

SECTION 1 - INTRODUCTION

1.0 PURPOSE AND AUTHORITY

These Regulations are adopted under the authority of Chapter 126 of the Connecticut General Statutes and may be amended from time to time in order to regulate the subdivision of land and ensure that:

- land being (re)subdivided is capable of being used for building purposes without endangering public health, safety, or welfare;
- proper provisions are made for water, sewage, and stormwater drainage;
- in areas subject to flooding, required flood control measures are taken; and
- proposed streets are in harmony with the existing or proposed street network, especially with regard to safety, convenience, and future capacity.

1.1 SUBDIVISION REGULATIONS

1.1.1 Minimum Requirements

The provisions of these Regulations are minimum regulations, adopted to protect the public health, safety, and general welfare. Unless specified, wherever the requirements of these Regulations conflict with the requirements of any other ordinance, statute, rule, regulation, deed restriction, or declaration, the more restrictive standards shall govern. Whenever the requirements of a Section or Subsection of these Regulations conflict with any other Section or Subsection, the more restrictive standards shall govern.

1.1.2 Conformity Required

No land shall be subdivided, resubdivided, reduced in size, or sold in a way that does not conform to the requirements of these Regulations or the Town of Windsor Zoning Regulations.

1.2 VALIDITY, SEPARABILITY AND EFFECTIVE DATE

1.2.1 Validity and Separability

If any Section or provision of these Regulations is found to be unconstitutional or invalid, that decision shall be limited to the Section or provision declared unconstitutional or invalid and shall not affect the validity of these Regulations as a whole, or any other part thereof.

1.2.2 Savings Clause

The enactment of these Regulations, repealing the prior Regulations, shall not abate any action or proceeding pending under the prior Regulations.

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1.2.3 Repealer

All ordinances or parts of ordinances or regulations inconsistent with these Regulations are hereby repealed.

1.2.4 Effective Date

These Regulations shall take effect on X, X 2000.

SECTION 2 - INTERPRETATION AND DEFINITIONS

2.0 INTENT

The definitions contained in this Section shall apply to the interpretation of these Regulations, except where the context clearly shows otherwise or where their strict interpretation would be contrary to the intent of these Regulations.

2.1 USE OF TERMS

- Words used in the singular shall include the plural, and vice-versa.
- Words used in the present tense shall include the future tense, and vice-versa.
- The word "shall" is mandatory and not discretionary.
- The word "may" is permissive.
- The word "required," when used to modify a word or phrase (e.g., "required yard" or "required planting") shall indicate mandatory compliance with a requirement of these Regulations.
- The word "lot" shall include the words "parcel," "site," "property," and "premises".
- The word "person" shall include a "partnership," "firm," "association," or "corporation".
- The words "zone," "zoning district," and "district" shall have the same meaning.
- The phrase "these Regulations" shall refer to the entire Subdivision Regulations or to any of its sections or subsections.
- The word "Commission" shall refer to the "Windsor Town Planning and Zoning Commission".
- A "relevant" or "appropriate professional" shall be a person or agency licensed by or registered in the State of Connecticut as a Land Surveyor or Professional Engineer.
- The word "plan" shall include, but not be limited to, plot plans, landscaping plans, grading plans, erosion and sedimentation control plans, engineering profile plans, and all associated agreements, reports, and statements.
- The word "development" shall include "subdivision" and "resubdivision".
- The term "subdivision application" shall include "re-subdivision application".
- The word "regulation" shall include the words "provision," "requirement," and "standard".
- The acronym CGS shall refer to the Connecticut General Statutes, as amended.
- The acronym MDC shall refer to the Metropolitan District Commission.

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- Except where specifically defined below, all words used in these Regulations shall carry their customary meaning.

2.2 DEFINITIONS

ACTIVE ADULT SUBDIVISION: (see SUBDIVISION, ACTIVE-ADULT)

ACTIVE RECREATION: Recreational activities requiring a lined court or field or involving formal picnic areas (with tables, barbecues, trash containers, etc.).

BOUNDARY MARKER PIN: A metal stake driven into the ground by a land surveyor to mark a corner or change in direction of a lot boundary line (see also BOUNDARY REFERENCE PIN and MERESTONE).

BOUNDARY REFERENCE PIN: A boundary marker pin established a referenced distance from a lot corner when it is impractical to establish a pin at a corner due to a physical impediment such as a large boulder, tree, or water body.

BUILDING DRAIN: A horizontal drainpipe that carries wastewater from plumbing pipes inside a building to the building sewer located outside the building wall.

BUILDING LINE: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Commission; a line shown to be a building line on a plan of subdivision signed by the Commission.

BUILDING SEWER: A horizontal drainpipe that carries wastewater from a building drain to a public sewer, communal sewer, or individual septic system.

BUILDING STORM DRAIN: A horizontal drainpipe that carries stormwater and/or sub-surface water collected in and around a building to a building storm sewer located outside the building wall.

BUILDING STORM SEWER: A horizontal drainpipe that carries stormwater downgrade from the building storm drain to a public storm sewer or other point of discharge.

CAPPED SEWER: A sanitary sewer installed in a subdivision that is temporarily capped to prevent its usage until it is connected to the MDC's sanitary sewer.

CLUSTER SUBDIVISION: (see SUBDIVISION, CLUSTER)

COLLECTIVE OR COMMUNAL SEWER SYSTEM: A temporary sewage system and treatment plant serving a limited number of homes in a subdivision until a connection can be made to an impending MDC sewer line.

COMMISSION: The Windsor Town Planning and Zoning Commission.

DENSITY OF OCCUPANCY: The number of families or dwelling units allowed per acre of developable land.

DEVELOPABLE LAND: For the purposes of calculating density, that part of a lot free of any inland wetlands or watercourses; areas designated as Special Flood Hazard Area; or slopes greater than 25% (see also UNDEVELOPABLE LAND).

DWELLING UNIT: A building or part of a building providing complete housekeeping facilities for one family only.

FAMILY: One person; a group of two or more people related by blood, marriage, legal adoption, or legal guardianship; or a group of not more than five unrelated people, living and cooking together in the same dwelling unit as a single housekeeping unit. A family may also include domestic help, but does not include roomers, boarders, or lodgers.

FEMA: The Federal Emergency Management Agency.

FLOOD INSURANCE RATE MAP (FIRM): The official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards (100-year floodplain) and the insurance and risk premium zones applicable to a community. FIRMs published after January 1990 may also show the limits of the regulatory floodway.

FLOOD INSURANCE STUDY (FIS): The official study of a community in which Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

FLOODPLAIN: Any land area susceptible to being inundated by water.

GRAVEL BASE CONDITION: The stage of construction of a roadway that is determined by the Town Engineer to satisfactorily accommodate vehicular traffic.

HOUSE CONNECTION: (see BUILDING SEWER)

HYDRAULIC STUDY: A map computation of the total watershed area that 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 drainage ditches, etc. For further information refer to the Town of Windsor Engineering Standards and Specifications.

LIMITED ACCESS HIGHWAY: A highway with controlled access points intended to serve regional or interstate traffic.

LOT: A parcel or parcels of land under the same ownership, capable of being lawfully built on and/or used in compliance with these Regulations.

LOT, CORNER: A front lot that abuts two or more streets, resulting in two or more front yards (see Appendix 1, page 1).

LOT, FLAG: A lot located to the rear of a front lot with a narrow access strip of at least 25 feet in width providing access to the street.

LOT, FRONT: A lot abutting a street that generally meets the minimum lot width requirement when measured at the minimum front yard setback from the street.

LOT, NON-CONFORMING: A lot of record, lawfully established and maintained, which no longer conforms to the land use standards or use regulations of the underlying zone.

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LOT, THROUGH: A lot with frontage on two or more streets that do not intersect adjacent to the lot.

LOT AREA: The area of a lot in acres or square feet.

LOT FRONTAGE: The property line of a lot, measured along the street line (see also LOT).

LOT LINE: A boundary separating a lot from another lot or a right-of-way.

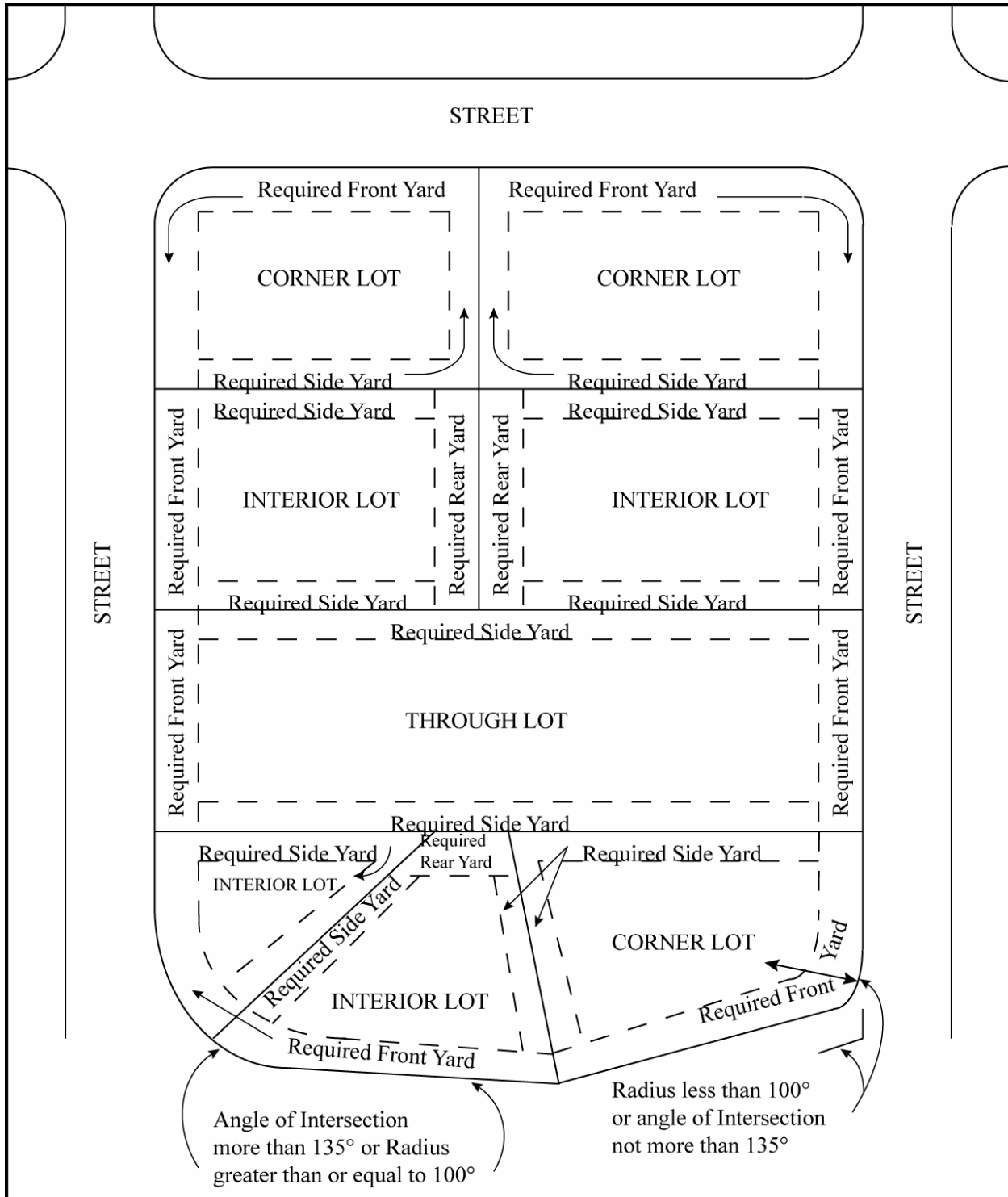
LOT LINE, FRONT: A boundary separating a lot from a street, or in the case of a flag lot, a boundary separating a flag lot from a front lot and located generally parallel to the street that provides access to the lot.

LOT LINE, REAR: A boundary line separating two lots and located generally opposite the front lot line, except that a corner lot or a through lot shall not be required to have a rear lot line.

LOT LINE, SIDE: A boundary line separating two lots that is neither a front lot line, nor a rear lot line.

LOT WIDTH: The width of a lot measured in a straight line between the two points where the building line intersects the side lot lines, except that it shall not include any part of the lot used for vehicular access to any other lot. In the case of a corner lot, lot width shall be measured parallel to the narrower of the two front lot lines (see also LOT FRONTAGE).

Typical Lot Types



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MAJOR DECIDUOUS TREE: A shade tree measuring three to three and one-half inches or more in diameter at breast height at time of planting or a flowering tree measuring two and one-half to three inches or more in diameter at breast height at time of planting.

METROPOLITAN DISTRICT DATUM: Height above sea level value shown on the Metropolitan District Geodetic & Topographical Survey Map.

MERESTONE: A granite post installed to the Town of Windsor Standards and Specifications to designate the legal limits of a street or other boundary.

OPEN SPACE: Undeveloped land that is preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character; used for passive recreation; or improved for active recreation.

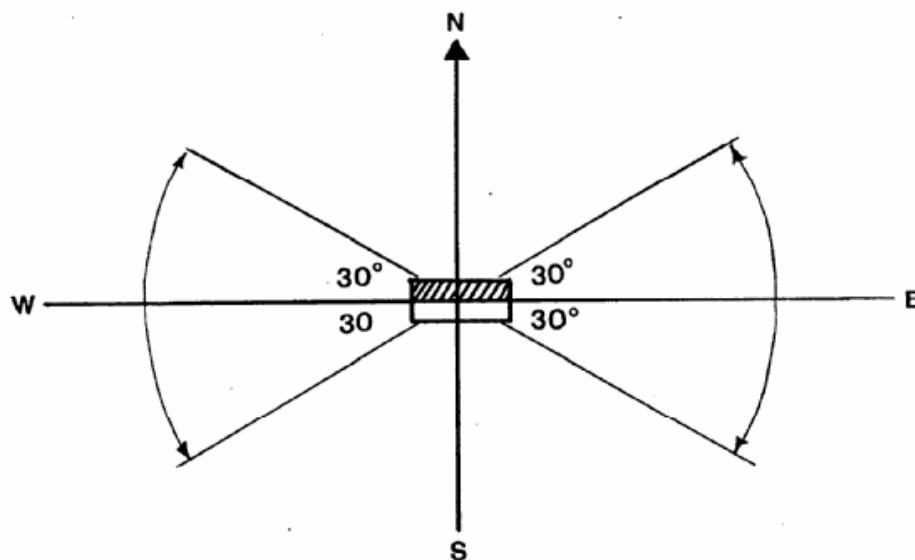
OPEN SPACE SUBDIVISION: (see SUBDIVISION, OPEN SPACE)

PASSIVE SOLAR DESIGN:

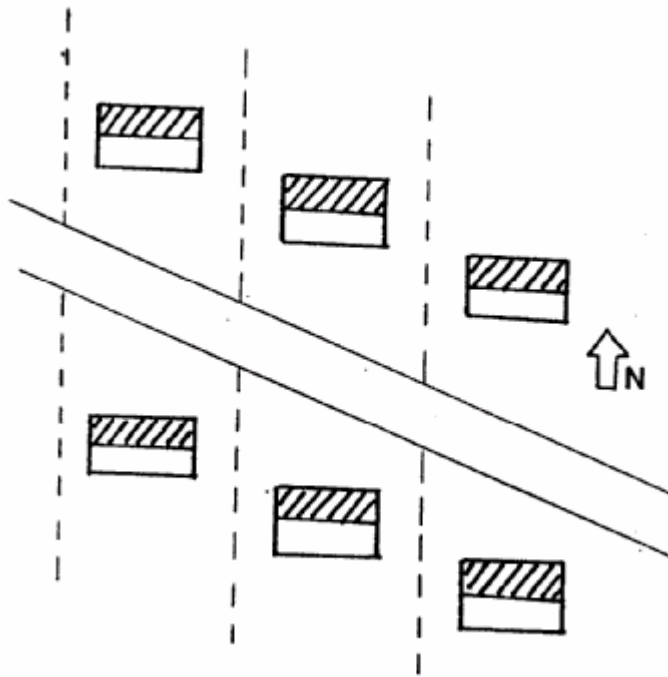
Passive Solar Energy Techniques: Site design techniques that maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.

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.

Building Orientation: The relationship of a building's longest axis to the true south compass point.



Lot Orientation on Inter-cardinal Streets



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

RESERVE PARCEL: A parcel of land, usually unbuildable due to extreme narrowness or depth, which is used solely to prevent access from one parcel to another or to an adjacent roadway, common driveway, or access easement; also known as a spite strip.

RE-SUBDIVISION: A change in a map of an approved or recorded subdivision or re-subdivision, if the change (a) affects any street layout shown on the map, (b) affects any area reserved on the map for public use, or (c) diminishes the size of any lot shown on the map and creates an additional building lot; if any of the lots shown on the map have been conveyed after the approval or recording of the map.

RIGHT-OF-WAY: An area dedicated to public or private use for pedestrian and vehicular access or public utilities.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFEs) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRMs) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

SPITE STRIP: (see RESERVE PARCEL)

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

STREET: Any public or private roadway located within a right-of-way designed, maintained, and used as a public thoroughfare in accordance with the laws of the State of Connecticut and the ordinances of the Town of Windsor, or recorded in the office of the Town Clerk if constructed and accepted before the passage of state and local regulations.

STREET, ARTERIAL: A street, often a state highway, primarily intended to carry regional traffic and serve major activity centers.

STREET, COLLECTOR: A street intended to serve business areas and/or distribute traffic between arterial streets and neighborhoods.

STREET, LOCAL: A street primarily intended to provide access to abutting properties and not serve major through traffic.

STREET, SERVICE: A local street or driveway giving access to multi-family housing, or parking and recreation facilities in a Design Development.

STREET, THROUGH: A collector street that provides continuous circulation and serves as a collector of service streets in a Design Development.

STREET LINE: The property line dividing a street from other private or public land.

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

SUBDIVISION: A division of a 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 re-subdivisions (see RE-SUBDIVISION).

SUBDIVISION, ACTIVE ADULT: A subdivision limited to households with at least one person 55 years of age or older and no residents under 18 years of age.

SUBDIVISION, CLUSTER: An open space subdivision that allows tighter clustering of dwelling units to afford maximum preservation of natural, scenic, or other resources.

SUBDIVISION, OPEN SPACE: A subdivision of a tract of land into smaller lots than permitted by the zoning requirements, provided that the density of occupancy is not increased and the resulting surplus land is dedicated to the Town or other responsible steward for open space or agricultural purposes.

SUMP PUMP: A pump installed in a basement well that lifts water to the height of the building storm sewer.

UNDERLYING ZONE: The zoning district underlying a lot.

UNDEVELOPABLE LAND: For the purposes of calculating density, that part of a lot containing inland wetlands or watercourses, areas designated as Special Flood Hazard Area, or slopes greater than 25% (see also DEVELOPABLE LAND).

WATERCOURSE: A river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border on the Town regulated under CGS Section 22a-28 through 22a-35.

WETLAND: Land, including submerged land regulated under CGS Section 22a-28 through 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey of the U.S. Department of Agriculture, as may be amended from time to time. Wetlands may include filled, graded, or excavated sites that possess an aquic (water saturated) soil moisture regime as defined by the National Cooperative Soils Survey.

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SECTION 3 - 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.

3.1 PROOF OF LAND OWNERSHIP

Applicants for subdivision approval shall submit evidence of their interest in and all pertinent information concerning land included in the subdivision.

The applicant shall provide the Commission with written evidence of any easements, restrictions, or other encumbrances on or pertaining to the land to be subdivided.

3.2 PUBLIC HEARINGS

3.2.1 The Commission may, at its discretion, hold a public hearing regarding any subdivision application.

3.2.2 The Commission shall hold a public hearing for all re-subdivision applications.

3.3.3

3.3 RE-SUBDIVISION

All plans of re-subdivision shall include sufficient information to identify the original recorded subdivision plan in the Town land records.

3.4 LOT SIZES AND GEOGRAPHY

3.4.1 All lots shall conform to the requirements of the Windsor Zoning Regulations and shall be configured in a way that does not restrict their reasonable use and enjoyment.

3.4.2 Where adverse geographical conditions or a difficult site configuration exists, the minimum lot size and area requirements may be reduced in accordance with the Windsor Zoning Regulations provided the density of lots per developable acre is not increased.

3.4.3 Land that cannot safely be used for building purposes in its present condition because of fire, flood, or health hazards; inadequacy of public drainage systems; difficult site drainage; , steep or erodable slopes; or any other condition determined 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 of the site will eliminate such hazards without substantially altering the character of the land.

3.4.4 The Commission may impose reasonable and necessary modifications to subdivision plans at the time of their approval.

3.4.5 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 an easement from the owners of the affected property granting the Town of Windsor the right to permanently discharge water across

their property, and shall submit copies of the easement to the Commission prior to subdivision approval.

- 3.4.6 Where it is necessary to drain a public street 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.
- 3.4.7 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.
- 3.4.8 Metal boundary-marker pins shall be permanently established to define all easements.
- 3.4.9 All survey work and monumentation shall be conducted under the supervision of a Professional Land Surveyor licensed in the State of Connecticut and in accordance with the *Standards for Surveys and Maps in the State of Connecticut*, adopted September 26, 1996.

3.5 ACCESS TO LOTS AND ADJOINING LANDS

Land shall not be subdivided in a way that unreasonably restricts the future subdivision of adjoining lands.

- 3.5.1 There shall be direct access to each lot from a public street.
- 3.5.2 There shall be access provided by street-width reserve parcels to provide access into and allow future subdivision of adjoining land. The location of the access reserve parcels shall be determined by the Commission and shall be designated as a future street on all subdivision plans. The Commission may require the developer to deed or otherwise give rights to any reserve parcels to the Town.

3.6 OPEN SPACES

- 3.6.1 **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, in accordance with Section 14.1.21 of the Windsor Zoning Regulations, as public open space, parks, and/or playgrounds when and in places determined appropriate 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 3.6. 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.
- 3.6.2 **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 applicants, the Commission may instead accept a fee or any combination of land and fee by applying the following conditions and procedures:

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- A The fee, or combination land and fee, shall not exceed ten percent of the fair market value of the land prior to subdivision.
- 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.
- C The subdivider shall indicate on the application and subdivision plans whether land, a fee in-lieu of open space, or a combination of land and fee is being proposed. Exemptions under Section 3.6.6 shall also be indicated on the application and subdivision plans.
- 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.
- E The percentage of wetlands, steeply sloped areas in excess of 25 percent, and areas designated as a Special Flood Hazard Area for the required open space area shall not exceed that of the entire subdivision.

3.6.3 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 \$3,000 per lot.

3.6.4 Payment. Any fees in lieu of open space may be paid in full prior to filing final plans with the Town Clerk or shall be 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 assuring 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.

3.6.5 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 4.5.2 of the Windsor Zoning Regulations and any easements required for conservation, slope, erosion, and/or wildlife protection.

3.6.6 Exemptions. The open space requirements of this Section shall not apply to the following:

- A Subdivisions of less than five parcels, where all of the lots are transferred to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin for no compensation.
- B Affordable housing developments in which not less than 30 percent of the dwelling units will be set aside as affordable, as defined in [CGS Section 8-30g](#).
- C Retail, office, warehouse, and industrial subdivisions.

3.7 STREETS

The various highways and streets in Windsor are classified as limited-access highways, arterial streets, collector streets, and local streets. Classification of Streets

A Limited-Access Highway

A highway of regional or interstate importance, designed and controlled by the state or federal government.

B Arterial Street

A street, often a state highway, primarily intended to carry regional traffic and serve major activity centers.

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

C Collector Street

A street intended to serve business areas and/or distribute traffic between arterial streets and neighborhoods.

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

D Local Street

A minor street that mainly serves residences in a neighborhood.

All new local streets in a residential zone, whether public or private, shall be constructed with a minimum right-of-way width of 50 feet and a minimum road width of 28 feet, unless reduced in width under Section.

E The Commission shall determine the classification of all streets proposed as part of a new subdivision.

3.7.2 Notice of Intent to Construct a Street

The construction of a new street or any part of a new street shall not begin until the contractor has notified the Town Engineer in writing.

3.7.3 Design Criteria for New Streets

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

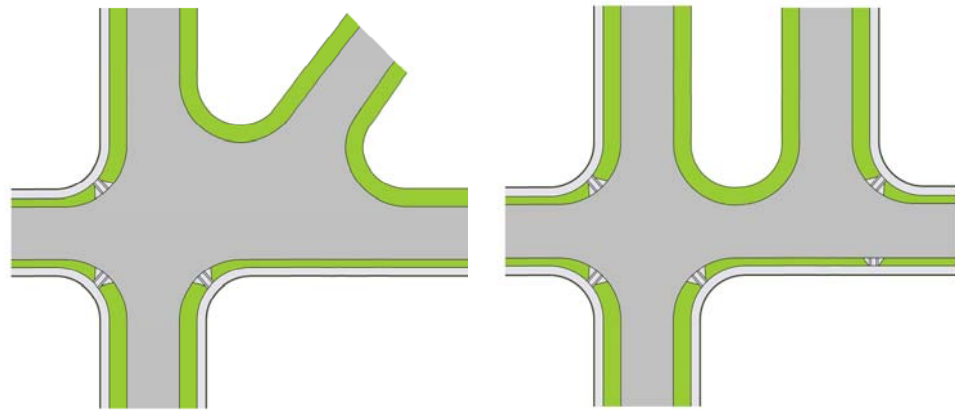
A Unless requirements and/or standards are specifically waived by the Commission under these Regulations, all public and private streets shall be constructed under the requirements of the Town of Windsor Engineering Standards and Specifications.

B The arrangement of streets in all subdivisions shall ensure that the continuity of streets is maintained to provide adequate traffic circulation. If the subdivision is

proposed in an area that the Commission has adopted a street plan for,, the arrangements of streets shall conform to the adopted plan.

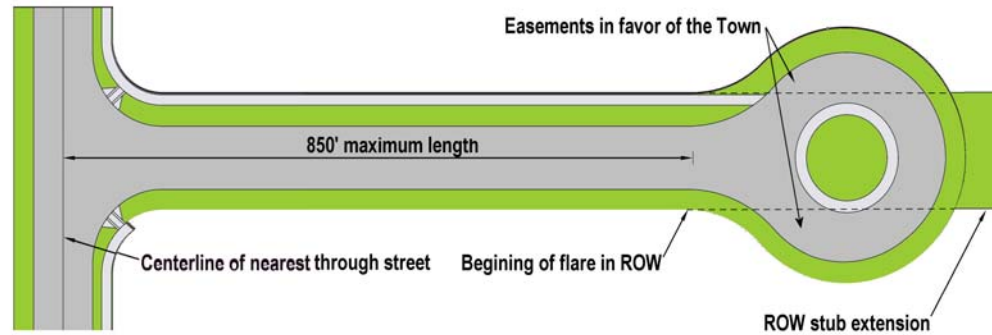
- C Where a subdivision contains lots that front on an existing road or street, the existing road or street shall have adequate right-of-way width, suitable road surface, and suitable drainage for increased traffic.
- D Streets shall intersect as near as possible at right angles (90 degrees) and no street shall intersect any other street at less than a sixty-degree angle.
- E 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.

Examples of Prohibited Intersection Configurations



- F The total length of any combination of cul-de-sacs and/or loop streets shall not exceed 850 feet, as measured along the center line of the right-of-way of these streets from their point of intersection with the center line of the adjacent through street to the point where the right-of-way begins to flare into the turnabout circle or loop of these 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 cul-de-sac streets shall contain a turnabout circle at the end of the street. If a cul-de-sac street is intended to be extended at a future date, the turnabout circle or loop shall be constructed with a street right-of-way width stub extension. The turnabout circle of a cul-de-sac extending beyond the 50-foot right-of-way shall be located on an easement in favor of the Town of Windsor, which shall be restored to lawn and driveway by any developer extending the street, and released by the Town of Windsor to the owners.

Cul-de-sac Diagram



- G No cul-de-sac or loop 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.
- H All required street monumentation shall be installed prior to the construction of any buildings. If the subdivision is to be developed in phases, the required street monumentation for a particular phase shall be installed prior the construction of any buildings within that phase.
- I In the event that a building is constructed prior to the completion of the adjoining street, that building shall not receive a Certificate of Occupancy unless the Town Engineer or his authorized representative approves a partially constructed street finished to at least a gravel base condition and the required performance surety for the completion of the street is in place.
- J Street name signs shall be installed at the developer's expense in accordance with the Town of Windsor Engineering Standards and Specifications.
- K Traffic signs shall be installed at the developer's expense as required by the Town's Legal Traffic Authority.
- L The approval and filing of a subdivision plan does not constitute acceptance of any public street, park, open space, or other improvement by the Town of Windsor, or in the case of private streets and improvements, acceptance by a homeowners association.
- M The Town Council, or a homeowners association in the case of a private improvements, will only accept streets, , parks, open space, and other improvements after all requirements of the Commission have been met. The owner of a proposed subdivision shall be required to deed to the Town of Windsor and/or a homeowners association all streets, parks, and other proposed public lands in the subdivision.

N If the applicant provides adequate justification in accordance with Section 5.3.1G(1), the Commission may permit street pavement width reductions for the development of nine or less residential units on a non-extendable cul-de-sac or loop street with posted on-street parking restrictions and at least four off-street parking spaces per dwelling unit provided by residential driveways in front of the dwelling unit or garage and/or designated off-street parking areas. The Commission may allow a pavement width

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reduction to a minimum of 24 feet, measured between the curbing. The design of the street shall otherwise be in accordance with the Town of Windsor Engineering Standards and Specifications.

3.7.4 Design Criteria for New Sidewalks

- A Unless waived by the Commission under Section 3.7.4(F), sidewalks shall be required on all existing and proposed streets.
- B All sidewalks shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications.
- 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 along their frontage on the side of the street contiguous to the proposed development. Sidewalks beyond the frontage of the proposed development and on the opposite side of the street shall be provided as those properties are developed or as the Town may provide at its discretion.
- D When a subdivision has frontage on a collector street, as identified in the Windsor 2004 Plan of Conservation and Development, sidewalks shall be required on only one side of the street. Based on the current location of sidewalks in the vicinity as well as plans and other information provided by the Town Engineer and Town Planner, the Commission shall determine which side of a collector street is the most appropriate side for the installation of sidewalks. If required, the developer shall only be responsible for sidewalks along the frontage of their proposed development. Sidewalks beyond the frontage of the proposed development or on the opposite side of the street shall be provided as those properties are developed or as the Town may provide at its discretion.
- E 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.
- F In accordance with Section 5.3.1G following a written request for a waiver by the applicant 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
 - 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. the area is zoned business or industrial and a bituminous concrete path of eight 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.

3.8 ENGINEERING AND CONSTRUCTION

- 3.8.1 All engineering and construction shall be in accordance with the Town of Windsor Engineering Standards and Specifications.
- 3.8.2 In the event that it is difficult to meet the required standards, the applicant shall obtain approval for any modification from the Town Engineer or his authorized representative, and shall describe the modification in his application.
- 3.8.3 The engineering and construction in the field shall be in accordance with the plans approved by the Commission, except that minor field changes may be authorized by the Town Engineer or his authorized representative.
- 3.8.4 The land on all side and rear lot lines of all lots shall be graded by the owner/developer in accordance with the approved grading plan to provide for adequate drainage of surface water. No change to the grading on the ground or the grading plan may be made by anyone without modification of the grading plan approved by the Commission, except that minor field changes may be authorized by the Town Engineer or his authorized representative, provided that the drainage characteristics of the site are maintained. This requirement shall be a covenant running with the land for the benefit of each lot owner in the subdivision and each lot owner shall have a private cause of action to enforce this provision against any violation. A note to this effect shall be placed upon the subdivision plan and the grading plan recorded on the land records.
- 3.8.5 Post-construction stormwater management shall be designed and permitted in accordance with the Town's Stormwater Management Ordinance, Chapter 14, Article IX, of the *Windsor Codes of Ordinances*.

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- 3.8.6 Post-construction stormwater management improvements, including those necessary for the Town's storm drainage system, shall be paid for by the developer of the subdivision.
- 3.8.7 When the storm drainage system is constructed prior to house construction and sidewalks are proposed, all proposed piping onto building lots shall be installed to a point not less than six feet within the lot.
- 3.8.8 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.
- 3.8.9 Safety measures shall be implemented during construction to protect the public against hazards that may be caused by construction machinery and heavy equipment, earthmoving, eroding slopes, excavated holes, and similar construction works.
- 3.8.10 Erosion and sediment control measures shall be planned and permitted in accordance with the Town's Erosion & Sediment Control Ordinance, Chapter 14, Article VIII, of the *Windsor Code of Ordinances*.
- 3.8.11 Proposed development shall meet all provisions of the Town's Floodplain Management Ordinance, Chapter 14, Article III, of the *Windsor Code of Ordinances*.

3.9 PRESERVATION OF NATURAL FEATURES

- 3.9.1 The natural features of the site shall be preserved to the fullest extent, and the cutting or removal 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 major deciduous trees in the front yard of each lot.
- 3.9.2 All watercourses shall be protected during construction of the subdivision, and shall be left in a condition satisfactory to the Town Engineer or his authorized representative.
- 3.9.3 No watercourse shall be disturbed, rerouted, or otherwise altered unless approved by the Inland Wetlands and Watercourses Commission.

3.10 SANITARY SEWER

- 3.10.1 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 part of a proposed lot:
- A has topographic or geologic conditions such as ledge, or slopes exceeding 10 percent, which may cause septic tank effluent to leach from the ground;
 - B is a wetland identified in the field by a certified soil scientist or designated on the official Town of Windsor Wetland Map;
 - C is designated as Special Flood Hazard Area.
- ;

D is within a streambelt as delineated by the Soil Conservation Service; and/or

E is over an aquifer and has a potential value as a water supply or drains into water bodies having recreational potential.

3.10.2 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.

3.10.3 If a developer constructs a subdivision with a sanitary sewer system and constructs structures for occupancy prior to connection of that system to the MDC sewer system, the developer shall obtain approval from the MDC to seal the subdivision sanitary sewer system, creating a capped sewer, rendering the system unusable until connected to the MDC sewer system.

3.10.4 A subdivision with capped sewers shall contain soil suitable for private septic systems and shall comply with all applicable state and local regulations governing their use.

3.10.5 The use of all private septic systems shall be discontinued within one year of the capped sewer being unsealed and connected to the public sewer system; unless any of the conditions noted in Section 4.11.1 are applicable, in which case the affected septic systems shall be discontinued within 90 days.

3.10.6 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 that the system is approved by the Connecticut Department of Public Health, the MDC, the Town of Windsor Health Department, or any other state or local agency that may have jurisdiction. A community sewage treatment plant shall only be considered temporary and shall not be used longer than 90 days after the MDC reports that the related trunk system is useable.

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

When a structure is built in a subdivision containing capped sewers, the building sewer shall be connected to the building drain, which shall be installed to a point inside the building where it can be easily connected to the drain stack when the sewers are uncapped in the future. The building drain shall be capped to prevent it from being used until the capped sewer system is connected to the MDC sewer system. 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.

3.10.8 PUBLIC WATER UTILITY PROVISION

3.10.9 All residential subdivisions shall be served by MDC water lines.

3.10.10 All lots within a residential subdivision shall be served with a lateral water line, installed after the main water line has been sterilized. The lateral water line shall be installed to a point not less than 12 inches within the lot.

3.10.11 The lateral water line shall enter the lot at the approximate center of the lot frontage, unless an existing house foundation requires a water line in a different location.

3.10.12 Water lines shall be constructed in a straight line from the water line stop-cock to the side of the house facing the stop-cock.

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3.10.13 The meter on services installed under Sections 4.12.2, 4.12.3, 4.12.4, shall be in an accessible location just inside the front wall of the building.

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

3.11 FIRE HYDRANTS

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

3.11.2 In residential subdivisions, the hydrants shall be spaced at intervals not exceeding 500 feet, unless greater space between hydrants is approved by the Fire Marshal .

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

3.11.4 In retail business subdivisions, hydrants shall be placed at intervals not exceeding 250 feet, unless a greater space between hydrants is approved by the Fire Marshal.

3.11.5 In industrial subdivisions, 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 Fire Marshal. In no event shall the distance between a hydrant and an industrial building exceed 250 feet.

3.12 ELECTRICAL TRANSMISSION LINES IN RESIDENTIAL SUBDIVISIONS

All electrical and telecommunication cables or wires shall be buried underground from the nearest source to and within the subdivision that they are intended to serve, in a location approved by the Town Engineer. If the Town Engineer and Town Planner jointly agree that connection from the source to the subdivision is inordinately difficult due to adverse site conditions such as the presence of significant ledge or inland wetlands, they may waive the requirement for or part of that underground connection.

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

3.12.2 Related equipment cabinets shall be located to minimize hazards to the public.

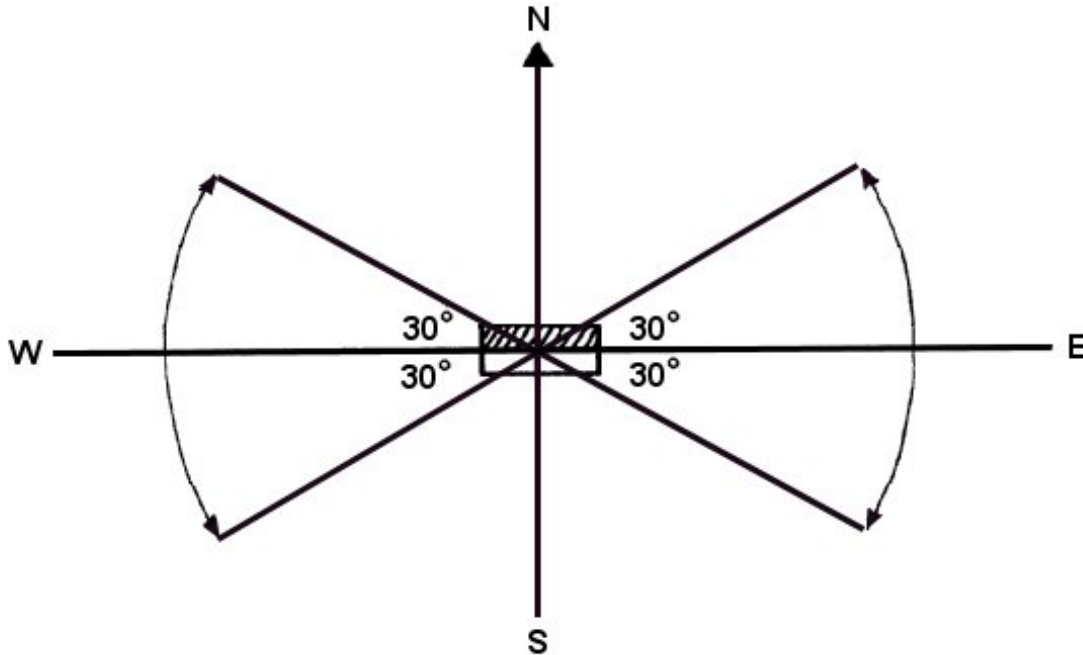
3.13 PASSIVE SOLAR DESIGN

Applicants for residential subdivisions shall demonstrate to the Commission that they have considered the use of passive solar energy techniques (as defined in Section 2) in the design of the subdivision.

The purpose of these 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 that can maximize this solar access advantage.

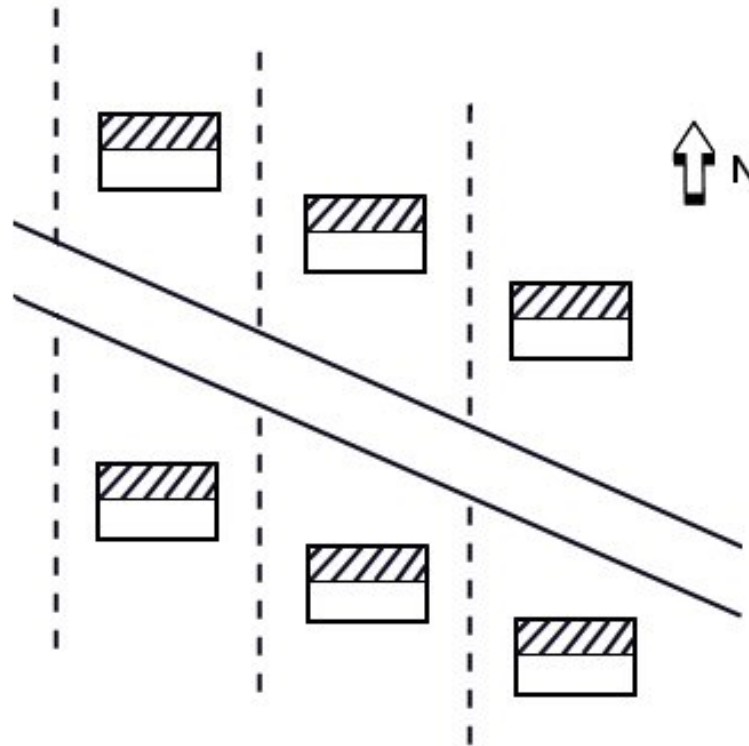
As a minimum, the passive solar energy techniques considered shall include:

- 3.13.1 House Orientation. In order to take maximum advantage of the winter sun for heating purposes, a building's longest plane should be positioned no more than 30° off the east/west axis. For the Commission's consideration and for the information of the future lot owner, the subdivision plan shall show house orientations that provide the best solar access.



- 3.13.2 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 are encouraged to be oriented as close as possible to a north/south



orientation.

3.13.3 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.

3.13.4 Natural and Man-Made Topographical Features. Solar access is on the slope of the land. When open space is part of a subdivision proposal, consideration shall be given to locating open space on north facing slopes, which are not conducive to good solar access. Consideration shall also be given to locating lots on south facing slopes, which are favorable to good solar access.

3.13.5 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.

3.13.6 STREET LIGHTING REQUIREMENTS[VAH1]

3.13.7 In the interest of pedestrian safety, unless waived by the Commission in accordance with Section 3.7.3N, street lighting shall be required along the frontage of all lots on all existing and proposed streets.

3.13.8 Street lighting shall be designed and constructed in accordance with the Town of Windsor Engineering Standards and Specifications unless otherwise approved by the Town Engineer.

SECTION 4 - SUBDIVISION PLAN REQUIREMENTS

4.1 PLAN REQUIREMENTS

4.1.1 Plot Plan

A layout plan of a subdivision drawn to a scale of one inch equals 40 feet on sheets not exceeding 24 inches by 36 inches prepared, certified, and sealed by a professional engineer and/or licensed land surveyor registered in the State of Connecticut. The layout plan shall show the following information:

- A a title block indicating the name of development, the street address, the land owner(s), and the developer(s);
- B the date of the original drawing and all subsequent revisions;
- C a north arrow and scale on each plan;
- D the first sheet of the plot plan shall include a key map of the entire subdivision drawn to a scale of not less than one inch equals 400 feet;
- E if the subdivision contains 25 lots or more, a separate plan of the entire subdivision drawn to a scale of one inch equals 100 feet shall also be provided;
- F the names and seals of the professional engineer and land surveyor licensed to do business in the State of Connecticut;
- G the names of all abutters as they appear in the most recent Windsor Tax Assessor's records;
- H the location of any buildings within 50 feet of the proposed subdivision;
- I survey information including distances with angles or bearings, conforming to the Class A-2 Requirements of the "Standards for Surveys and Maps in the State of Connecticut", unless specifically waived by the Commission;
- J streets with all control points, curve data, and right-of-way widths appropriate to the classification of the street;
- K corner cutoffs at street intersections, in accordance with the Town of Windsor Engineering Standards and Specifications;
- L proposed street names;
- M intersection sight distances, including modifications to existing or proposed driveways;
- N existing and proposed easements for utilities and drainage, sidewalks and trails, and other rights-of-way including distances with angles or bearings;

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- O proposed street addresses, assigned by the Windsor Tax Assessor (no lot numbers or any other identification numbers other than street addresses shall be shown on the plan);
- P lot boundary lines, including distances with angles or bearings;
- Q all merestones and boundary marker pins in accordance with the Town of Windsor Engineering Standards and Specifications;
- R lot areas conforming to the requirements of the Town of Windsor Zoning Regulations for the underlying zone;
- S building lines conforming to the appropriate requirements of the Town of Windsor Zoning Regulations for the underlying zone;
- T wetland and watercourse boundaries, 50 foot non-disturbance area boundaries, and 150 foot regulated area boundaries, with both the total wetland acreage and the total regulated acreage noted;
- U all lots containing wetlands shall include the following note on both the plans and any subsequent deeds: "There are wetlands on this lot. Any land disturbance may require an Inland Wetlands and Watercourses Permit.";
- V proposed open space complying with Section 3.6 or a note placed on each building lot on the plan that a fee in-lieu of open space is required upon the initial sale of any building lot; and
- W energy conservation measures outlined in Section 3.13 require a solar access plan for each proposed lot, which can be accomplished by house orientation, street and lot layout, vegetation, natural and man-made topographical features, and protection of solar access within the development.

4.1.2 Grading Plan

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

- A all existing structures and their proposed disposition;
- B existing and proposed watercourses on the tract;
- C existing ground and rock formation contours at two-foot intervals, with spot elevations at prominent isolations and depressions (elevations shall be based on either the Connecticut State Plane Coordinate System (NAVD 88 and NAD 83) or MDC datum);
- D proposed ground formation contours at intervals of two feet;
- E provide arrows on the plan showing the drainage flow direction for each lot;

- F all existing rights-of-way;
- G the proposed sanitary sewer system designed in accordance with MDC standards;
- H percolation test locations and data for each lot proposed for private sewage disposal systems;
- I A typical dwelling location and septic system layout, including design information for each lot to be served by a private on-site sewage disposal system as required per Section 19-13-B103 of the Public Health Code;
- J proposed water lines and sizes in accordance with MDC standards;
- K proposed storm sewers, culverts, and retaining walls designed in accordance with the Town of Windsor Stormwater Manual and the Town of Windsor Engineering Standards and Specifications;
- L proposed building storm sewers showing invert levels at the building storm drain connection and the Town storm sewer that achieve gravity flow from the house to the storm sewer. If basement drainage is intended to discharge to daylight, full details and discharge elevations shall be shown on the plans;
- M proposed basements requiring sump pumps; and
- N proposed hydrants in accordance with Section 3.11.

4.1.3 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 40 feet, and a vertical scale of one inch equals four feet, on sheets not exceeding 24 by 36 inches, prepared, certified and sealed by a professional engineer registered in the State of Connecticut. The Engineering Profile Plan shall show the following:

- A the layout of the street in sections coordinated by stations with the profile;
- B tangent directions, curve data and distances, to the nearest hundredth of a foot;
- C typical cross-section of the street and any other cross-section of the street, which may be required by the Town Engineer or his authorized representative;
- D vertical curve elevations at the following points:
 - (1) beginning of the curve (P.V.C. Point),
 - (2) end of the curve (P.V.T. Point),
 - (3) intersection of the tangent lines (P.V.I. Point),
 - (4) intermediate points at intervals of 25 feet;

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- E length of vertical curves;
- F street drainage facilities showing connections to existing drainage systems or watercourses;
- G sanitary sewer facilities with manholes; and
- H cross-sections and profiles of all drainage ditches.

4.1.4 Soil Erosion and Sediment Control Plan

Soil Erosion and Sediment Control Plans shall be provided by the applicant and approved by the Town Engineer in accordance with the Town's Erosion & Sediment Control Ordinance, Chapter 14, Article VIII, of the Windsor Codes of Ordinances.

SECTION 5 - PROCEDURES

5.1 INTENT

The intent of this Section is to provide applicants, commissioners, and staff a clear understanding of the procedures required for subdivision applications in order to avoid misunderstandings and unnecessary defects or delays in the application process.

5.2 GENERAL PROCEDURES

5.2.1 Application Submittal Requirements

A

Applications to the Town Planning and Zoning Commission (Commission) shall be submitted to the Planning Department.

B

When an application involves activity regulated by Chapter 14, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, a Floodplain Development Permit application shall be submitted prior to any application to the Commission.

C

When an application involves activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), an application to the IWWC shall be submitted prior to or concurrent with any application to the Commission.

D

Applications shall be submitted on forms obtained from the Planning Department for the respective type of application being submitted.

E

Applications shall be accompanied by the appropriate fee(s), except that the Commission and the Town shall be exempt from application fees.

F

Applications shall be submitted with any supporting plans, materials, and other information required by these Regulations.

G

Applications shall be signed by the applicant and the owner of the property, where applicable.

H

Any person or entity making an application to the Commission shall disclose all property owners, whether they be an individual, principal officer(s) of a corporation or limited liability corporation, general partner(s) of a partnership or limited liability partnership, or equitable owner(s) or beneficiary(ies) of property held in trust, which may be attached to the application, if necessary.

I

When a Floodplain Development Permit is required to permit a proposed subdivision, the Commission shall not approve any subdivision application without the application first receiving a Floodplain Development Permit necessary to permit the proposed development activity.

Section 5.2

J

When a regulation amendment and/or a zone boundary change is required to permit a proposed subdivision, the Commission shall not accept any applications for subdivision without first acting favorably on the Regulation Amendment Application(s) and/or Zone Change Application necessary to permit the proposed subdivision.

5.2.2 Professional Responsibilities for Plans and Design

A

A Professional Engineer, licensed in the State of Connecticut, shall perform all drainage design, except that in order to prevent unnecessary hardship in connection with small alterations or expansions, the Town Engineer may determine that professional drainage design is not required.

B

A Land Surveyor, licensed in the State of Connecticut, shall survey all proposed subdivisions.

5.2.3 Receipt of Applications

A

The date of receipt of an application to the Commission shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning Department, or 35 days after the day of submission, whichever is sooner.

- (1) The Commission may unofficially receive applications at special meetings for the purpose of scheduling public hearings on or after the official date of receipt noted above.
- (2) Upon receipt, the Commission shall schedule a public hearing, if applicable, within the prescribed time periods described in Section 5.2.9.

5.2.4 Incomplete Applications

A

Each application shall be reviewed by the Planning Department to determine whether the respective application is substantially complete.

B

An application shall not be considered complete until all of the information required by these Regulations or the Commission has been received by the Commission at a regularly scheduled meeting.

C

An incomplete application may be accepted by the Commission and denied for lack of information.

D

An application submitted without the required fee may be accepted by the Commission and denied for lack of the required fee.

5.2.5 Sequence of Public Hearings

Where a proposed subdivision requires multiple applications, the Commission may conduct any required public hearings simultaneously or in the order that they deem appropriate, except as per Section 5.2.1J.

5.2.6 Consultations

On any application, the Commission may:

A

seek the advice and opinion of other Town officials, boards, or commissions to assist it in evaluating applications;

B

retain a landscape architect, professional engineer, or other consultant to review, comment, and guide its deliberations on any application; and/or

C

require that the applicant, to the extent authorized by the Town of Windsor Code of Ordinances:

- (1) deposit funds with the Commission to cover the costs of any consulting review fees; or
- (2) reimburse the Commission for the cost of such consulting review.

5.2.7 Public Notice

A

Notice by Newspaper

- (1) When a public hearing is required by these Regulations or scheduled by the Commission, the Planning Department shall publish a legal notice of the public hearing in a newspaper having a substantial circulation in Windsor.
- (2) The legal notice shall be published at least twice at intervals of not less than two days, the first not more than 15 days, nor less than ten days, and the last not less than two days before the date of the public hearing.
- (4) No public hearing shall be conducted on any application unless the required legal notice has been published in accordance with this Section.

B

Notice by Mail

- (1) Any application for subdivision or resubdivision shall comply with the following:
 - (a) applicants shall be responsible for notifying the owners of property within 100 feet of the subject property of any scheduled public hearing by mailing a copy of the legal notice and any other required information (provided by the Planning Department), not less than ten days prior to the scheduled public hearing;
 - (b) the Planning Department, when appropriate, shall provide a cover letter, legal notice and Citizen's Guide to the applicant to be copied and mailed to the owners of property within 100 feet of the subject property;

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- (d) the applicant shall obtain proof of mailing in the form of U.S. Postal Service Certificates of Mailing. Notices sent by Certified Mail - Return Receipt Requested are neither required nor advisable; and
- (e) prior to the scheduled public hearing, the applicant shall submit:
 - (i) the Certificate(s) of Mailing,
 - (ii) a list of the property owners to whom the notices were sent, and
 - (iii) a copy of the letter legal notice and any enclosures sent to the property owners.
- (3) No public hearing shall be conducted on any application unless the required notice has been mailed in accordance with this Section.

C

Notice by Sign

- (1) With the exception of Subdivision Regulation Amendment applications, for all applications or appeals to the Commission requiring public hearings, the applicant shall be responsible for posting a sign (provided by the Planning Department) on the subject property to notify the public-at-large of any scheduled public hearing. The posting of the sign shall comply with the following:
 - (a) the sign shall be placed on the property that is the subject of the public hearing (NOTE: do not place the sign within the public right-of-way between the curb or edge of pavement and the front property line);
 - (b) the sign shall be posted for at least ten consecutive days prior to the public hearing and removed within five days after the public hearing;
 - (c) the sign shall be visible and legible from the nearest street;
 - (d) when exposed to the weather, the sign shall be mounted on a flat surface and protected from water damage to ensure its legibility.
- (3) No public hearing shall be conducted on any application unless the required sign has been posted in accordance with this Section.

5.2.8 Applications, Notifications, and Referrals to other Agencies

A

Applications for a Floodplain Development Permit

- (1) When an application involves activity regulated by Chapter 14, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the Commission shall not act on the application until it has received a report from the Town Engineer acting under his/her duty as the designated Local Administrator.
- (2) The Commission shall consider any report from the Town Engineer in making its decision.

B

Applications to the Inland Wetlands and Watercourses Agency

- (1) When an application involves activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), the Commission shall not act on the application until it has received a report from the IWWC.
- (2) The Commission shall consider any report from the IWWC in making its decision.

C

Notification of Abutting Municipalities

- (1) In accordance with CGS Section 8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application that:
 - (a) any portion of the property that is the subject of the application is within 500 feet of the boundary of the adjoining municipality,
 - (b) a significant portion of the traffic to the completed subdivision would use streets within the adjoining municipality to enter or exit the development, and/or
 - (c) a significant portion of the sewer or stormwater drainage from a completed subdivision would flow through and significantly impact the stormwater drainage or sewer system within the adjoining municipality.
- (2) Such notice shall be made by the Planning Department by Certified Mail - Return Receipt Requested and shall be mailed within seven days of the day of the submission of the application to the Planning Department.
- (3) No public hearing shall be conducted on any application or appeal unless the adjoining municipality has received the notice required under this Section.
- (4) The adjoining municipality or its agent(s) may provide a report or appear before the Commission at any public hearing on an application.
- (5) The Commission shall consider any report from the adjoining municipality in making its decision.

D

Referrals to the Connecticut River Assembly

All areas within the Connecticut River Assembly Conservation Zone (Conservation Zone) as defined in Public Act 82-296, "An Act Concerning the Preservation of the Upper Connecticut River Area", and depicted on the Official Zoning Map Index in the Town of Windsor Planning Department, shall be subject to the minimum standards contained in Connecticut Special Act 79-77. Any applications for land located within the Conservation Zone shall be referred to the CRA for review and comment. If a public hearing is required or scheduled on an application, the referral shall not be made later than 35 days before the public hearing.

- (1) The Commission shall consider any report on the referral from the CRA in making its decision.

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- (2) A two-thirds vote of all of the members of the Commission shall be required to approve an application that has received a negative report from the CRA.

5.2.9 Time Periods for Acting on Applications

A

When no public hearing is required, a decision shall be made within 65 days after receipt of the application in accordance with Section 5.2.3.

B

Except as provided below, the Commission shall process applications requiring a public hearing within the following time periods:

- (1) public hearings shall commence within 65 days after receipt of the application or appeal in accordance with Section 5.2.3;
- (2) public hearings shall be closed within 35 days after the public hearing commences; and
- (3) all decisions shall be made within 65 days after the close of the public hearing.
- (4) The provisions of this Section shall not apply to applications initiated by the Commission.

C

An applicant or their agent may consent to one or more extensions of any time period specified in Subsections A or B above, provided that the total time period, including any extensions, does not exceed twice the original time period specified.

D

If an application involves an activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), and the time period for a decision by the Commission would lapse prior to the thirty-fifth day after a decision by the IWWC, the time period for a decision by the Commission shall be extended to 35 days after the decision of the IWWC.

E

An applicant or their agent may withdraw an application at any time prior to action by the Commission.

5.2.10 Action Documentation

A

When acting on an application, the Commission shall state on the record the reasons for its decision.

B

The Planning Department shall mail notice of the decision to the applicant by Certified Mail within 15 days of their decision.

C

The Planning Department shall publish notice of the decision in a newspaper having a substantial circulation in Windsor within 15 days of the decision.

D

If notice is not published within the 15-day period after a decision, the applicant may provide for the publication of the notice within ten days thereafter.

E

Unless specified by the Commission at the time of a decision, the effective date of any decision shall be 15 days after the publication of the legal notice, or in the case of an appeal, the day after the decision by the Commission is sustained by the courts.

5.2.11 Bonding Requirements

Bonding for subdivisions and other instances where a bond may be required by these Regulations shall conform to the following procedures.

A

Performance Bonds

- (1) Prior to issuing a Building Permit within an approved subdivision, the developer shall have completed all public improvements and/or similar common elements (e.g., roads, sidewalks, storm drainage facilities), or may complete those improvements that are minimally necessary to support the development and protect the public health, safety, and welfare of prospective residents (e.g., the base course of pavement, storm drainage facilities, fire hydrants) and post a performance bond for the balance of the improvements.
- (2) A licensed Professional Engineer shall prepare a bond estimate containing the type, estimated quantities, and costs of materials needed to complete the required improvements, including but not limited to:
 - (a) street grading, roadway paving, and street plantings;
 - (b) installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, lighting monuments, bridges, and culverts;
 - (c) erosion and sedimentation control measures; and
 - (d) all other such improvements that the Commission determines to be necessary to promote public health and safety and to safeguard the Town in regard to the future maintenance of the required improvements.
- (3) The performance bond shall be in the amount equal to the cost of constructing any remaining improvements but no less than ten percent of the cost of all improvements, excluding water and sanitary sewer lines, as estimated and approved by the Town Engineer.
- (4) Prior to issuing a Certificate of Occupancy for a new residential building in a subdivision, the following improvements shall have been provided on the associated lot in accordance with the approved subdivision plan:
 - (a) all permanent steel boundary marker pins in accordance with Section 3.4.7;
 - (b) all required trees in accordance with Section 3.9.1; and

Section 0

- (c) 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). 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 organic content, which the Town may test to verify.

- (5) In specific cases where the improvements specified in Section 5.2.11A(4) cannot 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 Town Engineer, or the Town Planner in the case of required trees. 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 property to make the improvements. In no event shall the monies used by the Town exceed the amounts specified in the original subdivision bond.
- (5) The developer shall install sidewalks before two-thirds of the lots on the side of a street requiring sidewalks have either been conveyed or issued a Certificate of Occupancy or no additional Certificates of Occupancy may be issued for lots on that side of the street unless the Town Engineer finds that the sidewalks cannot be installed at that time due to unusual weather or site conditions and defers their installation for up to one year. To defer a required sidewalk, 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 performance bond by the Town to install the sidewalks, and that the Town (or its agents) have the right to enter the property to install the sidewalks.

B

Maintenance Bonds

Upon the completion of all public improvements and/or similar common improvements associated with a subdivision to the satisfaction of Town staff and acceptance by the Town Council in the case of public improvements and/or open space, a maintenance bond equal to five percent of the cost of the all of the public or common improvements shall be submitted to and approved by the Town Engineer. Alternatively, up to 95 percent of a performance bond may be released, retaining five percent in cash as the required maintenance bond. Unless otherwise specified, the maintenance bond shall be held for a period of one year after acceptance or in the case of private improvements, from the date that all site improvements have been completed, so that the Town and/or homeowner's association are protected against faulty construction.

C

Acceptable Forms of Bonds

All bonds shall be accompanied by a completed Bond Application and shall be in one or more of the following forms:

- (1) cash (certified check) deposited with the Town; and/or
- (2) a surety bond of a corporate surety company 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 conditions securing to the Town of Windsor as sole beneficiary and within a time period specified

in the bond, the construction, installation and maintenance of subdivision improvements. If the developer and the landowner are not the same, all surety bonds and other related security requirements shall be provided to the Town of Windsor by the developer.

- (3) At least 25 percent of any bond shall be in the form of cash (certified check) deposited with the Town.

D

Release of Bonds

- (1) At the written request of the applicant upon completion of required improvements totaling 50 percent or more of the cost of the bonded improvements, the Town Engineer may release at least 50 percent, but not more than 95 percent, of a performance bond upon submittal of documentation and verification by Town staff that an equivalent portion of the required improvements have been completed in accordance with approved plans.
- (2) At the written request of the applicant, the Town Engineer may release any remaining balance of a performance bond, provided that that all required improvements and conditions of the Commission's approval have been satisfactorily completed.
- (3) After one year from the acceptance of a maintenance bond, the Town Engineer may release the bond, provided that none of the required improvements have failed, or in the event of their failure, have been repaired to the Town Engineer's satisfaction.

5.2.12 Pre-Application Scrutiny

A

A pre-application review of a proposed subdivision plan by the Commission may be requested by a prospective applicant to determine if the street layout, or any other aspect of the proposed development, meets the requirements of these Regulations, or to ask for consideration of a waiver of a requirement.

B

An applicant is also encouraged to discuss any requirement of these Regulations with any member of the Town staff before the preparation of subdivision plans.

C

The submission of pre-application plans to the Commission shall not constitute an application for subdivision approval. In accordance with CGS Section 7-159b, any comments or information obtained by pre-application scrutiny cannot be appealed under any provision of the Connecticut General Statutes, and shall not be binding upon nor constitute prejudice by the prospective applicant, the Commission, or Town staff.

5.3 SUBDIVISION (AND RE-SUBDIVISION) APPLICATION PROCEDURES

5.3.1 Application Requirements

A

A Subdivision or Re-Subdivision Application shall be submitted when the division of land meets the definition of a subdivision or resubdivision as defined in Section 2;

Section 0

B

No subdivision of land shall be made until a subdivision plan has been approved by the Commission. Any person or entity subdividing land without the approval of the Commission shall be fined in accordance with CGS Section 8-25, as amended.

C

A Subdivision Application shall be accompanied by the Subdivision Checklist and nine sets of 24" by 36" plans, signed and sealed by appropriate professionals, for review by Town Staff.

D

At least seven days prior to the Commission meeting, the applicant shall submit nine sets of 11" by 17" plans for distribution to the Commission.

E

If a Subdivision Application involves activity regulated by Chapter 14, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the applicant shall submit an application for a floodplain development permit to the Town Engineer acting in his/her capacity as the Local Floodplain Management Administrator not later than the day such application is filed with the Commission.

F

If a Subdivision Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Commission.

G

If a Subdivision Application requires a waiver of the requirements of these Regulations, the applicant shall submit a written request for the waiver at least 15 days prior to the meeting that the Commission will review or hear the application. The request shall state the grounds for the waiver request and all of the facts relied upon by the applicant.

- (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 the waiver would 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 that:

- (a) granting the waiver will not have an adverse effect on adjacent property or on the public health or safety;
 - (b) the conditions that the request for a waiver are based upon are unique to the property that the waiver is being sought for and are not generally applicable to other land in the area;
 - (c) because of the 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
 - (d) the waiver will not in any way vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.
- (2) Any waiver must be approved by a vote of at least three-fourths of the commissioners seated at the time of the decision.
 - (3) The Commission shall state upon its records the reasons for each waiver granted.
 - (4) In granting a waiver, the Commission may modify the subdivision plans when necessary to uphold the intent of these Regulations.

7.3.2 Proceedings

A

A public hearing shall be held for all Subdivision and Re-Subdivision Applications.

B

Public notice of the public hearing shall be provided accordance with Section 5.2.7.

C

Required applications to the Inland Wetlands and Watercourses Commission, applications for a Floodplain Development Permit, notifications to adjoining municipalities, and referrals to the Capitol Region Council of Governments or the Connecticut River Assembly shall be made in accordance with Section 5.2.8.

D

The Commission shall process the application within the time periods specified in Section 5.2.9.

E

In addition to any other modifications that the Commission may attach to an application, the Commission may modify and approve a Subdivision or Re-subdivision Application subject to Town Staff review and approval to protect the public health, safety, and welfare, and ensure compliance with these Regulations. Approvals with modifications subject to Town Staff review and approval shall be limited to technical and minor changes that have a reasonable assurance of being approved by Town Staff. The Commission shall state the nature of each change in the motion to modify and approve.

F

Section 0

If an approval involves a waiver of these Regulations, the waiver must be approved by a vote of at least three-fourths of the Commissioners seated at the time of the decision. The Commission shall state upon its records the reasons for each waiver granted.

5.3.2 Following Approval

A

In addition to any requirements outlined below, the Commission shall document its action in accordance with Section 5.2.10.

B

Following approval, the applicant shall deliver three complete paper sets of subdivision plans (including engineering plans and profiles) to the Planning Department for distribution to Town Staff for final review:

- (1) bearing the raised seal of the appropriate professionals who prepared the drawing(s);
- (2) bearing a copy of the Floodplain Development Permit, if applicable; and
- (3) bearing a copy of the decision letter of the Commission and Inland Wetlands and Watercourses Commission, if applicable.

When all of the plans are found to be in conformance with the approval and any modifications that may have been made by the Commission, the Planning Department will request the applicant to provide one mylar set of subdivision plans for filing with the Town Clerk (recording mylars) and one complete mylar set of subdivision plans (including engineering plans and profiles), both for endorsement by the Chairman or Secretary of the Commission.

C

The endorsed recording mylars shall be released to the applicant for filing with the Town Clerk not more than thirty days after the time for taking an appeal from the action of the Commission has elapsed or not more than thirty days after the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission, whichever is later. In the event of an appeal, the recording mylars shall be released to the applicant for filing not more than thirty days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or not more than thirty days after the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission, whichever is later.

E

No subdivision plans shall be recorded by the Town Clerk until the recording mylars have been endorsed by the Chairman or Secretary of the Commission, and the recording of a subdivision plan without such approval shall be void.

5.3.3 Expiration and Completion

A

All public improvements or similar common elements within an approved subdivision shall be completed within five years of approval of the plans. Failure to complete all work within such five-year period or any extension thereof shall result in automatic expiration of the approval of the subdivision provided that the Commission records a notice of expiration in the Town Clerk's Office. No additional lots in the subdivision shall be conveyed without approval by the Commission of a new application for subdivision.

B

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the subdivision, provided the total extension(s) does not exceed ten years from the original date of approval.

C

The Commission may condition an extension on a determination of the adequacy of the performance bond.

5.4 TEXT AMENDMENT APPLICATION PROCEDURES

5.4.1 Application Requirements

A

In addition to any requirements outlined below, Applications for Text Amendment to the Subdivision Regulations shall be submitted and received in accordance with Sections 5.2.1 through 5.2.4.

B

Applications shall provide the precise wording of the existing and proposed text and any other supporting information.

C

An Application for Text Amendment to the Subdivision Regulations shall only be submitted by:

- (1) an owner or agent of real property in Windsor;
- (2) a resident or person having an interest in land in Windsor, or their agent; or
- (3) the Commission acting on its own initiative.

D

The Commission shall not be required to hear any application relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, based on facts presented in writing, that a material change in the situation justifies a new public hearing.

5.4.2 Procedures

A

A public hearing shall be held for all Applications for Text Amendment to the Subdivision Regulations.

B

Public notice of the public hearing shall be provided accordance with Sections 5.2.7, except that the Planning Department shall file a copy of the application, together with any supporting materials, in the Town Clerk's Office at least ten days prior to any public hearing.

C

The Commission shall process the application within the time periods specified in Section 5.2.9.

D

In making its decision, the Commission shall take into consideration the Plan of Conservation and Development.

Section 0

5.5.3 Following Approval

- | The Commission shall document its action in accordance with Section 5.2.10, except that if approved, a copy of the approved text shall be filed in the Town Clerk's Office.

