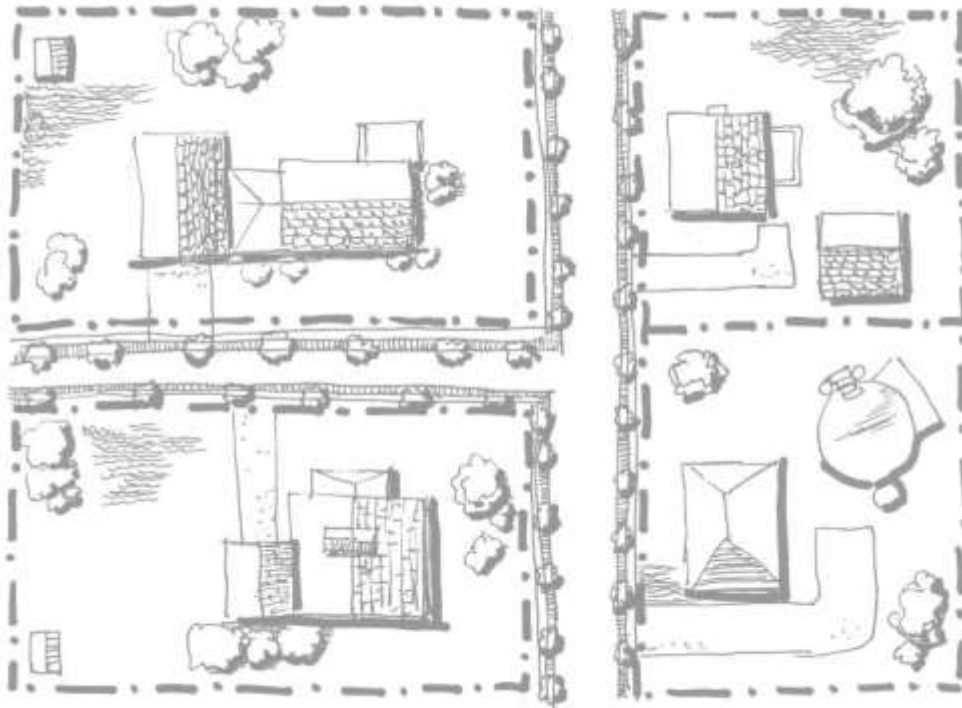




SUBDIVISION REGULATIONS



Town of Stratford
Stratford Planning Commission
Amended to November 27, 2012

SUBDIVISION REGULATIONS

REGULATIONS PROVIDING FOR LAND SUBDIVISION IN THE
TOWN OF STRATFORD, CONN.



EFFECTIVE FEBRUARY 1, 1956

(AMENDED to November 27, 2012)

Stratford Planning Commission

STRATFORD SUBDIVISION REGULATIONS

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CHAPTER I DECLARATION OF POLICY

Section 1. It is declared to be the policy of the Planning Commission to consider land subdivisions as a living part of the community and as part of a plan for the orderly development and growth of the Town of Stratford rather than as a more isolated aggregation of lots. In order that land subdivisions may be made in the best interests of the Town and in accordance with this policy and in order that adequate provisions may be made for the proper arrangement and development of streets, for open spaces, for recreation, light and air, for the avoidance of undue density of population, for access of fire fighting apparatus to property, and for proper drainage and sewerage facilities, these regulations are hereby adopted.

CHAPTER II DEFINITIONS

Section 1. For the purpose of identification, these regulations shall be known as the Land Subdivision Regulations of the Town of Stratford.

Section 2. When used hereafter in these regulations, the following terms are defined as follows:

- a. The word "Commission" shall mean the Planning Commission of the Town of Stratford
- b. The word "Subdivision" shall mean the division of a tract or parcel of land into three or more lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for agricultural purposes, and shall include resubdivision; "resubdivision" shall mean 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, or (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.

(AMENDED JULY 29, 1980)

- c. The word "subdivider" shall include any person, firm, corporation, partnership or association who shall lay out for the purpose of sale, rent, lease or development any subdivision or plat thereof as hereinbefore defined, either for himself or for others.
- d. The term "street" or "streets" shall mean and include streets, avenues, roads, boulevards, lanes or other ways.

- e. The term "dead-end street" is a street, or a portion of any street, which has no outlet at one end.
- f. The term "plat" shall be deemed to include plats wherever more than one plat of any subdivision is submitted to the Commission.
- g. The term "print" shall include a blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original plat from which it is made.
- h. The words "these regulations" shall mean The Land Subdivision Regulations of the Town of Stratford, Connecticut as the same are contained herein or any amendments thereto.
- i. The term "date of delivery of plan" shall be deemed as the day following the date of expiration of the appeal period for the subdivision approval.
- j. The term "open space" shall mean: land left in its natural, undisturbed state; land areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. *(AMENDED SEPTEMBER 26, 1995.)*

CHAPTER III GENERAL PROVISIONS

Section 1. REQUIREMENT OF SUBDIVISION APPROVAL.

No subdivision of land shall hereafter be made unless the same shall have been submitted to and approved by the Planning Commission.

Section 2. STATUTORY PENALTY.

Whoever, being the owner or agent of the owner of any land located within the jurisdiction of the Planning Commission, shall transfer, or sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Town Clerk, shall be fined not more than two hundred dollars, for each lot so transferred or sold; and the description of such lot by metes and bounds, or by courses and distances, in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the

transaction from such penalties. The Planning Commission may enjoin such transfer or sale.

Section 3. WAIVER OF REQUIREMENTS.

The Planning Commission shall be the only agency permitted to waive any requirement of these regulations as defined by Section 8-26 of the General Statutes (*AMENDED JULY 29, 1980*)

- a. The Commission may waive requirements under these regulations by a three-quarters vote of all the members of the Commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the waiver is sought under one or more of the conditions contained in the subdivision regulations. No waiver shall be granted that will have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted.

- b. **Conditions for waiver.** The Commission may waive requirements of these regulations upon request of the applicant, or upon initiation by the Commission where owing to conditions especially affecting the subject land, a literal enforcement of these regulations would result in a practical difficulty in its development, so that substantial justice will be done and the intent of these regulations secured. Conditions under which waivers may be considered shall be limited to the following:
 1. Topographic or geologic features making compliance with design standards as set forth in the subdivision regulations impractical:
 2. Size and shape of property making compliance with design standards set forth in the subdivision regulations impractical:
 3. Inability of public utilities to provide service.

In no case shall a waiver be granted without the Commission first receiving a report from the Town Engineer. (*AMENDED JULY 20, 1982*)

CHAPTER IV PROCEDURE IN SUBMITTING APPLICATION

Section 1. FORM OF APPLICATION.

- a. Application for the approval of any subdivision shall be made to the Clerk of the Planning Commission in writing upon such form as said Commission may prescribe and shall be accompanied by such plats, statements, and data as are herein prescribed. Such application shall be made in triplicate by the owner of the land to be subdivided or his lawful agent. If the subdivision is proposed by a developer who is not the owner of the land to be subdivided, but who will, upon its approval by the Commission, either acquire title to or deal with the subdivided' land, such application must be made jointly by the owner and the proposed developer of the land. An application fee shall be in an amount prescribed by the Planning Commission, and shall be paid to the Clerk of said Commission for the use of the Town at the time of filing such application. *(AMENDED JULY 29, 1980 , DECEMBER 15, 1987 AND AUGUST 8, 1993)*

Applications shall include the following items:

- 1.1 Completed written Application including:
 - a. Statement of Intent of Subdivider
 - b. Flood Zone determination,
 - c. Statement on Utilization of Solar Energy,
 - d. Staff sign-offs,
 - e. And any additional information required by the Commission and/or the Statutes.
- 1.2 Record Subdivision Plan (2 wash-off mylars, 4 prints on paper)
- 1.3 Site Plan (4 prints on paper)
- 1.4 Road Plan and Profile where appropriate (1 wash-off mylar, 4 prints on paper)
- 1.5 Soil and Erosion Control plan, consistent with the Town's current Soil Erosion and Sedimentation Control Plan requirements as contained in the current Zoning Regulations , if required
- 1.6 Proper subdivision fees
- 1.7 Where Inland-Wetlands exist on the property, evidence that the applicant has simultaneously applied for permits from the Inland-

Wetlands Commission

1.8 Where property falls within the Coastal Boundary, submission of a Coastal Site Plan Review application.

- b. At the time of filing such map and application the Clerk of the Planning Commission shall examine the same and ascertain that the application materials contain substantially the information required by these regulations, before the same shall be advertised for a public hearing as hereinafter provided.

Section 2. OBLIGATIONS OF APPLICANT.

In said application the applicant shall:

- a. Agree that he will cause to be filed the Record Subdivision Plat in the Office of the Town Clerk in accordance with the provisions of Chapter X, Section I of these Regulations, within 90 days from the date of delivery of the Record Subdivision Plat. (*AMENDED DECEMBER 15, 1987 AND AUGUST 8, 1993*)
- b. Agree that all street improvements in the subdivision required under these regulations to be completed by the applicant will be so completed by him within five (5) years of the date of the final approval of The Record Subdivision Plat.
- c. Agree to offer for dedication to the Town of Stratford within three months after the completion of such street improvements, such streets as are shown on said plat and such other spaces as the applicant proposes for public use.
- d. Agree to observe all other requirements of the Regulations Providing for Land Subdivision in the Town of Stratford.
- e. Agree to notify adjoining property owners of this subdivision petition and provide evidence of same to the Planning Commission as required under Chapter IV, Section 6.

Section 3. SUBMISSION OF SUBDIVISION PLAT.

Said application shall be accompanied by a Subdivision Plat, meeting the requirements of a Class A-2 Survey, prepared by a Land Surveyor licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. (*AMENDED AUGUST 8, 1993*)

Section 4. OBSERVANCE OF GENERAL SUBDIVISION REQUIREMENTS.

The preliminary subdivision plat shall be prepared and submitted in accordance with the general subdivision requirements contained in Chapter V hereof.

Section 5. SUBDIVISION PLAT REQUIREMENTS.

The Subdivision Plat shall be prepared in accordance with the provisions of Chapter VII hereof.

Section 6. NOTICE OF HEARING.

The Clerk of the Town Planning Commission shall cause public notice of the time and place of hearing on said application to be published within time frames prescribed in the Connecticut General Statutes. Such notice shall describe with reasonable certainty the location of the land which it is proposed to subdivide and the name of the owner thereof. A copy of said notice shall be mailed by registered or certified mail to the applicant. Additionally, the petitioner shall notify by mail adjoining property owners, explaining the requested subdivision. Said letters of notification must be mailed no later than fourteen (14) days prior to the public hearing thereon. Certificates of mailing must be obtained from the U.S. Post Office for each letter and presented to the Planning Commission at the public hearing.

Section 7. WHEN STATE MAY BE INTERESTED.

Whenever any proposed subdivision abuts any highway which is under the jurisdiction or control of the Connecticut State Highway Department, the Clerk of the Commission may within three days after the receipt of the preliminary map and application for approval transmit two copies thereof, together with all appurtenant data, to the Highway Commissioner, with a request that he submit to the Commission, prior to the date of the hearing any objections or recommendations relative to the proposed street intersections, locations, grades or drainage requirements he may desire to make.

Section 8. WHEN OTHER TOWNS MAY BE INTERESTED.

Within seven days of the date of receipt of the application, the Clerk of the Commission shall notify the clerk of any adjoining municipality by certified mail, return receipt requested, concerning any proposed subdivision in which: 1) Any portion of the property to be subdivided is within five hundred feet of the boundary of the adjoining municipality: 2) a significant portion of the traffic to the completed subdivision will use streets within the adjoining municipality to enter or exit the site: 3) a significant portion of the sewer or water drainage from the subdivision will flow through and significantly impact the drainage or sewerage system within the adjoining municipality: or 4) water runoff from the proposed subdivision will impact streets or other municipal or private property within the adjoining municipality. (*AMENDED AUGUST 8, 1993*)

Section 9. HEARING OF SUBDIVISION PLATS.

Said Commission shall determine whether the proposed subdivision is in conformity with the provisions and requirements of these regulations. It shall make such investigations and recommendations as may be deemed necessary to insure such conformity and to cause said map to more properly fit the requirements of the Town plan. Said Commission shall either approve or modify or disapprove said subdivision map within the period of time permitted under Section 8-26d of the General Statutes. Upon approval, approval as modified, or disapproval, such action and the date of such action shall be endorsed on the face of each paper print of the Subdivision Map by the Clerk of the Commission. If such map be disapproved the reasons therefor shall be stated in the written minutes of the Commission. The Clerk of the Commission shall within fifteen days of the Commission's action thereon return to the applicant one copy of the approved, approved as modified, or disapproved map with the Commission's action endorsed thereon, by registered mail and a duplicate copy likewise endorsed shall remain permanently in the files of the Commission. The letter of transmittal shall identify the date of delivery of the Plan at which time the Clerk would make available to the applicant all mylar copies that were submitted as part of the application, assuming the proper Performance Bond (Chapter IX) has been posted, and any other additional materials which do not need to remain in the Commission's files. The Commission shall at the time of its notice of approval of any plat, designate in writing such improvements as are within the Commission's discretion and the extent thereof, which it will require, in addition

to those imposed by the specific provisions of these regulations
(*AMENDED JULY 29, 1980 AND AUGUST 8, 1993*)

Section 10.

When a subdivision plat is disapproved for technical reasons, the Commission may, at its discretion permit the applicant to submit a revised map within 60 days without fee.

CHAPTER V - GENERAL SUBDIVISION REQUIREMENTS

Section 1. CONFORMITY TO THE TOWN PLAN.

All Subdivisions shall conform to the existing Town Plan as approved by the Planning Commission.

Section 2. RELATION TO ADJOINING STREET SYSTEM.

The arrangement of proposed streets shall in general provide for the continuation of the principal existing streets without offsets and with widths at least as great as those of existing streets. Where such straight continuations are not practical, continuations may be adjusted by reasonable curves or deflection angles, subject to the approval of the Commission. Where a subdivision touches or contains streets proposed on the existing Town plan, the layout within the subdivision shall conform thereto.

Section 3. STREET REQUIREMENTS.

- a. No street shall be proposed which shall be less than sixty (60) feet in width between property lines.
- b. Private streets, alleys and ways serving more than one dwelling shall not be permitted.
- c. Streets shall be required to intersect one another at as near to a right angle as is practicable, and no intersection shall be at an angle of less than 30 degrees unless necessitated by topographic conditions.
- d. Whenever any proposed subdivision shall adjoin another tract of acreage, streets that may logically be developed in the event of the future

subdivision of such adjoining acreage, shall be required to extend through to the boundary line of the adjoining acreage.

- e. Unless enclosed on two or more sides by serious natural obstacles, streets arranged in squares, ovals and circles, etc., must have at least two street connections at points substantially opposite to each other on the perimeter of such square, oval and circle. One of these street connections may extend to undeveloped acreage.

Section 4. RESERVED STRIPS.

No subdivision showing any reserved strips shall be approved.

Section 5. DEAD-END STREETS.

No dead-end street shall be permitted except when topographic or physical conditions make it impossible at the time to extend it or connect it with another proposed or existing street. In any such case a dead-end may be permitted, provided such dead-end street shall not exceed in length the frontage of ten lots per side and shall have a circular turnaround at its terminus with a radius of not less than 50 feet. No lot or part of lot may be placed in such a position as to prevent future extension of dead-end street.

Section 6. BLOCK DIMENSIONS.

- a. Intersecting streets shall be laid out at such intervals that block lengths between street lines are not more than 10 minimum lot frontages as required by the Zoning Regulations of the Town of Stratford for the area being subdivided, except when existing conditions in the opinion of the Commission justify a variation from this requirement. Minimum widths of blocks shall generally be not less than 200 feet between street lines in residential areas. The long side of blocks shall face the main or more important thoroughfare to reduce the number of intersections thereon.
- b. Pedestrian ways ten (10) feet in width may be required through blocks over 600 feet in length, or to connect dead-end streets, to provide easier access to parks, schools, playgrounds, or other public or semi-public places.
- c. Permanent easements may be required within blocks at the discretion of the Commission.

- d. The minimum block length shall be not less than four hundred (400) feet.
- e. Block widths shall be sufficient to permit two tiers of lots of sufficient size to meet the requirements of the Zoning Regulations of the Town of Stratford as in force at time of filing of application.

Section 7. LOT REQUIREMENTS.

- a. **LOTS.** All lots shall conform to the requirements of the Zoning Regulations of the Town of Stratford for the particular zone in which they are located.
- b. **LOTS PROHIBITED.** Lots without frontage on a street are prohibited. All lots shall be suitable for the purposes for which they are intended to be used and no area which is dangerous or injurious to health or subject to inundation shall be subdivided into individual lots for residential purposes. Any lot containing a stream bed shall have 35 feet added to its minimum width or depth, whichever is most nearly perpendicular to the direction of the stream. Full normal minimum lot width and yard depth shall be available without including the centerline of the stream. No lot other than corner lots having a frontage on two streets less than 200 feet apart will be approved except where topographic or other physical conditions so require.
- c. **SIDE LOT LINES.** Insofar as practicable, the side lines of all lots shall be at right angles to the street on which the lot faces or radial to curved street lines and when such an arrangement is not possible, the angular value between the side lot line and the street line shall be shown. Town boundary lines shall not be permitted to cross any lot, but shall be made to constitute one of the lot lines.
- d. **LOT NUMBERS.** All lots shall be numbered beginning with the numeral "1" and shall continue consecutively throughout the entire subdivision with no omissions or duplications. No fractions and no prefix or suffix such as "1A", "B-2" or "CC" shall be used. Adjoining and adjacent subdivisions having the same subdivision name shall not duplicate the numbers but shall continue the sequence of numbers used previously for the adjoining land. All lot numbers shall be conspicuous and centered in the approximate center of the lots in solid black numerals about one-quarter (1/4) inch high.
- e. **STREET NAMES.** All proposed streets shall bear tentative names which shall not duplicate the names used to designate any other street in the Town of Stratford. The tentative names of all proposed streets shall be

subject to the approval of the Commission. If any designation be in numbers, they shall be spelled out completely, using hyphens when necessary, in such form as "Forty-Second Street" and the words "Street", "Avenue" or "Boulevard" as the case may be shall be spelled out in full.

Section 8. OPEN SPACE REQUIREMENTS.

For all subdivisions containing five or more lots, the applicant shall provide on the subdivision plat land to be dedicated as open space which shall constitute at least 10% of the total acreage of the land to be subdivided. The land to be used for such open space shall be generally well-drained, and there shall be reasonable access to the land over nonwetland sections of the property. Additionally, such open space shall have a minimum of thirty-five feet of frontage on a Town approved road (or a new road in the proposed subdivision that will meet the Town's requirements for such roads), unless this property can be accessed through adjoining public land. No more than sixty percent of the open space land can be land that is regulated as inland or tidal wetland or land that would be classified as having a slope of 25% or greater, unless, in the opinion of the Planning Commission, the protection of such environmentally sensitive areas outweighs the need for other forms of usable open space for that particular subdivision or for the surrounding neighborhood. Such open space shall be of such overall character and shape that it will meet its intended purpose. The petitioner shall demonstrate to the satisfaction of the Planning Commission that the property will be held in a manner that will maintain it as open space in perpetuity.

As provided by State statute, the applicant may, with the approval of the Planning Commission, pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of meeting these open space requirements, subject to the provisions of Section 8-25 and Section 8-25b of the Connecticut General Statutes. Such payment or combination of payment and the fair market value of land transferred shall be equal to ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision, using the valuation method defined in Section 8-25 of the Connecticut General Statutes.

In cases where the open space to be normally dedicated for a subdivision is less than 10,000 square feet in area, the Planning Commission would prefer to entertain alternative methods for achieving the open space requirements, such as: a. payment of a fee in lieu of the open space set aside, b. dedication of open space parcels that are clearly owned and maintained exclusively by a homeowners association, or c. the use of oversized lots within the subdivision, on which easements and other restrictions prevent the use of this excess open space land for any building purpose.

Certain subdivisions, as defined in Section 8-25 of the Connecticut General Statutes, may be exempt from these open space requirements. In these cases,

the petitioner must demonstrate to the Commission how the proposed subdivision will comply with the conditions established for such an exemption.

(AMENDED SEPTEMBER 26, 1995, December 14, 2004, May 30, 2006, May 26, 2009.)

Section 9.

Where a subdivision touches or contains sites proposed for public buildings in the comprehensive plan of the Town of Stratford in force on the date the subdivision plat is filed, the layout of the site shall conform thereto.

Section 10.

The applicant must demonstrate to the Commission that he/she has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, as required under CGS 8-25(b). To meet this requirement, the applicant shall submit a Statement on Utilization of Solar Energy on forms prescribed by the Planning Commission. *(AMENDED JULY 4, 1990)*

Section 11. STEEP SLOPE MANAGEMENT.

- a. **Purposes.** Parcels of land characterized by steep slopes possess unique development constraints which require sensitive planning in the subdivision process. The Town's experience with past development has shown that the improperly managed disturbance of steep slopes can: 1) aggravate erosion and sedimentation beyond acceptable levels, resulting in loss of topsoil, a natural resource, and can result in disturbance of habitats, degradation of surface water quality, silting of wetlands, alteration of drainage patterns, obstruction of drainage structures and intensification of flooding and 2) lead to the failure of slopes and the mass movement of earth; rock and landslides, damage to the natural environment, man-made structures and personal safety; and the degradation of the aesthetics of the community. These regulations, consequently, are designed to reduce the risks to public health, safety, and welfare from unmanaged disturbance of steep slopes. The Town's regulations generally provide for flexibility in the siting of buildings and other facilities so that alteration of steep slope areas, and other environmentally sensitive lands, can be avoided. Nonetheless, the Town recognizes that alteration of steep slopes may be necessary in some cases. One purpose of this section is to establish regulations which prevent improper

alteration of steep slopes within subdivisions in Stratford. The intent is not to restrict general development in the Town, but to guide development into areas where they best enhance these natural resources and preserve the visual character of the land.

Regulation of development on steep slopes is consistent with the legitimate interests of landowners to make reasonable use of their land. This regulation encourages flexible subdivision design to avoid disturbance of steep slopes. The regulation also permits environmentally sound disturbance of steep slopes conducted in accordance with acceptable management and engineering practices to foster reasonable use of private property.

b. Definitions:

Moderately steep slopes - Ground areas of five hundred square feet or more possessing a slope greater than fifteen percent but less than twenty-five percent, measured along a horizontal plane.

Severely steep slopes - Ground areas of five hundred square feet or more possessing a slope of twenty-five percent or greater, measured along a horizontal plane.

c. Procedures for measuring slopes.

All areas of moderately steep slopes (15- 24%) and severely steep slopes (25% and above) shall be clearly delineated and marked on the site plan submitted with the subdivision application. Sources of all topographic and other survey data shall be identified on the plan map. The plan shall also show quantifications and calculations of land area which is considered to meet either of the steep slope definitions.

Steep slopes shall be determined by measuring at right angles to contour lines, using the following formula:

$$\frac{\text{Rise}}{\text{Run}} = \% \text{ Slope}$$

d. Treatment of steep slopes within subdivisions.

Grading of property, modification of natural slopes, and construction shall be discouraged within areas characterized as having severely steep slopes. Within areas of moderately steep slopes, limited development may be permitted when steep slope management standards are met and when the Commission

determines that the health, safety and general welfare of the town is protected and that the objectives of this regulation may be satisfactorily met. Modification of steep slopes shall be kept to a minimum. In order to enable the Commission to best decide compliance with the standards of this Subdivision Regulation, and especially with Chapter V, Section 11, sections a, d and f, a petitioner shall submit three alternative layouts for the Commission's consideration. Alternative subdivision layouts shall include varying placement of structures and lot lines, and, where appropriate, a reduction in the number of lots proposed.

e. Effect of steep slopes on erosion and sediment control plans

Where moderately steep slopes or severely steep slopes exist on property which is the subject of an erosion and sediment control plan submitted in conjunction with a proposed subdivision, the erosion and sediment control plan shall clearly describe how the provisions of this section will be met.

f. Standards

The following standards shall apply to any proposed disturbance of moderately steep slopes and severely steep slopes:

- (1) The planning, design and development of buildings shall provide the maximum in structural safety, slope stability, and human enjoyment while maintaining, to the extent feasible, the natural terrain and existing aesthetic character.
- (2) The terracing of building sites, including the mounding of septic tile fields, shall be kept to an absolute minimum.
- (3) Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion.
- (4) Site plans shall indicate proposed removal of trees, shrubs and ground cover located on steep slopes. Such removal shall be kept to a bare minimum. Replanting, where proposed, shall consist of indigenous vegetation and shall replicate the original vegetation on the site as much as possible.
- (5) The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the tree line at the ridge remains uninterrupted. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or by positioning building and areas of disturbance at a ridgeline so that the elevation of the roof line of the building is no greater than the elevation of the natural tree line. However, under no circumstances shall more than 100 feet along the

ridgeline, to a width of 100 feet generally centered on the ridgeline, be disturbed.

- (6) Any regrading shall blend in with the natural contours and undulations of the land.
- (7) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes.

The angle of cut and fill slopes shall be kept to the minimum necessary and shall not, in any case, exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Town Engineer are used. The petitioner shall follow the most current slope stabilization practices in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Connecticut Guidelines for Soil Erosion and Sediment Control require the use of stabilization structures (e.g, retaining wall, riprap, gabions) for slopes greater than 2:1.

- (8) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six feet plus one half the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of a slope is permitted if it is properly designed to retain the slope and withstand the forces exerted on it by the retained slope.
- (10) Disturbance of rock outcrops shall be by means of explosive only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Town of Stratford and the State of Connecticut.
- (11) Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one construction season so that areas are not left bare and exposed during the winter and spring thaw periods. (December 15 - April 15)
- (12) Disturbance of existing vegetative ground cover shall not take place more than 15 days prior to grading and construction.
- (13) Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization must be applied within fifteen days of establishing the final grade.

- (14) Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 60 days.
- (15) Land disturbance will be reviewed with respect to the soils limitations characteristics contained in the Fairfield County Soils Survey, 1981, as prepared by the Fairfield County Soil and Water Conservation District, in terms of recognition of limitation of soils on steep slopes for development and application of all mitigating measures, and as deemed necessary by the Planning Commission.
- (16) Topsoil shall be stripped from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation, and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes of greater than ten percent.
- (17) No organic material or rock with a size that will not allow appropriate compaction or cover by topsoil shall be used as fill material. Fill material shall be no less granular than the soil upon which it is placed, and shall drain readily.

Compaction of fill materials in fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.

(ADOPTED JULY 28, 1998; Amended May 26, 2009.)

SECTION 12. SOIL EROSION AND SEDIMENT CONTROL.

Maintenance shall be performed in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control", as amended. If additional maintenance is required to protect surface waters or wetlands from pollution, the SESC Plan shall include a description of the procedures required to maintain in good and effective operating condition all erosion and sediment control measures identified in the plan.

(Adopted May 26, 2009.)

CHAPTER VI - PRELIMINARY SUBDIVISION REVIEW PROCEDURES

Although not required, it is recommended that the proposed subdivision to be submitted to the Commission for approval be presented first in a preliminary form, since experience has indicated that the Commission may require alterations or changes in the proposed subdivision and this procedure may help to avoid unnecessary application expenses for the owner/developer. Whenever a preliminary subdivision is submitted for review, it must be accompanied by a written request. A Preliminary Review Session will be scheduled within 65 days of receipt of this written request. There shall be no fee for the preliminary review process. Participants in the Preliminary Review Session will include no less than one (1) nor more than two (2) current members or alternates of the Planning Commission and one or more staff representatives of the Planning and Zoning Department. Depending on the specific circumstances of the proposed subdivision, representatives of other Town Departments may be invited to participate in the Preliminary Review Session as well. The Preliminary Review Session will offer the developer/owner the opportunity to discuss the proposed subdivision with Town officials in relation to the current Subdivision Regulations and the Town's Plan of Development and to explore options for addressing potential problems resulting from the proposed subdivision.

The Preliminary Review Session will be an informal meeting and discussion. While the Session should prove useful to the applicant in obtaining general Commission input on the proposed subdivision and assist in shaping the final design of the subdivision, **IN NO WAY SHALL THE RESULTS OF THE PRELIMINARY REVIEW SESSION BE BINDING UPON THE COMMISSION.**

The developer/applicant shall submit the following minimum information for the preliminary review procedure:

1. A Preliminary Subdivision Plat shall be presented for consideration at the Preliminary Review Session . It shall be drawn to a scale of not less than 100 feet to the inch, and three prints thereof shall be filed with the clerk of the Commission. Said preliminary Plat shall be clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be either 24" x 36" or 18" x 24" outside measurements and shall incorporate the following information:
 - a. The proposed tract name or other designations by which such development shall be known which shall not duplicate the name of any other previous development in the Town of Stratford.
 - b. The location and approximate dimensions of all existing property lines; the approximate location and size of all permanent buildings and their present or proposed future usage; principal trees and wooded areas, water

courses, railroads, sanitary, storm or combined sewers, water mains, telephone, electric and gas lines and other existing features. The line of mean high tide shall be shown thereon in case the subdivision is adjacent to tidewater.

- c. The locations, names and present widths and approximate grades of all existing streets, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the approximate radii of all curves; the approximate dimension of all lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- d. The name and address of the owner or owners of the land to be subdivided; the name and address of the developer if it be other than the owner of the premises and the name and address and seal of the Registered Land Surveyor who prepared such Preliminary Subdivision Plat. The Clerk or Secretary of the Planning Commission shall endorse thereon the precise date when said Preliminary Subdivision Plat and the application for approval were filed with him.
- e. The approximate widths and locations of all easements for drainage, sewerage or public utilities, public areas, parks or playgrounds, if any.
- f. Contours at vertical intervals of two (2) feet, when ground conditions are such that they become necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction. Elevations of such contours shall be based on the National Geodetic Vertical Datum. The map shall be marked to clearly illustrate areas possessing moderately and severely steep slopes per Chapter V, Section 11. (*AMENDED JULY 28, 1998.*)
- g. The approximate boundaries of areas subjected to overflow by tide-waters, all swamps, marshes and other areas covered by water and the location, width and direction of flow of all water courses, living or dry, with contours at intervals of 2' with a minimum distance of 36' from centerline of water course; and the approximate location and dimensions of all existing walling, piping and bridging thereof.
- h. The zone or zones in which the subdivision lies as established by the Planning Commission. In case a zone boundary lies within the limits of the proposed subdivision, its approximate location shall be marked and clearly identified thereon. Zone data and boundaries shall be ascertained

by conference with the Clerk of the Planning Commission of the Town of Stratford. Any desired changes in these zone boundaries for which the owner proposes to petition the Commission shall be set forth in a separate application for approval as provided by the Zoning Regulations of the Town of Stratford.

- i. Approximate elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be indicated thereon to present a clear idea of the relation of the proposed lot and street layout thereto.
 - j. All parcels proposed to be deeded to the Town of Stratford for streets, parks, playgrounds, or other public open spaces and the conditions of such transfer, if any.
 - k. Complete plan and profile of each proposed street showing existing ground surface on the centerline and street lines and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities. Elevations of such profiles shall be based on the Town Datum Plane and said profiles shall in all respects comply with the requirements provided for in Section 2 of "AN ORDINANCE PROVIDING FOR THE MANNER OF ACCEPTANCE OF NEW STREETS, BOULEVARDS, HIGHWAYS OR PUBLIC WAYS AND ESTABLISHING CERTAIN SPECIFICATIONS THEREFOR, IN THE TOWN OF STRATFORD, CONNECTICUT", Adopted July 14, 1947, and of any AMENDMENTS thereto.
 - l. Date, approximate true north point and scale.
 - m. Such of the foregoing Information as may not practically be shown on the map shall be contained in a signed written statement with a copy thereof accompanying the original and each print of said map.
2. In addition to the above material, the applicant should attempt to obtain any additional Information typically required of a full Subdivision Application that would be useful in conducting a meaningful preliminary review. For example, the applicant should be aware of whether or not the proposed subdivision is located within the Coastal Boundary and the approximate location of wetlands on the property, if any exist. Additionally, the applicant should be prepared to discuss any waivers that might be needed for the proposed subdivision and be familiar with any potential Issues the Town might incur in providing services to this development.

CHAPTER VII - SUBDIVISION APPLICATION REQUIREMENTS

Section 1. MATERIAL REQUIREMENTS.

A complete subdivision application will consist of the items described in Chapter IV, Section 1, of these Regulations. The following are the material requirements for these items. The Record Subdivision Plat shall be clearly and legibly drawn with black waterproof India ink on a good quality of mylar. All lines, letters, figures, certificates, acknowledgments and signatures shall be made in black India ink, except, in the case of standard forms. The plats shall be not more than 36 Inches long nor more than 24 inches wide and shall be drawn to a scale large enough to show the details clearly, but shall not be less than one inch equals one hundred feet. A one-half inch marginal border line shall be drawn around the outer edge of each plat and all data to appear thereon shall be within said marginal lines. *(AMENDED JULY 4, 1990 AND AUGUST 8, 1993)*

Section 2. STATEMENT OF INTENT OF SUBDIVIDER.

To enable the Commission to consider the proposed subdivision, the applicant shall file with his application and Subdivision Plat a written statement reciting the nature and extent of the private restrictions, if any, and any other requirements which are proposed for incorporation in the deeds to individual lots. Additionally, the applicant will disclose in this statement the amounts of topsoil to be removed, if any, sections of the proposed subdivision (if the entire subdivision will not be built at the same time), and waivers requested.

Section 3. PLAT DATA AND REQUIREMENTS.

The Record Subdivision Plat shall conform to and shall contain and show the following:

- a. The title of the subdivision, north arrow, scale, date and the name of the owner or owners. Said subdivision title or tract name shall not duplicate the name of any other previous development in the Town of Stratford.

- b. A certification bearing the raised seal and live signature of the Land Surveyor making such survey and plat, who shall be duly registered in the State of Connecticut to make such surveys, that it is made from the actual land survey and is substantially correct, meeting the requirements of an A-2 Survey. (*AMENDED JULY 4, 1990*)
- c. The boundaries of the subdivision with courses and distances marked thereon as determined by an accurate land survey, from control points approved by the Town Engineer and noted on the drawing. The error of closure must not exceed 1 to 5,000. The traverse sheets or a copy thereof showing the error of closure of the field survey, and the calculations for the final adjustment, if required, must be submitted to the Town Engineer for approval.
- d. The length, bearing or direction of all straight lines, deflection angles, radii, arcs and central angles of all curves along the property line of each street, all established building lines and all dimensions along the lines of each lot; all duly balanced so as to be consistent throughout with the courses and distances of the boundary line. All dimensions shall be shown in feet and decimals of a foot. Additionally, any waivers required for approval of the subdivision shall be marked on the Record Subdivision Plat.
- e. The lines of all easements, including those required for transformers and other structures associated with underground utility installation, or rights-of-way to which any lots are subject shall be denoted by fine dotted lines. The limits of the easements or rights-of-way shall be definitely stated and clearly labeled and identified.
- f. The line of mean high tide in case the subdivision or any part thereof is adjacent to tidewater.
- 9. The location of all monuments which are required to be set under the provision of Chapter VIII, Section 1, Paragraph (g) hereof. At least one of these monuments, or a street line, shall be tied in by reference data to the horizontal control, to other monuments of which the coordinates on the Town Control are established, or located by solar or polaris observation.
- h. All lines shown on the map which do not constitute a part of the subdivision itself shall be broken lines or otherwise clearly distinguished from the lines constituting a part of the subdivision.
- i. Town boundary lines which cross or adjoin the subdivision shall be clearly designated and tied in.

Section 4. SITE PLAN.

The Site Plan accompanying the proposed subdivision shall document additional site information to assist the Planning Commission and the Town Departments in understanding how the proposed subdivision will function in the context of its surrounding geography and public infrastructure. The Site Plan should include all additional Information not required for the Record Subdivision Plat, including the following:

- a. All of the Information contained on the Record Subdivision Plat, as described in Chapter VII, Section 3 of these Regulations shall serve as the Base Map for the Site Plan.
- b. The location and size of all permanent buildings and their present or proposed future usage; principal trees and wooded areas, water courses, railroads, sanitary, storm or combined sewers, water mains, telephone, electric and gas lines and other existing features.
- c. The locations, names and present widths and grades of all existing streets, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the radii of all curves; the dimension of all lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- d. The widths and locations of all easements for drainage, sewerage or public utilities, public areas, parks or playground, if any.
- e. Contours at vertical intervals of two (2) feet, when ground conditions are such that they become necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction. Elevations of such contours shall be based on National Geodetic Vertical Datum. The map shall be marked to clearly illustrate areas possessing moderately steep slopes and severely steep slopes per Chapter V, Section 11. (*AMENDED JULY 28, 1998.*)
- f. Location of wetland soils and areas covered by water and the location, width and direction of flow of all water courses, living or dry, with contours at intervals of 2' with a minimum distance of 36' from centerline of water

course; and the location and dimensions of all existing walling, piping and bridging thereof.

9. The zone or zones in which the subdivision lies as established by the Zoning Commission. In case a zone boundary lies within the limits of the proposed subdivision, its approximate location shall be marked and clearly identified thereon. Zone data and boundaries shall be ascertained by conference with the Clerk of the Planning Commission of the Town of Stratford. Any desired changes in these zone boundaries for which the owner proposes to petition the Zoning Commission shall be set forth in a separate application for approval as provided by the Zoning Regulations of the Town of Stratford.
- h. Elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be indicated thereon to present a clear idea of the relation of the proposed lot and street layout thereto.
- i. All parcels proposed to be deeded to the Town of Stratford for streets, parks, playground, or other public open spaces and the conditions of such transfer, if any.
- j. Plan view of all street improvements including width of pavement, location of street trees and location of proposed sidewalks.
- k. The Site Plan submitted with the subdivision application shall clearly illustrate all elements of the underground utility system serving the subdivision, including transformers, required easements, and the location of utility lines and any other related structures
- l. The Site Plan shall clearly illustrate the location of all existing trees and shrubs with a caliper width of 1" or more, within existing public rights-of-way.

Section 5.

Complete plan and profile of each proposed street showing existing ground surface on the centerline and street lines and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities. Elevations of such profiles shall be based on the Town Datum Plans and said profiles shall in all respects comply with the requirements provided for in Section 2 of "AN ORDINANCE PROVIDING FOR THE MANNER OF ACCEPTANCE OF NEW STREETS, BOULEVARDS, HIGHWAYS OR PUBLIC WAYS AND ESTABLISHING CERTAIN SPECIFICATIONS THEREFOR, IN THE

TOWN OF STRATFORD, CONNECTICUT", Adopted July 14, 1947, and of any AMENDMENTS thereto.

Such of the foregoing information as may not practically be shown on the map shall be contained in a signed written statement with a copy thereof accompanying the original and each print of said map.

Section 6. AUTOMATED MAPPING/GIS

- a. Final record subdivision maps shall be submitted in digital DXF, DWG or other format acceptable to the Town Engineer as well as in mylar form.
- b. As-built locations and elevations for sewers, storm sewers, and structure foundations shall be submitted in digital format.
(ADOPTED JULY 28, 1998.)

CHAPTER VIII - SUBDIVISION IMPROVEMENT REQUIREMENTS

Section 1. REQUIREMENTS LISTED.

Within five (5) years after the approval of the Record Subdivision Plat, the applicant, owner or developer thereof shall complete the following minimum improvements:

- a. All proposed streets shall be laid out, graded and constructed their entire length and full width from street line to street line in full accordance with the specifications and mode of procedure pursuant to the requirements of "AN ORDINANCE PROVIDING FOR THE MANNER OF ACCEPTANCE OF NEW STREETS, BOULEVARDS, HIGHWAYS OR PUBLIC WAYS AND ESTABLISHING CERTAIN SPECIFICATIONS THEREFOR, IN THE TOWN OF STRATFORD, CONNECTICUT," Adopted July 14, 1947 and of any amendments thereto.
- b. All necessary storm drains, culverts and bridges that are required by good construction practice and approved by the Director of Public Works shall be built at the sole expense of the applicant, owner or developer. Storm drains shall include all necessary pipe lines, manholes, catch basins or wells sufficient and adequate to provide proper drainage.

- c. If sanitary sewers exist in any street adjacent to any development or if the Town should extend a sanitary sewer to a point adjacent to a development, the developer shall provide and connect sanitary sewers to said system.

All new subdivisions shall be supplied with utility lines (electric, telephone, cable, television) which shall be installed underground. The Commission shall take into account:

- a. The size of the subdivision and
- b. Topographic and construction conditions.

Requirements for underground utilities shall be noted on the RECORD SUBDIVISION MAP. Underground service connections to the property lines of each lot shall be installed at the subdivider's expense prior to paving the street. (AMENDED JANUARY 26, 1993)

- d. Concrete or asphalt curbs and concrete sidewalks shall be built in all streets in the subdivision. The location, grade, cross slope, and construction specifications shall be subject to the approval of the Town Engineer and must be in conformity with any of the requirements of the provisions of "AN ORDINANCE RELATING TO CURBS, WALKS, DRIVEWAY APPROACHES AND COMBINED CURBS AND GUTTERS, IN THE TOWN OF STRATFORD, CONNECTICUT", adopted June 9, 1947 and any amendments thereto, so far as the same may be applicable thereto. In subdivisions where these sidewalk requirements have been waived by the Commission, the developer shall pay to the Town an amount equivalent to the amount which would have been calculated by the Planning and Zoning Administrator for a performance bond if sidewalks had been required. The payment shall go into the Town's funds for constructing or repairing sidewalks. (AMENDED JULY 29, 1980, June 27, 2006.)
- e. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the owner or developer at actual cost.
- f. Shade trees shall be planted as ordered or required by the Commission and the size, kind and location of such trees shall be subject to the approval of the Town Tree Warden. Poplar and Willow trees shall be prohibited. In the determination of tree requirements the following principles shall be used as a guide:

1. Trees shall be planted on each side of every street, and if esplanades of sufficient width are planned, along the center line thereof.
 2. Trees to be planted approximately 60 feet apart, subject to location of driveways, cross-streets or walks and variations made necessary by the tree species.
 3. Trees shall be located between the curbs and sidewalks wherever practical or on lots behind sidewalks as may be determined by the Tree Warden.
 4. The diameter of trees shall be not less than two (2) inches.
- g. Reinforced concrete monuments of 1:2:4 mix, 4" square at the top, 8" square at the bottom and 3'6" long shall be set at all street intersections, and at all angles and curves or other critical points in the street lines as will enable a registered land surveyor to correctly stake out any lot in the subdivision. Each monument shall have a brass plug in the top, and shall be so set that the marked center of the top shall be the point of reference. The tops of such monuments shall be set to the established grade. The monuments are to be set in place after all other street development is completed. The accuracy of location of such monuments shall be certified in writing by the land surveyor making the Record Subdivision Plat.

h. Installation of Underground Utilities

- 1) Placement. Main line underground utilities, including gas, water, electric, cable, telephone, etc. shall, to the extent feasible, be placed under the paved portion of the road to avoid conflicts with sidewalks, trees, mailboxes, etc.
- 2) it shall be the developer's responsibility to purchase and install bases, conduit, and decorative street lights in coordination with the United Illuminating Company. These lights shall be located at intersections, curves and/or along the street at a spacing of approximately 200 feet, or as directed by the Town Engineer.
- 3) Street trees shall be planted so that, at maturity, they will not obstruct the street light from illuminating the road pavement.
- 4) The subdivider shall provide evidence that all easements for underground utility structures located on private property within the

subdivision have been formally executed and properly filed on the Land Records of the Town of Stratford.
(ADOPTED SEPTEMBER 30, 1997.)

- i. Whenever a subdivision involves subdivision improvements within an existing public right-of-way, it will be the subdivider's responsibility to assure that all permits for such work have been granted. In particular, the subdivider shall review all proposed work within the public right-of-way with the Town Engineer's Office. Additionally, the subdivider shall obtain any necessary permits from the Tree Warden if work involves the cutting of existing trees within the public right-of-way. Where State roads are involved, the subdivider must also obtain any necessary State permits (curb cuts, signalization, etc.) (ADOPTED September 30, 1997.)
- j. For any subdivision involving construction of a new road, a survey shall be provided in state plane coordinates, and tied into the Town's GPS monuments. A concrete monument 42" long with a Town of Stratford brass disk stamped with a monument number shall be installed at the site. The monument shall be secured with three permanent ties and certified by a licensed surveyor. (ADOPTED JULY 28, 1998.)

CHAPTER IX – FINANCIAL GUARANTEES FOR COMPLETION OF IMPROVEMENTS

Section 1. Type of Financial Guarantees Allowed

To assure the completion of the improvements, to the extent required by these regulations or which may be required by the Planning Commission(herein also "Commission"), including but not limited to the setting of all monuments, the construction of all roads and pavements and the installation of required drainage facilities, storm and sanitary sewers, the installation of trees, water courses and bridges, within five years of the date of the approval of the Record Subdivision Plat, and where required, the dedication of any land to the public use within two years and three months of such approval, the applicant shall file with the Planning Commission a financial guarantee in the following form, acceptable to the Planning Commission and the Town Attorney:

For financial guarantees under \$100,000.00 – The Commission shall accept cash bonds, passbooks, statement savings accounts, irrevocable letters of credit or other financial guarantees other than surety bonds under the terms described below and in a form acceptable to the Town Attorney's Office

For financial guarantees over \$100,000.00 --For the first \$100,000.00 of the financial guarantee the Commission shall accept cash bonds, passbooks, statement savings accounts, irrevocable letters of credit or other financial guarantees other than surety bonds under the terms described below and in a form acceptable to the Town Attorney's Office. The remainder of any financial guarantee required in excess of \$100,000.00 may be posted in one of the following forms:

- Cash Bonds, passbooks or statement savings accounts under the terms described below;
- An Irrevocable Letter of Credit under the terms described below and in a form acceptable to the Town Attorney's Office; and
- Surety bond in favor of the Town of Stratford (herein also "Town") meeting all of the terms described below.

The following financial guarantees require the satisfaction of the following conditions:

1. Cash or payment in the form of a certified check. Passbooks or statement savings accounts held solely in the name of the Town of Stratford. The issuing bank ("Surety") shall be one maintaining at least one office in Fairfield County in the State of Connecticut.
2. A Letter of Credit in favor of the Town in the form provided by the Commission. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut. The issuing bank ("Surety") shall be one maintaining at least one office in Fairfield County in the State of Connecticut.
3. A surety bond that meets the following requirements:
 - (i) The surety issuing the bond shall be one approved by the Commission based on a list of approved surety companies that the Commission may, by resolution, approve from time to time. The Commission may, by resolution, in its sole discretion, add or remove surety companies based on performance of such companies in Stratford or any other municipality. The Commission may, by resolution, use a list of approved surety companies published by the Connecticut Conference of Municipalities or any other State wide organization selected by the Commission.
 - (ii) The surety company shall maintain permanent offices within Fairfield County in the State of Connecticut.
 - (iii) The surety bond agreement shall contain the following provisions:
 - (a) That payment shall be made in full within sixty five (65) days of written demand by the Commission or its agent;

- (b) That failure to make full payment within such time shall automatically and without further demand result in a penalty of one (1%) percent of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand;
- (c) That if litigation is required to collect the said surety bond, the surety company shall pay the Commission the costs thereof, including witness fees, court entry fees, legal fees, and any other costs and expenses of such litigation;
- (d) The surety company shall agree to indemnify and hold harmless the Commission and the Town against any and all claims of damage or injury sustained upon, or as a result of the incomplete public improvements during the period following the demand for payment on said surety bond and for restoration of any damage or deterioration (including, but not limited to, erosion and sedimentation damages) resulting from such delay in payment; and
- (e) Such other provisions that the Town Attorney's Office requires.

In addition, the applicant shall execute and file with the Commission, at the time the financial guarantee is filed, an agreement to complete subdivision improvements in a form satisfactory to the Town Attorney's Office.

Section 2. Conditions, Limitations and Timing of Financial Guarantees

Such financial guarantee may, at the discretion of the person posting such financial guarantee, be posted at any time before all approved public improvements and utilities are completed. No lot shall be transferred to a buyer before any required financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the Commission or its agent. Such restriction on the sale of lots shall be guaranteed by a declaration satisfactory to the Commission and Town Attorney and filed on the land records prior to the endorsement of the final subdivision plan. For any subdivision that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision. Notwithstanding the provisions of any special act, municipal charter or ordinance, no Commission shall (A) require a financial guarantee or payment to finance the maintenance of roads, streets, retention or detention basins or other improvements approved with such subdivision for more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or its agent or accepted by the municipality, or (B) require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or

maintained by the municipality, except that the prohibition of this subparagraph shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.

The Record Subdivision Map mylars will be kept in the Commission's office and be made available on the date of delivery of the plan. The Commission's Chair or Secretary will sign the maps for filing, indicating that the full terms of the Subdivision Regulations have been met.

No extensions of approvals may be granted until updated cost estimates for improvements are provided and approved by the Commission and until new financial guarantees are submitted in the new amounts if applicable.

Section 3. Financial Guarantees for Erosion and Sedimentation Control.

A financial guarantee for erosion and sedimentation control measures shall be posted by the subdividers prior to the commencement of any construction or disturbance on the site. The financial guarantee for erosion and sediment controls shall be adequate to secure 1) the installation and maintenance of all erosion and sedimentation control measures and facilities specified on the approved soil erosion and sediment control plan, and 2) the cost of restoring the site to its natural condition if the subdivider fails to complete all required subdivision improvements and utilities. In computing the amount of the erosion and sediment control financial guarantee, the Commission shall consider the following items:

- 1) The construction, maintenance, and repair cost of all Erosion and Sedimentation Control Plan measures. The cost of erosion and sedimentation control measures may be reduced by the amount of any financial guarantee required by the Stratford Inland Wetlands and Watercourses Commission at such time as such financial guarantee is posted;
- 2) Estimated costs shall be those that would allow for the Town advertising and awarding a contract for construction, repair, or maintenance, and for engineering review and supervision;
- 3) Costs shall be projected to a point at the end of the financial guarantee term. Any extension of the term of the financial guarantee may result in an adjustment as to the total of the financial guarantee; and

- 4) The total estimated cost of the financial guarantee shall also include a 10% addition to cover contingencies.

Section 4. Release of Financial Guarantee

If the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than sixty-five (65) days after receiving such request (A) release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or (B) provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

CHAPTER X - APPROVAL OF RECORD SUBDIVISION PLAT

Section 1. APPROVAL AND FILING.

If the Commission shall approve such Record Subdivision Plat, the fact of such approval and the date thereof shall be noted on said plat over the signature of the chairman or secretary of the Commission. The Commission shall also note on the Record Subdivision Plat the date of expiration of the Plan. Said Record Subdivision Plat shall within 90 days after the date of delivery of the plan be filed for record in the Office of the Town Clerk of Stratford. Failure to meet the map filing deadlines, with extensions if requested, shall render the subdivision null and void. The fee for filing such map shall be paid by the applicant.

Section 2. LIMITATION ON FILING OF SUBDIVISION PLATS.

No plat of a subdivision of land laid out wholly or partly within the limits of the Town of Stratford shall be filed or recorded in the Office of the Town Clerk of Stratford until the Commission, except as otherwise provided by statute, shall

have approved such plat and the fact of such approval is endorsed thereon as provided In the foregoing section. The provision of this Chapter shall not apply to maps made by a licensed land surveyor for the sole purpose of establishing boundaries of property already of record or where the same is merely intended as an outline survey showing only the exterior boundaries of such unmapped land as has not been divided in violation of these regulations or of the Zoning Regulations of the Town of Stratford.

The approval or filing for record of any Record Subdivision Plat shall not be deemed to constitute or to be evidence of an acceptance by the public of any street or other open public spaces shown on such plat or map. Such acceptance shall be by formal Resolution adopted by the Town Council, which Resolution shall set forth the fact of such acceptance for public purposes; the width and approximate length of the streets accepted together with the designation of the names by which such streets shall thereafter by known.

CHAPTER XI

Section 1. PENALTIES FOR VIOLATION.

Any person, firm, corporation, partnership or association who shall violate any of the provisions of these regulations, shall, upon conviction thereof, be punishable by a fine of not more than \$200.00, except that nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations. Any person, firm or corporation found guilty of any such violation, who, after notification In writing by the Secretary of the Planning Commission, shall thereafter continue such violation shall be fined not more than \$200.00 for each day of such continued violation. *(AMENDED DECEMBER 16, 1987)*

CHAPTER XII

Section 1. CONSTITUTIONALITY.

If any section, subsection, paragraph, sentence, clause or phrase in 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 affect or impair the validity of any other section or remaining portion of these Regulations.

CHAPTER XIII

These regulations shall be in full force and effect on and after this date - February 1, 1956.

CHAPTER XIV

Be it resolved: That under powers delegated to it by the Town Council by ordinance .passed July 11, 1955 and by Chapter 45 of the Conn. General Statutes, 1949 Revision, as amended to 1953, Land Subdivision Regulations in The Town of Stratford, adopted March 14, 1949, are repealed as of this date - February 1, 1956.

A copy of these regulations is on file in the Town Clerk's office

NOTE: THESE SUBDIVISION REGULATIONS WERE ORIGINALLY ADOPTED BY THE STRATFORD PLANNING AND ZONING COMMISSION, ACTING IN ACCORDANCE WITH SECTION 858, CHAPTER 45 OF THE GENERAL STATUTES, 1949 REVISION, AS AMENDED TO 1953, FOLLOWING A PUBLIC HEARING IN THE COUNCIL CHAMBERS, TOWN HALL, WEDNESDAY EVENING, JANUARY 25, 1956 AT 7:30 PM. THESE SUBDIVISION REGULATIONS BECAME EFFECTIVE ON FEBRUARY 1, 1956 AND HAVE BEEN AMENDED SEVERAL TIMES SINCE THEN. ON JANUARY 1, 1990, THE STRATFORD PLANNING AND ZONING COMMISSION WAS SEPARATED INTO TWO COMMISSIONS AND, IN ACCORDANCE WITH STATE STATUTES, THE PLANNING COMMISSION BECAME RESPONSIBLE FOR THE SUBDIVISION REGULATIONS AND REVIEW OF SUBDIVISIONS SUBMITTED THEREUNDER.