

Town of Killingly, CT  
**Subdivision  
Regulations**

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# Article One (I)

## General Provisions

### I.Section 1 Title

These regulations shall be known as the Subdivision Regulations of the Town of Killingly, CT or the Town of Killingly, CT Subdivision Regulations.

### I.Section 2 Enacting Clause

The Killingly Planning and Zoning Commission of the Town of Killingly, County of Windham, State of Connecticut, hereby adopts, publishes, and enforces the following Subdivision Regulations in accordance with Chapter 126 of the Connecticut General Statutes, Revision of 1958, as amended.

### I.Section 3 Jurisdiction

These Regulations shall apply to the subdivision and resubdivision of land, as herein defined, located within the corporate limits of the Town of Killingly and the Borough of Danielson. No subdivision or resubdivision of land shall be made by any person, firm, or corporation until an application for such subdivision or resubdivision has been submitted to and approved by the Town Planning and Zoning Commission, and a map thereof has been endorsed by the Commission and filed by the applicant in the Office of the Killingly Town Clerk. Wherever in these regulations the term "subdivision" is used, it shall refer to both subdivision and resubdivision unless otherwise specifically stated.

### I.Section 4 Purposes of the Subdivision Regulations

It is declared to be the policy of the Town of Killingly to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. Such subdivisions shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth:

1. Land to be developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, smoke, or other menace and to allow for greater flexibility and creativity in the design of subdivision developments
2. Proper provisions shall be made for drainage, water supply, sewage disposal and other appropriate utility services, including the use of designs to minimize the construction of impervious surfaces and run-off control.
3. The proposed streets shall provide a safe, convenient, and functional system for vehicular traffic and shall be of such width, grade, and locations as to accommodate prospective traffic as determined by existing and probable future land and building uses.
4. Buildings, lots, blocks, and streets shall be so arranged as to afford adequate light, view, and air, and to facilitate fire protection.

5. Land shall be developed with due regard to natural, historical, and cultural resources, including the following considerations:
  - a. Proper provisions for the protection and/or preservation of open space, agricultural soils, wildlife habitat, streams and waterbodies, water supplies and watershed areas, other natural features, and historical and archaeological resources
  - b. Public value enhancement of abutting or neighboring parks and unfragmented forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces, and
  - c. Use of natural drainage systems and low impact, non-structural, storm water management techniques to the greatest extent possible. The storm water system design shall be supported by an engineered storm water management plan, shall address the quality of the storm water runoff and shall utilize best engineering practices and best management practices.

Land which the Commission finds to be unsuitable for subdivision or development, due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission to solve the problems created by the unsuitable land conditions. Land still determined to be unsuitable for development shall be set aside for uses that minimize exposure to harm.

#### I. Section 5 **Amendments**

For the purpose of providing for the public health, safety and general welfare, the Commission may from time to time amend these Regulations in accordance with provisions of the Connecticut General Statutes. No such amendment shall become effective until after a public hearing, notice of the time, place and purpose of which shall be given by publication in a newspaper of general circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days prior to the date of such hearing.

#### I. Section 6 **Waiver of Requirements**

The Planning and Zoning Commission may, for formal applications made to the Commission, waive certain requirements of these regulations by three-quarters vote of all the members of the commission ("Members of the commission" refers to the five seated voting members) in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area when it is demonstrated that strict compliance with such regulations will cause an exceptional difficulty or unusual hardship. No waiver shall be granted under this section that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case. A request for waiver shall be submitted in writing by the applicant at the time application for subdivision approval is made. The request shall detail the extent of the waiver requested and contain sufficient data for the Commission to make the findings required below. The Commission may require that a public hearing be held in conjunction with a request for a waiver.

The Commission shall not grant a waiver unless it finds all of the following conditions are met:

1. The property for which the waiver is sought is uniquely affected by these Regulations;
2. Physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;
3. The granting of a waiver will not have a significantly adverse effect upon adjacent property or the public health and safety; and,
4. The granting of the waiver will not be in conflict with the Plan of Conservation and Development.

**I.Section 7 Penalties**

Any person, firm, or corporation making any subdivision of land without the written approval of the Commission or in violation of said approval shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

**I.Section 8 Interpretation**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**I.Section 9 Conflict**

These Regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, statute or provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provisions of these Regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**I.Section 10 Severability**

If any section, paragraph, subsection, clause, or provision of these regulations shall be judged invalid, such adjudication shall apply to that item so judged and the remainder of these regulations shall be deemed valid and effective.

**I.Section 11 Modifications**

Regulation of the subdivision of land and the attachment of reasonable modifications to land subdivision is a valid exercise of police power delegated by the State to this municipality. Approval may be granted by the Commission subject to modifications and safeguards necessary to carry out the purpose and intent of these Regulations. The developer has the duty to comply with reasonable modifications imposed by the Commission to protect the public health, safety, and welfare. No Record Subdivision Map shall be endorsed by the Commission to permit filing in the office of the Killingly Town Clerk until all modifications of approval, have been met.

**I.Section 12 Self-imposed Restrictions**

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Regulations, or these Regulations, such restrictions or reference thereto shall be indicated on the subdivision map.

**I.Section 13 Properties Straddling Municipal Boundaries**

Whenever access to the subdivision is required across land located in another municipality, the Commission shall request assurance that the access is legally established, and that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines. Where a subdivision is to be served by a roadway within another municipality, the Commission may withhold the approval of such subdivision upon the determination that the situation would not allow for the adequate provision of Town services to such subdivision.

**I.Section 14 Administration and Enforcement**

The Office of Planning and Development shall be responsible for the administration and enforcement of these Regulations. If terms of the subdivision approval or the subdivision plan have been violated, the Commission may instruct the Director of Planning and Development to ensure no further Zoning Permits are issued until the violation has been corrected; and may file a notice of violation on the Killingly Land Records.

**I.Section 15 Procedure**

The Commission, in reviewing any proposed subdivision, and the person proposing a subdivision, shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision unless it conforms to the standards hereinafter specified or to such other standards approved by the Commission pursuant to these Regulations.

**I.Section 16 Approval**

The Commission can only act when a quorum of the Commission is seated and then except as otherwise specifically provided by statute, shall act by majority vote of the quorum.

**I.Section 17 Maps and Plan Approval**

All applications, maps, plans, documents and data required by these Regulations in connection with a proposed subdivision shall be in such form as required by these Regulations and acceptable to the Commission. In addition, the Commission requires submittal of all plans and maps in GIS or equivalent format compatible with the town system.

**I.Section 18 Effective Date**

Regulations took effect on Friday, January 11, 2008 at 12:03 AM and replaced original subdivision regulations effective May 10, 1971 as amended.

Substantial amendments were adopted on January 24, 2011, effective on February 12, 2011.



## Article Two (II)

# Definitions

For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations;" the word "Regulations" means "these Regulations." A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" includes a "structure;" a "building or structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Accepted highway usage definitions may be found in the publication of the American Association of State Highway and Transportation Officials entitled: *AASHTO Highway Definitions* (1968), as amended. Definitions of terms pertaining to planning may be found in Title 8, Chapter 126 of the Connecticut General Statutes. In the event a term's definition is in question, accepted nomenclature and applicable state statutes will be consulted.

- a. "**Affordable Housing**" means housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the lesser of the state median income or the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development.
- b. "**Agriculture, Farming or Agricultural Purposes**" means the pursuance of 'agriculture' and 'farming' as defined in Title 1 of the Connecticut General Statutes.
- c. "**Applicant**" means any person, firm, partnership or corporation who shall apply to the Planning and Zoning Commission for approval of subdivision, either for himself or as an agent for others.
- d. "**As-Built plans**" means all required plans showing actual constructed conditions and any modifications or changes made from the original submission
- e. "**Base Flood**" means a flood having a frequency of occurring once every 100 years or a 1% percent chance of being equaled or exceeded in any given year
- f. "**Base Flood Elevation**" means the particular elevation of the base flood as specified on the Flood Insurance Rate Map for the Town of Killingly.
- g. "**Bond**" means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Commission.
- h. "**Boulevard**" means a divided two way street
- i. "**Commission**" means the Killingly Planning and Zoning Commission.

- j. **"Connecticut Guidelines for Soil Erosion and Sediment Control"** means the most current document entitled "Connecticut Guidelines for Soil Erosion and Sediment Control", including all corrections thereto, as published by the Connecticut Council on Soil and Water Conservation.
- k. **"Connecticut Stormwater Quality Manual"** means the most current document titled "Connecticut Stormwater Quality Manual", including all correction and addendums approved, as produced by the Connecticut Department of Environmental Protection.
- l. **"Conservation Easement"** means a legal restriction placed on a piece of property to protect its associated natural and/or cultural resources.
- m. **"Construction Plans"** means maps or drawings showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Commission.
- n. **"Conventional Development"** means a building pattern whereby units are placed in accordance with the underlying zoning district requirements.
- o. **"Cluster Development"** means a building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space approved by the commission as meeting one or more of its open space criteria to be used exclusively for recreational, conservation and agricultural purposes, except that nothing herein shall prevent any municipality from requiring more than one-third open space in any particular cluster development. "
- p. **"Cul-de-Sac"** - means a dead end street, with a single common ingress and egress and with a turnaround at the end.
- q. **"Date of Receipt"** means the date of the next regularly scheduled meeting of the Commission immediately following the date of submission of the application, request or appeal, to the Commission or its agent, or thirty-five (35) days after such submission, whichever is sooner in accordance with Section 8-7d of the General Statutes, as amended.
- r. **"Easement"** means a non-possessory interest in land. The owner of an easement has a right to use the land of another for a special purpose, as distinguished from a right to possess that land.
- s. **"Energy Performance Rating"** means the energy use of the proposed building under actual operating conditions. Projected energy use targets can be used for buildings in the design or construction process. Examples include kBtu/sf/yr, \$/sf/yr, \$/gross sales, Energy Performance Rating Score (US EPA), or like expressions of energy performance.
- t. **"Erosion and Sediment Control Plan"** means a plan which sets forth measures to be undertaken for the control of erosion and sedimentation, to include, but not be limited to, drawings and descriptions sufficient in detail to establish clearly the location of areas to be stripped of vegetation and other proposed or unprotected areas; schedule of operations, including starting and completion dates for each major development phase, such as land clearing and grading, streets, sidewalks, utility and storm drainage installations, and the like; seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas; location and design of all structural sediment control measures, debris basins and the like; timing of all planned sediment control measures; and general information relating to the implementation and maintenance of the sediment control measures.

- u. “Fire Protection System” means a system designed to aid in combating a fire.
- v. “**Frontage**” means that side of the lot abutting on a street. Note: on corner lots, the frontage shall be determined by the Commission and shall be consistent with the orientation of buildings on the other lots and improvements on the same side of the street.
- w. “**Geographic Information System or GIS**” means a computer generated mapping system for collecting, storing, analyzing, and integrating information about physical and man-made features on a map.
- x. “**Green Building Design Standards**” means new construction projects and substantial renovations certified through the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System of the U.S. Green Building Council to the Silver standard, or another comparable system previously approved by the Commission.
- y. “**Inland Wetland Soils**” means land which is inundated by water on a seasonal or more frequent basis; land consisting of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey as it may be amended from time to time of the National Resources Conservation Service of the U.S. Department of Agriculture.
- z. “**Lot or Parcel**” means a parcel of land occupied or capable of being occupied by one principal building determining the land use form and the accessory buildings, structures or uses customarily incidental to it, including such open setback areas as are required by the Zoning Regulations.
- aa. “**Lot Size**” means the total area within the lot lines of a lot, excluding any street right-of-ways.
- bb. “**Low Impact Development**” means an approach to environmentally friendly land-development that uses various land design practices and technologies to simultaneously protect natural resources and reduce infrastructure costs. It includes a suite of landscaping and site design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.
- cc. “**Open Space**” means land left in its natural, undisturbed or undeveloped state; land used for agricultural purposes or containing important farm land soils as defined in a report entitled “Important Farmlands - Windham County Connecticut, United States Department of Agriculture, Soil Conservation Service.” Open space land includes areas and facilities for passive or active recreation; land areas for wildlife habitat, groundwater recharge, lands having the presence of an endangered or threatened species or other natural resources, and/or archeological or historically significant features (e.g. cemeteries, archeological sites) scenic preservation and the like; forests; parks, reservoirs, and wetlands. Open space does not necessarily mean open and accessible to the public. Open space includes private property with permanent conservation easements and other protections (e.g. Connecticut Farmland Preservation Program where development rights are acquired by the State).
- dd. “**Plan of Conservation and Development**” means the most recent publication entitled – “Town of Killingly Plan of Conservation and Development” developed and approved in accordance with Section 8-23 of the Connecticut General Statutes.

- ee. **"Preliminary Plan"** means a plan presented in advance of a formal application. Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended, and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision."
- ff. **"Public Improvement Work"** - Any improvements required by the Commission, as a condition of subdivision approval, pursuant to Section 8-25 of the General Statutes, for the public health, safety or welfare, including but not limited to the grading and improvement of streets and the provision of public utilities and services.
- gg. **"Reserve Strip"** means a privately owned strip of land which controls access to land dedicated, or to be dedicated, to public use or to a parcel of land otherwise landlocked.
- hh. **"Resubdivision"** means a change in a map of any approved or recorded subdivision or resubdivision if such change: Affects any street layout shown on such a map; Affects any area reserved thereon for public use, or 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.
- ii. **"Right-of-Way"** means a non-possessory land, property, or interest therein, usually in a strip acquired for or devoted to ingress and egress purposes.
- jj. **"Specimen Type Tree"** means a particularly impressive or unusual example of a species because of its size, shade, age, or any other trait that epitomizes the character of the species.
- kk. **"Steep Slopes"** means a deviation of fifteen (15) percent or more from the horizontal for a run of fifty (50) contiguous feet or more.
- ll. **"Street, accepted public"** – means any street duly accepted by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes.
- mm. **"Street, approved private"** – means any private street which: has been improved and meets the design standards and drainage requirements of the Town of Killingly Subdivision Regulations, as amended; and/or has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and/or the Town of Killingly Zoning Regulations.
- nn. **"Street, proposed public"** – means any street duly proposed for acceptance by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes, provided said street has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and the Town of Killingly Zoning Regulations.
- oo. **"Street line"** – means the limit of an accepted public street, proposed public street or approved private street right-of-way.
- pp. **"Subdivision"** means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal,

conservation or agricultural purposes, and includes resubdivision. Building development includes development for residential, commercial, or industrial purposes.

- qq. "**Swale**" (a.k.a., grassed channel, dry swale, wet swale, bio-filter) refers to a series of vegetated, open channel practices that are designed specifically to treat and attenuate stormwater runoff for a specified water quality volume. As stormwater runoff flows through the channels, it is treated through filtering by the vegetation in the channel, filtering through a subsoil matrix, and/or infiltration into the underlying soils. Maintenance of grassed channels mostly involves maintenance of the grass or wetland plant cover. Swales may be used in the street right-of-way and throughout the site.
- rr. "**Town**" means the Town of Killingly, Connecticut
- ss. "**Transmittal Letter**" means a letter sent in conjunction with an application, explaining the purpose for the application.
- tt. "**Warranty Deed**" shall have the same meaning as set forth in the definition contained in 47-36d of the Connecticut General Statutes.
- uu. "**Work**" – All physical improvements required by the approved plan (Conditional Approval), other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees and other landscaping, and installation of retaining walls or other structures.
- vv. "**Zoning Regulations**" means Zoning Regulations that are in effect when the Commission receives an application for a subdivision.

## Article 3 (III)

# Application Requirements and Procedures

### III.Section 1 **General**

- a. Whenever any subdivision is proposed to be made and before any streets are constructed or a contract for sale or an offer to sell any lot in such subdivision shall have been negotiated, and before any permit for the erection of a structure shall be granted, the subdividing owner shall apply, in writing, on the form prescribed, to the Planning and Zoning Commission for approval of such subdivision. After said subdivision has been approved or recorded, the subject tract shall not be further divided into one or more building lots without the prior resubdivision approval of this Commission.
- b. Before a subdivision is made the applicant should become familiar with these regulations and other related regulations such as those contained in the Town Zoning and Inland Wetlands and Watercourses Regulations, as well as State Statutes and other pertinent data.

### III.Section 2 **Types of Applications**

Subdivisions may be developed, at the discretion of the developer, in a conventional form, or cluster form of design.

### III.Section 3 **Development Bonus**

The Commission may award a development bonus for subdivisions that meet one or more of the following three criteria regarding open space, affordable housing and/or Green Building standards. The total number of awarded density bonus units shall not exceed twenty (20) percent of the maximum number of buildable lots which may be created through conventional development of the land in conformance with the conventional dimensional and other requirements for the zoning district.

1. For each additional ten (10) percent of open space that is over and above the minimum required, there shall be a bonus of one (1) housing unit.
2. For every two (2) units of affordable housing, with affordable housing units not to exceed ten (10) percent of the total dwelling units for the development, there shall be a bonus of one (1) additional unit of market priced housing.
3. For every two (2) units of housing that meet or exceed Green Building Standards (or the comparable standards of another program previously approved by the Commission), there shall be one (1) additional unit of housing allowed. This density bonus may be used only if a minimum of fifty (50) percent of the original project units will meet or exceed Green Building Standards (or the comparable

standards of another program previously approved by the Commission).

III. Section 4 **Review of Existing Conditions Map and Conceptual Plans**

- a. An applicant shall review with the Director of Planning and Town Engineer in a preliminary and informal manner any proposal for subdivision prior to the submission of any plans, maps and/or applications intended for Commission review and action.
- b. Prior to the submittal of a formal application, the applicant shall submit the Existing Conditions Map and two, no more than three, conceptual lay-outs, to the Commission for its informal preliminary review and comments. Submittal to the Commission shall follow submittal of the same information to the Killingly Conservation Commission and to the Board of Recreation if active recreation areas are proposed. Any advisory recommendations from the two agencies shall be transmitted to the Commission for its consideration. All information intended for the preliminary review including maps, plans, documents, and data required by these Regulations shall be filed in the Town Planning Office no later than five business days prior to the regularly scheduled meeting of the Planning and Zoning Commission.
  1. The purpose of the submission of the Existing Conditions Map and preliminary conceptual plans is to enable the applicant to discuss and clarify the proposed development prior to a formal application and to allow the Commission, Conservation Commission, Board of Recreation, and Staff, to review the overall site for general planning purposes taking into consideration, recreation and Open Space issues, wetland impact, environmental concerns including the preservation of vegetation, and traffic circulation patterns. The conceptual plans shall conform to the requirements of Article 5, Section 4. The Existing Conditions Map shall conform to the requirements of Article 5, Section 3.
  2. During informal discussions, the applicant may submit or the Director and/or Commission may request such information, plans, and maps as may lead to non-binding recommendations.
  3. After the Existing Conditions and conceptual plans have been reviewed, the Commission may schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize local officials with the property's special features and to provide them an informal opportunity to offer guidance to the applicant regarding the development.

Within twenty-one days after submission of the conceptual plans, Staff will consolidate all comments and recommendations and prepare a report for the subdivider.

- c. Presentation of the preliminary conceptual plans shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended and the Commission's review of said preliminary conceptual plans and its comments, if any, shall not be deemed to be the official "action" or "decision" within the meaning of said Title and Chapter.



III. Section 5      **Formal Application**

- a. All formal applications including maps, plans, documents, and data required by these Regulations shall be filed in the Town Planning Office no later than five business days prior to the regularly scheduled meeting of the Planning and Zoning Commission. The Town Planning Office shall transmit all applications to the Commission for its official receipt at its next regular meeting. The date of applications and appeals shall be governed by Section 8-26(d) of the Connecticut General Statutes, as amended and as the same may, from time to time, be amended. All materials submitted as part of any application shall be covered by a transmittal form or letter referencing the application title, describing the materials and referencing applicable regulations, and providing original and previous revision dates for any revised plans or documents submitted subsequent to the original. Any revised plans, maps and information must be submitted to the Commission no later than one week prior to the next scheduled meeting.
- b. Subdivision shall be planned and designed in conformity with the Town's Plan of Conservation and Development. All subdivision plans shall conform to the subdivision and zoning regulations and the specifications for the construction of roads in the Town of Killingly, at the time of application. Failure to submit all required information may result in the denial of the application submitted.
- c. The submission for a formal application shall include the following:
  1. Written application, the Commission's form, including names of partners or members or shareholders with 10% or more interest and signed by the applicant or that person's lawful agent. If the subdivision is proposed by a person other than the owner of the land, the application shall also be signed by the owner or the owner's lawful agent. Provide proof of lawful agent(s) status.
  2. Application fee
  3. Transmittal Letter in accordance with Article 5, Section 2.
  4. Eight (8) sets of full-sized (24"x36") Plans and fifteen (15) sets of 11"x17" copies, including
    - a. Existing Conditions map and two, no more than three, conceptual plans in accordance with Article 5, Sections 3 and 4,
    - b. Subdivision development map(s)-in accordance with Article 5.
    - c. Record subdivision map in accordance with Article 5, Section 5.
    - d. Infrastructure Construction plans in accordance with Article 5, Section 6
    - e. Erosion and sedimentation control plan in accordance with Article 5, Section 7
    - f. Conventional lot yield plan for Cluster Development applications
  5. Copy of existing and/or proposed restrictive covenants
  6. Copy of deed demonstrating title as of application date
  7. Affidavit of transfers since and including May 10, 1971 or a certified Parcel History Map
  8. A release granting the Commission members or its agents permission to enter the property during the application process, construction process, or while the Commission holds a bond.



9. Names and addresses of adjacent property owners, including those located across the street
10. A table showing the percentage of steep slopes and wetlands for each lot
11. Any pertinent reports, documents, proof of referral and approvals to/from the Northeast District Department of Health, Connecticut Water Company, Water Pollution Control Authority, Fire Marshal, Killingly Conservation Commission (Existing and conceptual plans), Killingly Board of Recreation (Existing and conceptual plans) if active town recreation is proposed and the Fire District
12. A letter from the ConnDOT or the State Traffic Commission for any proposed road, driveway, or storm drainage system which joins with a State Highway, indicating that they have reviewed and approved of the proposed actions (2 copies);
13. Details of any public sewer connections, including approvals from the Town Engineer that such connections are acceptable;
14. A report from the Inland Wetlands Commission concerning any proposed modification of wetlands and watercourses and/or other matters within the jurisdiction of said Commission proposed in connection with construction of required subdivision improvements. The Commission shall not render a decision until the Inland Wetlands Commission has made its final decision.
15. Traffic study if required by the Town Engineer or Commission (2 copies)
16. Drainage Report in accordance with Article 5, Section 6.4 (2 copies)
17. Stormwater Management Plan if required by the Town Engineer or the Commission (2 copies)
18. In the case of a proposed "affordable housing development", the formal application shall include the above items plus a copy of deed covenants to maintain affordability and schematic architectural drawings (3 full size sets and 15 11"x17" copies) in sufficient detail to provide a sense of the intended architectural style of the complex and the layout of typical units.
19. When any portion of land proposed to be subdivided is within the watershed of a water company as defined in C.G.S. 16-1, and which company has filed a map of its watershed boundaries on the land records of Killingly, the applicant shall provide written notice of the application to the water company and the Department of Public Health and submit evidence of such notice to the Commission at the time of application.
20. Solar access requirements as per Connecticut General Statutes Section 8-25(b), as amended, and any energy saving information as required by these regulations
21. Regulation waiver requests, if any
22. Signed statement that relevant maps, plans and documents have been transmitted to the Town Council if public roadways are proposed
23. Signed statement that the centerline of proposed roads, public or private, have been staked and/or flagged with surveyor's tape and road stations shall be marked thereon. Intersections must be indicated.
24. Mylar filing extension requests, if appropriate
25. Powerpoint presentation for use during the Planning and Zoning Commission meeting at which the application is heard
26. Three (3) colored, full-sized copies of the subdivision plans for use during the Planning and Zoning Commission meeting at which the application is heard
27. Any other information required under these Regulations.

III. Section 6. **Notice**

For all subdivisions, the applicant shall post a sign (as provided through the Planning and Development Office) on the property that presents public notice of subdivision activity. The sign must be visible from each bordering street. The sign must be posted at least ten (10) days prior to the date the Commission will

consider the application. In addition, should the Commission choose to schedule or is required to schedule a public hearing on the application, a second sign regarding notice of the public hearing shall be posted as above. Written notice of said public hearing shall also be sent to owners of property adjacent to the land to be subdivided, including across the street. Notices are to be sent by the applicant by certified mail, return receipt requested, at least ten (10) days in advance of any public hearing. The applicant shall submit to the Commission at said public hearing the certified mail receipts and a list of the owners of property adjacent to the land to be subdivided, including across the street.

### **III. Section 7 Date of Receipt**

The receipt ("Date of Receipt") of an application request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, request or appeal; or thirty-five days after such submission, whichever is sooner. If there is any conflict between this provision and the requirements of 8-7d of the General Statutes, the provisions of the General Statutes as amended shall prevail.

### **III. Section 8 Completeness of Application**

The Commission shall review the application and make a finding as to whether it is complete or incomplete. When an application is found to be incomplete, the Commission may allow the applicant until the next regularly scheduled meeting to make the application whole. If an application remains incomplete at the next regular meeting following its submission, it shall be denied without prejudice except that, if an applicant is present when such finding is made, he may be given the opportunity to withdraw the application.

### **III. Section 9 Public Hearing**

- a. A public hearing regarding an application for approval of a subdivision may be held by the Commission if, in its judgment, such action is warranted. The Commission shall hold a public hearing on any application for a resubdivision. Notice of any public hearing shall be given in accordance with Section 8-26 and Section 8-7d of the Connecticut General Statutes, as amended and as the same may, from time to time, be amended as well as in accordance with III. Section 6 of these Regulations.
- b. In situations where a public hearing is not held, each applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

### **III. Section 10 Review and Referral**

- a. In reviewing the application, the Commission shall consider the proposed subdivision and shall determine whether the maps, plans and accompanying certificates and documents conform to the requirements of these Regulations. The Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable review of the proposed subdivision in accordance with the requirements of these Regulations.
  1. Referrals made by the applicant to and recommendations received from the Killingly Conservation Commission, Killingly Board of Recreation and the Killingly Fire District(s) in which the proposed subdivision is located, are advisory in nature. The Commission may refer the application to such other boards, agencies, commissions, or consultants to review and comment on the proposed

application within their areas of concern and expertise. The failure of any advisory board, agency or commission to comment on any application shall be considered by the Commission as that entity having no objection to the application as presented.

- b. When the land proposed for subdivision abuts or includes land in a neighboring community, the Commission shall refer the application for advisory comment to the Northeastern Connecticut Council of Governments.
- c. When any portion of land proposed to be subdivided is within five hundred feet of an adjoining town, or will generate significant traffic over the streets of that town, or will significantly affect the drainage or sewerage system of that town or will create water runoff affecting facilities or property in the adjoining town, then the Commission shall notify the clerk of that adjoining municipality of the pendency of the application and no hearing may be conducted on such application unless the adjoining town has received such notice.

### III. Section 11 **Decision**

- a. On any application, request or appeal for which a public hearing is scheduled, the Commission shall render its decision within sixty-five (65) days after the hearing is closed. In the case in which no public hearing is held, the Commission shall make its decision on the application within 65 days after its date of receipt. The applicant may consent in writing to one or more extensions of any period provided any such extension or extensions shall not exceed a total of (65) days. Failure of the Commission to act within the time frames as set forth above shall constitute approval by default.
- b. If there is any variance between the requirements of this Section and any time limits imposed by statute, the time limits imposed by statute shall prevail.

### III. Section 12 **Conditional Approval**

- a. The Commission shall give Conditional Approval to the subdivision if it finds that the subdivision map, plans, accompanying certificates, documents and data conform to the requirements of these regulations. In order for the subdivision to be approved, the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, drainage and sewerage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision shall be made for protective flood-control measures and that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of Development as described in Connecticut General Statutes (Section 8-23), especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs. In addition, the Commission may require the provision of open spaces, parks and playgrounds when and in places deemed proper by the Commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Further, proper provision shall be made for soil erosion and sediment control pursuant to Connecticut General Statutes (Section 22a-329). Such approval shall not constitute final approval. All work in the subdivision shall be completed within five years after the approval of the plan.
- b. Conditional Approval with modifications. In granting such approval, the Commission may require such modifications as it deems necessary to accomplish the purpose and intent of these regulations.

- c. The conditional approval is intended to allow construction of infrastructure improvements to begin in accordance with plans, but not to authorize the sale of lots or construction of homes. Conditional approval must be accompanied by a cash bond in the amount of 10% of the estimated cost of the infrastructure improvements required by the Commission.
- d. Any conditional approval shall lapse five years from the date it is granted; the developer may apply for and the Commission may grant a renewal of such conditional approval in accordance with General Statutes Section 8-26c.
- e. Any person, firm, or corporation, prior to such final approval, who sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined in accordance with Connecticut General Statute 8-25(a) for every lot sold or offered for sale.
- f. Conditional Approval Erosion and Sedimentation Control Performance Bonding.
  - 1. Where required, the subdivider shall post a performance bond in accordance with the Commission's bonding procedures to insure the proper implementation of erosion and sedimentation control measures associated with the proposed public improvement work and common project work elements. The bond amount shall be determined by the subdivider and his or her engineer and approved by the town. No public improvement or other work may commence unless the bond has been posted.
  - 2. The bond shall be released or reduced by the Commission or its designated agent upon certification by the Town Engineer or the Planning Director that the erosion and sedimentation controls have been implemented and the site has been stabilized.

### III. Section 13 **Notice of Decision**

Notice of the Commission's decision shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant, by the Commission staff, in any written, printed, typewritten, or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application has been approved, modified and approved, or denied, together with the date of such action but the applicant shall also receive from the Commission, under the same cover with the statement, copy of the notice of its decision, any conditions of approval, any modifications required, and the grounds for the Commission's action.

### III. Section 14 **Final Approval**

- a. Significance of final approval. After a proposed subdivision receives Conditional Approval or receives such approval with modifications, the subdivider must comply with the following requirements prior to final approval of the subdivision, as the term "final approval" is used in Section 8-25 of the Connecticut General Statutes. No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until final plans of the subdivision prepared in accordance with the requirements of these regulations have been finally approved by the Commission and have been filed in the office of the Town Clerk.

- b. Requirements of final approval - Final approval of the subdivision shall occur when the plans are in conformance with the requirements of the Planning and Zoning Commission and the following requirements have been met:
1. Public improvement cost certification. If public improvements are required by the Commission, either the subdivider shall complete all such improvements or, where not yet completed, the subdivider shall provide the Commission with a detailed estimate, certified by the engineer for the subdivider, of the costs of the public improvements at the time of such certification and an estimate of what such costs will be as of two (2) years after the date of such certification (See Appendix).
  2. Performance Bond. If public improvements and subdivision work are required by the Commission but not yet completed, the subdivider shall provide to the Commission or its designated agent a Performance Bond in an amount satisfactory to the Commission to assure completion of the public improvements and subdivision work before the end of the five-year approval period . Refer to the bonding section and the Appendix (general forms of acceptable Performance Bond documents and Agreements).
  3. Insurance. The subdivider shall secure a policy for liability insurance that names the Town of Killingly as an additional insured. The policy must be maintained until all public improvements have been completed and accepted by the Town of Killingly pursuant to Article IV of these regulations. The limits of said policy shall be \$1,000,000. The policy must include the name and phase of the subdivision to be covered.
  4. Map endorsement.
  5. Conservation, drainage and other easements, and deeds must be filed on the land record after review and approval by the Town Attorney and Town Staff.
  6. Markers shall be installed at all points of angles along the perimeter of any Conservation or historic easement or open space areas. Along straight lines of such perimeters, the markers shall be no more than 100' apart. Markers shall be installed on existing trees where possible. Such markers shall be those supplied through the Planning Office
- c. Time limit for Final Approval. Unless the applicant shall comply with all of the requirements of this Subsection b above, including its subsections, within five (5) years from the date of Conditional Approval, Conditional Approval with modifications or approval by default, exclusive of any time during which the Commission's decision is being appealed, such subdivision Conditional Approval, Conditional Approval with modification or approval by default shall lapse, and no final approval shall be granted.

### III. Section 15 Easements

Any open space for parks, playgrounds, conservation, and/or recreation to be dedicated to the Town or any other public or non-profit organization dedicated to the Town, along with any parcels or easements for storm drainage, water supply, sanitary sewers, streets, or public rights-of-way shall be confirmed in written deeds, easements, and notices with complete descriptions. Said deeds, easements and notices shall be

submitted before endorsement of the record subdivision map in a form satisfactory to Town Counsel and shall, when required by the Commission, be accompanied by a map or survey of the property subject to the conveyance, in a form acceptable for recording in the land records. Written descriptions shall contain appropriate references to said maps or surveys and the record subdivision map. Unless specifically waived by the Commission, all conveyances to the Town thereunder shall be by Warranty Deed. The applicant shall bear the cost of all recording fees.

### III. Section 16 **Bond**

The applicant shall execute an agreement and file a subdivision performance bond with the Commission to guarantee public improvement and subdivision infrastructure work\_ completion within an initial time period of five (5) years or less with additional time periods subject to Commission approval of extensions. The bond shall be in a form acceptable to the Commission and shall include contingency and cost increases for the five (5) year period.

The Commission may accept any of the following forms of surety to secure performance of public improvement and infrastructure work:

1. Letters of credit. If acceptable in form to the Town, a letter of credit from a Connecticut financial institution, which shall be payable to the Town of Killingly and which shall allow for partial withdrawals (See Appendix).
2. Escrow Account. The full bond amount shall be submitted to the town for deposit in a Municipal Developer Escrow Account. All interest shall be paid to the applicant.
3. Performance Bond instruments may be changed (from one document type to another) as approved by Town Staff.
4. Utility company letters. The Commission will accept a letter in lieu of a bond from a utility company that will install services as shown in the final plan. Said letter shall contain statements to the effect that all work will be done within a reasonable time and at no expense to the Town of Killingly.

### III. Section 17 **Map Endorsement**

The Commission Chair or Vice Chair shall endorse the signature block on the original plan of any plan of subdivision that gains Conditional or Final Approval by the Commission. (See Appendix) Such endorsement for final approval shall not be executed until all conditions of approval have been met or provided for, all required conveyances have been presented, all required work and public improvements have been completed and/or an appropriate performance bond with contingency and cost increases\_ has been posted to guarantee completion of the required work and improvements.

### III. Section 18 **Filing and Recording**

- a. The final approved and endorsed subdivision map shall constitute the record subdivision map. The date of approval of the record subdivision map shall be noted on said map. Within 90 days after the

end of the appeal period, the applicant shall file and record in the office of the Town Clerk the record subdivision map and any easements; otherwise, said approval becomes null and void. Said plan shall be filed on materials acceptable to the Town Clerk. The Commission may by resolution extend the time for such filing and recording for two additional periods of 90 days and the map shall remain valid until the expiration of such extended time. Filing or recording fees shall be paid by the applicant. The Town will file deeds for any open space and for streets when it accepts them, and any filing or recording fees shall be paid by the applicant.

- b. A copy of any restrictions imposed by the Commission shall be placed on the land records by the applicant or owner of the subdivision at the time the subdivision plan is recorded in the office of the Town Clerk. In addition, any such restrictions shall be incorporated into the deed of any subdivision lot sold.
- c. Delivery of plans to subdivider. No final plans shall be delivered to the applicant for filing with the Town Clerk until the following has occurred:
  - 1. Appeal period. The appeal period must have elapsed, or, in the event of an appeal, a determination has been made by dismissal, withdrawal or judgment, and the appeal period to that has elapsed.
  - 2. Performance Bond. If required, a Performance Bond acceptable to the Commission shall have been delivered to the Commission or its designated agent.
  - 3. Subdivision modifications. The Commission's modifications to the subdivision must have been met
  - 4. Fees/assessments/deeds. All fees, assessments, deeds, etc., must have been filed with or paid to the Town of Killingly as may have been required by the provisions of these Subdivision Regulations.
  - 5. If, between subdivision approval and the delivery of the plans to the owner of the subdivision, the applicant or his assignee conveys the property, such person shall notify the Commission, in writing, of such conveyance.

### **III. Section 19 Certificate of Compliance and Completion of Work**

Before release of any subdivision bond, or before the Commission endorses any subdivision map to permit filing with the Town Clerk, the Commission shall require the applicant to present a statement, signed and sealed by a land surveyor and/or engineer, fully licensed in the State of Connecticut, certifying such surveyor and/or engineer has inspected the required construction work within his or her realm of state licensure and that all of the required improvements have been completed in accordance with plans and Town specifications as approved, such certification to be reviewed by the Town Engineer. The Commission shall require a Performance Bond to remain in effect during a maintenance period of one (1) year from the date of such certification. For roads accepted into the public road system, the one (1) year period shall commence with the date the Town Council and Town Meeting accepts the road into the Town's public road system. The amount of such maintenance bond shall be ten percent (10%) of the original construction cost.

### **III. Section 20 Modification of Approved Plans**

Requests may be received by the Commission for revisions of or alterations to approved subdivision plans. In making its decision on such requests the Commission may hold a public hearing and ask for such information



it determines necessary.

**III. Section 21 Development of Building Lots**

- a. No Zoning Certificate of Compliance or Building Certificate of Occupancy shall be issued for any lot in a subdivision unless all of the utilities (including power, sanitary sewer and water) have been extended to the lot, and are energized or approved for use. This shall include the performance of an air test for the sanitary sewer, a pressure and flow test for any water line and a pressure test for any natural gas line. This provision shall not however prevent the construction of up to one (1) model home with the permission of the Commission.
- b. Where a building lot has access to a proposed public or private road, such road shall be completed, including any proposed drainage, sewer, or water lines under proposed pavement, with the exception of the first and second courses of pavement prior to issuance of a Zoning Permit or Building Permit. No Zoning Certificate of Compliance or Building Certificate of Occupancy shall be issued for any building constructed upon a subdivision lot having access to a proposed road unless said road has been completed with the exception of a second course of pavement and curbing; a paved driveway apron has been installed; all streetlights, if required, have been erected and are operational; and a sidewalk if required has been constructed to the lot.

**III. Section 22 Completion**

All work in connection with a subdivision or re-subdivision shall be completed within an initial time period of five years or less from the date of approval, with additional time periods subject to Commission approval of extensions in accordance with General Statutes Section 8-26c. The expiration date shall be shown on the record subdivision map.



## Article Four (IV)

# Design Elements

### IV.Section 1 **General**

- a. These regulations are intended to provide flexibility in the placing of residential units on areas of a project site best suited for development and to protect the remaining land as open space. Proposed building lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably, occupied and used for building purposes without danger to the health, safety and general welfare of the occupants and the public. The amount of disturbance such as site grading, vegetative and rock wall removal shall be minimized insofar as practicable to preserve worthy land characteristics and lessen the likely impact on environmental systems such as areas of steep topography, significant wetland areas, groundwater, watercourses, and vegetative and wildlife communities. Proposed building lots shall be designed and arranged to make the best use of the natural terrain, to avoid unnecessary regrading, to protect the natural environment and to preserve natural features such as ridge lines, water bodies, watercourses, and vegetation.
- b. Subdivisions shall be consistent with Killingly Plan of Conservation and Development.

### IV.Section 2 **Dimensional Requirements**

The dimensional requirements for lots shall be as specified in the underlying district of the Zoning Regulations, unless approval has been granted by the Commission to use Cluster design. The proposed lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably and that they can be occupied and used without danger to the health and safety of the occupants and the public.

### IV.Section 3 **Design**

- a. In designing a subdivision, the applicant shall consider in addition to the stated purposes of these Regulations the following:
  1. Proposed lots and improvements should be designed and situated to minimize alteration of natural site features to be preserved
  2. Proposed open space areas should include irreplaceable natural and cultural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, significant geological or archeological features, and areas of cultural/historic importance as identified in the Town's Plan of Conservation and Development).
  3. Proposed open space must have reasonable access points for maintenance and to facilitate connection with other dedicated open space, existing or planned, to complete trails and wildlife

corridors in accordance with the Plan of Conservation and Development. The access may be in conjunction with abutting dedicated open space.

4. Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from, and the view of, prospective home sites, and to minimize the area devoted to motor access and travel.
  5. The open space in any subdivision shall be located entirely within the undivided parcel and shall be in one contiguous piece except where the Commission finds that the purposes of these regulations would be more effectively served by separated parcels.
- b. The Commission reserves the right to require the involvement of a landscape architect in the design of a cluster subdivision.

**IV. Section 4 Layout**

- a. Lots shall be laid out to the greatest extent feasible to achieve the objectives listed below in order of priority (it is recognized that some objectives may conflict with others on any given site):
1. To place septic systems (individual, shared or within common areas) on the most suitable soils for sub-surface waste water disposal (in un-sewered areas only);
  2. Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
  3. In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
  4. In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
  5. Wherever possible ponds, streams, wetlands should be adjacent, contiguous or included in the open space. Shade should be preserved within wetland areas and at least fifty (50) feet from ponds and streams.
  6. Unless prevented by ledge or other natural restraints, underground utilities shall be required.
  7. 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 purposes and satisfy the applicable criteria and standards of these Regulations, the Zoning Regulations, and the Plan of Conservation and Development.
- b. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Regulations and Health Codes and in providing driveway access to buildings on such lots from an approved street.

- c. Where driveway access from a major street may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Such access drive shall be constructed under the standards for public roads with regard to travel way width and construction specifications. The Commission shall establish front yard setbacks from these shared drives when they bisect a line of lots.
- d. Lots proposed for existing streets shall, in addition to meeting other applicable standards of these Regulations, be arranged to conform with the following:
  - 1. Where no street lines have been established on an existing street, front property lines for subdivision lots shall not be closer than 25 feet from the center of the road or 50 feet from and parallel to an established street line on the opposite side of the street. The Commission may require that the title to all land between the center of the road and the front property lines of the subdivision lots be dedicated to the Town of Killingly in accordance with the legal requirements for such a procedure.
  - 2. Where a proposed subdivision abuts an existing street that does not comply with the right-of-way requirement found in these Regulations, the Commission may require the dedication of half of the right-of-way deficit along with all necessary rights to grade as determined by the Town Engineer for future road widening.
  - 3. Where the grade of the existing street will be materially higher or lower than the proposed lots fronting on it, the Commission may, for reason of providing adequate sight distance on driveways, alleviating excessive or hazardous slope, or excessive runoff, require any lot or any part of such lot to be re-graded as necessary.
  - 4. Where the finished grading of a lot fronting on an existing street will cause drainage problems in that street, the developer shall, at his expense, install drains in the street or make such other provision as may be necessary to correct the condition.
- e. Lot dimensions shall comply with the minimum standards of the Zoning Regulations, unless approval has been granted by the Commission to use cluster design. In general, side lot lines should be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- f. Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- g. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

#### **IV. Section 5 Open Space**

- a. All subdivisions approved under these Regulations shall preserve open space in perpetuity where in the opinion of the Commission such land serves one or more of the following purposes:
  - 1. Provide parks, playgrounds or other outdoor recreation areas and facilities;

2. Protect natural streams, ponds or surface or subsurface water supply, and watershed protection;
3. Conserve soils, wetlands, swamps or marshes;
4. Protect natural drainage systems or serves to assure protection from flooding;
5. Preserve open spaces along existing road frontages;
6. Preserve sites or areas of scenic beauty, or of historic or archaeological interest;
7. Conserve forests, field meadows, stands of unique or scenic trees, wildlife habitats, agricultural and other natural resources;
8. Supplement existing open space, greenways, open space corridors and recreation areas;
9. Meet recreation needs of present and projected population;
10. Preserve ridges, ravines, ledge outcroppings, hilltops, scenic vistas, and other unusual physical features;
11. Promote orderly community developments; or
12. Further the findings, goals, and policies contained in the Town of Killingly's Plan of Conservation and Development or other Town approved land use plans.

The open space shall be noted on the plan as "Reserved For Open Space Purposes". Land marked "Reserved for open space purposes" on the plan shall be maintained as open space in perpetuity. The donation of open space land shall not require the consent of adjacent property owners.

- b. Open Space may be located within all subdivisions in a specific location as determined by the Commission where such open space will best further the purpose of the Open Space. The Commission, as part of its determination, may take into consideration:
  1. If any particular location may be adequate to existing or proposed open space or other property owned by the Town, a land trust or other similar entity; or
  2. In evaluating a potential open space dedication, the Commission shall have the right to consider all land within the property to be subdivided, and, with the subdivider's consent, any other nearby tract owned, controlled or optioned by the subdivider. Subject to the criteria established in this regulation, all subdivider proposed locations for open space, park, or playground dedications shall be considered by the Commission.
- c. The Commission may require review of all proposed open space by the Recreation Commission, the Conservation Commission or a land trust, which could be the open space recipient prior to subdivision approval. If no comment is received by the Commission from any entity to which a referral has been made, it shall be assumed by the Commission that said entity has no comment regarding the matter so referred.

- d. The minimum required area of open space shall be twenty (20) percent of the total area of the land to be subdivided unless such land is intended to be developed as a cluster subdivision which shall require a minimum of thirty-three (33) percent open space set-aside. Such open space shall be of such size as deemed appropriate by the Commission so that the Open Space will achieve the purpose intended as noted in Section 5a of this Article and serves the increased density of population resulting from the subdivision and serves to achieve the goals and objectives of the Plan of Conservation
  
- e. Banking Open Space.
  - 1. At the Commission's discretion, excess Open Space land within a subdivision under consideration, which is deemed suitable for Open Space purposes, may be banked to satisfy all or part of the Open Space consideration in any other subdivision. The land can only be used as Open Space or to supplement Open Space, for another subdivision if, in the Commission's opinion, there is not sufficient suitable land within the other proposed subdivision for that purpose.
  - 2. If the subdivision site does not provide desirable open space opportunities as determined by the Conservation Commission, Staff and Planning and Zoning Commission, the applicant may offer alternate open space on other land under his/her ownership in the Town. The Commission will determine the terms and conditions of such an arrangement and all appropriate land records will be modified and documents will be executed to ensure compliance with the provision.
  - 3. Banked Open Space will be indicated on the original subdivision plan as to its area and dimensions and will be labeled as such. The amount of banked Open Space shall be included in the approval motion, shall be included in the minutes and shall be noted in the approval letter to the applicant.
  
- f. Open Space Standards.
  - 1. Where an open space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over fifteen (15) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over fifteen (15) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made.

*For example, consider a 100-acre tract to be subdivided with, cumulatively, 40 acres of wetlands, watercourses and slopes over 15 percent (40% of land to be subdivided) and 60 acres of land without these limitations (60% of land to be subdivided). The Commission shall have the right to require 20 acres of open space, park or playground land (.20 times 100), of which at least 12 acres (.6 times 20) does not include wetlands, watercourses or slopes over 15 percent.*
  - 2. Such open space shall have access from a public street, with such access at least 40 feet wide

and having a maximum grade of 15%, or shall abut existing open space having such access, unless specifically waived by the Commission due to the unique characteristics of the open space or subdivision.

3. Any land to be dedicated as Open Space (except open space set aside for parks, playgrounds or other outdoor recreational facilities) shall be left in its natural state by the subdivider, except for improvements as may be required by the Commission, and shall not be graded, cleared, disturbed, or used as a repository for stumps, brush, earth, building materials, or debris. Open space for parks, playgrounds or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such open space area to be graded by the subdivider to properly dispose of surface water, that it be seeded with appropriate perennial grass, and that all brush and debris be removed. Such improvement of open spaces will not be required until the subdivision is substantially completed.
- g. The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and, the Town shall consider any such dedication as satisfying the Open Space requirements of this Regulation and of Section 8-25 of the Connecticut General Statutes. Permanent dedication of each such area of open space shall be accomplished by:
1. conveyance of fee simple ownership to the Town of Killingly;
  2. creation of a Conservation Easement in favor of the Town of Killingly;
  3. creation of a Conservation Easement in favor of the Town of Killingly reserving specific agricultural rights as approved by the Commission;
  4. conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;
  5. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
  6. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision are members, along with a conservation easement over the entire open space area; or
  7. Any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

The Commission may require dedication of open space by methods listed in 1, 2, 3 or 6 of this subsection; and the Commission may require dedication by methods listed in 4, 5 or 7 with the consent of the applicant. Any such dedication, regardless of the method used, shall be completed prior to the endorsement and filing of the final subdivision plans in the office of the Town Clerk. Any conveyance of an interest in the dedicated open space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission, shall be free of all encumbrances or defects.

- h. When any dedication of Open Space is made, the deed, declaration, or other instrument transferring interest in the property shall be in a form acceptable to the Town, and shall provide, at a minimum:

1. That all such covenants or restricts shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision;
  2. That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;
  3. That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and
  4. That if at any time maintenance, preservation or use of such open space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred by the Town for such purposes.
- i. If Open Space is to be dedicated to an entity other than the Town, the applicant shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity for the purpose and in a manner consistent with the objectives of these Regulations.
  - j. The Commission shall approve any transfer of title of interest to any successor entity.
  - k. All corners of the Open Space or Conservation Easement shall be permanently marked by iron pins or monuments as required for all other parcels as required by these Regulations. The Commission shall require the applicant to post identification plaques, provided by the Town, on trees, fences or posts, each one-hundred (100) feet along the edge of the Open Space as visual identification of these areas to future residents.
  - l. A transmittal letter shall be submitted including the following: properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Town Council subject to the Town meeting to be recorded on the Town Land Records upon acceptance by the Town Council. In the event that acceptance is rejected by the Town Council, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town prior to the Town Meeting be deemed as acceptance of the Open Space by the Town.

m. 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.

1. 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.
  2. To employ the fee-in-lieu of open space option, the following procedure shall be used:
    - i. The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of this section;
    - ii. The Commission shall determine whether to accept the applicant's proposal, or to accept a different combination of land transfer and fee, or to require an open space dedication only;
    - iii. The Commission and applicant shall jointly select an appraiser to submit a report. Steps (a) through (c) maybe accomplished at the application acceptance portion of the process.
    - iv. The applicant shall submit the appraisal during the formal application review process.
  3. The method of payment of any fees under this Section shall be one of the following two options:
    - i. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of 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 is paid. No zoning or building permits shall be issued until such fractional part is paid as to any lot in the subdivision.
- n. The Commission shall require open space in all subdivision or shall require a fee-in-lieu of open space for all subdivision. No waivers of this requirement shall be granted except in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes:



1. 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 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. When a subdivision is to be exempted from any Open Space requirements because the land is to be transferred to a family member as per Section 8-25 of the Connecticut General Statutes, then the notice in the Appendix shall be attached to Final Subdivision Plans.
2. Where the subdivision is to contain affordable housing, and defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. 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.

#### **IV.Section 6 Solar Design, Energy Conservation**

The developer shall demonstrate to the Commission in writing that he or she has employed 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 design techniques shall include but not be limited to:

1. House orientation.
2. Street and lot layout.
3. Vegetation.
4. Natural and man-made topographical features.
5. Protection of solar access within the development.

#### **IV.Section 7 Cultural Resources**

- a. Subdivisions shall be laid out to preserve significant cultural resources and unique natural resources. Suitable public access to any cemetery may be required by the Commission.
- b. All cemeteries within the proposed subdivision shall be deeded to the Town, an existing cemetery association, homeowners association, or other responsible party, as deemed appropriate by the Commission, along with a fifty (50) foot protective buffer, as measured from stone walls surrounding a cemetery or from any identified human burial in the absence of wall or other demarcated boundary.
- c. An on-site archaeological assessment shall be required, if in the opinion of the Commission, there is likelihood that significant cultural resources or undetected human burials will be adversely impacted

by construction activities associated with the proposed development. The assessment shall be conducted in accordance with standards outlined in the Environmental Review Primer for Connecticut's Archaeological Resources.

- d. The Commission's determination of need for an archeological assessment shall be based on:
  - 1. Proximity to identified cemeteries, human burials, archaeological sites, historic sites; and/or,
  - 2. Natural terrain features as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters, where these factors reflect scientifically documented settlement patterns preferred by Native Americans or European Colonists.
- e. In making this determination to conduct an archeological assessment, the Commission may seek advice and comment from the Office of State Archaeological and/or State Historic Preservation Officer. A letter seeking such advice, from the Commission or the Planning Director, shall be mailed within two (2) working days after the preliminary review of the application has been made.

#### **IV.Section 8 Water Supply**

All subdivision plans shall make proper provision for potable water supply to all proposed lots.

#### **IV.Section 9 Fire Protection**

In order to assure that all new developments have an adequate water supply for the purposes of fire protection, the Commission shall require that all subdivision applications be reviewed by the Killingly Fire Marshal and the appropriate fire district. The subdivider shall take into account the need for adequate fire protection either by providing hydrants in the water supply system or a fire protection system approved by the Commission within the subdivision, including necessary access easements to such system. Should the appropriate fire district not agree to accept any proposed protection system structure(s) or maintenance thereof, reliance on mutual aid and tank shuttling shall be considered adequate fire protection.

#### **IV.Section 10 Sanitary Disposal**

All subdivision plans shall make proper provision so adequate sanitary sewage disposal can be installed with respect to all proposed lots.

- 1. If the property is approved for connection to sanitary sewers, then the applicant shall propose that all dwelling units shall be connected to such system. A statement from the Sewer Authority shall confirm the service availability and a permit with the required fee for each connection shall be obtained.
- 2. If individual septic systems for waste water disposal are proposed to serve the individual dwelling units, such systems and reserve areas shall be located on the same lot as the unit it is designed to serve consistent with applicable state and local Public Health Codes and shall be certified by the local health department that such codes have been achieved.
- 3. If a community waste water disposal system is proposed to serve a development, the applicant shall provide the Commission with evidence that an on-site subsurface sewage disposal system has the ability to be approved by the applicable state and/or local agencies in accordance with local and state

statutes and regulations. An association of property owners, or other mechanism satisfactory to the Commission, shall be established with the authority and financial capability to operate and maintain any private community sewage system within the development.

**IV.Section 11 Other Utilities**

Utilities generally shall be located within the street right-of-way on a side of and parallel to the street. Electric power, telephone and other cable systems shall be placed underground in all subdivisions. The Commission may waive this requirement where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

**IV.Section 12 Private and Common Driveways**

- a. No building or structure to be served by a newly constructed or relocated private or common driveway shall be used or occupied, in whole or in part, until such driveway has been constructed in accordance with the specifications and requirements hereinafter set forth and a permit therefore approved by the Engineering Department.
- b. All driveway entrances (aprons) shall be constructed in accordance with the Town of Killingly Engineering Department standards. If the intersecting street is unpaved and is not planned for pavement within 5 years, the apron need not be paved. No certificate of compliance or occupancy will be issued for the dwelling or building until such time as the driveway and apron are constructed in accordance with town standards. In the event that the season or weather prohibits the required driveway construction, including paving, a bond in lieu of the work may be accepted by the town. However, under no circumstances shall a certificate of compliance or occupancy be issued if it is deemed by the appropriate town staff that safe and reasonable emergency access cannot be attained without the required improvements.
- c. All newly constructed or relocated private and common driveways shall be constructed in accordance with the following specifications:
  1. Driveways may not exceed an average grade of 12% and at no point greater than 14%. The maximum slope of the first 30 feet of the drive measured from the edge of the traveled way into the property may not exceed 3%.
  2. A sufficient drainage system shall be installed to prevent the runoff of water or other material from said driveways onto the intersecting street.
  3. The center line of a driveway entrance shall intersect the street as near to a right angle as is practicable for a distance of at least 30 feet back from the traveled portion of the intersecting street, but the angle of intersection of the center line of the driveway entrance with such street shall not be less than 75 degrees nor more than 105 degrees.
  4. A driveway intersecting a street shall have a minimum sight distance in each direction in accordance with AASHTO "A Policy on Geometric Design of Highways and Streets", 2004, or as amended, and as satisfactory to the Town Engineer and the Planning and Zoning Commission
  5. All driveways shall be of satisfactory construction, and have sufficient clearance from vegetation and cut and fill banks to allow safe and reasonable passage for passenger, service and emergency vehicles.
  6. All driveways shall have a turnaround on the lot, capable of handling a SU-30 vehicle, and located not less than 10' from property lines in residential areas.

7. All driveways over 200 feet long, in addition to the conventional vehicle turnaround described in this subsection, shall be provided with a suitable turnaround area for emergency and service vehicles. The area need not be to driveway construction specifications but must be reasonably level, free from ornamental plantings and otherwise suitable for turning around larger vehicles
8. All driveways over 500 feet long must be provided with at least one vehicle bypass area (turnout) of sufficient construction methods including length, width and clearances to allow the safe and reasonable passing and/or standing of passenger, service and emergency vehicles.
9. All driveways shall be designed and constructed to prevent surface runoff from discharging to the traveled portion of public roads. Wherever practicable and feasible, the runoff should be diverted away from the town road right-of-way. Driveway aprons must be designed to prevent runoff from public roads from discharging onto the driveway or adjacent property. Privately owned and maintained drainage systems associated with driveway construction shall be utilized to the greatest extent possible. Culverts, if required, shall be a minimum of 15 inches RCP.
10. Whenever a private drainage swale or private detention area is utilized in diverting driveway water from the town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the swale or detention area and culverts in accordance with the approved design. To ensure proper maintenance, no dwelling certificate of compliance or occupancy shall be issued on the subject lot until a deed restriction, approved by the Planning and Zoning Commission or its agent, is filed on the land records. Said deed restrictions shall clearly note the maintenance responsibility and, subject to proper notification by the town, shall allow the town to undertake any necessary maintenance activity and bill the property owner for expenses.
11. Driveway side slopes in a cut or fill section shall not exceed 2:1 unless physical structural barriers at the shoulder acceptable to the Commission and the Town Engineer are utilized.
12. During construction of all dwellings and buildings the driveways must be installed and maintained in such a manner so as to provide reasonable access to the dwelling by emergency vehicles. The access may not be blocked by construction-related delivery or service vehicles.
13. Driveways shall be of such size, grade and shape to allow at least two cars to be parked beyond the limits of the town right-of-way line.
14. All driveways and turnarounds shall be set back a minimum of ten feet from adjacent property lines, except shared driveways approved by the Commission. When culverts or other drainage systems shall be required to control the flow of water:
  - i. If the water shunted by such culverts or drainage systems establishes a flow of water onto an adjoining parcel of land, a permanent drainage easement shall be obtained.
  - ii. If the water shall enter a street culvert system, permission from the town, the Connecticut Department of Transportation and/or Property Owners' Association, whichever is applicable, shall be obtained to use such culvert.
15. Minimum separation between physical driveways is subject to the approval of the Town Engineer.
16. The applicant shall demonstrate adequate snow shelf and driveway curb-cut separations at cul-de-sacs.

d. Common Driveways

Common driveways serving more than one dwelling unit are encouraged, especially when interior (rear) lots are proposed and at cul-de-sacs. Common driveways may serve up to five (5) dwelling units, and shall be paved with bituminous concrete, gravel, or substantial permeable material. Final design is site specific and subject to the recommendation of the Town Engineer. All newly constructed or relocated common driveways shall be constructed in accordance with the Connecticut DOT Form 816, as amended from time to time, with certification by a licensed professional engineer. The certificates of compliance or occupancy for the buildings or structures to be served by such driveway shall not be issued by the Building

Official until the Engineering Department verifies that it has received such certification and that an as-built of the driveway has been received.

1. The shared portion of the driveway shall be a minimum of 16 feet in width unless waived by the Commission. There shall be at least 30' of paved driveway into the property for common driveways intersecting a paved road.
  2. All common driveways with slopes over 10% shall be paved to a minimum width of 16 feet, or as the Town Engineer directs, with bituminous concrete or equivalent. The pavement cross section in such cases shall consist of:
    - i. 6" rolled gravel sub-base (or as required by the Town Engineer);
    - ii. 4" compacted processed gravel;
    - iii. 2" compacted bituminous concrete Class I pavement binder course;
  3. Non-shared portions must be at least 12 feet in width and constructed as below for private driveways.
  4. Common driveways may not serve as a connecting driveway between two public streets or private laneways, and must be wholly contained within an access strip with a minimum width of fifty (50) feet throughout.
  5. All common driveways are to be maintained by either a Homeowner's Association, or through the establishment of private maintenance and liability agreements, and are to remain private in perpetuity in a form acceptable to the Commission, which shall be subject to review by the Town Counsel. Appropriate easements shall be provided for travel, utilities, snow storage, and pull-off.
- e. Private (Unshared) Driveways
1. All newly constructed or relocated driveways shall be constructed in accordance with the Connecticut DOT Form 816, as amended from time to time and are subject to the requirements of the Town Engineer.
  2. All private driveways with slopes over 10% shall be paved to a minimum width of 12 feet with bituminous concrete or equivalent, or as directed by the Town Engineer.

#### IV. Section 13 **Streets and Roads**

- I. Streets and Roads in the Town of Killingly shall be classified into 3 groups related to the levels of service provided: Arterial, Collector, and Local Residential. Under almost all circumstances new roads and extensions to existing roads will be done on Local Residential roads; however Collector Roads may be involved in intersection design and associated activities.
  1. An Arterial Road would provide the highest levels of service and is predominantly used for the regional transport of traffic from one population center to another, with little or no intra-town utilization. Interstates 395 and 695 are the arterial roads in Killingly.

2. A Collector Road generally provides for a lesser level of service than the Arterial Road and functions as a conveyance for traffic traveling from town to town or population cluster to cluster. Generally the traffic is predominated by through traffic rather than homes or businesses located along its length. All State Routes shall be considered Collector Roads- Design speeds and level of service would be higher than local roads.
3. A Local Residential Road will provide balanced access to both homes and business located along its length and through traffic on a neighborhood to neighborhood scale or provide essentially access only to homes within single neighborhoods.
  - a. Public streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one way loop street around a small neighborhood green. Streets shall be developed according to standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.
  - b. The Commission may require, with cause, from the applicant a traffic study that demonstrates that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the public.
  - c. Streets shall have the following design standards:
    1. Right-of-way widths. The right-of-way width for each road shall exceed the width of the street pavement specified in Subsection 2 of this Section in addition to width for all public services including: drainage, sidewalks, bicycle trails, street trees, trails and walkways, utilities, snow storage, and grading. In residential developments, the right-of-way width shall not provide an allowance for future widening.
    2. Pavement widths for roads shall be determined by the expected use and shall be within the following ranges:
      - i. No parking expected: 20 feet
      - ii. Restricted Parking: 22-24 feet
      - iii. Normal Residential Parking: 24 – 26 feet
      - iv. Collector Roads: 24 – 28 feet
      - v. Arterial Roads: 28 – 32 feet
    3. New streets serving a subdivision shall be paved to a minimum width of twenty (20) feet (bituminous concrete) with a cross slope from center crown to gutter of no less than 3/8"/foot. Final design is site specific and subject to the recommendation of the Town Engineer.
    4. Curbing and formal closed drainage systems (e.g., culverts, catch basins, etc.) are to be held to a minimum, except as provided below. The need for curbing is to be discussed with staff at the time of the preliminary meeting. If curbing is required, Cape Cod style curbing is preferred; standard curbing shall be used if determined necessary by the Town Engineer.

5. Curbing, at the Town Engineer's discretion, shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required.
  6. Curbing is not required: where land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required.
  7. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.
  8. Cul-de-sacs should be designed as semi-circular and circular loop roads, with a minimum 42' outside radius around a landscaped island with a minimum 10' radius. The center landscaped areas should be depressed and potentially can be designed for stormwater storage. Length shall not exceed one-thousand seven-hundred and fifty feet (1,750) measured from the right-of-way of the public street from which such cul-de-sac begins to the center of the turnaround.
  9. All new public and private streets shall be designed to the standards of these regulations, with specific reference to Connecticut Department of Transportation Form 816 , as amended, and to the standards of the Town of Killingly, except where expressly modified by this chapter. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the AASHTO standards for collector roads.
  10. For any subdivision containing a private road or common driveway, a note shall be placed on the final subdivision plan, and in the deed to the property stating: "This subdivision is serviced by a private road (and/or common driveway). The Town of Killingly will provide no maintenance, repair, school bus or other service along this private road (and/or common driveway)."
- d. Establishing Street Right of Way Width.
1. Collector Roads. In subdivisions located along sections of State Routes that are not monumented and defined by CT. DOT Right of Way Surveys, the town shall request that the front property line be established at least 30' from the centerline of the existing traveled way, notwithstanding other property information indicating that the property line is actually further from the centerline of the traveled way. This would be communicated to the CT. Dept. of Transportation, who would either accept or decline the proposed Right of Way line.
  2. In subdivisions along monumented and defined sections of State Routes, the street line shall be as established by the CT. DOT Right of Way Survey.
  3. In subdivisions along Collector Roads with local jurisdiction, the street line for new lots shall be established at least 25' from the centerline of the existing traveled way, notwithstanding other property information indicating that the property line is actually further from the traveled way.
  4. Residential Local Roads. In subdivisions along existing Residential Roads, the minimum street line shall be established at least 25' from the centerline of the existing traveled way, notwithstanding other property information indicating that the property line is actually further from



the centerline of the traveled way. -The paved surface of the road shall be centered in the right of way.

e. Intersections.

No intersections shall be approved where the intersected street's centerline grade exceeds 8%. The intersecting street's centerline grade shall not exceed 3% within 75' of the point of intersection.

f. Roadway Specifications

The following criteria will be incorporated in the design of proposed roads and extensions of existing roads. Collector Road information is provided for comparison only, new construction of a collector is unlikely.

Road Classification	<i>max/min grade</i>	<i>travel width</i>
<i>Collector</i>	8%* / 1%	24-28 feet
<i>Local Residential</i>	8%* / 1%	20-26 feet

\*waiver to 10% may be granted

The Commission may modify the width of pavement if Town staff recommends such a reduction will not negatively impact public safety or emergency response.

g. Road Grades –

1. Minimum one percent (1%); except in transition areas between grades.
2. The maximum road grade shall be eight percent (8%). The Commission may waive the requirement to a maximum of 10% where the applicant has demonstrated that such an increase will reduce the environmental impact of cutting and/or filling the slope.
3. The new road and existing rights-of-way shall only be cleared of existing vegetation to provide for safety, drainage and construction.

h. Street Grading and Improvement

1. Streets shall be related appropriately to the topography. Local roads shall be curved wherever possible, to avoid conformity of lot appearance. All streets shall be arranged to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided-
2. Local Residential roads shall be constructed in such a manner as to follow the existing contours, minimize excessive cuts and fills (>6' at the centerline of the road), and provide for horizontal and vertical geometry which will encourage slower vehicular speeds. New roads shall be provided with a "snow shelf" with a width of 3' adjacent to the traveled way. The grade of the snow shelf shall not



exceed 12 horizontal to 1 vertical. Grading beyond the shelf, shall not exceed 3 horizontal to 1 vertical. All cut and fill slopes shall be provided with a minimum of 4" of topsoil and shall be seeded to grass or other acceptable vegetation to stabilize the embankment.

II. Road Construction.

Connecticut Department of Transportation Form 816 is included by reference to these specifications, for matters concerning material specification, method of measure, methods of construction, and project administration. The Town of Killingly reserves the right to further modify provisions in 816 to provide for the best interest of the community.

A. Town Engineer - In all matters pertaining to highway construction and design, the Town Engineer shall be the final judge as to proper practice.

B. Construction Procedure - The Contractor shall notify the Town Engineer at the beginning and end of each phase of the construction and shall not proceed with the next step until the Town Engineer has inspected the work. It will be the responsibility of the applicant's engineer to make periodic detailed inspections of the project to insure compliance with the Town Engineering specifications and approved plans.

C. The statements contained in Section B above shall be placed on the subdivision plans.

III. Road Acceptance

The developer shall request, by letter, a final inspection of public improvement work from the town when all work has been completed. The developer shall also inform the Commission of his or her intention to seek road acceptance prior to initiating such action with the Town Council. In the event of partial completion of public improvement work, bonding requirements shall be followed. The subdivider shall furnish the following in anticipation of final acceptance:

A. Maintenance Bond. A Maintenance Bond (Appendix) and Maintenance Agreement (Appendix), to be in force for one year shall be filed prior to the release of the Performance Bond. The Maintenance Bond shall be equal to at least 10% of the original public improvement cost estimate, including contingency and inflation increases.

B. As-built plan. An "as-built plan" is a plan drawn on an acceptable reproducible material which shows the as-built status of the development.

C. Warranty deed. A warranty deed conveying all public improvements, open space, easements and other rights shall be furnished to the town. A certificate of title and conveyance tax forms must accompany the Warranty Deed.

D. Certificate of pins and monumentation.

IV. Performance Bond Reductions.

The subdivider shall provide the Commission's agent with a detailed estimate, certified by the subdivider's engineer, of the costs of the remaining public improvement and subdivision work which is required as part of the subdivision. The cost for the remaining work shall be estimated for the maximum remaining time allowed after the date of certification. The Commission/agent may, at its discretion, grant a bond reduction, provided that:

A. No reduction shall reduce the bond amount below the estimated cost of completing the unfinished portions of the covered improvements, including inflation and contingency considerations.

B. No reduction shall be granted until the Commission or its agent has received verification from the appropriate Town Staff that 50% or more of the required improvements have been satisfactorily completed.

C. No public improvements bond may be reduced below \$5,000, nor less than the required Maintenance Bond, whichever is greater.

#### **IV. Section 14 Water Bodies and Watercourses**

If a tract being subdivided contains a water body or watercourse, lot lines shall be drawn in such a manner that safe maintenance of the water body or watercourse is assured. In the case where a water body is divided among several lots the Commission may require the establishment of a homeowners' association or similar body to ensure proper maintenance. Where a watercourse passes through a lot the lot owner shall be responsible for maintaining the continual flow of water.

#### **IV. Section 15 Monumentation**

- a. Stone or reinforced concrete markers not less than four inches (4") by four inches (4") and not less than thirty-six (36) inches in length and clearly visible shall be set at the point of curve and point of tangency of all curves in street lines and at angle points and shall be used to mark the boundaries of the subdivision.
- b. Lot corners and other control points shall be marked with iron pins at least one-half inch in diameter by thirty-six inches (36") long where not otherwise marked as set forth above.
- c. Certificate of pins and monumentation. A certificate by a registered land surveyor shall be furnished to the town acknowledging that all pins and monumentation have been installed pursuant to the final plan.

#### **IV. Section 16 Storm Water Drainage**

- a. All development shall be designed to minimize the construction of impervious surfaces through the use of the Connecticut Stormwater manual.
- b. The use of low impact, non-structural, on-site stormwater management techniques, such as swales, that enable onsite infiltration of stormwater and result in no net increase in storm water run-off from the subject parcel(s) are encouraged subject to best management practices and best engineering practices.
- c. The following are the basic design principles to be applied:
  1. Runoff Volume Control – The pre-development volume is maintained by a combination of minimizing the site disturbance from the pre-development to the post-development condition and then providing distributed retention Best Management Practices (BMPs). Retention BMPs are structures that retain the runoff for the design storm event. A "customized" or detailed runoff curve number (RCN) evaluation is required to determine the required runoff volume. The storage

required to maintain the pre-development volume may also be sufficient to maintain the pre-development peak rate.

2. Peak Runoff Rate Control – Low impact development is designed to maintain the pre-development peak runoff discharge rate for the selected design storm events. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (i.e. rain gardens, bioretention, and open drainage systems, etc.) that are distributed throughout the site. The goal is to use retention practices to control runoff volume, and, if these retention practices are not sufficient to control the peak runoff rate, to use additional detention practices to control the peak runoff rate.
3. Flow frequency Duration Control – Since low impact development is designed to emulate the pre-development hydrologic regime through both volume and peak runoff rate controls, the flow frequency and duration for the post-development conditions will almost be identical to those for the pre-development conditions. The impacts on stream habitat due to erosion and sediment at downstream reaches can then be minimized.
4. Groundwater Infiltration Rates - The pre-development infiltration rate shall be maintained for post-development conditions. As impervious coverage increases, the rate of infiltration of rainfall into the soil decreases. The goal is to use LID systems to infiltrate the same volume of water for post-development conditions which match the pre-development infiltration rate.
5. Water Quality Control – Low impact development is designed to provide water quality treatment control for the duration storm runoff from impervious areas using retention practices. The storage required for water quality control is compared to the storage required to control the increased runoff volume. The greater of the two volumes is the required detention storage. Low impact development also provides pollution prevention by modifying human activities to reduce the introduction of pollutants into the environment.

Deviations from the above Low Impact Development guidelines shall only be approved by the Planning and Zoning Commission upon an assessment by a professional engineer, with expertise in the implementation of Low Impact Development techniques and storm water treatment systems.

- d. There shall be submitted in conjunction with each such project, covenants, conditions and restrictions which will be binding upon the property all necessary native growth protection easements, impervious surface restrictions and such other critical features as the Planning and Zoning Commission may require.
- e. All stormwater pipe in the roadway right-of-way shall be fifteen (15) inch minimum reinforced concrete pipe or as approved by the Town Engineer.
- f. All stormwater systems shall be designed to a twenty-five year storm level and water detention ponds shall be engineered with a emergency overflow to a one-hundred (100) year flood level
- g. In order to maximize the benefits of LID, it is extremely important to ensure that the treatment systems on individual lots are maintained in an appropriate condition. The method to do this is by the use of a Maintenance Covenant or Agreement. The maintenance agreement must spell out the type and frequency of necessary maintenance of LID storm water systems. In addition, there must be

clear enforcement provisions to ensure that the storm water systems are maintained and not eliminated on an individual lot. A sample agreement is found in the Appendix.

**IV.Section 17     **Lighting****

Outdoor lighting, if proposed and in the opinion of the Commission necessary, shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and shall not create or cause excessive glare on adjacent properties and public street rights-of-way. Streetlights shall be avoided in subdivisions located in rural areas of the Town.

**IV.Section 18     **Sidewalks and Pedestrian Access****

- a. Unless waived by the Commission,-sidewalks shall be provided on at least one side of the street.
- b. The Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the record subdivision map.

**IV.Section 19     **Stone walls****

Stone walls. In recognizing the historic and natural value of field constructed stone walls, common in and around the Town of Killingly, all stone walls on a subdivision site shall be mapped. Wherever feasible, stone walls shall be preserved as found on site or shall be relocated on site. Wherever practical, existing or new lot lines shall be made to follow stone walls. Proposed streets, utilities and future buildings shall be designed to preserve stone walls to the maximum extent possible. The Commission may require conservation easements along stone walls to ensure their future protection. The Commission may require the reconstruction of significant stone walls by the subdivider where their preservation is not possible.

## Article Five (V)

# Map and Plan Requirements

### V.Section 1 General Requirements

- a. The maps, plans, and profile drawings as appropriate and required by these Regulations shall show the information and be prepared in accordance with the standards hereinafter specified. All such maps and plans shall be prepared by, and shall bear the name, signature and seal of, a land surveyor and/or engineer, or both, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Pertinent survey data and computations shall be presented by the applicant to the Town Engineer for review if such review is requested.

- b. The following requirements are applicable to all maps and plans:

Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town; Town and State; Title block [name, signature and seal of registered land surveyor and/or engineer with contact information, graphic and word scale of 1"=40' (1"=20' and 1"=60' may be acceptable), date when drawings were prepared, number of that sheet and total number of sheets included in the set]; the names and contact information of the record owner and the applicant; signature and date line for the P&Z Chair on each sheet (Thurlow 1/4/11); true north, and magnetic north points; an insert location map [scale 1"=1000' indicating boundary lines of the proposed subdivision and of any larger tract of which the subdivision is a part; assessor's map and lot number; acreage; zoning classification of the subdivision and abutting properties and Land Use Category in Killingly Plan of Conservation and Development; all adjoining streets, and all subdivision, town boundary lines and other significant landmarks within 2,000 feet of the subdivision]; location of all wetlands, watercourses, flood hazard areas and floodplains and the base flood elevation date thereof, as well as the lowest floor elevations that would be applicable for a building on any lot in the Flood Hazard Area, aquifers, and any water supply watershed area; location of existing natural and historical features and steep slopes; adjacent open space abutting the parcels, including ownership of this open space; zoning setback lines; principal wooded areas, any ledge outcrops and existing stone walls and fences bordering or within the subdivision, names of abutting property owners including across the street; existing trails; and locations of all easements and dedications.

- c. Record maps, in accordance with Connecticut law, for filing in the Town Clerk's office shall be clearly and legibly drawn and shall be submitted on a polyester film not less than 3 mils thick, and having a sheet size of 24" x 36". All plan and profile and construction drawings for filing in the Town Clerk's office shall be clearly and legibly drawn and shall be submitted either on a photographic wash-off mylar, not less than 3 mils thick, or an original ink mylar not less than 3 mils thick, and having a sheet size of 24" x 36".

**V.Section 2 Transmittal Letter**

A narrative overview of existing conditions and maps shall be submitted with discussion of site areas most and least suitable for development. The discussion should reflect the applicant's familiarity with State and Town Regulations relative to land use, health, buildings, roads and other pertinent development issues. It should present the basic market strategy for the subdivision and the manner in which the proposed subdivision will be planned to satisfy the purpose of these regulations in conformity with zoning and in furtherance of the goals of Killingly Plan of Conservation and Development.

**V.Section 3 Existing Conditions Map**

The purpose of the existing conditions map is to identify the site's features with sufficient information for the Commission to review and consider the project with respect to the several purposes of these regulations, as listed in Article One. In developing this map, the applicant may utilize the Town's GIS system for the required data. In addition to the information required in Article V.Section 1, the existing conditions map shall show the following for the parcel to be subdivided and for a reasonable distance, but not less than 200 feet adjacent to the parcel:

1. Existing streets, including the paved travel way and the street lines on both sides; also the classification of existing streets and a notation as to whether any streets are designated scenic roads by municipal ordinance or in the Plan of Conservation and Development.
2. Any existing storm drainage system and identification of downstream drainage facilities
3. Existing utilities including any utility easements over the parcel.
4. Existing buildings, structures, stone walls, wells, septic systems, cisterns and other site improvements such as but not limited to trails, fences and driveways including a notation if any buildings or structures are designated as historic.
5. General soils types by Soils Conservation Service classification and specific identification of areas likely to be shallow to bedrock, areas of wetlands soils and rocky outcrops. Identification of areas likely suitable for on site septic disposal, including results of sufficient percolation and deep pit tests to indicate variation of soils types, at least one (1) test for each five (5) acres. All tests shall be clearly numbered and identified on the supplemental map.
6. Wooded areas by foliage line, meadows, farmlands and individual trees greater than 30" diameter breast high or specimen type tree.
7. Existing elevations and contours at 2' intervals with specific identification of areas with slopes in excess of fifteen (15) percent.

**V.Section 4 Preliminary Conceptual Plans**

- a. As part of pre-application review and consultations with town staff and the Commission, the applicant shall provide at least two and no more than three preliminary conceptual plans of his or her proposed project conforming to the Killingly Zoning and Subdivision Regulations and the Killingly Road Ordinance.

- b. The preliminary conceptual plans shall show existing conditions, the proposed road, and lot layout of the subdivision presented in a legible format. In addition to the information required in Article V.Sections 1 and 3 above, the preliminary plans shall show at least the following information, with the understanding that more detailed preliminary plan discussions could result in minor to substantial changes in the plan. The preliminary plans should encompass the overall tract, even if only part is being proposed for subdivision. In developing the preliminary plans, the applicant may utilize the Town's GIS system for the required data. The submission of preliminary conceptual plans does not alter the requirements and procedures of a final plan.
1. title "Preliminary Conceptual Plan";
  2. proposed lines of streets, ways, easements and any public areas within the development in a general manner;
  3. the proposed system of drainage, including adjacent existing natural waterways, in a general manner;
  4. the approximate boundary lines of proposed lots, with approximate location and dimensions;
  5. the proposed topography of the land in a general manner.
  6. Conceptual building area envelopes (potential areas for house, driveway, septic system, well, etc.) and potential areas (using the Town's GIS data) to be dedicated as public or private open space or historic, conservation or scenic easement areas

**V.Section 5 Record Subdivision Map**

- a. The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2 Survey" of the Connecticut Association of Land Surveyors, Inc. The map shall show the following:
1. Existing and proposed property lines including the width and street lines of all existing and proposed streets, rights-of-way and easements, and street names;
  2. adjoining street and property lines for a distance of 200 feet and names of adjacent subdivisions or owners, including those located across the street.
  3. Existing and proposed watercourses, wetlands, ponds, easements and rights-of-way; channel and building lines; non-encroachment lines to protect natural features
  4. Proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds; the square footage of all lots and open spaces, and the total acreage of land included in the subdivision.
  5. Existing permanent buildings and structures
  6. Dimensions in all lines to the hundredth of a foot; all bearings or deflection angles on all straight lines; and the central angle, tangent distance and radius of all arcs

7. Existing and proposed monuments
8. The zoning district or districts in which the subdivision is situated and any zoning district boundary lines
9. An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet.
10. The survey relationship of proposed streets to nearby monumented Town streets or State Highways where practical
11. A designated area with the words "As Specified in Section 8-26c of the General Statutes, expiration date is \_\_\_\_\_".
12. The following signature blocks:

Approved by the Town Planning and Zoning Commission of the Town of Killingly on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. In accordance with Sec. 8-26c. of the Connecticut General Statutes, all work in connection with this subdivision or resubdivision must be completed by \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairperson

This approval is conditional on 1) the actual construction, maintenance and installation of any improvements prescribed by the Commission or 2) the provision of a bond as provided in Town Subdivision Regulations and will lapse on \_\_\_\_\_ unless renewed by the Commission.

And the Conditional and Final approval blocks located in the Appendix.

- b. In addition to the original subdivision plan for recording, the applicant shall, if technically feasible, deliver an electronic copy of such approved plan, for purposes of adding the approved subdivision to the Town's Geographic Information System (GIS). The electronic copy shall meet the following criteria:
  1. Drawings shall be on a compact disk (CD)
  2. Electronic drawings shall be in a format as prescribed by the Town's GIS coordinator.
  3. Electronic drawings shall be accompanied by a certification letter that the electronic drawing file is a copy of the subdivision map that was approved by the Commission for recording in the office of the Town Clerk. A land surveyor licensed by the State of Connecticut shall certify the letter.

#### V.Section 6 **Infrastructure Construction Plans**

- a. Plan and profile drawings, including typical cross-section, of all proposed streets, storm drains, sanitary sewers, public water supply lines, storm water reports or studies, catch basins, manholes,



ditches, watercourses, headwalls, sidewalks, gutters, curbs, fire suppression equipment, and other structures shall be submitted.

- b. Profile drawings shall be drawn to a horizontal scale of 1" = 40' and a vertical scale of 1"= 4'. Plan drawings shall be drawn to a scale of not smaller than 1" = 40'. All contours shall be at 2- foot intervals based on field or aerial surveys except as otherwise provided herein. Profile drawings and elevations shall be based on Town, State or U.S. benchmarks; the benchmarks used shall be noted on the plan. As built mylars shall be prepared by a professional engineer or licensed land surveyor and submitted to the Commission. Plan-profile drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:
  1. Layout of proposed streets in plan and profile indicating right of way dimensions, width of right-of-way and of paving, existing and proposed centerline grade lines with stations every 50 feet, vertical curve data and percentage of grade, with a typical cross-section detail. In non-development areas existing and proposed contours may be at an interval not exceeding ten feet based at a scale of 1"=40' based on a field or aerial survey or based on an available U.S.G.S. contours, including proposed regrading cuts, fills and soil/rock removal. In non-development areas, 10 feet is acceptable.
  2. All design criteria and data used to develop the plan and profile drawings will be attached.
  3. Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and watercourses, a sample ditch and watercourse cross sections.
  4. Drainage Report: A drainage analysis map shall show the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area: criteria and computations used in determining pipe sizes shall be submitted
  5. Approximate location of lot lines intersecting the street lines, lot numbers and street names and any proposed drives and house numbers
  6. A traffic study, if required by the Commission.
  7. Location of all existing and proposed utilities such as gas, electric, telephone, underground and overhead utility poles, water and sewer and fire suppression equipment.
  8. Estimates of public water supply and public sewage disposal requirements if needed, or the results of soils investigations, including borings, seepage tests and test pits for areas proposed for on – site sewage disposal, a description and schematic layout of proposed sewage disposal system and description of proposed water supply system.
  9. Location of siltation basins, detention basins, retention basins, soil erosion and sediment control measures, limits of on-site soil disturbance, watercourses, inland wetlands, construction narrative sequence.
  10. The limits of any areas of tree removal necessary to provide effective use of a passive solar energy system, based on an assumed mature tree height of 50 feet.

11. Road and driveway cross sections and construction methodology
12. The following statement from Article IV Section G11B: “The Contractor shall notify the Town Engineer at the beginning and end of each phase of the construction and shall not proceed with the next step until the Town Engineer has inspected the work. It will be the responsibility of the applicant’s engineer to make periodic detailed inspections of the project to insure compliance with the Town Engineering specifications and approved plans.”
13. Cost Estimates: Engineer’s quantity estimates, unit prices and cost estimates for infrastructure construction in a format and level of detail acceptable to the Commission. In addition to the plan and profile drawings, other necessary construction drawings and details shall be submitted as required.

V. Section 7 **Erosion and Sedimentation Control Plan**

- a. The following shall apply to the submission and approval of an Erosion and Sedimentation Control Plan. All provisions of this Section are in addition to other requirements of these Regulations. No land development which is cumulatively more than one-half acre in area shall be undertaken in any district unless certification of a Control Plan in compliance with the provisions of this Section has first been obtained from the Commission or its designated agent. No permit shall be issued until a Control Plan has been approved by the Commission or its designated agent, or it has been determined that a Control Plan is not required. The submission of material required to obtain approval of a Control Plan shall include, but not be limited to the name, address and phone number of the contact person responsible for the plan and the following plan components:

1. A narrative describing:
  - a. The development;
  - b. The schedule for grading and construction activities including:
    - Start and completion dates;
    - Sequence of grading and construction activities;
    - Sequence for installation and/or application of soil erosion and sediment control measures;
    - Sequence for final stabilization of the project site.
  - c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
  - f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
  - g. The engineer’s cost estimate for the proposed control plan measures and facilities.

- h. A site plan map drawn to a scale of not less than one inch to 100 feet to show:
    - 1. The location of the proposed development and adjacent properties;
    - 2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
    - 3. The existing structures on the project site, if any;
    - 4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
    - 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
    - 6. The sequence of grading and construction activities;
    - 7. The sequence for installation and/or application of soil erosion and sediment control measures;
    - 8. The sequence for final stabilization of the development site.
  - i. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
2. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Control Plans shall result in a development that; minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- b. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
  - c. The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended shall be used in determining peak flow rates and volume of runoff unless an alternative method is approved by the Commission.
  - d. The Commission shall either certify that the Control Plan, as submitted, complies with the requirements and objectives of this section or deny certification when the development proposal does not comply with this Section.
  - e. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124 A or 126 of the General Statutes.
  - f. Before certification, any plan submitted to the Town may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt.
  - g. The Commission may send a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment. However, if any such commission or organization fails to act on such referral it shall be deemed by the Commission that such commission or organization has no comment (negative or positive) on the proposal.

- h. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Control Plan, may be required to be covered in a bond or other assurance acceptable to the Commission.
- i. Site development shall not begin unless the Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional in accordance with State guidelines.
- j. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Control Plan. Additional soil erosion and sediment control measures and facilities may be required as field conditions warrant.
- k. All control measures and facilities shall be maintained in effective condition to ensure compliance with the Control Plan.
- l. Inspections shall be made by the Commission's designated agent during development to ensure compliance with the Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission shall require the permittee to verify through biweekly progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the Control Plan and are being operated and maintained.
- m. Additional control measures may be required by the inspector as field conditions warrant.

**V.Section 8 Schematic Architectural Drawings**

These drawings should illustrate the type of dwelling units proposed in an affordable housing development. The drawings should present sufficient detail to provide a sense of the intended architectural style of the complex and the layout of typical units.

**V.Section 9 Cultural Management Plans**

- a. Cultural resource management plans submitted to the Commission by the applicant shall consist of:
  - 1. A written investigative report prepared by a professional archaeologist, containing appropriate historic documentation, a description of research design methods and techniques, and a description of sites, features, and artifacts discovered as a result of the archeological investigation.
  - 2. Proposed design and other measures to avoid of impact of the proposed subdivision on identified cemeteries, human burials, archaeological sites, and historic sites
  - 3. A description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on identified cultural resources. This may include an estimate on the costs of mitigation and time required for more extensive investigations. Measures may include open space dedications; conservation easements; redesign or relocation of roads, drainage features; or buildings so as to minimize adverse impacts.
- b. Copies of all investigative reports and management plans shall be submitted to the Office of State Archaeology and State Historic preservation for review and comment prior to the Commission public hearing. All comments received shall be made part of the public hearing record.

# APPENDIX

**Appendix  
Bond Form:**

Know all persons by these presents, that \_\_\_\_\_ (hereinafter known as Developer/Obligator) a corporation, LLC, partnership or sole proprietorship, duly organized and existing under the laws of the State of Connecticut, with its usual place of business at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County of \_\_\_\_\_ and State of Connecticut, is held and firmly bound unto the Town of Killingly, Connecticut, a municipal corporation, with its principle place of business at \_\_\_\_\_ Main Street, Danielson, Connecticut, in the full and just sum of \_\_\_\_\_ (\$ \_\_\_\_\_) in lawful money of the United States of America, well and truly to be paid, for the payment of which it binds itself, its successors and assigns, firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH that**

**WHEREAS**, the Planning and Zoning Commission of the Town of Killingly, Connecticut, on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, did accept for the record that certain plat entitled"

\_\_\_\_\_  
\_\_\_\_\_

property owned by \_\_\_\_\_

prepared by: \_\_\_\_\_

Engineer, 20\_\_.

Subject, however, to the owner thereof filing a good and sufficient bond in the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) dollars, conditioned upon the completion of the hereinafter improvements and facilities.

**NOW, THEREFORE**, the condition of this bond is that the obligor, its respective heirs, executors, administrators, successors or assigns shall, by \_\_\_\_\_, 20\_\_, complete the following work in accordance with the approved plans and conditions of the Killingly Planning and Zoning Commission:

1. Construct approximately \_\_\_\_\_ linear feet of highway, as said highway appears on said Plat, and approximately \_\_\_\_\_ linear feet of curbing and sidewalks, under the direction of the Town

Planning and Zoning Office and in accordance with the widths and grades of said highway as shown on the plans filed with the Planning and Zoning Commission, and install all pertinent drainage structures in the manner indicated thereon.

2. Install \_\_\_\_\_ linear feet of \_\_\_\_\_ inch water mains, and \_\_\_\_\_ linear feet of \_\_\_\_\_ inch sanitary sewers in said highway(s) under the direction of the Killingly Water Pollution Control Authority before constructing said road(s).
  
3. Construct all other improvements as required by the plans, the Town of Killingly Planning and Zoning Regulations and/or any conditions of approval of the specific plans, including:
  - a. Catch basins;
  - b. Drainage pipes;
  - c. Bounds;
  - d. Base pavement; and
  - e. Completed project with as-built drawings.
  
4. Perform all work in accordance with the Standard Specification adopted by the Planning and Zoning Commission on file with the Planning and Zoning Commission of the Town of Killingly, Connecticut, to which reference is hereby made and which are incorporated and made part of this **BOND**, and upon final approval of the improvements by the Town of Killingly Planning and Zoning office and the furnishing of any **Maintenance** Bond, if required, then this **BOND** shall be null and void, otherwise, to remain in full force and effect.
  
5. This **BOND** is a cash bond or is secured by a letter of credit or bank account with the \_\_\_\_\_ financial institution and should the Town of Killingly Planning and Zoning Office determine that the Developer/Obligor is in breach of its agreements hereunder, the Town of Killingly is specifically authorized as the agent and attorney in fact of the Developer/Obligor to withdraw such funds from said bank account or letter of credit to complete the project as herein previously set forth. The

financial institution named herein joins in this obligation merely to acknowledge that it is aware that said funds shall only be disbursed to the Town of Killingly unless and until this **Bond** has been released by the Town of Killingly and that no signature other than the Chairman of the Killingly Planning Commission or his designee shall be necessary to release said funds to the Town of Killingly.

**SIGNED and SEALED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**DEVELOPER/OBLIGOR:**

**BY:** \_\_\_\_\_

**Its:** \_\_\_\_\_

Duly Authorized

**FINANCIAL INSTITUTION:**

**BY:** \_\_\_\_\_

**Its:** \_\_\_\_\_

Duly Authorized



**APPENDIX  
LETTER OF CREDIT, SAMPLE FORM**

Planning and Zoning Commission Attn: Linda Walden  
Killingly Town Hall  
172 Main Street  
Danielson, Connecticut 06239

Dear Commissioners:

On the instructions and for the account of \_\_\_\_\_ of \_\_\_\_\_, Connecticut, we hereby establish our Irrevocable Letter of Credit No. \_\_\_\_\_ in your favor, available by your draft drawn on us at sight, for any sum not exceeding the total amount of \$ \_\_\_\_\_

Drafts drawn under this credit must be accompanied by this Letter of Credit, and:

1. A statement purportedly signed by the beneficiary stating that "The amount of this drawing represents funds due and owing to the Town of Killingly as a result of the nonperformance or unsatisfactory performance of improvements authorized by the Town of Killingly under Planning and Zoning Commission, approval dated \_\_\_\_\_ for \_\_\_\_\_ SUBDIVISION." P&ZC Application # \_\_\_\_\_.

Partial drawings are permitted.

All drafts drawn under this Letter of Credit must bear on their face the clause "Drawn under \_\_\_\_\_ Bank F.S.B. Credit No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_.

We engage with you that draft(s) drawn under and in compliance with the terms and conditions of this credit will be duly honored upon presentation and delivery of documents, as specified, to the above address, Attn: Loan Department, on or before \_\_\_\_\_, 20\_\_\_\_.

Except so far as otherwise expressly stated, this documentary credit is subject to the "Uniform Customs and Practice for Documentary Credits, ICC Publication No. 500."

Bank Signature Block



**APPENDIX  
MAINTENANCE AGREEMENT**

Between \_\_\_\_\_ (hereinafter, "Developers") and THE PLANNING AND ZONING COMMISSION OF THE TOWN OF KILLINGLY, CT (hereinafter, "Commission").

Developers are delivering herewith a Cashier’s Check in the amount of \$\_\_\_\_\_, payable to the Town of Killingly. This is being delivered as surety for the maintenance bond and is hereby accepted by the Commission.

The parties agree that said money shall remain in the name of the Town of Killingly in escrow in lieu of a maintenance bond for all public improvement work, erosion control measures and conditions of subdivision which may be required as a result of material, workmanship or other failures of work which have been deeded to the Town of Killingly.

The surety covers \_\_\_\_\_ Subdivision, Planning and Zoning Commission App.\_\_\_\_\_. It shall be in force for a period as provided for in the Town of Killingly Subdivision Regulations . In any event it shall continue until released by formal vote of the Commission.

If ownership of the project or property is transferred during the time period of this maintenance agreement, then the transferor and the transferee are obligated to so inform the Commission and to indicate who owns and is entitled to the escrow.

If, at any time, any of the items covered by this bond fail or suffer damage or loss, the Town shall withdraw funds from the escrow account sufficient to cover the failure, damage or loss. However, if there are no problems, then all the funds deposited in said escrow account, together with any interest earned thereon, shall be delivered forthwith to the developers.

DATED AT KILLINGLY, CT, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLANNING AND ZONING COMMISSION,  
TOWN OF KILLINGLY, CT, OR ITS AGENT

\_\_\_\_\_  
DEVELOPERS



**APPENDIX  
PERFORMANCE AGREEMENT**

Between \_\_\_\_\_ (hereinafter, "Developers") and THE PLANNING AND ZONING COMMISSION OF THE TOWN OF KILLINGLY, CT (hereinafter, "Commission").

Developers are delivering herewith a Cashier’s Check in the amount of \$ \_\_\_\_\_ payable to the Town of Killingly. This is being delivered as surety for the performance bond and is hereby accepted by the Commission.

The parties agree that said funds shall remain in the name of the Town of Killingly in escrow as surety for public improvement work that must be completed on the Subdivision. Said public improvement work shall be conveyed to the Town of Killingly after it has been accepted by the Town. The bond will also cover erosion-related problems and common subdivision work elements.

The Performance Bond covers \_\_\_\_\_ Subdivision, Planning and Zoning Commission App. \_\_\_\_\_. It shall be in force until released by formal vote of the Killingly Planning and Zoning Commission. The applicant may petition the town for a reduction in the bond amount based on performance of the covered improvements submitted by \_\_\_\_\_, Consulting Engineers, pursuant to the Town of Killingly Subdivision Regulations.

If ownership of the project or property is transferred during the time period of this performance agreement, then the transferor and the transferee are obligated to so inform the Commission and to indicate who owns and is entitled to the escrow.

If, at any time, any of the items covered by this bond fail or suffer damage or loss, the Town shall withdraw funds from the escrow account sufficient to cover the failure, damage or loss. However, if there are no problems, then all the funds deposited in said escrow account, together with any interest earned thereon, shall be delivered forthwith to the developers.

DATED AT KILLINGLY, CT this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**PLANNING AND ZONING COMMISSION,** \_\_\_\_\_ **DEVELOPERS**

TOWN OF KILLINGLY, CT OR ITS AGENT

**APPENDIX  
WORK IMPROVEMENT COST CERTIFICATION**

DATE: \_\_\_\_\_ PROJECT: \_\_\_\_\_ PHASE: \_\_\_\_\_

# ITEM COST	UNIT	MEAS.	UNITS	UNIT COST	TOTAL
1 Clearing and grubbing	LS	_____	_____	_____	_____
2 Grading	LS	_____	_____	_____	_____
3 Subbase	CY	_____	_____	_____	_____
4 Processed aggregate TON		_____	_____	_____	_____
5 Bituminous concrete	TON	_____	_____	_____	_____
6 Bituminous curb	LF	_____	_____	_____	_____
7 RCP 15"	LF	_____	_____	_____	_____
8 RCP 18"	LF	_____	_____	_____	_____
9 RCP 24"	LF	_____	_____	_____	_____
10 RCP 30"	LF	_____	_____	_____	_____
11 RCP 36"	LF	_____	_____	_____	_____
12 RCP 48"	LF	_____	_____	_____	_____
13 Type "C" C Basin	EA	_____	_____	_____	_____
14 Type "C" C Basin Dble.	EA	_____	_____	_____	_____
15 Manholes	EA	_____	_____	_____	_____
16 RCCE 18"	LF	_____	_____	_____	_____
17 RCCE 24"	LF	_____	_____	_____	_____
18 RCCE 30"	LF	_____	_____	_____	_____

# ITEM	UNIT	MEAS.	UNITS	UNIT COST	TOTAL
19 RCCE 36"	LF	_____	_____	_____	_____
20 Riprap	CY	_____	_____	_____	_____
21 Pins and monuments	LS	_____	_____	_____	_____
	UNIT				
	COST				
22 Silt Fence	LF	_____	_____	_____	_____
23 Hay bale erosion check	LF	_____	_____	_____	_____
24 Loam and seed	SY	_____	_____	_____	_____
25 CLDIP 8"	LF	_____	_____	_____	_____
26 CLDIP 10"	LF	_____	_____	_____	_____
27 Endwalls	EA	_____	_____	_____	_____
28 Saddles	EA	_____	_____	_____	_____
29 Tees	EA	_____	_____	_____	_____
30 Bends	EA	_____	_____	_____	_____
31 Gate valves	EA	_____	_____	_____	_____
32 Thrust blocks	EA	_____	_____	_____	_____
33 Reducing valves	EA	_____	_____	_____	_____
34 Services	EA	_____	_____	_____	_____
35 Blowoffs	EA	_____	_____	_____	_____
36 Hydrants	EA	_____	_____	_____	_____
37. Bioretention Facilities	EA	_____	_____	_____	_____
38. Grass/Vegetated Swales	EA	_____	_____	_____	_____
39. Rain Gardens	EA	_____	_____	_____	_____



40. Permeable Pavement _____	SQ.YD.	_____	_____
(Surface)			
41. Permeable Pavement _____	SQ.YD.	_____	_____
(Subbase)			
42. Concrete/ _____	SQ.YD.	_____	_____
PVC Pavers			
43. Infiltration Trenches EA		_____	_____
44. Infiltration Galleries EA		_____	_____
45. Surface Sand Filters EA		_____	_____

# ITEM	UNIT	MEAS.	UNITS	UNIT COST	TOTAL
46. Rain Cisterns	EA	_____	_____	_____	_____
47 Other	—	_____	_____	_____	_____
48 Other	—	_____	_____	_____	_____
49 Other	—	_____	_____	_____	_____
50 Other	—	_____	_____	_____	_____

51. Legal, inflation, contingency and engineering \_\_\_\_\_%

Total \_\_\_\_\_

I certify that the above unit costs fairly represent the construction requirements for the phase identified.

Signed \_\_\_\_\_, P.E.

Date \_\_\_\_\_

**Appendix  
CERTIFICATION BLOCK**

This plan complies with the requirements and objectives of the Planning and Zoning Commission Soil Erosion and Sediment Control Regulations, as contained in the Killingly Zoning Regulations and Killingly Subdivision Regulations.

\_\_\_\_\_  
Agent for the Planning and Zoning  
Commission

\_\_\_\_\_  
Date

**Appendix**  
**SUBDIVISION PLAN APPROVAL BLOCKS**

**CONDITIONAL APPROVAL**

This subdivision # \_\_\_\_\_ received Conditional Approval by the Killingly Planning and Zoning Commission on \_\_\_\_\_.

Signature \_\_\_\_\_, Chair  
Pursuant to Title 8 of The Connecticut General Statutes and Section \_\_\_\_\_ of these regulations, all work in connection with this subdivision must be completed by

\_\_\_\_\_, otherwise the approval will lapse.

Lots within a subdivision with Conditional Approval cannot be sold or offered for sale.

**FINAL APPROVAL**

This subdivision received Final Approval as authorized by the Killingly Planning and Zoning Commission on \_\_\_\_\_.

Signature \_\_\_\_\_, Chair

Pursuant to Title 8 of the Connecticut General Statutes and Section \_\_\_\_\_ of these regulations, all work in connection with this subdivision must be completed by \_\_\_\_\_, otherwise the approval will lapse.

This approval, unless otherwise indicated by special notation, does not include specific approval of driveway construction, building size or location, or septic design. Subdivision may also be subject to conditions, the satisfaction of which may be a prerequisite to the issuance of a Zoning or Building Permit. Buyers are advised to inquire at the Killingly Development Office.

**Effective Date:**

The original Subdivision Regulations, first adopted in 1971 and as amended, were rescinded, effective at 12:02 AM, Friday, January 11, 2008.

The 2008 edition of the Subdivision Regulations was duly approved by the Killingly Planning and Zoning Commission on December 17, 2007 and became effective on Friday, January 11, 2008 at 12:03 AM.

This current 2011 edition of the Subdivision Regulations was duly approved by the Killingly Planning and Zoning Commission on January 24, 2011 and became effective on February 12, 2011 at 11:58 PM.