

**TOWN OF BETHEL**  
**SUBDIVISION REGULATIONS**



**Revised Draft For Public Hearing**  
**July 26, 2016**

**Planning and Zoning Commission**

**Effective – Month Day, 2016**

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**The Subdivisions Regulations for the Town of Bethel were originally effective on June 11, 1956.**

**A comprehensive revision of the Subdivision Regulations was adopted with an effective date of XXXXXXXXXXX XX, 2016.**

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## **ARTICLE 1.00 INTRODUCTION**

### **1.01 AUTHORITY**

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These Regulations have been adopted by the Planning and Zoning Commission of the Town of Bethel, Connecticut pursuant to the authority conferred by:

1. the Planning and Zoning Ordinance of the Town of Bethel, and
2. Chapter 126 of the Connecticut General Statutes (CGS 8-18 et seq.), as amended.

### **1.02 PURPOSES**

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These Regulations have been adopted to accomplish the purposes identified in Section 8-25 of the Connecticut General Statutes (CGS) including:

1. Protecting the public health, safety and welfare,
2. Providing that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety,
3. Making proper provision for water, sewage and drainage,
4. Making proper provision for protective flood control measures,
5. Providing that proposed streets are in harmony with existing streets, or proposed streets shown in the Plan of Conservation and Development, especially in regard to safe streets and intersections,
6. Providing that proposed streets are arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs,
7. Providing for open spaces, parks and playgrounds when deemed proper by the Commission and in places deemed proper by the Commission,
8. Making proper provision for soil erosion and sediment control,
9. Making proper provision for the extent and manner in which streets shall be graded and improved and public utilities and services provided,
10. Encouraging energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, passive solar energy techniques, and energy conservation,
11. Promoting the coordinated development of the Town; and
12. Guiding future growth and development in accordance with the Plan of Conservation and Development.

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### **1.03 APPLICABILITY**

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1. These Regulations shall apply to any subdivision or resubdivision of land within Bethel, Connecticut.

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### **1.04 APPROVAL REQUIRED**

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2. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until:
  - a. an application for a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Commission,
  - b. the subdivision plans have been signed by the Chairman to indicate approval by the Commission, and
  - c. the subdivision plans have been recorded in the office of the Town Clerk within the time period specified in Section 6.03 of these Regulations.
3. No plan for a subdivision be filed or recorded in the office of the Town Clerk, until a final plan for such subdivision has been approved by the Commission.
4. Any subdivision plan recorded on the land records without the subdivision having been approved by the Commission and the subdivision plans having been signed by the Chairman shall be null and void.

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### **1.05 ENFORCEMENT**

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1. These Regulations shall be enforced by the Planning and Zoning Commission and/or its designated representative(s).
2. The Commission shall have the authority to determine whether the existing or proposed division of any land constitutes a subdivision or resubdivision under the provisions of these Regulations.
3. Any person making any subdivision of land without the approval of the Commission shall be fined as provided by CGS Section 8-25 et seq.

## **1.06 MODIFICATION OF STANDARDS**

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1. **Overview** - In accordance with the provisions of CGS Section 8-26(a), the Commission may waive or modify a regulation or standard contained in these regulations by the approval of six (6) members of the Commission (i.e. - a three-quarters (3/4) vote of the members of the Commission).
  
2. **Modification Standard** - Where the Commission finds that hardships or practical difficulties may result from compliance with a design standard contained within these Regulations, the Commission may, after proper public notice and public hearing, approve a waiver or modification to such design standard provided the Commission shall make findings based upon evidence presented to it in each specific case that:
  - a. The granting of the waiver or modification will not be detrimental to the public safety, health, or welfare or have a significant adverse effect on adjacent property;
  - b. The conditions upon which the request for a waiver or modification is based affect the subject land and are not generally applicable to other land in the area; and
  - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty would result if such design standard was enforced.
  
3. **Procedure** - As part of granting any waiver or modification as provided in this Section 1.06, the Commission shall:
  - a. have received a specific written request from the subdivider for the waiver or modification,
  - b. Have held a public hearing on the request for a waiver or modification of a design standard and such public hearing shall have had proper public notice as provided in Section 5.05 of these Regulations, and
  - c. state upon the record its reasons for which such a modification or waiver was granted.

**1.07 ADMINISTRATIVE PROVISIONS**

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1. **Amendments –**
  - a. In accordance with CGS Chapter 126, as amended, these regulations may be amended by the Planning and Zoning Commission after a public hearing called for the purpose.
  - b. All applications for a change in the regulations shall be accompanied by:
    - i. A completed application form,
    - ii. an application fee payable to the Town of Bethel, except that a Town agency shall be exempt from such fee, and
    - iii. Copies of the proposed regulation amendment clearly indicating which language is to be added or deleted.
  - c. Notice of such public hearing shall be given by publication in a newspaper of general circulation in the municipality at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing.
  - d. If the application to amend the regulations was submitted by a person other than the Commission, a copy of the notice of such public hearing shall be sent by registered or certified mail to the applicant.
2. **Application of General Statutes** - Definitions and all mandatory provisions governing public hearings and approval of plans set forth in these Regulations shall at all times be automatically superseded or modified by any of the provisions of Chapter 126 of the Connecticut General Statutes, as the same may be from time-to-time amended, which are inconsistent with or expand or restrict the definitions and provisions for public hearings and approval of plans contained herein.
3. **Appeals** - Any person aggrieved by an action or decision of the Commission may appeal as provided by CGS Section 8-8, as amended.
4. **Severability** - Should any section or provision of these Regulations be declared by the courts to be unconstitutional, invalid or unlawful; or become inoperative by virtue of the operability shall not affect the validity of these Regulations as a whole, or any part thereof other than the section or provision so declared to be unconstitutional, invalid or unlawful.
5. **Effective Date –**
  - a. The Subdivisions Regulations for the Town of Bethel were originally effective on June 11, 1956.
  - b. A comprehensive revision of the Subdivision Regulations was adopted with an effective date of **XXXXXXXXXX XX, 2016**.

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**ARTICLE 2.00 INTERPRETATION**

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**2.01 INTERPRETATION OF REGULATIONS**

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1. In their interpretation and application, the provisions of these Regulations shall be the minimum requirements unless the context clearly indicates that such provisions are intended to be a maximum limitation.
2. In the event that any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall control.
3. In the event that any conflict arises between any graphic or illustration contained in these Regulations and any text provision of these Regulations, the text shall control.

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**2.02 USE OF TERMS**

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1. **Definitions To Be Applied** - In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.
2. **Specific Terms** - In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
  - a. The word "shall" is mandatory and not discretionary.
  - b. The word "may" is permissive.
  - c. When not inconsistent with the context:
    - i. Words in the present tense include the future and vice-versa.
    - ii. Words in the singular include the plural and vice-versa.
    - iii. Words in the masculine include the feminine and neuter and vice-versa.
  - d. The word "person" also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
3. **Terms Not Defined** - In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:
  - a. the Zoning Regulations, as may be amended;
  - b. the State Building Code, as may be amended;
  - c. the Connecticut General Statutes, as may be amended;
  - d. the "Illustrated Book of Development Definitions" (Rutgers University, Center for Urban Policy Research), as may be amended,
  - e. Black's Law Dictionary,
  - f. a comprehensive general dictionary.

## 2.03 DEFINED TERMS

**A-2 Survey** – Survey information meeting the standards for an “A-2” survey as specified in the “Code of Recommended Practice for Standards of Accuracy of Surveys and Maps” by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

**Accelerated Erosion** - See “*Erosion, Accelerated.*”

**Accessway** - A private way for vehicular traffic, not less than 25 feet in width, providing access from a street to a rear lot, the area of which shall be computed exclusive of the area of such accessway. Each lot owner depending on an accessway must own his accessway in fee simple.

**Acre** - A land area equivalent to forty-three thousand five-hundred and sixty (43,560) square feet.

**Applicant** - see “*Subdivider.*”

**Application** - The maps, prescribed forms duly and correctly completed, fees, reports, and any additional supporting data required by these Regulations for approval of a subdivision or resubdivision and submitted to the Planning and Zoning Commission.

**Buildable Land** – For the purposes of open space dedication and a conservation design subdivision, that area of a parcel of land which is **not** designated as 100-year floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

**Unbuildable Land** - For the purposes of open space dedication and a conservation design subdivision, that area of a parcel of land designated as 100-year floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

**CGS** - Connecticut General Statutes.

**Conservation Restriction** - An encumbrance on real property filed on the land records of the Town for the protection of natural features, natural habitats, open space, buffer zones, scenic areas, historic sites, riding or walking trails, or similar purposes.

**Commission** - The Planning and Zoning Commission of the Town of Bethel, Connecticut.

**CTDOT** - Connecticut Department of Transportation.

**Cul-de-sac** - See “*Street, Dead End.*”

**Date of Approval** - The date an application is considered approved based upon the latest of the following dates:

- by reason of failure of the Commission to act within the statutory timeframe,
- by affirmative action of the Commission under any provision of these Regulations, or
- if a decision of the Commission is appealed, by conclusion of any appeal which results in a judgment approving or affirming approval of the application.

**Developer** - See “*Subdivider.*”

**Development** - Any construction or grading activities to improved or unimproved real estate and includes but is not limited to the installation of required improvements and the disturbance of land related to the construction of a structure; installation of appurtenant utilities and access from the existing or proposed public right-of-way.

**Director of Health** - The person or persons responsible for enforcement of the Public Health Code of the State of Connecticut within the Town of Bethel.

**Disturbed Area** - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**Drainage** - The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

**Driveway** - A paved or unpaved way providing access from a street to a parcel or lot.

**Elevation** - The height of a point above mean sea level based on the U.S. Coastal and Geodetic survey datum.

**Easement** - A right of use for a specific purpose or purposes which one person or agency may have of a designated portion of land of another.

**Engineer** - A professional engineer as defined in CGS 20-299, licensed in the State of Connecticut, qualified to design and construct streets, utilities and structures.

**Erosion** - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**Erosion, Accelerated** - Any increase over the rate of natural erosion as a result of a change in the natural cover or topography due to any activity or use of the land, including development.

**Erosion and Sediment Control Manual** - The "Connecticut Guidelines For Soil Erosion and Sediment Control" as prepared by the Connecticut Council on Soil and Water Conservation in Cooperation with the Connecticut Department of Energy and Environmental Protection (2002), as amended.

**FEMA** - Federal Emergency Management Agency.

**Final Approval** - The approval of the Final Plan by the Commission under the provisions of CGS Section 8-26, as amended.

**Financial Guaranty** - A financial obligation and commitment acceptable in amount, form and substance to the Town for the purpose of ensuring that improvements or obligations required by these Regulations or to be provided by the subdivider will be completed.

**Floodplain** - That area designated as subject to periodic flooding by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (a "one-hundred-year-flood"), consisting of the floodway and the floodway fringe of the one-hundred-year flood as shown on the Flood Boundary and Floodway Maps in the Flood Insurance Study, as amended, prepared by the Federal Emergency Management Agency.

## INTERPRETATION

USE OF TERMS

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**Frontage** - The boundary of a lot abutting and having permitted vehicular access to an accepted public street or an approved street consistent with these regulations.

**Grading** - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition which results in a change of contour or elevation, either permanent or temporary.

**Improvement** - Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

**Intermittent Watercourse** - See *"Watercourse, Intermittent"*.

**Lot** - A plot or parcel of land under one ownership:

- occupied, or capable of being occupied, used, developed, or built upon as a single unit in accordance the Zoning Regulations,
- established by a subdivision or resubdivision of land duly approved by the Planning and Zoning Commission, or otherwise as permitted by law, and/or
- a unit of land created from a larger tract of land for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agriculture purposes.

**Lot Area** - The total horizontal area of the lot lying within the lot lines, excluding any street rights-of-way.

**Open Space** - Land set aside for conservation, recreation, park or play area.

**Owner** - The person shown by the land records of the Town of Bethel to be the holder of the fee title.

**Parcel** - The land contained within one continuous property line or a larger tract of land that is to be divided to create smaller lots.

**Plan** - The plan for a subdivision referred to in CGS Section 8-25 and 8-26, as amended, and prepared in accordance with the requirements of these Regulations.

**Plan, Preliminary** A tentative plan for a subdivision, submitted to the Commission for advice and recommendations only, and prepared in accordance with the requirements of these Regulations.

**Plan of Conservation and Development** - A comprehensive plan for the future growth, protection and development of Bethel adopted by the Planning and Zoning Commission under CGS Section 8-23.

**Preliminary Plan** - See *"Plan, Preliminary"*.

**Recreation Area** - Land dedicated for recreation, park, or playground purposes.

**Regulations** - The Subdivision Regulations of the Town of Bethel, unless otherwise specified.

**Reserve Strip** - A privately-owned strip of land within a subdivision which could prevent, limit, or control access from land outside the subdivision to a street within or adjacent to the subdivision.

**Resubdivision** – See *"Subdivision"*.

**Right-Of-Way** – See “*Street Right-Of-Way*”.

**Road** - See “*Street*”.

**Sediment** - Solid material, either mineral or organic, that is in suspension, is or has been transported or has been moved from its site of origin by erosion.

**Slope** - An inclined surface, typically expressed as a percent, representing the number of feet of vertical rise over a horizontal distance.

**Soil** - Any unconsolidated mineral or organic solid material of any origin.

**Soil Erosion and Sediment Control Plan** - A plan that is proposed to be implemented in order to minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Soil Scientist** - A person who is qualified as a soil scientist in accordance with the standards set by the United States Civil Service Commission.

**Solar Energy Techniques** - Site design techniques which:

- maximize solar heat gain, minimize heat loss and/or provide thermal storage within a building during the heating season, and/or
- minimize heat gain and provide for natural ventilation during the cooling season.

**State** – The State of Connecticut.

**Statute** - Connecticut General Statutes.

**Steep Slope** – A grade of 25% or greater as measured in ten-foot contour mapping and consisting of contiguous areas totaling 3,000 square feet or greater.

**Street** - A way (including highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys, or other arteries of vehicular traffic, but not private driveways) to be used for purposes of public travel which is permanently dedicated to movement of vehicles and pedestrians and providing the principal means of access to abutting property and which is:

- a State highway,
- a Town street,
- a private street, or
- a street shown on a subdivision plan approved by the Commission.

**Street, Accepted** - Any street which has become a public highway by virtue of official acceptance by the Town of Bethel.

**Street, Approved** - Any street whose location has been approved by official action of the Commission.

## INTERPRETATION

USE OF TERMS

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**Street, Dead End** - A street or system of streets having only one (1) vehicular outlet, whose primary function is to provide access to abutting property.

**Street, Permanent Dead End** - A dead end street not designed to be extended into adjoining undeveloped land.

**Street, Temporary Dead End** - A dead end street designed to be extended into adjoining undeveloped land.

**Street, Private** - A street which is not a State highway or an accepted street.

**Street, Town** – See “*Street, Accepted*”.

**Street-Line** - The line separating the street right-of-way and adjoining lots or parcels.

**Street Right-Of-Way** - That area of land between private properties over which a Town street and its appurtenances has been built or that area reserved for the construction of a Town street and its appurtenances.

**Street Width** - The distance between property lines measured at right angles to the direction of the centerline of the street.

**Subdivider** - The owner of record at the time of filing of an approved subdivision plan or the person, firm, or other legal entity or their successor who shall create any subdivision or resubdivision, for the purpose of sale or building development or any person, firm, or other legal entity that applies for a subdivision, either for themselves or as an agent for others.

**Subdivision** – As defined in CGS Section 8-18, the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (June 11, 1956), for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes. The word “subdivision” shall include re-subdivision. See “*Resubdivision*”.

**Resubdivision** – As per CGS Section 8-18, a change in a map of an approved or recorded subdivision or resubdivision if such change:

- affects any street layout shown on such map, or
- affects any area reserved thereon for public use, or
- 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.

**Surveyor** - A land surveyor as defined in CGS 20-299, licensed in the State of Connecticut, qualified to practice the profession of land surveying.

**Travelway** - That portion of the surface of the street intended to be used by vehicular traffic.

**Town** - The Town of Bethel, Connecticut.

**Turnaround** - The area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction without having to back up.

**Unbuildable Land** – See “Buildable Land”.

**Utilities** - All required installations within the road right-of-way consisting of, but not limited to, the following: water lines, sewer lines, storm drainage, electric lines, gas lines, telephone lines, cable television lines, etc.

**Watercourse** - As set forth in the Inland Wetlands and Watercourses Regulations of the Town of Bethel, Connecticut, any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and any other bodies of water, natural or artificial, public or private, vernal, intermittent, or perennial, which are contained within, flow through, or border upon the Town of Bethel or any portion thereof.

**Watercourse, Intermittent** - A watercourse which flows intermittently as determined and delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- Evidence of scour or deposits of recent alluvium or detritus;
- The presence of standing or flowing water for a duration longer than a particular storm incident; and
- The presence of hydrophytic vegetation.

**Wetlands** - As set forth in the Inland Wetlands and Watercourses Regulations of the Town of Bethel, Connecticut, land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or floodplain by the National Cooperative Soil Survey, as may be amended from time-to-time, by the Soil Conservation Service of the U.S. Department of Agriculture. Such areas may include filled, graded or excavated sites, which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

**Zoning Regulations** - The Zoning Regulations of the Town of Bethel in effect at the time of application for subdivision or resubdivision.

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**ARTICLE 3.00 PARCEL AND LOT REQUIREMENTS****3.01 LAND SUITABILITY**

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1. Land to be subdivided as building lots shall be of such character that it can be used for building purposes without danger to health, safety and the general welfare of the community.
2. Land which the Commission finds to be unsuitable in its present condition for subdivision development or building purposes because of flooding, inadequate drainage, steep slopes, depth to bedrock, erosive soils, utility easements or similar features which might pose a threat to the public health, safety or welfare shall not be approved unless adequate provisions are made by the subdivider to mitigate the unsuitable conditions in a manner satisfactory to the Commission.
3. Any proposed subdivision or building lot shall be appropriate to the topography and location, giving due consideration and avoiding unnecessary change to contours and natural features, and, where extensive contour changes are proposed, the Commission may require submission of a detailed site plan showing existing contours and proposed contours both at a two-foot contour intervals in order to help ascertain whether such change to contours and natural features is suitable.

**3.02 PROTECTION OF IMPORTANT FEATURES**

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1. In the planning of any subdivision:
  - a. due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, scenic points and other assets of a community nature.
  - b. every effort shall be made to locate streets, building lots, and open space in a manner that is in harmony with the landscape and results in a minimal disturbance to the natural terrain and vegetation.
2. Any subdivision shall be designed and arranged and provision shall be made to:
  - a. preserve natural features and resources including, but not limited to, steep slopes, rock outcroppings, watercourses, ponds, rivers, floodplains, wetlands, streambelts, endangered species, wildlife habitat, and other unique or fragile features,
  - b. preserve and enhance scenic views, scenic areas, open space, recreation areas, greenways, trails, prominent hillsides, ridgelines, hill crests, significant trees, and similar community resources,
  - c. preserve and enhance archeological sites, stone walls, historic buildings, historic sites, and similar cultural resources,
  - d. make best use of the natural terrain,
  - e. prevent the pollution of wetlands, watercourses, and water bodies,
  - f. protect the quality and quantity of water supplies, and
  - g. comply with flood management ordinances and regulations adopted by the Town.
3. During the review process, the Commission may require:
  - a. the preservation or enhancement of specific features identified in Section 3.02.2, and/or
  - b. the submission of additional information that demonstrates the subdivider's proposals (such as a conservation restriction and/or the dedication of open space) for protecting the types of resource(s) identified in Section 3.02.2 of these Regulations.

**3.03 FLOOD PROTECTION**

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1. All subdivision proposals shall be consistent with the need to minimize flood damage and the Commission shall determine that the lots in any proposed subdivision are reasonably safe from flooding.
2. When a subdivision is proposed for land in areas of special flood hazard the Commission shall require written confirmation from the Town Engineer that utilities, water, and sanitary sewer systems are located and constructed to minimize or eliminate flood damage or infiltration.
3. Any proposed subdivision involving any land within a special flood hazard area shall:
  - a. have adequate drainage provided to reduce exposure to flood hazards,
  - b. include the base flood elevation data for each proposed lot within the subdivision,
  - c. provide assurances that the flood-carrying capacity is maintained within any watercourse.
4. In areas of special flood hazard as identified on Flood Insurance Rate Maps and in the Flood Insurance Study, and in other areas contiguous to water bodies, proper provisions shall be made for protective flood control measures including, but not limited to, the following:
  - a. water supply and sewage disposal systems shall be designed and located so as to avoid impairment or contamination from flooding, erosion or related circumstances.
  - b. gas, electrical equipment, and transmission lines shall be located and constructed to minimize or eliminate flood damage.
  - c. storm drainage systems shall be designed to reduce exposure to flood hazards,
  - d. streets shall be of such elevation or shall be suitably protected so as to allow emergency access during flood conditions,
  - e. streets, drainage and other improvements shall be safe from flood damage,
  - f. public and private improvements shall be designed to minimize flood damage and shall be capable of use without danger from flooding or flood related damages,
  - g. All utilities and similar services shall be located and constructed to minimize or eliminate flood damage.

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**3.04 LOT LAYOUT**

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1. All lots in proposed subdivisions shall conform in all respects to the requirements of the Zoning Regulations for the zoning district in which the lot is located in terms of lot size, frontage, lot access, and other requirements.
2. The shape, size, location, topography, character, and arrangement of a lot shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in:
  - a. securing necessary permits to develop the lot in compliance with applicable regulations, codes, and ordinances,
  - b. occupying and using such lot for building purposes without danger to the health and safety of the occupants or the public,
  - c. providing safe and convenient access to principal buildings on such lot, and
  - d. providing for grading and drainage without adversely affecting abutting or downhill or downstream properties.
3. The Commission may require larger lots than are required by the Zoning Regulations where it deems necessary because of conditions affecting drainage, sanitary sewage disposal or water supply. The Commission may determine that any parcel of land, regardless of size, shall be unsuitable for building if it:
  - a. does not meet the minimum zoning requirements,
  - b. is found unsuitable for occupancy or building by reason of lack of provision for sewage disposal, lack of adequate water supply, topography, water, flooding, or other conditions, or
  - c. does not conform to the requirements of these or other applicable codes and regulations.
4. No parcel, reserve strip, or any other remnant of land unsuitable for building shall be left in any subdivision unless designated and preserved in perpetuity for open space, municipal, conservation, or agricultural purposes.
5. No land or building lot shall be configured in such a way that, in the opinion of the Commission, it could control access to other property or would landlock an adjacent property unless the control of such land or building lot is placed within the jurisdiction of the abutter, the Town, or other entity acceptable to the Commission under conditions approved by the Commission.
6. No privately owned reserved strip shall be permitted which controls access to any part of the subdivision or to adjacent land from any street or to open space reserved for dedication for any public use.
7. Insofar as practical, lot lines shall be laid out:
  - a. such that side lot lines shall be at right angles to the street and radial to curves, unless a variation from this provision would result in a better street or lot layout, and
  - b. so as not to cross municipal boundary lines.

**3.05 OPEN SPACE**

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*Since reservation of open space, as provided in CGS Section 8-25, may not be appropriate in certain situations or may be modified by the Commission, applicants are encouraged to meet informally with Town Staff and/or the Commission prior to submitting a formal application.*

1. Unless modified by the Commission in accordance with Section 3.05.7, every subdivision shall provide for open space in order to provide for:
  - a. active recreation including parks and playgrounds which shall be suitable and conveniently accessible for their intended use,
  - b. passive recreation in the form of land in its undisturbed or "natural" state,
  - c. protection of wetlands or watercourses and the buffering of the same,
  - d. the preservation of outstanding natural or historical features and the like, or
  - e. implement the open space and other recommendations in the Plan of Conservation and Development.
2. This open space requirement may, with approval of the Commission, be met through:
  - a. dedication of land within the subdivision (generally favored when the subdivision is in a location where open space preservation is recommended in the Plan of Conservation and Development, when the open space will contribute to an overall open space system within Bethel, or when the subdivision contains ten or more lots),
  - b. dedication of land elsewhere in the Town of Bethel,
  - c. a fee-in-lieu-of-open-space donation (generally favored when the subdivision is in a location where open space preservation is not recommended in the Plan of Conservation and Development, or when the subdivision contains fewer than ten lots),
  - d. dedication of land and a fee-in-lieu-of-open-space-donation, or
  - e. some other arrangement that shall be found by the Commission to be acceptable (such as a trail easement, a conservation restriction, or similar proposal).
3. Each reservation of land shall be of suitable size, dimension, topography and general character for the particular purpose envisioned by the Commission (for example, land for passive recreation shall not be solely land unfit for construction).
4. If the subdivider proposes a fee-in-lieu-of-open-space donation or other open space arrangement which does not involve land within the subdivision, the subdivider shall still submit a map showing where the open space land could be located within the subdivision if the fee-in-lieu-of-open-space donation or other open space arrangement were not to be accepted by the Commission.
5. The Commission may solicit comments from the Bethel Land Trust, the Board of Selectmen, or any other person or entity regarding the best method of preserving open space as part of the subdivision.

**6. Dedication of Land**

- a. Where the open space requirement shall be met through the dedication of land, at least ten (10) percent of the total area of the subdivision shall be set aside for open space.
- b. Such open space shall be shown on the subdivision plan or on another suitable map if located elsewhere in Bethel.
- c. Unless modified by the Commission, the land set aside to meet the minimum open space requirement of ten percent (10%) shall be configured such that the share of buildable land (as defined in these Regulations) to non-buildable land for the open space shall be the same as it is for the parcel as a whole.
- d. For open space preserved above the baseline open space set-aside requirement of ten percent (10%), there shall be no limitation with regard to the proportion of buildable or unbuildable land.
- e. In determining the appropriateness of an area proposed by the applicant for the Commission for open space or other public purposes, the Commission shall consider:
  - i. recommendations in the Plan of Conservation and Development,
  - ii. the presence or absence of any existing open spaces in the area and/or the opportunity for expansion and/or protection of existing open space and recreational areas,
  - iii. the opportunities to interconnect existing, proposed, and potential future open space reservations into a comprehensive greenway and trail system,
  - iv. the opportunity to preserve or protect significant natural features such as water-related resources, streambelts, and/or wildlife habitat,
  - v. protection of farmland and/or prime agricultural soils,
  - vi. areas providing or protecting existing or potential drinking water supplies,
  - vii. areas that contribute to the overall character of the community including but not limited to:
    - ridge tops and other areas of scenic vistas,
    - large trees, stone walls and other scenic features, and
    - historic or archeological sites.
  - viii. comments from other agencies or persons regarding need, resources, connection to the open space system of the Town, and preferred ownership.
- f. When a subdivision abuts an existing open space, the Commission may require that the lot lines of the land to be dedicated form a continuation of the existing open space to provide a single, unified area.
- g. The subdivider shall indicate which entity is, or entities are, proposed to own the open space to ensure its permanent protection as provided in these Regulations and the Commission may accept or modify such proposal. The following is the order of preference for evaluating the ownership of open space:
  - i. The Bethel Land Trust or other non-profit land conservation organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes.
  - ii. The Town of Bethel.
  - iii. The lot owners of the subdivision where each lot owner possesses an undivided interest in the designated open space area and is jointly and severally responsible for the payment of taxes and maintenance of the designated open space area and subject to a conservation easement in favor of the Town of Bethel or an acceptable nonprofit land conservation trust as required.
  - iv. Held in ownership by one or more individual lot owners as part of their lot and subject to a conservation easement in favor of the Town of Bethel or an acceptable nonprofit land conservation trust, as required.

## PARCEL AND LOT REQUIREMENTS

## OPEN SPACE

- h. Such open spaces shall be deeded in perpetuity except that any open spaces deeded to a private organization or to a private association shall provide in such deed that ownership shall revert to the Town or other conservation organization for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership.
- i. If a subdivider transfers land to the Town for general municipal purposes, such transfer may be considered by the Commission as a credit toward any open space dedication requirements.
- j. The Commission may require that any open space land have direct access to a Town street or a State highway through a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- k. Open space areas shall not be used during construction as a depository for brush, stumps, earth, building materials, or debris.

**7. Fees in Lieu of Open Space**

- a. As provided in CGS Section 8-25, the Commission may authorize the subdivider to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town or other approved entity in lieu of the requirement to provide open spaces.
- b. The Commission may also request the subdivider pay a fee to the Town or pay a fee to the Town and transfer land to the Town or other approved entity in lieu of the requirement to provide open space where dedication of land as open space will not meet the purposes of this Section 3.05.
- c. If payment of such a fee is proposed by the subdivider, the Commission may refuse such fee if it determines, in its sole discretion, that there are areas within the parcel which merit preservation by one of the methods set forth in these Regulations.
- d. Payments generated under the provisions of this Section 3.05.7 shall be placed in a designated fund account within the Town of Bethel to be utilized for the purposes of reserving dedicated open space, acquisition of new public open space, for recreational or agricultural purposes or improvement of existing open space dedicated to the Town.
- e. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be in accordance with CGS Section 8-25, as amended.
- f. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space payments or combination of both payment and land shall be equal to the following percentage of the fair market value of the land to be subdivided prior to subdivision:

Number of Lots	Percentage of Fair Market Value
One (1) lot	Two percent (2%)
Two (2) lots	Four percent (4%)
Three (3) lots	Six percent (6%)
Four (4) lots	Eight percent (8%)
Five (5) or more lots	Ten percent (10%)

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- g. The fair market value of the land shall be determined prior to the closing of the public hearing by:
    - i. An appraisal report included as part of the public record prepared by a licensed appraiser jointly approved by the Commission and the applicant where the cost of such appraisal shall be shared equally between the applicant and the Town of Bethel and the Town's share of the appraisal cost shall be subtracted from the cash payment paid by the applicant.
    - ii. the parties may agree to use the Tax Assessor's evaluation of the market value of the land at 100%.
  - h. The fee in lieu of open space shall be paid by the subdivider:
    - i. In one lump sum prior to the filing of the subdivision map with the Town Clerk.
    - ii. On a pro rata basis at the time of the sale of each approved lot in the subdivision provided that:
      - The payment obligation shall be secured by a lien against each lot in the subdivision.
      - The lien shall be filed at the time that the final subdivision plans are filed in the office of the Town Clerk.
      - The lien shall be in a form approved by the Commission and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a certificate of title.
    - i. In cases where there is a combination of both payment and dedication of land, the transfer of land shall occur when the public improvements are accepted by the Town. If there are no other public improvements, the deed for the land shall be transferred at the time the subdivision plans are filed.
8. **Modification of Open Space Reservation** – The open space requirements of this Section 3.05 shall not apply if:
- a. the transfer of all land in the subdivision of less than five (5) parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin of the subdivider for no consideration.
  - b. the subdivision is to contain affordable housing, as defined in CGS Section 8-39a, equal to twenty percent (20%) or more of the total number of housing units to be constructed in such subdivision.

### 3.06

#### PARCEL AND LOT REQUIREMENTS

#### SOLAR ACCESS

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### 3.06 SOLAR ACCESS

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1. These subdivision regulations are intended to encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
2. The subdivider shall consider using solar energy techniques and site design techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions, and that have the potential to:
  - a. maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and
  - b. minimize heat gain and provide for natural cooling during the cooling season.
3. The site design techniques shall include, but not be limited to:
  - a. house orientation,
  - b. street and lot layout,
  - c. vegetation,
  - d. natural and man-made topographic features,
  - e. protection of solar access within the subdivision.
4. As part of the application, the subdivider shall demonstrate that these techniques have been considered.

### 3.07 SOIL EROSION AND SEDIMENT CONTROL

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1. An erosion and sedimentation control plan prepared and sealed by a professional engineer registered in the State of Connecticut shall be submitted with any subdivision application.
2. Such plan shall demonstrate adherence to the erosion and sedimentation control standards set forth in the:
  - a. Town of Bethel Zoning Regulations,
  - b. "Connecticut Guidelines for Soil Erosion and Sediment Control (2002)", as amended, and
  - c. "Connecticut Stormwater Quality Manual (2004)", as amended.
3. Such plan shall demonstrate proper provision to:
  - a. minimize and adequately control accelerated erosion and sedimentation during construction,
  - b. result in a stabilized development protected from erosion when completed, and
  - c. utilize the best available technology for erosion and sedimentation control.

### 3.08 CONSERVATION DESIGN SUBDIVISION

1. **Purposes** - It is the objective of this Section 3.08 to conserve natural features and enhance community character in Bethel through the utilization of more flexible standards which will permit a more creative, attractive and efficient use of land in such a way as to preserve land for open space, greenway, scenic, park, recreational and educational purposes for all residents.
2. **Authority** - As authorized by CGS Section 8-25(c), these Regulations provide for cluster development (herein called "Conservation Design Subdivisions") to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community.
3. **Overall Standards** - Conservation Design Subdivisions shall comply with the following:
  - a. the lots to be created shall be served by public water supply and public sewage disposal unless an alternative arrangement is found acceptable by the Commission based on information from the Director of Health.
  - b. a landscaped buffer at least 25 feet in width shall be established along any lot boundary, excluding any portion of the development preserved as open space, adjoining a residential parcel not developed as a conservation subdivision.
  - c. the design elements of the proposed development will be compatible with the characteristics of the neighborhood.
  - d. Rear lots are not permitted.
4. **Dimensional Standards** -

	R-40	R-80
Minimum Parcel Size	15 acres	25 acres
Maximum Density (units per acre of buildable land)	0.60	0.30
Minimum Lot Size (all lots must meet Health Code requirements)	20,000 SF	30,000 SF
Maximum Lot Size (unless otherwise authorized by the Commission in order to ensure significant open space preservation)	30,000 SF	45,000 SF
<u>Minimum Lot Frontage / Lot Width</u>	<u>70 Feet</u>	<u>80 Feet</u>
Minimum Square Dimension	50 Feet	70 Feet
Minimum Front Yard Setback	25 Feet	30 Feet
Minimum Side Yard Setback	10 Feet	10 Feet
Minimum Rear Yard Setback	20 Feet	20 Feet
Maximum Building Coverage	25%	20%

## PARCEL AND LOT REQUIREMENTS

## CONSERVATION DESIGN SUBDIVISION

**5. Open Space Requirements -**

- a. The open space requirements in a conservation design subdivision consist of two components:
  - i. The baseline open space requirement for any subdivision of at least ten percent (10%) of the land area of the parcel, and
  - ii. Additional open space to be set aside as part of the conservation design subdivision to attain additional development flexibility as provided in Section 3.08.3
- b. In a conservation design subdivision, the baseline open space set-aside requirement (10% of the land area of the parcel) shall be configured such that the share of buildable land (as defined in these Regulations) to non-buildable land shall be the same for the baseline open space set-aside area as it is for the parcel as a whole.
- c. For open space preserved above the baseline open space set-aside requirement, there is no limitation with regard to the proportion of buildable or unbuildable land.
- d. The area(s) proposed to be conserved as open space shall be of a size, configuration, and location to accomplish one or more of the following objectives:
  - i. establishment of greenways, as recommended in the Plan of Conservation and Development,
  - ii. expansion and/or protection of existing open space and recreational areas,
  - iii. protection of important natural features such as water-related resources, streambelts, and/or wildlife habitat,
  - iv. protection of farmland and/or prime agricultural soils,
  - v. areas providing or protecting existing or potential drinking water supplies,
  - vi. areas that contribute to the overall character of the community including but not limited to:
    - ridge tops and other areas of scenic vistas,
    - large trees, stone walls and other scenic features, and
    - historic or archeological sites.
- e. The applicant shall propose, and the Commission shall approve, one of the following open space preservation methods for the Conservation Design Subdivision based on the following order of preference for ownership of open space:
  - i. deeded in fee simple to the Bethel Land Trust or other non-profit land conservation organization, acceptable to the Commission, legally constituted to accept and maintain open space for conservation purposes.
  - ii. deeded in fee-simple to the Town of Bethel;
  - iii. held in common by a homeowners' association incorporated as a not-for-profit corporation in the State of Connecticut, subject to legally binding arrangements that preclude any future development that may include restrictive deed covenants, conservation easements, or transfer of development rights to the Town or non-profit conservation organization; or
  - iv. held in single, partnership, or corporate ownership by the applicant subject to the transfer of development rights or conservation easements to the Town or non-profit conservation organization to preserve the area from future development;
- f. The open space areas shall generally interconnect and shall be accessible from a public street unless otherwise approved by the Commission.

**6. Roads -**

- a. Roads in a conservation subdivision shall either be privately maintained or dedicated to public use.
- b. All roads in a conservation subdivision, whether privately owned or dedicated to public use, shall adhere to the construction specifications of the Town Road Ordinance.

**7. Design Approach –**

- a. Any application for a Conservation Subdivision shall include the following materials prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut:
  - i. a site inventory / analysis map as described below, and
  - ii. an overall lot / roadway layout plan which responds to the site inventory / analysis map.
- b. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
- c. The site inventory / analysis map shall identify Primary Conservation Areas:
  - i. wetlands and vernal pools,
  - ii. watercourses,
  - iii. steep slopes (15 percent or more), and
  - iv. 100-year floodplain.
- d. The site inventory / analysis map shall also identify Secondary Conservation Areas and other environmental, scenic, and cultural resources such as:
  - i. Prime farmland soils and soils of statewide significance,
  - ii. areas within 50 feet of a wetland,
  - iii. areas within 100 feet of a watercourse or a vernal pool,
  - iv. 500-year floodplain,
  - v. Natural Diversity Database sites,
  - vi. wildlife corridors,
  - vii. mature woodlands,
  - viii. notable individual trees (>18" DBH),
  - ix. ridgelines, scenic views and vistas,
  - x. stone walls and /or farm hedgerows,
  - xi. key resources identified in the Plan of Conservation and Development or other natural / cultural resource inventory,
  - xii. key open space and trail connections identified in the Plan of Conservation and Development,
  - xiii. possible connections between conservation areas on the site and adjacent protected and unprotected open space,
  - xiv. proposed open space areas,
  - xv. areas within 100 feet of an existing roadway, and
  - xvi. soils with moderate to high infiltrative capacities
- e. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas shall be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.
- f. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection by one of the means described in Section 3.08.5.e.

**8. Application Review –**

- a. In determining whether to grant approval under this Section 3.08, the Commission shall consider whether a Conservation Subdivision or a Conventional Subdivision would best accomplish the purposes listed in Section 3.08.1.
- b. Pre-application meetings with Town Staff and the Commission are strongly encouraged.

### 3.08

#### PARCEL AND LOT REQUIREMENTS

#### CONSERVATION DESIGN SUBDIVISION

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Proposed Regulations For Public Hearing On July 26, 2016

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**ARTICLE 4.00      INFRASTRUCTURE REQUIREMENTS****4.01    STREETS****1. Overall Layout**

- a. Proposed streets shall be in harmony with existing or proposed streets as shown on the Plan of Conservation and Development adopted by the Commission, especially with regard to safe intersections with such existing or proposed streets.
- b. Proposed streets shall be designed and constructed to provide a safe and convenient system for prospective traffic and for continuation onto adjoining properties when subdivided.
- c. Proposed streets shall connect to:
  - i. An existing State highway, or
  - ii. an existing Town street, or
  - iii. a proposed Town street which has been approved by the Commission and for which a financial guaranty is on file with the Town in accordance with these Regulations.
- d. In general, proposed streets shall be designed to follow the contour of the land with consideration given to preserving natural features and other important resources.

**2. Phasing**

- a. All streets within a subdivision shall generally be completed at the same time in order to service all improved lots except that a subdivision may be developed in sections or phases with separate financial guaranties and/or approval types provided:
  - i. such sections or phases shall have been shown on the plan, and
  - ii. the concept of phasing and the arrangement of the phases shall have been approved by the Commission.

**3. Subdivision On Existing Town Street** - No subdivision of land on an existing Town street or State highway shall be approved until or unless:

- a. The right-of-way of the existing street or streets which provide frontage to proposed lots or access to proposed streets is one which has been established as a public highway by any of the various methods recognized by law for the establishment of a public highway, and the right of the public to use said right-of-way as a public highway shall not have been lost by abandonment.
- b. The final subdivision plan shows a street right-of-way dedicated for public highway purposes, at least 25 feet in width, measured at right angles from the center line of the existing street right-of-way at all points where land in the proposed subdivision abuts said existing street or streets.
- c. No steps required by the Connecticut General Statutes for the discontinuance or realignment of streets or public highways shall have been taken with reference to any existing street which provides frontage to proposed lots or access to proposed streets.
- d. Storm drainage disposal facilities are adequate to carry storm drainage from the proposed development and upstream areas, especially on any existing street into which storm drainage will flow from the proposed subdivision.

INFRASTRUCTURE REQUIREMENTS

STREETS

4. Improvement Of Existing Streets –

- a. Where a subdivision is proposed which has frontage on an existing State highway or an existing Town street where said existing highway or street does not meet the right-of-way requirements of these Regulations, the Commission may require that the subdivider dedicate the required right-of-way and any appurtenant slope or other easements to the Town along the frontage of the subdivision owned or controlled by the subdivider to correct the deficiency.
- b. Where a subdivision is proposed which has frontage on an existing State highway or an existing Town street where said existing highway or street has a dangerous condition, the Commission may require that the subdivider evaluate and determine the improvements required to resolve a dangerous condition and propose a resolution wherein the street deficiency will be addressed.:

5. Street Standards

- a. Unless waived or modified by the Commission in accordance with Section 1.06, layout and construction of proposed streets and improvements shall conform to the Bethel Road Ordinance (Chapter 82 in the Code of Ordinances), including, without limitation, adequate storm-drainage disposal facilities.
- b. The following table summarizes the key provisions of the Bethel Road Ordinance but such ordinance shall control:

	Primary – Major Collector	Industrial	Secondary – High Density	Secondary – Low Density
POCD Nomenclature	Collector	N/A	Local	Local
Right Of Way Width	60 feet	60 feet	50 feet	50 feet
<u>ROW Radius At Cul-De-Sac</u>	<u>n/a</u>	<u>70 feet</u>	<u>60 feet</u>	<u>60 feet</u>
Pavement Width (measured <u>between</u> face of curb)	40 feet (or less pavement width if waived or modified by the Commission)	40 feet	32 feet	27 feet
<u>Pavement Radius At Cul-De-Sac</u>	<u>n/a</u>	<u>60 feet</u>	<u>45 feet</u>	<u>45 feet</u>
Minimum Street Grade	1 percent	1 percent	1 percent	1 percent
Maximum Street Grade	7 percent	7 percent	10 percent	10 percent
Cross Slope	3/8"/foot	3/8"/foot	3/8"/foot	3/8"/foot

Secondary – high density refers to areas where the Zoning Regulations permit lot areas less than 20,000 square feet. Secondary – low density refers to areas where the Zoning Regulations permit lot areas of 20,000 square feet or larger.

- c. Where the Commission classifies a proposed street pursuant to the Bethel Road Ordinance as other than a local residential street, then the right-of-way of that street shall have the width required by the Road Ordinance for the particular classification made.
- d. Where a street may now or in the future carry other than neighborhood traffic, and where the location of such a street is shown in the Plan of Conservation and Development, a right-of-way greater than 50 feet in width may be required by the Commission.
- e. All necessary slope rights and easements shall be acquired by the subdivider and dedicated to the Town and any exceptions:
  - i. shall only be under extenuating circumstances, and
  - ii. shall be specifically approved by the Commission.
- f. Areas within the road right-of-way but outside of the roadway shall, unless modified by the Commission upon recommendation of the Town Engineer, consist of a graded shoulder with a sidewalk where required by these Regulations and/or a grass planting constructed at a cross-slope grade of 1/8 foot per foot and graded toward the street or, at the discretion of the Commission, toward a swale.

**6. Curbing**

- a. Granite or precast cement concrete curbing is required in all areas which require sidewalks.
- b. Asphalt curbing is required in all other areas unless modified by the Commission to accommodate low impact development (LID) drainage approaches or other reason acceptable to the Commission.

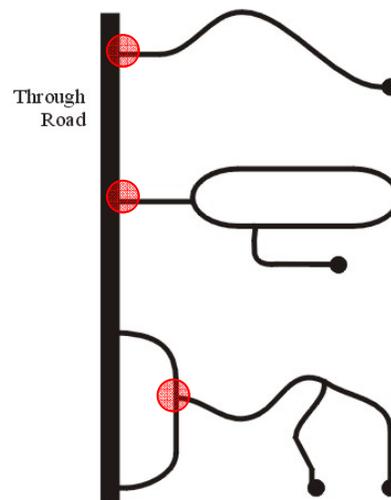
**7. Intersection Design**

- a. Proposed subdivision streets shall intersect existing and other proposed streets at right angles for a distance of at least 100 feet from the intersecting street lines unless otherwise approved by the Commission. Final approval will not be given where streets are shown on the final subdivision plan intersecting with each other at an angle of less than 60 degrees.
- b. Multiple intersections at one location shall generally be avoided and, except when the Commission finds conditions are present which justify a variation from these requirements, the centerlines of intersecting streets shall be spaced far enough apart to avoid conflicting movements or unsafe situations.
- c. Proposed streets shall intersect other streets such that the slope of the travelway on the proposed street shall not exceed two (2) percent within fifty (50) feet of the intersection unless otherwise approved by the Commission on the recommendation of the Town Engineer.
- d. Street lines at intersections shall be connected by a curve having a minimum radius of 25 feet.
- e. Clear visibility at any proposed intersection shall be provided from a driver's eye (located at a height of 3.5 feet above the surface of the proposed street and a location twenty feet (20') back from the edge of the travelway of the intersected street) for at least 300 feet measured along the centerline except the Commission may require that a subdivider demonstrate that this will result in unobstructed view along both directions of the intersected street that is in conformance with current CTDOT standards for the 85th percentile speed for:
  - i. the "minimum" sight distance.
  - ii. the "desirable" sight distance.
  - iii. Such sight distance shall not be impaired by curvature or slope, except in extreme conditions, in which case adequate alternative safety measures shall be designated.

**8. Dead-End Street Limitations**

- a. Dead-end streets shall provide sole access and frontage for at least four lots.
- b. The maximum length of a permanent dead-end street shall be a distance in feet equal to eight times the minimum lot width for the zone in which it lies as measured from the nearest intersection, whether inside or outside the subdivision, that has two means of access.
- c. A greater length of a dead-end street may be permitted by the Commission in accordance with Section 1.06 due to adverse topographic or soil conditions, difficult site configuration, future street extension or similar circumstances.
- d. A subdivider wishing to request approval of a cul-de-sac street with a length greater than indicated above is encouraged to follow the Preliminary Plan procedures established in Section 5.02.

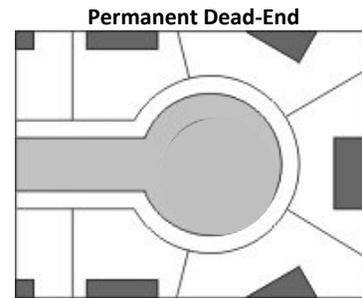
Measuring the Length of Dead End Streets



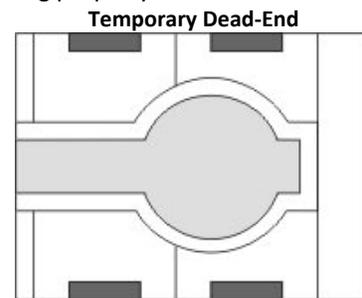
The length of a dead end street (or dead end street system) is measured from the location of the red dot.

**9. Turnaround Design**

- a. A permanent dead-end street shall terminate in a turnaround right-of-way designed and constructed in accordance with the Bethel Road Ordinance.
- b. The outer edge of such permanent turnaround shall be located at least one-hundred (100) feet from the property line of the parcel being subdivided.
- c. The paved turnaround shall not exceed a slope of three percent (3%) measured from the start of the turnaround to its end.
- d. The Commission may require that pedestrian, drainage and/or utility easements of appropriate width be provided from the terminus to the abutting property line(s).

**10. Street Extensions and Temporary Dead-End Streets**

- a. The Commission shall generally require that the arrangement of streets in a subdivision provide for the extension of existing streets and for the future extension of proposed streets into abutting property not yet subdivided at locations acceptable to the Commission.
- b. Where it is possible for a street in a proposed subdivision to connect with a temporary dead-end street in an existing subdivision or to an unimproved street in an existing subdivision left for future improvement as an outlet street to an adjoining property, the plan profiles of the proposed subdivision shall show, and the application for final approval shall include, all work required to connect and complete the improvements and utilities between the proposed and the existing subdivisions. The paved portion of the turnaround beyond the normal pavement width shall be removed, and curbing of the required type shall be installed and the area regraded per Town of Bethel Road Ordinance.
- c. The Commission may require the subdivider to demonstrate the feasibility and practicality (or the infeasibility or impracticality) of extending the proposed street onto or through adjacent property.
- d. When any such provision for extension is required by the Commission, the subdivider shall provide for access to the adjacent undeveloped land via a Town street to the abutting property.
- e. When any such provision for extension is required and is an extension or continuation of a proposed street, the proposed subdivision street shall:
  - i. have the full width of the right-of-way extended to the property line of the subdivision,
  - ii. have the pavement area of the temporary turnaround brought as close to the boundary as is practical,
  - iii. have temporary easements dedicated to the Town for highway purposes, but with the restriction that said segments shall revert to adjoining property owners when the extension of the temporary dead-end street is accepted by the Town for:
    - a. the temporary turnaround area, and
    - b. grading associated with the future street extension.
  - iv. have a paved travelway spur extending 10 feet from the turnaround area toward the undeveloped land.



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- f. If the proposed access to abutting property is not an extension or continuation of a proposed street (such as being perpendicular to a proposed street), the subdivider shall have:
    - i. the future street area cleared and graded with all slopes made necessary by such street prepared and stabilized, and
    - ii. no reserve strip(s) left at the end or side of any access which adjoins abutting property.
  - g. The subdivider of the adjoining land shall then be responsible for:
    - i. preparing drawings showing and including all work required to connect and complete the improvements and utilities between the existing street and the proposed subdivision,
    - ii. removing all segments of any temporary turnaround or other temporary improvements outside the normal paved surface and suitably grading and seeding the ground at such time as the street is extended.

**11. Street Names**

- a. All streets shall be named and proposed street names shall be indicated on the subdivision plan and shall be approved by the Commission.
- b. Proposed street names shall be selected so as to avoid similarity in spelling or pronunciation with existing private or Town street names.

**12. Street Signs and Traffic Controls**

- a. Prior to the issuance of any certificate of occupancy within the subdivision, Town acceptance of a Town street, or final release of a financial guaranty related to street construction, the subdivider shall provide and install at the subdivider's sole cost and expense:
  - i. suitable traffic control devices and signs in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, and
  - ii. suitable permanent street name signs at all street intersections in accordance with Town standards.
- b. During street construction and prior to the issuance of any building permit, temporary street name signs and suitable traffic control devices of a durable, weatherproof material shall be installed by the subdivider at street intersections.

**13. Other Requirements**

- a. New streets shall have all improvements and utilities required by these regulations and shall make adequate provision for the disposal of surface and stormwater.
- b. Side slopes shall be designed to assure adequate stabilization and shall not be steeper than one foot (1') vertical to two feet (2') horizontal in earth and in ledge 6' vertical and 1' horizontal.

**4.02 SIDEWALKS**

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1. High-density areas (including, but not limited to, the R-10, RR-10, C, CI, I, IP and RM-O Zones) will require sidewalks of cement concrete or another material deemed suitable by the Commission, at least 48 inches in width and at least four inches in depth on both sides of the street, and a suitable base as specified by the Town.
2. Low-density areas (including, but not limited to, the R-20, R-30, R-40 and R-80 Zones) will require a ten-foot graded grass shoulder in all zones, constructed at a cross-slope grade of 1/8 foot per foot and graded toward the street or, at the discretion of the Commission, toward a swale.
3. Sidewalks shall be set back at least three feet from curbing.
4. Where a subdivision has frontage on an existing street, the subdivider shall be required to install sidewalks along said street frontage or bring existing sidewalks up to current Town standards.

**4.03 DRIVEWAYS AND ACCESSWAYS**

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1. Driveways shall be constructed in accordance with the standards and procedures set forth in the Driveway Ordinance of the Town of Bethel (Chapter 50 in the Code of Ordinances).
2. No lot shall be approved and no Certificate of Occupancy shall be issued unless the driveway serving the lot shall have an average slope of 10 percent or less and a maximum slope of 15 percent or less.
3. An accessway servicing any rear lot shall be paved with a minimum paved width of twelve (12) feet and a minimum cleared width of eighteen (18) feet.
4. Within the Town street right-of-way, no driveway shall be graded such that it would receive drainage from the Town street.
5. The Commission may require driveway locations be shown on the plan to assure proper sight line, proposed slope, drainage and intersection with the street.
6. The Commission may specify an exact driveway location, grade, width, surface or other design requirement in order to provide for reasonable access for emergency and other services.
7. Accessways servicing a rear lot shall have a monument posted at the entrance. Monuments must be three feet in height, six inches square concrete showing the distance from the road to the house. House number letters and numbers should be clearly visible with a height of three inches minimum.

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**4.04 SEWAGE**

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1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that adequate sewage disposal will be provided for each lot and the Commission shall not approve any lot where insufficient evidence has been provided with regard to sewage disposal to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. Where the Town sewer system is available:
  - a. it shall be utilized, and
  - b. all sewer mains and laterals within the street right-of-way shall be installed prior to the final surfacing of the street unless otherwise approved by the Town Engineer.
3. Where private sewage disposal (a septic system) is to be used, approval by the Director of Health shall be obtained.

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**4.05 WATER**

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1. It is the responsibility of the subdivider to supply satisfactory evidence to the Commission and the Director of Health that a potable water supply will be provided for each lot and the Commission shall not approve any lot where insufficient evidence has been provided with regard to water supply to satisfy the requirements of the Public Health Code of the State of Connecticut.
2. Where a public water supply system is available:
  - a. it shall be utilized,
  - b. provision shall be made for the installation of water mains and fire hydrants within the proposed development, and
  - c. all water lines and supply connections within the street right-of-way shall be installed prior to the final surfacing of the street unless otherwise approved by the Town Engineer.
3. In accordance with CGS Section 8-25a, any subdivision using water supplied by a water company incorporated on or after October 1, 1984 shall not be approved unless such company has been issued a certificate pursuant to CGS Section 16-262m.

## 4.06 STORM DRAINAGE

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1. **Purpose** - This Section 4.06 of the Regulations is intended to:
  - minimize degradation of water resources within the Town of Bethel from pollution from non-point source runoff,
  - mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
  - reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
  - promote the application of low impact development (LID) strategies for the analysis and design of stormwater treatment systems.
  
2. **General**
  - a. The subdivider shall be responsible for constructing adequate facilities for the control, collection, treatment, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating in the subdivision or in a tributary drainage area.
  - b. All drainage facilities shall be designed by an engineer and shall be subject to review by the Town Engineer and the approval of the Commission.
  - c. Curbing, catch basins and pipes shall generally be required to control drainage except that the Commission may accept alternative arrangements which demonstrate best management practices for implementation of “green infrastructure” or “low impact development” when appropriate after considering recommendations from the Town Engineer and other parties designed to implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality (CSQ) Manual (2004), as amended:
    - i. Pollutant Reduction (CSQ Manual Section 7.4).
    - ii. Groundwater Recharge and Runoff Volume Reduction (CSQ Manual Section 7.5).
  - d. Peak Flow Control (CSQ Manual Section 7.6) for the 10-year, 25-year, and 100-year storm events with the aim, where appropriate, of resulting in a zero percent (0.0%) increase in the peak rate of runoff from pre-development conditions.
  - e. The Commission may, at the applicant’s expense, seek independent evaluation of the proposed drainage design.
  - f. No natural watercourse shall be altered or obstructed unless specifically approved by the Commission.
  - g. The Commission may require culverts or other subsurface drainage installations where it deems necessary to connect with one or more natural watercourses or to a suitably sized Town structure.
  - h. Easements for drainage as the Commission deems necessary shall be granted by means of a legally adequate written instrument which shall be prepared, executed and recorded in such a form and manner as may be required by the Commission, at the expense of the applicant.
  
3. **Design of Drainage Facilities**
  - a. Storm drainage facilities, where required and/or provided, shall be designed and constructed in accordance with CTDOT Construction Standards and Specifications, unless modified by the Commission.
  - b. The design and construction of storm drainage facilities shall:
    - i. be adequate for present and potential future uses based upon the maximum ultimate development of the upstream watershed as permitted under existing Zoning Regulations,
    - ii. not cause flooding of abutting property from the headwater and backwater produced by bridges, culverts, and other structures,
    - iii. make proper provision (including easements or manholes) for drainage from development of adjacent properties, and
    - iv. not divert water from one watershed to another without a State permit.

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- c. Drainage structures shall be designed to accommodate the following storm frequency:
    - i. a 25-year storm frequency for streets within the subdivision and detention/retention on individual lots (including catch basins, inlets, pipes, underdrains and gutters), and
    - ii. a 100-year storm frequency for culverts, bridges through watercourses, and detention/retention basins.
  - d. All drainage design formulas and analyses shall adhere to acceptable engineering practice and the calculations and their method of derivation shall be indicated as part of the application.
  - e. Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity - Duration Frequency Curves" for the nearest rain gauge.
  - f. The following information shall be submitted to the Commission:
    - i. plan showing watershed areas for each structure,
    - ii. calculations showing the design criteria used for each pipe length, and
    - iii. information showing that drainage pipes will provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.
  - g. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
  - h. Drainage facilities shall be laid out so as to minimize discharge of water to the Town street, including the right-of-way.

#### 4. Drainage Facilities

- a. Drainage facilities located within the street right-of-way shall be enclosed in suitable underground pipes, where necessary or desirable.
- b. Long, diagonal drainage crossings under the pavement that can cause differential street settling shall be avoided.
- c. Where a development connects to existing streets, the subdivider shall provide appropriate drainage at the intersections.
- d. Drainage facilities outside of the street right-of-way shall be enclosed in suitable underground pipes wherever desirable.
- e. The Town Engineer shall approve the location and spacing of drainage structures, if provided.
- f. Easements for drainage facilities shall be:
  - i. perpetual, unobstructed drainage easements,
  - ii. at least 20 feet wide,
  - iii. centered on the pipe and, where possible, centered on property lines, and
  - iv. deeded to the Town of Bethel if the drainage facilities serve a Town street and deeded to the association if the drainage facilities serve a private street.
- g. Unless modified by the Commission based on a recommendation of the Town Engineer, the minimum pipe size for all storm drain systems constructed under these Regulations shall be 15-inch inside diameter.
- h. The material for all storm drain systems constructed under these Regulations shall be reinforced concrete, except that the Town Engineer may allow the use of High Density Polyethylene (HDPE) in appropriate circumstances.
- i. Unless modified by the Town Engineer, a minimum cover of two (2) feet shall be provided for all storm drains.
- j. Proper bedding, grading, and cover shall be provided around and for all drainage structures.

## INFRASTRUCTURE REQUIREMENTS

WIRE UTILITIES

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**5. Drainage Outlets and Channels**

- a. All storm drain system outlets shall be terminated with an approved outlet structure and stabilized as necessary.
- b. Easements for outlet pipes shall extend to a suitable existing storm drain or a natural watercourse.
- c. No storm drain system shall discharge into a natural watercourse, without the approval of the Inland Wetlands Commission.
- d. No storm drain system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse.
- e. A detention basin may be required by the Commission to prevent silting of streams, wetlands, or other areas contiguous to the drainage outfall and/or to reduce the rate of runoff to pre-construction conditions.
- f. When drainage outlets or channels are required by the Commission for drainage purposes, the subdivider shall provide the Town with a plan and any required rights-of-way for long-term maintenance.
- g. Where it is necessary to discharge storm water across private property not included in the subdivision, the subdivider shall:
  - i. obtain, in writing, permanent drainage rights in favor of the Town for flows across such properties including the rights for the Town to enter and maintain existing or proposed facilities if the system is to be accepted by the Town.
  - ii. show such drainage easements on the subdivision plan
  - iii. submit copies of all easements and agreements to the Commission prior to final approval of the subdivision.
  - iv. filed such drainage easements on the land records following approval of the subdivision plan.

**4.07 WIRE UTILITIES**

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1. All public utility lines or conduits, including those for power or communications to be placed on proposed new streets, shall be installed underground.
2. All pipes and conduits for wire utilities shall be installed in the side strips of the right-of-way wherever possible and such pipes and conduits shall be installed prior to final surfacing of the street.
3. Any wire utility located outside of the right-of-way shall be located in an easement adequate in width to allow for present or future connections or extensions of such utilities and for the maintenance thereof.
4. All wire utilities associated with the subdivision shall be installed at the subdivider's expense prior to issuance of a certificate of occupancy and/or, if a Town street, prior to acceptance of the street by the Town.
5. For a Town street, all wire utilities shall be located and mapped on an as-built drawing prior to acceptance of the street by the Town.

## 4.08 TREES

1. Within the street right-of-way, trees shall be provided in accordance with the Tree Ordinance (Chapter 103 in the Code of Ordinances).
2. Within the lot area, no tree exceeding 18 inches in diameter shall be removed without the approval of the Tree Warden, unless such tree falls within the building, septic, or driveway site.
3. Each lot shall contain deciduous trees at least three (3.0) inches in caliper in a quantity no less than one tree per fifty (50) feet of street frontage or part thereof and such tree shall be planted within ten (10) feet of the street line. This requirement may be met by preserving existing vegetation or by planting new vegetation.
4. New tree plantings may be of the following types with a preference given to native New England species:

<b>Medium-size trees</b>	Norway maple Thornless honeylocust Tupelo or black gum Chinese scholartree Little leaf linden
<b>Small trees</b>	Flowering dogwood Pauls scarlet hawthorn Washington hawthorn Saucer magnolia Japanese flowering crabapple Hop hornbeam Sorrel tree
<b>Tailored trees</b>	Columnar Norway maple Columnar sugar maple Pyramidal American linden
<b>Large trees</b>	Red maple Sugar maple Thornless honeylocust Sweet gum London plane tree White oak Scarlet oak Pin oak American elm

5. If contours are to be raised 12 inches or more, trees must be removed or an aerating system installed.
6. The larger trees, with expected growth of 50 feet or more, should be planted no less than 50 feet apart.
7. Any slopes in excess of 3 to 1 should have suitable ground cover.

**4.09 FIRE PROTECTION**

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1. Each subdivider shall provide fire hydrants to protect public safety where required by the Commission based on the recommendation of the Fire Marshal and/or Fire Chief.
2. Where public water service is not available or provided, the Fire Marshal and/or Fire Department may request that the Commission require a subdivider to provide supplemental water supply system(s) to protect public safety such as:
  - a. hydrant(s) to an existing pond,
  - b. hydrant(s) to a proposed fire pond,
  - c. establishment of an underground cistern or water storage tank, and/or
  - d. other mechanisms acceptable to the Commission to provide for supplemental fire protection (such as residential sprinkler systems, or other proposal).

## ARTICLE 5.00      APPLICATION PROCEDURES

### 5.01    GENERAL

1. All applications shall be submitted to the Planning and Zoning Department at Town Hall during regular working hours.
2. Plans submitted under these Regulations shall be prepared by the following person or persons:

Stage	Type of Design	Type of Person
<b>Preliminary Plan</b>	Schematic / conceptual design.	An engineer, surveyor, architect, land planner, landscape architect, or other qualified individual.
<b>Formal Application</b>	Delineation of the boundary lines of the outside perimeter of a parcel as well as the interior lots and streets.	Sealed by a surveyor
	Design of streets, drainage systems, sanitary sewer systems, sewage disposal systems, and water supply and distribution.	Sealed by an engineer

3. The subdivider shall be present at the meeting of the Commission when the application is presented to the Commission although the Commission may still act on an application if the subdivider is not present.
4. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
  - a. reviewing the proposed subdivision,
  - b. inspecting the property and any proposed improvements, and/or
  - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them.

**5.02 PRELIMINARY PLAN PROCEDURE (OPTIONAL)**

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1. In order to prevent undue delay or extensive modification to a formal application, the Commission encourages informal discussion of the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these Regulations.
2. The preliminary plan procedure is suggested to prospective subdividers, their agents or engineers, so that they may discuss the design of the subdivision in the formative stages with the Commission and other Town officials.
3. If the subdivider elects to submit a non-binding preliminary plan, the Commission will review it on an informal basis so that information can be exchanged to aid in the preparation of an application.
4. Since the procedure is a review of a conceptual design and a pre-application process:
  - a. receipt of materials shall *not* constitute a "formal application," and
  - b. any discussion or opinions rendered are advisory only, are not binding on the Commission or the potential subdivider, and shall not be the basis for a claim of predetermination by the Commission.
5. Three (3) copies of materials as described in the Appendix of these Regulations for a preliminary plan shall be submitted to the Planning Staff, and the potential subdivider shall be advised of the date to appear at a meeting of the Commission for informal review and comment.
6. At the Commission's meeting, the Commission may exchange information with the applicant in order to aid the applicant to prepare a formal application under these Regulations.
7. Any advice or recommendation made by the Commission during such exchange of information is informal and is not binding upon the Commission. The applicant must still obtain final approval as defined by the regulations.

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## 5.03 FORMAL SUBDIVISION APPLICATION

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1. A formal application for subdivision or resubdivision shall include the following:
  - a. one (1) original of the application form established by the Commission, fully and properly completed, and signed by the owner of record or accompanied by an original letter from the owner of record authorizing the application.
  - b. the required application processing fee including the State of Connecticut land use fee, payable to the Town of Bethel, except that a Town agency shall be exempt from the requirement to submit the application fee.
  - c. plans and other documents as required by the Appendix of these Regulations and/or as required by the Commission.
  - d. A list of the names and mailing addresses of abutting property owners within 100 feet of the subject property, including those owning property on the opposite side of the street from the Assessor's records.
2. The Commission may require the submission of:
  - a. funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance,
  - b. evidence of application to CTDOT seeking approval of access onto any State highway or discharge of drainage into a State system or onto State property,
  - c. a statement, together with supporting documentation, of the estimated cost of constructing the proposed subdivision streets and other improvements,
  - d. any proposed grant or easement to the Town, in form satisfactory to the Town,
  - e. any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations,
  - f. additional copies of application materials as necessary for review by the Commission or other Town agencies.
3. If the property included in the application is subject to a conservation restriction or a preservation restriction as defined in CGS Section 47-42d, the applicant shall provide:
  - a. proof that the applicant has, at least sixty days prior to the filing of the permit application, provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, or
  - b. a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

**5.04 RECEIPT AND SCHEDULING**

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1. If a formal application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of Connecticut General Statutes, the subdivider is encouraged to acquire permits and approvals from the Inland Wetlands Commission prior to submission to the Commission. In any event, the subdivider shall submit an application to the Inland Wetlands Commission no later than the date the application is filed with the Planning and Zoning Commission.
2. For the purpose of calculating statutory timeframes, the date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application or thirty-five (35) days after submission, whichever is sooner.
3. If the application has not been filed at least 14 days prior to the Commission meeting immediately following the day of submission or if the application is not in good form and accompanied by all required fees, plans and supporting materials needed to document conformity to the requirements of these Regulations, the Commission has the discretion to exclude an application from consideration on the agenda of the next regularly scheduled meeting, even if officially submitted.
4. The Commission shall not be required to consider an application for approval of a subdivision plan while another application for subdivision of the same or substantially the same parcel is pending before the Commission.
5. Upon receipt of an application for subdivision or a resubdivision, the Commission shall schedule a public hearing.
6. The Commission may require field staking of proposed improvements, such as the center line of the proposed streets, for visual inspection. Such stakes shall be installed at intervals of fifty (50) feet along the center lines. The Commission or its agent shall retain the right to field-check and inspect the layout prior to acting on the proposed subdivision.
7. At any time following the submission of an application and prior to final action by the Commission, an application may be withdrawn by filing with the Commission a written request to that effect.
8. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, to consult with any other agency or person and/or retain any professional consultant as, in the opinion of the Commission, may be advisable for their information, review and recommendations.
9. In accordance with CGS Section 8-1c and any Municipal Land Use Fee Ordinance, the subdivider shall be responsible for any review fees and related expenses incurred as a result of such consultations.

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## 5.05 NOTICE PROVISIONS

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1. In accordance with CGS 8-7d, notice of the public hearing shall be given by publication in a newspaper of general circulation in the municipality at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing. The cost of advertising shall be borne by the applicant.
2. At least 15 days prior to the public hearing, the applicant shall send a notification and description of the application and the date, time, location and purpose of the public hearing to all abutting property owners and to those within 100 feet of the subject property, including those owning property on the opposite side of the street, based on the most recent Assessor's records. Such notice shall be sent by regular mail or certified mail via the United States Postal Service and the "certificates of mailing" issued by the United States Postal Service shall be submitted at the public hearing and shall become part of the official record of the application. As provided in Public Act 15-68, property owners shall be those persons listed as the owners on the property tax map or the most recently completed Grand List.
3. In accordance with CGS 8-26b, when any proposed subdivision or resubdivision will abut or include land in a neighboring municipality:
  - a. the Commission shall give written notice of such subdivision plan and send a a copy of such subdivision plan to the regional planning agency in which it and the other municipality is located by certified mail, return receipt requested or by electronic mail, read receipt requested, at least thirty days before the date of the first public hearing to be held in relation thereto except that if the Commission does not receive confirmation of receipt of such electronic mail at least twenty-five days before the public hearing then it shall send such notice by certified mail, return receipt requested.
  - b. if the advisory report from the regional planning agency with its findings on the inter-municipal aspects of the proposed subdivision is not received at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.
4. In accordance with CGS 8-7d(f), the Commission shall:
  - a. notify the clerk of any adjoining Connecticut municipality by certified mail, return receipt requested, within seven (7) days of the date of receipt (as specified in Section 5.04.2 of these Regulations) of an application concerning any project on any site in which:
    - i. any portion of the property affected by the decision of the Commission is within five-hundred (500) feet of the boundary of the adjoining municipality, or
    - ii. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or to exit the site, or
    - iii. 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 municipality, or
    - iv. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
  - b. No hearing shall be conducted on any application unless the adjoining municipality has received the notice required hereunder.
  - c. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

**5.06 PUBLIC HEARINGS**

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1. In accordance with CGS 8-7d, when a hearing is to be held on an application, such hearing shall:
  - a. commence within sixty-five (65) days after the date of receipt of such application, and
  - b. be completed within thirty-five (35) days after such hearing commences, unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended provided the total timeframe of all such extensions associated with an application shall not exceed sixty-five (65) days.
2. A copy of the application materials shall be available for public inspection at the office of the Commission not less than seven days before the hearing.
3. At the public hearing, the applicant shall certify to the Commission that, based on the Assessor's records, notification and description of the application and the date, time, location and purpose of the public hearing were mailed to all abutting property owners and to those within 100 feet of the subject property, including those owning property on the opposite side of the street at least 15 days prior to the public hearing.
4. At such hearing any person or persons may appear and be heard and may be represented by agent or by an attorney.

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**5.07 APPLICATION PROCESSING AND ACTION**

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1. The Commission shall act by approving, modifying and approving, or disapproving a formal application. An incomplete application shall be disapproved.
2. Such action on an application shall be rendered within sixty-five (65) days after completion of the public hearing unless a shorter or longer period of time is required or allowed pursuant to CGS Section 8-7d, as amended. The failure of the Commission to act in accordance with the statutory timeframe shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.
3. If a formal application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of Connecticut General Statutes, the Commission shall not render a decision until the Inland Wetlands Commission has submitted a report with its final decision to the Commission.
4. The subdivider may consent to one or more extensions of any period specified, provided the total of all such extensions associated with an application shall not exceed sixty-five (65) days.
5. In making its decision, the Commission shall give due consideration to the material contained in the record including any report of the Inland Wetlands Commission.
6. Any action by the Commission shall:
  - a. set forth the reasons for approval, approval with modifications, or disapproval,
  - b. set forth any conditions to which the approval is subject, and
  - c. be stated on the Commission's records.
7. Commission approval of the plans shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.
8. Within 15 days after such decision has been rendered, the Commission shall cause notice of its action to be:
  - a. mailed to the subdivider by certified mail, return receipt requested, and
  - b. published in a newspaper having substantial circulation in Bethel as provided in CGS Section 8-26.
9. Such notice shall be a simple statement that such application was approved, modified and approved, or disapproved, together with the date of such action.
10. If the Commission fails to cause notice of its action to be published as provided in CGS Section 8-26 (within fifteen days after a decision has been rendered), the subdivider may publish such notice within ten (10) days following the 15-day period.

## APPLICATION PROCEDURES

APPLICATION PROCESSING AND ACTION

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11. **Reversal Of Approval – Failure To Notify Holder of Restrictions When Not A State Agency** - As provided in CGS Section 47-42d, where the applicant failed to comply with the provisions of Section 5.03.3 and the party holding the conservation or preservation restriction is other than a state agency:
  - a. the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Commission.
  - b. The Commission shall reverse the subdivision approval upon a finding that the requested land use violates the terms of such restriction.
  
12. **Reversal Of Approval – Failure To Notify Holder of Restrictions When A State Agency** - As provided in CGS Section 47-42d, where the applicant failed to comply with the provisions of Section 5.03.3 and the party holding the conservation or preservation restriction is a state agency:
  - a. The state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the Commission.
  - b. The Commission shall immediately reverse such subdivision approval if the Commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

**ARTICLE 6.00 POST-APPROVAL PROCEDURES**

**6.01 FINALIZING APPROVED PLANS**

1. Based upon the approval by the Commission, the subdivider shall have the subdivision plan and supporting plans revised to conform to any modifications called for in the Commission’s action in light of the fact that such plans need to be filed on the land records within 90 days of approval and that the Commission has up to 30 days to have the plans signed by the Chairman.
2. No other changes, erasures, modifications or revisions shall be made in any subdivision plan or supporting plans without the written consent of the Commission.
3. Such subdivision plan shall contain the following signature block for the Chairman’s signature:

<b>Final Approval</b>	
At a meeting on _____, the Planning and Zoning Commission approved this subdivision plan in accordance with the Bethel Subdivision Regulations.	
_____	_____
Chairman	Date
In accordance with CGS Section 8-26c, the improvements or other requirements shall be completed by _____.	

**4. Provision Of Financial Guaranty**

- a. When public improvements remain to be completed as of the date of filing of the subdivision plan, a financial guaranty shall be provided to the Town in a form and amount acceptable to the Commission to guarantee the completion of all public improvements remaining to be constructed including but not limited to storm water management systems, streets, utilities, landscaping, erosion and sediment control, and monumentation of property as set forth in the requirements of these Regulations.
- b. Where extensive storm drainage or excavation is required, the Commission may add an additional predetermined amount to the financial guaranty to cover this extra cost.
- c. When, in the opinion of the Commission, other subdivision improvements not connected with roads and utilities are required on the approved subdivision map, the Commission may require a financial guaranty for such subdivision improvements.
- d. Acceptable financial guaranty shall include:
  - i. One or more savings accounts, money market accounts, or certificates of deposit from financial institutions approved by the Town of Bethel provided:
    - a) each such account shall be federally insured for the full amount of the deposit, and
    - b) the account shall be only in the name of the Town of Bethel.
  - ii. A certified or official check from a financial institution approved by the Town of Bethel made payable only to the Town of Bethel,
  - iii. an unconditional irrevocable letter of credit in accordance with the sample letter in the Appendix approved by the Town of Bethel and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.
- e. Any financial guaranty which has an expiration date shall include the following provisions:
  - i. the financial guaranty shall not expire unless the Commission or its designated agent has received written notice of such expiration by certified mail at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and
  - ii. in the event such notice is received, the Town may draw without further condition the balance of the financial guaranty, and
  - iii. unless such notice is received, the financial guaranty shall automatically be extended for a period of not less than one year until all improvements or other requirements of these regulations are completed.
- f. Such financial guaranty(s) shall be provided to the Town prior to filing of the plan(s) on the land records and any plans filed on the land records without such financial guaranty(s) having been provided and accepted by the Town as to form and amount shall be null and void.
- g. Any interest or dividend accruing on any account or instrument shall accrue in the name of the subdivider and such funds may be used by the Town in the same manner as the principal.

## **6.02 SUBMISSION FOR SIGNATURE**

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1. Upon approval of the subdivision plans or when taken as approved by reason of the failure of the Commission to act, the subdivider shall submit two (2) paper sets and one (1) mylar set of the approved plans, with the appropriate signature blocks and any required modifications, to the Commission for signature.
2. The subdivider shall also submit, in a form satisfactory to the Town:
  - a. any required grant(s) to the Town in a form ready for execution,
  - b. any required easements for drainage, access, utility, or other purposes in a form ready for execution,
  - c. a certificate of title indicating that any proposed conveyance is free of encumbrances,
  - d. evidence of the signatory's authority to sign on behalf of the grantor.

Such grants or easements shall not be recorded on the land records until the Subdivision Plan shall have been filed on the land records and until any necessary action shall have been taken by any other appropriate Town agency or agencies.

3. In accordance with CGS Section 8-25, the Commission shall have up to thirty days for the Chairman or Secretary of the Commission to sign the approved plans and to deliver the signed plans to the applicant and such time period shall be measured from the later of:
  - a. the date that taking an appeal from the action of the commission has elapsed,
  - b. the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission, or
  - c. in the event of an appeal, from the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or the date that plans modified in accordance with the Commission's approval, and/or the judgment of the Court, are delivered to the Commission.

**6.03 FILING OF APPROVED PLANS**

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1. Once signed and authorized by the Chairman, the signed mylar set of the approved plans may be filed with the Town Clerk at the subdivider's expense provided that any financial guaranty(s) shall have also been provided and accepted by the Town as to form and amount.
2. Unless otherwise provided by CGS Section 8-25, as amended, such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the subdivider.
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, and the approval shall remain valid until the expiration of such extended time.
4. Any plan not so filed or recorded within the prescribed time shall become null and void.
5. In the event that any Subdivision Plan, when recorded, contains any changes not approved or required by the Commission, the Plan shall be considered null and void and the Commission may then file a notice with the Town Clerk voiding the subdivision.

**6.04 MODIFICATION OF APPROVAL**

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1. Any subdivider requesting to modify an approved plan, or any condition of approval, shall file a written request with the Commission, together with the required fee.
2. The subdivider shall state the reason why a modification is requested, and shall describe any change in facts or circumstances or any unforeseen natural or technical difficulties forming the basis for the request.
3. The Commission, in its sole discretion, may require a public hearing on any request, or may require the subdivider to submit a complete application under Article 5.00 of these Regulations.
4. The Commission shall require a complete application under Article 5.00 of these Regulations for any change meeting the definition of "resubdivision" under CGS Section 8-18, as amended.

**ARTICLE 7.00 CONSTRUCTION PROCEDURES****7.01 CONSTRUCTION**

1. No construction activity of any kind, including the removal of trees, shall commence until appropriate erosion and sediment controls are in place.
2. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan and maintained in effective condition to ensure compliance with the certified plan.
3. Prior to the commencement of any construction, the Commission or the Town Engineer may require the posting of a financial guaranty in the form of cash or cash equivalent for erosion and sediment controls.
4. In the event that soil erosion and sediment control measures are not satisfactorily implemented, the Commission or its authorized agent may:
  - a. issue a cease and desist order, and/or
  - b. order in writing the remedying of any condition found to be contrary to these Regulations or the approved erosion and sediment control plan, and/or
  - c. redeem the financial guaranty in order to rectify erosion and sediment control issues at the site.
5. Where a proposed street or storm drainage system is to be integrated or connected in any manner with a Connecticut state highway, construction shall not commence until the Connecticut Department of Transportation has approved said connection, in writing, , and all necessary permits have been secured by the applicant.
6. Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials shall be prohibited within the limits of the proposed subdivision.
7. The subdivider shall complete, at their own expense, all of the streets, street and area drainage, sanitary and other improvements in accordance with the approved plans, the Commission's approval, and to the satisfaction of the Town Engineer.
8. No building permits shall be issued within the subdivision until a financial guaranty has been posted in an amount and form acceptable to the Town guaranteeing completion of improvements necessary to service the lots to be built upon.
9. No certificates of occupancy shall be issued within the subdivision unless all utilities are in place to service the lots built upon, the drainage system is operational, the binder course of pavement has been installed on roads leading to the lot, and adequate financial guaranty is in place to ensure that any remaining improvements are completed.

**CONSTRUCTION PROCEDURES  
MONUMENTS AND MARKERS**

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**10. Unanticipated Field Conditions –**

- a. Where field conditions (such as, but not limited to, springs, ancient drains, side hill drainage from cuts, ledge rock or other conditions not apparent at the time of the approval by the Commission) require additional construction techniques, such as the need for curtain drains to intercept a previously unknown drainage problem which will interfere with a subdivision improvement, this information shall be brought to the attention of the Commission and the Town Engineer.
- b. The Commission, with the input of the Town Engineer, may require:
  - i. additional measures be taken to insure the public health, welfare and safety.
  - ii. the preparation and submission of proposed construction procedures in conformance with accepted engineering practices to address the field conditions.
  - iii. The submission of a supplemental financial guaranty for the additional work.
- c. Failure to inform the Commission or to take the corrective action may result in:
  - i. suspending the issuance of any further building permits within the subdivision until the matter is corrected, or
  - ii. suspending any activities related to acceptance of any Town street or other improvement within the subdivision until the matter is corrected.

**7.02 MONUMENTS AND MARKERS**

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1. Before the acceptance of a road or the final release of any financial guaranty, the street lines of all new streets shall be marked at the subdivider's expense with merestones set by a surveyor and such merestones shall:
  - a. be installed at all points of curvature, all points of tangency, all angle points and no more than 400 feet apart on straight sections of streets.
  - b. be made of granite, stone, or concrete,
  - c. be at least four (4) inches square at the top and at least three (3) feet long.
  - d. have the center of the top of the merestone marked with a metal plug, pin, rod, cross or drill hole,
  - e. be securely set in the ground with the top flush with the finished grade and with the marked point set on the point of reference after all street construction is completed and prior to release of the financial guaranty and/or acceptance of a Town street by the Town.
  - f. Be indicated and located on the subdivision plan and as-built drawing.
2. Corners and angle points of all lots, open space, conservation restriction areas, and other parcels or areas shall be marked with a one (1) inch steel pipe or a 3/4-inch reinforcing rod at least eighteen (18) inches long, or with stone or concrete monuments and such markings shall be set by a surveyor.
3. All open space and conservation areas shall be suitably identified with a conservation marker at reasonable intervals.
4. All monuments and markers shall be installed with at least 95% of the length below the proposed finished grade.

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## 7.03 COMPLETION OF IMPROVEMENTS

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1. The improvements to be completed as part of the subdivision approval shall be inspected by the Town Engineer or his authorized agent with regard to progress, quality, and adherence to these Regulations.
2. In order to conduct inspections, the Town Engineer or his authorized agent shall have free access to the construction work at all times.
3. Prior to starting a project, the subdivider and all contractors and all subcontractors shall meet with the Town Engineer to:
  - a. review job conditions,
  - b. review erosion and sediment control measures,
  - c. advise the Town of the construction schedule, and
  - d. review the Bethel Street Construction Specifications.
4. In the case of a new street or a change in an existing street, the work shall be inspected at the following stages of construction:
  - a. Rough grading completed.
  - b. Drainage and all other underground facilities installed, and prior to backfilling.
  - c. Graveling and rolling being done.
  - d. A screened gravel topping being applied.
  - e. Binder course pavement being done.
  - f. Finish course pavement being done.
5. At least 48 hour notice for inspection shall be given to the Town Engineer by the subdivider or the contractor to the Town Engineer at least 48 hours in advance. The subdivider shall not proceed to work on any subsequent stage until such inspection has been made by the Town Engineer or his authorized agent on the preceding stage and approval in writing has been obtained on the preceding stage.
6. The Commission or its agent may take any material, samples, cores and tests as deemed necessary to determine compliance with these Regulations. The Commission shall require the subdivider to pay to have such tests made and certified by an engineer selected by the Town Engineer.
7. Cessation of work or corrections thereto, to conform with these Regulations may be ordered by the Town Engineer.
8. If the Town Engineer or his authorized agent finds, upon inspection, that any of the required improvements have not been constructed or maintained in accordance with the approved plans, he shall notify the subdivider and the Commission, in writing, and the subdivider shall be responsible for completing or repairing said improvements according to specifications.
9. The Town Engineer shall maintain records of inspections in order to document that the work is performed in accordance with the approved plans and specifications.

**7.04 RELEASE OF FINANCIAL GUARANTY**

1. As construction of the road and required utilities has been completed and so approved by the Town Engineer, the Commission shall release the percentage of the original financial guaranty as specified below:

a. Upon completion of excavation, installation of sanitary sewers and/or water lines (where applicable), storm drainage, electric lines, gas lines, telephone lines, cable television lines, etc., and the placement of the foundation course.	Not to exceed 50% of the original financial guaranty
b. Upon completion of the binder course and curbing (where required) and the submission of the as-built drawing	Not to exceed 70% of the original financial guaranty
c. Upon completion of the final wearing surface, driveway aprons and sidewalks (where required) and grading and seeding of the shoulders provided that the binder course shall have been in place through one winter season (unless exempted in writing from this requirement by the Town Engineer).	Not to exceed 85% of the original financial guaranty
d. Upon completion of the following: <ol style="list-style-type: none"> <li>i. At least one course of the required paving shall have been in place through a winter season.</li> <li>ii. A satisfactory instrument of conveyance has been delivered to and approved by the Town Counsel.</li> <li>iii. The as-built drawing has been delivered to and approved by the Town Engineer.</li> <li>iv. Road monuments have been installed.</li> <li>v. When the roadway has been officially accepted by the Town of Bethel as a public roadway.</li> </ol>	Remaining funds

2. Where a financial guaranty was required for extensive storm drainage or excavation, the entire amount of this financial guaranty shall be released upon completion of the work outlined in Section 7.04.1.a above.
3. Where a financial guaranty was required for other subdivision improvements, the entire amount of this financial guaranty will be released when the work has been completed to the satisfaction of the Commission.
4. If construction is not commenced within one year from the date of subdivision approval, the Commission, on the advice of the Town Engineer, may withhold up to 10% of the normal reduction to compensate for any increase of construction prices.
5. The Commission may, if requested by the applicant and based on advice of the Town Engineer, consider partial releases for different road segments within the subdivision due to length of road and/or number of roads.

6. Before release of any financial guaranty, the Commission may request the applicant to present a statement, signed and sealed by a surveyor or an engineer, certifying that such surveyor or engineer has inspected all of the required construction work and that all of the required improvements have been completed in accordance with plans and specifications as approved.
7. If the person posting a financial guaranty under this Section 7.04 requests a release of all or a portion of such financial guaranty, the Commission shall, at least sixty-five days after receiving such request:
  - a. release or authorize the release of any such financial guaranty or portion thereof, provided the Commission, in its sole discretion, is satisfied that the improvements for which such financial guaranty or portion thereof was posted have been completed, or
  - b. provide the person posting such financial guaranty with a written explanation as to the improvements that must be completed before such financial guaranty or portion thereof may be released.

## **7.05 PERIOD FOR COMPLETION OF IMPROVEMENTS**

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1. Unless otherwise provided in these Regulations or the Connecticut General Statutes, the subdivision improvements shall be completed in accordance with the statutory timeframe as provided in CGS Section 8-26c. The Commission's endorsement of approval on the plan shall state the date on which completion period expires.
2. Upon application by the subdivider, the Commission may make one or more extensions of the time period for completion provided that:
  - a. the time for all extensions shall not exceed ten years from the date the subdivision was approved,
  - b. the Commission may revise the amount of the financial guaranty securing the actual completion of the work.
3. Expiration of the time period for completion:
  - a. shall result in expiration of the approval of such plan and upon expiration prevent the conveyance of any additional lots in the subdivision by the subdivider or his/her successor in interest,
  - b. shall require a new application for subdivision approval of the subject land including a new filing fee as well as a review of all previous findings,
  - c. may result in the Town redeeming any financial guaranty and completing the improvements.
4. For a proposed Town street, the subdivider shall maintain all improvements and provide for snow removal until the improvements are accepted by the Town of Bethel. If the improvements are not maintained or snow removal is not provided and the situation is not corrected within two (2) days following written notice from the Town to the subdivider, the Town may proceed to put the street or other improvement into suitable condition and the cost of any such work shall be a charge against the financial guaranty.

**7.06 FINAL ACCEPTANCE AND MAINTENANCE**

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1. For final acceptance of public improvements, the subdivider shall submit the following materials or such alternative documents acceptable to the Commission:
  - a. a letter requesting a recommendation to the Town Council that the Town accept the public improvements,
  - b. one mylar and two (2) paper copies of plans showing the "as-built" location of all street and associated improvements approved by the Commission with indication of where the as-built plans differ from the approved construction plans due to field conditions or authorized changes,
  - c. a letter from a surveyor certifying that all required monuments and property corner pins are properly installed in the correct location,
  - d. a letter from the engineer who designed the improvements approved by the Commission stating that all improvements, including all street signs, stop signs, and traffic control signs and devices have been installed or satisfactorily completed in accordance with the approved plans or indicating where exceptions were made,
  - e. a letter from any companies providing utility services to the effect that such utilities have been satisfactorily installed,
  - f. if not previously provided, a financial guaranty of up to ten percent (10%) of the cost of the improvements to protect the Town against faulty construction and materials that will remain in effect for a one-year period after the Town has accepted the public improvements,
  - g. if not previously provided, copies of all proposed deeds and easements to the Town and other information as required for review and approval by the Town,
  - h. if not previously provided, copies of all other proposed deeds and easements to other parties that are integral to public improvements or conditions of approval or the proposed development.
2. If the Town agrees to accept the street(s), all executed deeds and easements to the Town shall be submitted to the Town for filing by the Town after the street acceptance.
3. If the public improvements are accepted by the Town and the maintenance financial guaranty is in place, the Town shall release the financial guaranty for initial construction as set forth herein.

## APPENDIX A - APPLICATION CHECKLIST

Submittal	Paper	Electronic
1. The prescribed <b>application form</b> fully and properly completed and executed (Form BPZ-1)	<input type="checkbox"/> (signed original plus 2 copies)	<input type="checkbox"/> (PDF)
2. Required application fee in plus any additional fees to defray the application processing fee in the form of a check or money order payable to the Town of Bethel	<input type="checkbox"/>	
3. Plans containing the maps or documents as required by these Regulations or as required by the Commission	<input type="checkbox"/> (10 sets)	<input type="checkbox"/> (PDF)
4. Sanitary waste disposal report prepared by an engineer	<input type="checkbox"/> (3 copies)	<input type="checkbox"/> (PDF)
5. Water report prepared by an engineer	<input type="checkbox"/> (3 copies)	<input type="checkbox"/> (PDF)
6. Drainage report prepared by an engineer, documenting the storm drainage system design	<input type="checkbox"/> (3 copies)	<input type="checkbox"/> (PDF)
7. Permission from the subdivider and owner authorizing applicable municipal agencies to enter upon the area included in the subdivision for the purposes of inspecting the site and assuring that improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission	<input type="checkbox"/> (signed original)	<input type="checkbox"/> (PDF)
8. A statement that all easements and rights for streets, slope rights, drainage, sewerage and utilities, lines and systems and open spaces that may be required by the Commission shall be conveyed to the Town of Bethel by Warranty Deed in form satisfactory to the Commission at a date to be established by the Commission.	<input type="checkbox"/> (signed original)	<input type="checkbox"/> (PDF)
9. <u>A statement (certification) by the applicant indicating whether any property involved in the application is subject to a "conservation restriction" or "preservation restriction" as provided in CGS Section 47-42d.</u>	<input type="checkbox"/> (1 copy)	<input type="checkbox"/> (PDF)
10. A list of the names and mailing addresses of abutting property owners within 100 feet of the subject property, including those owning property on the opposite side of the street from the Assessor's records	<input type="checkbox"/> (1 copy)	<input type="checkbox"/> (PDF)

**The Planning and Zoning Commission may establish fees for processing subdivision applications and inspection of subdivision improvements consistent with the provisions of the General Statutes. An application fee for each lot shown on the Subdivision Map shall accompany the application and shall be made payable to the Town of Bethel.**

**APPENDIX**

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If applicable, a formal application for subdivision shall also include the following:

<b>Submittal</b>	<b>Paper</b>	<b>Electronic</b>
11. An application for resubdivision shall also include a copy of the plan(s) of the original subdivision and any subsequent resubdivision as approved by the Commission and filed with the Town Clerk showing all of the land area involved in the original subdivision.	<input type="checkbox"/> (1 set)	
12. A certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)
13. Copies of any other application filed with, and decisions rendered by, local, State or federal agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning and Zoning Commission and prior to its decision on the application	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)

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If applicable, the Commission may require the submission of:

<b>Submittal</b>	<b>Paper</b>	<b>Electronic</b>
14. Funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and any Municipal Land Use Fee Ordinance	<input type="checkbox"/>	
15. Evidence of application to CTDOT seeking approval of access onto any State highway or discharge of drainage into a State system or onto State property	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)
16. A detailed statement of the estimated cost of constructing the proposed subdivision streets and other improvements.	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)
17. Any proposed grant or grants to the Town, in form satisfactory to Town Attorney, including any required easements for drainage access, utility, or other purposes	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)
18. Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)
19. Additional copies of application materials as necessary for review by the Commission or other Town agencies	<input type="checkbox"/> (2 copies)	<input type="checkbox"/> (PDF)

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**Guidelines**

- Wherever practical, plans should be oriented with north pointing, generally up.
- Plans with more than one sheet should have all sheets oriented the same direction.
- Each plan should note “No lots will be sold or building permits issued until a financial guaranty acceptable to the Town is in place for all public improvements or until all public improvements are completed and accepted by the Town.

## APPENDIX B - DRAWING CHECKLIST

1. Drawing Requirements	Preliminary (optional)	Formal Application	Provided?
a. A title block indicating: <ul style="list-style-type: none"> <li>names of owner, subdivider, engineer and/or surveyor,</li> <li>Property address including Map/Block/Lot and or PIN #</li> <li>name of subdivision, drawing date and revision dates</li> </ul>	Required	Required	<input type="checkbox"/>
b. A north arrow and a map scale	1"=100' recommended	1"=40' unless modified by the Commission	<input type="checkbox"/>
c. Size of Sheet	Optional	24' by 36"	<input type="checkbox"/>
d. Embossed or stamped seal of the appropriate professional and an <i>original</i> signature	Name of preparer	Required	<input type="checkbox"/>
e. A Key Map at a scale of 1"=1,000' or less locating: <ul style="list-style-type: none"> <li>the subdivision within the surrounding properties</li> <li>the proposed street system in relation to existing streets</li> </ul>	Required	Required on at least one drawing	<input type="checkbox"/>
f. An Index Map for multiple sheets or sections showing the entire subdivision with lots, lot numbers, streets, street names, sheet delineation and match lines between sections	Suggested	Required with "match" lines on all sheets	<input type="checkbox"/>
g. Zoning data table showing zoning district, lot area requirements, setback requirements, and other relevant information	Recommended	Required on at least one drawing	<input type="checkbox"/>
h. Number of sets of prints	Three (3)	Eight (8)	<input type="checkbox"/>
i. Bound sets	Recommended	Required	<input type="checkbox"/>

2. Property Information	Preliminary (optional)	Formal Application	Provided?
a. Existing and proposed property boundaries with pin and monument locations	Approximate	A-2 accuracy	<input type="checkbox"/>
b. Bearings (to the nearest second) and distances (to the nearest hundredth of a foot) of property lines	Optional	A-2 accuracy	<input type="checkbox"/>
c. Parcel areas (including area of each proposed lot excluding areas designated as inland wetlands and watercourses)	Approximate (acres)	A-2 accuracy	<input type="checkbox"/>
d. Parcel numbering prepared in conjunction with the Assessor's office	n/a	Required	<input type="checkbox"/>
e. Data on abutting parcels including owner's name and lot line locations	Recommended	Required	<input type="checkbox"/>
f. Existing and proposed easements and other rights-of-way for utilities drainage, access, walks, etc. with dimensions including tangent points and radii	Suggested	Required	<input type="checkbox"/>
g. Location and description of monuments which shall be placed at corners and angles of all lots and street and at points of curvature and tangency on curved streets.	N/A	Required	<input type="checkbox"/>

**APPENDIX**

<b>3. Site Conditions</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>	<b>Provided?</b>
a. Existing and proposed topography for the subject property and within 100 feet of the perimeter with: <ul style="list-style-type: none"> <li>• 10' contours for preliminary plan</li> <li>• 2' contours for formal application</li> <li>• Reference to NGV datum.</li> </ul>	USGS acceptable	Field or aerial topography	<input type="checkbox"/>
b. Wetlands, watercourses, and other water bodies on and near the property	Approximate	Required	<input type="checkbox"/>
c. Existing drainage features on and near the property	Approximate	Required	<input type="checkbox"/>
d. Base flood elevation data and floodplain data	Approximate	Required	<input type="checkbox"/>
e. Any scenic views identified in the Plan of Conservation and Development	Recommended	Required	<input type="checkbox"/>
f. Any areas shown on the CT-DEEP's Natural Diversity Database	Recommended	Required	<input type="checkbox"/>
g. Historic buildings and sites, including archeological sites	Recommended	Required	<input type="checkbox"/>
h. Stonewalls and monuments, and other structures having historical or cultural significance	Recommended	Required	<input type="checkbox"/>
i. Other significant site features	Suggested	Required	<input type="checkbox"/>

<b>4. Soils Information</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>	<b>Provided?</b>
a. Soil types consistent with the National Cooperative Soil Survey of the USDA Soil Conservation Service	Recommended	Required	<input type="checkbox"/>
b. All areas with slopes exceeding 15% or twenty inches (20") or less of consolidated till above bedrock	Recommended	Required	<input type="checkbox"/>
c. Locations and identification numbers of percolation test holes and deep hole tests (if done)	Recommended	Required	<input type="checkbox"/>
d. Results of percolation tests and deep pits (if done)	Recommended	Required	<input type="checkbox"/>
e. At least one (1) test hole per acre, or more if there appears to be considerable variation in subsurface conditions, to determine soil conditions for drainage	N/A	Required	<input type="checkbox"/>
f. Notes setting forth any limitations or requirements of the Director of Health	Recommended	Required	<input type="checkbox"/>

5. Open Space Information	Preliminary (optional)	Formal Application	Provided?
a. Areas recommended in the Plan of Conservation and Development for open space preservation	Recommended	Required	<input type="checkbox"/>
b. Location and configuration of existing open spaces in the vicinity	Required	Required	<input type="checkbox"/>
c. Map showing location of open space to be dedicated if fee-in-lieu of open space or other arrangements are not accepted by the Commission	Recommended	Required	<input type="checkbox"/>
d. Open Space / Trail Plan	Recommended	Required	<input type="checkbox"/>

6. Design of Lot Improvements	Preliminary (optional)	Formal Application	Provided?
a. Building set-back lines with dimensions	Recommended	Required	<input type="checkbox"/>
b. Location of existing and proposed structures and other improvements (retaining walls, culverts, or fences)	Recommended	Required	<input type="checkbox"/>
c. Methods of supplying water including location of proposed wells and water sources for each lot, keyed to the Sanitary Report	Recommended	Required	<input type="checkbox"/>
d. Driveway design with proposed grading and slopes	Suggested	Required	<input type="checkbox"/>
e. Methods of proposed sanitary sewerage	Recommended	Required	<input type="checkbox"/>
f. Methods of stormwater drainage into existing natural watercourses	Recommended	Required	<input type="checkbox"/>
g. Methods of supplying all other utilities	Recommended	Required	<input type="checkbox"/>
h. The location of all existing and proposed sanitary and storm sewers, catch basins, manholes, bridges, and culverts. Invert elevations based on NGV Datum of all drainage structures shall be shown.	Recommended	Required	<input type="checkbox"/>
i. Note on plan: Any construction (catch basin, manhole, sidewalk, curb, etc.) within the Town of Bethel right- of-way is to be in accordance with the Town of Bethel Highway Department specifications and a permit must be obtained from the Town of Bethel Town Engineer prior to construction regardless of other approvals or permits received for this subdivision.		Required	<input type="checkbox"/>

**APPENDIX**

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<b>7. Design of Overall Improvements</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>	<b>Provided?</b>
a. All proposed soil erosion and sediment control procedures	Optional	Required	<input type="checkbox"/>
b. Street design including overall layout and grading, plan and profile, cross sections, and other detailed construction plans, including any drainage structures, specifications as to materials, and construction details	Recommended	Required	<input type="checkbox"/>
c. Drainage design plan and profile and construction details and, where applicable: <ul style="list-style-type: none"><li>• points of discharge to or from any street or property</li><li>• location of storm water detention</li></ul>	Recommended	Required	<input type="checkbox"/>
d. Utility design (including connections to existing lines)	Schematic	Final	<input type="checkbox"/>
e. Detailed drawings of any bridges, box culverts, deep manholes, and other special structures	Suggested	Required	<input type="checkbox"/>
f. The location and design of supplemental water supply systems or fire protection systems to be installed in the development	Recommended	Required	<input type="checkbox"/>

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<b>8. Miscellaneous Requirements</b>	<b>Preliminary (optional)</b>	<b>Formal Application</b>	<b>Provided?</b>
a. Lots intended for separate ownership or building shall be numbered consecutively throughout the entire subdivision beginning with the number "1." Resubdivisions of lots may be lettered consecutively beginning with the letter "A." Adjoining sections of the same subdivision having the same title shall not duplicate numbers.			

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**APPENDIX C - PLAN INFORMATION OVERVIEW**

1. General Information	Subdivision Plan	Plan and Profile	Site Development Plan
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On each sheet, an approval block for the signature of the Chairman of the Commission and the date approved.	<input type="checkbox"/>		
Scale	1"=40' horizontal	1"=40' horizontal 1"=4' vertical	1"=40' horizontal

**2. Property Information**

a. Existing and proposed lot boundaries with monument locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Parcel areas (including area with wetlands and watercourses excluded)	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Owners name and lot line locations of abutting parcels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Existing and proposed easements and other rights-of-way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Site Conditions**

a. Existing and proposed topography - 2' contours	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Existing drainage features	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Field located wetlands and watercourses on the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generally located wetlands and watercourses near the property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Base flood elevation data and floodplain data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other site features and areas intended for preservation	n/a	<input type="checkbox"/>	<input type="checkbox"/>
g. Analysis of special site conditions and/or significant resources	n/a	n/a	<input type="checkbox"/>

**4. Open Space Information**

a. Location and configuration of existing open spaces in the vicinity	n/a	n/a	<input type="checkbox"/>
b. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPENDIX**

	Subdivision Plan	Plan and Profile	Site Development Plan
<b>5. Soils Information</b>			
a. Soil types information	n/a	n/a	<input type="checkbox"/>
b. Soils with severe limitations and low potential for sewage disposal facilities	n/a	n/a	<input type="checkbox"/>
c. Slopes exceeding 15% and areas with shallow depth to bedrock	n/a	n/a	<input type="checkbox"/>
d. Location and identification of percolation test holes and deep hole tests	n/a	n/a	<input type="checkbox"/>
e. Notation regarding the need for engineered septic designs	<input type="checkbox"/>	n/a	<input type="checkbox"/>

**6. Design of Lot Improvements**

a. Building set-back lines with dimensions	<input type="checkbox"/>	n/a	<input type="checkbox"/>
b. Location of existing structures, driveways, and other improvements	<input type="checkbox"/>	n/a	<input type="checkbox"/>
c. Location of proposed structures, driveways, and other improvements	n/a	n/a	<input type="checkbox"/>
d. Location of existing primary and reserve septic-leach fields	<input type="checkbox"/>	n/a	<input type="checkbox"/>
e. Location of proposed primary and reserve septic-leach fields	n/a	n/a	<input type="checkbox"/>
f. Location of existing wells and water sources within 200' of the parcel	<input type="checkbox"/>	n/a	<input type="checkbox"/>
g. Location of proposed wells and water sources for each lot	n/a	n/a	<input type="checkbox"/>

**7. Design of Overall Improvements**

a. All proposed soil erosion and sediment control procedures	n/a	<input type="checkbox"/>	<input type="checkbox"/>
b. Street design including street names	n/a	<input type="checkbox"/>	<input type="checkbox"/>
c. Drainage design including the location of any drainage discharge	n/a	<input type="checkbox"/>	<input type="checkbox"/>
d. Utility design (including connections to existing lines)	n/a	<input type="checkbox"/>	<input type="checkbox"/>
e. Any existing or proposed retaining walls, culverts, or fences	n/a	<input type="checkbox"/>	<input type="checkbox"/>
f. Supplemental water supply systems, fire protection systems	n/a	<input type="checkbox"/>	<input type="checkbox"/>

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**APPENDIX D - ADDITIONAL FORMAL APPLICATION MATERIALS****1. Sanitary Waste Disposal Report**

- a. Every application for approval of a subdivision must include a report addressing the manner in which the properties are to be provided with sanitary waste disposal.
- b. When the proposed lots will be served by the Town sewer system, the report shall include a letter from the Bethel Sewer District acknowledging that adequate capacity is available for the proposed lots and that appropriate arrangements have been made for the use of the Town sewer system.
- c. When the proposed lots will not be served by the Town sewer system, the report shall be prepared by an engineer and shall provide:
  - i. a detailed description of proposed sewage disposal facilities in compliance with the requirements of the Public Health Code of the State of Connecticut,
  - ii. a statement by the engineer that, in his/her professional opinion, each lot of the proposed development is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report, and
  - iii. a statement of any reservations, special conditions, or special precautions that the engineer may consider necessary to provide proper functioning of any proposed disposal system.
- d. If, in the opinion of the Director of Health or the Planning and Zoning Commission, the sanitary report is incomplete as to the required information, additional information sufficient to correct the deficiencies of the report may be required.
- e. A report from the Director of Health shall be obtained and submitted to the Commission by the subdivider certifying that the arrangements for sanitary wastewater disposal are satisfactory.

**2. Water Report**

- a. Every application for approval of a subdivision shall address the manner in which the properties are to be provided with domestic water supply.
- b. A report from the Director of Health shall be obtained and submitted to the Commission by the subdivider certifying that the land to be subdivided and the subdivision plans are satisfactory for the installation of private wells.

**3. Drainage Report**

- a. A report shall be submitted by an engineer including:
  - i. a base map used to determine existing watershed and drainage patterns, including downstream runoff areas affected by the storm water runoff from the subdivision,
  - ii. the proposed drainage plan for the property,
  - iii. the drainage treatment for different areas,
  - iv. the methodology used to compute drainage volumes (runoff) and pipe sizes,
  - v. documentation of the design of special structures (if any), and
  - vi. a pre-development and post-development drainage study.

**4. Erosion and Sediment Control Report**

- a. Every application for approval of a subdivision must include a narrative report identifying the manner in which erosion and sediment control will be addressed.
- b. The narrative report may be placed on the site development plan, a separate soil erosion and sediment control drawing, or may be a separate document.
- c. The narrative report shall include:
  - i. a description of the project and construction activities,
  - ii. overall design criteria relative to erosion and sediment control,
  - iii. recommended construction details and detailed installation procedures and maintenance programs,
  - iv. a schedule of the major activities to be conducted on the land, a summary of the sequencing of erosion and sediment control measures with construction phasing, and
  - v. a time schedule for:
    - i) all major construction activities indicating their anticipated start and completion,
    - ii) creating and stabilizing disturbed areas,
    - iii) grading operations,
    - iv) applying erosion and sediment control measures and facilities on the land.

## APPENDIX E – SAMPLE LETTER OF CREDIT

[Letterhead of issuing bank]

[issue date]

IRREVOCABLE LETTER OF CREDIT No. [insert number here]

Beneficiary: Town of Bethel  
One School Street  
Bethel CT 06801

Attn: Town Planner

Re: Application for [Subdivision] at [address of jobsite]

Dear Sir/Madam:

At the request and on the instructions of our customer, [full legal name of owner], [home/office address of owner] (the "Applicant"), the [insert full legal name of issuing bank] (the "Bank") hereby establishes in favor of the Town of Bethel (the "Town") this irrevocable letter of credit (the "Credit") in the amount of \$[amount in numbers] ([spell out amount in words and xx/100 dollars]) (the "Stated Amount"), as may be reduced pursuant to the second paragraph hereof. This Credit is effective immediately and expires at the close of business on the Expiration Date, as hereinafter defined.

Drawings hereunder shall not, in the aggregate, exceed the Stated Amount. Each drawing under this Credit shall reduce the Stated Amount by the amount drawn.

Funds under this Credit are available to the Town against the Town's sight drafts drawn on the Bank, stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by the Town's certificate (each such draft and certificate to be signed by the Mayor or his/her designee) reading as follows: "I certify that the amount of the accompanying draft is payable pursuant to the Subdivision Regulations of the Town of Bethel and/or the General Statutes of the State of Connecticut."

This Credit shall terminate on the date (the "Expiration Date") which is the earlier of:

- (i) the date on which the Stated Amount is reduced to zero pursuant to the second paragraph of this Credit, and
- (ii) [insert month, day, year]; provided, however, if the Stated Amount shall not have been reduced to zero pursuant to the second paragraph of this Credit, it is a condition of this Credit that the Expiration Date shall be automatically extended, without other amendment, for an additional period of one year from the Expiration Date hereof, or any future Expiration Date, unless the Bank notifies the Town, by certified mail, return receipt requested at least 30 (thirty) days prior to any Expiration Date, at the address set forth above, that the Bank elects not to consider the Expiration Date of this Credit extended for any such additional period. A copy of such notice shall be simultaneously mailed certified mail, return receipt requested to:

[Name], Town Planner  
Town of Bethel  
One School Street  
Bethel CT 06801

Upon receipt of such 30 (thirty) day notice that the Expiration Date will not be extended, funds under this Credit are available to the Town against the Town's sight drafts drawn on the Bank (in the form annexed hereto as Exhibit A) and stating on their face: "Drawn under Irrevocable Letter of Credit No. XXXX issued by [name and address of bank]", and accompanied by the Town's certificate (each such sight draft and certificate to be signed by the First Selectman or his/her designee) reading as follows: "I certify that the amount of the accompanying draft is drawn and will be held by the Town of Bethel as a performance guaranty because the Town has received notice that the Letter of Credit will expire".

Each draft and certificate shall be presented:

- (1) at the branch of the Bank at [full branch address, which must be in Connecticut and nearest to Bethel, Connecticut], Attention: Letter of Credit Department or
- (2) by electronic means addressed to and received by [electronic address of Bank's Letter of Credit Department]. If presentation is made by electronic means, the Town will provide telephone notification thereof to the Bank at [telephone number] prior to or simultaneously with the sending of such presentation but receipt of such telephone notice shall not be a condition to payment hereunder. All documents presented to the Bank in connection with the Town's demand for payment hereunder, as well as all notices and other communications to the Bank in respect of this Credit, shall specifically refer to Letter of Credit No. [insert number here].

Payment of each sight draft shall be made by the Bank promptly, but in no event later than the banking day following receipt, in immediately available funds by wire transfer by the Bank to [name of bank and branch where Town of Bethel has its demand deposit account], [ABA nnnnnnnn (bank routing number of bank where Town of Bethel has its demand deposit account)], for credit to account #nnnnn (account number of Town of Bethel), attention: [insert name of contact] .

The Bank agrees that all drafts drawn under and in compliance with the terms of this Credit will be duly honored upon delivery of the draft and certificate as specified if so presented on or before the Expiration Date. The Bank's obligations hereunder are primary obligations and shall not be affected by the performance or nonperformance by the Town or by the Applicant of any obligations under any agreement between the Applicant and the Town or between the Applicant and the Bank.

This Credit is subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590 ("ISP98"). This Credit shall be deemed to be a contract made under the laws of the State of Connecticut and shall, as to matters not governed by ISP98, be governed by and construed in accordance with the laws of the State of Connecticut.

Sincerely yours,

[name of bank]

[name of signatory],

[title]