

SUBDIVISION REGULATIONS TOWN OF POMFRET, CT

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Subdivision Regulations

1. GENERAL PROVISIONS

1.1 Title

These Regulations shall be known and may be cited as the “Subdivision Regulations, Town of Pomfret, Connecticut,” and are herein referred to as “these Regulations.”

1.2 Purpose

The Town of Pomfret, herein referred to as ‘Town,’ through the Planning Commission, for the purpose of providing for orderly growth and to establish proper standards for the designs of subdivisions and construction of roads and other improvements, has adopted the following Regulations in accordance with Section 8-25 of the General Statutes of the State of Connecticut. The Planning Commission may approve, modify and approve, or disapprove a subdivision after applying these Regulations to reasonably protect the rights of individuals, property values, public health, public safety and public welfare and after considering the following:

- 1.2.1 Land to be subdivided shall be suitable for building purposes without danger to health or the public safety, and development shall not result in water or air pollution, excessive noise, or other menace. Except as specified below, each lot or parcel to be created by a proposed subdivision must be proven to the satisfaction of the Commission to be suitable for at least a single-family dwelling under current applicable regulations. The Commission may allow the creation of one or more lots or parcels that have not been proven to be suitable for at least a single-family dwelling if this applicant places a note on each such lot or parcel on the record subdivision map stating: “This lot [or parcel] has not been reviewed or approved for development purposes by the Pomfret Planning Commission and may not be suitable for such purposes. No building permit may be issued for this lot [or parcel] unless it is reviewed and approved for development purposes by the Planning Commission under applicable regulations.”
- 1.2.2 Proper provision shall be made for fire protection such as fire hydrants, fire ponds and dry hydrants in accordance with National Fire Protection Association standards.
- 1.2.3 Proper provision shall be made for protection of the quality and quantity of water supplies and for sewage disposal as determined by the Town Health Authority.
- 1.2.4 In areas subject to flooding, proper provision shall be made for protective flood control measures. Land subject to flooding shall comply with the Town Flood Ordinances. (See Pomfret Town Ordinances and Special Acts)
- 1.2.5 Proposed roads shall be properly coordinated with the Town road system as recommended in the Town Plan of Development. Existing and proposed roads and related

improvements shall be of such width, grade, location, and design as to provide a safe and convenient system for present and prospective traffic. Road construction shall comply with the Public Improvement Specifications (available at the town clerk's office).

- 1.2.6 Proper provision shall be made for the conservation of natural and historic resources and the preservation of open space, streambelts, agricultural lands and recreation areas as identified in the Town Plan of Development and Pomfret Town Ordinances and Special Acts.
- 1.2.7 Proper provision shall be made for erosion and sediment control and to prevent the pollution of wetlands, watercourses, and water bodies. See Connecticut General Statutes 22a-329.
- 1.2.8 Provision shall be made to encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation
- 1.2.9 Each subdivision plan shall provide for storm water drainage, surface water drainage, utilities, curbs, walkways and any other improvements, in amounts and locations considered necessary by the Commission to protect health, safety and general welfare as defined by the Connecticut General Statutes and these Regulations.
- 1.2.10 Due regard shall be given to the preservation and enhancement of natural features, scenic points, large trees and natural cover and contours of the land and other community assets,
- 1.2.11 The subdivision plan shall conform to the Pomfret Plan of Development as adopted by the Commission in accordance with Section 8-23 of the Connecticut General Statutes, as amended.
- 1.2.12. Adequate surety shall be received from the subdivider to protect theTown from any expenses incurred or necessary to complete the required work of the subdivision.

1.3 Authority

These Regulations are promulgated by the Pomfret Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes, Revisions of 1958, as amended, hereinafter referred to as the C.G.S. Wherever the requirements of the C.G.S. with regard to these Regulations, and the contents thereof, shall differ from these Regulations as to procedure or otherwise, the C.G.S. shall prevail.

1.4 Repeal of prior regulations

The "Town of Pomfret Subdivision Regulations" adopted May 1, 1968 and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations and all amendments thereto shall not affect, validate, excuse, or impair any act done, offense committed or right accruing, accrued or acquired, or any

liability, penalty, forfeiture or punishment incurred, prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

1.5 Effective date

The Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut. (The effective date of these Regulations is August 15, 1996)

2. ADMINISTRATION

2.1 Applicability

These Regulations shall be applied to subdivision and resubdivision of land within the Town.

2.2 Approval and endorsement required

2.2.1 No person or other entity shall make a subdivision of land, or sell or offer for sale lots from a subdivision, until a plan for such subdivision has been approved by the Commission and has been filed or recorded by the Town Clerk. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the chairperson of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

2.3 Easements and deeds

2.3.1 Any open space, parks or playgrounds to be dedicated to the Town and any easements for storm drainage, sanitary sewers or rights of way to be dedicated to the Town shall be confirmed by written conveyance and certificate of title describing the land involved and privileges of the Town in a form satisfactory to legal counsel as designated by the Commission. Open space, parks, playgrounds, easements and rights of way which are not to be dedicated to the Town shall also be confirmed by written conveyance or other appropriate documentation suitable for filing in the Land Records, approved as to form by legal counsel as designated by the Commission, describing the land involved and the privileges of the owner of the open space, easement or right of way.

2.4 Surety

In lieu of the completion of proposed public work the Commission may require a subdivider to file with the Town a surety, performance or maintenance guarantee. The amount of the surety must be sufficient to protect the Town from any expenses incurred or necessary to complete the required work of the subdivision. The surety shall satisfy the following requirements:

- 2.4.1 The surety shall be cash or other form satisfactory to legal counsel as designated by the Commission.
- 2.4.2 The amount of the surety shall be set by the Commission in consultation with the Town Engineer and/or other qualified party. The amount shall be set 20 percent higher than the estimated cost of construction of the work to allow for inflation and expenses incurred by the Town in overseeing any necessary construction.
- 2.4.3 The Commission shall state the improvements or group of improvements which the guarantee secures the completion of and shall state the amount for each improvement or group of improvements.
- 2.4.4 The Commission shall not recommend full release of the surety until it has determined that all improvements subject to the surety have been completed.
- 2.4.5 The Commission may, at its discretion, recommend reducing the amount of the surety as work progresses.
- 2.4.6 The Commission shall set the time period within which the work covered by the surety shall be completed.

2.5 Waivers

No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. All requests for waivers shall be made in writing by the applicant. A three-quarters vote of all the members of the Commission is required to approve a waiver. The Commission shall state its reasons for granting the waiver and these reasons will be clearly stated in the minutes.

- 2.5.1 The Commission may waive specific provisions of the Pomfret Public Improvement Specifications relative to a Application, upon receiving a recommendation from the Town Engineer and approval from the Board of Selectmen to do so.
- 2.5.2 Where there is existing housing *on* a proposed lot the Commission may waive the following.
 - a) grading plan
 - b) Section 4.5.4: Existing and Proposed contours
 - c) Section 9.13: Underground Utilities

2.6 Enforcement officer

The Commission may designate the Chairperson, a member of the Commission, or any other person it deems appropriate as the enforcement officer of these Regulations.

2.7 Amendments

These Regulations may be amended, changed, or repealed in accordance with the

General Statutes of the State of Connecticut. Amendments shall become effective at such time as is fixed by the Commission, provided a copy of such change shall be filed in the Town Clerk's office and notice of the decision shall have been published in a newspaper having substantial circulation in the Town before such effective date.

2.8 Effect of regulation changes

Subdivision Applications that are complete and contain all information required by these Regulations when filed shall be protected from subsequent changes in the Subdivision regulations to the extent provided in Connecticut General Statutes 8-28a and 8-28b.

2.9 Invalidity

Invalidity of any provision of these Regulations shall not invalidate any other provision.

3. PROCEDURES

3.1 Preliminary Discussion

The Commission recommends subdivision applicants come to a Commission meeting for a preliminary discussion prior to their submission of an Application. Persons wishing to do so should notify the Commission seven days prior to the meeting date. A preliminary discussion is not a substitute for a formal Application, and neither an Applicant nor the Commission is bound by the comments made during a preliminary discussion. Binding decisions can only be made by the Commission after a formal Application is submitted.

3.2 Application

A complete Application consists of the following documents:

- 3.2.1 A written Application, completed in full on forms provided by the Commission, signed by the Applicant or lawful agent. If the Applicant is not the owner of the land the owner shall sign also. The Application form shall contain a list of all items submitted as part of the Application, including a breakdown of the fee paid. Final determination of completeness of the Application shall be made by the Commission. An incomplete Application is grounds for denial. The Application includes an agreement to be signed by the owner of the land granting to officials and agents of the Town and of the Commission permission to enter onto any part of the land that is the subject of the Application for the purposes of inspection and, in the event of the failure of the Applicant to make required improvements, in order to make such improvements.

3.2.2 Application and Review Fees

The applicant shall pay an application fee of \$250.00 dollars for a subdivision and \$250.00 for a resubdivision. In addition to the application fee, the applicant shall pay the review fees as established by Town Ordinance.

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- 3.2.3 Two sets of the following drawings:
- a) Location Map
 - b) Property history Map
 - c) Record Subdivision Map
 - d) Site Analysis Map
 - e) Construction Plans If There Is Required Work
- 3.2.4 Where Section 3.5 applies, an additional set of drawings shall be submitted. In addition, where the site abuts another town another three sets of drawings shall be submitted.
- 3.2.5 A development map stamped with the approval of the Town Health Authority showing proposed water, sewer, on-site septic systems, and any additional information that may be required by Section 10.
- 3.2.6 The Applicant shall send notice of the proposed subdivision to the owners of all adjacent land, including land directly across any road, by certified mail, return receipt requested, and mailed not less than 10 days nor more than 30 days before the submission of the subdivision Application. One copy of the notice shall be submitted. All of the certified mail receipts and as many of the return receipts as have been received shall also be submitted.
- 3.2.7 Where a proposed road, driveway or storm drainage system joins with a state highway, the Applicant shall present a copy of a letter from the Connecticut Department of Transportation indicating the result of their review of the proposal.
- 3.2.8 If an Application involves regulated areas under the jurisdiction of the Pomfret Inland Wetlands Commission, an Application shall be submitted to the Pomfret Inland Wetland Commission no later than the day the Application is filed with the Planning Commission, The Planning Commission shall not render a decision until the Inland Wetlands Commission has submitted a report with its final decision. In making its decision the Planning Commission shall give due consideration to the report of the Inland Wetlands Commission
- 3.2.9 Copies of all other Applications filed with local state or federal commissions or agencies in connection with the proposed development, and any dispositions of those Applications. If such an Application is made subsequent to the filing of an Application with the Commission and prior to its decision on the Application, or if any decision is made on an Application submitted to such other commission or agency during that period, the Applicant shall forward a copy of such Application and decision to the Commission immediately.
- 3.2.10 The Commission reserves the right to require additional copies of Application materials as necessary for review by the Commission or other interested parties.

3.3 Submission

Applications and related documents shall be submitted by mail or by hand to the Pomfret Planning Commission at the office of the Commission in the Town Hall Applications received less than 7 days before a regularly scheduled meeting will be considered received as set forth below, but the Commission will not be required to consider such Applications on the agenda of the upcoming meeting.

3.4 Receipt

The official date of receipt of Applications and requests shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission at the office of the Commission, or thirty-five (35) days after such submission whichever is sooner. The official date of receipt for Applications and requests submitted at a regular or special meeting shall be the date of the next regularly scheduled meeting or thirty-five (35) days after such submission, whichever is sooner.

3.5 Notice to adjoining towns

In accordance with Connecticut General Statutes Section 8-26f, the Commission shall notify the clerk of an adjoining town of any Application in which one or more of the following apply:

- a) Any portion of the property is within five hundred feet of the town's boundary.
- b) A significant portion of the traffic to the completed project on the site will use roads within the adjoining town to enter or exit the site.
- c) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining town.
- d) Water runoff from the improved site will impact roads of other municipal or private property within the adjoining town.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within 7 days of the receipt of the Application. No hearing shall be held unless such notice has been received.

3.6 Notice to the Regional Planning Agency

In accordance with Connecticut General Statutes Section 8-26b, whenever a proposed subdivision includes land that abuts another town, the Commission shall notify the regional planning agency of the pendency of the subdivision application. If the agency does not report back within 30 days the Commission may presume that the agency does not disapprove of the Application.

3.7 Public Hearing.

No plan of resubdivision shall be acted upon without a public hearing. The Commission may hold a public hearing on a proposed subdivision plan if, in its judgment, the specific circumstances require such action.

3.7.1 If a public hearing is held, it shall commence within sixty-five (65) days of the official receipt of the Application by the Commission, and shall be completed within thirty (30) days thereafter. The Applicant may consent to one or more extensions of the time to commence or complete a public hearing, provided the total amount of the extensions does not exceed an additional 65 days to commence the hearing or an additional 30 days to complete it.

3.7.2 Due notice of the public hearing shall be given in accordance with Chapter 126 of the General Statutes of the State of Connecticut.

3.7.3 The Commission shall send a copy of the notice of hearing to the applicant by certified or registered mail.

3.8 Formal consideration

The following procedures shall be followed by the Commission in its formal consideration of the Application:

3.8.1 The Commission shall determine whether the Application submitted is complete. If the Application is not complete, the Commission may, in its discretion, deny the Application or allow the Applicant additional time to complete it.

3.8.2 The Commission shall transmit copies of the maps and plans to other boards and Commissions, other public agencies and officials, and to consultants as in the opinion of the Commission may be advisable, for their information, review and recommendations.

3.8.3 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 final action by the Commission.

3.8.4 If there is required work as part of the subdivision then the Application shall not be approved by the Commission without the review and recommendation by the Town Engineer of construction and grading plans. The Town Engineer shall sign the appropriate drawings as having been reviewed.

3.9 Commission approval

The Commission shall approve the Application if it conforms to the requirements of these Regulations. If the Application, as presented, does not conform to all of the requirements of these Regulations the Commission may modify and approve, or disapprove the Application.

3.9.1 The Commission may grant a conditional approval lieu of requiring the posting of surety to cover required work. When a conditional approval is granted the signature blocks shall contain the words "conditional approval" and a note shall appear on each lot indicating the lot is not to be sold or offered for sale. This conditional approval shall be

null and void if final approval is not granted within 5 years from the date of conditional approval.

- 3.9.2 When a conditional approval has been granted and the required work has been approved (see Section 3.13) or surety is posted the Commission shall endorse a new Record Subdivision Map with the words "Final approval" in the signature blocks.
- 3.9.3 The Commission shall state in its records the grounds for its action.
- 3.9.4 A decision on an Application shall be rendered within sixty-five days after receipt of such Application or if a hearing is held within sixty-five days of the completion of the hearing. The Applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days.

3.10 Notice and appeals

- 3.10.1 The Commission shall give notice of its decisions and actions in a newspaper having substantial circulation in the Town, and shall send written notice to the applicant within 15 days of such decision or action.
- 3.10.2 Appeals may be taken in accordance with Connecticut General Statutes Section 8-28 within 15 days after the publication of notice.

3.11 Endorsement

The Chairperson or Secretary shall endorse the approved Record Subdivision Map after the appeal period and when the applicant has completed all of the actions set forth in Sections 3.11.1 through 3.11.6. If these actions are not completed within 90 days after approval, then the approval shall become void without any further action by the Commission. When the chairperson or secretary of the Commission signs the Record Subdivision Map, he or she shall enter the date of approval by the Commission. If required work is part of the subdivision the signer shall enter the date when approval shall expire as provided in the Connecticut General Statutes. The endorsed Record Subdivision Map, showing any required modifications, shall constitute the approved subdivision map.

- 3.11.1 Present mylars (suitable for filing) of all drawings incorporating any modifications specified by the Commission,
- 3.11.2 Present 2 paper prints of any drawings which were modified since the originals were submitted.
- 3.11.3 Present conveyances and other appropriate documentation for easements and open spaces to the Town or other entity designated by the Commission. These are to be approved by legal counsel as designated by the Commission.

- 3.11.4 Present certification from a surveyor that monumentation meeting the “Recommended Standards for Surveys and Maps in the State of Connecticut” has been set. In lieu of setting monumentation, this work may be covered by the bond.
- 3.11.5 Pay all fees due in connection with the Application.
- 3.11.6 Unless the Commission has granted a conditional approval under section 3.9 of these Regulations, a surety must be provided as set forth in Section 2.4, guaranteeing the completion of all required work within five years after the date of approval, or such longer time as may be allowed by State law.

3.12 Filing and Recording

Within 90 days after the expiration of the appeal period provided by Connecticut General Statutes Section 8-28, or, if an appeal is taken within such period, within 90 days after the termination of the appeal by dismissal, withdrawal, or judgement in favor of the Applicant, the Applicant shall file the Record Subdivision Map in the office of the Town Clerk. ***Any plan not so filed or recorded within the prescribed time shall become null and void, except that*** the Commission may by resolution extend the time for such filing and recording for up to two (2) additional periods of 90 days, ***provided that the Applicant requests an extension within the original 90 day filing period. If an extension is granted*** the map shall remain valid until the expiration of such extended time. Filing and recording fees shall be paid by the Applicant.

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3.13 Completion of Required Work

All required work in connection with a subdivision shall be completed within the period specified in the Connecticut General Statutes. Failure to complete all work within such period shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records of the Town notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk. No additional lots shall be conveyed after such expiration. If lots have been conveyed during such period, the Town shall call the surety to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

3.14 Approval of Required Work

Before release or reduction of any subdivision surety, or before the Commission grants final approval when a conditional approval has been granted, the required work in the subdivision shall be inspected and approved by the Commission or its agent and the Applicant shall do the following:

- 3.14.1 Present updated construction plans, meeting the requirements of Section 4.6 and showing all required work as built, and also showing clearly where the as-built plans

differ from the approved Construction Plans. In lieu of such submission, the Applicant's surveyor and professional engineer may update and certify the mylars of construction plans previously approved by the Commission.

- 3.14.2 The Commission may require the applicant to file a surety to guarantee maintenance of the required work. Such surety shall run for a period of one year after the release of the original surety or for a period of one year after the Commission endorses any Record Subdivision Map when no bond has been posted. The maintenance surety shall not exceed 25 percent of the current cost of the required work.

4. REQUIREMENTS FOR MAPS AND PLANS

4.1 Requirements for maps and plans

As required drawings shall conform to the following:

- 4.1.1 All maps shall conform to the current "Recommended Standards for Surveys and Maps in the State of Connecticut" as adapted by the Connecticut Association of Land Surveyors.
- 4.1.2 All maps and plans shall be bound together into sets along the left side.
- 4.1.3 The maps shall be prepared by a surveyor and the plans by a professional engineer and they shall sign and seal their respective drawings.
- 4.1.4 All maps and plans shall be clear and legible and on sheets 24" by 36".
- 4.1.5 Each map and plan (except for vertical profiles) shall contain a north arrow which shall, when practical, be consistent on all drawings and shall be to the top, or right side of sheet depending upon the shape of the subdivision. The type of north used shall be clearly marked. When the parcel is within 1000 feet of a Connecticut grid point, Connecticut Grid North shall be used.
- 4.1.6 All sheets shall contain a title block with the following:
- a) Statement of subdivision or resubdivision as applicable.
 - b) The name of the subdivision (which shall not have been previously used in the Town or be so similar to a previously used name as to cause confusion).
 - c) The words "Pomfret Connecticut".
 - d) Name and address of the owner of the tract.
 - e) Date of preparation of the map and revisions thereto.
 - f) Identity of person or company who prepared or was responsible for preparing each sheet.
- 4.1.7 Drawings submitted for filing after approval shall have a seal showing compliance with

State filing regulations and be on sheets 24" by 36".

- 4.1.8 If the proposed subdivision is divided into sections or is of such size that more than one sheet is required, an index map clearly showing the entire subdivision and the relations between sheets shall be provided.
- 4.1.9 Each map or plan, or the first page of each numbered set of maps or plans, shall contain a signature block entitled "Approved by the Pomfret Planning Commission" with a designated place for the signature of the Chairman and the date of signing.
- 4.1.10 Such additional notes or modifications as may be required by the Commission, such as information to show compliance with these Regulations.
- 4.1.11 The Commission may require that some notes be contained within the lot to which they apply or there shall be a reference contained within each lot stating which notes refer to the lot. (For example: "Notes 2,3,5,7 apply to this lot".)
- 4.1.12 Signature blocks not required by these Regulations shall be removed from all maps and plans.

4.2 Location map

The location map shall show the following at a scale of 1" = 1000'.

- 4.2.1 Boundary of the subdivision, adjacent roads, names of roads.
- 4.2.2 Locations of soil types as given in the "Soil Survey of Windham County, Connecticut".
- 4.2.3 The location map shall be located on the same sheet as the record subdivision map whenever possible.

4.3 Property history map

The property history map shall show the parcel of land existing on May 1, 1968 of which this subdivision is a part and all divisions of that parcel since. (May 1, 1988 is the date of adoption of subdivision regulations in the Town.)

- 4.3.1 Scale of 1"= 200'. (corresponding to the assessors maps)
- 4.3.2 A table including dates and names of grantees and grantors for all transfers of related land and easements following May 1,1968.
- 4.3.3 Existing property lines and road right of way lines, including those for land trust preserves and Town open spaces within 500 feet of the perimeter boundary of the area to be subdivided.

4.4 Record subdivision map

The record subdivision map shall contain the following:

- 4.4.1 A scale of 1" = 40' or 1" = 100'.
- 4.4.2 Where appropriate, a signature block entitled "Approved by the Pomfret Inland Wetlands Commission" with a designated place for the signature of the Chairman of that Commission and date of signing.
- 4.4.3 The survey relationship of the tract to monuments used in the survey.
- 4.4.4 Names of all owners of property abutting the tract, and the Assessors map and lot numbers for all such properties.
- 4.4.5 Proposed lot numbers, as directed by the Town Assessor's Office.
- 4.4.6 The area and dimensions of each lot.
- 4.4.7 Name, width and locations of existing and proposed property lines, roads, walks and other rights of way or easements. This includes those for utility lines, sewers, septic systems, storm sewers, water mains, catch basins, culverts, other underground structures, buildings, monuments and water courses within and adjacent to the area to be subdivided.
- 4.4.8 Land Trust Preserves, Town open spaces, parks and playgrounds within the tract.
- 4.4.9 Any reserved areas for watercourses and wetlands protection or for conservation areas.
- 4.4.10 Any conveyances or easements shall be noted
- 4.4.11 If there is required work as part of the subdivision, a signature block entitled "Expiration date per Sec. 8.26c, Connecticut General Statute" with a designated place for such date.

4.5 Site analysis map

The purpose of the site analysis map is to enable the Commission to evaluate the impact of the proposed subdivision on the land that is the subject of the Application, on neighboring parcels, and all the natural and historic resources and features of the area. The site analysis map shall contain and conform to the following:

- 4.5.1 A scale of 1" = 40'.
- 4.5.2 Where so much information would be drawn on one sheet as to make reading the sheet confusing, the information required on the site analysis map may be placed on more than one sheet as long as information on one can easily be related to information on the

other.

- 4.5.3 Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA. A note saying “Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps”. When a subdivision does not include land within the 100-year flood hazard area, the map shall include the following notation: “This subdivision does not include land areas within the Federal Emergency Management Agency’s 100-year flood hazard area.”
- 4.5.4 Existing and proposed contours at two-foot intervals or at intervals as required by the Commission. The Commission shall require Class T-2 or T-3 accuracy for the topographic data. Additional spot elevations may be required where necessary to indicate drainage patterns.
- 4.5.5 Locations of wetlands and watercourses as delineated in the field by an appropriately certified soil scientist.
- 4.5.6 Signature block for the soil scientist certifying that all wetland and watercourses have been delineated or that there are none on the property.
- 4.5.7 Boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Environmental Protection.
- 4.5.8 Wooded areas, specimen trees exceeding 30 inches dbh (diameter at breast height, 5 feet above the ground), rock outcroppings and any unique and fragile natural features.
- 4.5.9 Stonewalls and monuments, and other structures having an historical significance.
- 4.5.10 Archaeological sites including those known to the State Archaeologist’s Office. The Commission may require the Applicant to submit a report from the State Archaeologist’s Office.
- 4.5.11 Historic buildings and sites listed on the National Register of Historic Places.
- 4.5.12 Location of existing and proposed buildings and structures and the number of bedrooms in each.
- 4.5.13 Location of proposed wells and water sources for each lot, keyed to the Sanitary Report required by Section 10 of these Regulations.
- 4.6.14 Location of percolation test holes and deep hole tests for each lot, keyed to the Sanitary Report required by Section 10 of these Regulations.

- 4.5.15 Location of proposed septic-leach field systems and reserve fields, showing distances to adjacent land, distances from all wells within 200' (on or off the tract), and distance from any manure handling systems.
- 4.5.16 The location of proposed drainage facilities and any points of drainage discharge onto or off of the site.
- 4.5.17 Existing and proposed road and lot lines.
- 4.5.18 Areas proposed for preservation as open space.
- 4.5.19 The information required in Section 4.6, construction plans, may be included on the site analysis map.

4.6 Construction plans

Construction plans shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

- 4.6.1 A signature block entitled “Reviewed by the Town Engineer” with a designated place for the signature and date;
- 4.8.2 Where there is required work as part of the subdivision, a signature block entitled “Approved by the Pomfret Board of Selectmen” with a designated place for signature and date of signing;
- 4.6.3 Horizontal scale of 1 inch = 40 feet and a vertical scale of 1 inch = 4 feet. Where detail becomes too crowded to read the Commission may require a larger scale.
- 4.6.4 Plan, profile and typical cross section drawings of all proposed structures. This includes but is not limited to roads, storm drains, sanitary sewers, catch basins, manholes, ditches, road cross sections, water courses, headwalls, sidewalks, gutters, curbs and utilities.
- 4.6.5 Profile drawings and elevations shall be based on official Town, State or United States Geological Survey topographic benchmarks or other permanent bench marks approved by the Town Engineer. The benchmarks used shall be noted on the plan.
- 4.6.6 For roads, the existing grades at the center line and both road lines and the proposed grade at the center line at appropriate intervals, road lines; and width of pavement; a typical road cross section; and a cross section at all cross culverts.
- 4.6.7 Top of frame, invert, slope and size of all pipes, ditches, utility conduits, culverts, manholes, catch basins, headwalls, and water courses; typical ditch and watercourses cross sections.

- 4.6.8 The location of lot lines intersecting the road line.
- 4.6.9 Curbs, gutters, water mains, hydrants, gas lines, sewer lines and other road structures.
- 4.6.10 Detailed drawings of any bridges, box culverts, deep manholes, and other drainage structures.
- 4.6.11 Provision for temporary or permanent storm water detention.
- 4.6.12 Erosion and sediment control plans and a signature block with the wording "The Pomfret Planning Commission Certifies that this erosion and sediment control plan complies with the Pomfret Subdivision Regulations"

5. EROSION AND SEDIMENT CONTROLS PLAN

5.1 Applicability

Erosion and Sediment Control Plans for required work shall be submitted as part of the subdivision Application package.

5.2 Erosion and Sediment Control Plan

Erosion and Sediment Control Plans shall be provided to control erosion and reduce sedimentation as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. A subdivision or resubdivision involving construction of roads, drainage and other improvements, involving a disturbed area of one half (1/2) acre or more is required to have a certified Soil Erosion and Sediment Control Plan in effect prior to, during and upon completion of construction, development and grading. As a minimum, drawings shall be drafted according to the standards set forth in Section 5.3 of these Regulations.

5.3 Information and requirements

The Erosion and Sediment Control Plan shall contain the following:

- 5.3.1 A narrative describing the development and time schedule for the project;
- 5.3.2 all major construction activities indicating their anticipated start and completion times;
- 5.3.3 stabilization of disturbed areas;
- 5.3.4 grading operations;
- 5.3.5 applying erosion and sediment control measures and facilities on the land.
- 5.3.6 design criteria, construction details, detailed installation/Application procedures and

maintenance programs.

- 5.3.7 A site plan to reveal:
- a) existing and proposed topography;
 - b) in disturbed areas, topography contours shall be shown at two (2) foot intervals based upon a field survey;
 - c) proposed site alteration and disturbed areas including cleared, excavated, filled or graded areas;
 - d) location of and description of erosion and sediment control measures and facilities;
 - e) topsoil stock pile location;
 - f) anti-tracking pad for construction entrance.

5.4 Minimum acceptable standards

Soil erosion and control plans shall meet the following standards:

- 5.4.1 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 sedimentation 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.
- 5.4.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.
- 5.4.3 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.

5.5 Certification

The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations. Nothing in these Regulations shall be construed as extending the time limits for the approval of any Application under Chapters 124, 125a or 126 of the General Statutes.

5.6 Conditions

Conditions relating to soil erosion and sediment control.

- 5.6.1 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Planning Commission may require a performance guarantee as set forth in Section 2.5 of these Regulations to ensure completion of erosion and sediment control measures.

5.6.2 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

5.7 Inspection

5.7.1 The Commission or its authorized agent may inspect sediment and erosion control measures during development to ensure compliance with the certified plan.

5.7.2 The Commission or its agent may require progress reports and verification that control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.

5.7.3 The Commission or its agent may issue a Stop Work Order if soil erosion and sediment control measures are not being carried out as required by these Regulations and any certified Control Plan. The Commission or its agent may order in writing the remedying of any condition found to be contrary to these Regulations or the certified Control Plan.

6. SPECIAL FLOOD HAZARD AREAS/FLOODWAYS

6.1 Special Flood Hazard Areas/Floodways

When the subdivision includes land in a special flood hazard area or regulated floodway, the lots, roads, drainage and other improvements shall be reasonably safe from flood damage and shall conform to the Pomfret Flood Plain Management Ordinance and to the following:

6.1.1 The lots shall be laid out and all improvements shall be constructed in a manner consistent with the need to minimize flood damage within the special flood hazard area and shall be capable of use without danger from flooding or flood related damages.

6.1.2 All utilities and facilities, such as sanitary sewer systems, water supply systems and electric and gas systems, shall be located and constructed to minimize or eliminate flood damage.

6.1.3 The storm drainage shall be designed to reduce exposure to flood hazards.

6.1.4 Roads shall be of such elevation or shall be suitably protected so as to allow reasonable emergency access during flood conditions.

7. PUBLIC OPEN SPACE

7.1 Required Open Space

The Commission may require that up to 15% of the original parcel be reserved for public open space.

7.2 Basis for choice of Open Space

The land so reserved shall be evaluated by the Commission on the basis of its value in:

- 7.2.1 protecting and conserving endangered natural, and historic resources including flood plains, wetlands, streambelts, ridge tops, rock outcroppings, stone walls, specimen trees exceeding 30 inches dbh (diameter at breast height), prime and important farmland soils as defined by the Soil Conservation Service or other unique and fragile features.
- 7.2.2 enhancing the quality of life.
- 7.2.3 creating recreational opportunities including hiking.
- 7.2.4 establishing buffer areas between adjoining land uses.
- 7.2.5 establishing linkages connecting open spaces.
- 7.2.6 adding to the existing open space.
- 7.2.7 providing for parks and playgrounds.

7.3 Access

Where required by the Commission, such reserved land shall be accessible from a public road.

7.4 Easement or fee interest

Such land shall be permanently protected by a conservation easement preventing or limiting further development or by the transfer of a fee interest. The beneficiary of the easement, or the recipient of the fee interest, may be a land trust organization such as the Windham Land Trust, the Town, an association of all the owners of lots within the land subject to the Application, or other organization, approved by the Commission.

7.5 Fee in lieu of Open Space

The Commission may authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the Town in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. 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 and placed in a fund in accordance with the provisions of Section 8-25b of the Connecticut General Statutes .

7.6 Open Space exemptions

The open space requirement of this Section, shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to 20 percent or more of the total housing to be constructed in such subdivision.

8. SOLAR ACCESS

8.1 Consideration of passive solar energy

The subdivider shall establish in the Application that in the preparation of the final subdivision plan the Applicant has considered the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer after considering tax credits, subsidies, and exemptions. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season.

8.2 Passive solar energy techniques.

The site design techniques shall include:

- 8.2.1 House orientation. It is recommended that proposed house locations should be shown with the long axis east-west.
- 8.2.2 Road and Lot layout.
- 8.2.3 Vegetation.
- 8.2.4 Natural and manmade topographical features.
- 8.2.5 Protection of solar access within the development

9. DESIGN AND CONSTRUCTION STANDARDS

9.1 General

Proposed subdivisions shall be designed, constructed and inspected in accordance with

the standards herein specified and in accordance with the Town of Pomfret Road Ordinance. In cases not covered by these regulations or the Road Ordinance the “Public Improvement Specifications” (1988 Edition) of the Northeast Council of Governments, as amended, shall be applied.

9.2 Lots

Proposed building lots shall be of such shape, size, location, topography, and character that the buildings can be constructed reasonably and so that the lots can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock, shallow depth to bedrock, or other conditions shall be combined with another lot or lots that are suitable, which may result in a reduction of the total number of lots. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary regrading, and to preserve substantial trees, woods, and inland wetlands.

9.2.1 The numbering of lots shall be approved by the Town assessors office.

9.2.2 In so far as practical, the side lot lines of all lots shall be at right angles to the road on which the lot faces or shall be radial to the road line.

9.2.3 Lots shall be graded to prevent ponding of water on the lot after construction of roads, drainage and buildings is completed. Where filling of lots for final grading is required, compactible fill, and topsoil as required for lawn or plant growth, shall be used. Tree stumps, logs, other decomposable material or building debris shall not be used as fill material. When rocks or boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities or underground utilities and shall be so deposited that, in the opinion of the Town Engineer or his duly designated representative, voids likely to cause undue declivity will not be created,

9.2.4 Each lot shall have usable and accessible frontage on a Town accepted road or an approved and bonded subdivision map. The frontage shall be in a location which will support a driveway meeting all Town regulations.

9.3 Road classification

Roads within or abutting the subdivision shall be classified as follows:

- a) Principal Arterial: Serves interstate and statewide traffic. (None in Pomfret, closest is I-395)
- b) Minor Arterial: Serves statewide and inter-county travel.(Rte. 44 and Rte. 101)
- c) Major Collector: Serves inter-county travel, (Rte. 97, Rte. 244, Rte. 169)
- d) Minor Collector: Carries traffic from local roads to major collectors and arteries. (Cherry Hill Rd., Brooklyn Rd., Searles Rd, Wrights Crossing Rd, River Rd,

Stickney Rd, Quasset Rd)
e) Local Road: All other roads.

9.4 Road Names

Roads shall bear names which do not duplicate or closely approximate in spelling or sound the existing road names in the Town. Names shall be historic or descriptive. Roads which extend in alignment with existing roads shall bear the same name as the existing road. All road names shall be subject to the approval of the Commission.

9.5 Road planning

Proposed roads and rights of way shall be planned in such a manner as to provide safe and convenient access to proposed lots, with due consideration for accomplishing an attractive layout and development of the land in the subdivision and in the neighborhood,

- 9.5.1 Roads should in general follow the contour of the land and shall have a location and grade which preserves the natural features in the subdivision and which enhance property values in the neighborhood.
- 9.5.2 Proposed local roads and rights of way shall be planned to discourage through traffic but also to provide a safe and convenient system for prospective traffic in the neighborhood around the subdivision and shall be planned to provide for continuation of existing roads in adjoining areas and for projection an adjoining properties when subdivided.
- 9.5.3 Collector roads shall be planned where necessary to coordinate with the Comprehensive Plan of Development for the Town and neighborhood, and where necessary as a feeder road to a neighborhood.
- 9.5.4 Road lines on each side of a proposed road shall be parallel or shall be concentric arcs, except at intersections and turnarounds.

9.6 Access via existing roads

Existing roads along the frontage of subdivisions shall be improved, from the center line to the subdivision, to meet the standards for new subdivision roads. The distance between the center of the road and property lines along the road shall be one-half of the right of way requirements for new roads.

- 9.6.1 The road to which the proposed road connects shall be of sufficient width and have a suitable travel way, grade, and alignment as determined by the Commission to provide adequate access for fire protection and other emergency utility and highway maintenance services to the subdivision and sufficient to accept the traffic to be generated by the proposed road without undue hazards to vehicles and pedestrians.
- 9.6.2 Any proposed road in a subdivision shall connect to an existing Town road or State highway or to another road in the proposed subdivision or to a road in another

subdivision approved by the Commission where the applicant has access rights.

9.7 Intersections

The following shall apply to road intersections:

- 9.7.1 The first 60 feet of a road starting at the centerline point of intersection shall be straight and have a maximum grade of 4 percent.
- 9.7.2 No road shall intersect or meet another road at an angle of less than 75 degrees.
- 9.7.3 Except for cross roads whose center lines pass through a single point, no centerline of an intersection of any road shall be closer than one hundred fifty (150) feet to any other road's centerline point of intersection.

9.8 Road widths

All roads classified as local shall have a 50 foot right of way and a pavement width of at least 22 feet measured from edge of pavement or inside face of curbing. All roads classified as minor collector shall have a 60 foot right of way and a pavement width of 26 feet measured from edge of pavement or inside face of curbing. Major collectors and arterial roads shall be designed to State standards.

9.9 Cul-de-sacs

Cul-de-sacs shall have a maximum length of 1000 feet. Where longer roads are required to develop a tract, the road may be formed into a loop. The terminating circle shall have a right of way radius of 60 feet and a pavement radius of at least 50 feet.

9.10 Signs

Road name signs and traffic control signs shall be installed as approved by the Board of Selectmen.

- 9.10.1 Such signs shall be of a design and material approved by the Board of Selectmen.
- 9.10.2 Road name signs shall be installed at all road intersections.
- 9.10.3 All signs shall be in place prior to the occupancy of any structure on a new road.

9.11 Road trees

The Commission shall require that road trees be planted forty (40) to fifty (50) feet apart on both sides of any road, subject to variations made necessary by driveways, road corners and walks. Placement shall be as determined by the Commission.

- 9.11.1 Trees to be planted shall have a minimum height of 10 feet and a minimum dbh (diameter at breast height) of 3 inches. They shall be planted, protected and maintained using good horticultural practices.

- 9.11.2 The species of trees shall be subject to the approval of the Commission.
- 9.11.3 Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front ten (10) feet of the proposed lots.
- 9.11.4 Existing trees along the proposed road which conform to these requirements may be substituted for new trees at the discretion of the Commission.
- 9.11.5 Where the existing road trees have aged to the point of deteriorating, new road trees shall be planted in-between the existing trees and it may be required to trim the existing trees to permit growth of the new trees.
- 9.11.6 Where the existing road trees are to be removed new road trees shall be planted.
- 9.12 Storm drainage**
Storm drainage shall be designed and constructed in accordance with the following standards:
- 9.12.1 Pipe and Ditches: Sufficient pipe and ditches shall be installed within the subdivision to carry existing watercourses, other than rivers and wide streams, and to drain the proposed lots, roads, and roads which may reasonably be expected to be constructed at some future date on adjoining property for water flow which would normally drain across the area of the proposed subdivision. If in its judgment there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the continuance of existing water courses in their established courses and may permit the discharge of storm water in open ditches.
- 9.12.2 Buried Pipes: All storm water from the road drainage system shall be carried in adequately buried pipe within a distance of 150 feet from a curb line of existing or proposed roads. All ditches and storm drainage piping shall be sufficient to carry properly one hundred year storm water flow rates expected to enter the ditch or pipe from the proposed subdivision and from other properties in the watershed which, when fully developed, can be expected to drain across the area of the proposed subdivision. All storm sewer outlets within easements on private property shall be piped beyond the proposed construction on the site and at least 150 feet beyond the road line unless otherwise directed by the Planning Commission.
- 9.12.3 Discharge: The discharge of all storm water from the subdivision shall be into suitable natural watercourses or into Town or State drains, ditches or other Town or State 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.
- 9.12.4 Water Channel Lines: Building lines may be required along any stream or river for the

purpose of preventing encroachment upon and constriction of the natural water channel by buildings, filling operations, or other facilities and construction. When required, a note shall be placed on the Record Subdivision Map explaining the building lines and stating the restrictions against encroachment upon the channel.

- 9.12.5 A settling basin may be required by the Town Engineer if it is deemed necessary to prevent silting of streams, wetlands, or other areas contiguous to the drainage outlet and/or to reduce the rate of runoff to pre-construction conditions.

9.13 Foundation drainage

Where footing drains can not be provided which will gravity drain to daylight, there shall be a note so stating, and also stating that pumped drainage may be required.

9.14 Driveways

Each lot shall be designed so that its frontage may contain a driveway conforming to these Regulations. No more than two lots shall share a driveway. Driveways shall intersect roads at an angle of approximately ninety degrees.

- 9.14.1 Wherever possible driveways shall be laid out so as to minimize curb cuts and to minimize entrances on to heavily traveled roads. Two adjoining lots are encouraged to share one common curb for their driveways. Appropriate easements shall be filed for both lots to provide for use of the common driveway curb cut.

- 9.14.2 The minimum sight distance in both directions along the road being entered shall be: single or two family use: 275 feet; More intense uses: 350 feet. Sight distances shall be measured from a viewing point 42 inches above the proposed driveway and 10 feet back from the edge of the traveled way to an object 42 inches above the road. Sight line to be 6 inches above grade at all points

- 9.14.3 Driveways shall have an all weather travel surface not less than 10 feet wide. The minimum construction standard shall be 10 inches of compacted gravel.

- 9.14.4 The maximum driveway grade shall be 15 percent. All portions of the driveway with grades greater than 10 percent shall be paved.

- 9.14.5 Every driveway shall be designed so that an automobile may turn around on the lot and enter the road head on.

9.15 Driveway aprons

Each driveway shall have a paved apron with a minimum length of 10 feet. Where the lot line is farther than 10 feet from the traveled way, the apron shall extend back to the lot line. The paved apron shall be flared out with a minimum of 5 feet radius arcs on each side so that the paved apron is 20 feet wide where it contacts the traveled way.

- 9.15.1 The paving shall be supported by a minimum of 10 inches of compacted gravel.
- 9.15.2 In addition to the paved apron, where the driveway meets the road, the land inside of a 15 foot radius arc on each side of the driveway shall remain clear and shall have an adequate gravel base, minimum of 6 inches, so that an emergency vehicle may use that area at any time of year for entrance to the driveway.
- 9.15.3 For a distance of 20 feet back from the edge of the traveled way the driveway shall not slope up or down more than 1 .5 feet.
- 9.15.4 Where the land slopes down from the road the apron shall have a crest curve 6 inches higher than the road gutter.
- 9.15.5 Where the land slopes up from the road the driveway shall be designed so that water run off from the driveway and lot does not damage or create safety problems in the traveled way. Not more than 1000 square feet of driveway and lot area shall drain from the apron onto the public right of way.

9.16 Monuments

Monuments shall be provided on both road right-of-way lines at all angle points and points of curvature and tangent. At least two monuments shall be provided for each 800 feet of road. Monuments shall be made of concrete and shall be not less than five (5) inches square by 30 inches length with a suitable marked top. Each monument shall be set in place, after all road construction is completed, with the marked point set on the point of reference. Lot corners shall be marked as specified for a Monumented Property Survey by the Connecticut Association of Land Surveyors.

9.17 Utility lines

New electric, telephone, television cable and other utility wires shall be installed underground. Wherever possible such underground utilities shall not be located under the road pavement. Overhead utility wires may be used where the existing service is overhead and no new poles would be required to provide service to a proposed house site.

- 9.17.1 Where new roads are to be constructed cross culverts for utilities shall be shown on construction plans and installed as directed by the appropriate utility company during construction of the road. Culverts shall be installed and inspected before final grading and paving.

9.18 Fire ponds

Where deemed necessary by the Commission and the town Fire Marshal, fire ponds of adequate depth and capacity shall be provided in appropriate locations.

9.19 Supervision and inspection

Construction of all required improvements shall be carried out under the supervision of the Board of Selectmen or its authorized agent. The Board or its agent shall have free access to the construction work at all times and shall be authorized to take material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Board may require the Applicant, at the Applicant's expense, to have such tests made and certified by a professional engineer.

9.20 Maintenance

The subdivider shall maintain all improvements and provide for snow removal on roads, until acceptance of the improvements by the Town.

9.21 Easements

Easements for access to and use of land, or other necessary rights or restrictions on use of land, outside of a road right of way shall be provided as required or approved by the Commission and shall be shown on the Record Subdivision Map with adequate survey information, so that the land subject to easement may be accurately located by field survey. Easements may be required in the following types of cases as applicable to the particular subdivision:

- 9.21.1 For access to bridges and culverts by construction and maintenance equipment; not less than 20 feet wide.
- 9.21.2 For storm water pipes, and water mains and sanitary sewers and appurtenances; not less than 20 feet wide.
- 9.21.3 For use and access to storm water detention basins, retention basins and fire ponds; not less than 20 feet wide.
- 9.21.4 For identification of points or areas of storm drainage, spillage rights from roads when storm drainage conduits are not to be installed.
- 9.21.5 Temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed road.
- 9.21.6 Sight-line easements across corners of lots at all road intersections to assure safe line of sight on the road.
- 9.21.7 Easements at least 10 feet in width for pedestrian ways to open spaces, parks, playgrounds, schools and other public or semi-public places where the road system does not conform to a convenient pattern of pedestrian circulation.
- 9.21.8 For bikeways (non-motor) or horse riding trails as part of a plan and program for a neighborhood.

- 9.21.9 Where the right of way of any road adjoining a proposed subdivision is less than 50 feet wide or where any proposed subdivision has frontage on the inside of any curve, the Commission may require an easement for highway purposes, to allow widening or straightening such road.
- 9.21.10 Easements may also be required for storm water pipes and facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. They shall also be required where natural prescriptive drainage rights must be altered by land subdivision.
- 9.21.11 Easements for pipe systems shall be located so that the pipe is positioned at least 5 feet from the boundary of such easement, unless otherwise directed by the Commission.
- 9.21.12 Easements for sight-line shall be established and deeded so that these areas can be maintained to assure adequate sight-line distances.

10. WATER SUPPLY AND SANITARY REQUIREMENTS

10.1 Evidence of suitability

It is the responsibility of the Applicant to prove that adequate provision has been made for water supply and sewage disposal for each lot and its proposed use.

- 10.1.1 Water supply and sewage disposal shall conform to the Connecticut Public Health Code and the latest revision of the Technical Standards.
- 10.1.2 Development should not be proposed in a manner or density to cause degradation of the ground water quality below drinking water standards based upon the normally expected waste water dilution.
- 10.1.3 The Town Health Authority shall approve the subdivision concept with regard to all septic and water supply systems prior to subdivision approval. The Town Health Authority shall confirm that the test pits as numbered correspond to testing in the field. When the subdivision plan is changed after initial Town Health Authority approval the Commission may require re-approval by Town Health Authority.

10.2 Water supply

Where water supply is proposed from a public water supply system or where the lot is within 200 feet of an existing public water supply system, the applicant shall submit a letter, from the Town Health Authority or the State Health Department, approving the use of the public water supply for the Subdivision. Where private water supply is proposed the following shall apply:

- 10.2.1 Prior to subdivision approval and prior to the drilling of any wells, the applicant shall

submit a letter from the Town Health Authority certifying that the subdivision plans meet the appropriate separating distances and are satisfactory for the installation of private water supplies.

- 10.2.2 Where private wells are proposed they shall be drilled and tested for adequate quantity and quality of water prior to subdivision approval or the record subdivision map shall have the following note: "The ability of this lot to provide potable water has not been demonstrated."
- 10.2.3 In areas of groundwater contamination or where previous land use may cause well water problems as determined by the Commission, the Commission may require the drilling of test wells prior to subdivision approval to prove that adequate quantity and quality of water are available.
- 10.2.4 Adequate quantity and quality of water shall be determined by the Town Health Authority in accordance with the current State regulations.
- 10.2.5 No well location shall be approved or permitted unless the distance of the proposed well location from the closest lot line is equal to or greater than the Well Setback Distance, as defined in this section. The Well Setback Distance shall be the sum of (1) the minimum distance required by the Public Health Code between the well and any portion of a subsurface sewage disposal system, and (2) twelve feet. **(Amended April 11, 2001)**

10.3 Single family sewage disposal

For single family residences with on site sewage disposal the following shall apply:

- 10.3.1 The subdivision plan shall state the number of proposed bedrooms.
- 10.3.2 The applicant shall have the Town Health Authority review the plans and submit a letter of approval indicating that the proposal meets the current Connecticut Public Health Code. The letter of approval shall include the following:
 - a) Clear reference to the subdivision plan including the last revision date.
 - b) Description of the lots as presented on the plan noting any additional requirements or reevaluations which need to be conducted.
 - c) Structural size and lay-out of the system and the number of bedrooms proposed.

11. DEFINITIONS

11.1 Individual words

Certain words used in these Regulations are defined and explained as follows:

Applicant	The person proposing a subdivision.
Board	The Board of Selectmen of the Town.
Building	Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.
Commission	The Pomfret Planning Commission.
Disturbed Area	An area where the ground cover or topsoil is destroyed, moved, or removed.
Erosion	The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
Flood	The terms “base flood”, “base flood elevations”, “floodway” and “Special Flood Hazard Area” as used in these Regulations are defined in the Town Flood Plain Management Ordinance as follows: (100 year flood) The flood having a one percent chance of being equaled or exceeded in any given year.
Base flood	Base flood elevation The particular elevation of the base flood as specified an the Flood insurance Rate Map.
Floodway	The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in Pomfret; the regulated floodway is delineated on the Flood Boundary and Flood Insurance Rate Map, which is a part of the Plan of Development prepared by the Commission.
Special Flood Hazard Areas	Consist of Zones delineated on the map entitled “FIRM: Flood Insurance Rate Map, Town of Pomfret Connecticut, Windham County” prepared by Federal Emergency Management Agency, which map is a part of these Regulations.
Inspection	The periodic review of construction of a subdivision.

Town Health Authority	Pomfret Town Health Authority.
Person	Includes natural persons, corporations, partnerships, firms, associations or any other legal entity.
Professional Engineer	A person licensed as an engineer by the State of Connecticut and having expertise in the relevant subject matter as set forth in these Regulations.
Open Space	Any land designated for land preserve, park, or playground purposes in a location approved by the Planning Commission.
Resubdivision	Change in a map of an approved or recorded subdivision or resubdivision if such change: (a) affects any road 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.
Required work	The grading and improvement of roads and lots and the provision of public utilities and services which is proposed to be done by the applicant or as may otherwise be required by the subdivision approval.
Road	Road, avenue, boulevard, street, lane, highway or any other thoroughfare between taking lines or right of way lines which is improved to allow the safe movement of traffic, and which will handle storm water drainage adequately. An accepted road is one which has become public by virtue of dedication to and acceptance by the Town.
Sediment	Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion.
Soil	Any unconsolidated mineral or organic material of any origin.
Soil Erosion and Sedimentation Control Plan	A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.
Soil Scientist	A person with the appropriate state license or certification.
Road Profiles	A plan-profile of new roads, showing existing grades and new road profiles, cross-sections, center line data, vertical curves, and drainage and utilities data, coordinated by stations, together with such additional information as may be required by the Commission.

Structure	A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground including walks.
Subdivider	An Applicant for approval of a subdivision or resubdivision plan, who shall be the owner of record of the premises to be subdivided or resubdivided, or who shall have a legal or equitable interest therein, at the time of the Application for approval of such plan.
Subdivision	The division of a tract or a parcel of land into three or more parts or lots made subsequent to the adoption of Subdivision Regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.
Surveyor	A person licensed to perform land survey work in the State of Connecticut.
Town	The Town of Pomfret, Connecticut.
Walkway	A sidewalk, path, trail, way or any easement which provides for the movement of pedestrian or other non-motorized traffic.
Watercourses	The term "Watercourses" shall have the meaning set forth in the Inland Wetland and Watercourses Regulations of the Town.
Wetlands	The term "wetlands" shall be as defined in the Inland Wetland and Watercourses Regulations of the Town.