Town of Chaplin
Subdivision Regulations

Planning & Zoning Commission
Town of Chaplin, Connecticut 06235

Adopted: July 20, 1965
Amended: February 8, 1968
Amended: June 15, 1987
Amended: September 6, 1990
Amended: June 22, 2006
Amended: May 7, 2009
Amended: May 1, 2010

5-7-10 10:30AM
RECEIVED
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TOWN CLERK: Cathy Vila

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Article I. PURPOSE

1. These Regulations have been adopted by the Chaplin Planning and Zoning Commission pursuant to the authority granted in Chapter 126 of the General Statutes of the State of Connecticut. It is declared to be the policy of the Commission to consider land subdivision as part of a plan for the orderly, efficient and economic development of the Town so as to further the general welfare and prosperity of its people. Accordingly, it is the purpose of these Regulations to insure that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water supply, surface drainage and sanitary sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed roads are in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, as the same may be amended from time to time, especially with regard to safe intersections with such thoroughfares; that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, and that roads and driveways provide adequate access to properties for fire-fighting apparatus and other emergency services; that, when and in places deemed proper by the Commission, open spaces for parks and playgrounds are provided in subdivision plans; that proper provision is made for soil erosion and sediment control pursuant to Section 22a-329 of the General Statutes of the State of Connecticut; and that provisions are made for energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.

2. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, or other provision of law, or any easement, covenant, or other private agreement or legal relationship. With regard to any easement, covenant, or other private agreement or legal relationship, it is not the purpose of these Regulations to intercede in, resolve, or arbitrate any private civil dispute. When these Regulations impose restrictions different from those imposed by any other statute, ordinance, or other requirement imposed by any level of government, whichever provisions are more restrictive or impose higher standards shall control.

Article II. DEFINITIONS

Certain terms and words used in these Regulations shall be interpreted and defined as set forth in this section:

Active Recreation: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Amended Subdivision: Any change in a property line or improvement shown on a Subdivision or Re-subdivision map which has been approved and filed with the Town Clerk pursuant to these Regulations, other than a new subdivision or a re-subdivision.

Applicant: Any person, firm, corporation, partnership, or other legally recognized entity who shall apply to the Commission for approval of a subdivision, either on the applicant's own behalf or as an agent for one or more others.

Application: A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these Regulations.

Board of Selectmen: The Board of Selectmen of the Town of Chaplin.

Buildable Area: The area, expressed in square feet, within the proposed subdivision which is comprised of the total area of the lot minus the area of all wetlands, ponds, watercourses on the lot, minus the area of all land on the lot with slope of over 20 percent, minus the area of all exposed ledge on the lot, minus the area of all floodplain on the lot.

Commission: The Planning and Zoning Commission of the Town of Chaplin.

Common Driveway: A driveway serving more than one (1) lot and no more than four (4) lots with no less than one of such lots being a front lot and not more than three (3) of such lots being rear lots.

Conventional Subdivision: A subdivision design that is consistent with the provisions of the Chaplin Zoning and Subdivision Regulations that would be applicable in the absence of Article 8.8 of the Chaplin Zoning Regulations.

Cul-de-sac: A dead-end street having only one outlet to a through State or Town road.

Date of Receipt: The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or thirty-five (35) days after such submission, whichever is sooner.

Disturbed Area: An area where the natural vegetative ground cover is destroyed, moved or

removed or earth is moved.

Development for Agricultural Purposes: Development exclusively for use as agricultural land, as that term is defined in Connecticut General Statutes Section 22-26bb.

Development Plan: The Plan of Conservation and Development of the Town of Chaplin, as it may be adopted and amended from time to time, in accordance with Chapter 126 of the Connecticut General Statutes, as amended.

Development Restriction: A restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area. The required open space may also be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Storm water management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of way of overhead power lines or other surface utility lines shall not be included in the minimum required open space.

Drainage Easement: The right, at any time, to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch or trench, or direction by enclosed conduits. Said right also includes the right to enter upon the property and to maintain said direction of the flow of water in perpetuity.

Easement: A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.

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

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: a.) The overflow of inland or tidal water; b.) The unusual and rapid accumulation or runoff of surface waters from any source.

Formal Subdivision Plan: The map, drawings, and all supporting data required by these Regulations upon which a formal (i.e., non-preliminary) plan of subdivision is presented to the Commission for action and which, if approved without modifications, would be submitted to the Town Clerk for recording.

Final Subdivision Plan: The map, drawings, and all supporting data as approved by the Commission, containing all modifications and revisions required by such approval, and

ready for endorsement by the Commission and for filing with the Town Clerk pursuant to Connecticut General Statutes Section 8-25.

Improvement: Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading.

Inland Wetlands Agency: The Inland Wetlands and Watercourses Agency of the Town of Chaplin.

Half Street: A proposed street, or any extension of an existing street, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property.

Loop Street: A street having only one outlet to a through State or Town road and that curves back to intersect with itself.

Lot: The unit or units into which land is divided or proposed to be divided with the intention whether now or in the future, of building on such units or offering such units for sale either as developed or undeveloped sites.

Open Space: Land within an Open Space Subdivision which is subject to a Development Restriction. Open Space may include, but not be limited to, areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.

Open Space Subdivision: A cluster development, as defined by Section 8-18 of the Connecticut General Statutes, in which the dimensions that would otherwise be required for lots under the Chaplin Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space. An open space subdivision may be approved in accordance with Article VI of the Chaplin Subdivision Regulations.

Passive Recreation: Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

Plan and Profile: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by section 4.03 of these Regulations.

Preliminary Layout: The preliminary map, drawing(s) and all required supporting data as required by section 4.01 of these Regulations, indicating the proposed manner and layout of the subdivision to be submitted to the Commission for consideration.

Print: A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing(s) from which it is made.

Rear Lot: A lot or parcel of land which does not have adequate frontage on a public street and is accessible only by a permanent, unobstructed right of access.

Reserve Strip: Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be used for streets, street connections, pedestrian ways, parks, or other land dedicated to public use.

Resubdivision: 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 of recording of such map.

Right-of-Way: The distance between property lines measured across and perpendicular to a street, or where no Right-of-Way has been established, twenty-five feet on either side of the center line of the Street Pavement as defined below.

Sediment: Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin.

Standard Specifications and Details: The Standard Specifications and Details for construction and materials and attached as Appendix A.

Street: A street, avenue, lane, or other right-of-way either: (a) dedicated and legally accepted by the Town or the State of Connecticut for the purpose of public travel; or (b) shown on a subdivision plan duly approved by the Commission, and filed or recorded in the Office of the Town Clerk, and bonded in accordance with these Regulations.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The width of the street pavement.

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. The term "subdivision" includes resubdivision.

Total Area: The total area of the proposed Open Space Subdivision expressed in square feet.

Town: The Town of Chaplin, County of Windham, Connecticut.

Traveled Width: The distance between curb faces, i.e., the width of the Street Pavement, measured in a direction perpendicular to the street.

Unbuildable Area: The area, expressed in square feet, within the proposed subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, exposed ledge, existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities, and slopes that exceed 20%. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width.

Article III. PROCEDURE

SECTION 3.01 REQUIREMENT OF APPROVAL OF SUBDIVISION PLAN

1. Subdivision Plan Approved and the Sale of Lots. All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval. No lot resulting from the subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for building development and no Certificate of Zoning Compliance (Zoning Permit) for any use, nor any building permit for the erection or enlargement of any building on such lot, shall be granted without the prior approval of the subdivision or resubdivision plan, or any amendment thereof, by the Commission, and the filing of the endorsed Final Subdivision Plan in the Office of the Town Clerk.

2. Purpose of Recommended Preliminary Procedure. To save time and money, the Commission recommends that, prior to the submission of a subdivision application, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed subdivision and prepare and present a preliminary layout for informal consideration by the Commission. The pre-application conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans, and documents required to accompany such application.

3. Modification to Approved Subdivision Plans. The Commission may approve a modification of an approved Final Subdivision Plan that does not constitute a resubdivision upon written application. If the proposed amendment or modification involves or includes any change in a property line, improvement or other physical feature shown on the approved Final Subdivision Plan, the applicant must submit ten (10) copies of a proposed amended Final Subdivision Plan. For each application, the applicant shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification or amendment. All provisions of the original approved subdivision or resubdivision shall be complied with, except as specifically approved by the Commission. No amended subdivision shall be deemed final until an endorsed Final Subdivision Plan showing all approved changes from the originally approved Final Subdivision Plan has been filed in the Office of the Town Clerk. For the criteria to be applied to modification applications, see section 9.04.

SECTION 3.02 PRELIMINARY LAYOUT

1. Application. The applicant is strongly encouraged to present to the Commission a request for the consideration of a Preliminary Layout. Up to fifteen (15) paper prints of the Preliminary Layout, in accordance with section 4.01 of these Regulations, shall be filed with the request.

2. Technical Reports. It is recommended that the applicant obtain from a licensed sanitary or civil engineer a written report or reports as to the general feasibility of the proposed water supply and the proposed drainage plan and sewage disposal in the area to be subdivided, and provide such report(s) to the Commission. The Commission may require the applicant to perform seepage or other tests and may request such other report(s) as it deems advisable to evaluate compliance with these Regulations.

3. Check by Commission. At the time of the filing of a request for the consideration of a Preliminary Layout, the Commission or its designee shall check such request and layout and when the information contained in the request is substantially complete in accordance with section 3.02 of these Regulations, the matter shall be placed on the agenda for a public meeting of the Commission. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision prior to the meeting, and the applicant, by making a request under this section, shall be deemed to consent to such site examination. The Commission shall give reasonable notice to the applicant of any proposed site inspections and the applicant shall be entitled to attend any such inspections.

4. Notice of the Meeting of Commission. The Commission shall notify the applicant, prior to the meeting, of the date, time and place of the meeting of the Commission at which the Preliminary Layout is to be considered. The applicant or a fully authorized representative should attend the meeting unless unable to do so, and should notify the Commission at least one day prior to the meeting if unable to attend.

5. Consideration of Preliminary Layout. The Preliminary Layout will be considered at a public meeting of the Commission. The Commission may hold a public hearing on any such request, and even in the absence of a public hearing, may, in its sole discretion, permit persons to be heard at such meeting.

6. Effect of Consideration of Preliminary Layout. The purpose of the consideration of the Preliminary Layout is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if a ny, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission.

SECTION 3.03 FORMAL SUBDIVISION ACTION

1. Filing of Formal Subdivision Application. It is the applicant's responsibility to submit a complete subdivision application, and to demonstrate compliance with all criteria and requirements of these Regulations. Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application. If deemed necessary, the applicant may submit additional reports or information as may be required to demonstrate compliance with the Regulations. At minimum, any applicant seeking subdivision approval shall file in the office of the Commission no fewer than ten (10) copies of the following:

   a. An application on forms provided by the Commission, signed by both the applicant and the owner(s) of the land to be subdivided or their respective authorized agents;

   b. A non-refundable application fee, in the form of a check made payable to the Town of Chaplin, in the amount established for the application proposed in accordance with Section 9.3.B "Planning & Zoning Fee Schedule" of the Chaplin Zoning Regulations, as amended.

   c. A formal subdivision plan conforming to section 4.02 of these Regulations on paper and in digital form such as AutoCAD (release 14) or compatible form acceptable to the Town;

   d.A road plan and profile conforming to section 4.03 of these Regulations;

   e. An erosion and sediment control plan, in accordance with section 4.02.1.m of these Regulations;

   f. A stormwater management plan conforming to section 4.02.1.n of these Regulations;

   g. A parcel history map, depicting the tract as of the effective date of the adoption of subdivision regulations for the Town of Chaplin (June 20, 1965). Such map shall be at a scale of 1" = 200', more or less, and shall indicate all divisions of the property, or any property of which was formerly a part, since the said effective date of subdivision regulation in Chaplin and a table containing the dates of such divisions and the grantors and grantees of any parcels or approved subdivisions so created;

   h. A report from the Town Sanitarian or Director of Health or their respective designees indicating compliance with the Public Health Code for each and every lot depicted upon the Formal Subdivision Plan; or, if the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Chaplin Water Pollution Control Authority indicating that all requirements including those set forth in Connecticut General Statutes Section 7-246f have been satisfied;

   i. A copy of any approval issued by the Inland Wetland Agency pursuant to Connecticut General Statutes Section 8-26.

j. For any subdivision application for any property which is within the watershed of Windham Water Works, proof of mailing of written notice of the application to that water company. Such notice shall be made on the appropriate form a nd sent by certified mail, return receipt requested. Maps indicating the watershed boundaries on file at the office of the Town Clerk.

k. Proof of mailing of written inquiry to the State Archaeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archaeological significance within the subdivision. Such inquiry shall be made by certified mail, return receipt requested. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance. The Commission may require an archaeological assessment where it determines that the subdivision may contain significant cultural resources, based on the Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

l. Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the applicant's property, a preliminary plan of the future street and lot pattern for the remainder of the tract or property may be required by the Commission.

m. Where existing topography is proposed to be altered, the volumes of material to be removed from, or brought onto, the site; areas of proposed blasting, and the estimated volume thereof; the location at which excavated material being removed from the site will be deposited, if known, and the time within which such removal is anticipated to occur.

n. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Chaplin Land Records where the same are recorded, and the date upon which they will expire, if any.

o. A written report prepared by a licensed sanitary or civil engineer of the adequacy of the water supply and sewerage arrangements, and from a licensed engineer of the proposed grades, drainage arrangements and drainage easements as shown on the Plan-Profiles and the Formal Subdivision Plan.

p. In accordance with Section 8-25a of the Connecticut General Statutes, any subdivision providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or, in the alternative, a certified copy of a resolution from the Board of Selectmen waiving such Certificate and agreeing that the Board of Selectmen shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

q. Such other reports as the Commission may require in order to evaluate compliance with these Regulations. Where a significant environmental impact may be involved, the Commission may request a review of the application by the Eastern Connecticut Resource Conservation and Development Area Environmental Review Team or other public or private consultant. The Commission may also require an Impact Statement in accordance with section 9.05 of these Regulations.

2. Notice of Meeting of Commission. The Commission may, in its discretion, schedule a public hearing on any Formal Subdivision application, and may, even in the absence of such public hearing, allow interested persons to be heard at the Commission's sole discretion. A public hearing shall always be scheduled for any application for Resubdivision. Any such public hearing shall commence no later than sixty-five (65) days following the Date of Receipt of the application, and shall be completed no later than thirty-five (35) days following its commencement, except that, upon written consent of the applicant, either time limitation may be extended one or more times, so long as the total period of all such extension or extensions does not exceed sixty-five (65) days. The applicant or an authorized representative should attend any public hearing. Additionally, the following notices are required:

a. Pursuant to Chapter 124, Section 8-7d(f) of the Connecticut General Statutes as amended, the Commission shall publish notice of the hearing in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing.

b. No less than ten (10) days preceding the date of the hearing, the applicant must mail written notice by certified mail, return receipt requested, to all land-owners as indicated in the records of the Town Tax Assessor whose property is within five hundred feet of any boundary of the of the property that is proposed for subdivision or resubdivision. Notice shall include the date, time and place of commencement of the public hearing of the Commission at which the Subdivision is to be considered, and shall also notify them of any continuance of the hearing due to inability of the applicant to be present and shall submit proof to the Planning Office of such notification.

c. In situations where a pending application submitted to the Planning and Zoning Commission involves any of the criteria noted below, the Commission shall notify by certified mail, return receipt requested, within 7 days of the receipt of the application, the Clerk of any adjoining municipality of the pending application pursuant to Chapter 124, Section 8-7d(f) of the Connecticut General Statutes as amended. No hearing shall be conducted unless the adjoining municipality has received said notice. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

(i) Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of the adjoining municipality;
(ii) b. A significant portion of the traffic to the completed project on the

site will use streets within the adjoining municipality to enter or exit the site;

(iii)c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or

(iv)d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

d. In situations where a subdivision of land is proposed, the area of which will abut or include land of two or more municipalities, one of which is the Town of Chaplin, the Commission shall notify by certified mail, return receipt requested, no less than thirty (30) days preceding the date of the hearing, the Regional Planning Commission of the Windham Region Council of Governments, pursuant to Chapter 126, Section 8-26b of the Connecticut General Statutes as amended.

3. Consideration of Formal Subdivision Application. The Commission will review the Formal Subdivision application and all accompanying reports and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commissions decision thereon, provided, however, that, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, or disinterested Town, State, or Federal agencies, advisors, or officials.

4.A ction by the Commission. Except as otherwise provided herein the Commission shall take action on the Formal Subdivision application within sixty-five (65) days from the Date of Receipt of the application if no public hearing is held, or within sixty-five (65) days from the close of the public hearing, except that, upon written consent of the applicant, either time limitation may be extended one or more times, so long as the total period of all s uch extension or extensions does not exceed sixty-five (65) days. Such action shall consist of approval, modification and approval, or disapproval of the application. "Modification", as used in this section, may include conditions that must be satisfied prior to endorsement and filing of the Final Subdivision Plan, prior to the issuance of Certificates of Zoning Compliance, prior to the release of bonds, or at other appropriate points in time. In the case of any application involving an area regulated under the Chaplin Inland Wetlands and Watercourses Regulations, the Commission shall not act on the subdivision application until it has received a report from the Inland Wetlands Agency pursuant to Connecticut General Statutes Section 8-26. In such cases, the time limit for the Commission's action shall be the later of (i) the time limit set forth above, or (ii) thirty-five (35) days following a final decision on such application by the Inland Wetlands and Watercourses Agency.

5. Notification of Action. Within fifteen (15) days after action by the Commission, the Commission shall notify the applicant by registered or certified mail of the action taken by the Commission, and shall also cause a notice to be published in a newspaper of general circulation in the Town of Chaplin. Such notice shall b e a simple statement that such application was approved, modified and approved, or disapproved, together with the date of such action.

6. Endorsement of Final Subdivision Plan. Following approval of a Formal Subdivision application, the applicant shall promptly provide a Final Subdivision Plan on mylar or other material suitable for filing in the Office of the Town Clerk, which Plan shall incorporate any modification attached to such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance to the Town of Chaplin shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance. The Plan on mylar shall include, reproduced on the face thereof, a copy of the Commission's decision to approve including any conditions or modifications made a part thereof. Upon determining that the Final Subdivision Plan properly incorporates all matters required by the Commission's decision and by these Regulations the Commission Chairman or other authorized official shall endorse the Commission's approval on the Plan. Upon approval by the Commission, final plans also shall be submitted in digital form such as AutoCAD (release 14) or compatible form acceptable to the Town.

7. Filing of Plan. Following the endorsement of the Final Subdivision Plan in accordance with the preceding paragraph, the applicant shall file the endorsed mylar of the Plan with the Town Clerk and pay any necessary filing fees. Such filing must be made within ninety (90) days after the expiration of the appeal period as set forth in Connecticut General Statutes Section 8-8 or, if an appeal is taken under that statute, within ninety (90) days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the applicant. The Commission may, upon request of the applicant, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Final Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Final Subdivision Plans rendered void by operation of this provision.

8. Alteration of Final Subdivision Plan Prior to Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the Plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the Plan.

9. Alteration of Final Subdivision Plan After Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new mylar Plan showing such changes has been endorsed and filed with the Town Clerk. If the Commission finds that any such changes were made by the applicant or the applicant's successor in interest, the Commission may, after a hearing at which the applicant or applicant's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the Final Subdivision Plan.

Article IV. SPECIFICATIONS FOR PRELIMINARY LAYOUTS, FORMAL SUBDIVISION PLANS AND ROAD PLANS AND PROFILES

SECTION 4.01 PRELIMINARY LAYOUT

1. Preliminary Layouts submitted to the Commission shall be drawings or prints of drawings at a scale of one inch equals forty feet (1" = 40') or one hundred (1" = 100') feet on sheets either eighteen by twenty-four (18" x 24"), or twenty-four by thirty-six inches (24" x 36") in size, and shall contain the following information:

    a. Names of owner(s) and applicant, proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale and date of drawing.

    b. Location and approximate dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers.

    c. All physical features, such as existing structures, easements, wetlands, watercourses, and wooded areas, properly labeled.

    d. Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades.

    e. Proposed lot lines with approximate dimensions and area of all proposed lots.

    f. Location and approximate dimensions and area of all property proposed to be set aside for open space, playground, park or other public use.

    g. A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection. If the application submitted covers only a part of the applicant's holdings, a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

    h. Where the applicant anticipates that the subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.

    i. Schematic storm drainage system layout.

SECTION 4.02 FORMAL SUBDIVISION PLAN

1. The Formal Subdivision Plan submitted to the Commission for approval shall be a clear and legible print at a scale of one inch equals forty feet (1" = 40') feet on sheets twenty-four by thirty-six inches (24" x 36"). The formal subdivision plan must also be submitted in digital form such as AutoCAD (release 14) or compatible form acceptable to the Town. The Plan, which may be composed of multiple sheets or sets of sheets, shall show the following information:

    a. Names and addresses of applicant and owner, proposed subdivision name and identifying title and location, scale of drawing, with north arrow, date of drawing and name.

    b. Certification by seal of (i) a Connecticut licensed professional engineer, (ii) a Connecticut licensed landscape architect and (iii) a Connecticut licensed land surveyor. The surveyor shall attest that the final Subdivision Map has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20, as amended, and is accurate to class A-2 and T-2 standards. A standard less than T-2 shall be allowed at the discretion of the commission.

    c. Location and dimensions of all existing property lines of the subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi-permanent nature; Assessor's map, block and parcel numbers; utility poles and numbers.

    d. All relevant existing features such as but not limited to roads, structures, stone walls, fences, easements of record, and wooded and open areas.

    e. Names and addresses of present record owners of abutting properties, as indicated in the current records of the Town Assessor and names and approval dates of abutting subdivisions. If the abutting properties are protected as open space either in fee or in conservation easements, this shall be noted on the plans.

    f. Area of all proposed lots in square feet and acres. Each lot shall be numbered and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions.

    g. Proposed house and driveway locations with associated grading information. All regrading and tree removal necessary to address driveway drainage and sightline issues shall be depicted on the subdivision plans. The subdivider shall identify the length of sightline, using sightline criteria outlined in the most current Connecticut Department of Transportation Highway Design Manual, that exists or will be achieved for each existing and proposed driveway, and shall demonstrate that each driveway will not exceed a slope of fifteen (15) percent.

    h. Area of all land to be set aside for community wells (if any), recreation, park,

open space, easement, or other use including lengths and bearings of all straight lines and adequate data for all curves.

i. Lines and names of proposed roads including lengths and bearings of all straight lines and adequate data for all curves. Proposed road names which shall not duplicate or be readily confused with already existing names unless an extension thereof.

j. Any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and easement and to reproduce such lines upon the ground to the class A-2 standard or better.

k. A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection; and also an index map of the subdivision at a scale of one inch equals two hundred feet (1" = 200'). If the application submitted covers only a part of the applicant's holdings, the Commission may require a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

l. Where the subdivisions are proposed to be developed in phases, such phases shall be clearly delineated on the Formal Subdivision Plan.

m. Soil types and inland wetlands and watercourses, as defined in the Chaplin Inland Wetlands and Watercourses Regulations, and delineated in the field by a soil scientist as defined in Section 22a-38(5) of the Connecticut General Statutes; Flood Zones, in accordance with the most current FEMA Flood Insurance Rate Map; existing wells, public water supply watersheds, and other public or private water supplies; existing and proposed contours at intervals of two (2') feet to a minimum accuracy of class T-2 or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

n. A soil erosion and sediment control plan consistent with the publication of the Connecticut Council on Soil and Water Conservation and the Connecticut Department of Environmental Protection, entitled, 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as the same may be amended from time to time, shall be submitted with all subdivision applications when the disturbed area of development is more than one-half (½) acre.

o. A stormwater management plan consistent with the publication of the Connecticut Department of Environmental Protection, entitled, 2004 Connecticut Stormwater Quality Manual, as the same may be amended from time to time shall be submitted with all subdivision applications when the disturbed area of development is more than one (1) acre.

p. The location of any subdivision identification or entrance signs as per the zoning regulations.

q. The location of any proposed highway right-of-way, as on file in the Office of the Town Clerk.

r. The approximate location and outfall of any footing or curtain drains, where required.

s. The location of all septic system primary and reserve leaching fields; the location of deep observation hole and percolation tests located in each such field; the results of all such tests, in tabular form; and the designation of any lot for which an engineered system is required pursuant to these Regulations.

t. A printed signature box as follows:

****

APPROVED BY THE CHAPLIN
PLANNING & ZONING COMMISSION

_____ _____
Chairperson/Secretary Date

THE APPROVAL PERIOD EXPIRES ON _____

SEE COMMISSION MINUTES OF _____ FOR SPECIFIC CONDITIONS OF APPROVAL.

****

SECTION 4.03 ROAD PLAN AND PROFILE

1. When new roads or improvements of existing roads are involved in a subdivision, the Formal Subdivision Plan shall be accompanied by a complete plan and profile of each such road drawn on a sheet which shall be either twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") in size. The horizontal scale shall be the same as that used in the Formal Subdivision Plan. When the horizontal scale of one inch equals forty feet (1" = 40') is used, the vertical scale shall be one inch equals four feet (1" = 4'). Such plan and profile shall show:

    a. Existing ground surface on the center line, the proposed line grade, and existing

elevations at both road lines.

b. Elevations at each high and low point.

c. By proper notation, location and elevations of bench marks, based on U.S.C.&G.S. datum.

d. Grades expressed as percentages.

e. Stations at high and low points, at centerline intersections, and at suitable intervals.

f. Data showing disposition of surface water, water and sanitary sewer pipes (if any), including sufficient data to permit checking of drainage designs.

g. Typical cross-section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.

h. Certificate under seal of a Connecticut licensed professional engineer as to the adequacy of proposed public improvements.

i. Location of street name, speed limit, stop, dead end, and other street signs, as recommended by the Town Engineer.

Article V. CONVENTIONAL SUBDIVISION DESIGN STANDARDS

SECTION 5.01 PURPOSE

1. The subdivision design standards set forth in this Article V are intended to fulfill the requirements of Section 8-25 and 22a-19 of the Connecticut General Statutes, and specifically to assure that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation, maintenance, and preservation of open spaces, parks, and playgrounds; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the public in the air, water, or other natural or historic resources of the state.

SECTION 5.02 APPLICATION OF STANDARDS

1. Manner of Application. The standards set forth in this Article V, elsewhere in these Regulations, and in the current Plan of Conservation and Development shall be considered by the Commission in determining whether to approve, modify and approve, or deny any subdivision or resubdivision application. The Commission may modify a proposed subdivision plan in any manner it determines to be reasonably necessary to achieve compliance with such standards. Such modifications may include, without limitation, the adjustment of proposed lot lines; the adjustment of the locations or dimensions of proposed streets, rights-of-way, utilities, or other improvements; or the provision, or the adjustment of the proposed location, of any open-space area, park, or playground. Such modifications may also include the elimination, combination or merger of specific lots on the proposed subdivision plan if the Commission deems such modifications necessary to avoid unreasonably adverse impacts to specifically identified natural or historic resources or to avoid specifically identified health or safety hazards to landowners, pedestrians, drivers, or other persons making proper use of any land within the area of the subdivision.

SECTION 5.03 GENERAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS

Every subdivider of land, residential or other, shall be bound by the following regulations and requirements:

1. Suitability of Land: Land subject to flooding or bad drainage and land which for any reason the Commission deems harmful to the health, welfare, or safety of future residents and neighbors, shall not be subdivided.

2. Buildable Area Requirement: Every proposed subdivision lot for a single family dwelling must contain not less than 40,000 contiguous square feet of buildable area. A subdivision lot for a two-family dwelling must contain not less than 60,000 contiguous square feet of buildable land. Lots which do not meet this criterion shall not be included as building lots in the subdivision. The dwelling on a lot shall be located on 40,000 or more contiguous square feet of buildable land. Said square foot areas must be uniformly shaped with a minimum width of 75 feet.

3. Adjacent Land: If the owner of a proposed subdivision also owns adjacent land that cannot be independently subdivided into lots meeting the requirements of the Regulations, such adjacent land must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels expressly intended to be dedicated to a public use acceptable to the Commission.

4. Off-street Parking: Space shall be provided on all lots for off-street parking.

5. Driveways: No proposed driveway shall exceed slope of fifteen (15) percent and all existing and proposed driveways shall be reconstructed or improved as necessary or designed and constructed to prevent drainage problems or unsafe driveway sightlines along adjacent streets. All subdividers shall demonstrate with their plans that all necessary regrading, tree removal and drainage improvements shall be dependent on existing conditions, the speed limit of the adjacent street and the street classification as defined by the Zoning Regulations. The Commission shall have the right to require a subdivider to construct any driveway with a slope of ten (10) percent or greater and necessary drainage and sightline work as part of the subdivision improvements.

   To help ensure safe and appropriate access to a house site for all vehicles, including emergency vehicles, the following provisions shall apply for all driveways exceeding a length of three hundred (300) feet:

   a. The driveway shall have a minimum travel width of twelve (12) feet and minimum load-bearing shoulder widths of two (2) feet. All driveway curves shall have a minimum inside radius of twenty-five (25) feet;

b. Pull-off areas adjacent to the driveway shall be provided at average intervals of every three hundred (300) feet or as deemed necessary by the Commission due to slope, sightline or other site characteristics. Pull-offs shall have a minimum load-bearing length of forty (40) feet and minimum width of ten (10) feet;

c. An adequately-sized, located and surfaced turnaround area that will accommodate a fire truck shall be provided. Unless the following distance requirements are waived by the Commission due to specific site characteristics, the turnaround area shall be no closer than seventy-five (75) feet from a house site and no further than two hundred (200) feet from a house site and the turnaround shall be at least thirty (30) feet in length with two (2) foot wide, load-bearing shoulders.

6. Rear Lots in Conventional Subdivisions: No more than one rear lot shall be permitted in a conventional subdivision, including the "free cut." The rear lot shall have a minimum access strip width of 50 feet. The access strip shall be owned by the owner of the rear lot. The rear lot area shall be equal or greater than two acres, excluding the access strip area. The buildable area of the rear lot shall be 40,000 contiguous square feet or greater, excluding the area of the access strip. An existing rear lot shall not be subdivided or resubdivided unless the subdivider first constructs an Approved Street on a fifty foot right of way as an access to all proposed lots therein.

7. Utilities: All utility lines including, but not limited to, those required for electrical, communication, lighting and cable television sources and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these Regulations. The Commission may waive all or part of these requirements of these Regulations in accordance with section 9.04.

8. Drainage Easements: The Commission shall require the subdivider to provide sufficient easements for storm water drainage. The construction of all storm water drainage systems shall conform to the requirements and specifications of the Board o f Selectmen. In determining these requirements, contours, soil types, and other unusual circumstances shall be considered. No natural water course shall be altered or obstructed to reduce natural run-off capacity of surface water unless substitute means of run-off are provided.

9. Shade Trees: For the purposed of enhancement of property values and for erosion control, the preservation and protection of shade trees throughout the subdivision shall be encouraged, except where they interfere with roads and utilities.

10. Removal of Top Soil: Approval of a subdivision by the Commission shall not constitute approval of the removal of top soil or other excavated material from the premises other

than that necessary to construct the improvements, and then only to the depths shown on the approved plan.

11. Grading: The land located within a subdivision shall be properly graded and left in a condition that will be free of rubble and debris, and properly stabilized to eliminate erosion. Stumps, logs, construction materials, and other debris shall not be buried on-site. Such materials shall be removed from the site and disposed of in a lawful manner.

SECTION 5.04 STANDARDS FOR STREET DESIGN

1. The standards for the provision of adequate access and street systems include those set forth in Appendix A of these Regulations, entitled "Road Design Criteria." In addition, the Commission shall apply the following standards:

    d. All streets in a proposed subdivision plan shall be designed to allow their incorporation into a safe, practical and effective town street and highway system. For example, when a subdivision is planned within an area of the town that is largely undeveloped or sparsely developed, the Commission shall consider whether any proposed cul-de-sacs or loop streets would compromise the Town's ability to provide for through roads as the area becomes more densely developed.

    e. Street layouts shall be designed with reasonable consideration for future access to adjoining parcels of land. Cul-de-sacs and loop streets shall be disfavored if adjoining undeveloped parcels could be more easily and practically developed by a through-road connection and if the use of cul-de-sacs or loop streets would be likely to require emergency vehicles to traverse a substantially longer route to reach adjoining properties.

    f. In approving a subdivision application, the Commission shall require the dedication of land along existing Town streets as necessary to provide the street right-of-way with an adequate width.

2. New Streets: Where the subdivision adjoins land susceptible to being subdivided, the Commission may require new streets to be carried to the boundaries of the proposed subdivision. Reservation of title in any land controlling access to streets is prohibited.

3. Reserved Rights-of-Way: When required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property susceptible of being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Chaplin and the owner, and shall include slope rights fifteen (15') feet outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be so laid out that access to the house or garage shall not be over the reserved right-of-way.

4. The classification of each new or existing street will be determined by the Commission

after evaluating the following factors:

a. The type of land use permitted in the subject zone, and/or proposed for the subdivision, such as, residential, commercial, industrial, or institutional;

b. The residential density and/or development intensity of any permitted and/or proposed land uses;

c. The number of acres or residential units or non-residential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets;

d. The physical characteristics of the property through which the street is proposed, such as topography, surface geology, water table, and the like;

e. The recommendations of the Plan of Conservation and Development.

5. Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town for street widening and the applicant shall show such widening on the Formal Subdivision Plan.

6.C ul-de-sacs: Cul-de-sacs terminating in a hammer-head turnaround are preferred but alternatives will be considered. Cul-de-sacs shall not exceed 2000 feet in length and shall not provide access to more than twenty (20) lots. Cul-de-sacs shall be measured from the edge of pavement of the adjoining street to the center of the turnaround. When a cul-de-sac is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract. The applicant (subdivider) extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which pavement has been removed, extend existing driveways and relocate mail and paper boxes in the original cul-de-sac area in accordance with Town requirements and at the applicant's expense.

7. Loop Streets: Loop streets shall not originate at another loop street or a cul-de-sac street. Loop streets shall not provide access to more than twenty (20) lots. No lots within the loop shall have its rear line fronting on the street.

8. Half Streets: The dedication of half streets at the perimeter of a new subdivision is prohibited.

9. Slope Rights: Where new streets abut private property, necessary slope rights shall be obtained by the applicant when in cut or fill, and these slope rights shall be shown on the final layout submission to the Commission. The applicant shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The applicant shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.

10. Existing Street Improvements/Access: Whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street by and at the expensive of the subdivider.

11. Stone Walls: Reservations for rights-of-way along road frontages, as described in section 5.04.1.c, may be waived or modified as provided by section 9.04 in order to preserve existing stone walls as property lines.

SECTION 5.05 PUBLIC HEALTH STANDARDS

1. Water Supply: Every proposed lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or community water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the Town Director of Health or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any Final Subdivision Plan. If the use of a community water supply system is proposed, the subdivider shall submit a plan in compliance with, evidence of an approval by the Town Director of Health.

2. Sanitary Waste Disposal: No lot requiring an individual septic system for sewage disposal shall be considered for approval by the Commission until the lot has been approved by the Town Director of Health, Town Sanitarian, or other appropriate Town official as suitable for the system. Percolation tests, soil reports, and the relevant Town official's report must be submitted with the Subdivision Application. Where evidence indicates special cause for concern, the Commission may require additional information in applications, including, but not limited to, a permeability analysis and/or renovation analysis of bacteria, phosphates, or other pollutants.

   It is the responsibility of the subdivider to contact the Town Director of Health or Town Sanitarian to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.

   A minimum of one (1) deep observation hole and percolation test shall be performed in each proposed primary, and in each proposed reserve, septic system area indicated on the

subdivision plans.

SECTION 5.06 SOIL EROSION AND SEDIMENTATION CONTROL STANDARDS

1. For subdivisions that include the disturbance of more than one-half (1/2) acre of land, the applicant shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, the need to reduce soil erosion and sedimentation by utilizing techniques outlined in the publication of the Connecticut Council on Soil and Water Conservation and the Connecticut Department of Environmental Protection, entitled, 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as the same may be amended from time to time. Soil erosion and sedimentation control techniques shall include but are not limited to:

    a. keeping land disturbance to a minimum by maintaining the existing topography and vegetative cover;

    b. avoiding excessive cuts and fills whenever possible;

    c. avoiding steep slopes and soils with severe limitations for the intended uses;

    d.a ligning roads and driveways to the contour whenever possible;

    e. utilizing the natural drainage system whenever possible.

SECTION 5.07 STORMWATER MANAGEMENT STANDARDS

1. For subdivisions that include the disturbance of more than one acre of land, the applicant shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, the need to reduce stormwater run-off volume, reduce peak discharges, increase run-off travel time, increase groundwater recharge and avoid impacts to natural stream flows by utilizing techniques outlined in the publication of the Connecticut Department of Environmental Protection, entitled, 2004 Connecticut Stormwater Quality Manual, as the same may be amended from time to time. Stormwater management techniques shall include but are not limited to:

    a. minimizing stormwater runoff by maintaining existing vegetative cover and minimizing impervious surfaces;

    b. using vegetated swales, buffers, filter strips and level spreaders;

    c. creating stormwater ponds and wetlands;

    d. using permeable pavement;

    e. installing underground infiltration systems.

SECTION 5.08 FLOOD HAZARD STANDARDS

1. On land contiguous too brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the developer for protective flood control measures in connection with the applicable provisions of the Zoning Regulations.

2. All new subdivision proposals located within or adjacent to areas identified as Flood Zones on the most current Flood Insurance Rate Map shall include within such proposals base flood elevation data.

3. Subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

SECTION 5.09 PASSIVE SOLAR ENERGY STANDARDS

1. The applicant shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, using passive solar energy techniques. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site techniques shall include, but shall not be limited to:

    a. house orientation;

    b. street and lot layout;

    c. vegetation;

    d. natural and man-made topographical features; and

    e. protection of solar access within the development.

These techniques are to be used where feasible, but not where they would cause unreasonably adverse impacts to the natural environment.

SECTION 5.10 STANDARDS FOR PROTECTION OF NATURAL RESOURCES

1. The Commission may modify a proposed subdivision plan prior to approval if it deems such modifications(s) necessary to protect specifically identified natural resources such as, but not limited to:

    a. Inland wetlands or watercourses and their riparian zones;

    b. Habitat of rare, endangered or special concern species;

    c. Significant stands of mature trees or particularly large or unusual trees;

    d. Significant geological features, such as unusual rock outcroppings;

    e. Vista points and undisturbed ridgelines;

    f. Floodplains; and

    g. High-yielding or potentially high-yielding aquifers.

SECTION 5.11 STANDARDS FOR PROTECTION OF HISTORIC RESOURCES

1.T he Commission may modify a proposed subdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources such as, but not limited to:

    a. Stone walls or fences;

    b. Foundations or other evidence of historic settlements within the Town;

    c. Native American or other burial grounds;

    d. Site of archaeological significance; and

    e. Historic structures or landmarks, as defined by Section 22a-19a of the Connecticut General Statutes.

SECTION 5.12 STANDARDS FOR OPEN SPACES, PARKS, AND PLAYGROUNDS

1. Reserved for future use.

2. Disposition: For any subdivision of land under these Regulations, the Commission may require of the subdivider the conveyance and official dedication of appropriately located and sized open space or recreation areas. In determining the appropriateness of an open

space and/or recreation area disposition, the Commission shall consider Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, wildlife habitat, ridges, ravines, ledge outcroppings, stonewalls and other unusual physical features; the protection of productive agricultural soil; the protection of scenic areas and undeveloped rural road frontage; the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space or recreational purposes, and it may reject or modify any area proposed by the applicant. The Commission reserves the right to require a land management plan.

3. Size: Where open space and/or recreation area dedication is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in section 5.12.1 and the scope of the subdivision proposal. Required open space and/or recreation areas for conventional subdivisions shall be a minimum of ten percent (10%) of the area of the property under consideration. Required open space and/or recreation areas for open space subdivisions shall be a minimum of forty percent (40%) of the area of the property under consideration. In determining the total land to be reserved as open space and/or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

4. Character: The character of the open space shall mimic, to the greatest extent possible, the character of the land prior to development. For example, if the site contains 30% unbuildable area, the open space shall be composed of no more than 30% unbuildable area.

5. Method of Dedication: The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in section 5.12.1; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

    b. Conveyed in fee simple to the Town.

    c. Conveyed in fee simple to the State of Connecticut for open space or recreational purposes.

    d. Conveyed in fee simple to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.

e. Dedication in fee simple to a homeowners' association for open space or recreational purposes [See section 5.12.8].

f. Utilization of conservation easement(s), with or without public access, using the form set forth in Appendix G.

g. Utilization of a recreation easement, to the Town, State, or a private non-profit entity.

h. Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.

i. Private ownership for open space purposes with the appropriate conveyance of development rights.

j. Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

6. Referrals: The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Conservation Commission, Recreation Commission, Windham County Soil and Water Conservation District, or any other appropriate agency.

7. Condition of Open Spaces and/or Recreation Land:

k. Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall be left in a natural state by the subdivider unless otherwise specified by the Commission. Except for such improvements as may be required by the Commission, open space areas shall not be graded, cleared or used as a repository for brush, stumps, earth, building materials or debris.

l. Open space and/or recreation areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be twenty feet (20') wide and have a slope no greater than twelve percent (12%).

m. When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.

n. All open space boundaries shall be clearly marked. Where deemed necessary by

the Commission, the boundary lines of all areas to be dedicated shall be set in the field and marked by Commission-approved plaques at an interval(s) not to exceed 50 feet apart, where such lines intersect any lot line, road right-of-way, or perimeter line within the subdivision, and at such other points as may be required by the Commission to ensure identification in the field. As a guideline, the Commission may require plaques to be nailed to trees at a height of 6' above the ground, or where no tree is present within reasonable proximity, the plaque(s) shall be nailed a minimum of 3' above the ground to a Commission approved post.

8. Enforcement Bonding: To ensure proper construction of any required improvements in areas to be dedicated pursuant to this section 5.12, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All required improvements of open space and/or recreation land shall be completed prior to the sale of more than fifty percent (50%) of the lots within the subdivision.

9. Homeowners Association: The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners. The document providing for such transfer must:

    o. Establish a mandatory participation in an association of property owners to maintain the land reservation for open space, park, and/or playground purposes, with power to assess all members for all necessary costs.

    p. Be binding on all future property owners.

    q. Be perpetual.

    r. Not be affected by any change in zoning or land use.

    s. Assure adequate maintenance.

    t. Provide for enforcement by the Town by appropriate legal action.

    u. Provide that if maintenance or preservation of the dedication no longer comply with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

    v. Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.

After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the Office of the Town Clerk simultaneously with the endorsed Final Subdivision Plan.

10. Legal Transfer: Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of these regulations and shall be submitted in triplicate with the final subdivision map to be filed. All documents shall refer to the subdivision maps by title and must be acceptable to the Town Attorney and Planning Staff prior to the recording of the subdivision plans. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Meeting. In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to Town Meeting approval be deemed as acceptance of the open space and/or recreation area by the Town.

11. Dedication for Other Municipal Purposes: In the event the subdivider proposes to transfer to the Town land for municipal purposes other than open space or recreation, the Commission may, in its discretion, approve such dedication as a credit toward any open space and/or recreational area disposition requirements under this section 5.12.

12. Fee in Lieu of Open Space: As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

    w. Amount: Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

    x. Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:

        (i) T he applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.

        (ii) The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.

(iii) If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

(iv) Steps (i) through (iii) may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Formal Subdivision application.

(v) The applicant shall submit the appraisal prior to the completion of the Commission's review of the Formal Subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.

(vi) The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.

y. Payment: The method of payment of any fees under this section shall be one of the following two options:

(i) T he applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved Final Subdivision mylars with the Town Clerk; or,

(ii) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Final Subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.

z. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

aa. Dedicated Fund: Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

13. Open Space Exemptions: In accordance with Connecticut General Statutes Section 8-25, the following instances shall be exempt from the provisions of section 5.12 Standards for Open Spaces and Recreation Areas:

bb. where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Final Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and

cc. where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, and as amended. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

Article VI. OPEN SPACE SUBDIVISIONS

SECTION 6.01 PURPOSE

1. The purpose of this Article VI is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

SECTION 6.02 REQUIREMENT OF SUBMITTING AN OPEN SPACE SUBDIVISION DESIGN

1. As authorized under Connecticut General Statutes Sections 8-2(a) and 8-25(c), every applicant proposing to subdivide a parcel (or portion of a parcel of land) completely within the Town of Chalpin that on the date June 27, 2006 was equal to or larger than 15 acres in any zoning district allowing residential development, must submit an open space subdivision plan that meets the requirements of this Article VI and the other relevant provisions of these Regulations and the Chaplin Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included. An applicant may submit an alternative, conventional subdivision plan in addition to the open space subdivision plan required by this Article VI if the applicant wishes to have the Commission consider granting an exception to the open space subdivision requirement pursuant to section 9.04. The alternative conventional subdivision plan must conform to all other requirements contained in these Regulations and the Chaplin Zoning Regulations.

2. The Commission recommends that prior to the submission of an official application for open space subdivision approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary

plan shall be deemed to constitute any portion of the official and formal procedure of applying for approval of the final open space subdivision plan.

SECTION 6.03 PROCEDURES

Except as otherwise provided, all open space subdivision applications must meet the procedural and substantive requirements of these Regulations and the Zoning Regulations.

SECTION 6.04 GENERAL DENSITY LIMITATIONS

Except as otherwise provided in these Regulations, the maximum number of units for an open space subdivision shall be determined by the Yield Plan Method.

1. Yield Plan Method: The applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Zoning and Subdivision Regulations governing conventional subdivision lots. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than five (5) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty percent (20%); rock outcrops; and easements and rights-of-way affecting the parcel. The yield plan will be reviewed by the Planning and Zoning Commission which may approve or reject it, in parts or in its entirety, if it is not realistic and/or shows lots that would not be ordinarily be permitted in a conventional subdivision layout.

   On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select lots to be tested in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

2. Lot Area and Bulk: The dimensional requirements for lots in an open space subdivisions shall be as specified in section 8.8 of the Chaplin Zoning Regulations.

SECTION 6.05 DESIGN STANDARDS FOR OPEN SPACE SUBDIVISIONS

1. In designing an open space subdivision, the applicant should consider the purpose set forth in section 6.01 of these Regulations, the provisions of Article V of these

Regulations and the following factors:

a. Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.

b. Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).

c. Open space intended for recreation or other active public use should be easily accessible to pedestrians, including, to the extent feasible, the handicapped and elderly.

d. Individual lots should be arranged to relate to adjacent properties in the neighborhood with consideration of the view of and from prospective home sites, to minimize the area devoted to motor vehicle access and travel and to maintain the existing view from public rights of way.

2. The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations.

3. Rear Lots in Open Space Subdivisions: No more than one rear lot is allowed in an open space subdivision unless the lots are served by a common driveway. If common driveways to rear lots are proposed, up to three rear lots may be permitted provided they are associated with one frontage lot. Only one rear lot shall be permitted in the open space subdivision if it is served by a private driveway. Minimum driveway access width for the private driveway shall be twenty-five feet (25').

   a. The owner of a rear lot shall provide and maintain, as per approval specifications, the private driveway, drainage and utilities within the access way and shall be responsible for the continued maintenance and liability.

   b. No rear lot or lots shall landlock another rear lot or rear land where the potential for future access does not exist, unless the Commission finds that there is no feasible alternative, either existing or future, to development as a rear lot.

4. Common Driveways to Rear Lots: The use of a common driveways to rear lots may be authorized or required by the Commission where wetlands, steep slopes or other physical constraints would require extensive grading, filling or tree removal for individual driveways, where common driveways will protect natural and manmade features and scenic views and vistas, or where common driveways will promote other design objectives of these regulations.

   a. A common driveway shall serve no more than four (4) residential lots with no less than one of such lots being a front lot and not more than three (3) of such

lots being rear lots.

b. Approvals of common driveways shall not be construed as acceptance of said driveway or rights-of-way for the Town, and the Town shall not be obligated to perform any repair or maintenance duties thereon.

c. Where common driveways are approved, a driveway easement shall be filed on the deeds of the affected lots to clearly establish liability and maintenance agreements in the form set forth in Appendix F. The minimum width of the driveway easement area shall be twenty-five feet (25').

d. Common driveways shall not be longer than 1000 feet in length. Common driveways may not be closer than 50 feet at any point to an adjacent common driveway on the same side of the road. All common driveways shall be sixteen feet wide but narrower widths may be permitted at the discretion of the commission for wetlands crossings and similarly sensitive areas. The common driveway must have a base and surface adequate to support 40,000-pound emergency vehicles. The specifications for common driveways shall be in accordance with the recommendations of the Fire Marshal or his/her designee.

e. Common driveways shall be considered the responsibility of a subdivider and shall be completed or bonded pursuant to Chaplin's regulatory requirements, prior to the filing of a subdivision on the Land Records.

SECTION 6.06 STANDARDS FOR OPEN SPACE AREAS

1. Except as otherwise provided by this section 6, the standards for open space areas shall be as provided by section 5.12 of these regulations.

Article VII. REQUIRED IMPROVEMENTS

SECTION 7.01 DESCRIPTION

1. The improvements set forth in this Article VII shall be required in all subdivisions except where waived by the Commission pursuant to section 9.04 of these Regulations.

2. All construction will be done in accordance with and under the supervision of the Board of Selectmen or its designee.

SECTION 7.02 LOT BOUNDARY MARKERS

1. A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change of a lot line occurs. Such marker may be a steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the final subdivision map and must be placed on the site prior to the issuance of a final Certificate of Zoning Compliance on the subject lot.

SECTION 7.03 STREET BOUND STONES

1. Street bound stones shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary to identify the street line in the field. The location of all street monuments shall be indicated on the final subdivision plan. They shall be installed and their accuracy certified by a Licensed Land Surveyor. The monuments shall be made of concrete, and shall be thirty (30") inches in length. The top shall be four (4") inches square with a cross, drill hole or brass cap. The base shall be six (6") inches square. The monuments shall be set with the top two (2") inches above finish grade.

SECTION 7.04 INSPECTION AND ACCEPTANCE

1. All subdivision improvements to be dedicated to the Town shall be inspected by the Commission or such agent as may be designated by the Commission, in consultation with the Board of Selectmen. In addition, the developer shall, prior to the commencement of construction, arrange with the Commission and the Board of Selectmen for the employment of a clerk of the works to supervise the installation of all improvements. Such clerk of the works shall be an individual(s) approved by the First Selectman; shall be answerable and report, as requested, to the Commission and the Board of Selectmen, acting by and through the First Selectman; and all fees and expenses of such clerk of the works shall be payable by the subdivider, whose employee or subcontractor the said clerk

shall be.

2. Inspections shall be made at the following stages of construction:

    a. When rough grading is complete.
    b. When drainage and all other underground facilities are installed, but prior to any backfilling.
    c. During construction of street base courses.
    d. During construction of bituminous concrete surface and binder courses.
    e. During the placing of concrete for sidewalks.
    f. When curbing is complete.
    g. A final inspection shall be made when all Improvements are complete, and before acceptance by the Town.

3. The developer shall not proceed to work on any stage subsequent to the first stage until such inspection has been made by the Commission or its appointed agent, on the preceding stage and approval in writing has been obtained on the preceding stage. At least forty-eight (48) hours' notice, excluding Sundays and Holidays, shall be given by the developer to the Commission or its appointed agent for each inspection.

Article VIII. INSURANCE AND BOND REQUIREMENTS, AGREEMENT FOR INSTALLATION OF IMPROVEMENTS AND CERTIFICATE OF COMPLIANCE

SECTION 8.01 INSURANCE

1. The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.

2. The policy shall insure the Town of Chaplin and the subdivider against all claims for damage or injury to persons or property that may arise from the construction, installation, or maintenance, or lack thereof, of any subdivision improvements, or from any operations in the development or completion of the subdivision, including but not limited to clearing, removal of vegetation, grading, excavating, filling, inspection, testing, well installation, sediment and erosion control measures, and road construction and improvement. The policy shall have the following limits:

    a. Property Damage (including automobile)
    Each Accident: Not less than $1 million

    b. Bodily Injury (including automobile)
    Each Person : Not less than $1 million
    Each Accident: Not less than $1 million

SECTION 8.02 PERFORMANCE BOND

1. A Performance Bond in such form and amount as the Commission may require in accordance with these Regulations shall be posted by the subdivider prior to the commencement of construction of any improvement or work on any lot to insure the completion of required improvements and utilities in the event the subdivider shall fail timely to install the same. The term of any Performance Bond proposed by the developer should be the same as the normal duration of the subdivision approval pursuant to state law. Any developer who proposes to submit a Performance Bond having a shorter term shall be deemed to have accepted the risk that the Bond will not be renewed and that the approval of the subdivision may lapse and become null and void if it is not renewed. The developer shall be entitled to complete all required subdivision improvements within the time allowed by state law, provided the developer continuously maintains the Performance Bond, or a substitute Performance Bond acceptable to and approved by the Commission in accordance with these Regulations, for the full duration of such time. If, at any time, the Performance Bond lapses, is terminated or withdrawn, or ceases to be effective or in force, regardless of whether the developer is responsible for such

circumstances, the subdivision approval shall, after notice to the subdivider and the opportunity to be heard, lapse and become null and void except as provided hereafter. Within 30 days after the date of any such lapse, termination, withdrawal, or cessation of the effectiveness of any such Performance Bond, the developer may submit to the Commission a written request for approval of a substitute Performance Bond. No such request shall be granted unless the developer or a designated agent or representative of the developer attends the meeting of the Commission at which the matter is to be considered. It shall be the developer's responsibility to determine the date of such meeting. The Commission may deny such request if it determines that such proposed substitute Performance Bond does not provide adequate security for the timely completion of all required subdivision improvements and utilities or if it determines that the developer has failed to comply with any terms or conditions of the subdivision approval or any of these Regulations that are applicable to the subdivision approval. The Commission may also approve the provision of a substitute Performance Bond different in form and amount than that requested by the developer. In the event the Commission approves the provision of a substitute Performance Bond, the developer shall be allowed 30 days following the date of such approval to submit the substitute Performance Bond. The Commission may, upon the developer's written request, extend the time within such substitute Performance Bond may be provided by no more than an additional 30 days. If the developer fails to provide the substitute Performance Bond within such period of 30-60 days, or if the developer fails to submit a written request for approval of a substitute Performance Bond within the time set for above, the subdivision approval shall become immediately null and void. Nothing in this section will prevent or prohibit subsequent subdivision of the property.

2. Separate Sedimentation and Erosion Control Bond: Measures and facilities specified on the approved Soil Erosion and Sediment Control Plan shall be guaranteed by a separate cash or savings account bond. No Development shall commence until said bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Planning and Zoning Commission or its designated agent.

3. Restoration: In the event the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the Performance Bond to restore all or any portion of the site to a natural condition. The Commission shall not use the Performance Bond to restore the site if the cost to complete all required improvements and utilities would be less than the cost of performing such restoration. The Commission shall not make any decision to use a Performance Bond for restoration without obtaining an estimate for the costs of both restoration and completion of all required improvements and utilities from the Town Engineer or a similarly qualified consultant.

4. Conditional Approval: The Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such conditional approval shall allow for the

construction, maintenance and installation of improvements or utilities required by the Commission and shown on the approved plan in connection with road construction, subject to the following conditions:

a. No work shall be commenced on or within the subdivision unless the developer provides either a full Performance Bond in accordance with section 8.02.1 or a Preliminary Performance Bond, satisfactory to the Commission in form and amount, in accordance with the following standards. A Preliminary Performance Bond shall be adequate to secure (1) the installation and maintenance of all sedimentation and erosion control measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and (2) the cost of restoring the site to its natural condition if the developer fails to complete all required subdivision improvements and utilities. If the developer elects to submit a Preliminary Performance Bond, the following conditions shall apply:

(i) A subdivision with conditional approval may be developed in phases, provided that no more than 1,200 feet of roadway and supporting improvements shall be under construction at one time without the posting of a performance bond. Before commencing development of any additional phases, all work required in the previous phase must be complete or a Performance Bond in place covering the work remaining in such prior phase.

(ii) The applicant shall guarantee in writing that no lots will be sold, no zoning or building permits will be sought and no individual lot development including tree clearing and grading will commence unless and until full security for completion of all remaining work shown on the plan is posted with the Commission. This guarantee shall be enforced by a restriction, in the form set forth in Appendix B, to be filed in the land records of the Town of Chaplin. Violation of this provision shall be grounds for revocation of the subdivision approval. Upon completion of the public improvements or the final approval and bonding of the subdivision, the Commission shall release the restriction in the form set forth in Appendix C, to be filed in the land records of the Town of Chaplin.

Any such conditional approval shall lapse on such date as established by the Commission, but in no event shall the date be later than two years from the date such approval is granted. The applicant may apply for and the Commission may grant a renewal of such conditional approval for such period as the Commission in its discretion may establish provided that the total period of all such extensions does not exceed the maximum duration of a subdivision approval under State law.

5. In computing the amount of a Performance Bond or Preliminary Performance Bond, the Commission shall consider the following items:

a. The construction cost of all required improvements, including storm drainage

system, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final or Conditional Subdivision Plan, Plan and Profile, and Erosion and Sedimentation Control Plan.

b. For Preliminary Performance Bonds, the cost of restoring the site if the subdivision improvements are not completed. The following assumptions will be considered for the calculation of the restoration bond: The entire limits of road construction have been disturbed; that the value of grading is equal to 25% of the total earthwork volume; that stockpiled topsoil is available on site for respreading over disturbed areas; that all areas are to be seeded; and that supplemental erosion control measures are provided.

c. Costs for the Town to advertise and award a contract for construction of the improvements or site restoration.

d. Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.

e. The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.

6. Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (e) 1 through 5 above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this paragraph, no improvement, as that term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted, and no lots shall be sold in such phase.

7. As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:

a. Cash in the form of a certified check; or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in the State of Connecticut.

b. A Letter of Credit in favor of the Town in the form included as Appendix D of these Regulations. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut. The issuing bank ("Surety") shall be one maintaining offices in Windham, Tolland or New London Counties in the State of Connecticut.

8. The bond forms set forth in the preceding paragraph shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the Bond shall be the sum which the Commission shall require. The completion date of all required Improvements shall be the end of the term of the Bond or any extension thereof, but, in no event, longer than the period set forth in Chapter 126 of the Connecticut General Statutes.

9. For all Performance bond documents: If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence form the Secretary of the State that they are authorized to do business in Connecticut.

10. If at any time, the bond required by this section shall not be in effect for incomplete or unaccepted public improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact.

SECTION 8.03 APPLICATION OF BONDS

1. The Commission may call any surety bond and apply the proceeds of such bond to the construction and installation of required subdivision improvements and utilities in any of the following circumstances:

    a. The Commission may call the bond at any time within sixty (60) days before the expiration or termination date of the bond, as that date may have been extended, if any portion of the required subdivision improvements or utilities has not been completed. If the Commission has called the bond under this subsection, and the expiration or termination date of the bond is subsequently extended for a period of no less than one (1) additional year, or a replacement bond of equivalent or greater amount is subsequently provided in a form satisfactory to the Commission, the Commission shall have the option of proceeding to complete any portion of the required subdivision improvements and utilities under the original bond or accepting the extended or replacement bond in lieu of completing such improvements.

    b. The Commission may call the bond at any time within sixty (60) days before the date, as it may have been extended, on which the approval of the subdivision is scheduled to expire under any applicable provision of state or local law if any portion of the required subdivision improvements or utilities has not been

completed.

c. The Commission may call the bond at any time to complete any portion of the required improvements or utilities the Commission deems reasonably necessary to serve any lots within the subdivision that have been sold or otherwise conveyed.

ANY PERSON WHO SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A SUBDIVISION BASED UPON THE PROVISION OF A BOND IN LIEU OF THE COMPLETION OF ALL REQUIRED IMPROVEMENTS AND UTILITIES SHALL BE DEEMED TO HAVE READ, UNDERSTOOD AND ACCEPTED ALL OF THE FOREGOING TERMS. THE COMMISSION SHALL NOT ISSUE ANY FINAL APPROVAL OF A SUBDIVISION APPLICATION BASED UPON THE PROVISION OF A BOND UNLESS THE APPLICANT AGREES TO ABIDE BY THE FOREGOING PROVISIONS BY EXECUTION OF THE RESTRICTIVE COVENANT DESCRIBED IN APPENDIX B.

SECTION 8.04 BOND RELEASE

1. Prior to the release of the Performance Bond the subdivider shall present a Maintenance Bond equal to ten (10%) percent of the full amount (i.e., the highest amount set by the Commission before any subsequent reductions) of the Performance Bond. The Maintenance Bond shall be for a period of two (2) years and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The two-year period shall commence upon the effective date of the acceptance of any road or other public improvements by that agency having authority for such acceptance. In the case of a conditional subdivision approval, the subdivider shall post a maintenance bond equal to ten percent (10%) of the cost of all improvements prior to the acceptance of any street.

2. Application for the release of any Bond upon completion of all required improvements shall include the submission of properly scaled as-built drawings, which shall include all changes in the plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall be signed and sealed by a Connecticut Registered Land Surveyor licensed in the State of Connecticut.

3. Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the developer may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission shall grant no more than three (3) such reductions per phase prior to the final release of bonds, and the Commission may refuse such reductions if it finds the construction of any improvements in violation of any provision of these Regulations or the plans, terms, or conditions for any subdivision approved hereunder.

SECTION 8.05 AGREEMENT FOR INSTALLATION OF IMPROVEMENTS

1. An application for approval of a subdivision plan that involves the construction or installation of public improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to CT General Statute Section 8-26c (c) shall not prevent the Commission from seeking to enforce the personal responsibility of the applicant to complete the necessary improvements.

2. The Commission shall not approve any subdivision plan that involves the construction or installation of public improvements unless the applicant signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as set forth in Appendix E of these Regulations.

SECTION 8.06 CERTIFICATE OF ZONING COMPLIANCE

1. Before any Certificate of Zoning Compliance may be issued for any building in such subdivision on a lot that fronts on a subdivision road that has not been accepted by the Town as a public road, the subdivider must complete such road, in accordance with all applicable specifications, up to the farther side line of such lot, to a stage in construction at which only the approved sub-base and final surface course of the road remains to be done before completion of the road. The foregoing condition shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, must also be bonded in accordance with the provisions of this Article VIII. In addition, water supplies and effluent disposal systems shall be operational and accepted by the appropriate Town or State agencies prior to the issuance of a Certificate of Zoning Compliance allowing the occupancy of a dwelling on any lot.

Article IX. MISCELLANEOUS PROVISIONS

SECTION 9.01 LOT LINE REVISION IN APPROVED SUBDIVISION PLANS

1. The revision of any lot line or lot lines shown in a subdivision plan that has been previously approved by the Commission shall be deemed to constitute a modification of the approved subdivision plan. Any and all such modifications must be reviewed and approved by the Commission. The Commission shall not hold a public hearing on any such proposed lot line revision unless the proposed revision would result in a resubdivision, as defined in Section 8-18 of the Connecticut General Statutes, as amended. The Commission shall approve a proposed lot line revision unless it determines either (i) that one or more of the proposed reconfigured lots would not meet any applicable requirements of the Zoning Regulations, or (ii) that the proposed modification would result in a lot or lots that would be significantly more difficult to develop or use because of the location of such physical features as wetlands, watercourses, or steep or rocky areas within the reconfigured lot or lots. For the procedure to be used for Lot Line Revisions, see section 9.01 and 9.02.

SECTION 9.02 LOT LINE REVISIONS IN OTHER LOTS

1. The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Chaplin or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

SECTION 9.03 PENALTY FOR FAILURE TO COMPLY

1. Failure to Obtain Subdivision Approval: In accordance with Connecticut General Statutes Section 8-25, any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission shall be liable to a fine of Five Hundred ($500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Chaplin Land Records.

2. Violation of Subdivision Approval: Any person, firm, corporation, partnership or association that violates any provision of these Regulations or any condition of modification of any Subdivision approval; or fails to comply with the plans and other documentation submitted in accordance with these Regulations shall be provided notice

of such violation by registered mail, return receipt requested. Said notice shall indicate the date of a regular or special meeting at which the Commission shall consider such violation, and the subdivider shall have the opportunity to be heard an present evidence at such meeting. If, following such meeting, the Commission determines that a violation as described in this paragraph has occurred, the Commission may take any or all of the following actions: Void the subdivision for any lots which have not been conveyed to purchasers not affiliated with the subdivider; call any bonds or letters of credit which have been placed to secure compliance with these Regulations and any approval granted hereunder; direct the Zoning Enforcement Officer to withhold any Certificate of Zoning Compliance for any such lot(s) in the subdivision; refuse to accept any public improvement in connection with such subdivision;; refuse to grant any extension of time for the completion of improvements in such subdivision; require additional bonding; require additional engineering or other studies to evaluate the scope and nature of the violation; bring legal action seeking injunctive relief or such other relief as may at law or equity pertain.

SECTION 9.04 MODIFICATIONS AND WAIVERS

1. The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. In considering a modification or waiver under this section, the Commission shall only approve such modification or waiver upon a finding that all of the following conditions are met:

    a. Conditions exist on the subject property which are not generally applicable to other land in the Town area;
    b. The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations;
    c. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time

2. Any request for modification or waiver under this section shall be set forth to the Commission in writing and, if granted, shall be noted on the Final Subdivision Plan with a reference to the lot(s) affected, and the section of these Regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this section, the Commission shall state upon the record the reasons for such action. A modification or waiver must be approved by a three-quarters vote of all the members of the commission.

SECTION 9.05 IMPACT STATEMENT REQUIREMENTS

1. Purpose: These impact statement regulations have been designed to assure that development of land is orderly and that conditions are not created which would result in the overcrowding of land, undue concentration of population, or increased congestion in the streets; to facilitate the adequate provisions for transportation, water sewage, schools, parks, and other public requirements and to assure that proposed streets are in harmony with existing roads; to assure there is provision for an adequate and convenient system for present and prospective traffic needs; and to provide that adverse environmental impacts are minimized.

2. Evaluation: The Commission shall evaluate each proposal on the basis of the Town Plan of Development, existing zoning, and information provided in the impact statements submitted. The Commission shall evaluate each proposal to determine the individual and overall impact of any proposal on the existing and/or proposed infrastructure of the Town, so as to assure the protection of the public health, safety and welfare. This evaluation shall be part of the subdivision review process.

3. Significant Proposals Requiring Impact Statements:

    a. Those subdivision plans proposed to include 100 acres or 100 units, whichever is less, immediately or in the future, unless determined by the commission that there will not be a significant impact.

    b. Those subdivision plans which are deemed by the Commission to have a regional impact in terms of drainage, traffic, groundwater quality or quantity, and/or environmental impact.

4. Submission of Reports by Applicant: The applicant shall submit ten (10) copies of the impact reports to the Chaplin Planning and Zoning Commission with the Subdivision Application. These reports shall be spiral or three-ring loose-leaf bound and submitted on 8 ½½" x 11" size paper, vertical format. The scale of accompanying maps shall be 1 inch to 1,000 feet unless indicated otherwise or specifically defined in the Subdivision Regulations. The impact statement report shall include:

    a. Area Location Maps. The proposed site shall be identified by map (1" = 400' maximum) showing its inter-relationship with the neighborhood. This map shall identify the name, location and distance in miles to the following facilities existing and proposed, which will service the site:

        * Elementary School(s).

        * Middle School.
        * High School.

        * Police and Fire Stations.

* Recreational Areas, public and private.

* Interconnecting access to existing roads.

* Storm sewers.

* Community water lines.

b. Population and Demographic Impact. These factors shall be summarized in the report by time phases:

* Total projected population.

* Family projections by adults and children under 18.

* Projected school age children.

c. Educational Evaluation. An evaluation of the impact of the proposal on the school system. Such evaluation shall take into account, but not be limited to:

* Existing individual school plant capacity.

* Town planned school expansion program.

* Financial impact based on latest ADM count, and local school educational costs, including operating and capital expenses.

* Impact on busing programs.

d. Road and Traffic Impact. An evaluation of the existing road system surrounding the proposed development by pavement type, general road condition, accident rates, and adequacy for present and/or proposed development. An evaluation of the impact of the proposed development on these roads should be presented, including but not limited to:

* Distance of the development from a major state or inter-state road, existing or proposed.
* Projected number of motor vehicle types to enter or depart the site, by peak hours and average daily traffic counts (ADT).

* Projected traffic flow patterns and the relation of these to existing and proposed roads.

* Projected impact of the traffic to be generated by the proposal to existing road capacities.

* Anticipated road and traffic improvements which will be required as a result of the proposal.

e. Environmental Impact. An evaluation of the potential impact of the proposal on environmental factors, with particular emphasis paid to environmental factors such as:

* Wetlands and watercourses.

* Potential aquifers.

* Flood plains.

* Areas with slope greater than 15%.

* Prime agricultural soils.

* Mineral and construction material resources.

* Wildlife habitats.

* Historical sites, stone walls.

* Natural and scenic resources.

* Parks, natural reservations and sanctuaries.

* Areas where development can cause harmful and irreparable damage from erosion and siltation.

Such impact information shall also include:

* A description of the existing environmental setting.

* The favorable and adverse environmental impacts of the proposed action.

* Identification of alternatives to the proposed action including their impact on the environment.

* Identification of any irreversible commitment of natural resources which cannot be avoided.

* The growth-inducing aspects of the proposed action including changes in net growth, additional land development, and related aspects.

* Projected impact on land development surrounding the proposal.

* A brief description of soil and erosion measures expected to be undertaken.

f. Public Safety. An evaluation of the proposal as to the potential impact on the existing police and fire facilities which would service the area. Such evaluation should include the following:

* Estimate of time and distance from nearest fire station in Town.

* Estimate of time and distance to nearest fire station which may assist from an adjoining town.

* Closest source of water supply and estimate of volume available.

* Estimate of additional demand requirements on existing facilities, including any possible change in the Volunteer Fire Department status.

* Proposed water supply system and its impact on fire protection.

g. Housing Impact. An evaluation of the proposal on the effects of the supply and cost of housing in the community, including the impact on the community's and/or region's need for low and moderate housing.

h. Open Space. An evaluation of the existing and proposed open space areas which will serve the proposed development. Such evaluation shall include all pertinent information relating to ownership of such land, extent of development, availability to other Town residents, and provisions for maintenance and upkeep of this area.

SECTION 9.06 EXPIRATION

1. The expiration provisions of the State Statutes (particularly Sections 8-26c and 8-26g) shall govern for all subdivision approvals. Except for subdivisions that qualify for longer approval periods pursuant to statutory provisions, all work associated with an approved subdivision shall be completed within five (5) years of the date of approval unless an extension is granted by the Commission pursuant to statutory provisions. Any extension of a conditional approval may be granted in one-year increments up to statutory limits. The applicant shall provide justification acceptable to the Commission for any extension request. In reviewing any extension request, the Commission shall take into account site conditions, the status of required subdivision work, conditions of subdivision approval and any regulatory 'changes that have occurred since the original approval. Furthermore, the Commission shall cite reasons for any granted extensions. The Commission shall have the right to modify bonding requirements in association with any extension request. Failure to complete subdivision work (as defined by the State Statutes) within the approval period shall result in expiration of the approval.

SECTION 9.07 AMENDMENTS

1. These Regulations may be amended by the Commission in accordance with the procedures set forth in Section 8-25 of the Connecticut General Statutes.

SECTION 9.08 VALIDITY

1. Should any section or provision of the Regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be invalid.

SECTION 9.09 ENACTING CLAUSE, SHORT TITLE AND REPEAL

1. The Chaplin Planning and Zoning Commission acting under authority of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Subdivision Regulations of the Town of Chaplin". The provisions of the Subdivision Regulations heretofore in force and any amendments thereof, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of the Regulations as originally enacted which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted.

APPENDIX A—ROAD DESIGN STANDARDS

DESIGN TRAFFIC VOLUME (Average Daily Traffic)	Under 200	200 - 500	Over 500
DESIGN SPEED (Miles Per Hour)	30	35	40
PAVEMENT TYPE	Asphalt or Tar Applied on an 18" (minimum) Gravel Base	Asphalt or Tar Applied on Gravel Base or Bituminous Macadam on an 18" (minimum) Gravel Base	Asphalt or Tar Applied on Gravel Base or Bituminous Macadam on an 18" (minimum) Gravel Base
PAVEMENT WIDTH	20'	20'	20'
SHOULDER TYPE	Surface Treated Gravel	Surface Treated Gravel	Surface Treated Gravel
SHOULDER WIDTH	2'	2'	3'
CURVATURE (Maximum) (degrees)	14	12	10
GRADIENT (Maximum)	14%	12%	10%
CLEAR WIDTH ON BRIDGES	22'	24'	26'
SLOPES (Earth Cut & Fill) (Rock Cut)	2:1 1:6	2:1 1:6	2:1 1:6
+RIGHT OF WAY WIDTH	50'	50'	50'
STOPPING SIGHT DISTANCE	200'	250'	300'

APPENDIX B—RESTRICTIVE COVENANT

WHEREAS, [OWNER OF PROPERTY UPON WHICH SUBDIVISION RESTS - NOT NECESSARILY SUBDIVIDER] is a Connecticut corporation/partnership having its principal place of business at [ADDRESS] (hereinafter, "Owner"); and

WHEREAS, Owner is the owner, in fee simple, of real property located in the Town of Chaplin, County of Windham and State of Connecticut, being [SOME BRIEF DESCRIPTION, SUCH AS ADDRESS OR ASSESSOR'S MAP/NUMBER], said real property being more particularly described on Schedule A, attached hereto and made a part hereof (hereinafter, "the Property"); and

WHEREAS, a subdivision known as [SUBDIVISION NAME] has been approved by the Chaplin Planning Commission on the Property, which approval is predicated upon certain plans and other application materials, and which is subject to the Subdivision Regulations of the Town of Chaplin (hereinafter, "the Regulations") and to certain conditions or modifications as may be disclosed in the records of the said Commission (hereinafter, "the Subdivision"); and

WHEREAS, the Subdivision requires the construction of certain improvements, which improvements are required to be bonded in accordance with section 8.02 of the new Regulations prior to the endorsement and filing of the Subdivision in the Office of the Chaplin Town Clerk; and

WHEREAS, the parties acknowledge that the purpose of such bonding is to guarantee the construction of all improvements in the Subdivision, and compliance with the Regulations, the Subdivision plans and submissions, the conditions and modifications of approval, and similar requirements applicable to the Subdivision, prior to the offering of any lot in the Subdivision for sale or development; and

WHEREAS, the Subdivider desires to postpone the posting of said bonds, and the Commission has indicated a willingness to accept such postponement provided that Subdivider and Owner are willing to covenant that no lots in the Subdivision shall be conveyed, under any circumstances, to any party, until the required bonds are posted.

NOW, THEREFORE, [OWNER] declares and covenants that none of the lots in the Subdivision shall be conveyed to any party, other than the Town of Chaplin, prior to the submission to, and approval by, the Chaplin Planning Commission of suitable bonds for Subdivision improvements, in accordance with the Regulations. The lots may be encumbered by mortgages junior in right to this Covenant. [OWNER] further declares and covenants that no construction activity of any kind, including but not limited to the clearing, grading, or excavation of land, shall occur on the Subdivision property prior to the posting of such bonds. This Covenant shall run with the land and shall be binding on all persons claiming title to said premises under Owner.

IN WITNESS WHEREOF, [OWNER] has caused this instrument to be executed in his/her/their/its name, on this day of , 20 .

Signed, Sealed and Delivered
In the Presence Of:

STATE OF CONNECTICUT:
: ss. , 20
COUNTY OF :

Personally appeared _____, signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed before me, the undersigned officer.

Commissioner of the Superior Court
Notary Public/Justice of the Peace
My Commission Expires:

STATE OF CONNECTICUT:
: ss. , 20
COUNTY OF :

Personally appeared _____, [NAME AND TITLE/OFFICE OF SIGNER FOR CORPORATE OR PARTNERSHIP OWNER], signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed as such [TITLE/OFFICE], and the free act and deed of said corporation/partnership, before me, the undersigned officer.

Commissioner of the Superior Court
Notary Public/Justice of the Peace
My Commission Expires:

NOTES:

THIS COVENANT MUST BE ACCOMPANIED BY A CURRENT CERTIFICATE OF TITLE INDICATING THAT THE PROPERTY IS IN THE NAME OF THE "OWNER" AND IS FREE AND CLEAR OF ANY AND ALL ENCUMBRANCES (SUCH AS LIENS, ATTACHMENTS, MORTGAGES) WHICH MIGHT IMPAIR ITS PRIORITY IN RIGHT; OR SUBORDINATION AGREEMENTS FOR ANY SUCH ENCUMBRANCES.

THIS ENCUMBRANCE MUST BE FILED IN THE LAND RECORDS, INDEXED UNDER THE NAME OF THE OWNER. IT SHOULD BE FILED FOLLOWING THE FILING OF THE ENDORSED SUBDIVISION MAPS AND ANY DEEDS OF OPEN SPACE. DEEDS TO ROADS, DRAINAGE EASEMENTS, AND OTHER RIGHTS INCIDENTAL TO A NEW ROAD, SHOULD NOT BE FILED UNTIL ACCEPTANCE OF THE COMPLETED ROAD (THOUGH THE DEEDS CAN AND SHOULD BE HELD IN ESCROW).

IT IS THE RESPONSIBILITY OF THE BONDED PARTY (BE IT OWNER OR SUBDIVIDER OR DEVELOPER) TO INSURE COMPLIANCE OF ALL SUBDIVISION IMPROVEMENTS AND CLEAR TITLE TO THE ROAD AND APPURTENANT EASEMENTS UPON ACCEPTANCE. IF THE BONDED PARTY IS NOT THE OWNER OR DEVELOPER, IT IS INCUMBENT ON THE BONDED PARTY TO NEGOTIATE SUITABLE CONTRACTUAL AGREEMENTS WITH THE OWNER AND DEVELOPER. BONDS WILL BE CALLED, OR WILL NOT BE RELEASED, REGARDLESS OF THE IDENTITY OF THE PARTY CAUSING NONCOMPLIANCE, INCLUDING THE OWNER OF AN INDIVIDUAL LOT.

THE USE OF THIS COVENANT IN LIEU OF BONDING IS NOT AUTHORIZED BY EITHER THE FORMER OR CURRENT SUBDIVISION REGULATIONS. IT HAS BEEN PREPARED TO ACCOMMODATE A PRACTICE SPORADICALLY FOLLOWED BY THE COMMISSION AT THE EXPRESS URGING OF SUBDIVIDERS. THE USE OF THIS COVENANT IS ENTIRELY AT THE SUBDIVIDER'S AND OWNER'S RISK, AND ANY JUDICIAL DETERMINATION OF INVALIDITY OF THIS COVENANT SHALL REQUIRE THE IMMEDIATE POSTING OF BONDS BY THE SUBDIVIDER OR OWNER.

APPENDIX C—RELEASE OF RESTRICTIVE COVENANT

TOWN OF CHAPLIN PLANNING AND ZONING COMMISSION
NOTICE OF FINAL APPROVAL AND
RELEASE OF RESTRICTIVE COVENANT

In accordance with Connecticut General Statutes §8-25, *et. Seq.*, as amended, and the Chaplin Subdivision Regulations, a CONDITIONAL SUBDIVISION APPROVAL was granted by the Chaplin Planning and Zoning Commission on _____, _____ (date) for a subdivision known as _____ (name), hereinafter referred to as "the Subdivision", and being more particularly described on a map or maps entitled:

The foregoing map(s) are on file as map Nos._____ in the Town Clerk's Office. To enforce such CONDITIONAL SUBDIVISION APPROVAL, a RESTRICTIVE COVENANT dated _____, _____ (date) was filed at Volume _____, Page _____ of the Chaplin Land Records, which covenant was in the name of _____
_____ as Grantor.

On _____, _____ (date) the Chaplin Planning and Zoning Commission voted to grant FINAL APPROVAL to the Subdivision, and to RELEASE the aforesaid RESTRICTIVE COVENANT.

This approval will expire FIVE YEARS from the date of the original CONDITIONAL APPROVAL unless extended by the Commission, the date of such expiration being _____, _____. No such extension shall exceed TEN YEARS from the original CONDITIONAL APPROVAL.

Dated at Chaplin, Connecticut this _____ day of _____, _____.

WITNESSED BY:

CHAPLIN PLANNING AND ZONING COMMISSION

By_____

Its Chairman/Secretary

STATE OF CONNECTICUT)
) SS. , 20

COUNTY OF)

Personally appeared, _____ , _____ of **The Town of Chaplin**, Signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of said Town of Chaplin, before me.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

APPENDIX D—LETTER OF CREDIT

XYZ BANK AND TRUST COMPANY

IRREVOCABLE LETTER OF CREDIT

LETTER OF CREDIT NO.:

Date:

BENEFICIARY: Town of Chaplin
Chaplin, CT 06235

Gentlemen:

We hereby open our Irrevocable Letter of Credit in your favor for up to the aggregate amount of $_____ (insert written amount) for the account of:

[Subdivider]
[Address]

This amount is available upon presentation of your sight draft accompanied by a signed and notarized statement from the First Selectman of the beneficiary in the form set forth on Exhibit A. Such statement shall constitute adequate evidence that [subdivider] defaulted under the terms of the subdivision approval, which approval is set forth in the Minutes of the _____, 20_ meeting of the Chaplin Planning Commission, which subdivision is more particularly shown by a series of maps entitled, [title of subdivision maps] _____ _____ _____ prepared by _____ on file in the Chaplin Town Clerk's Office, or as such maps may be amended in accordance with the Chaplin Subdivision Regulations. The specific roadwork and other public improvements covered by this Letter are as set forth on said series of maps, the Chaplin Subdivision Regulations as in force on the date of approval, and the Chaplin Road Specifications referenced therein.

We hereby agree with you that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to the [name of bank] in (city), (state & zip), U.S.A.

This Letter of Credit expires on _____, 20_.

This Letter of Credit shall be extended for an additional period of one (1) year from the present or future expiration date hereof unless sixty (60) days prior to such expiration date we shall notify you in writing, by registered mail, that we elect not to renew this Letter of Credit for such additional period. Upon receipt of that notice, you shall have the right to draw against the amount remaining available under this Letter of Credit in accordance with terms of this Letter of

Credit and accompanied by the beneficiary's statement signed by the said First Selectman or his designee, stating:

> I certify that [subdivider]_____ is indebted to us in an amount no less than the amount represented by the accompanying draft."

In respect to the written statement above and in Exhibit A, [name of bank] is authorized to accept them as binding and correct without investigation or responsibility for the accuracy, veracity, correctness or validity of the same or any part thereof. We hereby agree with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this Letter of Credit that such drafts will be duly honored by us upon presentation, notwithstanding any claims of illegality, unenforceability, or fraud in connection with the transaction. We here waive the right to defer the honor of any such drafts presented by the beneficiary or by any drawer, endorser, or bona fide holder of any such drafts.

> Each draft must bear upon its face the clause "Drawn under Letter of Credit #____ dated _____, w0_ o f [name of bank], __(city)__, ____(state & zip)____, U.S.A.

Very truly yours,

[name of bank]

By:_____[signature]

Its _____ [office]
Duly Authorized

EXHIBIT A
NOTICE OF DRAW UNDER LETTER OF CREDIT

, 20_

Re: Irrevocable Letter of Credit No.

Gentlemen:

This is to notify you that [subdivider] has defaulted on its obligations to us by failing to cure a default within ten (10) days after we sent written notice of default; and the amount represented by the accompanying draft is due and owing us.

Very truly yours,

THE TOWN OF CHAPLIN

By:

Its [office]
Duly Authorized

APPENDIX E—STANDARD AGREEMENT FOR CONSTRUCTION AND INSTALLATION OF PUBLIC IMPROVEMENTS AND UTILITIES IN SUBDIVISIONS

Date:

Subdivision:

STANDARD AGREEMENT FOR CONSTRUCTION AND INSTALLATION

OF PUBLIC IMPROVEMENTS AND UTILITIES IN SUBDIVISIONS

Agreement made this day of 20 , by and between the TOWN OF CHAPLIN, hereinafter called the "Town", a municipal corporation having its territorial limits within the County of Windham and State of Connecticut, acting herein by its Planning and Zoning Commission , and , of the Town of , County of and State of , owner or owners of record of property for which a final subdivision plan has been approved, and the heirs, executors, administrators, successors and assigns of said owner or owners, hereinafter called the "Subdivider".

WITNESSETH:

WHEREAS, the Town by vote taken on the day of , 20 , by its Planning and Zoning Commission , has approved a subdivision known as , said vote reading as follows:
; and

WHEREAS, the Subdivider desires to proceed with the construction and installation of public improvements and utilities in said subdivision in accordance with the specifications, ordinances, codes, regulations and standards of the Town and as shown on a Public Improvements and Utilities Map entitled:
"
"; and

WHEREAS, the utilities as may be shown on said map are to be installed and constructed by, on behalf of, or by separate agreement with private utility companies or public agencies having jurisdiction over such public improvements, which terms shall be deemed to include, without limitation, all streets, sanitary sewers, curbs, gutters, sidewalks, storm drainage, all erosion prevention measures, and all work on natural or relocated watercourses, whether within or without the boundaries of the subdivision, hereinafter called the improvements, as may be shown on said map or otherwise required by the Planning and Zoning Commission are to be installed and constructed by, on behalf of, or under contract with the Subdivider; and

WHEREAS, the estimated cost of constructing and installing the improvements, said estimated costs having been approved by the First Selectman and the Town Engineer, is

($) Dollars, and the Subdivider has filed with the First Selectman ($) Dollars as surety securing to the Town the actual construction and installation of the improvements, which surety represents ninety-five percent (95%) of said estimated cost; and

WHEREAS, the Subdivider has deposited with the First Selectman ($) Dollars as a deposit against which the Town may draw to defray the costs of maintenance and repair of the improvements and the costs of any necessary repairs to the improvements reasonably resulting from defects in workmanship or materials during the construction or maintenance period, which deposit represents five percent (5%) of said estimated costs. This Agreement shall be reviewed on its anniversary and adjusted to secure an adequate surety amount.

NOW, THEREFORE, be it agreed between the parties hereto, acting under the authority of the Subdivision and Resubdivision Regulations of the Town of Chaplin effective 20 , and may therefore be amended as follows:

THE TOWN AGREES:

1. To accept by appropriate resolution of the Town body having jurisdiction those improvements which have been dedicated to the Town upon recommendation of the Town Manager and certification by the First Selectman and the Town Engineer, that the Subdivider has fulfilled all the terms of this agreement and has completed the construction and installation of the improvements in accordance with the plans, specifications, ordinances, codes, regulations, and standards of the Town.
2. To release, following said acceptance, any cash bond, or savings account assignment securing to the Town the actual construction and installation of the improvements, and to return to the Subdivider any balance of said deposit, with an itemization of any charges thereto, one year following said acceptance and upon conclusion of the maintenance period.

THE SUBDIVIDER AGREES:

1. To construct and install the improvements at no expense to the Town in accordance with said Subdivision and Resubdivision Regulations, said final subdivision plan, including the public improvements and utilities map, Standard Specifications for the Design and Construction of Subdivision Improvements effective _____, 20__ and as thereafter amended, applicable laws, regulations, standards, codes or ordinances of the Town and State of Connecticut, and any terms or conditions established by said Commission and herein contained.
2. To construct and install the improvements complete in every detail, in a good and proper manner, as directed by the First Selectman, and in conformance with standard engineering and construction practices within one year from the date of approval of said subdivision by said Commission or within an earlier time as prescribed by said Commission, except as such completion date may be extended by said Commission.
3. The Subdivider agrees that he shall at all times indemnify and save harmless the Town and its respective officers, agents and servants, on account of any and all claims, damages, losses, litigation, expenses, counsel fees, and compensation arising out of injuries (including death) sustained by, or alleged to have been sustained by the servants, employees or agents of the Town, or of the Subdivider, any contractors employed by him or any subcontractor of material man, and from injuries (including death) sustained by or alleged to have been sustained by, the public, any or all persons on or near the work, or by any person or property, real or personal (including property of the Town), caused in

whole or in part by the acts or omissions of the Subdivider, any contractor employed by him or any subcontractors or material man or any one directly or indirectly employed by them or any of them while engaged in the performance of any work covered by this Agreement and during any maintenance period specified therein.

4. The Subdivider shall, in part, secure his obligations under this standard agreement with the Town of Chaplin by maintaining at his own expense at least the following forms of insurance:

   (a) Owners' protective liability and property damage insurance for and in the name of the Town of Chaplin and covering all claims against the Town arising out of this agreement.

   (b) Public liability and property damage insurance, including coverage for acts of subcontractors, for all liability assumed under this agreement and where applicable, coverage for use of explosives, for collapse of buildings and damage to underground properties, and coverage by any law or municipal ordinance or regulation.

   (c) Standard automobile liability and property damage insurance, including coverage for hired or borrowed cars.

   (d) Workmen's Compensation and Employer's Liability Insurance, as provided by Connecticut law and custom.

   The minimum amounts of all such insurance shall not be less than those shown in section 8.01 of the Subdivision Regulations, namely:

   Property Damage (including automobile)
   per accident not less than $1,000,000

   Bodily Injury (including automobile)
   per person not less than $1,000,000
   per accident not less then $1,000,000

   but the stipulation of minimum amounts shall in no way limit the liability of the Subdivider to any such amounts.

5. To permit the Town to draw upon said deposit to defray the costs of maintenance and repair of the improvements or utilities prior to their acceptance by the Town, including but not limited to snowplowing, cleaning of drainage facilities, and street sweeping, and to defray the costs of any necessary repairs to the improvements or utilities reasonably resulting from defects in workmanship or materials during the maintenance period of one year following said acceptance, provided that the Town, except in cases of emergency, shall notify the Subdivider at least seventy-two (72) hours in advance of said repair and maintenance; and to deposit an additional sum with the First Selectman, such sum not to exceed the amount of the original deposit, if at any time the original deposit should prove insufficient to defray any such costs incurred by the Town.

   No principal or interest will be withdrawn from any surety or maintenance account before release from this agreement by the Town. All principal and interest shall become property of the Town, upon default, for the purposes specified in this Agreement.

ADDITIONAL OR SPECIAL CLAUSES

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ___ day of , 20 , at _____, Connecticut.

Signed and Sealed in the Presence of

TOWN OF CHAPLIN

BY:

1st Selectmen or His Designee

SUBDIVIDER

BY:

Title:

APPENDIX F—DECLARATION OF EASEMENT FOR DRIVEWAY AND UTILITIES

DECLARATION (this "Declaration," made this ^ day of ^, 20^, by ^ (hereinafter referred to as "Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain premises (the "Easement Area" shown on a map or plan entitled ^ which map is on file as "^" or to be filed with the Town Clerk of the Town of Chaplin to which reference may be had and which Easement Area comprises parts of Lots ^ as shown on the aforementioned map (when specifically referred to, Lots ^ shall be referred to by their lot number and when referred to collectively all of said lots shall hereinafter be referred to as the "Burdened Lots"); and

WHEREAS, Declarant does not desire to have Lots ^ as shown on the aforementioned map (the "Easement Properties") serviced by separate driveways, but rather to establish a mutual easement arrangement which will service the Easement Properties and which will provide ingress and egress to and from ^ [street] and provide a location for the installation of utilities to service the Easement Properties or any of the aforementioned lots individually; and

WHEREAS, Declarant desires to establish this Declaration of Easement to create an easement on, over, under and through the Easement Area for the benefit of the Easement Properties; and

WHEREAS, Declarant further desires to impose certain covenants and restrictions upon the use, operation and maintenance of the Easement Area;

WHEREAS, the Burdened Lots are specifically made part of this Agreement, and the owners of the Burdened Lots shall receive the benefits and be subject to the burdens contained herein; and

WHEREAS, the Easement Properties have been approved by the Chaplin Planning and Zoning Commission as part of a subdivision, pursuant to the Chaplin Subdivision Regulations.

NOW, THEREFORE, Declarant hereby submits the Easement Area to the terms, covenants, restrictions and easements set forth herein for the benefit of the Easement Properties as follows:

I. GRANT OF EASEMENT.

Declarant hereby grants and declares, to the extent described herein, for the benefit of the Easement Properties, an easement and right of way over and upon the Easement Area, which

easement shall be appurtenant to and for the benefit of the Easement Properties and may be used by the owners of the Easement Properties, their heirs, successors, assigns, licensees and guests.

II. USE OF EASEMENT AREA.

The Easement Area shall be used for the purposes of ingress and egress to and from ^[street] by vehicular and pedestrian traffic and for the installation, maintenance, repair, and replacement of utility lines (including lines for storm water discharge, electric, cable, telephone, sewer, water and other residential ut ilities) together with any appurtenances related thereto (hereinafter referred to as "Utilities") in order to furnish utility services to the Easement Properties.

The owners of the Easement Properties (hereinafter collectively referred to as "Owners" and individually referred to as "Owner") shall have the right in common with the other Owners to enter on, over, under and through the Easement Area for the purpose of construction, installation, maintenance, repair and replacement of the driveway and of Utilities, provided however, that any Owner/Owners who shall do any work or have any work done affecting the Easement Area upon completion of the work shall repair that portion of the Easement Area to the condition that existed prior to such Owner's entry (except for any work done pursuant to the rights created herein) and shall at all times keep so much of the Easement Area open so that vehicular and pedestrian traffic shall have access from ^[street] to the Easement Properties.

III. ACT EXPEDITIOUSLY.

When utilizing the Easement Area the Owners shall do so as expeditiously as possible and in such manner as will cause the least possible disturbance to the other Owners.

IV. OWNERS OF BURDENED LOTS MAY CONTINUE TO USE EASEMENT AREA BUT MAY NOT INTERFERE.

The Owners of the Burdened Lots may continue to use the Easement Area in any way that will not prevent the use of the Easement Area by any owner for the purposes described herein. The Owners of the Burdened Lots shall not erect or allow any structures to be erected on the Easement Area, nor shall they plant or allow to be planted or grown any large trees or any other obstructions which would prevent the use of the Easement Area by the owners. Nothing contained in this paragraph shall diminish the rights and obligations of the owners of the Burdened Lots which are established in this Declaration.

V. MAINTENANCE AND REPAIR OF EASEMENT AREA.

The Owners shall maintain the Easement Area in its present condition or in the condition to which it is improved from time to time, free and clear of obstruction, shall repair the same as necessary, shall keep the same reasonably free and clear of ice and snow, and shall keep the Easement Area insured with respect to liability. The cost of all necessary repairs, maintenance, snow and ice removal, clearing of the driveway, and insurance thereon shall be paid equally by the Owners. Each owner shall be responsible for a proportional share of such cost computed by dividing one by the number of lots served by the driveway over the Easement Area (a "Required Share"). Notwithstanding the foregoing, no owner shall be responsible for any expenses

hereunder until a Building Permit has been obtained from the Town of Chaplin to construct a building upon his lot. Therefore, when computing an Owner's Required Share hereunder, the lots for which no Building Permit has been issued shall not be included in the number of lots served by the driveway over the Easement Area.

The cost of maintenance, repair and replacement of Utilities within the Easement Area shall be borne by the specific Owner/Owners whose individual lot/lots is/are benefitted by such Utilities and if more than one Owner is benefitted, then such cost shall be borne on an equal basis. Once Utilities are installed in the Easement Area, then any of the Owners shall have the right to "tie in" to the Utilities, provided that they shall do so in a good and proper manner without damage to the Utilities. (The cost of the original installation of Utilities shall be paid by the Owner desiring said installation.) The obligations created in this paragraph deal with maintenance, repair and replacement.

The construction material utilized in the driveway shall not be changed unless a majority of the Owners agree to install a different surface, provided no such change shall be permitted that would violate any land use permit issued by the Town of Chaplin and any such change shall conform to the requirements of any governmental authority.

The rest of this paragraph notwithstanding, any Owner who shall, through negligence or willful action, cause any damage which must be repaired hereunder, shall be responsible for the cost incurred to provide the repairs, maintenance and replacement necessitated by the negligence or willful action of that Owner, provided, however, that the Declarant and all subsequent Owners mutually waive their respective rights of recovery against each other for any loss insured by fire, extended coverage and other property insurance policies existing for the benefit of the respective parties.

The cost for repairing, replacing, maintaining or improving the Easement Area, pursuant to this Agreement, shall be shared as set forth above. Except as herein provided, no costs of any kind shall be charged to any Owner, unless that Owner has agreed in writing to pay said costs. In the event that the Owner of any lot shall decide that expenditures shall be incurred for repair and replacing, maintaining or improving the Easement Area, then said Owner shall send written notice to the other Owners which shall request that the other Owners agree to pay their Required Share of the cost of such repair, replacement, maintenance or improvement. In the event that the other Owners agree to pay their Required Shares in writing, then the cost shall be shared accordingly. In the event that one or more of the other Owners do not agree in writing to pay their Required Share, then the Owner proposing said activity and any Owners who agree to pay their Required Share may undertake said activity solely at their own cost and expense. In that event, after the work is completed, the Owner/Owners performing the work may institute legal action against the other Owners who did not contribute to the cost of such activity. In the event that a court should issue a final, non-appealable ruling that the work was necessary to maintain the Easement Area to the standard required hereunder, and if the work was done to the quality required, then the Owners who should have shared said cost shall be responsible for their Required Shares of the cost, and the Owner/Owners who performed the work shall be entitled to be reimbursed by the other Owners not only for their Required Share, but also for the expenses incurred in said collection including a reasonable attorney's fee, if a court action is instituted. All repairs, replacement, maintenance or improvements made to the Easement Area shall be

made to a quality suitable to accomplish the purposes for which the Easement Area has been created.

VI. PERMANENT EASEMENT.

The easement created herein shall be a permanent easement, and shall bind the Declarant, all subsequent Owners, their heirs, successors and assigns.

VII. INTEREST DUE WITH REGARD TO UNPAID OBLIGATIONS.

In the event of a failure by any Owner to pay his Required Share of any costs or expenses incurred hereunder, such costs and expenses shall, commencing thirty (30) days after the date of billing therefor, bear interest at the rate of twelve (12%) percent per annum until paid.

VIII. GRANT AND RESERVATION.

Declarant hereby reserves the right to grant rights of access over the Easement Area to any utility company required by the Department of Public Utility Control of the State of Connecticut or to the Town of Chaplin for the purposes herein contained. The Owners will sign any documents required by the aforementioned utility companies or the Town of Chaplin to carry out the intent of this paragraph which is to provide utility service to the Easement Properties.

IX. COVENANTS, AGREEMENTS AND RESTRICTIONS.

The covenants, agreements and restrictions set forth herein shall be effective as of the date hereof and shall continue in full force and effect until written agreement of all of the Owners of the lots comprising the Easement Properties and all parties holding mortgages secured by any lots comprising the Easement Properties shall modify this Declaration of Easement, which modification shall be effective when recorded in the Chaplin Land Records and upon approval of the Chaplin Planning and Zoning Commission as an amendment to any Subdivision issued pursuant to the Chaplin Subdivision Regulations for any or all of the Easement Properties. The covenants, agreements and restrictions herein may not be terminated nor may any limit be imposed on the annual expenses to be paid by any owner.

X. SUBSEQUENT MODIFICATIONS.

All modifications to this Agreement shall be in writing and signed by the Owners of all properties benefitted or burdened by the easement rights created herein. However, in the event that Declarant shall request that minor modifications be made to this Agreement, or to the rights created hereunder, which shall not substantially interfere with any of the rights or obligations created hereunder, then the Owners of said properties will sign a modification prepared by Declarant in order to accomplish said minor modifications.

XI. MISCELLANEOUS.

A. The covenants, agreements and restrictions contained herein shall be covenants running with and for the benefit of and burden upon the Easement Properties and shall be

binding upon and inure to the benefit of the Owners thereof, and their respective heirs, successors and assigns. The rights granted herein shall be considered to create permanent easements.

B. In the event that the Owners desire to jointly make any decisions hereunder, they shall be made by majority vote of the Owners of the lots comprising the Easement Properties.

C. Each of the lots comprising the Easement Properties shall be treated as if it has one Owner. If any of said lots are owned by more than one person, then all of said persons must unanimously agree on any decision to which they are entitled to vote hereunder. Therefore, if all of said persons cannot unanimously agree, then the Owner of said lot shall have no vote.

D. All communications sent pursuant to this Declaration shall be sent in writing and sent by certified mail to the last known address of the recipient.

XII. MERGER.

The easement rights created herein shall not merge with the fee ownership interest of any lot.

XIII. RESTORATION.

At any time that any Owner shall exercise any rights hereunder, then, when said activity is completed, the Easement Area shall be restored to the condition it was in immediately prior to said activity, except to the extent permitted hereunder.

IN WITNESS WHEREOF, the designated Declarant has hereunto caused its hand and seal to be set as of the day and year first above written.

Signed, Sealed and Delivered
in the Presence of: ^[Name of Declarant]

a. By:

STATE OF CONNECTICUT)
) ss. ^ ^, 20^^
COUNTY OF ^)

Personally appeared ^, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as such President and the free act and deed of said corporation, before me.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

APPENDIX G—CONSERVATION EASEMENT AND RESTRICTION

The purpose of a Conservation Easement is to protect in perpetuity significant natural features and to minimize the environmental impact of activities associated with land development within the Town of Chaplin.

It is the responsibility of the property owner to be fully aware of all of the conditions contained in the Conservation Easement Agreement as expressed below. The Town of Chaplin will vigorously enforce the conditions established herein.

THIS INDENTURE made this day of , 20 , by and between [name of owner as of record] of the Town of ,County of and State of Connecticut (hereinafter called "GRANTOR"), and the Town of Chaplin, a municipal corporation having its territorial limits within the County of Windham and State of Connecticut (hereinafter called "GRANTEE");

W I T N E S S E T H:

WHEREAS, the Grantor is the owner of real property, hereinafter described, situated in the Town of Chaplin, County of Windham and State of Connecticut, which Grantee, acting through its Planning and Zoning Commission, has determined would be in the public interest to retain, maintain and conserve in its natural state; and

WHEREAS, the Grantee, acting through its Planning and Zoning Commission, has determined that the maintenance and conservation of the said property of the Grantor can best be accomplished by the securing by Grantee of a Conservation Easement over, across, and upon the said property of Grantor; and

WHEREAS, the Grantor is willing, in consideration of One and 00/100 ($1.00) Dollar, receipt of which is hereby acknowledged, and of possible reduction by Grantee of real property taxes on said property, to grant to said Grantee the easement and covenants as hereinafter expressed concerning said property, thereby providing for its maintenance and conservation;

NOW, THEREFORE, said Grantor, does hereby give, grant, bargain, sell and confirm unto said Grantee, its successors and assigns forever, the right, privilege and authority to perpetually preserve, protect, limit, conserve and maintain the land hereinafter described in its present natural condition. All covenants contained herein are deemed to run with the land.

Said Grantor further covenants and agrees to provide notice by Certified Mail to the last known address of any person or entity who hereafter shall have any possessory interest in the subject property, including, but not limited to any tenant, successor, or assign, of a Certified Copy of the Conservation Easement Agreement. Failure of said Grantor to provide such notice shall not constitute any waiver of Grantee's rights herein.

Said premises subject to this Conservation Easement Agreement, hereinafter called "THE CONSERVATION EASEMENT AREA" are described as follows:

[Legal description of Easement area]

Said premises are delineated on the following map filed on the Chaplin Land Records: [Subdivision map title]

I. PROHIBITIONS

GRANTOR FURTHER COVENANTS AND AGREES TO PROHIBIT AND REFRAIN FROM THE FOLLOWING ACTIVITIES UNDER, OVER, OR UPON THE CONSERVATION EASEMENT AREA:

1. The construction or placing of buildings, roads, signs, billboards or other advertising, or other structures on or above ground.
2. The dumping or placing of soil or other substance or material as landfill, or dumping of trash, ashes, waste, rubbish, garbage, junk, or unsightly or offensive materials.
3. The excavation, dredging or removal of loam, peat, gravel, soil, rock or other substances in such a manner as to affect the surface or the quantity or quality of ground or surface waters.
4. The removal or destruction of trees, shrubs, or other vegetation, the destruction of wildlife or its habitat, the application of pesticides or herbicides, or any other activity or use which is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition.
5. The conduct of any of the foregoing activities in such proximity to the Conservation Easement Area that their result could be detrimental to drainage, flood control, water quality, erosion control, soil conservation or wildlife in the Conservation Easement Area.
6. The removal or disturbance of the Conservation Easement Area temporary stakes prior to permanent marking, permanent iron pins or boundary markers, or any other field identifications of the Conservation Easement Area boundaries.
7. The operation of snowmobiles, motorcycles, all terrain vehicles, other motorized vehicles, or loud or offensive recreational vehicles of any nature except necessary fire-fighting equipment and other emergency service vehicles or activities.

II. EXCEPTIONS

NOTWITHSTANDING ANY OF THE FOREGOING PROVISIONS:

1. The Grantee, acting through its Planning and Zoning Commission, or its successor, may upon written application of the Grantor, permit the construction, reconstruction, maintenance and repair within said premises of above-ground and below-ground public or private utilities, including sanitary sewer and/or water lines, subject to (a) demonstration of the need for the proposed activity within said premises and (b) environmental review of the site and proposed methods of installation and maintenance of such utilities.
2. The Grantee, acting through its Planning and Zoning Commission, or its successor, shall upon written application of the Grantor, permit the removal of dead trees and dead brush from said premises in a manner acceptable to the Planning and Zoning Commission.
3. The Grantee, acting through its Planning and Zoning Commission, or its successor, may upon written application of the Grantor, permit the pruning and thinning of live trees and brush on said premises.

Application by the Grantor for any approval provided for hereunder shall be made to the Planning and Zoning Commission, or its successor, and shall be in accord with the procedures established by the Planning and Zoning Commission, or its successor, in effect at that time.

The Grantee agrees, by acceptance hereof, to release automatically such Conservation Easement Agreement as though this instrument had never been executed by Grantor, should, at any time, said premises be condemned by some dominant government authority.

The Grantor herein reserves to Grantor the right to make use of the above-described premises for any and all purposes which are in keeping with the stated intent of this Conservation Easement Agreement and which shall in no way endanger the maintenance and conservation of the above-described premises in their natural state.

III. IDENTIFICATION AND INSPECTION OF CONSERVATION EASEMENTS

GRANTOR FURTHER COVENANTS AND AGREES AS FOLLOWS:

1. Before commencement of site work on any property of the Grantor which contains or is adjacent to a Conservation Easement Area, Conservation Easement boundaries are to be marked by Grantor's licensed Land Surveyor with oak stakes labeled "Conservation Easement" with waterproof ink and tied with red flags. These stakes are to be located at each change of boundary direction and at every 100-foot interval on straightaways. Stakes are to remain in place until the Grantor installs easement boundary markers. All Conservation Easement corners shall be permanently marked with iron pins which protrude from ground surface not more than one inch and such pins shall not contain sharp edges.
2. The Grantor hereby agrees to install and maintain markers identifying the boundaries of the Conservation Easement Area, such markers to be specified by the Chaplin Planning and Zoning Commission.
3. The Grantor hereby grants the Grantee the right to have a qualified representative of the Town inspect the Conservation Easement Area following reasonable notice to current Grantor or occupant.

IV. FINDING OF VIOLATION

1. If it is determined by the Planning and Zoning Commission or its successor, that a violation of a Conservation Easement Agreement exists, the Grantor shall be ordered to cease and desist from and prevent any activity which, in the opinion of the Planning and Zoning Commission, or its successor, is in violation of this Conservation Easement Agreement.
2. Within sixty (60) days of such order and after appropriate notice, the Planning and Zoning Commission shall hold a hearing for the purpose of determining if the cease and desist order shall continue.
3. If the Grantor is found to have violated the terms of this Conservation Easement Agreement, the Grantor agrees, among other things, to restore the Conservation Easement Area(s) as closely as possible to its (their) natural state. Such restoration shall include but need not be limited to:
   (a) replanting with trees, shrubs or other appropriate vegetation acceptable to the Planning and Zoning Commission;
   (b) removal of any debris, trash, garbage, ashes, waste, rubbish, silt, unsightly or offensive material;
   (c) removal of any unauthorized buildings, signs, billboards or other advertising, or other structures on or above-ground;
   (d) emplacement and maintenance of erosion controls;

(e) replacement by a land surveyor of any Conservation Easement Area markers which have been removed or disturbed.

Restoration shall be at the expense of Grantor and in accordance with plans developed by a qualified professional such as a landscape architect, land surveyor, or a professional engineer, and approved by the Planning and Zoning Commission, or its successor.

4. If the Grantor, or any other person acting with the consent of the Grantor, is found to have violated a Conservation Easement Agreement, the Planning and Zoning Commission, or its successor, may pursue, without election, any available remedy at law or equity.

5. In the event that Grantee shall bring legal action to enforce any provision of this Conservation Easement and Restriction and if any court of competent jurisdiction shall find that the Grantor violated any provision of this Conservation Easement and Restriction, Grantor agrees to pay all the costs, including reasonable attorney's fees for said legal action.

The Grantor herein reserves to himself the right to make use of the above-described premises for any and all purposes which are in keeping with the stated intent of this Conservation Easement and which shall in no way endanger the maintenance and conservation of the above-described premises as open space in its natural state.

The Grantee acknowledges that the conveyance of this Conservation Easement is not intended, and shall not be construed, to grant any rights of access to the above-described premises to the general public nor to any person or persons.

The foregoing Conservation Easement and Restriction shall be permanent, and shall be binding upon the Grantor and his heirs, successor and assigns, except as hereinbefore set forth, and inure to the benefit of Grantee, its successors and assigns.

TO HAVE AND TO HOLD the above granted rights, privilege or authority unto said Grantee, its successors and assigns forever, to its and their own proper use and behoof.

IN WITNESS WHEREOF, the Grantor has hereunto set, or caused to be set, his hand and seal the day and year first aforementioned.

Signed, Sealed and Delivered
In the Presence Of:

_____ _____L.S.
GRANTOR

_____

TOWN OF CHAPLIN

_____ By
_____L.S.

FIRST SELECTMAN
GRANTEE

_____

STATE OF CONNECTICUT:
: ss. Chaplin , 20
COUNTY OF WINDHAM :

Personally appeared, , signer and sealer of the foregoing Instrument and acknowledged the same to be his free act and deed, before me

_____

Notary Public
My Commission Expires: _____

STATE OF CONNECTICUT:
: ss. Chaplin , 20
COUNTY OF WINDHAM :

Personally appeared , of the TOWN OF CHAPLIN, duly authorized signer and sealer of the foregoing Instrument and acknowledged the same to be his/her free act and deed, before me, the undersigned officer.

_____

Notary Public
My Commission Expires: _____