

TOWN OF WINDSOR

TOWN PLANNING AND ZONING COMMISSION

SUBDIVISION REGULATIONS

TOWN PLANNING AND ZONING COMMISSION

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EFFECTIVE DATE

July 16, 1955

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REPRINT DATE

November 1, 2006
Updated with insertion of
amendments dated 09/22/06

RECORD OF AMENDMENTS TO THE TEXT
TOWN OF WINDSOR SUBDIVISION REGULATIONS

SUB-DIVISION NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
273	05/12/81	8, 8.1 & 8.3-8.5	To require the installation of certain subdivision improvements in a timely manner.
274	03/09/82	4.16	To comply with State Statutes regarding passive solar design.
275	10/26/82	4.16 & 9.13	To clarify the intent of the Section.
277	11/09/83	8 & 8.1.1	To allow a letter of credit to be used as an acceptable form for subdivision bonds.
278	01/24/84	4.1	To clarify the requirement of filing approved subdivision plans.
279	11/13/84	8 & 8.1.1	To more clearly define options and procedures for bonding.
280	05/28/85	5.2.1(O)	To require street addresses and eliminate lot numbers on plot plans.
281	06/25/85	4.9.10, 4.9.11 & 5.2.5	To comply with State Statutes for a soil erosion and sedimentation control plan.
324	07/09/92	4.8.3(F) & 4.8.3(H)	To clarify design criteria for cul-de-sacs, loops and dead-end streets.
336	12/30/94	8.1 & 8.2	To clarify construction and maintenance bond requirements.
351	04/04/97	5.1.1(A)	To update application fees.
359	11/18/98	4.1	To clarify the filing period for subdivision plans.
363	07/23/99	4.15	To clarify requirement for placement of underground wires.
	06/17/03	8	To clarify bond endorsement requirements.
	12/13/03	4.7	Fees in lieu of open space.
	06/08/04		Overall recodification.

<u>SUB-DIVISION NUMBER</u>	<u>EFFECTIVE DATE</u>	<u>SECTION(S)</u>	<u>REMARKS</u>
	12/22/2004	4.8.1(D), 4.8.3(A) 4.8.3(O), 4.8.3(O)1, & 4.8.3(O)2	To modify road width requirements.
	09/22/2006	4.8.3(B) & 4.8.4	To clarify sidewalk design criteria and waiver provisions.
	09/22/2006	6.3	To establish procedures for Town staff regarding modifications to subdivisions at the time of approval.

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TOWN OF WINDSOR, CONNECTICUT
TOWN PLANNING AND ZONING COMMISSION
SUBDIVISION REGULATIONS

1 AUTHORITY

The Town Planning and Zoning Commission of the Town of Windsor, Connecticut, in exercise of its powers as authorized by the Connecticut General Statutes governing planning, hereby adopts these regulations, which may be amended from time to time under procedure outlined in said statutes.

2 PURPOSE

These regulations are adopted in order to regulate within the Town of Windsor the subdivision of land, and to provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, drainage and sewerage, and in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provisions shall be made for protective flood control measures, and that the proposed streets shall be in harmony with existing or proposed principal thoroughfares, especially in regard to safe intersections, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs.

3 DEFINITIONS (SEE ALSO SECTION 9)

As used in these regulations, "Commission" means the Town of Windsor Planning and Zoning Commission; "Subdivision" means a division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivisions; "Resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision, if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot 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. If said definitions are revised by the pertinent Connecticut General Statutes, said revised definitions shall be substituted for the definitions above.

4 REQUIREMENTS FOR THE SUBDIVISION OF LAND

All subdivision of land in the Town of Windsor shall be made in accordance with the procedure described in these regulations.

4.1 FILING OF PLANS AND PENALTIES

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm, or corporation, making any subdivision of land without the approval of the Commission, shall be fined as per Section 8-25 of the Connecticut General Statutes, as amended. All plans for the subdivision shall be filed or recorded in the Office of the Town Clerk by the applicant or owner within ninety (90) days of the expiration of the appeal period under Section 8-8 of the Connecticut General Statutes, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal, or judgement in favor of the applicant or it shall become null and void unless the Commission extends such time as per Section 8-25 of the Connecticut General Statutes, as amended. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereupon, and the filing or recording of a subdivision plan without such approval shall be void. Completion of all subdivisions shall be as per Section 8-26(c) of the Connecticut General Statutes, as amended.

4.2 PROOF OF LAND OWNERSHIP

- 4.2.1 The applicant or applicants for approval of a plan of subdivision shall submit evidence of his interest in all lands included in the plan of subdivision, and shall provide all pertinent information concerning such lands.
- 4.2.2 Applicant shall supply the Commission with information on all easements, restrictions and the like covering the subdivision lands, and shall obtain for and supply to the Commission evidence of easements and the like required by the Commission in connection with an application for subdivision approval.

4.3 PUBLIC HEARINGS

- 4.3.1 The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.
- 4.3.2 The Commission shall hold a public hearing for all resubdivision proposals.
- 4.3.3 The Commission shall give notice of a public hearing regarding any subdivision proposal not less than seven (7) days before the date of the hearing, by publication once in a newspaper of general circulation in the Town of Windsor, and by sending a copy thereof by registered or certified mail to the applicant.

4.4 RESUBDIVISION

All plans of resubdivision shall include sufficient information to enable the recorded original subdivision plan to be identified in the Town Records.

4.5 LOT SIZES AND GEOGRAPHY

- 4.5.1 The size of lots shall be as required by the Zoning Regulations of the Town of Windsor, and the dimensions, shape, orientation and ground conditions of each lot or parcel shall be conducive to its maximum usefulness.
- 4.5.2 Where adverse geographical conditions or difficult site configuration exists, the minimum lot size and the minimum area requirements may be reduced in accordance with the Zoning Regulations, provided the density of lots per acre is maintained.
- 4.5.3 Land of such geophysical nature, that in its present state, cannot safely be used for building purposes because of hazards such as danger to health, peril from fire or flood, inadequacy of public drainage systems, difficult site drainage, temporary flooding erosion, steep slopes, or any other condition deemed by the Commission to make the land unfit for building purposes, shall not be approved for residential subdivisions unless the Commission is satisfied that the proposed engineering for treatment of the site will eliminate such hazards.
- 4.5.4 The Commission may impose reasonable and necessary conditions in connection with the approval of subdivision plans.
- 4.5.5 Where it is necessary to discharge water from a public right-of-way across private lands not included in the subdivision, the developer shall obtain from the owners of said private lands an agreement which grants to the Town of Windsor a right to permanently discharge water across said lands, and shall submit copies of said agreements to the Commission at the time of application for subdivision plan approval.
- 4.5.6 Where it is necessary to drain a public highway across lands included in the subdivision, the plans shall provide an easement for the discharge of water in favor of the Town of Windsor. The location of such easements shall be satisfactory to the Commission.
- 4.5.7 Metal boundary-marker pins shall be permanently established at the corners of each lot. If it is impractical to establish pins at a corner, reference pins shall be established on the lot line as close as possible to the corner.
- 4.5.8 Metal boundary-marker pins shall be permanently established to define all easements.

4.6 ACCESS TO LOTS AND ADJOINING LANDS

Land shall not be subdivided in such a manner as to prejudice the possibility of further subdivision of the land or of the convenient subdivision of adjoining lands.

4.6.1 There shall be direct access to each lot from a public street.

4.6.2 There shall be access provided by street-width reserve parcels to allow further subdivision of the lands and to provide access into adjoining lands. The location of the access reserve parcels shall be determined by the Commission, and any such reserve parcel shall be designated as a future street on all subdivision plans. The Commission may require the developer to deed to the town said reserve parcels, or otherwise give rights to said parcels.

4.7 OPEN SPACES

4.7.1 General Requirements. The Commission shall require that no less than (15) percent of the total area of a subdivision be dedicated to the Town of Windsor, as per Section 2.1.12 of the Windsor Zoning Regulations, as public open space, parks, and/or playgrounds when, and in places deemed proper by the Commission. All areas of open space shall be shown on the subdivision plan along with the construction of any facilities/improvements by the applicant as required by the Commission. The applicant may request that the Commission consider open space in remote locations of the same ownership as the land being subdivided, subject to the applicable requirements of Section 4.7. The voluntary donation or preservation of additional land in excess of the requirements of this section may be approved by the Commission if it is found to be in the Town's best interest. This additional land may be proposed for dedication to the Town of Windsor or to any private non-profit conservation organization, including homeowners associations.

4.7.2 Fees in Lieu of Open Space. Recognizing that the dedication of open space land may not be desirable or appropriate in all situations, and in fairness to all subdividers, the Commission may instead accept a fee or any combination of land and fee by applying the following conditions and procedures:

4.7.2(A) The fee, or combination land and fee, shall not exceed ten (10) percent of the fair market value of the land prior to subdivision.

4.7.2(B) The fee shall be placed in a fund to be used for preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

- 4.7.2(C) The subdivider shall indicate on the application and subdivision plans whether land, a fee in lieu thereof, or a combination of land and fee is being proposed. Exemptions in accordance with Section 4.7.8 shall also be indicated on the application and subdivision plans.
- 4.7.2(D) The Commission shall examine each proposal and may accept, reject, or modify each proposal based on, but not limited to, the following criteria: the land's size, shape, location, and public access; the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, riparian areas, inland wetlands, aquifers, and woodlands; the protection of historic and archeological sites; the presence, absence, or expansion of any existing open spaces, parks, or playgrounds in the neighborhood; plan of conservation and development objectives.
- 4.7.2(E) The percentage of wetlands, steeply sloped areas in excess of (25) percent, and areas within FEMA Flood Zone A for the required open space area shall not exceed that of the entire subdivision.
- 4.7.3 Land Appraisal. The fair market value of the land prior to subdivision shall be determined by an appraiser chosen jointly between the applicant and the Commission (or its designee) at the applicant's expense. If agreed to by the applicant and the Commission, an alternative method of determining total payment is a fee of \$2,000 per lot.
- 4.7.4 Payment. Any fees in lieu of open space shall be paid in full prior to filing final plans with the Town Clerk or paid at the time of first sale or transfer of each individual lot, on a prorated basis as described in Section 8-25(a) of the Connecticut General Statutes. The prorated fees due to the Town of Windsor shall constitute a first lien on each individual lot and shall be reflected on the land records of the Town. Such liens shall be released upon receipt of payment by the Town of Windsor. The attorney for the applicant shall provide the Town Planning and Zoning Commission with a certificate of title insuring the Town Attorney and the Commission that the Town has a first lien on the property. The applicant shall be responsible for any filing fees due to the Office of the Town Clerk.
- 4.7.5 The open space requirements of this section are in addition to the open space resulting from the Open Space and Cluster Subdivision requirements in Section 4.5.3 of the Windsor Zoning Regulations and any easements required for conservation, slope, erosion, and/or wildlife protection.
- 4.7.6 The requirement above will benefit the Town as a whole and the residents of the new subdivision by enhancing the environment and the quality of life.

- 4.7.7 Definitions. For the purpose of this section, “open space” shall be defined to include, but not be limited to: areas left in their natural, undisturbed state; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge or protection, and scenic preservation.
- 4.7.8 Exemptions. The open space requirements of this section shall not apply to the following:
- 4.7.8(A) Subdivisions of less than five (5) parcels, where all land therein is transferred to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin without compensation.
 - 4.7.8(B) Subdivisions which contain affordable housing, as defined in Section 8-39(a) of the Connecticut General Statutes, equal to twenty (20) percent or more of the total housing units to be constructed therein.
 - 4.7.8(C) Retail, office, warehouse and industrial subdivisions.

4.8 HIGHWAYS

The various highways, roads and streets in the Town of Windsor are classified as primary highways, secondary highways, connector highways, and local highways. The classifications are generally defined as follows:

4.8.1 Classification of Highways

4.8.1(A) Primary Highway

A highway of interstate and intertown importance usually designed and controlled by State or Federal Authority.

All new primary highways shall be constructed with a minimum right-of-way width of 70 feet and a minimum road width of 44 feet.

4.8.1(B) Secondary Highway

A highway of arterial importance to the Town of Windsor.

All new secondary Highways shall be constructed with a minimum right-of-way width of 70 feet and a minimum road width of 40 feet.

4.8.1(C) Connector Highway

A road which serves as a collector of traffic from residential, business and industrial streets, and provides the main communication between primary and secondary highways.

4.8.1(C) (Continued)

All new connector highways shall be constructed with a minimum right-of-way width of 60 feet and a minimum road width of 34 feet.

4.8.1(D) Local Highway

A minor road, which mainly serves the immediate occupants or residents in a neighborhood.

The following standards apply to both public and private local highways. All new local highways in a residential zone shall be constructed with a minimum right-of-way width of 50 feet for public roadways and a minimum road width of 28 feet.

4.8.1(E) The Commission shall determine the classification of all highways which are proposed to be constructed in the development of subdivision.

4.8.2 Notice of Intent to Construct a Highway

The construction of a new highway or any part of a new highway shall not be commenced until the person or persons responsible for said highway construction has notified the Director of Public Works in writing.

4.8.3 Design Criteria for New Highways

The design of new highways shall be based on the following:

4.8.3(A) Unless requirements and/or standards are specifically waived by the Commission in accordance with these Regulations, the construction of all public and private highways shall be in accordance with the requirements of the current Town of Windsor Engineering Standards and Specifications.

4.8.3(B) The arrangement of streets in all subdivisions shall be such that the continuity of streets is maintained to provide adequate traffic circulation. If the Commission has adopted a street plan for any area within which the subdivision is proposed, the arrangements of the streets shall be in conformity to the adopted plan.

4.8.3(C) Where a subdivision contains lots which front on an existing road or street, the existing road or street shall have adequate right-of-way width, suitable road surface, and suitable drainage for increased traffic.

- 4.8.3(D) Streets shall intersect as near as possible at right angles (90 degrees) and no street shall intersect any other street at less than a sixty-degree angle.
- 4.8.3(E) Crossroads formed by minor streets shall be avoided, if possible, and all subdivisions shall be designed with a minimum of such cross roads. Multiple street intersections where more than one street converges with another street to intersect at the same intersection or in close proximity of another intersection are prohibited.
- 4.8.3(F) The total length of any combination of cul-de-sacs, dead-end and/or loop streets shall not exceed 850 feet as measured along the center line of the right-of-way of said streets from the point of intersection of said center line with the center line of the adjacent through street to the point where the right-of-way begins to flare into the turnabout circle of said streets unless a greater length is authorized by the Commission because of adverse topographical conditions, difficult site configuration, future road extension, or other good cause. All dead-end streets shall contain a turnabout circle at the dead-end of the street. If the dead-end street is intended to be extended at a future date, the turnabout circle shall be constructed with a street right-of-way width stub extension.
- 4.8.3(G) No cul-de-sac or dead end street shall be approved if there is sufficient land and suitable terrain to allow the street to be extended to connect with another street in the subdivision.
- 4.8.3(H) A street designed as a loop shall not be considered a cul-de-sac or dead end street, but such streets shall provide for access to adjoining lands in accordance with Section 4.6.2 herein, if necessary. The total length of any loop street shall not exceed 850 feet as measured along the center line of the right-of-way of said street from the point of intersection of said center line with the center line of the adjacent through street to the point where the right-of-way begins to flare into the loop portion of the street unless a greater length is authorized by the Commission because of adverse topographical conditions, difficult site configuration, future road extension or other good cause.
- 4.8.3(I) All street merestones required shall be correctly and permanently established before the construction of any building is begun. If the subdivision is scheduled to be developed in stages, the street in each stage shall be correctly and permanently monumented before the construction of any building is begun.
- 4.8.3(J) In the event that a building is constructed prior to the completion of the adjoining street, such building shall not be used or occupied

4.8.3(J) (Continued)

unless the Director of Public Works or his authorized representative approves a partially constructed street finished to at least a gravel base condition.

- 4.8.3(K) Street name signs shall be erected at the developer's expense in accordance with the town requirements.
- 4.8.3(L) Traffic signs shall be erected at the developer's expense as required by the Director of Public Safety.
- 4.8.3(M) Approval of a plan of subdivision does not constitute an acceptance of any street, highway, park or other proposed public space by the Town of Windsor.
- 4.8.3(N) The Town Council will act on the acceptance of all land included in streets, highways, parks, or other proposed public space, after all requirements of the Commission have been met. The owner of a contemplated subdivision or appropriate section thereof, shall be required to deed to the Town of Windsor all streets, highways, parks, and other proposed public lands in the subdivision.
- 4.8.3(O) If the applicant provides adequate justification in accordance with Section 10, the Commission may permit roadway pavement width reductions from 28 feet for public and private roadways for the following conditions:
 - 4.8.3(O)1 For the development of nine or less residential units on a nonextendable cul-de-sac, dead end, or no outlet roadway, with posted on-street parking restrictions and at least four off-street parking spaces per unit provided by residential driveways in front of the house or garage and/or designated off-street parking areas, the Commission may allow a pavement width reduction to a minimum of 24 feet measured between the curbing. The design of such shall be in accordance with the Town of Windsor Engineering Standards.
 - 4.8.3(O)2 (This Section was Deleted)

4.8.4 Design Criteria for New Sidewalks

- 4.8.4(A) Unless waived by the Commission in accordance with Section 4.8.4(E), sidewalks shall be required on all existing and proposed streets.
- 4.8.4(B) All sidewalks shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications.
- 4.8.4(C) In the interest of pedestrian safety, when a subdivision has frontage on an arterial street, as identified in the Windsor 2004 Plan of Conservation and Development, sidewalks shall be required on both sides of the street. The developer shall only be responsible for the sidewalk on the side of the street contiguous to the proposed development. Sidewalks on the opposite side of the street shall be provided as that property is developed or as the Town may provide at its discretion.
- 4.8.4(D) In Windsor Center, its fringe areas and the Wilson Study Area (south of Interstate 291), as depicted in the Windsor 2004 Plan of Conservation and Development, the Commission may require increased sidewalk widths and the use of alternative paving materials such as brick or stone, in keeping with a shopping street environment.
- 4.8.4(E) Following a written request for a waiver by the applicant at the time of application and a two-thirds vote of the Commission, the Commission may waive the requirement for sidewalks on existing or proposed streets under the following conditions where applicable:
1. the width of a proposed street will not be waived below 26 feet; and
 2. one or more of the following conditions exist:
 - a. the street is a non-extendable cul-de-sac serving six dwelling units or less; or
 - b. the provision of a sidewalk would cause significant environmental harm to adjacent wetlands or wildlife habitat; or
 - c. the provision of a sidewalk poses significant engineering challenges; or

4.8.4(E)2 (Continued)

- d. a sidewalk already exists on the opposite side of an existing local or collector street, as identified in the Windsor 2004 Plan of Conservation and Development; or
- e. the provision of a second sidewalk along an arterial street, as identified in the Windsor 2004 Plan of Conservation and Development, is not warranted due to the low density of current and future development combined with a relatively low volume of traffic; or
- f. a bituminous concrete path of five feet in width or greater in an alternate location is preferable to a standard sidewalk. The design of such a path shall be approved by the Town Engineer.

4.9 ENGINEERING AND CONSTRUCTION

- 4.9.1 All engineering and construction shall be in accordance with the requirements of the Town of Windsor Engineering Standards and Specifications.
- 4.9.2 In the event that it is difficult to meet the required standards, the applicant shall obtain approval for any variation from the Director of Public Works or his authorized representative, and shall describe the variation in his application.
- 4.9.3 The engineering and construction in the field shall be in accordance with plans which have been approved by the Commission, except that minor field changes may be authorized by the Director of Public Works or his authorized representative.
- 4.9.4 The site shall be graded in accordance with plans which have been approved by the Commission, except that minor field changes may be authorized by the Director of Public Works or his authorized representative, provided that the drainage characteristics of the site are maintained. The grading of the land on each lot shall be such that each lot is adequately drained.
- 4.9.5 Where the subdivision storm drainage system is proposed to discharge into a town storm drainage system, the developer shall make provision in the event that the Town System is not adequate to accommodate the anticipated additional discharge.
- 4.9.6 Improvements to the Town System, necessary to accommodate new subdivision storm-water discharge, may be required to be paid for by the developer of the subdivision.

- 4.9.7 When building storm sewers are constructed prior to house construction, the piping shall be installed to a point not less than 6 feet within the lot if sidewalks are proposed.
- 4.9.8 The construction in the field shall be carried on with a minimum of nuisance to the general public, and effective measures shall be taken to reduce the hazards of dust and flooding.
- 4.9.9 Safety precautions and measures shall be implemented during the construction to protect the public against hazards which may be caused by construction machinery and heavy equipment, earthmoving, erosion slopes, excavated holes and similar construction works.
- 4.9.10 Soil erosion and sediment control measures shall be implemented during the construction stages to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff. Such measures shall be followed as shown on the certified soil erosion and sediment control plan in accordance with the minimum standards outlined in chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985)", as amended.
- 4.9.11 In order to prevent flood damage within the site, in adjacent areas, and downstream, the runoff flows at peak periods (based on a 25 year storm) extending across any property line shall not exceed the level of flow that resulted when the parcel in question was unimproved, except that the Commission may allow an increase in the amount of runoff only if it finds that an equivalent increase of runoff from the total vacant land within the watershed would not overburden any portion of the watershed drainage system and that said increase will not result in property damage or cause flood danger.

4.10 PRESERVATION OF NATURAL FEATURES

- 4.10.1 The natural features of the site shall be preserved to the fullest extent, and the felling of trees shall be held to a minimum. The developer shall leave not less than two naturally growing trees in the front yard of each lot, or shall plant two trees with trunk diameter of not less than two inches in the front yard of each lot.
- 4.10.2 All watercourses shall be protected during the construction stage of the subdivision, and shall be left in a condition satisfactory to the Director of Public Works or his authorized representative.

4.10.3 No water course shall be disturbed, rerouted or otherwise altered unless approved by the director of Public Works or his authorized representative and other Local or State Requirements are satisfied.

4.11 SANITARY SEWER

4.11.1 Sanitary sewers shall be installed to serve all lots in any residential subdivision containing lots less than one acre. In all other residential subdivisions containing lots of one acre or more, the Commission shall require sanitary sewers if any of the following conditions apply:

4.11.1(A) The area or a portion of the area has topographic or geologic conditions such as ledge, shale or rock outcrops or slopes exceeding 10 percent, which may cause septic tank effluent to be laterally transmitted to the ground surface.

4.11.1(B) The area or a portion of the area is a wetland as designated by the official Town Wetland Map.

4.11.1(C) The area or a portion of the area is associated with flooding as per relevant studies made by Federal, State or Town agencies.

4.11.1(D) The area or a portion of the area is within a streambelt as delineated by the Soil Conservation Service.

4.11.1(E) The area or a portion of the area is within an aquifer and has a potential value for water supply, for ground water recharge or drains into water bodies having recreational potential.

4.11.2 In all commercial and industrial subdivisions, the Commission may require sanitary sewers if any of the conditions mentioned in Section 4.11.1 are applicable.

4.11.3 If a developer constructs a subdivision with sanitary sewers and constructs structures for occupancy prior to the availability of a public sewer service, the developer shall obtain approval from the Metropolitan District, Bureau of Public Works, to seal the subdivision sanitary sewer system in order to render the system unusable until connected to the public sewer system. A sewer so sealed shall be termed "capped sewer."

4.11.4 A subdivision which contains capped sewers shall contain soil with absorptive values suitable for the disposal of septic tank effluent from private sanitary sewage disposal systems, and it shall comply with all the applicable state and local regulations governing the use of sanitary sewage disposal systems.

4.11.5 The use of all private sanitary sewage disposal systems shall be discontinued within one year from the date when the capped sewer is unsealed and becomes

4.11.5 (Continued)

active by reason of connection to the public sewer system, except that where any of the conditions mentioned in Section 4.11.1 are applicable the system shall be discontinued within 90 days.

4.11.6 The sewage generated from structures provided with a capped sewer system may be disposed of by means of a collective or communal system of treatment and disposal, provided such system is approved by and acceptable to the State Health Department, the Metropolitan District, the Town of Windsor Health Department, or any other state or local agency that may have jurisdiction. A community sewage treatment plant shall be considered as a temporary installation and shall not be used longer than 90 days after the Metropolitan District reports that the related trunk system is useable.

4.11.7 When sanitary sewers are constructed prior to structure construction, the sanitary building sewer to serve each lot in the subdivision shall be installed to a point not less than six feet within the lot.

4.11.8 When a structure is built in a subdivision containing capped sewers, the connection (building sewer) shall be extended to the structure, a plumbing connection shall be made to the building drain, and the building drain shall be installed to a point where the stack and the building drain can readily be connected and there capped to prevent the building drain being used to convey sewage. The building drain shall not be an obstruction in the basement, and shall be arranged so that the basement floor will not be disturbed when connection of the building drain and stack is made in the future. Pending the uncapping and active use of the building drain, a relief vent shall be connected from the building drain to the stack vent in accordance with the State of Connecticut Building Code.

4.12 PUBLIC WATER UTILITY PROVISION

4.12.1 All residential subdivisions shall be serviced with the Metropolitan District Public Water Lines.

4.12.2 All lots within a residential subdivision shall be served with a lateral water line, which lateral water line shall be installed after the main water line has been sterilized. The lateral water line shall be installed to a point not less than twelve inches within the lot.

4.12.3 The lateral water line shall enter the lot at a point which is approximately at the center of the lot frontage, unless there exists on the lot a house foundation which requires a lateral service at a different point on the lot frontage.

- 4.12.4 A water line which is installed within the lot to service a house shall be constructed as a straight line from the water line stop-cock, and shall enter the side of the house facing the stop-cock.

The meter on services installed under Sections 4.12.2, 4.12.3, 4.12.4, shall be in a suitable place just inside the front wall of the building.

- 4.12.5 The meter on a house with a slab foundation shall be installed in an outside setting and the service may enter the house whenever convenient.

4.13 FIRE HYDRANTS

- 4.13.1 Fire hydrants shall be installed at the developer's expense.

- 4.13.2 In residential subdivisions the hydrants shall be spaced at intervals not exceeding 500 feet, unless greater space between hydrants is approved by the Director of Public Safety or his authorized representative.

- 4.13.3 In no event shall the distance between a hydrant and any house location in a subdivision exceed 500 feet.

- 4.13.4 In retail business subdivisions the hydrants shall be placed at intervals not exceeding 250 feet, unless a greater space between hydrants is approved by the Director of Public Safety or his authorized representative.

- 4.13.5 In industrial subdivisions the hydrants shall be placed in the most appropriate locations to ensure adequate fire protection for all properties. The hydrant spacing shall be approved by the Director of Public Safety or his authorized representative. In no event shall the distance between a hydrant and an industrial building exceed 250 feet.

4.14 EMERGENCY TELEPHONES

Emergency telephone call boxes shall be installed at the developer's expense when required by the Director of Public Safety or his authorized representative.

4.15 ELECTRICAL TRANSMISSION LINES IN RESIDENTIAL SUBDIVISIONS

All lines or wires used for the transmission of electricity or for communication purposes shall be placed underground from the source and within all subdivisions. If the Director of Public Works and the Planner agree that connection from the source to the subdivision is inordinately difficult, they may waive the requirement for only that underground connection, or any part thereof.

4.15.1 All primary and secondary lines placed between street lines shall be buried at a minimum depth of three (3) feet below the approved final grade of streets, walks, or tree belts.

4.15.2 Related equipment and accessories shall be located so as to minimize hazards to the public.

4.16 PASSIVE SOLAR DESIGN

Any person submitting a plan for a residential subdivision to the Commission shall demonstrate to the Commission that he has considered, in developing the plan, the use of passive solar energy techniques as defined in Section 9.

The purpose of such techniques is to encourage energy conservation, primarily by taking advantage of southerly exposures to the maximum extent possible. By proper lot design and house orientation, a wider range of choices are made available to the future owner regarding building design alternatives which can maximize this solar access advantage.

The passive solar energy techniques considered shall as a minimum include:

4.16.1 House Orientation. In order to take maximum advantage of the winter sun for heating purposes, a building's longest plane would be positioned no more than 30° off the east/west axis (See Section 9.13.3). For the Commission's consideration and for the information of the future lot owner, the subdivision plan will show house orientations which would provide the best solar access.

4.16.2 Street and Lot Layout. Street patterns and lot lines generally determine building orientation. Where no topographic constraints exist, streets shall have an east/west orientation to the greatest extent possible, preferably within 30° of the east/west axis. Where this orientation is not possible or desirable, side lot lines adjacent to intercardinally positioned streets are encouraged to be placed as close as possible to the north/south axis. (See sketch, Section 9.13.4).

4.16.3 Vegetation. Trees can serve as valuable tools in conserving energy in residential buildings. If existing plant materials serve as wind barriers by being positioned north or northwest of homes, they should be retained. Street trees should be planted in a type and location based upon avoiding conflict with a building's southern exposure.

4.16.4 Natural and Man-Made Topographical Features. Adequate solar orientation is dependent upon the slope of the land. When open space is part of a subdivision proposal, consideration shall be given to placing this area on north facing slopes – not conducive to good solar orientation.

4.16.4 (Continued)

Consideration shall be given to the placement of lots on south facing slopes – favorable to good solar access.

4.16.5 Protection of Solar Access Within the Development. For the information of the future lot owner, areas shall be shown on each lot where tree removal would be necessary to provide solar access for the building's south facing wall. Lots with major yard areas to the south of the buildings are encouraged as these are under the owner's control. Where necessary, the placement of solar easements on lots is encouraged.

5 APPLICATION AND PLANS FOR SUBDIVISION

5.1 APPLICATION REQUIREMENTS

5.1.1 All applications for subdivision approval shall be made on standard forms of the Commission, which forms shall be completed to the satisfaction of the Commission.

5.1.1(A) In order to partially defray the public costs associated with the processing of the subdivision applications, all such applications shall, except as provided below, be accompanied by a base application fee of \$120, \$300 per lot and one (1) percent of the cost of all public improvements. For residential subdivisions involving no more than one (1) additional lot that was not previously involved in a subdivision within five (5) years of the application date and does not involve any public improvements, the application fee shall be only the base fee.

5.2 PLAN REQUIREMENTS

5.2.1 Plot Plan

A layout plan of a subdivision drawn to a scale of one inch equals forty feet on sheets not exceeding twenty-five inches by thirty-seven inches, including ruled margins, prepared, certified and sealed by a licensed land surveyor registered in the State of Connecticut, which plan shall show the following:

5.2.1(A) Closed survey information and area of the entire tract constituting the subdivision, which information shall conform to the Class A-2 Requirements of the "Code of Recommended Practice for Standards of Accuracy of Maps" of the Connecticut Technical Council, Inc.

5.2.1(B) Streets with all control points, curve data and right-of-way widths.

- 5.2.1(C) Building lines in accordance with the Zoning Regulations.
- 5.2.1(D) Corner cutoffs at street intersections in accordance with the Town of Windsor Engineering Standards and Specifications.
- 5.2.1(E) Lot boundary lines with dimensions and directions in accordance with the Class A-2 Requirements of the “Code of Recommended Practice for Standards of Accuracy of Maps” of the Connecticut Technical Council, Inc.
- 5.2.1(F) Proposed easements for utilities and drainage, walks, and other rights-of-ways with dimensions and bearings.
- 5.2.1(G) Names of streets.
- 5.2.1(H) Title under which the subdivision plan is to be recorded.
- 5.2.1(I) Name of owner or owners of land.
- 5.2.1(J) All monuments and markers in accordance with the Town of Windsor Engineering Standards and Specifications.
- 5.2.1(K) Names of all abutters as they appear in the most recent tax list.
- 5.2.1(L) North point, scale and date.
- 5.2.1(M) Key Map. The first sheet of the Plot Plan, shall include a plan of the entire subdivision drawn to a scale of not less than one inch equals four hundred feet. The Key Map shall show street intersections with existing streets, and shall contain information which correctly identifies and locates the site.
- 5.2.1(N) Scale Layout Plan. If the subdivision contains 25 lots or more, a separate plan of the entire subdivision drawn to a scale of one inch equals one hundred feet shall also be provided.
- 5.2.1(O) No lot numbers or any other identification numbers other than the house number shall be shown on the plan.

5.2.2 Grading Plan

A grading plan shall be drawn to the same standard as a plot plan, and shall show the same information as a plot plan, plus the following:

- 5.2.2(A) All existing structures with indication as to the proposed utilization or removal of the structures.

- 5.2.2(B) All water courses on the tract.
- 5.2.2(C) Existing ground formation contours at intervals of two feet with spot heights at relevant points, based on the Metropolitan District datum. Prominent isolations and depressions shall be indicated by spot heights.
- 5.2.2(D) Proposed ground formation contours at intervals of two feet.
- 5.2.2(E) All existing rights-of-ways.
- 5.2.2(F) Proposed sanitary sewer system approved by the Metropolitan District.
- 5.2.2(G) Percolation test for each lot proposed for private sewage disposal systems.
- 5.2.2(H) Proposed water lines approved by the Metropolitan District.
- 5.2.2(I) Proposed storm sewers, culverts, and retaining walls in accordance with the Town of Windsor Engineering Standards and Specifications.
- 5.2.2(J) Proposed house basement drains showing invert levels of the drain at the house connection and the storm sewer connection, which levels shall show that gravity flow from house to storm sewer is maintained. If basement drainage is intended to discharge to a natural watercourse, full details shall be shown on plan.
- 5.2.2(K) Proposed basements requiring sump pumps.
- 5.2.2(L) Proposed hydrants in accordance with Section 4.13.

5.2.3 Engineering Profile Plan

The Engineering Profile Plan shall be a plan and profile of the proposed streets drawn on plan profile paper to a horizontal scale of one inch equals forty feet, and a vertical scale of one inch equals four feet, on sheets not exceeding twenty-five by thirty-seven inches, including ruled margins, prepared, certified and sealed by a professional engineer registered in the State of Connecticut, which plan shall show the following:

- 5.2.3(A) Layout of the street in sections coordinated by stations with the profile.
- 5.2.3(B) Tangent directions, curve data and distances, to the nearest hundredth of a foot.

5.2.3(C) Typical cross-section of the street and any other cross-section of the street, which may be required by the Director of Public Works or his authorized representative.

5.2.3(D) Vertical curve elevations at the following points:

5.2.3(D)1 Beginning of the curve (P.V.C. Point).

5.2.3(D)2 End of the curve (P.V.T. Point).

5.2.3(D)3 Intersection of the tangent lines (P.V.I. Point).

5.2.3(D)4 Intermediate points at intervals of 25 feet.

5.2.3(E) Length of vertical curves.

5.2.3(F) Street drainage facilities showing connections to existing drainage systems or watercourses.

5.2.3(G) Sanitary sewer facilities with manholes.

5.2.3(H) Cross-sections and profile of all drainage ditches.

5.2.4 Hydraulic Study

A map based on the Metropolitan District Geodetic and Topographical Survey 1:2400 Scale Maps, showing the areas of drainage which have been considered in the calculation of the storm-sewer pipe diameters, together with the relevant calculations.

5.2.5 Soil Erosion and Sediment Control Plan

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The Plan shall be prepared, certified and sealed by a professional engineer registered in the State of Connecticut, and shall include all of the information shown on the Grading Plan as well as additional information in a narrative and a map format as indicated below:

5.2.5(A) Narrative Format:

5.2.5(A)1 Description of the development.

5.2.5(A)2 Schedule for grading and construction activities (including start and completion dates, sequence of grading and construction, sequence for installation and/or application of

5.2.5(A)2 (Continued)

soil erosion and sediment control measures and sequence for final stabilization of the project site).

5.2.5(A)3 Design criteria and construction details for proposed soil erosion and sediment control measures and storm water management facilities.

5.2.5(A)4 Installation and/or application procedures as well as operation and maintenance programs for soil erosion and sediment control measures (including identification of person(s) responsible for each procedure or program).

5.2.5(B) Map Format:

5.2.5(B)1 Proposed area alterations including cleared, excavated, filled or otherwise graded areas. The location, size and species of existing trees ten inches in diameter or greater in sparsely wooded and moderately wooded areas and the prevalent sizes and species of trees, bushes and shrubs in heavily wooded areas which shall be shown by foliage lines.

5.2.5(B)2 Location and design details of all proposed soil erosion and sediment control measures and storm water management facilities.

5.2.5(B)3 Sequence of grading and construction activities, installation and/or application of soil erosion and sediment control measures and final stabilization of the project site.

5.2.5(B)4 Soil types listed in tabular form and shown on the plan at the 1:20,000 scale as used by the Soil Conservation Service.

6 SUBMISSION OF SUBDIVISION APPLICATION

6.1 The Commission will receive applications for subdivision plan approval at regular scheduled meetings in accordance with a schedule which is filed annually in the office of the Town Clerk.

6.2 All subdivision applications shall be deposited with the Town Planner not less than fifteen days prior to a Commission Meeting as referred to in Section 6.1, for review as to its completeness prior to submission to the Commission.

- 6.3 The Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith, within the times specified by the Connecticut General Statutes.

In modifying and approving a subdivision application, the Commission shall rely upon relevant Town Staff to ensure compliance of such modifications with these Regulations and the current Town of Windsor Engineering Standards and Specifications. The Commission shall state the nature of each modification subject to Town Staff review and approval in the motion to modify and approve.

- 6.4 The Commission may request from an applicant an extension of the time period required for approval if there appears to be unusual problems in engineering, site conditions, easements, or for any other good cause.

7 PRE-APPLICATION SCRUTINY

A pre-application review of a proposed subdivision plan by the Commission may be requested by an applicant in order to ascertain if the street layout, or any other proposal, meets with the requirements of these regulations, or to ask for consideration of any variation of a requirement.

An applicant may confer with any member of the staff of the Town of Windsor with regard to any requirement of these regulations before the preparation of subdivision plans.

The submission of pre-application plans to the Commission shall not constitute an application for subdivision approval, and review of pre-application plans by the Commission shall not constitute action on any subdivision application.

8 SECURITY REQUIREMENTS

Before a building permit shall be issued, all improvements as per the approved subdivision plan and in accordance with the Subdivision Regulations of the Town of Windsor shall be installed, or in lieu of this installation the Commission may accept cash, a passbook with irrevocable assignment exclusively to the Town of Windsor or an irrevocable letter of credit without duration, hereinafter defined, or a bond of a corporate surety company which company shall be satisfactory to the Town of Windsor, licensed to do business in Connecticut, and having a business in the State of Connecticut, in an amount and with surety and conditions securing to the Town of Windsor within a time period specified in the bond the construction, installation and maintenance of subdivision improvements. At least twenty-five percent (25%) of any surety must be in cash, passbook, or letter of credit. The cash, passbook, or letter of credit, shall be the last portion of the surety to be released. If the developer and the landowner are not the same, all surety bonds and other pertinent security requirements shall be provided to the Town of Windsor and endorsed by the same person or entity that obtained subdivision approval.

- 8.1 The bond shall be in the amount equal to the cost of constructing any remaining improvements but no less than ten percent (10%) of the cost of all improvements,

8.1 (Continued)

excluding water and sanitary sewer lines, as estimated by the Town Engineer and approved by the Commission.

- 8.1.1 An irrevocable letter of credit shall be issued on a form provided by the Town of Windsor by a bank or insurance company licensed to do business in the State of Connecticut; and, shall not expire until public improvements are accepted by the Town Council. Prior to the Council acceptance of these improvements, a maintenance security shall be accepted by the Commission and shall be valid until one year after street acceptance. Improvements shall be completed no later than the expiration date stamped on the subdivision plan, except that the Commission may require completion of certain improvements within a shorter period of time if deemed necessary for public health and safety.
- 8.2 When the Town of Windsor adopts and accepts the streets in a subdivision, the Town shall release no less than ninety-five percent (95%) of the cost of all improvements, excluding water and sanitary sewer lines, and shall hold no more than five percent (5%) of the cost of all such improvements for a period of one year from the day the street is accepted in order that the Town may be protected against faulty construction.
- 8.3 No new residential building, or part of any residential building, in a subdivision shall be approved for use and occupancy on a temporary or a permanent basis which is situated on a lot whereon the following improvements as per the approved subdivision plan have not been provided:
 - 8.3.1 All permanent steel boundary marker pins in accordance with Section 4.5.7.
 - 8.3.2 All required trees in accordance with Section 4.10.1.
 - 8.3.3 Final Grading over all disturbed areas in accordance with the approved plan, including stabilization of the soil (e.g., seeding and topsoil, wood chips, landscaping, etc). In cases where problem soils exist, and where there is disagreement regarding the quality of the soil, the standard shall be a minimum of five- percent (5%) organic content, which the Town will have verified.
- 8.4 In specific cases where the improvements specified in Section 8.3 can not be installed on individual lots due to unusual weather or site conditions at the time the Certificate of Occupancy is sought, their installation may be deferred to a specific time, not to exceed one year, by the Director of Public Works. To be granted this extension, the developer shall execute a Town prepared written agreement stating that all unfinished improvements will be made within the specified time. This agreement shall also state that in the event these improvements are not installed by the deadline, he waives his right to contest the utilization of the posted cash bond by the Town to have these improvements made, and that the Town (or its designee) has rights of access to the

8.4 (Continued)

property to make the improvements. In no event shall the monies used by the Town exceed the amounts specified in the original subdivision bond.

- 8.5 By the time Certificates of Occupancy have been issued and the lots conveyed for two-thirds (2/3) of the lots on a sidewalk side of a street in a subdivision, or any phase thereof as shown on the approved subdivision plan, the developer shall have installed the sidewalk(s) in accordance with the approved subdivision plan on that side of the street or no additional Certificate of Occupancy shall be issued for lots on that side of the street in the subdivision or any phase thereof as shown on the approved subdivision plan; however, if the Director of Public Works finds that the sidewalks cannot be installed at this time due to unusual weather or site conditions, this improvement may be deferred to a specified time, not to exceed one year. To be granted this extension the developer shall execute a Town prepared written agreement stating that in the event sidewalks are not installed within the specified time, he waives his right to contest the utilization of the posted cash bond by the Town to have these improvements made, and that the Town (or its designee) has rights of access to the property to make the improvements.

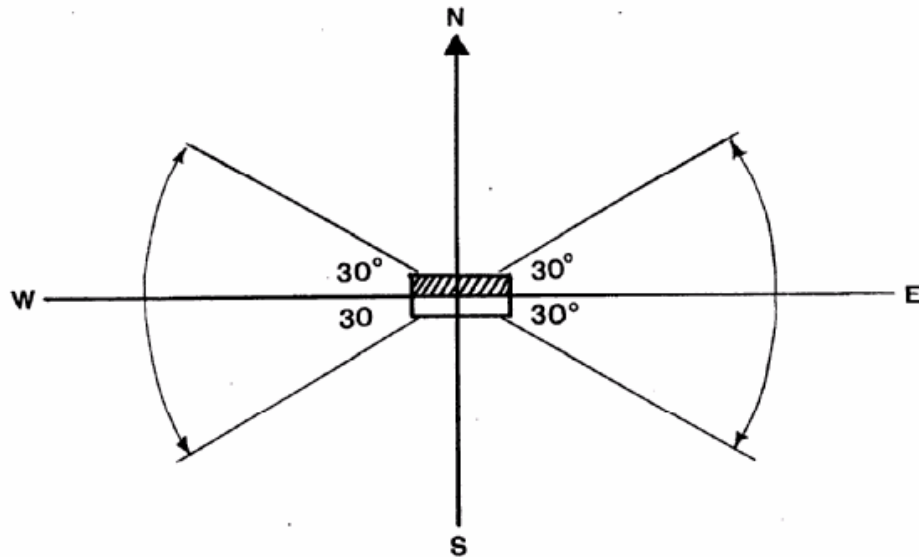
9 DEFINITIONS

- 9.1 **BUILDING DRAIN** - The building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building, and conveys it to the building sewer, beginning 3 feet outside the building wall.
- 9.2 **BUILDING SEWER** - The building sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain, and which receives the discharge of the building drain and conveys it to a public sewer, private sewer or individual sewer disposal system.
- 9.3 **BUILDING STORM DRAIN** - Building storm drain is a building drain used for conveying surface water, sub-surface water, etc. to a building storm sewer, extended to a point not less than 3 feet outside the building wall.
- 9.4 **BUILDING STORM SEWER** - The building storm sewer is that part of the horizontal piping of a water drainage system which extends from the end of the building storm drain, and which receives the discharge of the building storm drain and conveys it to a public storm sewer or any point of disposal.
- 9.5 **CAPPED SEWER** - A sanitary sewer installed in a subdivision which sewer is sealed or capped to prevent usage.

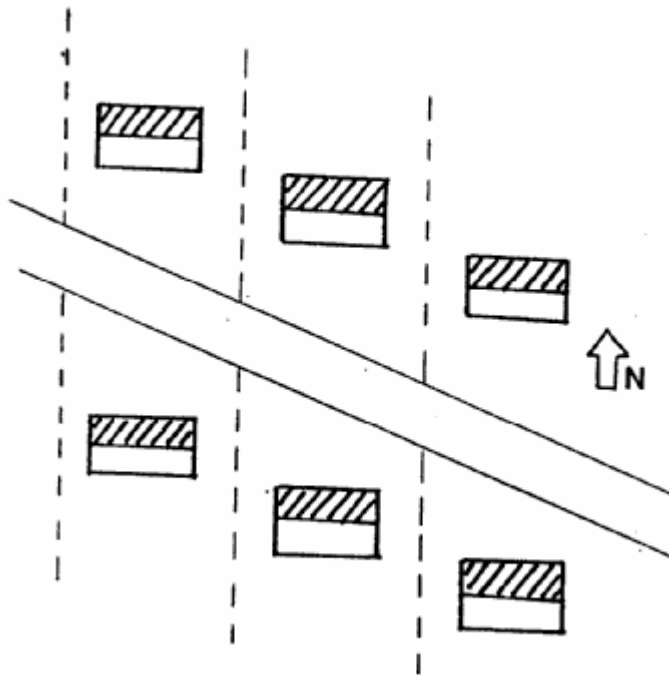
- 9.6 COLLECTIVE OR COMMUNAL SEWER SYSTEM - A local water pollution control plant (also known as a sewage treatment plant) serving a limited number of homes in a subdivision, and intended to be temporary until connected to a Metropolitan District sewer outlet.
- 9.7 COMMISSION - The Windsor Town Planning and Zoning Commission.
- 9.8 GRAVEL BASE CONDITION - The stage of construction of a roadway which is deemed by the Director of Public Works to satisfactorily accommodate vehicular traffic.
- 9.9 HOUSE CONNECTION - See Building Sewer.
- 9.10 HYDRAULIC STUDY - A map computation of the total watershed area which will eventually pass through the storm sewer system in a subdivision. This study is for the purpose of determining floodwater capacity of storm sewer pipes, culverts, and
- 9.10 (Continued)
- drainage ditches, etc. For further information refer to the Town of Windsor Engineering Standards and Specifications.
- 9.11 METROPOLITAN DISTRICT DATUM - Height above sea level value shown on the Metropolitan District Geodetic & Topographical Survey Map.
- 9.12 MERESTONES - A granite post installed to the Town of Windsor Specifications to designate the legal limits of a highway or other boundary.

9.13 PASSIVE SOLAR DESIGN -

- 9.13.1 Passive Solar Energy Techniques - Site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.
- 9.13.2 Solar Access - The access to unobstructed direct sunlight required by a solar collector for its efficient operation, generally determined as having the south walls of a building receiving uninterrupted sunlight between the hours of 9:00 A.M. and 3:00 P.M. on December 21.
- 9.13.3 Building Orientation - The relationship of a building's longest axis to the true south compass point.



9.13.4 Lot Orientation on Intercardinal Streets



9.14 PRE-APPLICATION SCRUTINY - A review of subdivision plan proposals by the Commission to assist a developer prepare satisfactory subdivision plans.

9.15 STACK - Pipe extended to the roof for the purpose of ventilating house sewer systems.

9.16 STREET PLAN - A plan of recommended future street layout approved by the Town Planning and Zoning Commission.

9.17 SUMP PUMP - A pump installed in a basement well which lifts water to the height of the building storm sewer.

10 WAIVER OF SUBDIVISION REQUIREMENTS

- 10.1 Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, or the purpose of these Regulations may be served to a greater extent by an alternative proposal, it may grant a waiver to these Subdivision Regulations so that substantial justice may be done and the public interest secured, if such waiver does not have the effect of nullifying the intent and purpose of these Regulations. The Commission shall not grant a waiver unless it finds based upon the evidence presented to it in each specific case that:
- 10.1.1 The granting of the waiver will not have an adverse effect on adjacent property or on the public health or safety; or
 - 10.1.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other land in the area; or
 - 10.1.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; or
 - 10.1.4 The waiver will not in any manner vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.
- 10.2 A waiver must be approved by a vote of three-fourths of all the members of the Commission. The Commission shall state upon its records the reasons for which a waiver is granted in each case. In approving a waiver, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.
- 10.3 A request for any such waiver shall be submitted in writing by the applicant at the time of application acceptance by the Commission. The request shall state fully the grounds for the request and all of the facts relied upon by the applicant.