

# **SUBDIVISION REGULATIONS**

## **WILTON, CONNECTICUT**

### **PREAMBLE**

Pursuant to the General Statutes of the State of Connecticut, Chapter 126, as amended, the Planning and Zoning Commission of the Town of Wilton hereby adopts the following regulations for the subdivision and resubdivision of land within said Town and declares that the principal objectives of the Commission are to regulate and control the development of the Town; to safeguard the welfare of its residents; to provide proper provision for water, drainage and sewerage, erosion control and protective flood control measures; to provide an adequate system for proposed streets and provide for pedestrian circulation; to prevent the creation of situations detrimental to the health and general welfare of the Town, and its residents; to encourage the best possible land use; to preserve the Town's wildlife habitat, water courses, wetlands and natural resources; and to conserve desirable open space.

In the administration of the Regulations, the Commission shall be guided by the provisions set forth in the Connecticut General Statutes, as amended.

### **SECTION I - GENERAL REQUIREMENTS**

1.1 Regulation: Any subdivision or resubdivision of land within the Town of Wilton shall conform to the requirements of these Regulations. No subdivision or resubdivision of land including conservation development shall be made by any person until an application for such subdivision or resubdivision has been submitted to and approved by the Wilton Planning and Zoning Commission and a Record Subdivision Map thereof has been endorsed by said Commission as approved and thereafter filed by the applicant in the Office of the Wilton Town Clerk.

1.2 Definitions:

For the purposes of these Subdivision Regulations, the following terms shall be used as defined herein:

1.2.1 Applicant: The person proposing a subdivision or resubdivision.

1.2.2 Application: An application for the approval of a proposed subdivision or resubdivision submitted in accordance with these Regulations. Such application shall be signed by the owner of record of the property to be subdivided.

1.2.3 Board of Selectmen: The Board of Selectmen of the Town of Wilton.

1.2.4 Commission: The Planning and Zoning Commission of the Town of Wilton.

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1.2.5 Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

1.2.6 Engineer: A Professional Engineer licensed by the State of Connecticut.

1.2.7 Lot: A parcel or plot of land which is either (a) owned separately from any adjoining parcel as evidenced by fee conveyance recorded in the Land Records of the Town of Wilton and is occupied or capable of being occupied by one principal building and uses customarily incidental to it; or (b) a parcel of land designated as a "lot" on a Record Subdivision Map approved by the Planning and Zoning Commission and filed in the Office of the Wilton Town Clerk.

1.2.7.1 Standard Lot: A lot meeting the minimum area and yard requirements for the zoning district in which the lot is located, as set forth in Section 29-5.D of the Wilton Zoning Regulations.

1.2.7.2 Conservation Lot: A lot meeting the minimum area and yard requirements in conservation developments set forth in Section 29-5.A.5 of the Wilton Zoning Regulations.

1.2.7.3 Conservation Subdivision: A subdivision or resubdivision approved in accordance with Section V of these Regulations.

1.2.8 Maps and Plans: All applications, maps, plans, documents and data required by these Regulations in connection with a proposed subdivision shall be in such form as required by these Regulations and acceptable to the Commission. The following maps and plans required by these Regulations shall have the following meanings:

1.2.8.1. Grading, Sediment and Erosion Control Plan The necessary documentation submitted in compliance with Section 3.6 of these Regulations and prepared in accordance with the technical standards of the U.S.D.A. Natural Resource Conservation Service.

1.2.8.2. Record Subdivision Map The plan of the subdivision submitted in compliance with Section 3.3 of these Regulations and upon the approval of the Commission and endorsement by its Chairman shall be considered the official document filed on the Land Records of the Town of Wilton.

1.2.9 Owner: The owner of record in the Land Records of the Town of Wilton.

1.2.10 Passive Solar Energy Techniques: Site design techniques which maximize solar heat gain and minimize heat loss which shall include, but not be limited to: (a) house orientation; (b) street and lot layout; (c) vegetation; (d) natural and man-

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made topographical features; and (e) protection of solar access within the development.

1.2.11 Person: Any individual(s), firm, corporation, or other legal entity.

1.2.12 Plan of Conservation and Development: The land use plan for the Town of Wilton adopted in accordance with the provisions of Section 8-23 of the Connecticut General Statutes, as amended, and as the same may, from time to time, be amended and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

1.2.13 Preapplication Plan: A plan submitted, at the option of the applicant, to provide a basis for the informal discussion of the general preliminary design of the subdivision and to afford the applicant the opportunity to save undue time and expense in the submission and redesign of his final plan.

1.2.14 Street: (a) an existing State “highway” as defined by Section 13a-1(a) of the Connecticut General Statutes, as amended; (b) an existing public highway, street or road accepted by the Town of Wilton pursuant to Section 13a-48 of the Connecticut General Statutes, as amended; (c) a proposed highway, street or road in a subdivision or resubdivision for which a Record Subdivision Map has been approved by the Commission; (d) streets laid out in accordance with Section 13a-61 of the Connecticut General Statutes, as amended; and (e) a way shown on a plat duly filed and recorded in the Office of the Wilton Town Clerk prior to July 6, 1951 but not including private driveways or rights-of-way.

1.2.14.1 Street, Dead End or Cul-de-sac: A street or portion of a street with only one (1) vehicular traffic outlet.

1.2.14.2 Street, Arterial: A street which is used primarily as a route for traffic between communities or large sections of the town as shown on the Wilton Plan of Conservation and Development.

1.2.14.3 Street, Right-of-way: The area between property lines reserved for use of any street. Its width shall be measured at right angles to the centerline of the street.

1.2.14.4 Street, Collector: A street which collects or will collect traffic from local streets and which carries or will carry through from surrounding areas as shown on the Wilton Plan of Conservation and Development.

1.2.14.5 Street, Secondary: A local street as shown on the Wilton Plan of Conservation and Development which serves a residential development and

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which connects with a collector street.

1.2.14.6 Street, Tertiary: A local street as shown on the Wilton Plan of Conservation and Development serving not more than ten (10) lots, which is not designed to be extended or serve as a connection between two (2) public streets.

1.2.15 Subdivision: The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and including resubdivision. 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.

For the purpose of definition of "subdivision" any lot, parcel, tract or acreage owned separately from an adjoining lot, parcel, tract or acreage on July 6, 1951 as evidenced by deed or deeds recorded in the office of the Wilton Town Clerk, on or prior to that date, is considered to be a "tract" or parcel. When the total of such division of a tract or parcel equals three (3) in number, from and after July 6, 1951 and occurring over any period of time and in any sequence, a subdivision has been made, within the meaning of Chapter 126, and is subject to these Regulations.

When the word "subdivision" is used in these Regulations it shall be deemed to include the word "resubdivision."

1.2.16. Site Development Plan: The plan submitted in accordance with Section 3.2 of these Regulations showing the existing land conditions in relation to the modifications to the land necessary to accommodate the development of a proposed subdivision.

1.2.17 General Procedure: The Commission, in reviewing any proposed subdivision, and the applicant, shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision unless it conforms to the standards hereinafter specified.

1.2.18 Approval: All subdivisions shall be approved only by majority vote of the membership of the Commission present and voting. Approval may be granted by the Commission subject to conditions and safeguards necessary to carry out the purpose and intent of these Regulations and to protect the public health, safety and welfare and property values. No Record Subdivision Map of a subdivision shall be endorsed by the Commission to permit filing in the Office of the Wilton Town Clerk until all conditions of approval, other than construction conditions, have been met.

1.2.19 Effective Date: The date of the Planning and Zoning Commission approval shall

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be as specified in Section 8-25 of the Connecticut General Statutes, as amended.

1.2.20 Trail: A path from one point to another created by historical or current usage or delineated in the Wilton Plan of Conservation and Development.

1.2.21 Utilities: In the case of subdivisions to which water, sewers, fire hydrants and street lighting are to be provided from a public source, all necessary mains, branch offsets to each lot, fire hydrants and street lighting equipment shall be installed in accordance with the specifications of the public utility having jurisdiction and the Town Engineer and the Director of Public Works and shall be installed without cost to the Town.

1.2.22 Reserve Strips: The Commission shall not approve any proposed division of land which would create a parcel (i.e. strip) of land between the boundary line of the tract and the end of a proposed through street. The applicant shall not control access to land dedicated or to be dedicated to public use. This section shall not be so construed as to prohibit the creation of a building lot between the boundary of the tract and the end of a proposed permanent dead end street. This requirement shall be applicable to those streets proposed for immediate construction and those rights-of-way dedicated for future street extensions. Such reserved rights-of-way shall be transferred to the Town with all other land dedications and shall include sloping rights where appropriate and deemed necessary. Lots adjoining these rights -of-way shall be so laid out that access to any house or any accessory building shall not be over the reserved right-of-way.

1.2.23 Improvement of Existing Town Streets: Where a subdivision, in the opinion of the Commission, requires large and/or untimely expenditures by the Town to improve its streets leading to or abutting the proposed subdivision so that they conform to the minimum requirements of the Street Regulations of the Town of Wilton, the Commission shall disapprove the application for said subdivision until the Board of Selectmen and the Board of Finance have recommended and approved such expenditures; or, in the alternative, the Commission may approve said application subject to the condition that the applicant make said improvements to conform to minimum requirements of said Street Regulations and said improvements be covered in a bond satisfactory to the Board and Commission and in a form approved by the Commission's Counsel.

1.2.24 Authorization of Construction: Construction and installation of roads, drainage or other improvements on any tract of land proposed for subdivision shall not be authorized and shall not be commenced until an application for such subdivision has been approved by the Commission and the Record Subdivision Map filed in the Office of the Town Clerk.

1.2.25 Supervision of Construction: All construction and installation of roads, drainage and other improvements required by these Regulations shall be carried out under the supervision of the Planning and Zoning Commission or its authorized agent.

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1.2.26 Penalties: Any person making a subdivision of land without approval from the Wilton Planning and Zoning Commission shall be subject to the penalties provided in the Connecticut General Statutes, as amended and the Town and the Commission may seek other remedies as provided by the laws of the State of Connecticut.

## SECTION II - APPLICATION REQUIREMENTS

2.1 Presentations: All applications including maps, plans, documents and data required by these Regulations shall be filed with the Planning and Zoning Office no later than five (5) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. The Planning and Zoning office shall transmit all complete applications to the Commission for its official receipt and formal consideration at its next regular meeting. The date of receipt of applications, requests and appeals shall be governed by Section 8-26d of the Connecticut General Statutes, as amended and as the same may, from time to time, be amended.

2.2 Pre-application Plan: The Commission recommends that prior to submission of an application, the applicant prepare and present a pre-application plan of the subdivision for informal review by the staff. Presentation of a pre-application plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided before the applicant proceeds with an application and the preparation of final maps, plans and documents required for formal consideration by the Commission.

Presentation of the pre-application plan shall not constitute an application within the meaning of Title 8, Chapter 126 of the Connecticut General Statutes, as amended and as the same may, from time to time, be amended, and the staff review of said pre-application plan and comments, if any, shall not be deemed to be official "action" or "decision" within the meaning of said Title and Chapter. The pre-application plan procedure shall in no way bind, bar or stop the Commission from taking any action it deems fit and making any decision it deems advisable upon filing of an application.

2.2.1 Pre-application Plan: The pre-application plan should be drawn to a scale of not less than 100 feet to the inch and should show existing and proposed property and street lines, proposed lots, existing and proposed drainage, proposed water, storm and sanitary sewer lines and their connections with present lines, areas to be reserved for public use, watercourses, ponds, swamps and existing contours from available U.S.G.S. maps or other sources, existing buildings, principal wooded areas, rock outcrops, preliminary grading, the number of acres in the total tract and the zone district boundaries within which the proposed subdivision is located.

2.2.2 Review: The staff may hold informal discussions with the applicant and may recommend any changes or improvements.

2.3 Application: An application for a subdivision shall include the following:

2.3.1 Application Form: Application for a subdivision shall be made to the Commission in writing on forms prescribed by the Commission and signed by the applicant or his/her lawful agent. If the subdivision is proposed by a person other than the owner of the land to be subdivided, the application shall also be signed by the owner or his/her lawful agent.

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2.3.2 Application Fee: Applications shall be accompanied by an application fee computed so as to equal but not exceed the maximum permissible under Section 8-26 of the Connecticut General Statutes, as amended. Application fees shall be in cash or bank check.

2.3.3 Site Development Plan: A Site Development Plan, meeting the standards of Section 3.2 shall be submitted with the application. Fifteen (15) blue line prints of said plan shall be submitted.

2.3.4 Subdivision Map: A Record Subdivision Map, meeting the standards of Section 3.3 shall be submitted with the application. Fifteen (15) blue line prints of said map shall be submitted.

2.3.5 Construction Plans: Street construction plans meeting the standards of Section 3.4 shall be submitted with the application. Fifteen (15) blue line prints of said plans shall be submitted.

2.3.6 Grading, Sediment and Erosion Control Plan(s): A grading, sediment and erosion control plan, meeting the standards of Sections 3.5 and 3.6 shall be submitted with the application. When the applicant represents in writing that no grading is proposed other than minor grading incidental to landscaping and that the removal or destruction of the natural topsoil, trees or other vegetative covering is not necessary, the Commission may waive this requirement. Fifteen (15) blue line prints of said plans when required shall be submitted.

2.3.7 Soil Tests: When the subdivision is not to be served by sanitary sewers, the applicant shall present the results of soil tests taken in order to determine the suitability of soil conditions for private sewage disposal systems. There shall be at least four (4) deep hole tests and two (2) percolation tests per lot, and the tests shall be located on that portion of the lot on which it is anticipated that the leaching field of the disposal system will be located. Tests shall be made in accordance with specifications and procedures of the State of Connecticut Public Health Code and the Town of Wilton Health Code and test holes shall be filled in upon the completion of the test. The location and results of all tests shall be submitted to the Commission.

2.3.8 Connecticut Department of Transportation Permit: Where a proposed road or storm drain joins or connects with a State Highway, the applicant shall obtain a permit for the construction of such joining or connection from the Connecticut Department of Transportation and shall submit such permit or preliminary approval to the Commission as part of the application.

2.3.9 Inland Wetlands Commission Approval: When any portion of the land on which the subdivision is proposed contains inland wetlands and/or watercourses, as defined in

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the Town of Wilton, Inland Wetlands and Watercourses Regulations, a decision on the proposed activity must be rendered by the Inland Wetlands Commission prior to final action by the Planning and Zoning Commission.

2.3.10 **Hydrology and Hydraulic Report:** The design of the storm drainage system and storm water management plan shall be supported by a Hydrology and Hydraulic Report prepared by a Connecticut-licensed professional engineer. The report shall include calculations in support of the proposed storm drainage system, and thorough analysis of pre- and post- development drainage conditions of on-site and off-site downstream storm drains, watercourses and wetlands. The post development peak discharge rate shall not exceed the pre-development peak discharge rate, unless it can be demonstrated to the satisfaction of the Commission that the increased discharge will not exacerbate downstream flooding conditions or contribute to downstream erosion. An “as-built” plan depicting post-construction drainage improvements and a written statement of certification denoting compliance with the approved Hydrology and Hydraulic Report shall be provided by a Connecticut-licensed engineer following the completion of all drainage improvements. The storm water management plan shall also address water quality and define the Best Management Practices proposed to remove sediment and pollutants. Any field change or modification to an approved drainage plan shall be supported by a revised engineering report, prepared and stamped by a Connecticut-licensed engineer and approved at the discretion of the Commission or its agent. Where a subdivision consists of five (5) lots or less and no road construction is proposed as part of the subdivision, the Hydrology and Hydraulics Report requirements may be waived by the Commission.

2.3.11 **Open Space Ownership:** Draft documents setting forth the form of ownership of open space, in accordance with Section 4.5.3, shall be submitted, including but not limited to deeds, covenants and restrictions, certificate of incorporation, bylaws, and rules and regulations of any association or corporation of the lot owners.

2.3.12 **Tree Preservation Plan:** The applicant shall submit a tree preservation plan meeting the standards of Section 3.7. Such plan shall show all significant trees of 16” caliper or greater as measured at breast height within the buildable area of the lot and all trees of 10” caliper or greater as measured at breast height within the setback areas of the lot. Such requirement may be waived provided that such waiver meets the standards of Section 4.13. The Commission shall state upon its records the reasons for which a waiver is granted.

2.4 **Additional Information:** Upon review of the application and the information submitted under Section 2.3, the Commission and/or its staff may require the submission of additional information as follows:

2.4.1 Proper provision will be made for flood control measures in areas

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contiguous to brooks, rivers or other bodies of water subject to flooding.

2.4.2. Proper provision will be made for water, drainage and sewerage.

2.4.3 Construction on the property can take place without major disturbance of steep slopes, defined as slopes in excess of twenty-five (25) percent.

2.4.4 Regrading of the property will not adversely affect drainage on adjoining properties.

2.4.5 Open space for parks, playgrounds, recreation or conservation will be established in places deemed suitable by the Commission.

2.4.6 Any proposed street layout is compatible with existing or proposed streets shown on the Plan of Conservation and Development especially in regard to safe intersections with such streets and that they will be constructed in accordance with the Town of Wilton Street Regulations.

2.4.7 Alternatives showing different lot layouts, including but not limited to fewer lots, alternative set asides and/or road layouts and conservation development.

2.5 Consideration: After the above application requirements have been met to the satisfaction of the Commission, the following procedure shall be followed by the Commission in its consideration of the application:

2.5.1 Submission Review: The Commission shall determine that the application submitted under Section 2.3 is complete. Failure to submit a complete application will be cause for disapproval of the application.

2.5.2 Review by Others: The Commission shall transmit copies of the maps and plans to the Town Engineer, the Director of Health, the Director of Environmental Affairs, the Fire Department and the Board of Education for their review and recommendations. Copies may also be sent to such other boards, agencies and commissions and to consultants, as in the opinion of the Commission, may be advisable, for their information, review and recommendations.

2.5.3 Hearing: The Commission shall hold a public hearing on an application for a subdivision or resubdivision. Notice of such public hearing shall be given in accordance with Section 8-26 of the Connecticut General Statutes, as amended. Notice of said hearing shall be sent to owners of land which is adjacent to the property which is the subject of the hearing. If the Commission requests the submission of additional information, under Section 2.4, such information shall be submitted within the time of the public hearing; otherwise, failure to submit the requested information will be grounds for

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disapproval of the application.

2.5.4 Decision: The Commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application within sixty-five (65) days after a public hearing thereon. The applicant may consent to one or more extensions provided the total extension of such period shall not exceed sixty-five (65) days.

2.5.5 Action: After the public hearing, the Commission:

2.5.5.1. Shall approve the subdivision or resubdivision application if the Commission shall find that said application, maps, plans, documents and data submitted therewith conform to the requirements of these Regulations; or

2.5.5.2. May modify and approve said application, maps, plans, documents and data submitted therewith, if the Commission finds that the application, if modified in accordance with the Commission's directions, shall conform to the requirements of these Regulations providing that nothing herein shall be construed as imposing a requirement upon the Commission to modify a pending application, and any such modification shall be in the sole discretion of the Commission; or

2.5.5.3. Shall disapprove said application, maps, plans, documents and data, if the Commission shall find that the same do not conform to the requirements of these Regulations.

2.5.6 Conditions: The Commission may impose conditions on the approval of any application for subdivision or resubdivision and all approvals shall be conditioned upon the applicant's presentation and recording of any deeds or easements, in the form prescribed in Section 2.5.8 hereof, required by the Commission and, upon the applicant's execution and filing of a bond, in the form prescribed in Section 2.5.9 hereof, guaranteeing the completion of any required improvements within five (5) years from the date of approval of the subdivision. Any submission of plans required by the Commission under these regulations shall be deemed to be satisfied by the issuance of an unconditional certificate of zoning compliance. Approvals of applications which have been modified by the Commission shall be conditioned upon the applicant's implementation of the Commission's modifications. Violations of any conditions of such approval shall constitute a violation of these Regulations.

2.5.7 Notice: Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Wilton and addressed by certified mail to the applicant or his lawful agent. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved, together with the date of such action. The grounds for its action shall be stated in the records of the

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Commission.

2.5.8 Easements and Deeds: Any open space for parks, playgrounds, conservation and recreation to be dedicated to the Town or any other public or non-profit organization and easements for storm drainage, water supply, sanitary sewers, maintenance, streets or public rights-of-way shall be confirmed by written deeds and easements with complete descriptions. Said deeds and easements shall be in a form satisfactory to the Commission's Counsel and shall, when required by the Commission, be accompanied by a map or survey of the property subject to the conveyance, in a form acceptable for recording in the land records. Written descriptions shall contain appropriate references to said maps or surveys and the Record Subdivision Map. All conveyances to the Town, hereunder, shall be by Warranty Deed. The applicant shall bear the cost of all recording fees.

2.5.9. Bond: The applicant shall file a bond with the Commission. Said bond to be in an amount and form and with surety and conditions satisfactory to the Commission, securing to the Town of Wilton the actual construction, installation, and completion of all improvements in accordance with these Regulations and to the satisfaction of the Commission including without limitation, streets, drainage, placing of monuments.

2.5.10 Right of Entry for Inspection or Correction of Violations: The application shall constitute consent to the Commission or its designee, to enter upon the premises during the review of the application for inspection and after approval for investigation of possible violations.

2.5.11 Environmental Assessment Study: A Phase One (1) environmental study, conducted in accordance with standards set forth by the American Society For Testing of Materials (ASTM), shall be required for all subdivision applications involving the conveyance of any land by deed to the Town of Wilton. Such study shall be certified to the Town of Wilton and shall contain current and relevant information concerning the on-site presence of any environmentally hazardous material. The Commission shall not acquire by deed, any land as part of a subdivision, unless such assessment study provides evidence that the land under consideration is uncontaminated and/or free of hazardous material.

### SECTION III - STANDARDS FOR MAPS AND PLANS

3.1 General: The maps and plans required by these Regulations shall show the information and be prepared in accordance with the standards hereinafter specified. All such maps and plans shall be prepared and shall bear the name and seal of a land surveyor or professional engineer as defined in Section 20-299 of the Connecticut General Statutes, as amended, licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

3.2 Site Development Plan: The Site Development Plan shall be drawn to a scale of not less than 1" = 60', unless the Commission determines that the Site Development Plan shall be drawn at a larger scale. The plan shall show existing land conditions and the proposed layout of lots, streets and improvements for the proposed subdivision or resubdivision and all contiguous land of the owner that may be subdivided in the future. When an application covers only a portion of subdivider's holdings, a sketch of the prospective future street and lot layout of the entire property shall be submitted. The purpose of the plan is to allow the Commission to complete a general planning review of the proposed subdivision or resubdivision including its relationship to the future subdivision or resubdivision of contiguous land of the owner. Fifteen (15) blue line or black line prints shall be submitted. The plan shall show at least the following information:

3.2.1 Name of the proposed subdivision, which shall not duplicate or closely resemble the name of any previous subdivision or resubdivision in the Town of Wilton.

3.2.2 Name and address of the holder of the record title to the land to be subdivided; name and address of the applicant if different from the title holder.

3.2.3 Date, scale, true north point, town and state.

3.2.4 Existing and proposed property and street lines; adjoining property lines and street lines and existing structures, road systems and watercourses within a distance of 200 feet from the property of the owner; and the names of all adjacent subdivisions or property owners as shown on the current records of the Tax Assessor.

3.2.5 Proposed lots and lot numbers with dimensions and areas to the nearest tenth of an acre; dimensions and bearings of all proposed property and street lines; lot area and total acreage of land to be included in the proposed subdivision or resubdivision to the nearest tenth of an acre.

3.2.6 Proposed width of all streets, rights-of-way and easements for utility lines, drainage, maintenance, and walks; proposed width of all pavement; and proposed street names.

3.2.7 Existing and proposed monuments; municipal boundary lines; the zoning district and any zoning district boundary line; required zoning setback lines.

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3.2.8 Existing contours at an interval not exceeding two (2) feet based on field or aerial survey. The datum for elevations shall be U.S.G.S.

3.2.9 Spot elevations on both existing and proposed roads to indicate tentative grading of roads and proposed driveway intersections.

3.2.10 The delineation of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling.

3.2.11 Existing permanent buildings and structures; the location proposed for a dwelling on each lot, and the proposed driveway access thereto.

3.2.12 Existing and proposed storm drains, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures; existing and proposed water, storm and sanitary sewer lines and their connection with present lines.

3.2.13 The approximate location of any deep test holes, percolation holes and borings; locations proposed for water supply well sites; and the location and dimensions of the disposal systems and the reserve area for future fields.

3.2.14 Existing and any proposed relocation of watercourses and streams whether intermittent or continuous flowing; existing and proposed ponds; location and limits of all wetlands, flood plains, and other land subject to potential flooding; conservation areas; and any inland wetland as flagged in the field by a certified soil scientist.

3.2.15 Existing and proposed open spaces for parks, open space, playgrounds, conservation and recreation areas.

3.2.16 Principal wooded areas and the location of all large trees (16" caliper or greater); ledge outcrops and major rock expanses; existing stone walls and fences within the proposed subdivision.

3.2.17 The limits of any areas of tree removal necessary to construct the proposed dwellings; identification of the predominant tree species in said areas and existing and mature height of said trees.

3.2.18 The delineation of all trails on the property which appear on the Open Space Plan as "proposed trails and connections" in the Wilton Plan of Conservation and Development or are currently used as trails.

3.2.19 The location of all significant ridgelines which appear on the Major Conservation Resources Map in the Wilton Plan of Conservation and Development.

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3.2.20 The delineation of areas of disturbance for the construction of a single family house, driveway, septic system and any accessory structures. Portions of the site not within this area shall not be disturbed during construction.

3.3 **Record Subdivision Map**: The Record Subdivision Map shall be prepared with an accuracy meeting or exceeding standards for a Class A-2 survey as defined in the Standards for Surveys and Maps as published by the State of Connecticut Board of Registration for Professional Engineers and Land Surveyors. The map shall be clearly and legibly drawn and shall be submitted on good quality mylar suitable for filing in the public Land Records on sheets having a size prescribed by Section 7-31 of the Connecticut General Statutes, as amended, and which meets the filing procedures as outlined in Sections 11-8-19 through 11-8-26 of the Regulations of Connecticut State Agencies – Filing Requirements for Maps. The Record Subdivision Map shall preferably be drawn to a scale of 1" = 40' but in no case smaller than 1" = 100'. In addition, four (4) blue line or black line prints of the map and an acceptable electronic copy of the map shall be presented to the Commission. The map shall show the following:

3.3.1 Name of the subdivision or resubdivision which shall not duplicate or closely resemble the name of any previous subdivision or resubdivision in the Town of Wilton.

3.3.2 Name and address of the holder of the record title to the land to be subdivided or resubdivided; name and address of the applicant if different from the title holder.

3.3.3 Date, scale, true north point, town and state.

3.3.4 Existing and proposed property and street lines; front, side and rear yard lines; adjoining property lines, street lines within a distance of 200 feet from the proposed subdivision or resubdivision; and the names of all adjacent subdivisions or property owners.

3.3.5 Existing and any proposed relocation of water courses and streams, whether intermittent or continuous flowing; existing and proposed ponds, swamps and wetlands; flood plains and other land subject to potential flooding; existing and proposed open spaces for parks, stream protection and other open space, conservation and recreation areas.

3.3.6 Existing and proposed easements and rights-of-way.

3.3.7 Proposed lots and lot numbers; street addresses; the square footage and/or acreage of all lots to the thousandth of an acre, open spaces, and the total acreage of land included in the subdivision or resubdivision. All lots shall be numbered beginning with the numeral "1" and shall continue consecutively throughout the entire subdivision with no omissions or duplications. All lot numbers shall be circled. No fractions or letters shall be used unless necessary for clarity in a resubdivision. Contiguous subdivisions or

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resubdivisions having the same name shall not duplicate numbers but shall continue the sequence of the numbers used previously for the contiguous subdivision or resubdivision. All lot numbers shall be conspicuous and noted on the map in the approximate center of the lots.

3.3.8 Existing permanent buildings and structures on and within 100 feet of the perimeter of the site.

3.3.9 Dimensions on all existing and proposed property and street lines to the hundredth of a foot, and all bearings or deflection angles on all straight lines to the nearest 10 seconds, and the central angle, tangent distance, length and radius of all arcs; and dimensions along property lines to the centerline of intersecting water courses and streams.

3.3.10 The width of all streets, rights-of-way and easements including identification, description, and location; street names.

3.3.11 Existing and proposed monuments; any municipal boundary line.

3.3.12 An inset location map showing the location of the subdivision or resubdivision in relation to the existing street system in Town within one-quarter mile of the subdivision at a scale of 1" = 800'.

3.3.13 An inset index map, if the proposed subdivision or resubdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, street, street names and delineation of areas covered by the section or sheet.

3.3.14 An approval block shall be placed near the title block reading:  
"Approved by Wilton Planning and Zoning Commission, Wilton , Connecticut.

Resolution..... Dated.....

Mandatory Date for Completing Subdivision Improvements.....

Signed.....Date.....

Chairman

3.3.15 The following notes shall be added:

"Percolation tests as defined in the Public Health Code of the State of Connecticut, have been performed by ....., License No. .... on....., on each lot in the approximate area proposed for sanitary drain fields; and

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said reports and test data are on file in the offices of the Department of Health. Prior to the issuance of building permits, suitability for the installation of septic systems on each lot must be demonstrated to the satisfaction of the Director of Health of the Town of Wilton."

3.3.16 The signature and seal of a State of Connecticut Registered Land Surveyor.

3.4 **Construction Plans:** Construction plans for all proposed roads, drainage and other improvements shall be submitted. Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, sedimentation basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. Profile drawings and elevations shall be based on U.S.G.S. benchmarks or other permanent benchmarks approved by the Commission; the benchmarks used shall be noted on the plan. Plan-profile drawings shall show the following information when appropriate for the particular subdivision:

3.4.1 Name of the subdivision or resubdivision.

3.4.2 Name and address of the holder of the record title to the land to be subdivided or resubdivided; name and address of the applicant if different from the title-holder.

3.4.3 Date, scale, north point, town and state.

3.4.4 Location of lot lines intersecting the street line; lot numbers and street names; lot geometry and dimensions along the street line.

3.4.5 The existing grades at the center line and both street lines and the proposed grade at the center line; street lines and edge and width of pavement; sample street cross sections.

3.4.6 Amount of precipitation runoff and the intensity, duration and runoff coefficient; invert, slope, size, and type of all pipes, ditches, culverts, manholes, catch basins, headwalls and watercourses; typical ditch and watercourse cross-sections. Top of frame elevations and station-offset for all structures. The Commission may require additional watercourse cross-sections both upstream and downstream in order to review hydraulic conditions.

3.4.7 Sidewalks, curbs, gutters and special structures.

3.4.8 Detail drawings of any bridges, box culverts, deep manholes, and other special structures.

3.4.9 All documents shall be sufficiently detailed so as to be considered suitable for

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contract bidding.

3.4.10 All roadways and easements shall be stationed along their center lines. At intersecting roadways, the "zero" station for the side road shall be the point at which the side road centerline intersects the main road centerline.

3.4.11 The station-offset for all proposed monuments shall be shown.

3.4.12 Method of erosion control during construction.

3.4.13 Signature and seal of a licensed professional engineer.

3.4.14 All intersections with existing roadways shall have plan, profile, and typical sections of existing roadway each side of the intersection, and the sight distances shown in accordance with standards set forth in Section 4.12.

3.4.15 A detailed grading plan at street intersections in accordance with Section 3.5 of the Regulations.

3.5 Grading Plan: The entire area shall be shown on the Grading Plan depicting the proposed regrading, cuts, fills, soil or rock removal and tree removal. The contours and elevations shall be based on the same benchmarks as provided in Section 3.4. The Grading Plan shall show at least the following information:

3.5.1 Name of the subdivision or resubdivision.

3.5.2 Name and address of the holder of the record title to the land to be subdivided or resubdivided; name and address of the applicant if different from the title holder.

3.5.3 Date, scale, north point, town and state.

3.5.4 Layout of existing and proposed lot lines and street lines.

3.5.5 Existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey. Datum for all elevations shall be U.S.G.S.

3.5.6 Existing and proposed drainage and watercourses.

3.5.7 Existing and permanent buildings and structures.

3.5.8 Location of all test holes, test pits or borings.

3.5.9 The quantity of material (in cubic yards) to be cut or filled on the site and the

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quantities and types of any materials intended to be brought onto, or to be removed from the site.

3.5.10 A method for the control of erosion and siltation where necessary, using the guidelines contained in Section 3.6 of these Regulations and the policies and procedures of the Natural Resource Conservation Service.

3.5.11 Signature and seal of a licensed professional engineer or registered land surveyor.

3.6 Erosion and Sediment Control Plan: In order to minimize soil erosion and sedimentation resulting from land use changes which cause the disposition of sediment in storm drains, ditches, watercourses and ponds, no land development which is cumulatively more than one-half acre in area shall be undertaken in a subdivision unless certification of compliance with the provisions of this section has first been obtained from the Commission or its designated agent.

#### 3.6.1 Definitions:

3.6.1.1 Certification: A signed, written approval by the Planning and Zoning Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

3.6.1.2 Development: In connection with a Control Plan any construction or grading activities to improved or unimproved real estate.

3.6.1.3 Disturbed Area: Any area where the ground cover is or will be destroyed or removed leaving the land subject to accelerated erosion.

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

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

3.6.1.6 Sediment: A solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

3.6.1.7 Soil: Any unconsolidated mineral or organic material of any origin.

3.6.1.8 Soil Erosion and Sediment and Control Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a site plan map and narrative.

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3.6.2 To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based upon the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1988), as amended. Alternative principles, methods and practices may be used provided that prior approval of the Commission or its agent has been received.

3.6.3 Said plan shall contain, but is not limited to:

3.6.3.1 A narrative describing:

3.6.3.1.1 The proposed development.

3.6.3.1.2 The proposed schedule for grading and construction activities including: starting and completion dates; the sequence of grading and construction activities; the sequence for installation and/or application of all soil erosion and sediment control measures; the sequence for final site stabilization.

3.6.3.1.3 The design criteria for proposed sediment control measures and stormwater management facilities.

3.6.3.1.4 The construction details for proposed sediment control measures and stormwater management facilities.

3.6.3.1.5 The installation and/or application procedures for proposed sediment control measures and stormwater management facilities.

3.6.3.1.6 The operation and maintenance program for proposed sediment control measures and stormwater management facilities.

3.6.3.2 The location for the proposed development.

3.6.3.3 The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.

3.6.3.4 The existing structures on the site, if any.

3.6.3.5 The proposed alterations, including areas to be cleared, excavated, filled or graded, and proposed structures, utilities and roads and/or driveways.

3.6.3.6 The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

3.6.3.7 The sequence of grading and construction activities.

3.6.3.8 The sequence for installation and/or application of sediment control

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measures.

3.6.3.9 The sequence for final stabilization of the site.

3.6.3.10 Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

#### **3.6.4 Standards for Issuance or Denial of Certification**

3.6.4.1 The Commission, or its designated agent, shall either certify that the Sediment Control Plan, as filed, complies with the requirements and objectives of this section or shall deny certification when the subdivision proposal does not comply with this section.

3.6.4.2 Plans for sediment control measures and minimum standards for individual control measures shall be based on the principles outlined in Connecticut Guidelines for Soil Erosion and Sediment Control (1988), as amended.

3.6.4.3 Peak flow rates and runoff volumes shall be determined by using the rational method, the time of concentration methods, the tabular method or the unit hydrography method.

3.6.4.4 The Commission may refer any Sediment Control Plan to the Conservation Commission for review and comment.

3.6.4.5 A Sediment Control Plan shall bear the name, address, telephone number and signature of the person responsible for implementing the Plan. The Commission, or its designated agent, shall conduct inspections as may be required to ensure compliance with the approved plan and that control measures have been properly installed and maintained.

#### **3.6.5 Conditions**

3.6.5.1 The estimated cost of sediment control measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction phase shall be covered in a bond at the discretion of the Commission.

3.6.5.2 A zoning permit shall not be issued for construction on the site until the Sediment Control Plan is certified by the Commission, the bond filed, if any, and the specified sediment control measures are installed properly.

3.6.5.3 The developer/owner shall be responsible for maintaining all erosion and

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sediment control measures and facilities in proper working order throughout the development of the lot. Failure to properly install and/or maintain any erosion and sediment control measures may result in the issuance of a cease and desist order and penalties under Section 8-12 of the Connecticut General Statutes.

#### 3.6.6 Bond Requirement/Inspection

3.6.6.1 Site development shall not begin unless the Sediment Control Plan has been certified and the control measures and facilities in the plan scheduled for installation prior to site development have been installed and functional and a bond has been posted in accordance with the Wilton Zoning Regulations.

3.6.6.2 Inspections shall be made by the Commission or its designated agent during the development of the site to ensure compliance with the Certified Plan. The Commission may require the permittee to verify through progress reports that control measures and facilities have been performed or installed according to the Certified Plan.

3.6.6.3 Upon completion of all work specified in the Certified Plan, the applicant shall notify the Commission or its agent and submit a report, including maps if necessary, certifying that the control measures have been completed as approved or as may have been modified with the prior approval by the Commission or its designated agent. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release any bond posted upon finding that the provisions of the Certified Plan have been satisfied.

3.7 Tree Preservation Plan: In order to minimize disturbance to significant trees existing on the property resulting from the development of the subdivision, a tree preservation plan shall be submitted.

3.7.1 Said plan shall show at least the following information:

3.7.1.1 Name of the subdivision or resubdivision.

3.7.1.2 Name and address of the holder of the record title to the land to be subdivided or resubdivided; name and address of the applicant if different from the title holder.

3.7.1.3 Date, scale, north point, town and state.

3.7.1.4 Layout of existing and proposed lot lines and street lines.

3.7.1.5 Existing trees and type within the buildable area of the site that are of 16”

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caliper or greater as measured at breast height, and within the setback areas that are of 10” caliper or greater as measured at breast height.

3.7.1.6 Significant stands of trees even if trees are less than 16” caliper.

3.7.1.7 Existing and proposed drainage and watercourses.

3.7.1.8 Existing permanent buildings and structures.

3.7.1.9 Proposed vegetation clearing line, all trees to be retained and those indicated for removal.

3.7.2 The tree preservation plan shall contain provisions for the preservation of trees identified pursuant to Sections 3.7.1.5 and 3.7.1.6 by designing the location of the proposed principal structure, driveway, septic system and other accessory buildings so that such trees are not significantly impacted by the proposed subdivision. The Commission may require that the location of such development be relocated, reduced or modified to preserve such trees.

3.7.3 Provisions for the preservation of trees shall include but not be limited to the provision of tree wells and the installation of construction fencing around the drip line of the trees.

3.7.4 The developer/owner shall be responsible for complying with the tree preservation plan during the development of the lot. Failure to comply with the plan may result in an order to discontinue and/or requirement of replacement plantings of a similar size and species. A separate bond for tree preservation may be required by the Commission in subdivisions where numerous significant trees are required to be protected.

## SECTION IV – DESIGN AND CONSTRUCTION STANDARDS

4.1 General: Subdivisions and resubdivisions, including related streets, drainage and other improvements required by these Regulations, shall be planned, designed and constructed in accordance with the standards hereinafter specified. Construction plans shall be prepared in accordance with good engineering practice; construction of improvements shall be carried out in a logical sequence with due regard for minimizing areas of disturbance.

4.2 Plan of Conservation and Development: Subdivisions and resubdivisions shall be planned and designed in general conformity with the Wilton Plan of Conservation and Development particularly with regard to reservation of land for open space and conservation.

4.3 Natural Features: The planning and design of the subdivision, including related streets, drainage and other improvements, shall provide for preservation of natural features of the property to the maximum extent possible by:

4.3.1 Avoiding cuts or fills which result in potential soil erosion and excessive tree removal or which disturb water resources;

4.3.2 Avoiding relocation of or encroachment upon natural watercourses and ponds and the removal of or alteration to significant ledge outcrops;

4.3.3 Avoiding filling or excavation of or encroachment upon wetlands, flood plains and other land subject to potential flooding;

4.3.4 Avoiding removal of mature trees, desirable woods and other vegetation which serve as valued habitat;

4.3.5 Providing for the protection of natural resource features that provide support for wildlife and/or groundwater recharge or functions in the control of flooding in the natural drainage system.

4.4 Building Lots: A proposed lot which is found unsuitable for building because of water or flooding conditions, topography, ledge rock, unsuitable soils or other conditions, shall be combined with a contiguous lot that is suitable. Proposed building lots shall conform to the following standards:

4.4.1 Topography: Proposed building lots shall be planned to make best use of the natural slope and to preserve mature trees.

4.4.2 Access: Each lot shall have frontage on a street as defined in Section 29-2.B.140 of the Wilton Zoning Regulations. Each lot shall be capable of accommodating automobile and emergency vehicle access from such street by means of a driveway,

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having safe alignment and sight distances in accordance with the following design standards:

4.4.2.1 The travel width of the driveway shall not be less than twelve (12) feet.

4.4.2.2 Private driveways shall be designed and constructed so as to facilitate a safe means of ingress and egress. The intersection of the driveway and the street shall have a minimum of one hundred (100) foot unobstructed view of the street in both directions. In determining sight distances, an object six (6) inches high shall be visible from a point measured three (3) feet high from ten (10) feet into the driveway from the traveled portion of the street. The Commission, upon the written recommendation of a Connecticut-licensed engineer with expertise in traffic analysis and roadway design, may consider the impact of visual obstructions within the specified sight distance area. However, in no instance shall the Commission approve a subdivision plan that results in the creation of an unsafe driveway intersection.

4.4.2.3 The apron of the driveway intersection shall be paved from the edge of the traveled way of the street to the property line. All driveways shall meet the street at right angles unless otherwise approved by the Commission.

4.4.2.4 Driveway grades shall not exceed five (5) percent for a minimum distance of thirty-five (35) feet of the centerline of the traveled way of the street nor within ten (10) feet of the street right-of-way line, whichever is greater. Driveway grades beyond such point shall not exceed eighteen (18) percent.

4.4.2.5 For corner lots, driveways shall not be located within sixty (60) feet of an intersection.

4.4.2.6 Runoff from driveways shall be minimized through the use of pervious surfacing and unavoidable runoff shall be returned to the ground through the use of grass swales, infiltrators and other infiltration practices. Only after runoff has been minimized and infiltration addressed, shall discharge to wetlands or watercourses be considered;

4.4.2.7 The Commission in its sole discretion may require that a driveway plan be prepared by an engineer or land surveyor licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

4.4.3 Lot Size: Each lot shall conform to the minimum area requirements of the Wilton Zoning Regulations. However the Commission may require that a lot exceed the

## ***Section IV – Design and Construction Standards***

minimum size requirements in order to reduce grading, preserve mature stands of trees and/or stone walls or other natural features, or prevent development on scenic ridge lines.

4.4.4 Lot Lines: Insofar as practicable, side lot lines of all lots shall be at right angles to the street on which the lot has frontage.

4.4.5 Floodplain Areas: Floodplain Areas are identified on maps entitled Flood Insurance Rate Map Town of Wilton, Connecticut, Community Panel Number 090020 0001-0008 Revised as noted on panel numbers, which maps are on file in the Planning and Zoning office. Given the economic, societal, and ecological importance of floodplains, building in floodplains should be avoided. When this is unavoidable, regulations governing development in such areas shall comply with Section 29-9.F. of the Wilton Zoning Regulations and the following:

4.4.5.1 All new construction shall have the lowest floor, including basement, elevated to or above the base flood elevation.

4.4.5.2 All septic systems, electrical and water systems shall be located and constructed in a manner to minimize flood damage.

4.4.5.3 All applications shall have adequate drainage to reduce exposure to flood hazards.

4.4.5.4 Base flood elevation data shall be provided by a professional engineer for all subdivisions located within floodplain areas.

4.4.6 Septic and water: All lots must contain an area adequate in size, dimension, location and slope, with suitable soils, to accommodate a leaching field system and reserve area for future fields in accordance with The Public Health Code of the State of Connecticut 1994 as amended.

4.5 Open space: Open space for conservation purposes shall be provided and reserved in each subdivision and subdivision as deemed necessary and in locations approved by the Commission as follows:

4.5.1 Character and access: The character of the land reserved shall be of such size, location, shape, topography and general character as to meet one or more of the following criteria:

4.5.1.1 Open space listed as first and second priorities in the Plan of Conservation and Development.

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4.5.1.2 Open space that provides for the expansion and/or protection of existing open space and recreational areas.

4.5.1.3 Areas shown as scenic views and significant ridgelines in the Plan of Conservation and Development.

4.5.1.4 Streams and their riparian zones.

4.5.1.5 Areas adjacent to scenic roads.

4.5.1.6 Areas with significant tree cover, historic sites, water-related resources or other environmentally significant lands.

4.5.1.7 Areas of open space which maintain a proportionate ratio of upland area to wetland area, consistent with the entire parcel under subdivision consideration.

Access to all such land may be required from a public street.

4.5.2 Acreage: Not less than twelve (12) percent of the total area of the subdivision or resubdivision shall be reserved unless the Commission, in its sole discretion, determines that a lesser area is sufficient or that such a reservation is not necessary due to one or more of the following:

4.5.2.1 Adequate open space is available in the immediate neighborhood.

4.5.2.2 The non-existence of land in the subdivision suitable for such reservation.

4.5.2.3 The minimum reservation is less than one (1) acre.

Where potential small open space areas of land are of such size, location and/or character so as not to meet the requirements of Section 4.5.1 above, a conservation restriction (under Section 47-42a of the Connecticut General statutes, as amended) shall be proposed to satisfy the open space requirement.

4.5.3 Ownership of Open Space: Form of ownership of open space shall be acceptable to the Commission and may be in one of the following:

4.5.3.1 Be conveyed to a non-profit land conservation trust or corporation, established for the purpose of conserving land in open space. Such conveyance shall be approved by the Commission and the form of instrument shall be approved by the Commission's Counsel.

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4.5.3.2 Be conveyed to each lot owner in the subdivision or resubdivision, with the owner of said lots having an undivided interest in said open space land, provided that such open space land shall remain undivided and no lot owner shall bring any action for partition or division of any part thereof, and the use of such open space land shall be approved by the Commission and shall be limited to property owners in the subdivision or resubdivision and their guests. Lot owners shall be responsible for all expenses including, but not limited to, maintenance of the open space and taxes.

4.5.3.3 Be dedicated to the Town by deed in a form acceptable to the Commission's Counsel, provided that the Board of Selectmen has agreed to accept such dedication.

4.5.4 Guidelines for Open Space Ownership: The following guidelines indicate the appropriate designation for ownership of open space:

4.5.4.1 Open space may be conveyed to a non-profit land conservation trust where the property contains significant areas for wildlife habitats, or is adjacent to other land owned by a non-profit land trust or where the property may enhance existing lands owned by such a trust.

4.5.4.2 Open space may be conveyed to the owners of the lots in the subdivision or resubdivision when the property is largely internal to the subdivision.

4.5.4.3 Open space may be dedicated to the Town when the property is adjacent to existing town-owned open space or may provide opportunities for passive or active recreation for Town residents. In such cases access to the open space shall be provided and designed so that use of the open space does not interfere with reasonable use by the residents of the subdivision or resubdivision.

4.5.5 Use of Open Space Land: Except where otherwise approved by the Commission, open space land shall be preserved in its natural state and the use of such land shall be limited to appropriate conservation and recreational purposes. Such purposes shall be specified in legal agreements, including conservation and preservation easements and restrictions, approved in form and content by the Commission's Counsel. Open space land shall not be used for the storage of equipment, deposit of debris, excavated, filled or regraded.

4.6 Monuments and Pins: Monuments shall be provided on both street right-of-way lines at the beginning and termination of each street and at such deflection or tangent point in between as deemed desirable by the Commission. Monuments shall be made of reinforced concrete or granite and shall not be less than four (4) inches square at the top by thirty (30) inches in length. Each monument shall be set in place, after all street construction is completed and shall be

#### ***Section IV – Design and Construction Standards***

installed in a manner conforming to standards of Section 20-300b-14 of the Regulations of Connecticut State Agencies.

In addition to required monuments, iron pins, not less than three-quarters (3/4) inch in diameter and thirty-six (36) inches in length shall be placed at each point of intersection of a lot line and the right-of-way line of a street and at all other lot corners and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors.

4.7 Underground Utility Lines: New electric and communication cables shall be installed underground. All underground public utilities shall be confined to street rights-of-way wherever possible.

4.8 Fire Cisterns: The Commission may, in its sole discretion, require the construction of a fire cistern, including dry hydrants, in any subdivision or resubdivision. The cistern shall be constructed in accordance with the standards and practices of the National Fire Protection Association Standard 1142 “Water Supplies for Suburban and Rural Fire Fighting” and shall have a minimum capacity as determined by the Commission after consultation with the Wilton or Georgetown Fire Departments as applicable. The fire cistern shall be accessible from a street via a right-of-way in favor of the Town and said right-of-way shall be of sufficient width to allow emergency vehicles clear and safe entry. The property owner shall be responsible for all maintenance and repairs of the cistern.

4.9 Erosion, Sediment and Runoff Control: The design and construction of the subdivision or resubdivision including related streets, drainage and other improvements shall be executed in a manner to minimize soil erosion or sedimentation which cause deposits of sediment in storm drains, ditches, watercourses and ponds, and increases the potential of flooding and reduces water quality and supply on surrounding properties, wetlands, or watercourses.

No Zoning Permit shall be issued until a sedimentation and erosion control plan has been approved by the Commission or its agent. Measures used to control erosion, sediment and runoff shall meet the standards specified in Section 3.6 of the Subdivision Regulations.

4.10 Slopes: The maximum slope for areas that have been disturbed and regraded shall be two feet horizontal to one foot vertical or 2:1 for cuts and fills. Rock cuts may be permitted to a maximum of one foot horizontal to two feet vertical or 1:2 slope. Cuts and fills shall meet the following standards:

4.10.1 Adequate provisions shall be made to prevent surface water from damaging the cut face of excavation or the sloping surfaces of fills.

4.10.2 Cut and fills shall not endanger adjoining property.

4.10.3 Fill shall be placed and compacted to minimize sliding or erosion of the soil.

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4.10.4 Fill shall not encroach on natural water courses or wetlands.

4.10.5 Grading shall not be done in such a way so as to divert water onto adjoining property without express permission of such property owner and the approval of the Commission and the Inland Wetlands Commission.

4.11 Storm Drainage: The applicant shall be responsible for constructing facilities for the minimization, control, collection, infiltration, conveyance and acceptable discharge of storm water. The storm drainage system shall provide for runoff from the entire area of the subdivision or resubdivision. It shall take into account land outside the subdivision that normally drains across the area of the subdivision as well as the effects of the subdivision or resubdivision upon upstream and downstream flooding. The storm drainage system shall make use of, protect, and improve as needed the natural drainage system. Drainage facilities shall be designed and constructed in accordance with the standards hereinafter specified.

4.11.1 Design Storm: All storm drainage facilities shall be designed with sufficient capacity and freeboard where necessary to convey the peak rates of runoff from storms with the average return frequencies listed below:

10 year – All drainage facilities within roads and easements from catch basin grates to outlet structures.

25 year – All streams and swales and all culverts under drives and local and collector streets.

50 year – All culverts under major streets and all bridges.

4.11.2 Storm Water Discharge: The discharge of all storm water shall be minimized by design of the subdivision. These methods shall include gravel driveways, rain gardens, use of swales and ditches for street drainage. Drainage that cannot be eliminated shall be returned to the ground through infiltrators. Water that cannot be discharged shall be channeled into established wetlands, watercourse or drainage structure after pretreatment as approved by the Commission. Such pretreatment shall include removal of sediments, pollutants and thermal pollution. Where the discharge shall be into or through adjoining property, easements, in form acceptable to the Commission's Counsel shall be secured for the Town. Drainage easements shall be twenty (20) feet in width and shall be provided in all cases where storm drainage facilities are installed on land other than the street right-of-way. Easements shall also be provided for storm drainage facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. All easements shall be clearly delineated and described on the Record Subdivision Map.

4.11.3 Design Requirements: Storm drainage shall be designed to meet the following requirements:

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4.11.3.1 Where soil conditions permit, the discharge of storm water shall be minimized by designing the subdivision to include gravel driveways, rain gardens, swales and ditches for street drainage, and by returning stormwater to the ground through infiltrators. Run-off that cannot be returned to the ground shall be channeled into a wetlands, watercourse or drainage system after pretreatment as approved by the Commission. Such pretreatment shall include removal of sediments, pollutants and thermal pollution.

4.11.3.2 Where it is proposed that the discharge shall be into or through adjoining property, easements, in form acceptable to the Commission shall be secured for the Town. Drainage easements shall be twenty (20) feet in width and shall be provided in all cases where storm drainage facilities are installed on land other than the street right-of-way. Easements shall also be provided for storm drainage facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. All easements shall be clearly delineated and described on the Record Subdivision Map.

4.11.3.3 Where an increase in run-off resulting from the subdivision or upstream drainage improvements will overload existing downstream drainage facilities, adequate retention or detention of the run-off shall be provided. The design computations for any retention or detention basins shall include inflow hydrographs, stage-storage and stage-outflow curves, reservoir routing, and outflow hydrographs.

4.11.3.4 A drainage analysis map and computations shall be submitted showing the tributary watershed area, sub-drainage basins and upstream areas contributing to and downstream areas affected by any runoff from the site.

4.11.3.5 The hydraulic design of the storm sewer system shall include hydraulic analysis including both form losses and friction losses. The hydraulic capacity of driveway and roadway cross culverts shall be established only after considering both the inlet and outlet control conditions. The lower of the two flow rates shall be the actual rated capacity.

4.11.3.6 Where required to prevent erosion, energy dissipators shall be provided.

4.11.3.7 Suitable headwalls or precast end sections shall be provided at the open end of any pipe. Culverts under streets shall be extended to a minimum of ten (10) feet from the edge of pavement.

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4.11.3.8 Catch basins shall be provided in roadways so that the first set of catch basins in a storm-drain system shall be located at a maximum of two hundred (200) feet from the roadway high point. Spacing between sets of catch basins shall be a maximum of two hundred (200) feet, although in cases of extremely steep or flat grades and excessively large drainage areas, the Commission may require installation of catch basins at lesser intervals.

4.11.3.9 A drainage structure shall also be placed at each vertical grade change along a storm drain at each change in horizontal direction, and at each junction point of two (2) or more storm drains.

4.11.3.10 Storm sewer pipes shall be constructed of reinforced concrete pipe.

4.11.3.11 Design and construction of storm drains shall be such that long diagonal crossing under the pavement is avoided.

4.11.3.12 All storm sewers shall be designed to provide a self-cleansing velocity of at least two and five-tenths (2.5) feet per second when flowing full.

4.11.3.13 All pipes and drainage structures shall be thoroughly cleaned before acceptance by the Town.

4.11.3.14 Computation of peak rates of stormwater run-off shall be based on methods outlined in Chapter 9 of the “Connecticut Guidelines for Soil Erosion and Sediment Control” dated 1988 as amended, or other generally accepted engineering methods. Existing wetlands/watercourses proposed to receive storm drainage discharge shall be analyzed to determine the downstream effects on any watercourse or existing storm drainage system for its adequacy to receive the proposed drainage discharge. The extent to which downstream studies are conducted shall be commensurate with the probable impact of the proposed development. Where it is anticipated that the drainage system of the proposed subdivision would increase upstream or downstream flooding, the Commission may deny the subdivision until the applicant has adequately provided for improvements to the drainage system.

4.12 Streets: The design of streets shall be related appropriately to the topography of the existing land. Streets shall be arranged so as many building lots as possible are at or above the grades of the street. The construction of streets shall conform to the standards specified below:

4.12.1 Street Design: The following standards shall apply to the construction of streets:

4.12.1.1 Right-of-way shall be a minimum of 50 feet for all streets.

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4.12.1.2 Minimum width of travel way shall be 25 feet for a secondary street. Minimum width of travel way shall be 20 feet for a tertiary street.

4.12.1.3 Maximum grade shall be 10 percent for a secondary street. Maximum grade shall be 14 percent for a tertiary street. Maximum grade for turnarounds shall be 5 percent.

4.12.1.4 Minimum grade for all streets shall be 1 percent.

4.12.1.5 Minimum radius, inside curve of right-of-way shall be 150 feet for a secondary street. Minimum radius, inside curve of right-of-way shall be 100 feet for a tertiary street.

4.12.1.6 Minimum length, vertical curve shall be 200 feet sight distance for secondary streets. Minimum length, vertical curve shall be 100 feet sight distance for tertiary streets or fifteen (15) times the differential in grade; whichever is greater. Where any street approaches an intersection, a transition area, having a maximum grade of 2 percent, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersection.

4.12.1.7 Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves and the minimum radius of curvature at the centerline of streets.

4.12.1.8 Minimum turnaround diameter shall be 120 feet for a secondary street. Minimum turnaround diameter shall be 100 feet for a tertiary street.

4.12.1.9 Maximum length of a dead-end street shall be 1,200 feet.

4.12.2 Intersections: The construction of new roads shall intersect existing streets subject to the following standards:

4.12.2.1 New road intersections shall be at least 200 feet from any existing intersection or other proposed intersection, or shall be part of an existing or proposed subdivision. The sight distance for new roadways shall be measured ten (10) feet back from the intersecting roadway at a vertical height of three (3) feet from the road surface and shall be calculated by utilizing the 85<sup>th</sup> percentile of the actual speed of vehicles traveling along the intersecting roadway. The Commission, upon the written recommendation of a Connecticut-licensed engineer with expertise in traffic analysis and roadway design, may consider the impact of visual obstructions within the required sight distance area. However, in no instance shall the Commission approve a subdivision plan that results in the creation of an unsafe roadway intersection.

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4.12.2.2 Roads shall intersect at ninety (90) degree angles where feasible. No streets shall intersect or meet at an angle of less than seventy (70) degrees nor more than one hundred ten (110) degrees.

4.12.2.3 Intersections of right-of-way lines and edges of pavement at intersections shall be connected with a curve having a minimum radius of 25 feet.

4.12.2.4 At street intersections, no obstruction to sight over two (2) feet high shall be allowed within a triangular area measured thirty (30) feet in length along the street lines from their point of intersection.

4.12.3 Cul-de-sac streets: Cul-de-sac streets shall not exceed one thousand two hundred (1,200) feet in length nor serve more than fourteen (14) lots. They shall be equipped with a turnaround roadway at the closed end having a minimum right-of-way diameter of one hundred thirty (130) feet, and a minimum pavement diameter of one hundred ten (110) feet. The center of the cul-de-sac shall be suitably landscaped to the satisfaction of the Commission. Where there is a possibility of extension of a cul-de-sac to a through road, there shall be a notation on the record subdivision map stating that all segments of the turnaround, outside the normal right-of-way, shall be returned to the record owners of adjacent properties at such time as the turnaround is eliminated. If a development includes land reverting to abutting owners, the surplus pavement shall be removed at the expense of the developer of the street extension and the area regraded and topsoiled to a minimum depth of four (4) inches and seeded.

4.12.4 Tertiary streets: A tertiary street with a maximum length of twelve hundred (1,200) feet and which shall not serve more than ten (10) lots with a turnaround, may be constructed provided that it will not be required to serve additional interior land in the future and where a through street is not deemed desirable by the Planning and Zoning Commission. They shall be equipped with a turnaround roadway at the closed end having a minimum right-of-way diameter of one hundred (100) feet, and a minimum pavement diameter of eighty (80) feet. Tertiary streets shall be built to the same construction specifications, excepting width, as required by the current Town of Wilton Construction and Drainage Standards for Roads.

4.12.5 Street signs: Street signs and stop signs shall be provided and placed at all intersections in locations within the rights-of-way approved by the Town Engineer. The design of such signs shall conform to the Town of Wilton standards for signs located in the Department of Public Works.

4.12.6 Street names: Streets shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or phonetic

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resemblance the names of existing street names. A road, which is the continuation of an existing road, shall bear the same name.

4.12.7 Existing trees: The applicant shall make substantial effort to save existing trees in the right-of-way of a proposed street.

4.12.7.1 Where the existing grade of the tree trunk at the base of the tree is above the required finish-grade level, the ground from the outer edge of the area of the tree-root protection shall be sloped to the surrounding subgrade.

4.12.7.2 In the raising of finish grades, backfilling around tree trunks shall not exceed a height of three (3) inches. In the event backfilling to an additional height is required, adequate tree wells shall be required.

4.12.7.3 The burial of tree stumps and shrubs that have been cleared from the land shall be prohibited and shall be disposed in a location approved by the Commission.

4.12.8 Street trees: Trees shall be retained or provided every fifty (50) feet on both sides of the street except where they obstruct sight lines. Such trees shall be located within the right-of-way, but no closer than ten (10) feet to the edge of pavement. The trees shall be of a noninvasive species, capable of providing shade in a mature form and shall be preferably native as approved by the Commission. Trees shall have a minimum caliper of two and one-half (2½ ) to three (3) inches and a minimum height of ten (10) to twelve (12) feet.

4.12.9 Walkways: Walkways constructed of bituminous-concrete to a width of four (4) feet may be required to provide pedestrian access to community facilities, open space, recreation areas and/or in areas as required by the Commission. The Commission may allow walkways to be constructed of an alternative material, such as gravel and stone dust finish, if such material is deemed to be more in character with the neighborhood. In the alternative and when deemed in character with the neighborhood, a walkway area delineated on either one side or both sides of a roadway by means of painted striping may be permitted in lieu of the aforementioned requirements. Such designated area shall consist of a five (5) foot-wide striped lane located within the paved portion of the roadway, measured from the street gutter line. The striped walkway alternative may be allowed on only roadways which measure a minimum width of 25 feet. The Commission shall also have the discretion to fully waive walkway requirements when such improvements are deemed out of character with the neighborhood or where the level of traffic does not warrant such improvement.

4.13 Waiver of standards: Waiver of standards to reduce impact of construction shall only be granted when the following conditions are met:

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4.13.1. Where the Commission finds that wetlands, watercourses or other natural features would be impaired by strict adherence to the standard for the design and construction of streets, the Commission may vary these standards and regulations to the extent necessary to reduce or eliminate the impact of construction upon identified wetlands, watercourses or natural features.

4.13.2 In waiving any of the standards contained herein, the Commission shall find that conditions exist on the subject land which do not generally exist on other land in the area, that the waiver(s) will not have any significant adverse impact on surrounding property or on public health and safety and that the waiver is not contrary to sound engineering and planning practices.

4.13.3 Waivers shall be granted by a three quarters (3/4) vote of the members of the Commission present and voting. The Commission shall state upon its records the reasons for granting any waiver, and the specific standard being waived shall be noted on the final subdivision or resubdivision plan.

## SECTION V – CONSERVATION SUBDIVISIONS

5.1 General: The purpose of conservation subdivisions is to allow for a more progressive approach to the subdivision of land and preservation of natural resources and visual assets of the Town. The objectives of this section are to preserve the natural, scenic and ecologically important features of the Town's remaining undeveloped land; to encourage flexibility of design and development in such a way as to promote the most appropriate use of land, considering its particular topography, size, shape, soils, natural features, historic assets and to provide the maximum land area for open space, including trails.

5.2 Applicability: An application for a conservation subdivision or resubdivision shall be permitted in the R-2A Residence District and the parcel shall consist of minimum of seven (7) contiguous acres.

5.3 Site requirements: The conservation subdivision shall meet the following site requirements:

5.3.1 The site shall be developed in a manner that could not be achieved in a traditional subdivision. The applicant shall show that the limit of disturbance has been reduced to a level less than that of a traditional subdivision and that the conserved land satisfies the objectives of the Plan of Conservation and Development and these Regulations.

5.3.2 Steep slopes and rock outcroppings shall not be disturbed. Impervious coverage and clear cutting shall be minimized and significant land features including but not limited to, significant trees, stone walls, hedgerows and scenic views shall be protected by specific layout of housing, septic systems and roads. The Commission may require site plan approval as part of a conservation development.

5.3.3 If the subject parcel is contiguous to open space or conserved land, the Commission may require that the conserved land in the conservation subdivision abut the existing open space or conserved land.

5.3.4 The open space shall include land that could otherwise have been developed in a traditional subdivision.

5.4 Standards and Conditions: A Conservation Subdivision shall conform to all of the following standards and conditions, in addition to the other applicable requirements of these Regulations:

5.4.1 The maximum number of building lots shall be one (1) per two (2) acres of buildable area as set forth in the Zoning Regulations.

5.4.2 All buildings and building lots shall comply with the area coverage and other dimensional standards required in the R-1A Residence District.

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5.4.3 Conservation Areas and Open Space are limited to passive recreation, horticultural gardening, conservation and flood control.

5.4.4 Recreation areas for recreational use by residents of the subdivision and their accompanying nonpaying guests may be permitted subject to Commission approval. The Commission may limit the areas that can be used for active recreation.

5.4.5 The area of the conservation land shall equal at least one-third (1/3) of the total acreage of the development.

5.4.6 Ownership of open space and conservation land shall be in accordance with Section 4.5.3 of these Regulations.

5.4.7 The applicant shall provide an Environmental Impact Statement prepared by an ecologist or environmental analyst or other qualified environmental professional that enumerates features and resources that would be protected under this type of development that would not otherwise be protected, the method by which such features and resources would be protected, the impact of the proposed development on the existing features and resources of the site and the relationship of these items to the objectives set forth above.

## **SECTION VI – VALIDITY**

6.1 If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not impair or affect the validity of any other section or remaining portion of these Regulations.

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

## **SECTION VII – EFFECTIVE DATE**

7.1 These Regulations shall be in full force and effect from the date of adoption by the Wilton Planning and Zoning Commission and as amended, or from a date subsequent to adoption that the Commission may establish.