

SUBDIVISION REGULATIONS
TOWN OF OLD LYME, CONNECTICUT

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The Old Lyme Planning Commission meets on the second Thursday of each month at 7:30 p.m.
in Memorial Town Hall, 52 Lyme Street. Meeting agendas, minutes, notice of changes and
special meetings are filed in the office of the Town Clerk as well as in the Planning Commission
office and are available for public inspection during normal business hours. The Commission's
office also maintains map files records and reference materials.

MEMBERSHIP

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OLD LYME SUBDIVISION REGULATIONS
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1. SECTION 1 •• AUTHORITY AND PURPOSE

1.1 AUTHORITY

Pursuant to Chapter 126 of the Connecticut General Statutes, the Planning Commission of the Town of Old Lyme adopts these Regulations for subdivision and resubdivision of land within the Town of Old Lyme, amended July 1, 2009. These Regulations supersede and cancel the Subdivision Regulations of the Town of Old Lyme previously in effect.

1.1.1 Legal Requirements for Subdivision:

No subdivision of land within the Town of Old Lyme shall be made, and no land in any subdivision shall be sold or offered for sale, and no subdivision improvements, as defined in Section 2.43, shall proceed, until an application including a subdivision plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission and recorded in the Office of the Old Lyme Town Clerk.

1.1.2 Penalties:

Any person, firm or corporation making any subdivision or resubdivision of land without the approval of the Commission is subject to penalties provided in the General Statutes of the State of Connecticut. The Town may seek any lawful remedies to uphold the purpose and intent of these Regulations.

1.1.3 Other Laws:

These Regulations are in addition to other laws, ordinances or regulations governing the development of land and buildings. Where there is a conflict between requirements, the stricter specification will govern.

1.1.4 Administrative Policy:

The Commission may from time to time, by Resolution, adopt forms, policies, procedures and interpretations for the administration of these Regulations.

1.1.5 Enforcement: The Commission may designate an individual who shall serve as the enforcement officer for these Regulations.

1.2 PURPOSE:

These Regulations are intended to assure that subdivision of land is part of a balanced conservation and development strategy for the Town of Old Lyme, as recommended in the Town Plan. The most current Town Plan of Conservation and Development, adopted by the Planning Commission under Section 8-23 of the Connecticut General Statutes, is hereby made a part of these Subdivision Regulations. Subdivision of land shall be conducted in a manner which protects the health and safety of the community and preserves the character of the land and valuable natural resources for future generations. These Regulations are further intended to provide the following:

- a) Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety;
- b) Proper provision is made for water supply, surface drainage and sewage disposal, in

order to protect public health and safety and encourage the wise use and management of natural resources throughout the town;

- c) In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, including tidal flooding, proper provision is made for protective flood and drainage control measures;
- d) Proper provision is made for an adequate and convenient system for present and prospective traffic needs, with particular regard to the avoidance of congestion in the streets and highways and safe pedestrian traffic movement, and that adequate access to properties for fire-fighting apparatus and other emergency vehicles can be provided;
- e) Proposed streets are in harmony with existing and proposed principal thoroughfares as shown in the Town Plan, especially in regard to safe intersections with such thoroughfares;
- f) Proper provision is made for open spaces, parks and playgrounds through efficient design and layout of land, protecting the natural beauty and topography of the town, including scenic features, wetlands, watercourses, and the coastal area;
- g) Proper provision is made for control of erosion and sedimentation;
- h) Streets are properly graded and improved, necessary public utilities and services are provided, and development does not impose burdens on municipal services in excess of their capacity and planned expansion;
- i) Energy efficient patterns of development and land use are encouraged;
- j) All subdivisions comply with all applicable provisions of the Old Lyme Zoning Regulations.

2. SECTION 2 ... DEFINITIONS

For purposes of these Regulations, certain words shall be defined in this Section. Words in the present tense include the future tense, the singular includes the plural, and vice versa. The word "shall" is mandatory, not directory. The word "may" is discretionary. Other words used in these Regulations shall have the meaning commonly attributed to them.

2.1 Applicant, Developer, or Subdivider:

An individual, partnership, firm, corporation, legal entity or agent thereof, who or which undertakes the subdivision or resubdivision of land or any activity included in these Regulations. For purposes of these Regulations, the terms "applicant", "developer", and "subdivider" shall be synonymous.

2.2 Application:

The maps, prescribed forms, reports and fees submitted to the Planning Commission in accordance with these Regulations.

2.3 Base Flood:

The flood having a one percent chance of being equaled or exceeded in any given year, sometimes referred to as a "100 year flood".

2.4 Base Flood Elevation:

The particular elevation of the base flood as specified on the Flood Insurance Rate Map for the Town of Old Lyme for Zones A1-A30 and V1-V30. For unnumbered A Zones, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring that new construction, substantial improvements or other development shall meet the requirements of these Regulations.

2.5 Bond:

Surety or collateral posted by the applicant which guarantees that all required subdivision improvements shall be completed in accordance with the approved plans and these Regulations.

2.6 Coastal Boundary:

The boundary described in Section 22a-90 et. sec. of the Connecticut General Statutes, and adopted by the Old Lyme Zoning Commission.

2.7 Coastal Resources:

The coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shoreland, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem, including rocky shorefront, beaches and dunes, intertidal flats, tidal wetlands, fresh water wetlands and watercourses, estuarine embayments, coastal hazard areas, developed shorefronts, islands, near-shore waters, off-shore waters, shorelands, and shellfish concentration areas, as defined the Connecticut General Statutes, Section 22a-93.

2.8 Coastal Site Plan:

The site plans, applications, and project referrals listed in C.G.S. 22a-105, as required in section 4.5.4 of these regulations.

2.9 Commission:

The Old Lyme Planning Commission.

2.10 Connecticut River Gateway Conservation Zone:

The zone described in Section 25-102c of the Connecticut General Statutes, and shown on the Old Lyme Zoning Map.

2.11 Cultural Resources:

All buildings over 100 years old, prehistoric, fossil and archaeological sites, stone walls, roads bounded by stone walls, historic sites including house foundations, cemeteries and human burial grounds, human skeletal remains and associated funerary objects, existing trails, and unique features. For the purposes of these Regulations, lots containing identified cultural resources shall be considered cultural sites.

2.12 Design and Construction Standards:

Current Design and Construction Standards of the Town of Old Lyme, Connecticut, adopted by the Old Lyme Board of Selectmen pursuant to "An Ordinance Concerning the Construction and Acceptance of Roads in the Town' of Old Lyme", which may be amended from time to time.

2.13 Development:

Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2.14 Disturbed Area:

An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

2.15 Driveway:

A private accessway to and from an improved street or private road which serves only one lot, except as may be approved by the Commission under Section 5.13 of these Regulations.

2.16 Easement:

A written authorization, duly recorded in the Land Records of the Town of Old Lyme, for a specific purpose or purposes, which one person or agency may have in a designated portion of land of another.

2.17 Erosion:

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

2.18 Erosion and Sediment Control Plan:

A plan which sets forth measures to be undertaken for the control of erosion and sedimentation, to include, but not be limited to, drawings and descriptions sufficient in detail to establish clearly the location of areas to be stripped of vegetation and other proposed or unprotected areas; schedule of operations, including starting and completion dates for each major development phase, such as land clearing and grading, streets, sidewalks, utility and storm drainage installations, and the like; seeding, sodding or revegetation plans and specifications for all unprotected or unvegetated areas; location and design of all structural sediment control measures, debris basins and the like; timing of all planned sediment control measures; and general information relating to the implementation and maintenance of the sediment control measures.

2.19 Final Subdivision Plan:

The final map, drawing or drawings, and all required supporting data upon which the subdivider's plan of subdivision is presented to the Commission for approval.

2.20 Floodway:

The channel of a river or other watercourse and the adjacent land that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town. The regulated floodway is delineated on the Flood Boundary and Floodway Map.

2.21 Grading:

Any excavating, grubbing, filling, or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

2.22 Improved Street:

a street which meets either of the following criteria:

- 1) an accepted improved town road or a state highway as classified on Old Lyme's Town Road Map, as amended; or,
- 2) a road built to the Design and Construction Standards of the Town of Old Lyme.

2.23 Lot:

A plot or parcel of land occupied or capable of being occupied by one or more principal buildings and accessory buildings, as specified under the Old Lyme Zoning Regulations.

2.24 Non-Commercial Cutting:

The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot.

2.25 Old Lyme Town Road Map:

The official map adopted by vote of Town Meeting on May 21, 1984, as amended from time to time.

2.26 Open Space:

A parcel or parcels of land or an area of water or a combination of water and land set aside for conservation, park or playground purposes.

2.27 Plan:

The subdivision plan including maps, profiles, and supporting documents.

2.28 Private Road:

A road owned and maintained by a chartered beach association or a road owned and maintained by a legally constituted homeowners' association.

2.29 Rear Lot:

A lot in which the width measured at the street line is less than fifty percent (50%) of the required minimum dimension of a square on the lot, as set forth in the Old Lyme Zoning Regulations.

2.30 Regulations (or These Regulations):

The Subdivision Regulations of the Town of Old Lyme, unless otherwise specified.

2.31 Resubdivision:

As defined in the Connecticut General Statutes, a change in the map of an approved or recorded subdivision or resubdivision, if such change 1) affects any street layout shown on the approved map, 2) affects any area reserved thereon for public use, or 3) 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.

2.32 Sediment:

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

2.33 Special Flood Hazard Areas:

Areas delineated as Zone A, and Zone A1-A30, Zone V, Zones V1-V30, which are delineated on a map entitled, "Flood Insurance Rate Map, Town of Old Lyme, New London County, Connecticut, Community Panel Number 090103, 0001-0020, revised through June 16, 1992, prepared by the Federal Emergency Management Agency. Said Map, as it may be amended from time to time by said Agency, is part of these Regulations.

2.34 Street (also "road" or "highway"):

A parcel of land which has been improved so as to be suitable for vehicular traffic and accepted for public use by a Town meeting; or a parcel of land shown and designated as a street to be constructed on a subdivision plan approved by the Planning Commission. The term "street" shall include private roads previously approved under these Regulations. The terms "road", "highway" and "street" shall not include driveways as defined in Section 2.15 of these Regulations, nor shall "street" include emergency accessways. Streets are further classified by the following functions:

Arterial: A major, heavily traveled road serving as an artery for inter-connection between large areas of town or giving access into or circulation within business or industrial areas.

Collector: A moderately heavily traveled street presently receiving, or having the potential to receive, two or more local roads, private roads or dead end streets.

Local Residential: A street primarily providing access to abutting lots used for residential purposes, including dead-end streets.

Private Residential: A road that is privately owned and privately maintained. A private street is identified on the record subdivision map as a "Private Street", and shall not be offered to or maintained by the Town of Old Lyme.

Dead End Street or Cul-de-Sac: A street with only one vehicular outlet, not including an emergency accessway.

2.35 Street Pavement:

The wearing or exposed surface of the roadway used by vehicular traffic, including the subbase and base course.

2.36 Street Right of Way:

That portion of land between property lines which defines the limits of land dedicated, secured, or reserved for public or private use, including land over which a street is built and the adjacent

area reserved for future widening and improvements.

2.37 Street Width:

The width of the street right-of-way.

2.38 Subdivision:

As set forth in the Connecticut General Statutes, the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes "resubdivision".

2.39 Town:

The Town of Old Lyme.

2.40 Town Plan:

The 1990 Town Plan of Development for the Town of Old Lyme, prepared and adopted by the Planning Commission pursuant to Section 8-23 of the Connecticut General Statutes, and includes any part of such Plan separately and any amendment to such Plan or parts thereof.

2.41 Watercourses:

The term "watercourses" as used in these Regulations, includes watercourses as defined in Section 22a-38 of the Connecticut General Statutes, as amended.

2.42 Wetlands:

The term "wetlands" as used in these Regulations, is defined in Section 22a-38 of the Connecticut General Statutes, as amended.

2.43 Work, or Improvement(s):

All physical improvements required by the approved plan, other than the staking out of lots, and including but is not limited to the construction of roads, storm drainage facilities, and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

3. SECTION 3 ••• APPLICATION PROCEDURES AND APPROVAL PROCESS

3.1 INFORMAL PRELIMINARY REVIEW

Potential applicants are strongly encouraged to submit a preliminary plan to the Commission for informal review. The purpose of this review is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal fees associated with a formal application submission. The Commission may schedule a field visit to the site of the proposed development as part of its preliminary review. Preliminary plans have no official status. Preliminary review in regard to plan feasibility in no way implies approval of the formal subdivision plan. No fee or application form is required for review of a preliminary subdivision plan.

3.1.1 Submission of Preliminary Plan:

A potential applicant may submit a preliminary plan for consideration. At least three (3) copies of the preliminary plan shall be submitted to the Planning Office at least two (2) weeks prior to a regular meeting of the Commission to allow for placement on the next meeting agenda. The applicant or an authorized representative of the applicant shall attend the meeting of the Commission to discuss the preliminary plan.

3.1.2 Contents of Preliminary Plan:

A preliminary plan shall show sufficient information to enable the Commission to make a general review under the standards of these Regulations. The preliminary plan, at a scale no greater than 1" equals 100', shall generally show proposed lots, easements, roads, open spaces, drainage, contours at ten foot intervals, utilities, location map, and other information pertinent to the subdivision. Concept sketches showing alternative layouts may also be submitted.

3.1.3 Identification of Cultural Resources:

Upon receipt of a preliminary plan, the Commission may refer a copy of the plan's location map to the following agencies or individuals for comment concerning the location of cultural resources on or near the site of the proposed development: Connecticut Historical Commission; State Archaeologist; Old Lyme Historical Society; Town Historian; other recognized archaeological and historical authorities. Based on comments received, the Commission may determine that a cultural resources assessment must be submitted as part of a formal application.

3.2 FORMAL SUBMISSION

All applications for subdivision or resubdivision, together with maps, reports, legal documents, and any other information required under Section 4 of these Regulations, shall be submitted by mail or by hand to the Planning Office in the Old Lyme Town Hall. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 4 have been received. In order to receive prompt consideration of an application, whenever possible the complete application should be submitted no later than fourteen (14) days prior to a Commission meeting in order to allow sufficient time for staff review, and so that the application may be placed on the agenda of the meeting. Incomplete applications shall be accepted by the Commission, but failure to submit a complete application may be cause for disapproval of an application.

3.3 ESTABLISHING THE DATE OF RECEIPT

In accordance with the Connecticut General Statutes, the official 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 to the Planning Office, or 35 days after submission, whichever is sooner.

3.4 SITE INSPECTION AS PART OF APPLICATION REVIEW

The Commission or its duly authorized representative(s) may inspect the subdivision site to review the suitability of the site and the accuracy of all official submissions. Submission of a formal application confers the right of the Commission or its designated agent(s) to visit the site.

3.5 WAIVER OF SUBDIVISION REQUIREMENTS

When the Commission finds that extraordinary hardships or practical difficulties may result from compliance with these Regulations, the Commission may, by a vote of at least four members, approve waivers to these Regulations, provided that such waivers do not conflict with the intent and purposes of these Regulations.

3.5.1 The Commission shall state upon its records the reason for which a waiver is granted in each case. The Commission shall not approve a waiver unless it finds in each specific case that:

- a) The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety; and
- b) The conditions upon which the request for a waiver are based are unique to the proposed subdivision for which the waiver is sought and are not applicable generally to other potential subdivisions; and
- c) The waiver will not create a conflict with the provisions of the Zoning Regulations, the Town Plan, Town Ordinances, or Regulations of other Town Boards and Commissions.
- d) A request for a waiver should be presented in writing by the applicant at the time when the subdivision application is first submitted. The request shall state how the proposed waiver meets the requirements stated above. Any waiver granted shall not be a precedent for any future waiver, and the Commission may attach any reasonable condition to the granting of the waiver.

3.6 SUBDIVISIONS INVOLVING INLAND WETLANDS

When an application for a proposed subdivision or resubdivision involves land regulated as an inland wetlands or watercourse under Chapter 400 of the Connecticut General Statutes, the applicant shall file an application with the Old Lyme Inland Wetlands and Watercourses Commission no later than the day the formal application is submitted to the Planning Commission. Evidence of submission to the Inland Wetlands and Watercourses Commission shall be provided to the Planning Commission. The Planning Commission shall not render a decision on the subdivision application until the Inland Wetlands and Watercourses Commission, acting as the municipal inland wetlands and watercourses authority, has submitted a report with its final decision to the Planning Commission. In making its decision, the Planning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission.

3.7 REFERRALS AND REVIEW BY OTHERS

3.7.1 The Commission, or the applicant where directed by the Commission, shall transmit copies of maps, plans and documents to other officials and agencies where required and where appropriate, such as the following, for advisory reports and consultation and/or for approval as may be required by law. A copy of the transmittal letter shall be submitted to the Commission as part of the application materials:

- a) Board of Selectmen or their designated representative (also "reviewing engineer"): maps and plans for review in accordance with Design and Construction Standards, with particular regard to street design, storm drainage and other utility systems.
- b) Town or Commission Attorney: bonds, easements, deeds, agreements and other legal documents.
- c) Sanitarian/Water Pollution Control Authority: sanitation reports, maps and plans, with particular regard to on-site water supply and sewage disposal systems.
- d) State Department of Transportation: maps and plans, with particular regard to street and utility connections with State Highways.
- e) Conservation (Inland Wetlands and Watercourses) Commission: maps and plans, with particular regard to natural features of the site, including conservation elements, water resources and soils.
- f) Park and Recreation Commission: maps, with particular regard to open spaces for parks and playgrounds.
- g) Fire Department: maps and plans with particular regard to elements of fire protection and fire fighting resources.
- h) Notice to Water Company: In accordance with Connecticut General Statutes 8-31, for any subdivision within the watershed of a water company, written notice of the application to the water company.
- i) Other persons or agencies as appropriate, including the Tree Warden, Municipal Historian, and emergency services personnel.

3.7.2 Referrals within the Connecticut River Gateway Conservation Zone:

For all subdivisions within the Connecticut River Gateway Conservation Zone, the Commission may refer copies of the maps and plans, including the Soil Erosion and Sediment Control Plan, to the New London County Soil and Water Conservation District for review and advisory opinion concerning measures for erosion and sediment control.

3.7.3 Referral to CRERPA and SCCOG:

Any plan for subdivision of land which abuts or includes land in one or more municipalities as well as Old Lyme shall be submitted to the Connecticut River Estuary Regional Planning Agency and the Southeastern Connecticut Council of Governments, in accordance with CGS 8-26b.

3.7.4 Notice to Adjoining Municipalities:

Notice shall be given to the Town Clerk of an adjoining municipality in accordance with CGS 8-26f for any project in which the following applies:

- a) Any portion of the property affected by a decision of the Planning Commission is within 500 feet of the boundary of the adjoining municipality;
- b) A significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;
- c) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- d) Water runoff from the developed site will impact streets or other municipal or private property within the adjoining municipality.
- e) Referrals shall be made within seven days of the date of receipt of the application. No hearing shall be conducted unless appropriate referrals have been made.

3.7.5 Notice to Connecticut Department of Environmental Protection, Office of Long Island Sound Programs:

Any subdivision within the coastal boundary, as indicated on the Old Lyme Zoning Map.

3.8 PUBLIC HEARING

A public hearing regarding an application for a subdivision may be held by the Commission if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on all applications for a resubdivision. Notice of any public hearing shall be given as required by law. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

3.8.1 Notification of Abutting Property Owners - Applicant's Responsibility:

When a public hearing is scheduled, the applicant shall prepare a list of names and addresses of the owners of all property any portion of which is within 300 feet of the property to be subdivided, as shown on the Assessor's records of the Town of Old Lyme on the date of receipt of the application by the Commission. The applicant shall mail notification of the scheduled public hearing, which may be in the form of the legal notice, to at least one owner of each property not more than 30 and not less than ten days prior to the date of the public hearing. Evidence of such mailing shall be submitted to the Planning Commission not later than the commencement of the public hearing. Failure to comply with the required notification requirement may be cause for denial of the subdivision application.

3.9 PLANNING COMMISSION ACTION

Within 65 days after the close of the public hearing, or within 65 days after receipt of such application if no public hearing is held, the Commission, by majority vote of members present and voting, shall approve, modify and approve, or disapprove the application for subdivision or resubdivision.

The applicant may consent to one or more extensions of any period required for commencing a public hearing, completing a public hearing or rendering a decision, provided the total extension of any such period shall not be for longer than the original period as specified under the Connecticut General Statutes.

Notwithstanding the above, the Planning Commission shall not render a decision on the application until the Conservation (Inland Wetlands and Watercourses) Commission has submitted a report with its final decision to the Planning Commission.

3.9.1 Modifications:

In approving the application, the Commission may require modifications of the maps and/or documents submitted as part of the application to preserve the purpose and intent and assure conformance with these Regulations. Such modifications shall be made by the applicant and submitted for Commission review prior to endorsement of the subdivision plans by the Commission.

3.9.2 Items which shall be completed:

The following items shall be completed prior to approval of a subdivision or resubdivision application, as applicable:

- a) Presentation of any conveyance, easements and deeds, including executed documents, in accordance with the requirements of Section 4.6;
- b) Submission of a construction and inspection schedule, approved by the Board of Selectmen or their engineer, including establishment of a date when construction of roads, drainage and other improvements may commence;
- c) Written evidence of application to the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway; the Commission may require written proof of CONNDOT intent to issue a permit for the proposed activity;
- d) Evidence of approval from the Old Lyme Conservation (Inland Wetlands and Watercourses) Commission, as may be required under the regulations of such Commission, for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements;
- e) Written evidence of an application to the Commissioner of the Department of Environmental Protection for a permit, as may be required for regulated activity within a designated tidal wetlands area; the Commission may require written proof of DEP intent to issue a permit for the proposed activity;
- f) Written evidence of an application to the U. S, Army Corps of Engineers for activities within the Corps' jurisdiction; the Commission may require written proof of Army Corps intent to issue a permit for the proposed activity;
- g) Where the subdivision involves construction of improvements or excavation, grading or depositing of materials in a Special Flood Hazard Area, presentation of written assurance from the Zoning Official that development activities comply with requirements of 4.5.5 and 5.3 of these Regulations;

- h) Posting of a security acceptable to the Commission, guaranteeing completion of any required road, storm drainage, installation of property markers and monuments, or other subdivision improvements in accordance with the approved plan, as required in Section 3.11;
- i) Installation and maintenance of erosion and sediment control measures in accordance with the certified Soil Erosion and Sediment Control Plan, as required by Section 4.4.5.

3.9.3 Statement of Reasons for Decision:

In approving, modifying and approving, or disapproving an application, the Commission shall state in its records the reasons for its action. The Commission shall give notice of its decision as required by law.

3.9.4 Conditional Approval:

In lieu of completing the required subdivision improvements or posting a bond for the improvements as provided in Section 3.11, the Commission may grant a conditional approval. Such approval shall be conditioned upon:

- 1) The actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission, evidenced by a Certificate of Completion issued by the Commission's engineer and approved by the Commission, and/or
- 2) The provisions of a bond, in accordance with Section 3.11 of these Regulations, in a form and amount acceptable to the Commission's engineer and approved by the Commission.

Upon granting a conditional approval, the applicant shall also post a bond/security for sedimentation and erosion control measures to secure restoration of disturbed areas due to Work or Improvements required for the subdivision, in an amount acceptable to the Commission's engineer and in a form acceptable to the Commission. The applicant shall file on the land records one complete fixed line photographic mylar set of the subdivision plans with "Conditional Approval: No Lots Shall Be Sold Or Transferred Until Final Approval Is Granted By The Commission" noted conspicuously thereon. The applicant shall also file on the land records a Notice of Conditional Approval which states that the applicant is restricted from selling or transferring any subdivision lots. The notice shall be in a form acceptable to the Commission's counsel.

Upon the occurrence of either of the events described in (1) or (2) above, the Commission shall grant final approval by endorsing the final plans as per Section 3.12.1 and authorizing the Chairman or Secretary to sign a release of the Notice of Conditional Approval on the land records.

Any conditional approval shall lapse three (3) years from the date it is granted. The applicant may request and the Commission, in its sole discretion, may grant an initial extension period of three (3) years, and two (2) additional extension periods of two (2) years. Any person, firm or corporation who, prior to such final approval, sells or offers for sale, any lot subdivided pursuant to a conditional approval may be fined not more than five hundred (\$500.00) dollars for each lot sold or offered for sale. Violation of this provision shall be grounds for revocation of the subdivision approval.

3.10 APPEALS

Any person aggrieved by an official decision of the Commission may file an appeal to the Superior Court within fifteen (15) days from the date when the notice of decision was published according to law. The Commission shall not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal, upon termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

3.11 POSTING A BOND/SECURITY

As part of the subdivision application, the applicant shall provide an estimate of the cost of all work to be performed on the subdivision, which the Commission may use to determine the amount of the required security. Prior to endorsement of the approved plan, the Commission shall require the applicant to post a sufficient security, in an amount acceptable to the Commission and in a form acceptable to the Commission's attorney, to guarantee one of the following:

- A) Satisfactory completion of all work shown on the plan, OR
- B) Restoration of the development site to a safe and attractive condition in lieu of completion of work, provided that the applicant guarantees in writing that no lots will be sold or offered for sale, no building permits will be sought, and no individual lot development (as opposed to subdivision improvements) including tree clearing and grading will commence until an acceptable security for completion of remaining subdivision work is posted with the Commission.
- C) Violation of this provision shall be grounds for revocation of the subdivision approval.

When the option of posting security for restoration of the development site has been utilized (Option B. above), the developer shall post sufficient security for satisfactory completion of all remaining work shown on the plan prior to proceeding with installation of structural drainage, including installation of drainage pipes and or catch basins, and prior to any road paving.

3.11.2 Bond/Security Requirements:

- a) In order to avoid the need for very large subdivision bonds, and to avoid extensive disruption of the entire site at anyone time, a subdivision may be constructed in phases, with approval of the Commission. In phased subdivisions, separate security may be posted for each phase. Upon completion of an earlier bonded phase, the developer may request and may receive approval from the Commission to transfer the security to a later phase.
- b) The security must be set and continuously maintained for the duration of the five year project (or other time for completion of the subdivision as designated by State Statute) unless released by vote of the Commission.
- c) Should the developer be unable to complete the secured site improvements in a manner satisfactory under Town requirements, the security deposited with the Town may be used by the Town, after a hearing thereon, to complete all or part of the required site improvements or, at the discretion of the Commission, to restore the property to a safe and attractive condition, provided that no individual lots have been sold or developed in the area where improvements are lacking.

3.11.3 Separate Sedimentation and Erosion Control Bond:

The Commission may require that measures and facilities specified on the Soil Erosion and Sediment Control Plan be guaranteed by a separate cash or savings passbook account in favor of the Town. In the event of failure of the developer to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this Section may be used by the Town, after a hearing thereon, to stabilize eroding areas, remove sedimentation, and otherwise correct sedimentation and erosion problems on site.

3.12 ENDORSEMENT AND DELIVERY OF PLAN

One complete fixed line photographic mylar set of plans and two (2) print copies of the subdivision or resubdivision map shall be delivered to Planning Office within thirty (30) days of the date of a Commission vote to approve the subdivision or resubdivision application. Such plans shall contain all modifications or stipulations required by the Commission as part of its approval. All mylars shall contain the raised seal and original signature of the engineer and/or surveyor certifying the plan.

Endorsement of the plan by the Commission shall not be executed until the end of the appeal period as set forth in Section 3.10, and until all conditions of approval have been met, including posting of any required security and submission of the final corrected plans and executed legal documents. If the applicant fails to comply with this requirement, the Commission may declare the approval null and void.

3.12.1 Commission Endorsement of Plan:

Upon receipt of final plans, including any required modifications, executed legal documents, and the posting of any security required as part of the approval, the Chairman or Secretary of the Commission shall endorse the final plans, and shall note on the plans the date of approval and the date of project expiration. The applicant will then be notified that the endorsed plans and legal documents are available for recording with the Office of the Town Clerk. All plans shall be delivered to the applicant for filing or recording not less than thirty (30) days after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, not less than thirty (30) days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

3.13 FILING AND RECORDING PLAN

The applicant shall file and record the endorsed plans and legal documents, with the exception of deeds for Town roads, within 90 days of the expiration of the appeal period, 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 applicant, except that the Commission may, by majority vote, extend the time for such filing and recording for two additional periods of ninety days each, and approved plans shall remain valid until the expiration of such extended time. Failure to file the approved plans within the 90 day period or any extensions thereof which are approved by the Commission shall render the subdivision approval null and void. Filing and recording fees shall be paid by the applicant.

3.14 AUTHORIZING COMMENCEMENT OF CONSTRUCTION

All construction and installation of roads, drainage and other improvements required by these

Regulations shall not be deemed authorized and shall not be commenced until (1) the time for taking an appeal from the action of approval of the application by the Commission has elapsed, and in the event of an appeal, termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant; and (2) the Commission or its designated agent has authorized such construction upon finding that the applicant has met all conditions of approval precedent to such construction; and 3) the construction plans for streets, drainage and other improvements have been approved by the Board of Selectmen as evidenced by the issuance of a road construction permit under the procedures established in the Town's Design and Construction Standards.

3.15 INSPECTION OF IMPROVEMENTS

Each phase of the construction of any street, drainage facility or other improvement which is part of the approved subdivision, shall be carried out subject to the supervision and inspection by the Board of Selectmen, through their authorized inspector. The inspector shall assure that all specifications and requirements are met during construction, in accordance with the Town's Design and Construction Standards. Said inspector shall, after completion of construction, notify the Board of Selectmen and the Commission when all required improvements have been constructed as required by the Commission.

3.15.1 Fee for Inspection of Improvements:

The developer shall pay to the Town a fee for all reasonable costs incurred in the inspection and re-inspection, if necessary" in accordance with a schedule of fees established by the Board of Selectmen under the Design and Construction Standards.

3.15.2 Compliance with Plans:

If the inspector finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with plans and specifications submitted by the subdivider as part of the subdivision application, the inspector shall so report to the Commission. The Commission shall then notify the developer, and if necessary the company guaranteeing the bond or security, and shall take all necessary steps to preserve the Town's rights under the terms of the bond or security.

3.15.3 Schedule of Inspections:

The Commission or its designated inspector shall have the right to enter upon the premises and to inspect, or cause to be inspected, construction work authorized by subdivision approval at any time, with or without notice, during, before or after regular business hours.

For subdivision road and drainage improvements, the work shall be inspected in accordance with the schedule set forth in the Town's Design and Construction Standards.

The developer shall not proceed to work on any subsequent stage until the preceding stage has been inspected and approved by the designated inspector.

3.16 CHANGES DURING CONSTRUCTION

3.16.1 Modifications:

If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such improvements, the developer shall notify the Commission or its duly authorized representative, who shall determine

whether the change is minor in nature or whether the Commission itself must act on the proposed change. If the change is minor, the representative shall either approve or disapprove the developer's request, and shall notify the Commission at its next regular meeting, and the action shall be noted in the meeting minutes. If it is determined that the change is not minor, the developer shall submit an application for a modification of the subdivision approval. Such application shall meet all the informational requirements of Section 4, as applicable. Any change which affects any street layout or any area reserved for public use shall require a resubdivision, as required by State Statute.

3.16.2 Additional work:

If during the course of construction of any new street, or any other improvements required by the Commission in connection with the approval of a subdivision, it appears that additional work is required owing to unforeseen conditions such as, but not limited to springs, ancient drains, wet conditions, side hill drainage from cuts, bedrock, or other conditions which were not apparent at the time of approval by the Commission, the Commission may require such additional work to be done and may require additional security to be posted by the applicant. The Commission reserves the right to require the installation of additional sedimentation and erosion control measures as may be recommended by the town's designated inspector.

3.17 COMPLETION OF WORK

Any person, firm or corporation making any subdivision or resubdivision of land shall complete all work in connection with such subdivision within five years after the date of the vote for approval of the plan for such subdivision. The Commission endorsement of approval on the plan shall state the date on which such five year period expires.

The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed ten years from the date the subdivision was approved. If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other security required under Section 3.11, securing to the municipality the actual completion of work.

For purposes of this section, "work" shall mean all physical improvements required by the approval, other than staking of lots, and includes but is not limited to the construction of roads, storm drainage, water and sewer lines, setting aside of open space and recreation areas, installation of utilities, installation of permanent property markers, planting trees and other landscaping, and installation of retaining walls and other structures.

Failure to complete all required work within the time period approved by the Commission may result in expiration of subdivision approval. In such event, the Commission shall file on the Land Records notice of the expiration and no additional lots shall be conveyed by the subdivider except with the approval by the Commission of a new application for subdivision of subject land. If lots have been conveyed during the five year or other approved period, the Town may call the performance bond of the subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

3.18 MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain all improvements in the subdivision and provide for

snow removal, street cleaning, drainage and general maintenance on streets and sidewalks until acceptance of said improvements by the Town. In the event that the applicant fails to comply with this subsection, the Town is authorized, through the Board of Selectmen, to perform the necessary work, without incurring any liability, and charge such work to the applicant. The Commission may require that as part of the bond required for said subdivision, a portion of said bond be established at the developer's expense to pay for such maintenance and snow removal, from which the Town may draw funds, after hearing, to pay for the work if the applicant fails to comply with this subsection within five years or within such extensions as may be provided in accordance with Section 3.17 of these Regulations.

3.19 RELEASE OF BOND/AS BUILT PLANS

In general, the Commission shall not authorize partial release of the security, except that the security for one phase of a subdivision may be transferred to a subsequent phase with the approval of the Commission.

Prior to release of the subdivision performance bond, the following conditions must be met:

- A. The bond shall not be released until all conditions of town acceptance have been met and all required improvements have been accepted by the town.
- B. Roads, drainage and other required improvements in the subdivision shall have been inspected and approved by the town's engineer.
- C. As-built plans shall have been submitted to the Commission in accordance with 3.19.1.Maintenance Agreement and Security: The applicant shall execute an agreement and file a bond to cover unforeseen deficiencies in the required road, drainage and other subdivision improvements. The maintenance bond shall terminate no earlier than one year after the date of acceptance of the improvements by the Town. The maintenance bond shall be in the amount and with security as approved by the Board of Selectmen and Town Counsel under the provisions of the Town's Design and Construction Standards.

3.19.1 "As built" plans:

Before the Commission and Board of Selectmen authorizes release of any subdivision performance bond, the developer shall furnish a set of "as built" drawings showing all improvements as constructed, in the same detail as required for the approved Subdivision plan. Said drawings shall bear the live signature and raised seal of the registered land surveyor who prepared the "as built" plan, and a civil engineer registered in Connecticut who reviewed the plan.

3.20 ACCEPTANCE BY THE TOWN

The approval by the Commission of a subdivision application shall not constitute evidence of any acceptance by the Town of any street, recreation area, right-of-way or easement shown on such plan. Acceptance of formal offers of streets, open space, rights-of-way, and easements shall rest with the Town. The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements at a Town Meeting.

3.20.1 Procedure for acceptance of improvements:

Upon completion of all improvements, the applicant shall submit a written request to the Commission for acceptance of the improvements and release of the performance bond. Such request shall be accompanied by executed deeds, as-built plans, maintenance bond and any other documents necessary to support the request. The Commission shall refer the request to the appropriate Town agencies for their review. Upon receipt of favorable reports from these agencies, the Commission shall recommend to the Board of Selectmen that the improvements be accepted and the performance bond released. After compliance with all requirements of the acceptance procedures, the Board of Selectmen shall present the improvements for acceptance at a Town Meeting in accordance with the Town's Design and Construction Standards.

3.21 REVISIONS TO LOT CONFIGURATION

Any subsequent change in the geometric configuration of a lot or lots, including the relocation of lot boundary lines between adjacent lots, which differs from the approved subdivision map which has been filed and recorded with the Town Clerk, shall be submitted to the Commission for their review as to compliance with current zoning and subdivision regulations, and must be approved by the Commission. A map showing the revision as approved by the Commission must be signed by the Commission chairperson and filed by the applicant with the Town Clerk.

4. SECTION 4 ..•• CONTENTS OF FORMAL APPLICATION SUBMISSION

4.1 WRITTEN APPLICATION

A written application, in a form prescribed by the Commission, shall be submitted by the applicant or lawful agent of the applicant. If the applicant is not the owner of the land to be subdivided, the forms shall also be signed by the owner or the owner's lawful agent.

4.2 FEES

The subdivider shall pay all reasonable fees necessary to cover the cost of processing the subdivision application and inspecting any required improvements. Processing fees and inspection fees shall be paid to the Commission by the subdivider in accordance with the Schedule of Fees established by the Commission.

4.3 PROFESSIONAL ASSISTANCE

All maps and reports required under these Regulations shall be prepared and certified by qualified professionals, as follows:

4.3.1 Professional Engineer:

The applicant shall employ the services of a professional engineer, currently licensed to practice in the State of Connecticut, for the design of and preparation of maps and reports relating to the following work items required in the submittal of a subdivision application: roads; drainage systems, including the design and location of structures and pipes; sewage disposal systems; water supply and distribution system; and grading of lots and overall grading plans.

All submissions of the above items shall bear the name, seal and original signature of a professional engineer, currently licensed to practice in the State of Connecticut. A Land Surveyor's seal or Architect's seal alone is not acceptable.

4.3.2 Land Surveyor:

The applicant shall employ the services of a land surveyor, licensed to practice in the State of Connecticut, for the preparation of maps and reports relating to the following work items required in the preparation of a subdivision application: land surveys including the delineation of the boundary lines of the outside perimeter and the interior lots of a subdivision; topographic surveys including contour delineation and all natural features and constructed facilities on the land.

All submissions of the above items shall bear the name, seal and original signature of a land surveyor, currently licensed to practice in the State of Connecticut. A Professional Engineer's seal or Architect's seal alone is not acceptable.

4.4 MAPS

The maps and plans required by these Regulations shall show information and shall be prepared in accordance with the standards specified herein:

- 1) All maps shall be submitted on sheets with an overall dimension of 24" by 36". Six blue line copies of all maps shall be provided as part of the submission of a completed application. The Commission may require additional copies of plans if referrals to outside parties are indicated. Documents other than final reports and maps shall be marked "Draft". Revision dates shall be shown if plans are updated or revised during the review process. Revision dates shall be shown on all sheets and the index sheet.
- 2) All prints of maps and plans shall be clear and legible and shall be bound along the left side, with required identifying data on each sheet. All maps shall be prepared by and shall bear the name, seal and original signature of a land surveyor or professional engineer, or both, as required under Section 4.3. Final maps presented for endorsement and filing shall include a raised seal and original signature of the land surveyor or professional engineer, or both, as required, and shall be a fixed line photographic mylar printed on good quality polyester film meeting State requirements for filing with the Town Clerk.
- 3) If more than one map sheet is required, each sheet shall be sequentially numbered in the form "Sheet _ of_" An index of all map sheets shall be included on the first sheet. Any information required in Section 4.4 may be combined on plan sheets, provided that the information is presented in a clear and understandable manner.
- 4) All maps sheets shall include the following information:
 - a) Name of the proposed subdivision or identifying title, which shall not duplicate the title of any previous subdivision in the Town of Old Lyme; name and address of the owner of land to be subdivided, and the name and address of the subdivider if other than the owner; key to the terms and symbols used on the map sheet.
 - b) Date prepared, approximate true north point, numerical and graphic scale. North arrows, to the extent practical, shall be consistent from one map to another.

4.4.2 Key Map:

A Key Map showing the relationship of the proposed subdivision to the surrounding neighborhood shall be provided, and shall show all public streets, lands reserved for special use, and major subdivisions located within one-half mile of the boundaries of the tract to be

subdivided. All proposed property lines within the tract to be subdivided shall be shown on the Key Map in sufficient detail to allow for transfer of information to the Commission's base map. The scale of the Key Map shall be 1'' = 1000'.

4.4.3 Boundary Survey Map:

A Boundary Survey Map of the entire tract to be subdivided shall be provided, prepared by a land surveyor in accordance with The Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20-300b-20 inclusive. The Boundary Survey Map shall show names of all abutting land owners and public streets, the layout of all lots and streets within the tract to be subdivided, and all lands to be dedicated as open space, parks or playgrounds. The scale of the Boundary Survey Map shall be at least 1''=40', but not less than 1''= 100'.

4.4.4 Parcel History Map:

A parcel history map, depicting the tract as of the effective date of adoption of subdivision regulations for the Town of Old Lyme, indicating all divisions of the property or any property of which was formerly a part, since the effective date of subdivision regulation, and a table containing the dates of such divisions and the grantors and grantees of any parcels or approved subdivisions so created.

4.4.5 Detailed Layout Maps:

Detailed Layout Maps shall be at a scale of one inch equals 40 feet (1"=40') unless otherwise approved by the Commission. Where it is not possible to fit the entire subdivision plan on one sheet at a scale of 1"=40', more than one sheet may be used, provided that match lines are indicated. If more than one sheet is used, an index map shall be provided showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by the section or sheet and match lines between sections.

All Detailed Layout Maps shall show the following information to the extent that the information occurs in, or is applicable to the particular subdivision.

- A) Information on site conditions and land evaluation within the property to be subdivided, and within 100 feet thereof: as follows:
- 1) Existing contours at intervals of two (2) feet or less, based on field or aerial survey, using the benchmark as required for Construction Plans in Section 4.4.4. Enlargement of U.S. Geological Survey maps and interpretations therefrom are not acceptable. The Commission may require contour lines at lesser intervals where necessary to properly evaluate the proposed development. In areas where there is no significant change in elevation over an extended area, spot elevations shall be shown;
 - 2) Existing man-made features, including buildings and structures; any proposed removal, demolition, relocation or retention of existing man-made features. Detailed layout maps shall also show existing trails, stone walls, fences and dams, and other man-made features;
 - 3) Location of all known cultural resources, as defined in Section 2.11, including significant archaeological, historic, and natural features;
 - 4) Location of all exposed ledge outcroppings;

- 5) Existing watercourses; exterior limits of inland wetlands, if applicable, which shall be identified and located in the field by a certified soil scientist, and a review area of 100 feet from the exterior edge of inland wetlands; location of tidal wetlands and other coastal resources and a review area of 100 feet from the inland edge of tidal wetlands, beaches, bluffs and escarpments, and intertidal flats.
 - 6) Any areas subject to frequent, periodic or potential flooding; the boundaries of any Special Flood Hazard Areas and floodways and the base flood elevation data therefore; the lowest floor elevations that would be applicable for building on any lot in any Special Flood Hazard Area;
 - 7) Boundaries and classification codes of soil types under the National Cooperative Soils Survey of the Natural Resources Conservation Service (Soil Conservation Service);
 - 8) Location, dates and results of all percolation test holes, deep test pits and borings;
 - 9) Boundary or limits of the "minimum area of buildable land", as required in the Old Lyme Zoning Regulations;
 - 10) Location and species of specimen trees; existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken;
 - 11) Location of any existing wells and septic systems on the property and on land within 100 feet of the property;
 - 12) Location of any drainage discharge points onto the property from any street or other property;
 - 13) The Commission may request confirmation of any or all of the above by on-site tests and surveys, in accordance with Section 4.7;
- B) Property ownership information as follows, with all lines drawn with dimensions to the nearest hundredths of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance, radius and length of all arcs:
- 1) Name and address of owner of property and of applicant, if different from the owner;
 - 2) Perimeter boundary survey of the entire property, with dimensions, and the area of the property to be subdivided; the boundary line shall be a heavy weight line easily distinguishable from other property lines;
 - 3) Location of existing property lines for a distance of 100 feet from the property, except where the property borders a road, where the location of property lines across the road shall be shown;
 - 4) Name of street, both street right-of-way lines, and pavement location of any street abutting or within 50 feet of the property;
 - 5) The survey relationship of the property to the State of Connecticut grid coordinate system;

- 6) Names of all subdivisions or owners of property abutting the property to be subdivided, including those across any street if the proposed subdivision abuts an existing street;
 - 7) Existing property markers and monuments;
 - 8) Zoning District in which the property is located, and any Zoning District within 100 feet of the property;
 - 9) Any municipal boundary line on or adjacent to the subdivision;
 - 10) Any boundary line of the Lower Connecticut River Gateway Conservation Zone and/or the Coastal Boundary;
 - 11) Any building setback lines established by Old Lyme Zoning Regulations, Town ordinance or other law;
 - 12) Existing open space for parks and playgrounds and other open space purposes, and the square footage and acreage thereof;
 - 13) Location and dimension of existing easements; notation of all existing restrictions on the use of the land, including easements and covenants;
 - 14) Any reserved areas for watercourses and wetlands protection or for conservation areas; and
 - 15) Any encroachment lines along rivers and watercourses.
- C) Proposals for development of the subdivision as follows:
- 1) Proposed lots and lot numbers, and the square footage and acreage of each lot with dimensions and areas;
 - 2) Proposed contours at an interval not exceeding two (2) feet, based on field or aerial survey, using the benchmark as required for Construction Plans in Section 4.5.4; in areas where there is no significant change in elevation over an extended area, spot elevations shall be shown;
 - 3) Proposed man-made features, including but not limited to buildings, structures, fences, retaining walls and the like;
 - 4) The location proposed for a building on each lot and a driveway, including floor elevations and driveway grades where necessary to demonstrate feasibility of use of the lot;
 - 5) Proposed property markers and monuments in accordance with Section 5.12;
 - 6) Location and dimension of proposed easements; notation of all proposed restrictions on the use of the land, including easements and covenants;
 - 7) Any required or proposed setback lines or buffers;
 - 8) Proposed streets and other rights-of-way, and the width thereof; location and width of

street pavement;

- 9) Existing and proposed storm drains, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other drainage structures;
 - 10) The proposed location of any activity that is subject to the Inland Wetlands and Watercourses Regulations of the Town of Old Lyme, including any relocation or construction for channels or watercourses;
 - 11) Water mains, hydrants and appurtenances; electrical and telephone lines;
 - 12) The location of any proposed on-site wells and subsurface sewage disposal systems;
- D) The following additional information:
- 1) Map information as required for a Coastal Site Plan under Section 4.5.4;
 - 2) Map information as required for a Sedimentation and Erosion Control Plan as specified under Section 4.4.5;
 - 3) Signature blocks, as follows:
 - a) Signature block entitled "Soil Erosion and Sediment Control Plan certified by ... " with a place for signature of the certifying agent and date of signing.
 - b) Signature block entitled "Reviewed and Approved by the Old Lyme Planning Commission", with a designated place for the signature of the Chairperson or Secretary and the date of the Commission vote to approve; and the words "Expiration date per Section 8-26c, Connecticut General Statutes", with a designated place for such date.
 - c) Signature block entitled "Reviewed and Approved by the Old Lyme Sanitarian", with a designated place for signing and for the date of such action.
 - 4) Such additional notes as may be required or approved by the Commission, such as restrictions pertaining to building lines, reserved areas, easements, solar access, fire protection, on-site sewage disposal and water supply and other features on the map.

4.4.6 Construction Plans:

Construction plans shall conform to the standards set forth in these Regulations for streets, sidewalks, storm drainage, water and sewer systems, and other improvements, and to the Town's Design and Construction Standards.

A) Preparation:

Construction plans, including details and specifications, shall be prepared by and shall bear the name and seal of a professional engineer, provided however, that particular elements of the plan, as authorized under Section 4.3, may be prepared by a land surveyor or other qualified professional.

B) Scale:

Construction plan drawings shall have a horizontal scale of 1" = 40'; profile drawings shall have

a vertical scale of 1" = 4'. Drawings of special structures and details may be prepared in other format acceptable to the Commission or its designated agent. Profile drawings, inverts, existing and proposed contours and key elevations shall be based on official Town, State or U.S. bench marks. However, when the use of official benchmarks is impractical, the Commission may accept assumed datum. The bench marks used shall be consistent among the plan sheets and shown on the plans.

C) General Format:

All plans showing construction of subdivision improvements shall include the following elements: (1) an overall view, (2) profiles and cross sections, (3) a Grading Plan, according to Section 4.4.6 (4) Sedimentation and Erosion Control Plan, according to Section 4.4.5, and (5) a Storm Water Management Plan, according to Section 4.5.3.

D) Specific Information:

The following information shall be shown on the Construction Plans as applicable to a particular subdivision:

- 1) Existing and proposed contour intervals shown on construction plans shall not exceed two feet, and shall be the result of a topographic survey performed to the standards established under The Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20-300b-20 inclusive.
- 2) For streets:
 - a) Street names; right-of-way lines, the edge and width of pavement; center line radius; stations at 50' intervals, low points, high points, points of curvature, points of tangency and at intersections;
 - b) Existing profile grades at the center line and both right-of-way lines;
 - c) Proposed profile grades along road centerline elevations, and at the low points, high points, points of vertical curvature (pvc), points of vertical intersection (pvi) and points of vertical tangent (pvt);
 - d) Pavement radii at corners;
 - e) Length of vertical curves;
 - f) Typical street cross section, cross section at all cross culverts, cross sections where there are to be substantial cuts and fills affecting abutting property;
 - g) The location of lot lines intersecting the right-of-way line and the lot numbers of the lots;
 - h) Location of sidewalks, curbs and gutters, guide rails or posts, street lights, road monuments, traffic control devices, and signage.
- 3) For drainage, sanitary sewers and pipe systems:
 - a) Location, depth, invert, slope, frame and grade elevations, size and type of all pipes, culverts, manholes, headwalls, and catch basins, including offsets from street

centerline;

- b) Cross section, depth, slope and location of all natural and man-made watercourses, ditches and swales;
 - c) Water mains, valves and hydrants; sanitary sewers and appurtenances; house service connections and curb stops.
- 4) Detail drawings of bridges, box culverts, deep manholes, retaining walls and other special structures.
 - 5) Provision for control of erosion and sedimentation both during and upon completion of construction, in accordance with Section 4.4.5
 - 6) At intersections and other locations where there may be sight distance restrictions, a sight line demonstration may be necessary.
 - 7) Drainage analysis map and computations to enable the Commission or its agent to review the drainage design and the sufficiency of downstream drainage systems to accommodate runoff from the subdivision; design for any temporary or permanent storm water detention or retention area; such information to be provided as required in Section 4.5.3.
 - 8) A signature block entitled "Reviewed and Approved by the Old Lyme Planning Commission" with a designated place for the signature of the Chairperson or Secretary and the date of signmg.

4.4.7 Sedimentation and Erosion Control Plan:

- A) A soil sedimentation and erosion control plan shall be submitted with the subdivision application in the following cases:
 - 1) When the disturbed area of such subdivision is cumulatively more than one half acre, or contains inland wetlands or watercourses;
 - 2) For any lot within the Connecticut River Gateway Conservation Zone; or
 - 3) For any lot within a proposed subdivision which is within 50 feet of coastal resources, including rocky shorefront, coastal bluffs and escarpments, beaches, dunes and tidal wetlands, as defined in the Connecticut Coastal Management Act.
- B) The plan shall include a map showing existing and proposed topography; location of any areas proposed to be cleared, stripped of vegetation and/or graded, or otherwise altered; location and design of structural control measures, including diversions, waterways, grade stabilization structures, debris basins and other measures; revegetation plans; and a schedule of operations including sequencing of clearing, grading, installation of control measures, and revegetation. Design of control measures and operations shall be consistent with principles, methods and practices found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), and amendments thereto.
- C) The applicant shall provide a written report describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

- D) All development shall comply with the following guidelines:
- 1) Development shall be fitted to the topography and soils so as to create the least erosion hazard;
 - 2) Natural vegetation shall be retained and protected wherever feasible;
 - 3) Only the smallest practical area of land shall be exposed at anyone time during development;
 - 4) When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
 - 5) Temporary vegetation and/or mulching shall be used to protect exposed areas during development;
 - 6) Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters and from land undergoing development where feasible and practical;
 - 7) Permanent final vegetation and structural erosion control measures shall be installed as soon as practical in the development.
- E) The sedimentation and erosion control plan may be incorporated on the Detailed Layout Map and/or Construction Plans.
- F) Name of person responsible for implementing the Sedimentation and Erosion Control Plan.

4.4.8 Grading Plan

If not shown on the Construction Plans, a grading plan shall be prepared which shall show proposed new grading of the roadway and any drainage courses, proposed grading of all lots within the subdivision for which substantial topographic alteration is required in order to accommodate the proposed construction, and any other major grading, cuts, fills or soil or rock removal proposed in the subdivision.

- A) The area shown on the grading plan may be limited to the portion of the subdivision affected by the proposed grading, cuts, fills, or soil or rock removal;
- B) The grading plan shall be shown at the same scale as the detailed layout map, and shall be prepared to similar standards of accuracy.
- C) Existing and proposed contours at intervals of two feet are required. If requested by the Commission, cross- sectional drawings of the area to be regraded shall be provided;
- D) The plan shall indicate the total volume and nature of material to be removed or deposited for road construction.

4.4.9 Future Development of Undeveloped Portion of a Tract/Phased Development:

If the proposed subdivision covers only a part of the record owner's or applicant's contiguous land holding, the Commission may require the applicant to submit a schematic map showing the possible location of future streets, lot layout, and open spaces on other land of the owner or applicant. The Commission will review the schematic plan in order to assist the applicant in providing the most efficient use of land in relationship to the surrounding area. This schematic

map is for informational purposes only and shall not be binding on either the applicant or the Commission.

4.5 REPORTS

Reports required under this Section may be included as plan notes where appropriate, provided that all information is shown in a clear and legible form. The applicant shall submit six copies of all reports not included as plan notes.

4.5.1 Water and Sewer:

The applicant shall submit a written report, prepared and sealed by a professional engineer, currently licensed to practice in the State of Connecticut, or other qualified professional, describing the proposed water supply and method of sewage disposal for the subdivision. Prior to submission of the report to the Commission, the applicant shall secure endorsement of the report by the Sanitarian of the Town of Old Lyme or a designated agent, and from the Water Pollution Control Authority or its agent.

4.5.2 Traffic Report:

For all residential subdivisions containing 25 lots or more, and for all nonresidential subdivisions, the Commission may require the applicant to submit a traffic report describing the pedestrian and vehicular access to and within the proposed subdivision. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total when determining the need for a traffic report. Traffic studies may be required for subdivisions containing less than 25 lots, if the Commission determines that hazardous or unsafe conditions may be created or exacerbated by the proposed development. The report shall include traffic characteristics and level of service on existing streets affected by the subdivision, and any proposed measures to increase traffic safety and mitigate identified hazardous or unsafe conditions resulting from the subdivision. In preparing this report, the applicant shall be guided by the requirements of Section 5 of these Regulations and the Town's Design and Construction Standards.

4.5.3 Storm Water Management Plan:

A storm water management plan is required for all subdivisions containing five acres or more, or involving the creation of new streets, or the modification of existing streets. The applicant shall provide a mapped and written description of all drainage measures, prepared by a professional engineer according to Section 4.3. The mapped description shall be shown in accordance with requirements for Construction Plans in Section 4.4.4. The plan shall consist of a description of proposed best management practices, detailed plans and a written narrative that when implemented provides for efficient drainage within the subdivision, mitigates potential adverse impacts from storm water discharge, and provides protection and restoration of receiving waters by reducing pollutant loading and other negative impacts associated with changes in land use. The storm water management plan shall assist in protecting natural resources, including groundwater, wetlands and other freshwater and marine ecosystems.

The written report shall identify the method used to calculate runoff: runoff characteristics of the property before and after development, drainage calculations, proposed measures to reduce peak discharge rates and maintain or improve water quality, structural elements of the proposed drainage design, maintenance procedures and a maintenance schedule for structural elements, safety measures including fencing and trash racks, proposed landscaping and vegetation

measures used to stabilize slopes and bottom surfaces, and proposed ownership of any structural elements. The applicant may be required to determine the downstream impact of changes in discharge characteristics of the watershed within which the subdivision is located. When this is required, this determination shall be made through hydrologic analysis conducted by a Professional Engineer.

The applicant shall demonstrate that impervious surfaces have been reduced to the greatest extent possible and that site disturbance will be the minimum necessary for the proposed project while maintaining as much natural, undisturbed vegetation on the site as possible.

Best management practices shall be identified and illustrated on the mapped plans and described within the written plan. The applicant shall obtain written endorsement of the mapped and written drainage plan from the engineer designated to review the report on behalf of the Board of Selectmen. All design and construction shall meet the requirements of Section 5 of these Regulations and the Town's Design and Construction Standards as applicable.

4.5.4 Coastal Management:

All subdivisions of land located fully or partially within the Coastal Boundary, as defined in the Connecticut General Statutes Chapter 444, Section 22a-94, and indicated on the Old Lyme Zoning Map, shall be subject to the coastal site plan review requirements, procedures and definitions set forth in Chapter 444, and with the following requirements of these regulations:

- A) In addition to requirements set forth elsewhere in these Regulations, coastal site plan applications must include the following information:
 - 1) A plan showing the location and spatial relationship of coastal resources on and contiguous to the property proposed for subdivision;
 - 2) A description of the location, design, and timing of construction of any subdivision improvements;
 - 3) An evaluation of the capability of resources to accommodate the proposed use;
 - 4) An evaluation of the suitability of the subdivision for the proposed site;
 - 5) An evaluation of the potential beneficial and adverse impacts of the subdivision and a description of proposed methods to mitigate adverse effects on coastal resources.
- B) The applicant shall demonstrate that the adverse impacts of the proposed subdivision on coastal resources and future water dependent development opportunities are acceptable and that such activity is consistent with the goals and policies of the Coastal Management Act.

4.5.5 Flood Protection:

When a subdivision is proposed for land subject to flooding, as identified by the National Flood Insurance Program, the applicant shall supply written confirmation from the Old Lyme Zoning Officer, and Sanitarian, Town of Old Lyme, or their designated agents, that utilities, water, sewage disposal systems and electrical service are located or designed so as to minimize or eliminate flood damage or infiltration. The applicant's engineer shall provide assurances that the flood carrying capacity is maintained within any altered or relocated portion of any watercourse. Flood protection measures shall be designed in accordance with the requirements of Section 5.3.

4.5.6 Energy Conservation:

The applicant shall submit a written statement describing the manner in which the proposed subdivision will utilize passive solar energy techniques, as required in Section 5.4. This report may be included as a note on the subdivision map where appropriate.

4.5.7 Purpose and Disposition of Open Space:

The applicant shall provide a written report describing any open space proposed in accordance with Sections 5.10. The written report shall include a description of natural resources on the open space tract, proposed use of the tract, proposed ownership and management recommendations. A copy of any restrictive covenants and/or conservation easements shall be included in the report.

4.5.8 Cultural Resources Preservation Plan:

In the event that cultural resources, as defined in Section 2.11, are identified or potentially identified on the property to be subdivided, the Commission may require the applicant to submit a Cultural Resources Preservation Plan. The preservation plan shall describe procedures that will be taken to catalog, protect, preserve and/or properly remove the cultural resources. At a minimum, the plan shall include the following components:

- A) A map identifying the type and extent of cultural resources located or potentially located on the site;
- B) A written evaluation of the impact of the proposed development on the subject cultural resources;
- C) A written description of the measures to be taken to mitigate any adverse impact of subdivision development on cultural resources, as well as measures to be used to protect and preserve or properly remove the cultural resources. Such measures may include conservation easements or inclusion of cultural resources in areas dedicated to open space; design of roads and other improvements to minimize impact on cultural sites and resources; restoration of historic structures; and proper removal of cultural materials to an acceptable location.
- D) Suitable public access to any preserved feature may be required by the Commission.

4.5.8.2

In the event that the Commission cannot determine to their satisfaction from the cultural resources preservation plan that the adverse impacts on cultural resources have been mitigated to the extent possible, the Commission may require a more intensive archaeological survey to be conducted by the applicant. The archaeological survey shall be conducted by an accredited professional archaeologist or historian and shall follow the standards contained in the Environmental Review Primer for Connecticut's Archaeological Resources (copy available for review in the Old Lyme Planning Office or from the Office of the State Archaeologist).

4.5.8.3

The Commission shall not approve a proposed subdivision unless it determines that the proposed project has been revised or modified to protect cultural resources and mitigate all adverse impacts to the satisfaction of the Commission.

4.5.9 Fire Protection:

The applicant shall provide a copy of the proposed subdivision plan to the Fire Marshal and shall submit a written report describing measures to be taken to provide fire protection to the subdivision, including fire access and water supply, in accordance with Section 5.11. The applicant shall supply written confirmation that the report has been reviewed by the Fire Department, either in the form of a letter from the Fire Chief or by an endorsement of the written report by a designated representative of the Fire Department.

4.5.10 Other Approvals:

A) State Highway Connections:

Where a proposed street, driveway, or storm drainage system joins with a State Highway, the applicant shall present a copy of a letter or other document giving evidence that the construction plans have been submitted to, and reviewed by, the Connecticut Department of Transportation. A permit from CONNDOT or a letter indicating intent to issue such permit shall be obtained by the applicant and submitted to the Commission prior to Commission approval.

B) Other State and Federal Approvals:

In the case of any use, improvement, system, or facility requiring approval of any department or agency of the federal or state government not cited elsewhere in these Regulations, the applicant shall provide evidence of the approval from such department or agency, or a copy of a letter or other documentation showing that the applicant has applied for such approval.

4.6 LEGAL DOCUMENTS

All legal instruments related to roads, open space, drainage and other restrictions shall be submitted in duplicate as part of the subdivision application. All legal documents are subject to approval by the Commission Counsel and the Commission.

4.6.1 Legal documents which must be submitted for the Commission and the Commission's Counsel for review as part of the submission at time of application include, but are not limited to, the following:

- A) Proposed deed for proposed open space areas;
- B) Proposed text of required easements of all types, including easements for storm drainage, conservation, utilities, access, temporary easements for construction purposes, sloping rights, and fire ponds;
- C) Organizational documents and by-laws for homeowners' association, when proposed;
- D) All maintenance agreements;
- E) A certificate of title showing current ownership at the time of application;
- F) All other documents required by the Town's Design and Construction Standards.

4.6.2 Legal documents which must be submitted and approved by the Commission's legal counsel prior to final approval of the subdivision and signing of the mylar by the Commission:

- A) Deed for proposed roads
- B) Deeds and/or easements for the proposed storm drainage system, including any necessary rights-to-drain onto private property

- C) Documents required in Section 4.6.1 in their final form
- D) All other documents required by the Town's Design and Construction Standards.
- E) A certificate of title showing current ownership and liens at the time of final approval.

4.7 ADDITIONAL INFORMATION REQUIREMENTS

The Commission may require any other information necessary to establish that the proposed subdivision is in conformance with the purposes of these subdivision regulations, as established in Section 1.2.

4.8 WAIVER OF INFORMATION REQUIREMENTS

For all subdivisions, a waiver of specific information requirements of Section 4 may be requested, in writing, prior to or simultaneously with the submission of a formal application. The Commission may grant the waiver request if it finds that the information for which the waiver is requested is not necessary to determine compliance with these subdivision regulations. Requirements of Section 4.3 regarding professional assistance, and for the Key Map, Boundary Survey Map, Coastal Site Plan, Water and Sewer Report, and Sedimentation and Erosion Control Plan, where applicable, shall not be waived. When a waiver request is denied, the applicant shall provide the information requested no later than the next regularly scheduled meeting of the Commission, or at such later time as the Commission may allow.

5. SECTION 5 ... SUBDIVISION DESIGN AND CONSTRUCTION STANDARDS

5.1 GENERAL REQUIREMENTS

5.1.1 Town Plan of Conservation and Development:

Subdivisions shall be planned and designed in general conformance with the Old Lyme Plan of Conservation and Development, adopted by the Planning Commission in accordance with Chapter 126 of the Connecticut General Statutes, particularly with regard to the following:

- A) Location and classification of streets;
- B) Provision of sewage disposal, water supply, drainage systems and service areas;
- C) Preservation of land for parks, recreation and open space;
- D) Preservation of the rural character of the town.

5.1.2 Natural Features:

The planning and design of subdivisions, including the layout of lots, streets, drainage and other improvements, shall provide for retention of the natural features of the tract:

- A) By avoiding excessive cuts, fills and regrading which result in potential soil erosion, unnecessary tree and other vegetation removal, and disturbance to water resources;
- B) By maintaining water courses and wetlands in their natural location and avoiding relocation of and encroachment thereon;
- C) By retention and protection of large specimen trees and forested areas.
- D) By management of coastal natural resources in a manner consistent with the policies of the Chapter 444 of the Connecticut General Statutes, in accordance with Section 4.5.4 of these

Regulations.

5.1.3 Historic and Cultural Preservation:

Subdivisions and resubdivisions shall be laid out to preserve, to the greatest extent possible, significant historic sites and buildings, identified archaeological sites, and other cultural resources such as stone walls and existing trails. Suitable public access to any preserved feature may be required by the Commission.

5.1.4 Applicable Standards:

All lots, streets, storm drainage, water supply systems, sewage disposal systems, open space, sidewalks, bikeways, driveways, installation of property markers, fire protection measures, and all other subdivision improvements shall be designed, constructed and maintained in accordance with the standards specified in these Regulations and the Town's Design and Construction Standards, and in accordance with any other local, state or federal statutory or regulatory requirements, codes and standards. Whenever there is a conflict among applicable standards, the most stringent requirement shall govern.

5.1.4.1 Consideration of Alternative Construction Standards:

The Planning Commission recognizes both the need for flexibility to accommodate individual site conditions and the desirability of using state-of-the-art technology. The Commission will consider and may approve alternatives to the construction standards for road and drainage set forth in these Regulations, provided that such alternative standards meet the criteria in Section 1.2 of these Regulations.

5.1.5 Site Disruption and Restoration:

To the extent possible, natural vegetation and unusual topographic features shall not be disturbed during construction. Upon completion of improvements, and prior to release of the construction security in its entirety, the developer shall be required to properly grade any disturbed land to dispose of undesirable surface water, remove all brush and debris created by human intervention, and grade and seed all open or disturbed areas to field grass. All temporary ditches shall be filled; all sewer lines, drains, catch basins and manholes shall be cleaned and flushed; all streets, walks, curbs and other structures shall be cleaned and repaired; and the whole site shall be left in a neat and clean condition.

5.2 LOTS

5.2.1 Building Lots:

Proposed building lots shall meet all requirements of the Town of Old Lyme Zoning Regulations. In addition, in accordance with Connecticut General Statutes Section 8-25, all building lots shall be of such shape, size, location, topography, accessibility and character that said lots can be occupied and used for building purposes without danger to the health and safety of the occupants, the neighborhood or the general public. Any proposed lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soils, topography, ledge rock or other adverse conditions, shall be combined with another contiguous lot that is suitable. Proposed building lots shall be planned as follows:

- A) To make best use of the natural terrain; to preserve natural features, including substantial trees, woods, rock outcroppings, views and vistas, water features and the like;

- B) To be capable of use without extensive filling or regrading which would result in potential erosion and sedimentation, excessive vegetation removal, or substantial alteration of natural drainage patterns;
- C) To be capable of accommodating buildings as permitted by the Old Lyme Zoning Regulations, together with driveway access, parking spaces and suitable sites for on-site sewage disposal and water supply where required, without disturbing wetlands and watercourses unless authorized by the Old Lyme Inland Wetlands and Watercourses Commission; the Planning Commission may require that a one hundred foot buffer area be maintained along all tidal and inland wetlands areas located on individual lots , free of development of structures or utility installations;
- D) To be laid out in such a way as to maximize potential use of passive solar energy design techniques, as defined in the Connecticut General Statutes, to the extent practicable.

5.2.2 Lot Size:

Each lot shall conform to the minimum acreage requirements of the Old Lyme Zoning Regulations unless required by these Regulations to be larger because of natural conditions affecting public health and safety, including accommodation of on-site sewage disposal and water supply systems.

5.2.3 Lot Numbers:

The applicant shall assign lot numbers to all lots, including open space parcels, to conform with the town's lot numbering system in consultation with the Old Lyme Assessor. The applicant shall have final lot numbers reviewed and approved by the Assessor prior to filing the approved plan with the Town Clerk.

5.2.4 Lot Frontage:

All lots shall have frontage consistent with the Old Lyme Zoning Regulations, on either an existing approved street or upon a new street to be created as part of an approved subdivision plan.

5.2.5 Minimum Square:

All lots in a subdivision shall be of such shape that a square equal to the dimensions established in the Old Lyme Zoning Regulations can be placed within the boundary lines of the lot.

5.2.6 Lot Access/Driveways:

Each lot shall be capable of being accessed by an individual driveway located at the designated lot frontage, except in cases where the Commission determines that a combined driveway serving more than one lot will reduce traffic conflicts or preserve significant natural features. All driveways shall be designed and constructed in accordance with Section 5.13.

5.2.7 Lot Lines and Town Boundaries:

In general, lot lines shall be laid out so as not to cross Town boundaries. It shall be within the discretion of the Commission to deny approval of lots which cross a municipal boundary line. In the event of such denial, the boundary line shall be made to constitute one of the lot lines.

5.2.8 Bodies of Water:

If a tract of land being subdivided contains a body of water or portion thereof: including a dam or

other structure, the Commission may require that the lot lines be drawn so as to place the entire ownership and burden of maintenance of the body of water and dam or other structures in undivided ownership.

5.3 FLOOD PROTECTION

All subdivision proposals shall be consistent with the need to minimize flood damage. When the subdivision includes land in a Special Flood Hazard Area or regulated floodway, the lots, streets, drainage and other improvements shall be reasonably safe from flood damage and shall conform to the following:

- A) Lots and improvements shall be consistent with the need to minimize flood damage within Special Flood Hazard Areas and shall be capable of use without damage from flooding or flood related damage.
- B) All utilities and facilities, such as sanitary sewer systems, water supply systems and electric and gas systems, shall be located and constructed to minimize or eliminate flood damage. Water supply and sanitary sewer systems shall be designed to minimize or eliminate both infiltration of flood waters into such systems and discharges from such systems into flood waters.
- C) The Commission shall require written assurances prepared by and bearing the seal of the applicant's licensed professional engineer, and written confirmation from the Old Lyme Building Official and Sanitarian, as appropriate, or their designated agents, that utilities, water, sanitary sewer systems, and electrical service can be located or designed so as to minimize or eliminate flood damage or infiltration. Endorsement of the engineer's report by the Zoning Officer and/or Sanitarian or their agent shall constitute written confirmation.
- D) Where feasible, the Commission may require that new streets and existing streets being brought up to current street design and construction standards be constructed above the base flood elevation of a flood hazard area. The Commission may also require that any access driveway to a residential dwelling be raised above the base flood elevation to provide safe access during flood conditions.
- E) None of the following shall be constructed on land lying within a Coastal High Hazard Area or in the regulated floodway: '
 - 1) Any portion or part of a public or community water system, including public or community water supply wells, pumping stations, treatment facilities, storage tanks and towers;
 - 2) Any portion or part of a public or community sewage disposal system, including sewage treatment facilities, septage lagoons, and sewage pumping stations;
 - 3) Any portion or part of an electrical utility system, including generating facilities, transformer substations, and high-voltage transmission lines;
 - 4) Any structural storage facility or non-structural storage area for chemicals, explosives, flammable liquids (including gasoline and motor fuels, except for storage of fuels for retail sale to boats), road salt, manure or fertilizer, or other toxic materials which could be hazardous to public health and safety.

5.4 ENERGY EFFICIENCY

Pursuant to Section 8-25 (b) of the Connecticut General Statutes, the applicant shall demonstrate to the Commission that in developing the subdivision plan, consideration has been given to the use on each lot of passive solar energy techniques that would not significantly increase the cost of use and occupancy of the lot. Passive solar energy techniques are subdivision or site design techniques which a) maximize solar heat gain, minimize heat loss and enable thermal storage within buildings on each lot during the heating season and b) minimize heat gain and provide for natural ventilation during the cooling season.

5.5 STREET DESIGN

5.5.1 Street Planning:

Proposed streets shall be planned to provide safe and convenient access to proposed lots, shall be suitably located and adequately constructed to accommodate both present and future anticipated traffic, and shall provide access for emergency and maintenance vehicles. Streets shall be designed in an attractive layout which follows the natural contour of the land, and shall be located and graded to preserve the natural terrain, substantial trees, woods, and other natural features which enhance the property values and maintain the natural character of the subdivision. If in the opinion of the Commission, a proposed street requires excessive grading and/or clearing that may have a substantial adverse impact on the environment, the Commission may require the applicant to take mitigating measures including, but not limited to, street redesign and lot reduction.

The design of each residential street shall be appropriate to its function and classification. Properly scaled and designed streets create more attractive communities and contribute to overall community character. Traffic within residential areas shall be designed to be kept to a minimum to reduce noise, congestion and hazards to pedestrians. Where possible, street layouts shall be planned to avoid excessive storm water runoff and the need for extensive storm drainage installations.

5.5.2 Access from Major Roads:

In order to reduce danger to pedestrian and traffic safety along the major roads of Old Lyme, and to help preserve the scenic quality of the town, the design of all proposed subdivisions shall reflect an attempt to minimize the number of new streets and driveways that intersect major roads. Major roads include all State highways and town roads classified as "Arterial" or "Collector" . Where practicable, lots adjacent to major roads shall not be accessed directly from the state highway or collector road. Instead, such lots shall front upon and shall be accessed from a street one lot depth removed from the major road, or shall be accessed from an intersecting side street. A buffer zone, protected by a conservation easement at least twenty-five (25) feet in width shall be maintained on each lot along the property line abutting the major road right-of-way. The Commission may require that buffer contain a fence, wall, stream, hedge, dense trees or other suitable deterrent to access.

5.5.3 Connection to existing streets:

All subdivision streets shall connect directly to one or more accepted town roads or state highways. Subdivisions containing more than 25 lots shall have at least two direct connections to one or more accepted public roads, unless waived by the Commission. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total number of lots in determining the need for a second direct connection.

5.5.3.1 Access from another municipality:

Whenever access to the subdivision is required across land in another municipality, the applicant shall demonstrate that that access is legally established and that the access road is adequately improved, or that adequate security has been posted in a form acceptable to the Commission and is sufficient in amount to guarantee the construction of the access road. The applicant shall demonstrate that adequate provision has been made for coverage for mail delivery, emergency services, school transportation, snow plowing and other municipal services.

5.5.4 Future Street Connections:

Streets shall be laid out to provide connections with existing streets on adjacent properties where appropriate. When a subdivision adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connection with the adjoining land where it appears probable that the latter could be subdivided. Proposed streets which may be continued into adjoining properties shall be carried to the boundary line. Rights-of-way for future streets shall have proper width for the street classification, with suitable sloping and drainage rights, and shall be conveyed by warranty deed to the Town of Old Lyme. The Town shall not bear responsibility for construction of the future street connection, but shall make the right-of-way available to the developer of adjacent land, who shall be responsible for such construction as part of subdivision improvements to the adjacent land.

5.5.5 Street Widening:

- A) No increase in width of a street right-of-way will be permitted beyond the minimum width specified in these Regulations, when the purpose of such widening is to create additional street frontage for additional proposed lots.
- B) Where the proposed subdivision abuts an existing town street which does not have the minimum right-of-way width required in Section 5.5.8, the applicant shall convey to the Town sufficient land along such road as to permit its widening to conform to Town standards. The applicant shall also convey any necessary drainage easement or sloping rights necessary to improve the road to town road standards. Where the Commission determines that the condition of the existing road is such that the approval of the subdivision could result in a potential safety hazard, the Commission may require that the applicant make improvements to the existing town road to assure the safety of the residents of the new subdivision.
 - 1) When the property to be subdivided abuts a state highway, the applicant may be required to convey land for road widening, or easements for drainage or grading purposes to the Town of Old Lyme or the State of Connecticut as appropriate.
 - 2) Where a proposed street right-of-way is located adjacent to a property boundary, which property is not owned by the subdivider, the right-of-way shall have extra width or area necessary to accommodate all road construction within the right-of-way without encroachment on the adjacent land. The requirement may also be met by the acquisition of construction easements and sloping rights from the adjacent land owner, provided that the rights are in a form approved by the Commission.

5.5.6 Street Names:

Streets which are designed to connect and align directly with other streets shall bear the same name. No duplication of street names shall be permitted, and similar sounding names shall be

avoided. Street names shall be appropriate to the character of the Town and, wherever possible, shall reflect the geographic or historic aspects of the area in which the street is located. All street names are subject to the approval of the Commission.

5.5.7 Street Classifications:

Classification of streets shall be determined by the Planning Commission. A listing of road classifications for roads within Old Lyme is included as an Appendix to these Regulations. All proposed streets in the subdivision and any existing street abutting the subdivision shall be classified as one of the following:

A) **Arterial Street:**

A major, heavily traveled road serving as an artery for interconnection among large areas of town or giving access into or circulation within business or industrial areas.

B) **Collector Street:**

A moderately heavily traveled road that is presently receiving, or has the potential to receive, traffic from two or more local roads, private roads or dead-end streets.

C) **Local Residential Street:**

A street primarily providing access to abutting lots used for residential purposes, including dead end streets.

D) **Private Residential Street:**

A street that is privately owned and privately maintained. The creation of new private streets, previously permitted under the Old Lyme Subdivision Regulations, is strongly discouraged under these current regulations, except where the Commission determines that the creation of a private street is an amenity that enhances the character of the overall subdivision development plan, which determination shall be at the sole description of the Commission. An existing private street is one that is clearly identified on a filed subdivision plan, or which was existing prior to the adoption of subdivision regulations by the Town of Old Lyme. A private street is subject to the restriction that such street shall not be offered to, accepted by, or maintained by the Town of Old Lyme. In general, a private street is a street owned and maintained by a legally constituted homeowners' association, and constructed in accordance with the standards for private streets which are part of the Subdivision Regulations at the time of approval of the subdivision.

Private streets shall be constructed to standards established for local residential streets. In addition, private streets shall be owned in fee and without encumbrance except as permitted below, by an association of lot owners incorporated under the laws of Connecticut. The instrument of association shall be in form and language approved by the Commission and the Commission's counsel, and shall contain at least the following provisions;

- 1) The power to levy assessments against the owners of lots within the subdivision enforceable by lien;
- 2) Covenants to maintain the street in good and safe condition, to make all required repairs, and to undertake snow plowing and refuse collections at no expense to the Town of Old Lyme. Said covenants shall be expressly enforceable by the town as a third party beneficiary.

E) Dead End Street:

A cul-de-sac, or street enclosed at one end by building lots or open space, and which will not be extended in the future, shall meet design standards for Local Residential Streets. The Commission may require that a temporary dead end street, which may terminate at property which is currently undeveloped, but which may be developed at a future date, shall be constructed to standards for a collector street if it appears probable or desirable that such street serve as a collector street in the future.

- 1) Dead end streets may be allowed under the following conditions:
 - a) Where, in the opinion of the Commission, a dead-end street is the best design for the property, based on its shape and relation to other adjacent properties;
 - b) To provide access to buildable rear land, where the street cannot be extended due to some existing improvement, or obstruction such as topography or wetlands,
 - c) Where the cul-de-sac is a temporary solution pending future development.
- 2) Maximum length and number of building lots accessed by a dead end street: In general, dead-end streets shall not be longer than 1200 feet from the nearest intersection having more than one outlet and shall not provide access to more than 30 building lots. Temporary dead end streets, which may be projected into adjoining property at some future date, may exceed such length but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission. Such length may be exceeded where, in the opinion of the Commission, public safety can be assured through incorporation into the subdivision design of intermediate turnouts, emergency access roads, or other devices to relieve traffic congestion and provide safe access for fire and emergency services.
- 3) Turnarounds: A paved and landscaped turnaround shall be provided at the closed end of all permanent or temporary dead end streets. For streets serving more than ten lots, the turnaround shall be circular, with a right-of-way radius of 60 feet and a minimum paved radius of 55 feet or may include a center island circled by a street at least 20 feet wide. For streets serving ten lots or less, the turnaround may be a T or Y -shape, as approved by the designated reviewing engineer. Right-of-way for a turnaround on a temporary dead end street shall be provided by means of a temporary easement accompanied by a notation on the subdivision map providing for automatic termination of the easement upon extension of the street. The Commission may further require that the temporary cul-de-sac be removed at such time as the street is extended.
- 4) Dead-end streets shall not be used to provide access to additional lots beyond those approved as part of a subdivision plan, unless specifically authorized by the Commission. The Commission reserves the right to refuse access to additional lots based on the character and capacity of the dead-end street.

5.5.8 Street Pavement and Right-of-Way Widths:

Street Classification(ft)*	Width of R.O.W.(ft)	Width of Shoulder (ft) (unpaved)	Width of Traveled Portion of Pavement
Arterial	60	10	38
Collector	60	8	26-28**
Local Residential	50	4	22
Dead End Street (serving up to 30 lots)	50	4	20

*When curbing is necessary, the width of the curbing shall be added to the width of the traveled portion of the pavement.

** The Commission shall determine the required road width based on an evaluation of the probable future traffic patterns and future density of the area using the Collector.

A) Right-of-way width:

Right-of-way widths shall be as listed above, unless an alternative width is approved by the engineer reviewing the plan or other authorized agent on behalf of the Town, to accommodate field conditions. Widths in excess of the above minimum for the right of way may be required to accommodate unusual construction features such as deep cuts or fills, as well as other safety considerations. In cases where the required minimum presents a hardship, the adjoining land may be subjected to an easement for sloping rights, where approved by the reviewing engineer. The Commission shall approve the provisions and wording of the easement.

B) Clearing of the right-or-way:

Clearing within the right-of-way shall be the minimum necessary to construct improvements and establish adequate sight lines, as determined by the reviewing engineer.

5.5.9 Street Alignment, Gradient and Sight Distances:

Street alignment and sight distances shall be based on a design speed of 35 mph for Arterial Streets and Collector Streets, and 25 mph for Local Residential Streets, regardless of posted speed, unless such posted speed is higher.

<u>Street Classification</u>	Minimum Radius Horizontal Curves (ft)	Maximum % of Grade	<u>Minimum Stopping Sight Distance (ft)</u>
Arterial	250	10	250
Collector	200	10	200
Local Residential	155	12	200

A) Horizontal alignment:

Changes in horizontal alignment shall be connected by curves with a center line radius in accordance with the above table. Any abrupt reversal in horizontal alignment should be avoided. There shall be a minimum tangent distance of at least 50 feet between reverse curves for Local Residential Streets, and 150 feet for all other street classifications.

Vertical alignment: Changes in vertical alignment shall be connected by vertical curves to insure adequate sight distance in accordance with the design speeds and minimum stopping distances specified above. Vertical curves shall have a minimum length of at least 100 feet; unless the reviewing engineer requires a longer distance or approves a shorter distance to accommodate natural terrain.

- B) Grade: The maximum grade shall be as shown above. A minimum grade of 1.0% is required for drainage purposes.

5.5.10 Intersections:

- A) No more than two streets shall intersect at anyone location.
- B) Intersections of two Local Residential Streets shall be spaced not less than 200 feet apart measured between center lines. Intersections of all other street classifications shall be not less than 400 feet apart, measured between center lines, unless otherwise approved by the reviewing engineer.
- C) Except where impractical because of topography or other conditions, Local Residential Streets shall be perpendicular to intersections for a distance of at least 100 feet, and Arterial and Collector Streets shall be perpendicular to intersections for at least 150 feet. Intersections may be up to 25 degrees off square where permitted by the Commission.
- D) The minimum radii of curb lines shall be not less than 20 feet at the intersection of two Local Residential Streets, not less than 25 feet at the intersection of Local Residential Streets with other street classifications, and not less than 35 feet for all other intersections. The Commission may require greater radii where the angle of intersection is less than 90 degrees.
- E) At intersections, the gradient of proposed streets for a distance of not less than 100 feet from the center of the intersection shall not exceed 2% for Arterial Streets, 3% for Collector Streets, and 4% for Local Residential Streets.
- F) Intersections shall be planned and located to provide as much sight distance as possible. The visibility at intersections shall be such as to allow a stopped vehicle on the intersecting roadway to see, and be seen from, a vehicle approaching from either direction along the intersected roadway at a distance of not less than 200 feet for Local Residential Street intersections, and greater distances for other types of intersections based on design speeds. A sight line demonstration plan may be required by the reviewing engineer.

5.5.11 Curbing:

Curbs shall be constructed along the edge of street pavement of all streets, unless waived by the Commission. Where curbing is not required, swales must be constructed to direct storm drainage to a suitable discharge location away from the road. Curbing shall be modified Cape Cod curbing unless otherwise approved by the Commission.

5.5.12 Shoulders and Slopes:

- A) Use of Shoulders as Drainage Swales:

Where swales are approved by the Commission to carry off storm water, such swales shall be not less than six feet wide and of sufficient depth to carry off storm water expected in a 50 year storm. Where high runoff velocities can be anticipated, swales shall be stabilized with stone or riprap. No driveway shall cross a drainage swale unless provision is made through piping or grading so as not to impede flow of runoff.

B) Slope Grading:

Within shoulder areas, land shall be graded so as to slope toward the curb where the road is in cut or away from the curb where the road is in fill. In either case, the cross slope of the shoulders shall be one inch per foot. Areas outside of the shoulders shall be graded up or down to existing grades, at a slope not greater than three feet horizontal to one foot vertical, unless other structural measures are provided to retain the slope. In rock cuts, slopes of one foot horizontal to not more than six feet vertical shall be allowed, but care shall be taken to insure that all exposed rock is stable and free from faults, cracks or other infirmities which might lead to collapse or flaking. The Commission may require a decrease in the amount of slope to whatever extent necessary to maintain stability of cut slopes under soil conditions encountered during construction. Fill shall be placed and compacted so as to minimize sliding or erosion of fill. Adequate provision shall be made to prevent surface water from damaging the cut face of the excavation or the sloping surface of the fills. Grading shall be done in such a manner that no water shall be diverted onto the property of another landowner without the express consent of that landowner or the Commission.

C) Slope Rights:

Cuts and fills shall not endanger adjoining property. No cut or fill slopes shall extend beyond the property line unless appropriate slope rights are acquired. Such slope rights shall provide a perpetual right, running with the land in favor of the Town of Old Lyme, to enter upon said private property for purposes of constructing, maintaining and repairing such slopes. In the absence of slope rights, appropriate retaining walls shall be constructed to prevent encroachment on adjoining private property.

5.5.13 Guide rails:

Guide railing shall be installed wherever necessary for safety purposes, including along all streets where there will be an embankment with a depth of four feet at the toe of the embankment slope, unless the slope is less than 6: 1. Guide rails shall also be installed at all culverts. Guide rails shall conform to the current Town's Design and Construction Standards.

5.5.14 Street Lighting:

A) Location:

Road lighting shall be provided if required by the Commission at any location where illumination is necessary to minimize the risk of accident involving vehicles or pedestrians or to assure safe and convenient vehicle and pedestrian passage.

B) Type:

Lighting standards and luminaries shall be of such type and design and shall be so located as to safeguard against discomfort glare and disability glare and avoid adverse effects from illumination upon the use, enjoyment and value of adjacent property.

C) Lighting shall conform to the requirements of the Town's Design and Construction

Standards.

5.5.15 Street Name Signs, Traffic Aids, and Regulatory Signs:

- A) When required by the Commission, street name signs shall be installed at all intersections. Such signs shall be designed and erected in such places and manner as to assure clear legibility by vehicle operators and shall conform to the size and design currently in use by the town.
- B) When required by the Commission or Board of Selectmen, stop signs, dead-end signs, caution signs and other traffic regulatory devices and aids shall be provided in such places as may be necessary to minimize the risk of accidents involving vehicles or pedestrians or to assure safe and convenient vehicle and pedestrian passage. Such traffic regulatory devices shall conform to the most current State standards with respect to design, construction and placement.
- C) At its discretion, the Town of Old Lyme may provide and/or install necessary new road signage, and may charge the developer for the cost of procurement and installation of road signs.

5.5.16 Location of Utilities:

Utility lines, whether above or below ground, should be located so as to minimize the need for later adjustment and to permit servicing with minimum interference to street traffic. Longitudinal installations should be placed within the road right of way, outside of the curb or edge of paved portion of the roadway, as close as possible to the right of way line. If sidewalks are present, utility lines should be located at least one foot behind the outside edge of the sidewalk. Whenever possible, facilities under the pavement should be limited to lateral service connections. If a need for additional utility lines are anticipated in the future, utility sleeves shall be placed under the full width of the pavement before placing the pavement. Utilities shall be installed in accordance with the Town's Design and Construction Standards.

5.5.17 Additional Requirements for Streets:

Additional requirements for street design and construction are set forth in the Town's Design and Construction Standards.

5.6 SIDEWALKS AND BIKEWAYS

The Commission may require the installation of sidewalks in pedestrian easements, on local streets in the vicinity of schools and playgrounds, and in other places deemed proper by the Commission for public necessity and safety. When sidewalks are required, plans for the sidewalks shall be shown on the construction plans. Sidewalks shall be a minimum of four feet in width and shall be located within the street lines, with one edge abutting the property line unless otherwise authorized by the Commission.

5.6.1 Sidewalk construction:

Unless otherwise approved by the Commission, sidewalks shall be constructed of Portland Cement Concrete, shall be a minimum of five inches thick and shall be constructed on a gravel base having a minimum compacted thickness of eight inches. All materials and construction methods shall conform to the requirements of the State Standard Specifications for "Concrete Sidewalks". Alternative materials may be approved by the Commission where the character of the area and the anticipated level of use permit, in accordance with the requirements of the

Town's Design and Construction Standards.

5.6.2 Pedestrian Easements:

In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of easements for pedestrian ways, which shall be a minimum of 10 feet in width.

5.6.3 Bikeways:

The Commission may require bikeways to be constructed when deemed necessary or appropriate for public safety, and when such bikeways will contribute to an integrated system of bikeways providing an alternative means of transportation for the town. A bikeway may be either a separate trail or path for the exclusive use of bicycles, or a portion of the roadway which has been designated for preferential or exclusive use of bicycles, separated from the roadway by a paint stripe or curb or other similar device.

5.7 PROVISION OF WATER SUPPLY

Each lot shall be capable of being provided with adequate and safe means of sewage disposal and water supply on a continuous, long term basis to meet the requirements of uses permitted on the lot under the Old Lyme Zoning Regulations.

5.7.1 Public Water: The Commission may require public water supply connections and/or extensions to be made available to each lot in any subdivision which is either:

- A) Located within an area currently served by an existing public water supply system, or
- B) Where any part of the land being subdivided is located within 200 feet of the nearest existing public water supply service line.

Where such service is available, each lot shall be served by, and provided with, a curb connection to a central water supply system. Such system and connection shall meet all the technical and administrative requirements of the Public Health Code of the State of Connecticut as interpreted by the Old Lyme Director of Health or the Director's designated representative, and of the utility company providing the service. The Commission may approve individual private wells if it determines that a central water system is not available or cannot reasonably be provided or extended by the applicant to serve one or more lots. If a public water supply is to be used for the subdivision, the applicant shall submit written evidence of agreement by the water company to provide a safe and adequate public water supply.

5.7.2 Private Water Supply:

If private water supply wells for individual lots are proposed, the applicant(s) shall submit written evidence that the Old Lyme Director of Health or the Director's designated agent concurs with the adequacy of the plans for a permanent water supply, and that such private wells can be located in compliance with the separation requirements of the Public Health Code of the State of Connecticut, or the Ordinances and Special Acts of the Town of Old Lyme, whichever is more restrictive.

For any subdivision containing 20 or more lots in which private water supply wells are proposed, the Commission may require a water study, prepared by a certified hydrogeologist, addressing the adequacy of ground water supplies and the effect of the proposed subdivision on surrounding

wells. Such water study shall be submitted to the Director of Health for review. Written evidence shall be provided that the Director of Health or the Director's designated agent concurs with the adequacy of the plans for a permanent water supply.

5.8 PROVISION OF SANITARY SEWAGE DISPOSAL

A private subsurface sewage disposal system shall be provided for each lot in accordance with the Connecticut Public Health Code, latest revision, or the Ordinances and Special Acts of the Town of Old Lyme, and any applicable regulations and standards of the Connecticut Department of Environmental Protection, whichever is more restrictive. No proposed lot shall be approved unless a written report endorsed by the Old Lyme Director of Health, or the Director's designated agent, is submitted to the Commission, concurring with the adequacy of plans for sewage disposal facilities.

5.8.1 Soil tests required:

If private subsurface sewage disposal systems on individual lots are proposed, percolation tests and deep observation pits shall be required on each lot, in the vicinity of the primary and reserve leaching areas, at the subdivider's expense. These tests shall be conducted to conform with requirements of the Connecticut Public Health Code or the Ordinances and Special Acts of the Town of Old Lyme, whichever are more restrictive. The Director of Health or the Director's designated agent may prescribe the location and depth of tests, number of tests, specifications for testing, season of year necessary for valid testing, and stage of site preparation suitable for relevant testing. All soil tests shall be witnessed by the Director of Health or the Director's designated agent, whose findings and recommendations shall be submitted to the Commission. All proposed lots shall provide for a reserve leaching area in accordance with the Connecticut Public Health Code or the Ordinances and Special Acts of the Town of Old Lyme, whichever are more restrictive. The location, test dates and results of deep test pits and percolation tests shall be shown on Detailed Layout Maps as required in Section 4.4.

5.8.2 Site capacity for individual lots and site capacity for multiple lots:

Using the Minimum Leaching System Spread (MLSS) criteria in the Connecticut Public Health Code or the Ordinances and Special Acts of the Town of Old Lyme, whichever are more restrictive, the applicant shall demonstrate to the satisfaction of the Commission's reviewing engineer that each proposed lot can accommodate a subsurface sewage disposal system for a single family residence having four bedrooms. The applicant may be required to demonstrate that the cumulative effect of all the sanitary systems to be built in the subdivision will not degrade the groundwater quality at the boundaries of the subdivision, the total sewer shed area, or at areas of concern, including wetlands and ledge outcroppings. The analysis of the cumulative effect shall include, but not be limited to, nitrogen renovation, bacteria renovation, and hydraulic capacity.

5.8.3 Larger Lots:

When the results of deep test pits and percolation tests indicate a need for larger lots, final approval of the subdivision plan shall not be granted until such larger lots as required are shown on the maps.

5.8.4 Septic Systems in Special Flood Hazard Areas:

For lots in Special Flood Hazard areas, the applicant shall submit a report by a professional engineer, currently licensed in the State of Connecticut, giving assurances that each lot is capable of accommodating an on-site sewage disposal system in a manner that avoids impairment of the

system and contamination from the system during flooding.

5.9 STORMWATER MANAGEMENT

A storm water management system shall be designed and constructed for each subdivision to provide for the efficient drainage of the subdivided land and surrounding lands which normally drain across the areas of the proposed subdivision. The storm water management system shall accommodate collection and discharge of storm water on the development site, while adequately mitigating downstream impacts from any alteration of storm water discharge characteristics resulting from the subdivision. Such alterations include changes in the rate and volume of discharge, changes in the duration of discharge and time to peak discharge, and alteration of water quality characteristics.

5.9.1 General Design Requirements for Storm Water Management:

When a Storm Water Management Plan is required in accordance with Section 4.5.3 of these Regulations, the storm water management design shall meet the following general criteria, in addition to any other requirements:

- A) Subdivisions shall be designed to provide effective management of storm water runoff. The volume of storm water runoff generated shall be minimized by keeping total impervious surface area within the subdivision to a minimum. Reducing the volume of storm water runoff will result in less potential for onsite and downstream flooding, and fewer pollutants being transported from the development site.
- B) Where the proposed development is likely to cause an increase in the volume or rate of storm water runoff so as to overload the existing drainage system, causing flooding and damage downstream, measures shall be taken by the developer to prevent or alleviate such harmful effects. Potential adverse impacts from changes in discharge characteristics shall be minimized through use of structural and/or natural control measures. A zero percent increase in discharge characteristics is not mandated for all subdivisions, but may be required in certain cases where existing downstream land use or property is shown to be subject to flooding. Natural runoff detention or retention capacity of adjoining inland wetlands may be used as a mitigating factor in determining the scope of downstream impacts and the extent of onsite drainage control measures warranted.
- C) Storm drainage within the subdivision shall be designed and constructed to be capable of accommodating all additional runoff which can reasonably be expected to result from future development of the drainage area upstream of the subdivision and which will drain through the subdivision.

D) Diversion Prohibited:

Due consideration shall be given to minimizing the disruption of existing drainage patterns. In general, storm water runoff shall not be diverted from one watershed or watercourse to another.

5.9.2 Discharges:

All storm water from the subdivision shall be discharged only to suitable streams or rivers, or into town or state drains, ditches, or other Town or State drainage facilities with adequate capacity to carry the additional water. Where the discharge is onto private property adjoining the subdivision, proper easement and discharge rights shall be secured by the applicant prior to approval of the subdivision plan. Discharge shall be designed with particular regard to discharge points and velocities, and in a manner that protects streams and wetlands from pollution and

flooding due to increase in runoff.

If the Commission determines that, in its judgment, there will be no substantial danger to the public health and safety, the Commission may approve, on lots of one acre or larger, the discharge of storm water in open ditches, swales, or detention basins, except that such structures shall not be located in that portion of the lot customarily used for front and side yards, or which might be used for on-site sewage disposal or water supply systems.

5.9.3 Additional Requirements for Storm Water Management:

Additional requirements for storm water design and construction are set forth in the Town's Design and Construction Standards.

5.10 OPEN SPACE

Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision. The land reserved shall be of such location, size, location, shape, dimensions, topography and natural character as to satisfy the open space needs as determined by the Commission. Such needs may include, but are not limited to, the following:

- A) Preservation of natural resources such as, but not limited to, unusual topography, wetlands, aquifers, agricultural land, wildlife habitat, visual corridors and vistas;
- B) Retention of natural drainage ways;
- C) Avoidance of undifferentiated sprawl patterns, provision for visual edges, focal points and centers to enable people to relate to their surroundings and to integrate or separate various types of uses and activities;
- D) Provision for passive and active recreation;
- E) Enhancement of historic and cultural activities and locations;
- F) Maintenance of scenic quality.

The reservation of land shall conform, to the greatest extent possible, to any plan for parks, playgrounds, recreation land, conservation or open space which has been formally adopted by the Planning Commission, Old Lyme Conservation Commission, or other official town board or agency.

5.10.2 Open Space Dedication Requirement:

In determining the need for reservation of open space, the Commission shall be guided by, but not limited to, a standard of fifteen (15) percent of the land area of the subdivision, and a minimum reservation area of one (1) acre. In determining the need for open space, the Commission shall take into consideration the size of the subdivision and any existing parks, playgrounds, recreation areas and open space in the neighborhood.

5.10.3 Access and Location:

The area or areas reserved for open space shall be laid out so as to be used in conjunction with and linked to similar areas in adjoining subdivisions or of probable future subdivisions. Open spaces shall be easily accessible and shall be situated so as to preclude grouping of lots and open spaces in the extremities of the property, unless the lots or open space is functionally linked with adjacent development. The Commission may require that proper pedestrian and vehicular access be provided for each such open space reservation.

5.10.4 Coastal Waterfront Sites:

In such cases where the proposed subdivision site abuts coastal waters, the Commission may require such open space in the form of public access to and along the waterfront.

5.10.5 Condition of Land:

Land reserved for open space shall not be used for the storage of equipment or the deposit of debris. The land so reserved shall not be excavated, filled or re-graded, and trees shall not be removed therefrom, except in accordance with a grading plan submitted under Section 4.6.6.

5.10.6 Methods of Open Space Reservation:

Open space areas shall be permanently reserved for the designed use by means acceptable to and approved by the Commission, such as, but not limited to, the following:

A) Deeded to the Town of Old Lyme.

Where open space areas are to be conveyed to the Town, the applicant shall convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.

B) Deeded to a Non-profit Organization Acceptable to the Commission:

Such non-profit organization shall be a private non-profit, non-stock corporation which has as its purpose the preservation of open space land. The deed to such organization shall contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land. If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization shall contain the provision that in event of the dissolution of the corporation, the property shall be conveyed to the Town of Old Lyme, or to a non-profit corporation, at the discretion of and subject to the approval of the Commission. The Commission shall have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.

C) Held in Corporate Ownership by Owners of Lots within the Subdivision:

Open space may be conveyed by warranty deed to a homeowner's association within the subdivision upon such terms and conditions as specified by the Commission. When tracts are conveyed in this manner, a copy of the bylaws of the homeowners' association shall be submitted as a part of the application for the subdivision. Membership in such corporation shall be mandatory for all lot owners within the subdivision. Each deed conveyance to lot owners shall include the provisions of the declaration of rights and responsibilities in regard to open space, and shall be recorded in the Old Lyme Land Records. Wording on each deed shall state that such open land is reserved for use only as open space in perpetuity.

D) Perpetual easement:

Where the right of use, interest or privilege, short offee ownership in the open space owned by another is obtained by the Town or acceptable non-profit organization, a deed shan be required stipulating that the owner transfers development rights to and open space or scenic easements over the land. The fee owner shan retain the fee title to the premises and all incidents of fee ownership therein, except the right to construct any structure, sign, fence, or other improvement thereon, or to alter the contours thereof Minimum lot requirements cannot be satisfied by use ofland dedicated to open space.

5.10.7 Conditions of Open Space Conveyance:

Title to the open space land shall be unencumbered and shall be transferred at a time approved by the Commission, and in any case, not later than the time at which title to the streets in said subdivision is accepted by the town.

5.10.8 Deed Guarantees:

Regardless of the method employed, the instrument of the open space conveyance must include provisions, suitable to the Commission and the Commission's Counsel, for guaranteeing the following:

- A) The continued use of such land for the intended purpose;
- B) Continuity of proper maintenance for those portions of the common open space land requiring maintenance;
- C) When appropriate, the availability of funds required for such maintenance; and
- D) Recovering of loss sustained by casualty, condemnation or otherwise.

5.10.9 Fee-in-lieu of Open Space:

In lieu of the above requirements to provide land for open space purposes, the Commission may authorize the subdivider to pay a fee to the Town, or provide a combination of land and fee, in accordance with the provisions of Section 8-25 of the Connecticut General Statutes. The Commission may consider payment of such fee when it determines, in its sole discretion, that there is not a suitable area within the subdivision with which to meet the requirements of Section 5.10.1, or that there are other areas within the Town, the preservation of which would be more beneficial to the Town. The amount of the fee and its method of payment shall be in accordance with the procedures set forth in C.G.S. 8-25. The payment option shall be secured by a lien against each lot in the subdivision, which 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 current Certificate of Title, required in Section 4.6.

5.11 FIRE PROTECTION

In order to assure that all new development has an adequate water supply for fire protection purposes, the Commission may require that a fire well or fire pond be constructed in connection with the new subdivision. Prior to the submission of a subdivision application to the Commission, the applicant shall consult with the Old Lyme Fire Department to determine whether, in the opinion of the Fire Department, a new water supply is necessary. The applicant shall be required to demonstrate that the proposed water supply meets or exceeds the minimum requirements of such national and state standards as the Fire Department deems applicable to the subdivision application.

Such fire well or pond shall be installed at the expense of the developer and the cost of such shall be included in the bond. The design, location and construction must be approved by the Commission. When a fire well, fire pond or appurtenance thereto is part of a subdivision application, the plans must be submitted to the Fire Department for review and written approval. Evidence of approval shall be submitted to the Commission as part of the subdivision application. The applicant shall identify the person or organization responsible for all maintenance of water supply facilities. All underground water storage tanks shall have a

minimum capacity of 20,000 gallons, and their design, location and capacities shall be approved by both the Old Lyme Fire Department and the Fire Marshal's Office. Such required water sources shall be installed at the expense of the developer and the cost of such shall be included within any security which is posted with the Commission under Section 3.11. Such water sources are to be installed prior to the issuance of any Certificate of Occupancy on new dwellings within the subdivision.

The applicant shall submit legal documentation providing for the named title holder of said fire pond, together with provisions for the legal access to said fire pond by the Town of Old Lyme and its respective fire department. The documentation shall also provide for the legal maintenance of said fire pond, which documentation shall further provide for liability coverage in favor of the Town of Old Lyme, which documentation shall be approved by the Commission's counsel.

5.12 BOUNDARY MARKERS AND MONUMENTS

Monuments and pins shall be installed in accordance with the following requirements:

5.12.1 Permanent Monuments:

Permanent monuments shall be installed at all points of change in direction or curvature of new streets along the line separating the street right of way and the adjoining property, and at other points as shown on the final plan, and where in the judgment of the Commission, permanent monuments are necessary. Granite or concrete monuments at least 30 inches in length, dressed to at least 4 inches square at the top and with a cross or a 3/8 inch hole drilled to a depth of 1 1/2 inch in the center of the top shall be set to a height of 4 inches above the finish grade. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments has been completed. In the event that any monument is destroyed or disturbed during construction of subdivision improvements, the monument shall be replaced or repositioned prior to release of the subdivision construction bond. In cases where large boulders, surface ledge, or stone walls are present, an iron pin may be substituted for the monuments described above in 5.10.1.

5.12.2 Lot Markers:

Permanent monuments as described above shall be installed at all lot corners. At other points of change in direction along property lines, the applicant shall have a choice of drill holes or permanent monuments. During construction, it is permissible to use temporary surveyor's stakes to delineate boundaries.

5.12.3 Open Space Markers:

Monuments shall be installed at all corners and at intervals no greater than 200 feet along the boundaries of all open space parcels. Rights-of-way to open space parcels which are 50 feet in width or less shall be marked at intervals no greater than 100 feet.

5.12.4 Driveway Access Markers:

Driveway access strips for all rear lots shall be marked with monuments or brass pins on both sides at intervals of not more than 100 feet for the length of the access strip.

5.12.5 Certification of Installation:

The accurate placement and location of markers and monuments shall be certified by a land

surveyor and the cost of such shall be included in the construction bond. In subdivisions where property markers are the only "improvement", the applicant may choose to have the markers installed prior to filing the subdivision plan in lieu of posting a security for marker installation.

5.13 DRIVEWAYS

A permit to connect a new driveway to a State Highway must be obtained from the Connecticut State Department of Transportation. A permit to connect a new driveway to a town road must be obtained from the Office of the First Selectman, in accordance with the Town's Design and Construction Standards.

A) Driveway Paving and Drainage:

All driveways shall be provided with paved aprons between the paved portion of the street and the edge of the street right of way. Driveways to individual lots shall be located, designed and constructed so as to prevent excess road drainage down driveways or excessive driveway drainage onto public streets.

B) Driveways shall not enter onto state highways or town roads classified as Arterial or Collector, except where no method of layout other than entrance onto such roads is possible. In such event, driveways shall be combined between lots wherever possible. Frontage where access is restricted shall be so indicated on the subdivision plan.

C) Safe driveway entrances with adequate sight lines for safe vehicular entry onto a street shall be required for all lots, and adequate vehicular turnarounds shall be provided within each lot.

D) Driveways shall meet the construction requirements of the Town's Design and Construction Standards.

E) Requirements for Shared Driveways:

In order to minimize adverse environmental impacts of development, reduce the need for new driveway cuts and provide access to developable land which is otherwise inaccessible due to topographic conditions, the Commission may allow or may require COMmon or shared driveways to serve more than one lot. Whenever a shared driveway is proposed, the following requirements shall be met.

F) All shared driveways shall be provided with a right -of-way at least 25 feet in width. The driveway location shall allow the construction of a driveway not exceeding 12 percent grade at any point.

G) The deed for any lot which utilizes a shared driveway shall include all appropriate easements to pass and repass and to install utilities as necessary. Further, the deed shall contain the provisions that the access driveway shall not be used to access other property except for agricultural purposes, and that the Town of Old Lyme shall not ever be required to plow, maintain, assume ownership or provide school bus service or other services along the driveway access to such lot.

5.14 UTILITIES

5.14.1 Electric, Telephone and Cable Lines:

New electric, telephone and cable television wires within the subdivision shall be installed underground unless the Commission determines, based on a written report submitted by the

applicant, that such underground installation is inappropriate or unfeasible for all or part of the subdivision. In making such a determination, the Commission shall take into account the type of service existing in the area adjacent to the subdivision, topographic and construction conditions, and the size of the subdivision. Requirements for underground wires shall be noted on the subdivision plan.

5.15 REQUIRED EASEMENTS

Easements for access to and use of land outside a street right-of-way shall be provided as required or approved by the Commission, and shall be shown on the subdivision map with adequate survey information so that the land subject to easement may be accurately located by field survey and adequately described in all legal documents. Easements shall be provided in at least the following cases:

- A) For access to bridges and culverts by construction and maintenance equipment;
- B) For storm water pipes and other drainage features, water mains and sanitary sewers and appurtenances shown on the plan, or which may need to be installed in the future,
- C) such easements to be not less than 30 feet in width;
- D) For the full width of the channel, plus an additional width of ten feet for maintenance purposes, of any stream or drainage ditch in the subdivision which will carry drainage runoff from any proposed street, existing street or streets which may be constructed in the future on the undeveloped land within the watershed;
- E) Easements for temporary turnarounds;
- F) Temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street where such grading is required;
- G) Sight easements across corners of lots at intersections or other places where viewing is obstructed, to assure safe line of sight on the street;
- H) Easements at least 10 feet in width for pedestrian ways to parks, playgrounds, schools and other public or semi- public places where the street system does not conform to a convenient pattern of pedestrian circulation; and
- I) For shared driveways in accordance with Section 5.13;
- J) Any other easements required under the Town's Design and Construction Standards.

5.16 FINAL GRADING AND LANDSCAPING

5.16.1 Grading and Stabilization:

Except where otherwise specified in these Regulations, all areas disturbed by construction of roads, drainage facilities and associated improvements that are not paved or occupied by structures shall be properly graded to smooth uniform slopes, covered with topsoil to a minimum depth, after settlement, of four (4) inches and limed, fertilized, seeded and mulched. All materials and construction methods shall conform to requirements of State Standard Specifications.

5.16.2 Landscaping:

Center islands of turnarounds and median strips, where permitted, shall be planted with low-growing shrubs and plants that will allow full vision at all points, except that a tree or trees of an

approved species may be planted anywhere within five feet of the center of the island of a turnaround. An ornamental boulder or grouping of rocks or boulders may also be placed anywhere within five feet of the center of the island of a turnaround. All plantings shall be such as to eliminate any requirement for mowing, weeding or other forms of maintenance.

5.16.3 Street Trees:

When required by the Commission, trees provided by the developer shall be planted at the edge of the street line or other suitable location, at a distance of forty or fifty feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks. Trees to be planted shall be of 2 1/2 to three inch caliper or larger, with a minimum height of ten feet. Such trees shall be planted, protected and maintained using good horticultural practices. The species and location of trees shall be subject to approval by the Commission. Existing trees along the proposed street which conform to these regulations may be substituted for new trees at the discretion of the Commission. The Commission may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of such trees.

5.16.4 Maintenance of landscaped areas and street trees:

All areas stabilized by vegetation, all landscaped areas, and all street trees shall be properly maintained by the person or firm constructing the road, drainage facilities and associated improvements until permanent growth of such plantings has been established to the satisfaction of the Commission.

5.16.5 Disposal of Construction Debris:

No onsite burial of construction debris, brush or stumps is permitted, except that large boulders and other earth materials may be disposed of onsite only with the explicit written approval of the Commission. Any area used for disposal of large rocks or other earth materials shall be shown and designated on the subdivision plan as a "rock disposal area".

6. SECTION 6 ••• ALTERNATIVE SUBDIVISION DESIGN

6.1 REAR LOTS

Rear lots, as defined in Section 2.29 of these Regulations, may be permitted in R-40, RU-40, R-80 and RU-80 Zoning Districts subject to the following conditions:

- A) The applicant shall prove to the satisfaction of the Commission that the land characteristics and physical site conditions make such rear lot development necessary, practical, reasonable, and desirable; and that such rear lot development will be in harmony with the purposes and intent of the Town Plan and will comply with all applicable laws, ordinances, regulations and codes;
- B) Such rear lots shall be used only for single-family dwellings;
- C) The accessway to each rear lot shall be at least twenty-five (25) feet in width over its entire length;
- D) The area of such accessway shall not be included in the minimum required area of the lot, and shall be deeded in fee with the lot to be served. Easements or rights- of-way are not permitted;
- E) The accessway shall extend to an improved street or to a private road in an approved subdivision;

- F) The grade of the accessway shall not exceed five percent within fifty feet of its intersection with an improved street or road.
- G) The length of such accessway shall not be unreasonable or unsafe as determined by the Commission.
- H) No more than two access strips shall be located within three hundred feet on the same side of the street when measured along the street line;
- I) The required lot and yard requirements for rear lots shall be twenty-five percent greater than those specified for the zone;
- J) The Commission shall determine which lot line shall be construed to be the front lot line, which designation shall be clearly specified on the subdivision map.

6.2 PLANNED RESIDENTIAL CLUSTER DEVELOPMENT

As authorized by the Old Lyme Zoning Regulations, the Planning Commission may, in considering an application for Special Exception under the provisions of Planned Residential Cluster Development (PRCD), approve an application which would ordinarily be in conflict with certain provisions of these subdivision regulations. Such approval of a PRCD application shall be based on the Planning Commission's determination that the PRCD development more fully meets the objectives set forth in the zoning regulations for Planned Residential Cluster Development than if all provisions of the subdivision regulations were to be complied with in full. In particular, and as an example, the Commission may approve minimum lot sizes and other design requirements consistent with the zoning regulations despite conflicting provisions concerning rear lots as set forth in these Regulations.

6.3 NON-RESIDENTIAL SUBDIVISIONS

A non-residential subdivision shall be subject to all other requirements of these Regulations. In addition, the applicant shall demonstrate to the satisfaction of the Commission that the following requirements are met:

6.3.1 Streets:

Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon and special requirements may be imposed by the town with respect to street, curb, gutter, and sidewalk design and construction.

6.3.2 Utilities and drainage:

Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer and storm water drainage.

6.3.3 Extension of streets:

Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

7. SECTION 7.00 AMENDMENTS AND VALIDITY

7.1 AMENDMENTS

These Regulations may be amended from time to time in accordance with the procedures

specified in Section 8-25 of the Connecticut General Statutes, and amendments thereto.

7.2 VALIDITY

- A) If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court or competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.
- B) If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional as applied to a particular subdivision or subdivision application, by decree or decision of a court or competent jurisdiction, such decree or decision shall be limited to the particular subdivision or subdivision application and the general applicability of these Regulations to other subdivisions and subdivision applications shall not be affected.

7.3 EFFECTIVE DATE

These Regulations shall take effect on July 1, 2009.

8. APPENDIX A:

A chart of Road Classifications in the Town of Old Lyme.

Arterial	Collector	Local Residential
Neck Road	Mile Creek Road	Private Residential Streets and
Shore Road	Flat Rock Hill Road	all other town roads
Boston Post Road	Cross Lane	
Halls Road	Lyme Street	
Four Mile River Road	Whippoorwill Road	
Hatchetts Hill Road	Saunders Hollow Road	
	Buttonball Road	
State highways	Town Woods Road	
	Grassy Hill Road	
	Sill Lane	
	Ferry Road	
	McCurdy Road	
	Rogers Lake Trail	

DEFINITIONS:

A) ARTERIAL:

A major, heavily traveled road serving as an artery for inter-connection between large areas of town or giving access into or circulation within business or industrial areas; includes all state highways

B) COLLECTOR:

A moderately heavily traveled street presently receiving or having the potential to receive two or more local roads, private roads or dead-end streets.

C) LOCAL RESIDENTIAL:

A street primarily providing access to abutting lots used for residential purposes, including dead-end streets.

D) PRIVATE RESIDENTIAL:

A road that is privately owned and maintained.

E) OTHER TOWN ROADS:

Streets owned and maintained by the Town of Old Lyme that are more lightly traveled than Arterial or Collector roads.