipe is positioned (5) feet from the boundary of such easements. Easements at least twenty (20) feet in width shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing or streets which may be constructed in the future on unsubdivided land within the watershed. Easements shall also be provided, in locations and deemed proper by the Commission or the Town Engineer, for storm water and sanitary sewer pipes, water mains, or other utility lines that may need to be installed in the future.

**7.9 CHANNEL LINES:** Channel and building lines shall be provided along any major stream or river for the purpose of preventing encroachment upon, and construction of the natural water channel by buildings, filling operations or other facilities and construction. The width of the channel shall be based on sound engineering calculations anticipating long range storms and flow potentials and recognizing proper alignment and gradients of the channel. A note shall be placed on the records subdivision map explaining the channel and building lines and stating the restrictions against encroachment upon the channel in a manner approved by the Town counsel.

- 7.10 MONUMENTS:** Monuments shall be located at all intersections and at all angles and points of curve or other critical points on street lines to enable a land surveyor to correctly stake out any lot or street in the subdivision.
- 7.11 CURBS: “Pre-Fabricated concrete curbing”** shall be installed along the edge of all permanent street pavements. Bituminous curbs may be used along the edge of pavement of a temporary turnaround that is to be eliminated upon extension of a street line.
- 7.12 SIDEWALKS: Concrete** Sidewalks shall be installed on all thoroughfares, in pedestrian easements, on local residential streets in the vicinity of schools and playgrounds and in other places deemed necessary by the Commission for the public necessity and safety. Sidewalk widths shall be determined by the Commission, but in no instance, less than 4 feet.
- 7.13 PEDESTRIAN EASEMENTS:** In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the provision of twenty (20) foot easements for the establishment of pedestrian ways.
- 7.14 RESERVED STRIPS:** No reserved strips shall be provided in any subdivision without the expressed consent of the Commission.
- 7.15 OPEN SPACES for PARKS and PLAYGROUNDS:** In all subdivisions proposed for residential development, open spaces for parks and playgrounds shall be provided in places deemed proper by the Commission. In requiring the provision of such open space, the Commission shall be guided by a minimum standard of **ten (10) percent of the area of the subdivision**. The minimum area for any open space area shall be one (1) acre unless the area is an addition to an existing or proposed park, playground, open space or public land; or unless a lesser area is approved by the Commission as appropriate for the open space purposes intended. Land shown on the subdivision plan as open space for parks and playgrounds shall be of such size, location, shape, topography and general character as to be *suitable*, and *generally useable* in order to satisfy the needs determined by the Commission.

The open spaces provided shall conform to any Town master plan pertaining to parks, playgrounds, recreation areas and open spaces. Areas of wetlands, steep slopes or depressions, and/or large rock outcroppings shall constitute ***no more than ten (10) percent*** of the area of calculated open space.

The Commission, in requiring the provision of open space, shall give due consideration to the proper development of the Town, the density of population, the existing public open spaces in the vicinity of the subdivision, and the preservation and potential enhancement of existing natural features, large trees and other scenic points. Proper pedestrian and vehicular access shall be provided for each open space area. Suitable arrangements shall be made, approved by the Commission, to insure continued responsibility for long term reservation and maintenance of the open spaces by covenant in the deed, by neighborhood association or other suitable means, unless the open spaces are offered to and accepted by the Town.

If the open spaces are offered to the Town, a warranty deed and title certificate describing the land involved and the privileges of the Town in a form satisfactory to the Town counsel shall be submitted and, if said land is not accepted by the Town within 180 days of the date of filing of the record subdivision map with the Town clerk, said deed shall be returned to the applicant. When a subdivision plan is submitted in sections, a proportionate part of the total open space area proposed and approved on the overall site development plan shall be established in the first section submitted, including suitable access to such land. Action under this paragraph by the planning & zoning Commission shall be taken after consultation with other appropriate town boards and Commissions.

In instances where excess land in a residential subdivision is suitable only for passive recreation (viewing) and/or a preserve for the existing habitat, the developer shall make every attempt to incorporate said excess land into one or more of the abutting building lots within the subdivision and establish ***“conservation easements”*** on each abutting residential lot.

- 7.16 PAYMENT in lieu of OPEN SPACE LAND:** Pursuant to Section **8-25b** of the Connecticut General Statutes, the developer of any residential subdivision or resubdivision may propose to the Commission to substitute a fee of ten **(10%)** percent of the fair market value of the area of the land to be subdivided to the Town in lieu of the creation and dedication of **Open Space** within said subdivision and/or resubdivision.

In the event the Planning & Zoning Commission opts to accept a fee in lieu of the creation of open space, said fees shall be placed into a separate fund, created by the Town of East Haven to be used solely for the purpose of preserving open space and/or for the acquisition of additional land for open space and/or recreational and/or agricultural purposes.

- 7.17 ACCESS, USE and CONDITION of OPEN SPACE:** Open Space areas designated to be a park, playground or accessible to the public shall typically abut, or have public access to a public street and, as appropriate, any existing adjacent park or public land.

**7.17.1 Minimum Reservation:** Where Open Space reservation and disposition is deemed appropriate, such land shall consist of not less than **10 percent of the total area** of the tract to be subdivided. The **minimum area** of any such Open Space shall be **one (1) acre**, unless the area is in addition to an existing or proposed park, playground, open space, greenway or other public land. When a subdivision is submitted in sections or phases, an area of Open Space need not be included in each section or phase, provided a comprehensive Open Space Plan is submitted and approved and the integrity of said open space is guaranteed in accordance with the provisions of these Sections. This approval shall be a prerequisite for approval of the first section or phase submitted, and a proportionate part of the total Open Space area so approved shall be established with the first and each section or phase submitted; including suitable permanent and/or interim access to such land.

**7.17.2 Useable Open Space:** Where public access is intended, all such areas shall include access to roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic. Such access roadways shall have an adequate base,



shall be adequately drained, and shall be no less than 25 feet wide and have a slope no greater than twelve (12) percent, except that the Commission may waive any of these requirements where access is less critical, such as passive wildlife preserves or fragile ecosystems.

**7.17.3 Open Space Improvements:** The Commission may require that any land to be dedicated for active recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four (4) inches; be seeded with low maintenance grass seed; and be otherwise improved so that the land is left in a condition appropriate to the intended use. In the event other site improvements are required by the Commission they shall be clearly shown on the final Subdivision Map of Record. *All required improvements of Open Space shall be completed prior to the conveyance of fifty (50) percent of the lots within the subdivision.*

**7.17.4 Passive Open Space:** Land to be provided as Open Space for the purpose of conservation and protection of wildlife and/or natural, and/or scenic resources shall typically be preserved in its natural state, except for such improvement or maintenance as may be expressly permitted or required by the Commission.

**7.18 DEDICATION of OPEN SPACE for OTHER MUNICIPAL PURPOSES:** In the event the applicant desires to transfer to the Town, land for other municipal purposes such as schools or firehouses, etc. the dedication provisions of the Town shall be complied with. The Commission may consider such a municipal dedication as a credit towards any Open Space disposition requirements; but may not require such dedication.

**7/19 ALTERNATIVES to RESERVATION:** The Commission shall determine the most appropriate method of disposition of Open Space after due consideration of the relationship of the subject Open Space and its specific characteristics to the Plan of Development and the objects cited herein. If the Commission determines that an Open Space reservation of land within the proposed subdivision **is not** consistent with the adopted Plan of Development, or

is otherwise not appropriate or practical such as due to location in the Town, inadequate size of the parcel being subdivided or an inconsistency with any Town Open Space Plan, and/or its recreation program; the applicant shall select one, or a combination of the following alternatives to the otherwise required reservation for Open Space within the subdivision, which selection is subject to the approval by the Commission under the provisions of **Paragraph 7-15.**

- [A] **Alternate #1:** In lieu of any reservation of Open Space, payment to the Town of East Haven of a fee as stipulated in **Paragraph 7.16.**
- [B] **Alternate #2:** Conveyance to the Town of East Haven of land suitable for Open Space purposes **outside the land to be subdivided**, which land shall either (a) equal in area, or larger (at the discretion of the applicant) to ten (10) percent of the area of land to be subdivided...or...(aa) have a fair market value equal to, or greater (at the discretion of the applicant) to twelve (12) percent of the land to be subdivided, as determined by an appraiser that is jointly selected by the Commission and the applicant.
- [C] **Alternate #3:** Reservation of land for Open Space **within** the subdivision, equal in area to **less than** ten (10) percent of the total area of the land to be subdivided **plus** either payment to the Town in lieu of reservation as provided in Alternate # 1, or the conveyance of land to the Town of East Haven as provided in Alternate #2 or a combination thereof.
- [D] Conveyance in fee simple to the Town of East Haven.
- [E] Conveyance in fee simple to the East Haven Land Trust, or other non-profit entity (with the approval of the applicant), subject to the approval of the Town Council.
- [F] Conveyance in fee simple to the State of Connecticut, subject to the approval of the Town Council.

- [G] Conveyance in fee simple to a homeowner's association.
- [H] The establishment of restrictive covenants through the conveyance of conservation easements or other preservation restrictions, with or without public access to the Town.
- [I] Conveyance of a recreation easement to the Town, the State or a private, non-profit recreational entity; subject to the approval of the Town Council.
- [J] Conveyance of an agricultural easement to the Town, the State, or a non-profit, farm preservation entity.
- [K] Private ownership with the appropriate severance and conveyance of development rights.

**7.19.1 Designation of Open Space Land:** The applicant shall designate, in its application, which of the foregoing entities is proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation to require ownership by one of the public entities set forth above, or to be included in the individual lots when protected by restrictive covenants such as "*conservation easements*". The Commission may not require conveyance to an entity described above, or to a private entity except when consented to by the applicant. Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed.

**7.19.2 Determining "appropriate" open space:** In determining whether the proposed entity is appropriate to own the proposed open space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following:

- 1) the ownership of any existing Open Space on adjacent properties or the proximity to non-adjacent Open Space which might reasonably be interconnected in the future.
- 2) the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required.
- 3) the potential benefits which the Open Space might provide to the residents of the Town, if it were accessible to them.
- 4) the size, shape, topography and character of the proposed Open Space.
- 5) the recommendations of the East Haven Plan of Development...and...
- 6) the reports or recommendations of any State or Town Boards and Commissions; including, but not limited to the Town Council, the Inland Wetlands Commission, the Parks and Recreation Commission, the Regional Planning Agency and the Connecticut Department of Environmental Protection.

**7.20 STATUTORY AUTHORIZATION:** In accordance with Connecticut General Statute 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee to the Town of East Haven, or pay a fee to the Town and transfer land to the Town of East Haven in lieu of the disposition of land by one of the methods set forth in **Section 7-15** and **7-16** herein above. In the event that such authorization is granted by the Commission, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than twelve (12) percent of the fair market value of the land to be subdivided, prior to the approval of the subdivision. The fair market value of said land shall be determined by an appraiser jointly selected by the Commission, and/or its staff and the subdivided. The cost for the services of said appraiser shall be incurred by the subdivider, and all payments received under this method shall be placed in an **“Open Space Trust Account”**. Such fund shall be established and used solely for the purpose of preserving open space, or acquiring additional land for open space, or for recreational or agricultural purposes.

**7.20.1 Time of Payment:** The required payment in lieu of Open Space may be made as follows:

- 1) As a lump sum by the applicant, covering all or certain lots prior to the endorsement of the *Record Subdivision Map*, in which case the provisions of **Section 7.19.2** are not applicable for the subdivision or those certain lots for which payment has been made;...or...
- 2) A fraction of such payment, the numerator of which is one, and the denominator of which is the number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision; subject to the provisions set forth in **Section 7.20.2**.

**7.20.2 Identification, Guarantee and Release:** The “*Record Subdivision Map*” shall bear a note specifying the **payment-in-lieu of** obligation of the subdivision, i.e. the lump sum amount or the fraction method (if applicable) and the amount for each. When the fraction method of payment is selected, said payment shall be secured prior to the transfer of ownership of said parcel from the developer to a future owner, and/or prior to the issuance of any Zoning Permit allowing development of the lot.

**7.20.3 Payment and Trust Fund:** Payment in lieu of Open Space are to be made by certified or bank check, made payable to the Town of East Haven. Said check should be an annotation or be accompanied by a memorandum identifying the subdivision and lot number to be credited with the payment, and calling for deposit of the payment in the “**Open Space Trust Account**”.

**7.20.4 Expenditures:** Expenditures from the “Open Space Trust Account” are to be made in accordance with standard appropriation procedures, and in accordance with the provisions of the Ordinance establishing the “Open Space Trust Account” for purposes permitted by **Section 8-25b** of the Connecticut General Statutes. All Town proposals for the acquisition of land, or rights in land for Open Spaces will be referred to the Planning and Zoning Commission in accordance with **Section 8-24** of the Connecticut General Statutes.

**7.21 EXEMPTIONS from OPEN SPACE DISPOSITION REQUIREMENTS:** In accordance with **Public Act 90-239, Section 1**, the provisions of this Section **shall not** apply if:

- [A] The transfer of all land in a subdivision of **less than** five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin of the property owner **for no consideration**. Any such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission and/or its staff may require; and which documents shall be recorded in the Land Records of the Town of East Haven.
- [B] The subdivision is to contain **affordable housing**, as defined in **Section 8-39a** of the Connecticut General Statutes, equal to twenty (20) percent 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.
- [C] The subdivision is the result of an assembly of lots or parcels for which Open Space was previously set aside, and which assembly is now subdivided into a new configuration of lots. Such assembly and prior dedication of Open Space shall be evidenced by such documents as the Commission may require to assure compliance with these Regulations.
- [D] The subdivision involves parcels currently improved with buildings and which is being made solely for the purpose of mortgaging and financing. The applicant shall be required to submit such evidence and documents as the Commission may require to assure compliance with the intent of these Regulations.

## SECTION VII: CONSTRUCTION STANDARDS

- 8.1 GENERAL:** All streets, drainage, and other improvements required by these regulations shall be constructed in accordance with the standards herein specified and in accordance with the applicable standards, ordinances and special acts of the Town of East Haven.
- 8.2 SUPERVISION & INSPECTION:** Construction of all required improvements shall be carried out under the Supervision of, and shall be subject to inspection and approval by the Mayor and the Town Engineer or their authorized agent(s). The Mayor and the Town Engineer or their authorized agent shall be notified when any preliminary grading of streets has been completed and, upon completion of subgrade preparation and shall be notified at least three (3) days prior the the installation of the gravel base course and the top course. No pipe, catch basin, manhole or other structures shall be backfilled until inspected and approved by the Mayor and/or the Town Engineer and/or their authorized agent(s). The Commission, Mayor and Town Engineer or their authorized agents shall have free access to the construction work at all times, and should be authorized to take materil samples, cores and other tests as deemed necessary to determine compliance with these Regulations and other applicable Town standards. The Commission, Mayor or Town Engineer may require the applicant, at his own expense, to have such tests made and certified by a professional engineer, licensed to practive in the State of Connecticut.
- 8.3 INSPECTION FEE:** The applicant shall pay an *inspection fee* to cover the costs associated with the Town's inspection of construction throughout the construction period. The amount of said fee shall be calculated one and one-half [1.5] percent of the total subdivision improvement costs, as approved by the Commission on the advise of the Town Engineer; and shall include the costs of soil sediment and erosion control measures and any time escalation factors associated with the time period of construction. Any cost items associated with work covered by permits from other municipal departments may be excluded, provided said permit fees account for the necessary municipal inspections. Said fees may be made payable to the Town of East Haven, and shall be paid before authorization of any site construction activity. Said fee shall not be refundable for any reason whatsoever.