

SUBDIVISION REGULATIONS

FOR THE

TOWN OF LYME

# TOWN OF LYME SUBDIVISION REGULATIONS

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## **SECTION 1 PURPOSE**

### **1.1 PURPOSE**

Pursuant to the authority conferred by Chapter 126 of the General Statutes of Connecticut for adopting regulations covering the subdivision of land, the Planning and Zoning Commission of the Town of Lyme adopts the following regulations. These Regulations are intended to assure that land to be subdivided is of such character that it can be used for building purposes without danger to public health and safety, that proper provision is made for water, sewerage and storm drainage, that proposed streets and lot access are in harmony with the character of the community, and that provision is made for open spaces in locations deemed proper by the Planning Commission. These Regulations shall be construed to implement and be consistent with the vision, policies and recommendations of the 2001 Plan of Conservation and Development for Lyme, Connecticut, as it may be amended from time to time. In particular, these Regulations are intended to preserve Lyme's rural character and natural resources and enhance its sense of community for present and future generations.

## SECTION 2 DEFINITIONS

### 2.1 DEFINITIONS

For the purpose of these regulations, in case of conflict, the definitions of terms set forth in the zoning regulations of the Town of Lyme shall apply. For convenience, some of the definitions of terms appearing frequently herein are repeated below.

- (1) Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (2) Bond: Funds or acceptable assurance of funding availability, posted with the town to ensure completion of improvements which are part of subdivision approval, also referred to as "surety" or "security", in accordance with Section 6.
- (3) Commission: The Planning and Zoning Commission of the Town of Lyme.
- (4) Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (5) Disturbed Area: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- (6) Enforcement Officer: The person or persons designated by the Planning and Zoning Commission to administer these Subdivision Regulations.
- (7) Flood Insurance Rate Map (FIRM): The official map prepared for the Town of Lyme by the Federal Insurance Administrator on which both the hazard areas and risk premium zones applicable to the Town of Lyme have been designated, dated January 3, 1979 and as it may be amended.
  - a. Zone A: means the Special Flood Hazard Area shown on the FIRM which is subject to inundation by the 100 year flood. Because detailed hydraulic analyses have not been performed, no Base Flood Elevation is shown. Mandatory flood insurance purchase requirements apply.
  - b. Zone A1-30: or "numbered A Zones", means the Special Flood Hazard Areas shown on the FIRM which are subject to inundation by the 100 year flood determined in a Flood Insurance Study (FIS) by detailed methods. Base Flood Elevations are shown with these zones. Insurance risk level is indicated by the number. Mandatory flood insurance purchase requirements apply.
- (8) Floodproofing: Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood

damage to real estate or improved real property or sanitary facilities, structures or their contents.

- (9) Flood Boundary and Floodway Map: Those areas identified on the floodway and flood boundary for Lyme, Connecticut and dated January 3, 1979 and as it may be amended.
- (10) Flood Prone Area or Area of Special Flood Hazard: The land in the flood plains within the Town of Lyme that is subject to a one percent (1%) or greater chance of flooding in any given year and are designated as A zones on FIRM.
- (11) Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- (12) Land: Real property, including improvements thereof and thereon, and all estates, interests, and rights therein of any kind or description, including, but not limited to, easements, rights-of-way and water and riparian rights, provided that these interests run in perpetuity with the subject real property.
- (13) Improvement or Public Improvement: Any manmade physical change in the existing condition of the property, other than staking out the lots, for the purpose of complying with these Regulations, or as depicted on any Final Subdivision Plan approved hereunder; or for the purpose of rendering the site more suitable for development and habitation. As used in these Regulations, "improvement" includes but is not limited to construction of roads, storm water drainage, ways, streets, curbs, gutters, utilities, street signs, monuments, street trees and drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading; the establishment or construction of open space, parks, playgrounds, recreational buildings, equipment, structures, fields, and similar facilities; and facilities designed to detain, redirect, store, or treat stormwater discharge.
- (14) Non-Commercial Cutting: Shall mean the cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot.
- (15) Non-Commercial Cutting Plan: Shall mean a plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.
- (16) Open Space: "Open Space" includes, but shall not be limited to: Land left in its natural undisturbed state for conservation; agricultural land for which development rights have been assigned or otherwise alienated in

perpetuity; land areas and facilities for non-commercial, non profit recreation, for parks or playgrounds; and similar land areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.

- (17) Resubdivision: As defined in Connecticut General Statutes Section 8-18, resubdivision consists of a change in a map of an approved or recorded subdivision if such change (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after approval or recording of such map.
- (18) Soil Erosion and Sedimentation Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative, as required in Section 5.3.
- (19) Street: Public land or right-of-way dedicated or used for purposes of vehicular traffic, and includes the term "road".
- (20) Subdivision: 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 Lyme Planning and Zoning 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.
- (21) Subdivision Plan: The map, drawing or drawings and reports prepared for approval by the Commission and filing in the office of the Town Clerk of the Town of Lyme; which includes all information required in Section 4 of these Regulations.
- (22) Town Road Ordinance: "An Ordinance Concerning Acceptance of Roads and Minimum Road Construction Specifications" for the Town of Lyme as may be adopted and may be amended from time to time by the Lyme Town Meeting.

**SECTION 3**  
**APPLICATION PROCEDURES AND APPROVAL PROCESS**

**3.1 INFORMAL PRELIMINARY REVIEW**

In order to eliminate conflict or misunderstanding during the subdivision application process, potential applicants are encouraged to submit a preliminary plan to the Commission for informal review. The objective of this review is to ensure that basic requirements can be met, prior to incurring application costs, including surveying, engineering and legal fees associated with submission of a formal application. The Commission may also schedule a field visit to the site of the proposed development as part of its preliminary review. Preliminary plans have no official status. Review in regard to their feasibility in no way implies approval of the formal subdivision plan. No fee or application form is required for review of a preliminary subdivision plan. Such preapplication review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes and shall not be binding on the applicant or Commission or any official having jurisdiction to review the proposed project.

- 3.1.1 Submission of Preliminary Plan: Any potential applicant may submit a preliminary plan for consideration. At least seven copies of the preliminary plan shall be submitted to the Enforcement Officer at least fourteen days prior to a regular meeting of the Commission to allow for placement on the next meeting agenda. The applicant or an authorized representative of the applicant shall attend the meeting of the Commission to discuss the preliminary plan.
- 3.1.2 Contents of Preliminary Plan: A preliminary plan shall show sufficient information to enable the Commission to make a general planning review under the standards of these regulations. The preliminary plan, at a scale no greater than 1" equals 100', should generally show proposed lots, easements, roads, open spaces, drainage, contours at ten foot intervals, utilities, location map, and other information pertinent to the subdivision. Concept sketches showing other alternative layouts may also be submitted.

**3.2 FORMAL SUBMISSION**

All applications for subdivision or resubdivision, together with maps, reports, legal documents, and any other information required under Section 4 of these Regulations, shall be submitted by mail or by hand to the Enforcement Officer in the Lyme Town Hall. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 4 have been received. In order to receive prompt consideration of an application, the complete application shall be submitted no later than fourteen days prior to a Commission meeting in order to allow sufficient

time for staff review, and so that the application may be placed on the agenda of the meeting. Incomplete applications shall be received by the Commission, but failure to submit a complete application may be cause for disapproval of an application.

### 3.3 ESTABLISHING THE DATE OF RECEIPT

In accordance with the Connecticut General Statutes Section 8-7b(c), The date of receipt of a petition, application or request 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 petition, application or request or thirty-five (35) days after such submission, whichever is sooner. In the event that Commission or its Agent is unavailable to receive the petition, application or request, the office of the clerk of the Town shall act as the Agent of the Commission for receipt of any petition, application or request.

### 3.4 SITE INSPECTION AS PART OF APPLICATION REVIEW

As part of application review, the Commission or its duly authorized representative or representatives may inspect the subdivision site to review the suitability of the site and the accuracy of all official submissions. Submission of a formal application confers the right of the Commission or its designated agent to visit the site.

### 3.5 WAIVER OF SUBDIVISION REQUIREMENTS

In accordance with Section 8-26 of the Connecticut General Statutes, when the Commission finds that extraordinary hardships or practical difficulties may result from compliance with these Regulations, the Commission may, by a 3/4<sup>th</sup> vote of all members, approve waivers to these Subdivision Regulations, provided that such waivers shall not conflict with the intent and purposes of these Regulations. (Zoning Regulations will NOT be waived under this Section.) The Commission shall state upon its records the reason for which a waiver is granted in each case.

3.5.1 Findings: The Commission shall not approve a waiver unless it finds the following in each specific case:

- a. The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety; and
- b. The conditions upon which the request for a waiver are based are unique to the proposed subdivision for which the waiver is sought and are not applicable generally to other potential subdivisions; and

- c. The waiver will not create a conflict with the provisions of the Zoning Regulations, the Town Plan of Conservation and Development, town ordinances, or regulations of other Town boards and commissions.

- 3.5.2 A request for any such waiver should be presented in writing by the applicant at the time when the subdivision application is first submitted. The request shall state how the proposed waiver meets the requirements stated above. Any waiver granted shall not be a precedent for any future waiver, and the Commission may attach any reasonable condition to the grant of the waiver.

### 3.6 SUBDIVISIONS INVOLVING INLAND WETLANDS

All subdivision applications shall be submitted to the Lyme Conservation and Inland Wetlands Agency for determination as to applicability under Chapter 440 of the Connecticut General Statutes. When an application for a proposed subdivision or resubdivision involves land regulated as an inland wetlands or watercourse, the applicant shall file an application with the Lyme Conservation Commission and Inland Wetlands Agency no later than the day the formal application is submitted to the Planning Commission. The Planning and Zoning Commission shall not render a decision on the subdivision application until the Inland Wetlands Agency has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Agency.

### 3.7 REFERRALS AND REVIEW BY OTHERS

- 3.7.1 The Commission shall transmit copies of maps, plans and documents to other officials and agencies where required and where appropriate, such as, but not limited to the following, for advisory reports and consultation and/or for approval as may be required by law:
  - a. Commission's Engineer: maps and plans, with particular regard to street design, storm drainage and other utility systems.
  - b. Commission's Attorney: bonds, easements, deeds and agreements.
  - c. Sanitarian: sanitation reports, maps and plans, with particular regard to on-site water supply and sewage disposal systems.

- d. State Department of Transportation: maps and plans, with particular regard to street and utility connections with State Highways.
  - e. Lyme Conservation Commission and Inland Wetlands Agency: maps and plans, with particular regard to natural features of the site, including conservation elements, water resources and soils.
  - f. Fire Chief/Fire Marshal: maps and plans with particular regard to elements of fire protection and fire fighting resources.
- 3.7.2 Referral to regional planning organizations: Any plan for subdivision or resubdivision of land which abuts or includes land in one or more additional municipalities as well as Lyme shall be submitted to the regional planning organization in which the additional municipality is located, in accordance with CGS 8-26b.
- 3.7.3 Notice to Adjoining Municipalities: Notice shall be given to the Town Clerk of a municipality adjoining Lyme in accordance with CGS 8-26f for any project in which the following applies:
- a. any portion of the property affected by a decision of the Planning and Zoning Commission is within 500 feet of the boundary of the adjoining municipality;
  - b. a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;
  - c. a significant portion of the drainage from the project on the site will flow through and significantly impact the drainage system within the adjoining municipality; or
  - d. stormwater runoff from the subdivision will impact streets or other municipal or private property within the adjoining municipality.
- 3.7.4 Notification of Nearby Property Owners: The applicant shall prepare a list of names and addresses of the owners of all property any part of which directly abuts the property to be subdivided, as shown on the Assessor's records of the Town of Lyme on the date of submission of the application to the Commission. The applicant shall mail notification of the application to all owners of each property on the list within seven working days of the date of submission. Evidence of such mailing shall be provided to the Enforcement Officer prior to Commission action on the application as specified in Connecticut General Statutes Section 8-7d(a)

### 3.8 PUBLIC HEARING

A public hearing regarding an application for a subdivision may be held by the Commission if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on all applications for a resubdivision. Notice of any public hearing shall be given as required by law. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

- 3.8.1 Notifying Nearby Property Owners of Public Hearing: When a public hearing is scheduled, the applicant shall mail notification of the scheduled public hearing to all owners of each property, any part of which is within 150 feet of the property being subdivided, not more than 30 and not less than ten days prior to the date of the public hearing. The legal notice of the public hearing may serve as the text for notification. Evidence of such mailing shall be submitted to the Enforcement Officer not later than the commencement of the public hearing as specified in Connecticut General Statutes Section 8-7d(a).

### 3.9 PLANNING COMMISSION ACTION

The Commission shall act on the application within the time frame set forth in the Connecticut General Statutes. By majority vote of members present and voting, the Commission shall approve, modify and approve, or disapprove the application for subdivision or resubdivision. Notwithstanding the above, the Planning and Zoning Commission shall not render a decision on the application until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision to the Planning and Zoning Commission.

- 3.9.1 Modifications: In approving the application, the Commission may require modifications of the maps and/or documents submitted as part of the application to preserve the purpose and intent and assure conformance with these Regulations. Such modifications shall be made by the applicant and submitted for Commission review prior to endorsement of the subdivision plans.
- 3.9.2 Items which shall be completed: The following items shall be completed as a requirement for approval of a subdivision or resubdivision application, as applicable:
- a. Presentation of any conveyance, easements and deeds in accordance with the requirements of Section 4.6;

- b. Submission of a construction and inspection schedule, approved by the Commission's engineer, including establishment of a date when construction of roads, drainage and other improvements may commence;
- c. Written evidence of application to the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway; the Commission may require written proof of CONNDOT intent to issue a permit for the proposed activity;
- d. Evidence of approval from the Lyme Inland Wetlands and Watercourses Agency, as may be required under the regulations of such Agency, for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements;
- e. Written evidence of an application to the Commissioner of the Department of Environmental Protection for a permit, as may be required for regulated activity within a designated tidal wetlands area;
- f. Written evidence of an application to the U.S. Army Corps of Engineers for activities within the Corps' jurisdiction;
- g. Where the subdivision involves construction of improvements or excavation, grading or depositing of materials in a Special Flood Hazard Area, presentation of written assurance from the Enforcement Official that development activities comply with requirements of Section 5.2 of these Regulations;
- h. Posting of an acceptable bond guaranteeing completion of any required road, drainage, installation of property markers and monuments, or other subdivision improvements in accordance with the approved plan, as required in Section 6.
- i. Installation and maintenance of erosion and sediment control measures in accordance with the certified Soil Erosion and Sediment Control Plan, as required by Section 5.3.

3.9.3 Statement of Reasons for Decision: In approving, modifying and approving, or disapproving an application, the Commission shall state in its records the reasons for its action. The Commission shall give notice of its decision as required by law.

### 3.10 APPEALS

Any person aggrieved by an official decision of the Commission may file an appeal to the Superior Court within fifteen days from the date when the notice of decision was published according to law. The Commission will not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal, upon termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

### 3.11 POSTING A BOND

Prior to endorsement of the approved plan, the Commission shall require the applicant to post a sufficient bond or other security, in a form and amount acceptable to the Commission and to the Commission's attorney, in accordance with Section 6 of the Regulations.

### 3.12 ENDORSEMENT AND DELIVERY OF PLAN

One fixed line photographic mylar and two print copies of the approved subdivision or resubdivision map, along with two corrected print copies of any other maps which are part of the approved application, shall be delivered to the Enforcement Officer within thirty days of a Commission vote to approve the subdivision or resubdivision application. Such plans shall contain all modifications or stipulations required by the Commission as part of its approval. All mylars shall contain the raised seal and original signature of the engineer and/or surveyor certifying the plan. In addition, the legal description of all easements and deeds containing the Schedule A descriptions of the parcels must be submitted with the above and taxes must be paid and up to date.

Endorsement of the plan by the Commission shall not be executed until the end of the appeal period as set forth in Section 3.10, and until all conditions of approval have been met, including posting of any required bonds and submission of the final corrected plans and executed legal documents and payment of all owed taxes. If the applicant fails to comply with this requirement, the Commission may declare the approval null and void.

### 3.13 COMMISSION ENDORSEMENT OF PLAN:

Upon receipt of final plans including any required modifications, executed legal documents, and the posting of any bond required as part of the approval, the Chairman or Secretary of the Commission shall endorse the final plans, and shall note on the plans the date of approval and the date of project expiration. The applicant will then be notified that the endorsed plans and legal documents are available for recording with the Office of the Town Clerk. All plans shall be

delivered to the applicant for filing or recording not less than thirty (30) days after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, not less than thirty (30) days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void. The delivery, endorsement and recording of approved plans shall be in accordance with the requirements of Connecticut General Statutes Section 8-25.

### 3.14 FILING AND RECORDING PLAN

All construction and installation of roads, drainage and other improvements required by these Regulations shall not be deemed authorized and shall not be commenced until the time for taking an appeal from the action of approval of the application by the Commission has elapsed, and in the event of an appeal, termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant; and the Commission or its designated agent has authorized such construction upon finding that the applicant has met all conditions of approval precedent to such construction.

### 3.15 INSPECTION OF IMPROVEMENTS

Inspections may be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

The Commission may appoint or hire an inspector to assure that all specifications and requirements are met during the construction of any required improvement which the Commission feels should be inspected, including but not limited to the inspections listed in Section 3.15.3. It shall be the duty of the developer to notify the Commission's designated inspector at least 48 hours prior to the time when such improvements are to commence and when they are to be completed. Said inspector shall, after completion of construction, notify the Commission when all required improvements have been constructed as required by the Commission.

- 3.15.1 Fee for Inspection of Improvements: The developer shall pay to the Town a fee for all reasonable costs incurred in the inspection and re-inspection, if required, of any required improvements by the Commission's designated inspector, in accordance with a schedule of fees established by the Commission, and amended from time to time to reflect the actual cost of performing the inspections. The applicant shall be required to deposit cash or a

certified check with the Town in an amount estimated as sufficient to cover the cost of field inspections required during the installation of necessary improvements.

- 3.15.2 Compliance with Plans: If the inspector shall find, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with plans and specifications submitted by the subdivider as part of the subdivision application, the inspector shall so report to the Commission. The Commission shall then notify the developer, and if necessary the company guaranteeing the security/bond, and shall take all necessary steps to preserve the Town's rights under the terms of the security/bond.
- 3.15.3 Schedule of Inspections: The Commission or its designated inspector shall have the right to enter upon the premises and to inspect, or cause to be inspected, construction work authorized by subdivision approval at any time, with or without notice, during, before, or after regular business hours.

If road and/or stormwater drainage improvements are part of the subdivision approval, those improvements shall be inspected at the following stages of construction:

- a. After installation of sedimentation and erosion controls and prior to any grading;
- b. After completion of rough grading;
- c. After drainage and all other underground facilities, when applicable, have been installed, but prior to back filling;
- d. After completion of road subgrade;
- e. After completion of rolled granular base and processed aggregate base;
- f. If pavement is required, notification shall be made to the commission's inspector as to when paving operations shall be performed. Inspections may be made prior to, during and/or after pavement has been placed, at the discretion of the Commission's designated inspector;
- g. At the completion of curbing installations, backfilling of curbing, grading of shoulder areas and embankment, loaming and seeding and the installation of monuments.

The developer shall not proceed to work on any subsequent stage above until the preceding section has been inspected and approved by the Commission or its designated inspector.

### 3.16 CHANGES DURING CONSTRUCTION

- 3.16.1 Modifications: If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such required improvements, the developer shall notify the Commission or its duly authorized representative, who shall determine whether the change is minor in nature or whether the Commission itself must act on the proposed change. If the change is minor, the representative shall either approve or disapprove the developer's request, and shall notify the Commission at its next regular meeting, and the action shall be noted in the meeting minutes. If it is determined that the change is not minor, the developer shall submit an application for a modification of the subdivision approval. Such application shall meet all the informational requirements of Section 4, as applicable. Any change which affects any street layout or any area reserved for public use shall require a resubdivision.
- 3.16.2 Additional work: If during the course of construction of any new street, or any other improvements required by the Commission in connection with the approval of a subdivision, it appears that additional work is required owing to unforeseen conditions such as, but not limited to springs, ancient drains, wet conditions, side hill drainage from cuts, bedrock, or other conditions which were not recognized at the time of the approval by the Commission, the Commission may require such additional work to be done and may require additional surety.

### 3.17 COMPLETION OF WORK

- 3.17.1 Any person, firm or corporation making any subdivision or resubdivision of land shall complete all work in connection with

such subdivision within five years after the date of the vote for approval of the plan for such subdivision. The Commission endorsement of approval on the plan shall state the date on which such five year period expires.

- 3.17.2 The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed ten years from the date the subdivision was approved.
- 3.17.3 If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety required under Section 3.11, securing to the municipality the actual completion of work.
- 3.17.4 For purposes of this section, "work" shall mean all physical improvements required by the approval, other than staking of lots, and includes but is not limited to the construction of roads, storm drainage, setting aside of open space and recreation areas, installation of utilities, installation of permanent property markers, planting trees and other landscaping, and installation of retaining walls and other structures.
- 3.17.5 Failure to complete all required work shall result in expiration of subdivision approval. In such event, the Commission shall file on the Land Records notice of such expiration and no additional lots shall be conveyed by the subdivider except with the approval by the Commission of a new application for subdivision of subject land. If lots have been conveyed during the five year or other approved period, the Town may call the bond of the subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

### 3.18 MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain all improvements in the subdivision and provide for snow removal, street cleaning, drainage and general maintenance on streets until completion of work in Section 3.17. If any improvements are proposed to be accepted by the town, maintenance by the applicant shall continue until town acceptance and transfer of deed has occurred. In the event that the applicant fails to comply, the Town is authorized, through the

Board of Selectmen, to perform the necessary work, without incurring any liability, and charge such work to the applicant.

### 3.19 RELEASE OF BOND/AS BUILT PLANS

The Commission may, at its discretion, upon request of the developer, authorize partial release of the subdivision bond as various stages of work are completed to the satisfaction of the Commission. However, prior to release of the final portion of the subdivision bond, the following conditions must be met:

- a. The final portion of the bond shall not be released until all required improvements have been accepted by the Town and all conditions of town acceptance have been met.
  - b. Roads, drainage and other required improvements in the subdivision shall have been inspected and approved the Commission's engineer.
  - c. As-built plans shall have been submitted to the Commission in accordance with 3.19.1.
  - d. Maintenance Agreement and Security: The applicant shall execute an agreement and file a bond to cover unforeseen deficiencies in the required road, drainage and other subdivision improvements. The maintenance bond shall terminate no earlier than one year after the date that the work is deemed complete by the Commission's inspector, or in the event of acceptance of the improvements by the Town, no earlier than one year after the date of acceptance. The maintenance bond shall be in the amount and with surety as approved by the Commission and town's attorney, and not less than 10% of the original bond amount.
- 3.19.1 "As built" plans: Before the Commission authorizes release of any subdivision bond, the developer shall furnish a set of "as built" drawings showing all improvements as constructed, in the same detail as required for the approved Subdivision plan. Said drawings shall bear the live signature and raised seal of the registered land surveyor who prepared the "as built" plan, and a civil engineer registered in Connecticut who reviewed the plan.

### 3.20 ACCEPTANCE BY THE TOWN

The approval by the Commission of a subdivision application shall not constitute evidence of any acceptance by the Town of any street, recreation area, right-of-way or easement shown on such plan. Acceptance of formal offers of streets, open space, rights-of-way, and easements shall rest with the Town. The developer shall be required to maintain all improvements and provide for snow

removal on streets and sidewalks until acceptance of said improvements at a Town meeting.

3.20.1 Procedure for acceptance of improvements: Upon completion of all improvements, the applicant shall submit a written request to the Commission for acceptance of the improvements and release of the bond. Such request shall be accompanied by executed deeds, as-built plans, maintenance bond and any other documents necessary to support the request. The Commission may refer the request to the appropriate Town agencies for their review. Upon receipt of favorable reports from these agencies, the Commission shall recommend to the Board of Selectmen that the improvements be accepted and the bond released. The Board of Selectmen may then place the matter before the Town Meeting for action on acceptance. Acceptance of a road into the town road system shall be in accordance with the Town Road Ordinance.

## SECTION 4 CONTENTS OF FORMAL APPLICATION SUBMISSION

### 4.1 WRITTEN APPLICATION

A written application, in a form prescribed by the Commission, shall be submitted by the applicant or lawful agent. If the applicant is not the owner of the land to be subdivided, the forms shall also be signed by the owner or lawful agent of the owner.

### 4.2 FEES

Each application for a subdivision or re-subdivision and an extension thereof shall be accompanied by a fee payable to the Town of Lyme as necessary to cover the cost of processing the subdivision application and inspecting any required improvement. Processing fees and inspection fees shall be paid to the Commission, or the Commission's duly authorized agent, by the subdivider in accordance with the Schedule of Fees established by the Commission.

### 4.3 PROFESSIONAL ASSISTANCE

All maps and reports required under these Regulations shall be prepared and certified by qualified professionals, as follows:

4.3.1 Professional Engineer: The applicant shall employ the services of a professional engineer, currently licensed to practice in the State of Connecticut, for the design of and preparation of maps and reports relating to the following work items required in the submittal of a subdivision application: roads; drainage systems, including the design and location of structures and pipes; subsurface sewage disposal systems; water supply and distribution systems; and grading of lots and overall grading plans.

a. All submissions of the above items shall bear the name, seal and original signature of a professional engineer, currently licensed to practice in the State of Connecticut. A Land Surveyor's seal or Architect's seal alone is not acceptable. Documents other than final reports and maps shall be marked "Draft".

4.3.2 Land Surveyor: The applicant shall employ the services of a land surveyor, licensed to practice in the State of Connecticut, for the preparation of maps and reports relating to the following work items required in the preparation of a subdivision application: land surveys including the delineation of the boundary lines of the outside perimeter and the interior lots of a subdivision; topographic

surveys including contour delineation and all natural features and constructed facilities on the land.

All submissions of the above items shall bear the name, seal and original signature of a land surveyor, currently licensed to practice in the State of Connecticut. A Professional Engineer's seal or Architect's seal alone is not acceptable. Documents other than final reports and maps shall be marked "Draft".

#### 4.4 MAPS

The maps and plans required by these Regulations shall show information and shall be prepared in accordance with the standards hereinafter specified.

4.4.1 Information on the proposed subdivision shall be provided on maps with an overall dimension of 24" by 36". Ten blue line copies of all maps shall be provided as part of the submission of a completed application. The Commission may require additional copies of plans if referrals to outside parties are indicated.

- (1) If more than one map sheet is required, each sheet shall be sequentially numbered in the form "Sheet \_\_\_ of \_\_\_". An index of all supporting detail map sheets shall be included on the first sheet. For a more efficient presentation, any information required in Section 4.4 may be combined on plan sheets, provided that the information is presented in a clear and understandable manner. Revision dates shall be shown if plans are updated or revised during the review process.
- (2) All prints of maps and plans shall be clear and legible and shall be bound along the left side, with required identifying data on each sheet.
- (3) All maps shall be prepared by and shall bear the name, seal and original signature of a land surveyor or professional engineer, or both, as required under Section 4.3. Final maps presented for endorsement and filing shall include a raised seal and original signature of the land surveyor or professional engineer, or both, as required, and shall be a fixed line photographic Mylar printed on good quality polyester film meeting State requirements for filing with the Town Clerk.
- (4) All maps sheets shall include the following information:

- a. name of the proposed subdivision or identifying title, which shall not duplicate the title of any previous subdivision in the Town of Lyme;
  - b. name and address of the owner of land to be subdivided, the name and address of the subdivider if other than the owner;
  - c. date prepared, approximate true north point, numerical and graphic scale. North arrows, to the extent practical, shall be consistent from one map to another.
- 4.4.2 Key Map: A Key Map showing the relationship of the proposed subdivision to the surrounding neighborhood shall be provided, and shall show all public streets, lands reserved for special use, and major subdivisions located within one-half mile of the boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided shall be shown on the Key Map in sufficient detail to allow for transfer of information to the Commission's base map. The scale of the Key Map shall be 1" = 1000'.
- 4.4.3 Boundary Survey Map: A Boundary Survey Map of the entire tract to be subdivided shall be provided, prepared by a land surveyor in accordance with the Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20-300b-20 inclusive. The Boundary Survey Map shall show names of all abutting land owners and public streets, the layout of all lots and streets within the tract to be subdivided, and all lands to be dedicated as open space, parks or playgrounds. If only a small portion of the property is to be subdivided, the applicant may request a waiver for the boundary survey of the remainder of the tract. The scale of the Boundary Survey Map shall be at least 1" equals 40 feet, but not less than 1" = 100'.
- 4.4.4 Detailed Lot Layout Maps: Detailed Lot Layout Maps shall be at a scale of one inch equals 40 feet (1"=40') unless otherwise approved by the Commission. Where it is not possible to fit the entire subdivision plan on one sheet at a scale of 1"=40', more than one sheet may be used, provided that match lines are indicated. If more than one sheet is used, an index map shall be provided showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by the section or sheet and match lines between sections.

All Detailed Lot Layout Maps shall show the following information to the extent that the information occurs in, or is applicable to the particular subdivision:

- (1) Information on site conditions and land evaluation within the property to be subdivided and within 100 feet thereof, as follows:
  - a. Existing contours at intervals of five (5) feet or less, based on field or aerial survey, using the bench mark as required for Construction Plans in Section 4.4.5. The Commission may require contour lines at lesser intervals where necessary to properly evaluate the proposed development. In areas where there is no significant change in elevation over an extended area, spot elevations shall be shown.
  - b. Existing man-made features, including buildings and structures; any proposed removal, demolition, relocation or retention of existing man-made features. Detailed lot layout maps shall also show existing trails, stone walls, fences and dams, and other man-made features.
  - c. Location of all known significant archaeological, historic, and natural features.
  - d. Location of all exposed ledge outcroppings.
  - e. Existing watercourses; exterior limits of inland wetlands, if applicable, which shall be identified and located in the field by a certified soil scientist, and all areas within 100 feet of inland wetlands on the same and other adjacent properties; location of all riparian buffers required within the Watershed Overlay District.
  - f. Any areas subject to frequent, periodic or potential flooding; the boundaries of any Special Flood Hazard Areas and floodways and the base flood elevation data therefore; the lowest floor elevations that would be applicable for building on any lot in any Special Flood Hazard Area.
  - g. Boundaries and classification codes of soil types under the National Cooperative Soils Survey of the USDA Natural Resources Conservation Service.
  - h. Location and results of all percolation test holes, deep test pits and borings

- i. Location and species of specimen trees; existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken
- j. Location of any existing wells on the property and on land within 100 feet of the property
- k. Location of any drainage discharge points onto the property from any street or other property.

(2) Property ownership information as follows:

- a. Name and address of owner of property; name and address of applicant, if different from the owner
- b. Perimeter boundary survey of the entire property, with dimensions, and the area of the property to be subdivided, except that if only a portion of a large tract is to be divided, the Commission may waive the requirement to survey the entire property; the boundary line shall be a heavy weight line easily distinguishable from other property lines
- c. Location of existing property lines for a distance of 75 feet from the property, except where the property borders a road, where the location of property lines across the road shall be shown
- d. Name of street, both street right-of-way lines, and pavement location of any street abutting or within 50 feet of the property
- e. The survey relationship of the property to the State of Connecticut grid coordinate system;
- f. Names of owners of property abutting the property to be subdivided, including those across any street where the proposed subdivision abuts an existing street
- g. Existing property markers and monuments
- h. The Zoning District in which the property is located, and any Zoning District within 100 feet of the property
- i. Any municipal boundary line on or adjacent to the subdivision
- j. Any boundary line of the Gateway Conservation District and/or the Coastal Boundary

- k. Any building setback lines established by zoning regulations, town ordinance or other law
- l. Existing dedicated open space, and the square footage and acreage thereof
- m. Location and dimension of existing easements; notation of all existing restrictions on the use of the land, including easements and covenants
- n. Any reserved areas for watercourses and wetlands protection or for conservation areas;
- o. Any encroachment lines along rivers and watercourses.

(3) Proposals for development of the subdivision as follows:

- a. Proposed lots and lot numbers, and the square footage and acreage of each lot with dimensions and areas
- b. calculations for Net Buildable Lot Area for each lot (see Zoning Regulations)
- c.. Proposed contours at an interval not exceeding five (5) feet, based on field or aerial survey; in areas where there is no significant change in elevation over an extended area, spot elevations shall be shown.
- d. Proposed man-made features, including but not limited to buildings, structures, fences, retaining walls and the like;
- e. The location proposed for a building on each lot and a driveway, including floor elevations and driveway grades where necessary to demonstrate feasibility of use of the lot;
- f. Extent of proposed lot clearing and location of riparian buffers required in the Watershed Overlay District;
- g. Proposed property markers and monuments in accordance with Section 7.
- h. Location and dimension of proposed easements; notation of all proposed restrictions on the use of the land, including easements and covenants;

- i. Any required or proposed setback lines or buffers;
- j. Proposed streets and other rights-of-way, and the width thereof; location and width of street pavement, if required;
- k. Existing and proposed storm drains, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other drainage structures
- l. The proposed location of any activity that is subject to the Inland Wetlands and Watercourses Regulations of the Town of Lyme, including any relocation or construction for channels or watercourses
- m. Location of electrical, telephone and cable lines;
- n. The proposed location of any on-site wells and subsurface sewage disposal systems, for the purpose of demonstrating feasibility of use of the lot. Actual location of wells and septic systems may be different, and shall be determined at the time a building permit is sought.

(4) The following additional information:

- a. Map information as required for a Coastal Site Plan under Section 4.5.4.
- b. Map information as required for a Sedimentation and Erosion Control Plan as specified under Section 4.4.6.
- c. A signature block entitled "*Approved by the Lyme Planning and Zoning Commission*", with a designated place for the signature of the Chairman/woman or Secretary and the date of the Commission vote to approve; and the words "*Expiration date per Section 8-26, Connecticut General Statutes*", with a designated place for such date
- d. Such additional notes as may be required or approved by the Commission, such as restrictions pertaining to building lines, reserved areas, easements, solar access, fire protection, on-site sewage disposal and water supply and other features on the map.

4.4.5 Construction Plans: Where subdivision improvements other than creation of building lots and installation of property markers are proposed, the applicant shall submit Construction Plans for such improvements conforming to the standards set forth in these

Regulations, and to any other such design and construction standards as may from time to time be adopted by the Town of Lyme and incorporated into or appended to these Regulations.

- (1) Preparation: Construction plans, including details and specifications, shall be prepared by and shall bear the name and seal of a professional engineer, provided however, that particular elements of the plan, as authorized under Section 4.3, may be prepared by a land surveyor or other qualified professional.
- (2) Scale : Construction plan drawings shall have a horizontal scale of 1" = 40'; profile drawings shall have a vertical scale of 1" = 4'. Drawings of special structures and details may be prepared in other format acceptable to the Commission or its designated agent. Profile drawings, inverts, existing and proposed contours and key elevations shall be based on official Town, State or U.S. bench marks. The bench marks used shall be consistent among the plan sheets and shown on the plans.
- (3) General Format: All plans showing construction of subdivision improvements shall include the following elements: (1) an overall view, (2) profiles and cross sections, (3) Sedimentation and Erosion Control Plan, according to Section 4.4.5 and (4) a Grading Plan, according to Section 4.4.6.
- (4) Specific Information: The following information shall be shown on the Construction Plans as applicable to a particular subdivision:
  - a. Existing and proposed contour intervals shown on construction plans shall not exceed two feet, and shall be the result of a topographic survey performed to the standards established under the Regulations of Connecticut State Agencies, Sections 20-300b-1 to 20,300b-20 inclusive.
  - b.. For streets:
    - 1) street names; right-of-way lines, the edge and width of pavement; center line radius; stations at 50' intervals, low points, high points, points of curvature, points of tangency and at intersections.
    - 2) existing profile grades at the center line and both right-of-way lines,
    - 3) proposed profile grades along road centerline elevations, and at the low points, high points, points of vertical curvature (pvc), points of vertical intersection (pvi) and points of vertical tangent (pvt).

- 4) pavement radii at corners,
  - 5) length of vertical curves,
  - 6) typical street cross section, cross section at all cross culverts, cross sections where there are to be substantial cuts and fills affecting abutting property,
  - 7) the location of lot lines intersecting the right-of-way line and the lot numbers of the lots,
  - 8) location of sidewalks, curbs and gutters, guide rails or posts, street lights, road monuments, traffic control devices, and signage.
- c. for drainage, sanitary sewers and pipe systems:
- 1) location, depth, invert, slope, frame and grade elevations, size and type of all pipes, culverts, manholes, headwalls, and catch basins, including offsets from street centerline
  - 2) cross section, depth, slope and location of all natural and man-made watercourses, ditches and swales,
- d. detail drawings of bridges, box culverts, deep manholes, retaining walls and other special structures.
- e. provision for control of erosion and sedimentation both during and upon completion of construction, in accordance with Section 4.4.6.
- f. at intersections and other locations where there may be sight distance restrictions, a sight line demonstration may be necessary;
- g. drainage analysis map and computations to enable the Commission or its agent to review the drainage design and the sufficiency of downstream drainage systems to accommodate runoff from the subdivision; design for any temporary or permanent storm water detention or retention area;
- h. A signature block entitled "*Approved by the Lyme Planning and Zoning Commission*" with a designated place for the signature of the Chairman/woman or Secretary and the date of signing.

#### 4.4.6 Sedimentation and Erosion Control Plan:

- (1) A soil erosion and sediment control plan shall be submitted with the subdivision application in the following cases:
    - a. When the disturbed area of such subdivision is cumulatively more than one half acre, or contains inland wetlands or watercourses;
    - b. For any lot within the Gateway Conservation District; or
    - c. For any lot within a proposed subdivision which is within 50 feet of coastal resources, including rocky shorefront, coastal bluffs and escarpments, beaches, dunes and tidal wetlands, as defined in the Connecticut Coastal Management Act.
  - (2) The plan shall include a map showing existing and proposed topography; location of any areas proposed to be cleared, stripped of vegetation and/or graded, or otherwise altered; location and design of structural control measures, including diversions, waterways, grade stabilization structures, debris basins and other measures; revegetation plans; and a schedule of operations including sequencing of clearing, grading, installation of control measures, and revegetation. Design of control measures and operations shall be consistent with principles, methods and practices found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002), and amendments thereto, and with the requirements set forth in Section 5.3 of these Regulations. The soil erosion and sediment control plan may be incorporated on the Detailed Lot Layout Map and/or Construction Plans.
  - (3) The applicant shall provide a written report describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed. The report shall include the Name of person responsible for implementing the Sedimentation and Erosion Control Plan.
- 4.4.7 Grading Plan: If not shown on the Construction Plans, a grading plan shall be prepared which shall show proposed new grading of the roadway and any drainage courses, proposed grading of all lots within the subdivision for which substantial topographic alteration is required in order to accommodate the proposed construction, and any other major grading, cuts, fills or soil or rock removal proposed in the subdivision.

- (1) The area shown on the grading plan may be limited to the portion of the subdivision affected by the proposed grading, cuts, fills, or soil or rock removal
- (2) The grading plan shall be shown at the same scale as the detailed layout map, and shall be prepared to similar standards of accuracy
- (3) Existing and proposed contours at intervals of two feet are required. If requested by the Commission, cross-sectional drawings of the area to be regraded shall be provided
- (4) The plan shall indicate the total volume and nature of material to be removed or deposited for road construction.

#### 4.4.8 Future Development of Undeveloped Portion of a Tract/Phased Development:

If the proposed subdivision covers only a part of the record owner's or applicant's contiguous land holding, the applicant shall submit a schematic map showing the possible location of future streets, lot layout, and open spaces. The Commission will review the schematic plan in order to assist the applicant in providing the most efficient use of land in relationship to the surrounding area. This schematic map is for informational purposes only and shall not be binding on either the applicant or the Commission.

## 4.5 REPORTS

Reports required under this Section may be included as plan notes where appropriate, provided that all information is shown in a clear and legible form. The applicant shall submit ten copies of all reports not included as plan notes.

4.5.1 Water and Sewer: The applicant shall submit a written report, prepared and sealed by a professional engineer, currently licensed to practice in the State of Connecticut, or other qualified professional, describing the proposed water supply and method of sewage disposal for the subdivision. Prior to submission of the report to the Commission, the applicant shall secure endorsement of the report by the Director of Health of the Town of Lyme or his/her designated agent.

4.5.2 Traffic Study: For all residential subdivisions containing 10 lots or more, and for all non-residential subdivisions, the Commission may

require the applicant to submit a traffic study describing the pedestrian and vehicular access to and within the proposed subdivision. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total when determining the need for a traffic study. Traffic studies may be required for subdivisions containing less than 10 lots, if the Commission determines that hazardous or unsafe conditions may be created or exacerbated by the proposed development. The report shall include traffic characteristics and level of service on existing streets affected by the subdivision, and any proposed measures to increase traffic safety and mitigate identified hazardous or unsafe conditions resulting from the subdivision.

4.5.3 Stormwater Runoff: For all subdivisions involving the creation of new streets, or as otherwise required by the Commission, the applicant shall provide a mapped and written description of all drainage measures, prepared by a professional engineer according to Section 4.3. The mapped description shall be shown in accordance with requirements for construction plans in Section 4.4.5. The written description shall identify the method used to calculate runoff, runoff characteristics of the property before and after development, drainage calculations, structural elements of the proposed drainage design, maintenance procedures, safety measures including fencing and trash racks, proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces, and proposed ownership of any structural elements, and all design and construction requirements in accordance with Section 5.6.

4.5.4 Coastal Management: All subdivisions of land located fully or partially within the Coastal boundary, as defined in the Connecticut General Statutes Chapter 444, Section 22a-94, and shown on the Town's coastal boundary map, shall be subject to the coastal site plan review requirements, procedures and definitions set forth in Chapter 444, and with the following requirements of these regulations:

- (1) In addition to requirements set forth elsewhere in these Regulations, coastal site plan applications must include the following information:
  - a. A plan showing the location and spatial relationship of coastal resources on and contiguous to the property proposed for subdivision
  - b. A description of the location, design, and timing of construction of any subdivision improvements

- c. An evaluation of the capability of resources to accommodate the proposed use
- d. An evaluation of the suitability of the subdivision for the proposed site
- e. An evaluation of the potential beneficial and adverse impacts of the subdivision and a description of proposed methods to mitigate adverse effects on coastal resources

(2) The applicant shall demonstrate that the adverse impacts of the proposed subdivision on coastal resources and future water dependent development opportunities are acceptable and that such activity is consistent with the goals and policies of the Coastal Management Act.

4.5.5 Flood Protection: When a subdivision is proposed for land subject to flooding, as identified by the National Flood Insurance Program, the applicant shall supply written confirmation from the Zoning Officer or other designated official that utilities, water, sewage disposal systems and electrical service are located or designed so as to minimize or eliminate flood damage or infiltration. The applicant's engineer shall provide assurances that the flood carrying capacity is maintained within any altered or relocated portion of any watercourse. Flood protection measures shall be designed in accordance with the requirements of Section 5.2.

4.5.6 Energy Conservation: The applicant shall submit a written statement describing the manner in which the proposed subdivision will utilize passive solar energy techniques, as required in Section 5.11. This report may be included as a note on the subdivision map where appropriate.

4.5.7 Purpose and Disposition of Open Space: The applicant shall provide a written report describing any open space proposed in accordance with Sections 5.7. The written report shall include a description of natural resources on the open space tract, proposed use of the tract, proposed ownership and management recommendations. A copy of any restrictive covenants and/or conservation easements shall be included in the report.

4.5.8 Archaeological and historic preservation: The applicant shall provide a written description of any significant historical sites or buildings, identified archaeological sites, existing trails, stone walls,

and unique natural features located on the property to be subdivided, as provided in Section 5.8 of these Regulations. The applicant shall include a written statement of any measures which will be taken to preserve important cultural and natural resources on the site. Suitable public access to any preserved feature may be required by the Commission.

4.5.9 Fire Protection: The applicant shall provide a written report describing measures to be taken to provide fire protection to the subdivision, including fire access and water supply, in accordance with Section 5.9. The applicant shall supply written confirmation that the report has been reviewed by the Fire Department, either in the form of a letter from the Fire Department or by an endorsement of the written report by a designated representative of the Fire Department.

4.5.10 Other Approvals:

- (1) State Highway Connections: Where a proposed street, driveway, or storm drainage system joins with a State Highway, the applicant shall present a copy of a letter or other document giving evidence that the construction plans have been submitted to and reviewed by the Connecticut Department of Transportation. A permit from CONNDOT or a letter indicating intent to issue such permit shall be obtained by the applicant and accompany the application prior to Commission approval.
- (2) Other State and Federal Approvals: In the case of any use, improvement, system, or facility requiring approval of any department or agency of the federal or state government not cited elsewhere in these Regulations, the applicant shall provide evidence of the approval from such department or agency, or a copy of a letter or other documentation showing that the applicant has applied for such approval.

#### 4.6 LEGAL DOCUMENTS

All legal instruments related to roads, open space, drainage and other restrictions shall be submitted in duplicate as part of the subdivision application. All legal documents are subject to approval by the Commission's or Town's attorney and the Commission. Fees for review of legal documents shall be paid by the applicant.

4.6.1 Legal documents which must be submitted for Commission and Commission's Counsel review as part of the submission at time of application include, but are not limited to, the following:

- a. Proposed deed for proposed open space areas
  - b. Proposed text of required easements of all types, including easements for storm drainage, conservation, utilities, access, temporary easements for construction purposes, and sloping rights
- c. Organizational documents and by-laws for homeowners' association, when proposed
- d. Any maintenance agreements

4.6.2 Legal documents which must be submitted prior to final approval of the subdivision and signing of the mylar by the Commission:

- a. Deed for proposed roads
- b. Deeds and/or easements for the proposed storm drainage system, including any necessary rights-to-drain onto private property.
- c. Documents required in Section 4.6.1 in their final form.

#### 4.7 ADDITIONAL INFORMATION REQUIREMENTS

The Commission may require any other information necessary to establish that the proposed subdivision is in conformance with the purposes of these subdivision regulations, as established in Section 1.1.

#### 4.8 WAIVER OF INFORMATION REQUIREMENTS

For all subdivisions, a waiver of specific information requirements of Section 4 may be requested, in writing, prior to or simultaneously with the submission of a

formal application. The Commission may grant the waiver request if it finds that the information for which the waiver is requested is not necessary to determine compliance with these subdivision regulations. Requirements of Section 4.3 regarding professional assistance, and for the Key Map, Boundary Survey Map, Coastal Site Plan, Water and Sewage Reports, and Sedimentation and Erosion Control Plan, where applicable, shall not be waived. When a waiver request is denied, the applicant shall provide the information requested no later than the next regularly scheduled meeting of the Commission, or at such later time as the Commission may allow.

## SECTION 5 DESIGN REQUIREMENTS

### 5.1 GENERAL REQUIREMENTS

#### 5.1.1 Conformance to Regulations

No subdivision plan shall be finally approved by the Commission unless the Commission finds that the plan conforms to the Regulations herein prescribed and to the Zoning Regulations of the Town of Lyme. Subdivisions shall be designed in general conformance with the Lyme Plan of Conservation and Development, particularly with regard to preservation of the rural character of the land. All lots, streets, storm drainage, water supply systems, sewage disposal systems, open space, driveways, installation of property markers, fire protection measures and other subdivision improvements shall be designed, constructed and maintained in accordance with the standards specified in these Regulations, in Lyme Town Ordinances, and in accordance with any other local, state or federal statutory or regulatory requirements, codes and standards. Whenever there is a conflict among applicable standards, the most stringent requirement shall govern.

#### 5.1.2 Character of Land

All land to be subdivided shall be of such character that it can be used for the purposes intended without danger to health, safety and welfare. Land subject to flooding, or with inadequate means of sanitary sewage disposal, inadequate water supply, or inadequate sedimentation control, or that fails to meet the criteria of the minimum net buildable lot area shall not be subdivided. All lots shall be designed and developed in accordance with the provisions of Section 5.8 of these Regulations. Any proposed lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soils, topography, ledge rock or other adverse conditions shall be combined with another contiguous lot which is suitable.

#### 5.1.3 Enforcement

- (1) Enforcement of these regulations shall be by the Commission or their duly authorized agent. The transfer of any lot or lots or portion of land courses so as to create a subdivision without the approval of the Commission shall be punishable by a fine of not more than \$500.00 for each parcel of land transferred or for each building or structure erected, and any other such penalty as may be assessed by law. The Town of Lyme may bring action to enjoin

the erection of such building or structure or cause it to be vacated or removed.

(2) No owner or agent of the owner of any land located within the jurisdiction of the Commission shall transfer or sell or agree to sell or negotiate to sell any land from or in a subdivision, or from an approved subdivision plan that is changed or amended, until such subdivision or such changed or amended subdivision plan, as the case may be, shall have been approved by the Commission and recorded or filed in the office of the Town Clerk.

5.1.4 Site Disruption and Restoration: To the extent possible, natural vegetation and unusual topographic features shall not be disturbed during construction. Upon completion of improvements, and prior to release of the construction bond in its entirety, the developer shall be required to properly grade any disturbed land to dispose of undesirable surface water, remove all brush and debris created by human intervention, and grade and seed all open areas to field grass. All temporary ditches shall be filled, all drainage lines, catch basins and manholes shall be cleaned and flushed, all streets cleaned and repaired, and the whole site shall be left in a neat and clean condition.

5.1.5 Bodies of Water: If a tract of land being subdivided contains a body of water or portion thereof, including a dam or other structure, the Commission may require that the lot lines be drawn so as to place the entire ownership and burden of maintenance of the body of water and dam or other structure in undivided ownership.

## 5.2 FLOOD PROTECTION

The following standards are adopted as part of Lyme's eligibility in the Federal Flood Insurance Program:

### 5.2.1 New Developments of Five (5) Acres or Fifty (50) Lots

In respect to all subdivisions and resubdivision applications for new developments greater than five (5) acres or fifty (50) lots located within unnumbered A zones or zones A-1 through A-30 on the Town of Lyme's Flood Insurance Rate Map, the base flood elevation data is required for each lot within such subdivision or resubdivision.

5.2.2 Sewage Disposal and Water Supply Systems in Flood Hazard Areas The following standards apply to design and maintenance of sewage disposal and water systems:

- a. That proper provision will be made for sewer and water systems in Flood Hazard Areas to minimize or eliminate flood damage.
- b. That water systems are designed to minimize infiltration of flood waters.

### 5.3 SOIL AND EROSION CONTROL STANDARDS

5.3.1 Certification of Plan: The Lyme Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as required under Section 4.4.6 complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations.

5.3.2 Soil Erosion and Sediment Control Plan Principles:  
To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on and from the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

5.3.3 Narrative: The soil erosion and sediment control plan shall include a narrative describing the following information: the development; 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, and sequence for final stabilization of the project site; the design criteria for proposed soil erosion and sediment control measures and storm water management facilities; the construction details for proposed soil erosion and sediment control measures and storm water management facilities; the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

- 5.3.4 Minimum Acceptable Standards:  
Plans for soil erosion and sediment control shall be designed and implemented to minimize erosion and sedimentation during construction, stabilize and protect from erosion when completed, and to not cause off-site erosion and/or sedimentation. Minimum standards are those set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as may be amended. The appropriate method from the Connecticut Guidelines shall be used in determining peak flow rates and volumes of runoff, unless an alternative method is approved by the Commission.
- 5.3.5 Referrals: Any soil erosion and sediment control plan may be submitted to the regional Soil and Water Conservation District for review and advisory opinion. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.
- 5.3.6 Separate Bond for Sedimentation and Erosion Controls Required:  
The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be required to be covered in a separate bond or other assurance acceptable to the Commission under Section 6 of these Regulations. The bond shall be posted with the Treasurer of the Town of Lyme, prior to commencement of work, in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the plan issued hereunder. The bond will be subject to review as to form by the Commission or Town Attorney.
- 5.3.7 Installation Prior to Site Development:  
Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 5.3.8 Maintenance:  
All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- 5.3.9 Design for Minimum Impact:
- a. Development shall be fitted to the topography and soils so as to create the least erosion hazard;

- b. Natural vegetation shall be retained and protected wherever feasible;
- c. Only the smallest practical area of land shall be exposed at any one time during development;
- d. When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
- e. Temporary vegetation and/or mulching shall be used to protect exposed areas during development;
- f. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters and from land undergoing development where feasible and practical;
- g. Permanent final vegetation and structural erosion control measures shall be installed as soon as practical in the development.

#### 5.4 UTILITIES

All subdivision plans shall make proper provision for sewage disposal, water supply and other utilities.

- 5.4.1 Electric, telephone and cable lines: New electric, telephone and cable television wires within the subdivision shall be installed underground where practicable, unless the Commission determines that such underground installation is inappropriate or infeasible for all or part of the subdivision. In making such a determination, the Commission shall take into account the type of service existing in the area adjacent to the subdivision, topographic and construction conditions, and the size of the subdivision. Requirements for underground wires shall be noted on the subdivision plan. Easements for utility lines shall be provided and shown on the subdivision plan.
- 5.4.2 Sanitary Sewage Disposal: Prior to its approval by the Commission, each proposed subdivision lot shall be approved by the Town Sanitarian as having sufficient details and data to demonstrate that said lot can support a sanitary subsurface sewage disposal system and reserve area conforming to the State of Connecticut Public Health code. A block for the Town Sanitarian's endorsement or

approval signed and dated by the Sanitarian, shall be included on the final plan.

- a. All percolation tests and deep test pits shall be witnessed by the Town Sanitarian and the location and results of each test shall be shown on the subdivision plans. Each proposed lot shall have a minimum of two test pits located in each of the proposed primary and reserve leaching areas.
- b. Engineered design septic systems may be required and may be permitted to overcome minor site limitations; however, each lot must be capable of use without extensive filling or regrading which would result in potential erosion and sedimentation, excessive vegetation removal, or substantial alteration of natural drainage systems. When an engineered system is required, such requirement shall be shown on the final subdivision plans.

5.4.3 Potable Water Supply: Prior to its approval by the Commission, each proposed subdivision lot shall be submitted to the Town Sanitarian for review to assure that the lot includes sufficient separation distance from subsurface sewage disposal systems on or adjacent to the lot to allow installation of an individual well conforming to the Connecticut Public Health Code Requirements. The Sanitarian shall also note if there are any known sources of ground water pollution in the area of the proposed subdivision.

## 5.5 DRIVEWAYS

A permit to connect a new driveway to a state highway must be obtained from the Connecticut State Department of Transportation. A permit to connect a new driveway to a town road must be obtained from the Office of the First Selectman, in accordance with the Town Ordinance Regulating the Building of Approaches to Any Town Road.

- 5.5.1 A safe driveway entrance with adequate sight lines for safe vehicular entry onto a street shall be required for all lots, and adequate vehicular turnarounds shall be provided within each lot. All driveways shall be provided with paved aprons between the paved portion of the street and the edge of the street right-of-way. Driveways to individual lots shall be located, designed and constructed so as to prevent excessive road drainage down driveways or excessive driveway drainage onto public streets.

5.5.2 Shared Driveways: In order to minimize the adverse environmental impact of development, reduce the need for new driveway cuts, and provide access to developable land which is otherwise inaccessible due to topographic conditions, the Commission may allow or may require common or shared driveways to serve more than one lot. Whenever a shared driveway is proposed, the following requirements shall be met:

- a. The deed for any lot which utilizes a shared driveway shall include all appropriate easements to pass and repass and install utilities as necessary. Further, the deed shall contain the provisions that the access driveway shall not be used to access other property except for agricultural purposes, and that the Town of Lyme shall not be required to plow, maintain, assume ownership, or provide school bus service or other services along the driveway access to such lot. Maintenance agreements for the shared driveway shall be subject to review by the Commission and or the Town/Commission Attorney.
- b. Shared driveways shall be designed and constructed in accordance with the following standards:
  1. Minimum width of right of way: 50 feet;
  2. Minimum width of traveled portion: The first 50 feet of a shared driveway, as measured from the intersection with a town or state road, shall be 22 feet in width, and may be reduced to 18 feet in width beyond the first fifty feet;
  3. Shoulders: Shoulders shall be a minimum of four feet in width. Shoulders shall be cleared at least three feet back from the traveled portion and cleared areas shall be properly graded, sloped and seeded to prevent erosion.
  4. A hardened surface may be required for driveway sections with a vertical slope in excess of seven percent.
  5. Construction methods and materials: The traveled portion shall have a base of 12 inches of compacted gravel, topped with a course of 4 inches of processed gravel.

## 5.6 ROAD AND DRAINAGE STANDARDS

### 5.6.1 Access:

All proposed lots shall have frontage on a town road or state highway in accordance with the Zoning Regulations of the Town of Lyme. All subdivision lots shall have direct vehicular access to one or more accepted town roads or state highways by one of the

following means: a proposed public road to be constructed as part of the subdivision, or a single or shared private driveway.

Access to proposed lots shall be suitably located and adequately constructed to accommodate both present and future anticipated traffic and shall provide access for emergency and maintenance vehicles. Roads and driveways shall be designed in an attractive layout which follows the natural contour of the land, and shall be located and graded to preserve the natural terrain, substantial trees and woods, and other natural features which enhance property values and maintain the natural character of the subdivision. Where possible, road and driveway layouts shall be planned to avoid excessive storm water runoff and the need for extensive storm drainage installations.

(1) New Subdivision Roads

- a. Design and Construction: All new subdivision roads shall be designed and constructed to at least the minimum standards of the Town Road Ordinance and these Regulations. In certain development situations, the Commission may determine that potential use of the subdivision road will require that the road be built to greater geometric and construction standards. Such potential use includes the use of the road as a connector between existing town roads, when the road could potentially serve as future access to adjacent undeveloped property, or when the road is intended to provide access to more than ten lots. A traffic study may be required in accordance with Section 4.5.2 of these Regulations.
- b. Arrangement The arrangement of roads in a new subdivision shall make provision for the continuation of the principal existing roads in adjoining areas and shall be such as to cause no hardship to owners of adjoining property when they develop their subdivision map and seek to provide convenient access to it to the land.
- c. Dead-End Roads Cul-de-sac or dead-end roads shall not exceed 700 feet except where, due to topographical or other conditions, it would be otherwise impossible to develop the tract, in which case the road shall not exceed 1000 feet. All dead-end roads shall be provided with a turn-around consistent with the requirements of the Road Ordinance of Lyme.
- d. Width No road shall have reserved right of way of less than 60 ft, including the traveled portion and shoulders. All other

road design and construction shall comply with the minimum requirements of the Town Road Ordinance.

- e. Road Names and Signs. Roads which are designed to connect and align directly with other roads shall bear the same names. No duplication of street names is permitted and similar sounding names shall be avoided. Road names shall be appropriate to the character of the town and shall reflect the geographic or historic aspects of the area in which the road is located. All street names are subject to the approval of the Commission. Developers shall erect street signs substantially similar to the design generally used by the Town of Lyme.

(2) Improvements to Existing Roads

Where the proposed subdivision abuts an existing town road which does not have the minimum right-of-way width required in these Regulations and the Town Road Ordinance, the applicant shall convey to the town sufficient land along such road as to permit its widening and/or straightening to conform to town standards. The applicant shall also convey any necessary drainage easements or sloping rights to improve the road to town road standards. When the Commission determines that the condition of the existing road is such that the approval of the subdivision could result in a potential safety hazard, the Commission may require that the applicant make improvements to the existing town road to assure the safety of the residents of the new subdivision.

Where the property to be subdivided abuts a state highway, the applicant may be required to convey land for road widening, or easements for drainage or grading purposes to the Town of Lyme or the State of Connecticut as appropriate.

- (3) Private Driveways: Access driveways shall meet the requirements of Section 5.5.

5.6.2 Stormwater Runoff

A stormwater management report, as described in Section 4.5.3 of these Regulations, shall be prepared for all subdivisions involving the creation of new roads and for other subdivisions containing private roads and or sensitive environmental areas as the Commission may require.

- (1) An adequate subsurface storm water drainage system shall be provided unless, in the opinion of the Commission, the natural topography and/or suitable access to natural water courses make storm drains unnecessary. The applicant shall take all appropriate

and feasible measures to reduce the increase in both runoff rate and volume from the proposed development by minimizing the use of impervious surfaces, retaining natural vegetation on site, and using other low impact development management practices.

- a. No water courses shall be altered or obstructed in such a way as to reduce natural run-off capacity of surface water unless an alternative means of maintaining run-off capacity is provided.
- b. The Commission shall require that the subdivision applicant reserve sufficient easements for storm water drainage and maintenance of stormwater management features. All drainage easements shall have a minimum width of twenty feet.
- c. In designing a stormwater management system for the subdivision, the designer shall be guided by the recommendations of the 2004 Connecticut Stormwater Quality Manual, prepared by the Connecticut Department of Environmental Protection.

## 5.7 OPEN SPACE

### 5.7.1 Requirements for Open Space

- (1) Purpose: Areas for open spaces, parks and playgrounds shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission. The land reserved shall be of such size, location, shape, topography and general character as to satisfy the open space needs determined by the Commission. Such needs may include, but are not limited to the following:
  - a. Preservation of rural character and maintenance of the scenic resources of Lyme by retaining natural open space areas where they are most visible from: public roads, parks and open watercourses; including buffer strips along roadways, ridgetops, wetlands and watercourses; with visual corridors and vistas.
  - b. Maintaining the Town's agricultural character through the preservation, in perpetuity, of lands suitable for farming activities.
  - c. Conservation and protection of natural resources including: ledge outcroppings, ravines, significant woodlands, stands of unique or scenic trees, unusual trees, wetlands,

watercourses, aquifers, retention of natural drainage ways, wildlife habitat, and other unusual environmental, ecological, topographical and physical features.

- d. Use of open space to integrate or separate various types of uses and activities; and with the objective of meeting neighborhood and community-wide recreational needs
- e. Preservation of historic and cultural resources in an appropriate setting, including historic and archaeological sites, stone walls, cemeteries, trails, and the like.
- f. Provision of active and passive recreation

(2) Conformance with Lyme Plan of Conservation and Development  
The reservation of land for open space shall conform to the Lyme Plan of Conservation and Development, and any other plan for conservation of open space, parks, playgrounds, or recreation land which has been formally adopted by the Lyme Planning and Zoning Commission.

(3) Character of Open Space Land While recognizing that each subdivision open space dedication must be uniquely determined, the Commission will be guided by the objectives cited in Section 5.7 (1) above and the use and scope of the subdivision proposal, coupled with the need to provide a balance of open space types throughout the Town of Lyme. The Commission may require open space which includes a variety of landforms, habitat, and vegetation, including both wetlands and uplands, steep topography and flat areas, vistas and visual enclosures, riverine areas and hilltops, or other natural resources. Tidal wetlands, inland wetlands, watercourses or open water shall not be included when calculating the percentage of land area reserved as open space in subsection (4) below..

(4) Dedication Requirements In determining the need for open space, the Commission shall be guided by, but not limited to, a standard of 15% of the land area of the subdivision, with a minimum reservation of one acre. The Commission may determine that additional open space areas should be preserved because of the unique qualities particular to a specific location. The Commission may also determine that a lesser area is sufficient or that such reservation is not feasible due to the quality and location of the land within a particular subdivision.

- a. Fee in Lieu of Open Space If there is insufficient suitable or practical area for reservation of open space land, for whatever reason, or if there are other areas in the Town of Lyme where preservation would be more beneficial to the public health, safety and welfare, then the Commission, in its sole discretion, may require the provision of a fee to the Town of Lyme, or combination of fee and transfer of land to the Town of Lyme, in lieu of the requirement to provide open space. The combination of payment plus the fair market value of the land transferred shall not be more than ten percent (10%) of the fair market value of the total amount of 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. The monetary fee shall be paid to the Town of Lyme in accordance with the provisions of Section 8-25 of the Connecticut General Statutes, and placed in a fund in accordance with the provisions of CGS 8-25b.
- (5) Location Open Space shall be located, consistent with the requirements of Section 5.7, and so as to protect specific natural and cultural features, preserve scenic views and vistas, prevent unsightly development of ridge tops, provide natural buffers, provide for parks, recreational needs and as otherwise required by the Commission, based on the purpose for which it was intended.
- (6) Condition of Land: Land reserved for open space shall not be used for the storage of equipment or the deposit of debris. Open space land for conservation purposes shall not be excavated, filled or regraded, and the trees and dead vegetation shall not be removed, and the understory shall not be cleared, except in accordance with a plan approved by the Commission. Open space land for conservation purposes shall not be subject to introduction of non-indigenous species, fertilization, herbicides, pesticides and may not be used by domestic animals
- (7) Access The Commission may require that open space areas be made easily accessible from a public road, or situated so as to connect with and provide access to other areas of reserved, or proposed open space on adjacent properties. Proper pedestrian and vehicular access, including parking areas, may be required for each such reservation.
- a. Where a proposed subdivision abuts coastal waters (including the Connecticut River), the Commission may require such open space in the form of public access to and along the

waterfront, and with the inclusion of any appurtenant structures that may be required in accordance with the provisions of the Connecticut Coastal Management Act (Connecticut General Statutes Chapter 444).

- (8) Boundary Lines The Boundary lines of all open space shall be set in the field and marked by permanent, readily visible markers at: the intersection of any lot line, road or perimeter lines and at intervals of 100 feet along the boundaries of all open space parcels. Rights-of-way to open space parcels which are 50 feet in width, or less, shall be marked by intervals no greater than fifty feet. The Commission may approve of the type of permanent marker employed, i.e.: concrete, bronze, pipe or other.
- (9) Methods of Open Space Reservation Open space areas required under this Section shall be permanently reserved for the designated use by means acceptable to and approved by the Commission, such as, but not limited to the following
  - a. Deeded to a non-profit organization acceptable to the Commission. The non-profit organization shall be a private, non-profit, non-stock corporation, which has as its purpose the preservation of open space land, such as the Lyme Land Conservation Trust Inc., The Nature Conservancy, or other such organization. The deed to such organization shall contain language satisfactory to the Commission, requiring that the land be held in perpetuity as open space for the benefit of the general public. The Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization shall contain the provision that in the event of the dissolution of the corporation, the property shall be conveyed to the Town of Lyme, or subject to the approval of the Commission, to another non-profit organization if the Commission determines that such conveyance would be in the best interest of the Town.
  - b. Deeded to the Town of Lyme. Where open space areas are to be conveyed to the Town, the applicant shall convey them at the stage and in condition agreed upon in connection with the processing and approval of the subdivision
  - c. Held in corporate ownership by owners of lots within the subdivision. Open space may be conveyed by warranty deed to a homeowners' association within the subdivision upon such terms and conditions as specified by the

Commission. When open space is conveyed in this manner, a copy of the by-laws of the homeowners' association shall be submitted as a part of the application for the subdivision. Membership in such corporation shall be mandatory for all lot owners within the subdivision. Each deed conveyance to the lot owners shall include the membership stipulation, the beneficial right in use of the open land, and all other pertinent restrictions, and shall be recorded in the Land Records of the Town of Lyme. The documents shall provide that if maintenance or preservation of the dedication no longer complies with the provision of the document the Town may take all necessary action to insure compliance and assess against the association and its members, all costs incurred by the Town for such purposes. Wording on each deed shall state that such open land is reserved for use only as open space in perpetuity.

- d. Subject to perpetual easement, for conservation purposes. The Commission may approve the granting of a conservation easement in perpetuity over property within the subdivision to the Town or to a non-profit organization acceptable to the Commission. The term "conservation easement" includes historic preservation easements, agricultural preservation easements, scenic easement, open space easements, conservation restrictions and restrictive covenants, and other essentially similar restrictions on land use. The easement shall restrict the grantor and his successors from construction of any structure, sign (except for signs noting the covenants recipient), fence, or other improvement on the open space area, or alteration of the contours thereof. It may also restrict the cutting of trees and clearing of brush and contain other terms appropriate to the subject parcel. Land which is reserved by conservation easement cannot be used to satisfy minimum lot area.

(10) Conditions of Open Space Conveyance. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations other than those proposed, the Commission shall consider the following factors:

- a. The ownership of any existing, or proposed Open Space on adjacent properties, or the proximity to non-adjacent Open Space which might reasonably interconnect with the proposed Open Space in the future;

- b. The proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required;
  - c. The potential benefits which the Open Space might provide to residents to the Town or the State, if it were accessible to them;
  - d. The size, shape, topography and character of the Open Space;
  - e. The recommendations of the Lyme Plan of Conservation and Development; and
  - f. The reports or recommendations of any State or Town agencies, including, but not limited to: the Lyme Board of Selectmen, the Lyme Conservation Commission/Inland Wetlands and Watercourses Agency, the Recreation Commission, the Southeastern Connecticut Council of Governments Regional Planning Commission, the Connecticut River Gateway Commission, and the Connecticut Department of Environmental Protection
- (11) Title to open space land shall be unencumbered, and at the time the approved subdivision plan is filed, the applicant shall record on the Lyme Land Records all legal documents associated with this Section 5.7 which shall be subject to review by the Town or Commission Attorney and approval by the Commission.
- (12) Exemptions From Open Space Disposition Requirements. In accordance with Public Act 90-239, Section 1, the provisions of this Section 5. shall not apply if:
- a. 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 shall be filed in the Land Records in accordance with the procedure and other requirements of these regulations. If the Commission determines, based on events 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 Lyme Land Records.

- b. The subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty (20%) percent 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 Lyme Land Records.
- c. Dedication for Other Municipal Purposes. In the event the subdivider desires to transfer to the Town land for other municipal purposes such as future schools, fire houses, etc., the dedication provisions of this Regulation shall be met. The Commission may consider such a municipal dedication as a credit toward any Open Space disposition requirements, but may not require such dedication.

## 5.8 DESIGN STANDARDS FOR PRESERVATION OF NATURAL, CULTURAL AND ARCHAEOLOGICAL FEATURES

- 5.8.1 Natural features: All subdivisions shall be laid out to preserve and enhance existing natural features, including all wetlands and watercourses, large individual trees and tree stands, unusual topography, ledge faces, ridge tops, rare or endangered species of fauna and flora, scenic views and vistas. Specifically, the following design principles shall be used in designing the subdivision:

- a. Avoid excessive cuts, fills and regrading which result in potential soil erosion, unnecessary tree and other vegetation removal, and disturbance to water resources.
  - b. Maintain water courses and wetlands in their natural location and avoid relocation or encroachment thereon.
  - c. Retain and protect large specimen trees and large areas of unfragmented forest.
  - d. Any proposed lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soils, topography, ledge rock or other adverse conditions shall be combined with another contiguous lot that is suitable
- 5.8.2 Historic, cultural and archeological features: Due regard shall be given to preservation and potential enhancement of historic and cultural sites and buildings, including stone walls, and of identified archaeological sites.
- a. Upon receipt of a preliminary plan, if one is submitted, or upon receipt of a formal application, the Commission may refer a copy of the plan to other agencies or individuals for comment concerning the location of cultural resources on or near the site of the proposed development. Such referrals may include the Connecticut Commission on Culture and Tourism, the State Archeologist, or other recognized archaeological and historical authorities. Based on comments received, the Commission may determine that a cultural resources assessment must be submitted as part of the subdivision application. The cultural resources assessment plan shall describe procedures that will be taken to catalog, protect, preserve and/or properly remove the identified cultural resources. The Commission shall not approve a proposed subdivision unless it determines that the proposed project has been revised or modified to protect cultural resources and mitigate adverse impacts to the satisfaction of the Commission.
  - b. Any historical or culturally significant sites shall, where possible, be left undisturbed and may be considered in meeting the Open Space requirements of Section 5.7.
- 5.8.3 Cemeteries: All cemeteries within a proposed subdivision shall be protected by a permanent conservation easement, along with a thirty foot protective buffer, as measured from stone walls or fences surrounding a cemetery, or from any identified grave (in the absence of walls or other demarcated boundary). The easement

shall allow for reasonable visitation and maintenance of the cemetery.

- 5.8.4 Public access: Suitable public access to any preserved feature may be required by the Commission.
- 5.8.5 Road layout: Subdivision roads and driveways shall be laid out to minimize the disruption and fragmentation of natural areas to protect water quality, habitat and diversity of natural ecosystems.
- 5.8.6 Individual lot layout: Individual lot layout plans shall show the proposed area of total lot disturbance, which shall include all areas disturbed for the purpose of constructing buildings, structures, driveways and septic systems, as well as all graded areas and lawns. Existing vegetation shall be preserved in areas where disturbance is not necessary for construction and use. Areas used for agriculture, pasture or woodlot management need not be shown. Existing fields may be maintained through mowing and cutting. Development of disturbed areas shall be guided by the standards for minimum impact set forth in Section 5.3.9.
- 5.8.7 Stream buffers: In accordance with the Zoning Regulations, to protect water quality and habitat, a vegetative buffer at least fifty feet in width or greater shall be maintained along streams and rivers within the Watershed Overlay District. The Commission may require a buffer is other locations to protect stream quality. Where possible, existing vegetation shall be maintained within the buffer. In the absence of existing vegetation, the Commission may require that a buffer strip be planted and maintained using native non-invasive species.
- 5.8.8. Roadside buffer: In wooded areas, where feasible, a treed area shall be maintained along existing town roads except where necessary to construct a driveway to access a subdivision lot. Combined driveways are encouraged to minimize road cuts and retain the rural character of the town.
- 5.8.9 Hill and ridgetop development: Proposed structures shall be located so as to reduce the visual impact of the structure on the surrounding landscape.

## 5.9 FIRE PROTECTION

In order to assure that all new developments have an adequate water supply for the purposes of fire protection, the Commission may require the implementation

of a fire pond, fire well, cistern, underground storage tank or other suitable source, including the ancillary amenities with the appropriate access and maintenance requirements. The ownership of these facilities shall be the individual owners of the property or the homeowners association where applicable. All maintenance will be the responsibility of the aforementioned owners.

- 5.9.1 Prior to the submission of the subdivision application, the applicant shall consult with the Lyme Fire Chief and Fire Marshal to determine the need for a water supply facility. If such an additional water supply is found to be desirable and feasible, the Commission may require designation or construction of such a facility. Among the criteria to be used in determining the design, location, size and other pertinent details of the facility, the following should be considered:
  - a. The location, type, distance and availability of the nearest acceptable or alternative water sources;
  - b. The roadway conditions, grades, character and other travel factors in transporting water to the subdivision;
  - c. The possible number, type, size and accessibility of any structures within the subdivision;
  - d. The contemplated density of lots and structures within the neighborhood.
- 5.9.2 If required, the fire suppression water supply shall be installed at the expense of the developer and with the cost included in the subdivision bond. The facility shall be installed prior to the issuance of a Certificate of Occupancy for any structure within the subdivision.
- 5.9.3 The fire suppression water supply shall include appropriate legal access and maintenance covenants in favor of the Town of Lyme and the Lyme Fire Department.

## 5.10 MARKERS AND MONUMENTS

- 5.10.1 Permanent markers shall be installed at all points of change in direction or curvature of new streets along the line separating the street right of way and the adjoining property, and at other points as shown on the final plan, where in the judgment of the Commission permanent markers are necessary. Open Space markers shall be

installed as required in Section 5.7.1(8). Permanent markers shall be installed at all lot corners and intermediate points as deemed necessary by the Commission. Common driveway access markers shall be installed on both sides of the common driveway at intervals of not more than 100 feet for the length of the driveway.

- a. Markers shall be of such material, size and length as the Planning and Zoning Commission shall specify.
- b. No permanent markers shall be installed until all construction which could destroy or disturb the markers has been completed. In the event that any marker is destroyed or disturbed during construction of subdivision improvements, the marker shall be replaced or repositioned prior to the release of the subdivision construction bond.
- c. Certification of installation: The accurate placement and location of markers and monuments shall be certified by a land surveyor and the cost of such shall be included in the construction bond. In subdivisions where the property markers are the only improvement, the applicant shall post a bond to cover the cost of installation and certification of markers.

## 5.11 ENERGY EFFICIENCY

The applicant shall demonstrate to the Commission that consideration has been given, in developing the plan, to the use of passive solar energy techniques which would not significantly increase the cost to a buyer of a dwelling to be erected on lots shown on such plan, after tax credits, subsidies and exemptions. As used in this section, "passive solar energy techniques" means site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage with 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; and (5) protection of solar access within the development.

### 5.11.1 Construction in Required Yards

Solar energy systems may be constructed in a rear or side yard. The facility or system shall be located at least six feet from any rear or side boundary and, in addition, must be located a minimum of six feet from any adjoining residential structure. Solar energy systems are also exempt from front yard depth requirements when it can be demonstrated that solar access, protection or control of the south facing wall of the structure will be substantially hindered by the front

lot depth, provided that the facilities meet the requirements of Section 7.5 of the Lyme Zoning Regulations and a special permit is granted by the Lyme Planning and Zoning Commission as provided for in Section 7.5 of the Lyme Zoning Regulations

5.11.2 Height Exceptions

The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of solar panels or similar uses but are subject to the granting of a special permit by the Lyme Planning and Zoning Commission as provided by Section 7.2 of the Lyme Zoning Regulations.

5.11.3 Solar Energy

Nothing in these regulations shall prohibit the projection of apparatus needed for the operation of active and passive solar energy systems including but not limited to horizontal overhang over the south facing glass areas up to one-half of the height of the glazed opening, movable insulating walls and roofs, detached solar collectors, reflectors and piping, so long as there is no detrimental effect on the adjoining property and subject to the granting of a special permit by the Lyme Planning and Zoning Commission as provided by Section 7.5 of the Lyme Zoning Regulations.

5.11.4 Solar Access Protection Not Required in Certain Locations

Solar access may not be necessary on the north side of a mountain or hill, where buffer strips have been required by the Town which block solar access, or where other actions taken by the Town block access.

5.11.5 Orientation

In a subdivision where solar access is deemed desirable or necessary by the Planning Commission the following regulations shall be enforced:

- a. Building Orientation: Buildings should be oriented with the long axis oriented east and west with a possible 10 degree variation to the southwest. This created the best possibility that large roofs and walls may receive solar radiation.
- b. Lot Orientation: Whenever possible lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.

- c. Street Orientation: Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets the layout of the lots and buildings shall be adjusted for orientation to the sun

#### 5.11.6 Vegetation Siting

- a. Existing Vegetation: In order to protect as much existing vegetation as possible and still allow for solar access, buildings should be located in that location which protects and ensures long life to the youngest and healthiest trees, bushes and plants.
- b. Planting plans for new development shall be submitted which ensure that no new vegetation denies new building solar access. If new vegetation is planned or required a shadow plan shall be submitted identifying location, species and shadow area at maturity.

**SECTION 6**  
**BONDS**  
**ASSURANCE OF COMPLETION OF IMPROVEMENTS**

6.1 BONDS

No plan of subdivision shall be finally approved until the applicant has furnished a cash bond, a surety bond upon a Connecticut licensed surety company, or other security acceptable to the Town of Lyme in a sum and on terms satisfactory to the Board of Selectmen and the Commission, conditioned upon the completion of the work within the statutory period provided for such completion. The form of the bond, as required by the Town shall be satisfactory to the Treasurer of the Town. In the event the Commission shall deem it in the best interests of the Town to extend the completion date of any such bond, such bond may be extended by the Commission, provided both principal and surety company have joined in an application to the Commission for such extension.

6.1.1 Bond Requirements

- (1) The bond must be posted and continuously maintained for the duration of the five year project (or other time for completion as designated by State Statute) unless released by vote of the Planning and Zoning Commission.
- (2) Should the developer be unable to complete the bonded site improvements in a manner satisfactory under Town requirements, the bond deposited with the Town may be used by the Town to complete the required site improvements or, at the discretion of the Commission, to restore the property to a safe and attractive condition, provided that no individual lots have been sold or developed

6.1.2 Release of Bond: Upon completion of improvements and upon acceptance of such improvements by the Town, the bonds as required under Section 3.11 of these Regulations shall be released by the Selectman upon the substitution thereof of a maintenance bond in the amount of twenty-five hundred dollars (\$2,500) or one tenth (1/10) of the cost of improvements, whichever is greater, to continue for a period of one (1) year from the date of Town acceptance, guaranteeing to remedy construction or to indemnify the Town for repairing such defects. Application by written communication to the Board of Selectmen for approval of portions of the total improvements may be made upon completion of such portions. If such portions are accepted, the one year period for the maintenance bond for the portions accepted will commence as of the date of acceptance and a pro-rated reduction in the bond may be approved by the Selectmen. The contractor or developer shall,

when notified by the First Selectman, promptly and at his own expense, repair all failures in the construction and operation of structures and appurtenances which may occur during the maintenance period; and he shall similarly repair all defects, settlements and irregularities of the structures and appurtenances or drains, pipes, mains or conduits, curbs, gutters, sidewalks, road surfacing, land turfing, catch basins, retaining walls or other structures or improvements on the line of the work or adjacent thereto occurring during the maintenance period which are caused by or affected by his work. If the contractor or developer fails to remedy such defects within a reasonable time, not to exceed sixty (60) days after the notice, the First Selectman may, without prejudice to any other remedy and upon written notice to the contractor or developer and surety company, cause the required repairs to be made and bill the contractor or developer or the surety company for the cost of the work then involved. Before release of the cash or surety bond, a registered professional engineer, selected and approved by the Board of Selectmen and the Commission, shall certify one of the following:

- (1) That all work required to be performed by the developer under such bonds shall have been done in substantial compliance with the final subdivision plans as approved by the Commission, or
- (2) The site has been restored to a safe and attractive condition in lieu of completion of work, provided that the applicant guarantees in writing that no lots will be sold or offered for sale, no building permits will be sought, and no individual lot development including tree clearing and grading will commence, unless and until a bond for completion of work is posted with the Commission. Violation of this provision shall be grounds for revocation of the subdivision approval.

## 6.2 UTILITIES INSTALLATION

In the case of electric power lines and other utilities to be installed by a public utility corporation or government body, or a municipal department, a statement in writing by the installer that the work will be done within a reasonable time and without expense to the Town of Lyme shall be furnished to the Commission.

## 6.3 SEPARATE SEDIMENTATION AND EROSION CONTROL BOND

Measures and facilities specified on the Soil Erosion and Sediment Control Plan shall be guaranteed by a separate cash or savings account bond. In the event of failure of the developer to maintain proper sedimentation and erosion controls on

the subdivision site, the bond required under this Section may be used by the town to stabilize eroding areas, remove sedimentation, and otherwise correct sedimentation and erosion problems on site.

#### 6.4 SEPARATE BOND FOR MARKERS AND MONUMENTS

The Commission may require a separate bond to assure the installation of subdivision property markers and monuments, as required in these Regulations. The bond will be in amount sufficient to pay for a licensed surveyor to accurately locate and install markers.

**SECTION 7**  
**ALTERNATIVE SUBDIVISION DESIGN**  
(RESERVED FOR FUTURE USE)

**SECTION 8  
AMENDMENTS AND VALIDITY**

**8.1 AMENDMENTS**

These regulations may be amended by the Commission at any meeting called for the purpose after a public hearing, notice of which shall be given in accordance with the provisions of Chapter 126 of the Connecticut General Statutes.

**8.2 VALIDITY**

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

**SECTION 9  
EFFECTIVE DATE**

9.1 These regulations shall take effect March 18, 2016.