

**TOWN OF EAST HAMPTON**  
**SUBDIVISION REGULATIONS**

**Subdivision Regulations**  
**Effective**  
**May 1949**

|          |   |
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## **I     AUTHORITY**

Under the authority vested in the Town of East Hampton Planning and Zoning Commission by Title 8, Chapter 126 of the Statutes of the State of Connecticut governing Municipal Planning Commissions, as amended, said Commission hereby adopts these Regulations governing the subdivision of land.

These regulations supersede regulations previously in effect and adopted  
November 14, 1984

## II. APPLICATION PROCEDURE

The following shall constitute a completed application:

1. Check made out to "Town of East Hampton" in the following amount: (effective as of 12/6/03)
  - A. Fees to be in accordance with fee schedule as may be amended (see appendix B)
  - B. When public improvements are required, an additional amount representing three percent (3%) of the estimated cost of the public improvements, as determined by the Town Engineer and approved by the Commission, shall be submitted prior to final approval and maps being signed. This amount to be utilized for engineering services to insure that improvements are designed and installed in accordance with these regulations. Improvements shall include, but not be limited to, improvements to existing roads and drainage systems, new roads and drainage systems, sewer systems, water systems, and erosion and sedimentation controls.
2. Ten (10) copies of the subdivision plans complying with Section V of these regulations, as amended.
3. A sewage disposal plan must be submitted and approved by the Water Pollution Control Authority before an application is considered to be complete. A copy of Memorandum of Understanding from the Water Pollution Control Authority and Town Sanitarian will be filed with the Commission clearly specifying standards and requirements with regard to public sewer and/or on-site septic systems for the proposed lots.
4. Ten (10) copies of Erosion and Sedimentation Control Plan complying with Section IX of these regulations, as amended.
5. Five (5) copies of Stormwater Runoff Projections complying with Section VIII of these regulations, as amended.
6. Preliminary Layout.
  - A. Consideration of Preliminary Layout – The Commission strongly recommends that the applicant submit a Preliminary Layout for preliminary discussion. The Preliminary Layout will be considered at a regular public meeting of the Commission at which it is on the agenda. The Commission may permit persons to be heard and written communications received.
  - B. Effect of Consideration of Preliminary Layout. The Purpose of the consideration of the Preliminary Layout is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on request for Preliminary Layout consideration, other than referrals to other municipal, State or Federal agencies for review and comment if deemed advisable.

### III DEFINITIONS

Abutting Owner - The owner of property as indexed at the time of application with a contiguous boundary with the property being subdivided and/or with coextensive frontage on the other side of a Town or private road.

Applicant - Any person, firm, corporation, partnership, association or appointed agent having an interest in a parcel of land and who applies to the Commission for approval of a subdivision of such land. Consent shall be required from the owner of record of the premises.

Application - The application for the approval of a proposed subdivision or resubdivision of the land.

Buildable Area - A contiguous area consisting of 30,000sq ft, which shall contain a proposed location of a house, well and septic system, contain a minimum square of 100ft x 100ft, which shall not include wetlands or water courses, land show as floodway Zone A or Zone B on map entitled "Flood Insurance Rate Map, Town of East Hampton CT-effective October 16, 1979". (effective Dec 6, 2003)

Certification - A signed, written approval by the Planning and Zoning Commission, its designated agent, or the Middlesex County Soil and Water Conservation District, that the Soil Erosion and Sediment Control Plan complies with the applicable requirements of these Regulations.

Commission - The East Hampton Planning and Zoning Commission.

County Soil and Water Conservation District - The Middlesex County Soil and Water Conservation District, established under Subsection (a) of Section 22a-315 of the General Statutes of Connecticut, as amended.

Developer - Synonymous with "applicant" as defined above.

Development - Any construction or grading activities to improved or unimproved real estate.

Dead-End Street - The portion of any road which only has one intersection with another road.

Disturbed Area - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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

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

Final Subdivision Plan - The final subdivision layout, plans, and all required supporting data that is presented to the Commission for approval.

Grading - Any excavating, grubbing, filling (including hydraulic fill), or stockpiling or earth materials or any combination thereof, including land in its excavated or filled condition.

Improvement - Any change to the existing conditions of the subdivision site for the purpose of complying with these regulations or rendering the site more suitable for development and/or habitation. As used in these regulations, improvements include, but are not limited to: construction and installation of roadways,

paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

Inspection - Means periodic review of sediment and erosion control measures shown on the certified soil erosion control measures shown on the certified soil erosion/ sediment control plan.

Landscaping - Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic affect appropriate to the use to which the land is put. It may include reshaping the land by removing the earth, as well as preserving the original vegetation or adding vegetation.

Lot - The unit or units into which land is divided with the intention of offering such units for sale, lease, conveyance or transfer; either as undeveloped or developed sites; regardless of how they are conveyed. Lot shall also mean parcel, site, or any similar term.

Lot, Building - A lot in compliance with East Hampton Zoning Regulations, capable of supporting a building, and on which all utilities required for habitation, such as water supply and sewage disposal, are available to the lot or on-site.

Maintenance Bond - A bond furnished to the Town by a developer that guarantees all subdivision improvements against the defective workmanship or materials for the period of one year.

Open Space - Property within a subdivision, designated to be deeded to the Town or other approved agency by the developer, or to be maintained by the developer and/or owner in an undeveloped state in a manner approved by the Commission, to be used for passive or active recreation; sediment, erosion or stormwater control; or for preservation of natural features.

Owner - The property owner of record.

Performance Bond - A bond, furnished to the Town by the developer, to be used to complete subdivision if the developer does not complete the improvement as promised, as required, and/or indicated on the application.

Plan of Development - The Plan of Development is a master plan for the most desirable use of land for residential, recreational, commercial, industrial and other purposes; and contains the Commission's recommendations for population density, streets and other public ways, municipal development, public utilities, public housing and redevelopment; pursuant to Chapter 26 of the General Statutes of Connecticut, as amended.

Private Road - A road constructed and maintained for public travel which is not a Town road as defined above. Not including driveways serving one or two parcels.

Right of Way -

- A. That portion of land which is made available for the construction of roadways, ditches, drainage structures, and utility lines, and is to be conveyed to the Town in the case of a proposed Town road or conveyed to an association charged with maintenance of such right of way in the case of a private road. The form and content of the instrument of conveyance shall be subject to the approval of the Town Attorney at the option of the Commission.

- B. The parcel of land between street property lines, which are defined as the limits of land dedicated, secured or reserved for public transportation uses.
- C. A narrow strip of land used to gain access to a parcel of land that does not have access to a street right of way. Right of way is usually owned in fee by the party having the right to use it.

Sediment - Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

Soil - Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - A Scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

Soil Types - The classification of soils in a development as defined and explained in the Soil Survey of Middlesex County, Connecticut, Soil Conservation Service, as amended.

Soils Map - The officially adopted soils classification of the Town of East Hampton, Connecticut, prepared by the Middlesex County Soils Conservation District and the Department of Agriculture, Soil Conservation Service.

Special Flood Hazard Area - The land in the flood plain subject to one percent (1%) or greater chance of flooding in a given year. The Special Flood Hazard Area contains all zones "A" and "A1"- "A30" as designated in Flood Insurance Maps dated October 16, 1979 and as revised; and contains all land within the Flood Plain Zone as designated on the official Town of East Hampton Zoning Map.

Solar Access - The south wall of a structure being shade free seventy-five percent (75%) of the time from 9 A.M. to 3 P.M. on December 21st of each year.

Stabilization - Structural or vegetative treatment applied to an area in order to prevent soil erosion.

Street, Cul-de-sac – A Street with a single common ingress and egress and with a turnaround at the end. A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround not to exceed 1,500ft in length (see appendix C). (effective 12/6/03)

Street, Cul-de-loop – A street that turns into and reconnects with its main axis with the center or island used for parking, open space purposes or additional development and not to exceed 1,500ft in length measured from the existing road, along the centerline of the road, equal distance to the furthest point of the Cul-de-loop (see appendix C). (effective 12/6/03)

Street, loop – A short independent street that usually terminates along the same collector street of its origin (see appendix C). (effective 12/6/03)

Street, stub – A non permanent dead end street intended to be extended in conjunction with the subdivision and development of the adjacent unplotted land. Access from the stub street shall be remitted only along the frontage of such street to the lots in the subdivision containing the stub street. A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future. (effective 12/6/03)

Subdivider - The owner of record at the time of filing of an approved subdivision plan. Not necessarily the owner of record at the time of application or approval.



Subdivision, Resubdivision - The definitions of "Subdivision" and "Resubdivision" shall be as defined in Section 8-18 of the Connecticut General Statutes, as amended. "Subdivision" means the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of Subdivision Regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes, and includes resubdivision. "Resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

The following clarifications are offered to the above definition:

- A. Subdivision Regulations first adopted May 1, 1949.
- B. "Parcel or "tract" means as on record on May 1, 1949.
- C. Division, when a subdivision or resubdivision, as defined above, runs with the land and not with any individual owner.
- D. Placement of deed restrictions on property necessary to prove "conservation" use.
- E. "Agricultural use" must be permitted by zoning and approved by the Assessor in accordance with Section 12-107c of the Connecticut General Statutes, as amended, in order to be exempt from Subdivision Regulations.
- F. Please note that Section "C" under the definition of "resubdivision" requires that an additional building lot be created in order to constitute a "resubdivision". Transfers of land between and among property owners can be made without Planning and Zoning Commission approval providing that the following conditions are met:
  - i. Street layout not affected
  - ii. Area reserved for public use not affected
  - iii. Remaining land meets applicable Zoning Regulations
  - iv. Remaining land contains sufficient buildable area to contain house, well and septic system (if applicable)
  - v. Correcting map filed in Town Clerk's office, which makes reference to original map

Town - The Town of East Hampton, Connecticut

Town Council - The East Hampton Town Council as outlined in Chapter II of the East Hampton Town Charter, effective November 6, 1973, amended November 6, 1987.

Town Manager - The chief executive officer of the Town as outlined in Chapter III of the East Hampton Town Charter, as amended.

Town Road –

- A. Any road listed on the map entitled "Town Roads, Town of East Hampton, Connecticut", prepared by the Connecticut Department of Transportation, as may be amended from time to time.
- B. Any historic road which the Town Council determines is a Town Road.
- C. A road accepted as a Town Road by Town Council action.

Town Roads, Categories -

- A. Impassable - A road determined to be a Town Road under 40B or 40C above which is not passable to ordinary passenger vehicles at certain times of the year.
- B. Unimproved - A road shown on the above map or a road determined to be a Town Road under 40B or 40C above which is passable at all times but lacks paved surface as specified in Town of East Hampton Road Standards, as amended.
- C. Semi-Improved - A road shown on the above map or a road determined to be a Town Road under 40B or 40C above which is passable at all times, has a wearing surface somewhat in compliance with Town of East Hampton Road Standards, as amended, but does not substantially conform to the requirements of these regulations for new improved roads.
- D. Improved Road - A road shown on the above map or a road determined to be a Town Road under 40B or 40C above which substantially complies with the requirements of these regulations for new improved roads.
- E. New Improved Road - A road installed for a subdivider in conformance with these regulations.

Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended.

Zoning Enforcement Officer (ZEO) - The Commission's Zoning Enforcement Officer.

#### IV GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

1. No subdivision of land shall be made until a plan for such subdivision has received final approval from the Commission, and filed with the Town Clerk.
2. No street or utility construction shall be started until a plan for such construction has received either conditional or final approval from the Commission, and filed with the Town Clerk.
3. No plan for a subdivision with lots having the required frontage on an impassable, unimproved, or semi-improved Town Road shall be approved unless the applicant agrees to improve such Town road at all points along the road which provide the required frontage to lots in the subdivision to the nearest intersection with an improved Town Road, in accordance with Section XII of these regulations, as amended, and the Town of East Hampton Road Standards, as amended.
4. The dimensions of each lot in a proposed subdivision shall conform to the requirements found in the Zoning Regulations.
5. Boundaries of inland wetlands and water courses shall be determined in the field by a certified soil scientist and approved by the Inland Wetlands and Water Courses Agency.
6. Each lot in a subdivision shall have a contiguous buildable area of 30,000 sq ft, which shall contain a proposed location of a house, well and septic system, contain a minimum square of 100ft x 100ft, which shall not include wetlands or watercourses, land shown as floodway Zone A or Zone B on map entitled "Flood Insurance Rate Map, Town of East Hampton, CT-effective October 16, 1979". This section shall not apply to sewered lots in the R1 Zone only. (effective 12/6/03)
7. No subdivision lot will be approved where the proposed method of sewage disposal is an on-site system without a statement from the Town Sanitarian stating that the lot can support a septic system. Lots shall be tested in the area of the proposed leaching system and reserve area. Dates for such testing shall be as determined by the East Hampton Health Department.
8. New subdivision streets shall have underground utilities unless a waiver in writing is obtained from the utility company.
9. A public hearing will be required for all subdivisions.
10. The applicant must notify all abutting property owners by certified mail on a form provided by the Commission at least fifteen (15) days prior to the public hearing.
11. The Commission shall schedule all public hearings related to approval of subdivision applications. The commission will set a date for a public hearing on a subdivision application not more than sixty-five (65) days after the first regular meeting of the Commission at which the application was received. The applicant shall have submitted all required plans and documents for review no later than fourteen (14) days prior to the scheduled meeting at which the application is accepted.
12. If a proposed lot meets the requirements of Subsections 4 and 6 above, as amended, but does not meet the requirements of Subsection 7 above, as amended, the Commission shall require increased area and/or width and/or depth for such lot, in order to bring the lot into conformance with Section 7 above.

13. The applicant for subdivision approval has the option available to bring his/her proposal before a regularly scheduled meeting of the Planning and Zoning Commission for a preliminary discussion. The applicant must be included on the Commission's agenda no later than fourteen (14) days before its scheduled meeting date. The applicant and/or his/her representing agent is only required to appear at the meeting for which his/her proposal is to be discussed and present the basic concept of the proposal to the Commission. There is no requirement for the applicant to submit plans to the Commission before a preliminary discussion. The Commission will hear the applicant's proposal, question the applicant and discuss the proposal as it deems necessary. No decision of approval, approval with modifications or conditions or disapproval of the proposal shall be rendered by the Commission at a preliminary discussion.
14. The latest edition of State of Connecticut Department of Transportation Standards for Roads, Bridges and Incidental Construction, as amended, is incorporated into these Regulations.
15. The Planning and Zoning Commission shall approve, approve with modifications, approve with conditions or disapprove of a proposal for subdivision. If the Commission denies, disapproves or rejects an applicant for subdivision of land, it shall not be required to consider the proposal for six (6) months after the date of such denial.
16. The Zoning Regulations shall be made a part of these regulations as they may at times be amended.
17. Historical and archeological sites and natural diversity data base shall be made a part of the plan.
18. All requests for waivers shall be made a part of the plan.
19. The applicant shall show that all other required permits from other agencies, state or local have been applied for NYPDES, DOT, DOH, STP, etc. where applicable
20. The Commission highly recommends a preliminary discussion for all subdivisions over 5 lots.
21. The Commission may also require that an applicant provide plans for both a standard subdivision and an open space subdivision for preliminary review, where the Commission deems it would be beneficial to the Town.
22. The Commission may require the applicant to prepare an Impact Statement evaluating the effect on the environment and estimated traffic on the site, waste disposal, surface drainage, water supply and other issues if the Commission feels the community has a significant interest.
23. If the Site Development Plan involves an activity that may have a significant impact on public health, safety, or welfare, including but not limited to pollution, environmental impacts or traffic, the applicant will be required to submit additional information addressing that impact. If the Commission deems that a peer review of that information is warranted, or if the Commission deems that independent testing is warranted, the applicant will be required to pay the cost of that peer review or independent testing.

## **V SUBDIVISION MAP REQUIREMENTS**

1. Subdivision maps shall meet the requirements of Section 7-31 of the General Statutes of Connecticut, as amended, as to size and materials used.
2. Subdivision maps shall be prepared and certified by a Registered Land Surveyor and/or Civil Engineer under seal and licensed in the State of Connecticut.
3. Subdivision maps shall meet or exceed standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc.
4. The following minimum map scales are required:
  - A. For location map showing location of site in relation to existing town roads, streets and intersections, within two thousand feet (2,000') of the subdivision: scale of 1" = 1000'.
  - B. For cover sheet showing location of all lots (when required in the case of large parcels proposed for subdivision): scale of 1" = 100'.
  - C. For detail sheet or sheets: 1" = 40'.
  - D. For road details;
    - i. Horizontal: 1" = 40'
    - ii. Vertical: 1" = 4'
5. A record map shall be submitted containing the following information:
  - A. Boundary lines of the parcel being subdivided, showing any lots previously subdivided.
  - B. Proposed lot lines, areas, frontages, lot numbers, yard dimensions, percentage of lot coverage, building heights and distances from water courses.
  - C. Location of existing buildings within two hundred feet (200') of the subdivision.
  - D. Existing and proposed easements as well as an accurate outline of each property offered for public use.
  - E. The Title of the Subdivision; which shall not duplicate any title of any previous subdivision in East Hampton.
  - F. The name and address of the owner of the land to be subdivided, name and address if applicant is different from the owner.
  - G. Existing and proposed water bodies, water courses, right-of-ways including those for utilities, sewers, on or off-site drainage, open space, and existing wetland water bodies, water courses and wetlands to be shown as delineated by a qualified soil scientist, whose signature shall be included on the record map as approved by the Town of East Hampton Inland Wetlands and Watercourses Agency.
  - H. Names and addresses of all abutting property owners in their correct locations.

- I. Approval block as follows: (same for subdivision site map as provided for in subsection 6.V).
  - J. A temporary note of required improvements to be removed from the Town Assessor's files when these requirements have been met.
6. The subdivision site map shall contain the following information:
- A. Boundary lines of the parcel being subdivided, showing any lots previously subdivided.
  - B. Proposed lot lines, areas, frontage including all dimensions..
  - C. Site location map.
  - D. Contour lines. Requirements for topographic details are as follows:
    - i. Two foot (2') contours for the entire piece when such information is available in the office of the Commission.
    - ii. For proposed roads: Two-foot (2') contours taken in the field.
    - iii. For areas required by the Commission for health, welfare and safety reasons; two foot (2') contours taken in the field.
    - iv. For existing and proposed drainage ways, until clearly below proposed homes, leaching fields, and reserve areas; Two foot (2') contours to be taken in the field.
    - v. All other areas may be plotted using ten (10') foot contour as shown on the applicable quadrangle maps prepared by the United States Geological Survey at a scale of 1:24,000.
  - E. Wetlands and water courses as set in the field by a certified Soil Scientist and approved by the Inland Wetlands and Water Courses Agency.
  - F. Land shown as floodway, Zone "A", of Zone "B" on a map entitled "Flood Insurance Rate Map - town of East Hampton, Connecticut –Effective October 16, 1979", as amended.
  - G. Base flood elevation data.
  - H. Location of existing buildings on or within two hundred feet (200') feet of the subdivision.
  - I. Accurate location of proposed roads with right-of-ways, pavement widths and street lines on both sides of street right-of-ways indicating traveled way.
  - J. Existing and proposed drainage structures, indicating direction of flow.
  - K. Location of pins and monuments to be installed.
  - L. Existing and proposed easements described precisely with respect to location and limits on all easements and rights of way.

- M. Location of proposed open space and table of requirements ratio.
- N. Names of streets which shall not duplicate the names of any Previous street names in the Town.
- O. Existing and proposed utilities.
- P. Proposed driveways, leaching and reserve areas, and buildings. This requirement is not intended to "lock in" the builder to a particular area of the lot, but merely to demonstrate that the lot can be built upon. The Commission shall approve the location of driveways within cul-de-sacs.
- Q. Zoning Classification and map, block and lot.
- R. The name of the subdivision shall not resemble any other subdivision name in the Town too closely.
- S. North Arrow, with reference to true, grid or magnetic North. If magnetic North, the date of the magnetic reading shall be noted.
- T. Scale.
- U. Date.
- V. Approval block as follows:  
  
 Approved by the East Hampton Planning & Zoning Commission  
  
 Final approval \_\_\_\_\_  

Chairman

 Date: \_\_\_\_\_  
  
 Expiration Date: \_\_\_\_\_
- W. Name and address of record owner.
- X. Name and address of subdivider.
- Y. Name and address of designer, engineer, surveyor.
- Z. Names and addresses of abutting property owners.
- AA. Street intersections and driveways on both sides within two hundred feet (200') of subdivision boundaries.
- BB. The following statement: Per Section 8-26c of the Connecticut General Statutes, as amended, approval automatically expires \_\_\_\_\_ if all physical improvements required by this plan are not completed by that date.

- CC. The following statement: The Subdivision Regulations of the East Hampton Planning and Zoning Commission are a part of this plan. Approval of this plan is contingent on completion of the requirements of said regulations, excepting any variances or modifications made by the Commission. Any such variances or modifications are on file in the office of the Commission.
- DD. Any work required on existing streets to substantially meet the standards of these Regulations, including proposed drainage improvements.
- EE. Road layout and details of proposed new roads, meeting the standards of these Regulations, including methods of drainage.
- FF. Area to be dedicated to open space.
- GG. Location and data for all deep test pits and perc tests.
- HH. Any information relating to the subdivision, construction features, terrain elements and/or uses to which the property of the subdivision is to be put that might be required by the Commission.
- II. Location of wells and septic systems with their appropriate and respective arcs of influence on the terrain.
- JJ. Existing and proposed natural and manmade features including any ledge outcrops and existing stone walls and fences within the subdivision.
- KK. Location of buffer strips and screens where these are necessary, showing the type and size, species of shrubs, trees, and other plantings.
- LL. A description of required improvements as in 5.J. above, to be a part of the permanent record on the Town's subdivision files.
- MM. Narrative description and/or graphic illustration of any proposed energy conservation measures to be realized through solar site design techniques to include house orientation, street and lot layout, vegetation, natural and man-made topographical features and protection of solar access within the subdivision.
- NN. Soil types for the entire parcel based on field investigations and/or the Soil Survey of Middlesex County, Connecticut, as amended.
- OO. Any locations and plans for fire protection, dry hydrants, water tanks etc.
- PP. Incomplete applications will not be reviewed by the staff, nor will they be placed on the Commission meeting agenda for action other than to be denied without prejudice.

The Commission may require the applicant to prepare an Impact Statement evaluating the effect on the environment and estimated traffic on the site, waste disposal, surface drainage, water supply and other issues if the Commission feels the community has a significant interest.



If the Site Development Plan involves an activity that may have a significant impact on public health, safety, or welfare, including but not limited to pollution, environmental impacts or traffic, the applicant will be required to submit additional information addressing that impact. If the Commission deems that a peer review of that information is warranted, or if the Commission deems that independent testing is warranted, the applicant will be required to pay the cost of that peer review or independent testing

## VI OPEN SPACE AND RECREATIONAL AREAS

### 1. Definitions

For the purpose of this Section VI, the following terms shall be defined as follows:

- a) Open Space: "Open Space" includes, but shall not be limited to: Land left in its natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; land areas and facilities for noncommercial, non-profit recreation; and similar land areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.
- b) Improvement or Public Improvement: Any change or alteration to the existing conditions of the subdivision site: (i) for the purpose of complying with these Regulations, or any approval granted hereunder, or (ii) depicted on any Final Subdivision Plan approved hereunder, or (iii) rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees and drainage facilities; erosion and sedimentation control measures; buildings, earth filling or removal, seeding and grading; the establishment or construction of park, playgrounds, recreational buildings, equipment, structures, fields, and similar facilities; and facilities designed to detain, redirect, store, or treat stormwater discharge.
- c) Land: Real property, including improvements thereof and thereof, 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.
- d) Inland Wetland: Those areas designated and defined as inland wetlands by the Connecticut General Statutes, as the same may be amended from time to time.
- e) Watercourse: Those areas designated and defined as watercourses by the Connecticut General Statutes, as the same may be amended from time to time.
- f) Commission: As used in this section, commission means the East Hampton Planning and Zoning Commission.

### 2. Disposition Factors

For any subdivision of land resulting in 5 or more lots, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized Open Space areas. In determining the appropriateness of an Open Space area disposition, the Commission shall consider the Plan of Conservation and Development objectives and map designations, the East Hampton Open Space Inventory, and the subject site's characteristics with respect to the following objectives: (i) Land described in the Plan of Conservation and Development as desirable open space; (ii) The conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, greenbelts, inland wetlands, aquifers, scenic views, hiking trails, significant woodlands, stands of unique or scenic trees, particular trees of special size or unusual type, ridges, ravines, stone fences and walls, ledge outcroppings and other unusual physical features; the protection of historic and archaeological sites; (iii) the expansion of

existing Open Space areas; and (iv) the meeting of neighborhood and/or community-wide recreational needs. In determining the location of Open Space, the Commission may consider potential for combination with existing or proposed Open Space on adjoining properties owned by any public or private institution.

### 3. Size and Location

Where Open Space disposition is deemed appropriate, the location and size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Section VI.2 and the scope of the subdivision proposal. Required Open Space shall be at the rate of 1 acre per 5 lots, and shall not be less than 15 percent of the total area of the subdivision, although a greater percentage may be accepted by the Commission. The Commission may waive the open space requirement entirely or adjust the amount required for that application by a 3/4 vote provided:

- a) The resulting land would be too small to be practical as Open Space or has none of the characteristics set forth in Section VI.2, and
- b) the parcel is not adjacent to other existing or planned Open Space or adjacent to other land that could be suitable as Open Space.

In determining the location of land to be reserved as Open Space or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or option to buy by the subdivider. Areas to be reserved as Open Space land shall be shown on the subdivision map. Roads, drainage and utility easements, and land set aside for drainage structures shall not be counted as part of the area calculation for open space.

### 4. Sites of Archaeological Significance

When subdivisions are located in areas of high Archaeological Sensitivity as indicated by the State Archeologist and/or in the East Hampton Open Space Inventory, applicants shall make written inquiry of the State Archeologist to determine if there is evidence of sites of archaeological significance within the subdivision. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum Open Space requirements of the Chapter.

### 5. Method and Procedure of Disposition

- a. Method of Preservation, Entity having Title. The Commission shall determined the most appropriate method of disposition after considering, among other things, the relationship of the subject areas(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Section VI.2; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- 1) Conveyance in fee simple to the Town.
- 2) Conveyance in fee simple to the State of Connecticut.
- 3) Conveyance in fee simple to a land trust (with the concurrence of the subdivider).
- 4) Conveyance in fee simple to a homeowner's association.
- 5) Conveyance of conservation easements withor without public access

or

Conveyance of conservation or preservation restrictions, as defined in the Connecticut General Statutes §47-422, with or without pubic access, to the Town, the State, or a private, non-profit preservation entity.

- 6) Conveyance of a recreation easement to the Town, the State, or a private, non-profit recreational entity.
- 7) Conveyance of an agricultural easement to the Town, the State or a private, non-profit farm preservation entity.
- 8) Private ownership with appropriate severance and conveyance of development rights.
- 9.) Any combination of the above or any suitable alternative approved by the Commission.

The applicant shall designate in its application which of the foregoing entities is proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation to require ownership by one of the public entities set forth above, provided, however, that the Commission may not require ownership by a entity described in Subsection (3), nor any conveyance to a private entity, which shall be approved only when consented to by the applicant. Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors: (i) The ownership of any existing 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; (ii) the proposed use of Open Space for active or passive uses, and the extent to maintenance, supervision, or management required; (iii) the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them; (iv) the size, shape, topography and character of the Open Space; (v) the recommendations of the East Hampton Plan of Conservation and Development; and (vi) the reports or recommendations of any State or Town agencies, including, but not limited to, the Town Council, the Inland Wetlands and Watercourses Agency, the Park and Recreation Commission, the Conservation Commission, the Midstate Regional Planning Agency, and the Connecticut Department of Environmental Protection.

- b. Alteration of Open Space. Any excavation, filling, regrading or other alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon; or any paving or surfacing of Open Space subsequent to the date of approval of the Subdivision, other than work required by the plans as approved, shall require an amendment to the Subdivision approval granted in accordance with the applicable Sections of these Regulations.
- c. Evidence of Acceptance. The application shall contain written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.
- d. Required Provisions. Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to insure that the Open Space is dedicated to its intended purpose in perpetuity.
- e. Recording. At the time the approved Subdivision Plan is filed, all the provisions for Open Space must be on the filing.
- f. Boundary Lines. Prior to any land clearing of the approved subdivision or approved building lot, the conservation easement shall be marked with oak stakes labeled "Conservation Easement" with waterproof ink and tied with red flags. These stakes are to be located at each change of boundary direction and at every 100-foot interval on straight-aways. All conservation easement corners shall be permanently marked with iron pins. In addition, sequentially numbered signs with the lettering "East Hampton Conservation Easement" shall be nailed to trees closest to the boundary line, at approximately 100 foot intervals. These signs shall be made of durable metal no less than 5 inches across. The sign shall be installed about 7 feet

above grade, using two 3-inch or greater aluminum nails, with the nails left protruding from tree trunks about 1-1/2 inches. Where no trees are suitable, 7-foot high metal posts with easement or conservation area signs attached will be used. The maintenance of these markings shall be the responsibility of the property owner. The Town of East Hampton will not allow any construction activities to begin without first verifying full compliance with this permanent marking and post requirement. Compliance with this requirement shall again be confirmed prior to issuing a "Certificate of Occupancy" for each property upon which a conservation easement exists.

6. Conditions of Open Spaces and/or Recreation Land

Open space shall have access suitable for its intended purpose. For open space that will be deeded in fee simple, or in common ownership, a right of way at least 25 feet wide shall be provided with adequate drainage and slope characteristics, prepared in a manner suitable for its intended purpose. Access can be from existing abutting Open Space land, if appropriate. The Commission may waive any of these requirements where access is less critical, such as in passive wildlife preserves or fragile ecosystems. The access way area shall not be counted as part of the calculation for open space.

Any subdivision that results in 20 lots or more shall provide land suitable for active recreation, which may consist of an open area suitable for organized sports or a hiking or walking trail with public access, at the discretion of the Commission.

Land to be provided as Open Space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the subdivider. Except for improvement or maintenance as may be expressly permitted or required by the Commission. Open Space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris. The Commission may require that all or a part of the open space be prepared by the applicant in a manner suitable for its intended purpose. This may include clearing, grading, and seeding. The ratio of the area of proposed Open Space classified as inland wetlands to the total area of the Open Space set aside shall not exceed the ratio of all inland wetlands in the subdivision to the total area of the subdivision, unless it considers such areas to have special habitat or other environmental value.

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

7. Referrals

The Commission may refer for review and comment any subdivision plan and proposal for the provision of Open Space land to the Conservation Commission, Inland Wetlands and Watercourses Agency, Park and Recreation Commission, Middlesex County Soil and Water Conservation District, the Department of Environmental Protection, Midstate Regional Planning Agency, or any other appropriate agency.

Any Open Space suitable for active recreation shall be referred to the Parks and Recreation Commission for review and comment.

8. Performance Bonding

To ensure proper construction of any required improvements, the Commission shall require the subdivider to post a performance bond, letter of credit, or other suitable security an amount and with terms acceptable to the Commission. Unless modified by the Commission in accordance with these Regulations, all required

improvements of Open Space land shall be completed prior to the occupancy of fifty (50%) percent of the lots within the subdivision.

9. Property Owners' Association

The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the Open Space to be transferred to an association of property owners. Such transfer shall be in accordance with standards established by the Commission to include, but not limited to the following.

- a) Creation of the association or corporation prior to the sale of any lot.
- b) Mandatory membership in the association by all original lot owners and any subsequent owner; Non-amendable bylaws or other restrictions which require the association to maintain the land reserved for Open Space, park and playground purposes, with power to assess all members for all necessary costs.
- c) Provisions/restrictions which will be perpetual and binding on all future property owners, and will not be affected by any change in land use.

10. Legal Transfer

Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section. Warranty deeds for open space shall be executed before the first lot is offered for sale or development is started. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Council. In the event that acceptance is rejected by the Town Council, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town. All Open Space preserved by means of easements or restrictions shall comply with the requirements of Connecticut General Statutes §47-42(a) through §47-42(c).

10. Land Trade for Open Space Protection

If the applicant has adjoining property or property in another location, which the applicant would propose to be used as dedicated open space or Conservation Area, and which have been identified as being of significant environmental importance to the Town of East Hampton as described in Sec 23.2.5.e or has been identified as a sensitive or priority area under the Towns Plan of Development. (Recommended for conventional subdivision) the Commission may consider such a land trade as a credit toward any Open Space disposition requirements, but may not require such dedication. (effective 12/6/03)

## VII ENERGY CONSERVATION

1. Any person submitting a plan for subdivision to the Commission shall include on the plan a statement demonstrating to the Commission that he/she has considered, in developing the plans using passive solar energy techniques as defined below:
  - A. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within the building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.
  - B. Site design techniques shall include, but not be limited to, the following:
    - i. House orientation
    - ii. Street and lot layout
    - iii. Vegetation
    - iv. Natural and man made topographical features
    - v. Protection of solar access within the development.
  - C. The statement demonstrating the subdivider's/developer's consideration of using passive solar energy techniques, shall address each item in VII.1.B.i.-v. as these apply to the subdivision to be considered by the Commission and shall be included with those required materials for subdivision review by the Commission. The criteria for review of these items are outlined in VII 2.-7.
2. House orientation - Where topographic conditions, soil conditions, and lot layout allow, the long axis of all new dwelling units in subdivisions approved subsequent to the date of these regulations shall be oriented so that their longest axis faces within twenty (20) degrees of true south. Where soil conditions allow, septic systems shall be located to the south of new dwelling units in subdivisions approved subsequent to the date of these regulations when no increase in costs is involved over locating the septic system in another area of the lot.
3. Street Layout - Where topographic conditions, soil conditions, and existing street networks permit, new streets shall be oriented within thirty (30) degrees of an east-west orientation.
4. Lot Layout - Where street layouts, topographic conditions and soil conditions permit, side lot lines shall be oriented within twenty (20) degrees of a north-south orientation.
5. Vegetation - No vegetation shall be planted on a lot in a subdivision made subsequent to the adoption of these Regulations which (a) blocks solar access to an existing solar collector on a building not located within the subdivision and/or (b) blocks solar access to the south wall of a dwelling located within the subdivision and/or (c) blocks sunlight twenty-five percent (25%) or more of the time on any day in the year from the south facing roof of a dwelling.

6. Natural and Man Made Topographical Features -
  - A. The use of earth berms on the north side of dwellings is encouraged.
  - B. Whenever possible, development shall be encouraged on south facing slopes and discouraged on north facing slopes.
7. Protection of Solar Access Within the Development - Where the above passive solar site design techniques are not practical due to topographic or other conditions, the developer shall explore the use of solar easements within the subdivision.

No building or structure shall be sited or constructed to interrupt the solar access of another building. Solar easements may prove necessary in order to effectively carry out and maintain the above solar consideration.
8. The Commission may waive any of the above requirements when the developer can demonstrate to the satisfaction of the Commission that strict application of this section will result in significant increases in the cost of housing to the buyer, after tax credits, subsidies and exemptions are considered.



## VIII STORMWATER RUNOFF CONTROL

1. The subdivider shall furnish projections of the increase of stormwater runoff created by the proposed development from the 2-year, 10-year, and 100-year frequency, 24-hour duration type III distribution storms, as computed in accordance with Technical Release #55, Urban Hydrology, Engineering Division, Soils Conservation Service, USDA, January, 1975, as amended or by use of other methods conforming to sound engineering practice. Rational method shall not be used in computing drainage flows in drainage basin areas in excess of one thousand (1,000) acres.
2. Information to Be Submitted By Developer
  - A. All storm drainage calculation must be designed and certified by a registered Professional Engineer. The following data shall be submitted for review by the Public Works Department or its designated agent:
    1. Topographic Contour Maps(s) showing drainage area(s).
    2. Written description and computation including at least the following:
      - a. Method used to calculate storm water runoff.
      - b. Runoff characteristics of the property before and after development.
      - c. Drainage calculations.
      - d. Maximum velocity and quantity at point or points of discharge from the system.
      - e. Design calculations for all drainage piping and structures.
      - f. For detention structures:
        - (1) Inflow and outflow hydrographs for detention area.
        - (2) Maximum storage volume.
        - (3) Design of spillway or other measures for the release of excess flows beyond that of the design capacity of the structure.
        - (4) Flood routing of all runoff greater than the design capacity of the detention facility.
        - (5) Time which is required for the facility to drain completely.
        - (6) Materials used in construction of the facility.
        - (7) Methods employed to avoid clogging the discharge mechanism.
        - (8) Safety measures.
        - (9) Proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces.
3. No increase in peak flow from those storms referred to in 1. above shall be allowed unless downstream increases are compatible with an overall flood plain management system. The following items should be considered in determining whether increased peak flows are compatible with an overall flood plain management system:
  - A. The timing of peak flows from sub-watersheds
  - B. The increased duration of high flow rates

- C. The stability of the downstream channels
  - D. The distance downstream that the peak discharges are increased.
4. When stormwater detention structures are required, they shall be designed so that the peak runoff after development shall not exceed nor be substantially less than the peak runoff prior to development for each of the above flood events. The subdivider shall be responsible for maintenance of the structure. The structures shall be designed and constructed in accordance with good engineering practice. Basin(s) shall be designed for easy access for maintenance purposes and be provided with safety measures as needed.

## IX SOIL EROSION/SEDIMENT CONTROL

All subdivision plans proposing the disturbance of soil or vegetation in an area shall include a plan of measures to be taken to minimize soil erosion and sedimentation of water courses and drainage systems.

1. Activities requiring a certified erosion and sediment control plan.

A soil erosion and sediment control plan shall be submitted with an application for subdivision when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

2. Exemptions

A single-family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

3. Erosion and Sediment Control Plan

A soil erosion and sedimentation control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology in order to be eligible for certification. Alternative principles, methods and practice may be used with prior approval of the Commission. Said plan shall contain but not be limited to:

- A. Narrative describing:

- i. The project;
- ii. The schedule of grading and construction activities on the land including start-up and completion dates, sequence of grading and construction activities, removal and stockpiling of topsoil; the sequence for installation and/or application of soil erosion and sediment control measures and the sequence for final stabilization of the project site;
- iii. The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities;
- iv. The construction details for proposed soil erosion and sediment control measures and stormwater control facilities;
- v. The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities, and person responsible for maintenance of these measures during construction;
- vi. The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater control facilities, as well as person and/or organization responsible for maintenance or permanent measures when project is completed.

- B. A site plan map, at a minimum scale of 1" = 40' or at a scale acceptable to the Commission, showing:

- i. The location of the proposed project and adjacent properties;
    - ii. The existing and proposed topography, including soil types, wetlands, water courses and water bodies;
    - iii. Any existing structures on the project site;
    - iv. Proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and new property lines;
    - v. Location and design details for all proposed soil erosion and sediment control measures and stormwater management facilities;
    - vi. The sequence of grading and construction activities;
    - vii. The sequence for installation and/or application of soil erosion and sediment control measures;
    - viii. The sequence for final stabilization of the development site.
  - C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
4. Minimum acceptable Standards
- A. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
  - B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if they are based on technically sound reasons and accompanied by technically adequate alternatives.
  - C. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
5. Issuance of Denial of Certification
- A. The Planning and Zoning Commission, or its agent(s) shall either certify that the Soil Erosion and Sediment Control Plan, as filed complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.

- B. Nothing in these regulations shall be construed as extending the time limits for approval of any application under Chapters 124, 124A, or 126 of the Connecticut General Statutes, as amended.
  - C. Prior to certification, any plan submitted to the Town may be reviewed by the County Soil and Water Conservation District which may make recommendation concerning such plan, provided such review shall be completed within the thirty (30) days of the receipt of such plan.
  - D. The Commission may forward a copy of the development proposal to the Inland Wetlands and Water Courses Agency of the Town of East Hampton or consultant for review and comment.
6. Conditions Relating to Soil Erosion and Sedimentation Control
- A. The estimated costs of measures to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section X of the Regulations.
  - B. 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.
  - C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
  - D. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.
7. Inspections shall 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 have been performed or installed according to the certified plan and are being operated and maintained.
8. Enforcement
- Enforcement of the soil erosion and sediment control regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent. Failure to properly install and/or maintain any erosion and sediment control measures may result in the issuance of a "stop work order" until the problem is satisfactorily corrected.

**X BONDING FOR PUBLIC IMPROVEMENTS PROPOSED FOR TOWN ACCEPTANCE**

1. The following methods of bonding for public improvements proposed for Town acceptance are acceptable:
  - A. Cash
  - B. Surety company bond
  - C. Saving passbook endorsed to the Town, accompanied by a withdrawal slip made payable to the Town.
  - D. Certified, cashier's or bank check
  - E. With the approval of the Town Council, an assessment on each lot in the subdivision served by the proposed road, including, but not limited to the following stipulations:
    - i. Assessment on each lot in proportion to estimated cost of road as approved by Commission.
    - ii. Assessment to be collected if lot is sold, and placed in escrow.

2. In lieu of the above requirements, the subdivider may apply for conditional approval of a subdivision. In the case of conditional approval, the following statement must be added above the approval block:

**"CONDITIONAL APPROVAL ONLY"**

"This subdivision has received conditional approval per Section 8-25 of the Connecticut General Statutes, as amended. No lot shown can be sold or offered for sale until final approval has been received from the Planning & Zoning Commission, and a revised plan indicating said final approval has been filed with the Town Clerk."

Either of the following is required prior to issuing final approval to a subdivision which has received conditional approval:

- A. Cash, surety company bond, savings passbook, certified check, or assessment on each lot in the subdivision, as detailed above.
  - B. The actual construction, maintenance, and installation of any improvements or utilities required by the Planning and Zoning Commission, and acceptance of said improvements of utilities by the Town.
3. A maintenance bond, equal to not less than ten percent (10%) of the cost of improvements accepted by the Town, will be held for one year after said acceptance following the release of a performance bond (or portion thereof) or Town acceptance of improvements. The purpose of the maintenance bond is to protect the Town against defective workmanship, materials or design of improvements.

- A. The developer shall repair all defects in construction or operation during the period covered by the maintenance bond. The developer's failure to perform needed repairs within a reasonable time when so requested by the Town Council may result in the Town's undertaking the repairs and billing the developer for the cost of the repairs.
  - B. No performance bond shall be released until such time as said maintenance bond has been accepted by the Commission and posted with the Town of East Hampton.
  - C. No maintenance bond shall be approved by the Commission unless said bond is in a form acceptable to the Commission. The Commission reserves the right to add conditions to the bond which, in the opinion of the Commission, are deemed necessary to indemnify against defective workmanship, materials or design of the improvements.
  - D. No maintenance bond shall be released by the Commission until it has been in effect for a minimum of one year duration. The Commission shall release said bond only upon receipt of a favorable written report from the Superintendent of Public Works, Town Engineer, or another qualified source retained by the Town to inspect all approved and required public improvements, indicating that all improvements are free of defective workmanship, materials, or design, or that any defects have been corrected to their satisfaction. This inspection is not intended to relieve the developer of liability for any cause of action arising from a covert or overt defect.
- 4. The amount of any bond shall be set by the Commission. Such bond shall include an amount to cover the escalation of construction and other costs for a two (2) year period. Every two (2) years the cost of the remaining work shall be reviewed and the bond amount adjusted to reflect current and projected construction and other costs.
  - 5. As-Built plans are required with either of the provisions for 1 and 2. above showing the location of all public improvements to include: monuments, utility lines, catch basins, drainage systems and structures, public sewage disposal systems and lines and all water lines which will serve the subdivision. The As-Built plans must be substantially complete, correct, comprehensive and exact and submitted within sixty (60) days after completion of all public site improvements. All maps shall be of a scale of 1" = 40'.
  - 6. A cash performance bond shall be posted for all erosion and sediment control measures, not covered as part of the maintenance bond in an amount approved by the Town Engineer for the subdivision requirements.
  - 7. No more than 3 Bond reductions shall be allowed prior to Road acceptance with the approval of the Town Engineer. One before the first course of pavement, and two after the first course of pavement. No waivers of this section shall be allowed. (effective 12/06/03)

## **XI. APPROVAL**

The following information is required prior to final approval of a subdivision, or conditional approval as outlined in Section X of these Regulations:

1. Statement from Town Engineer that proposed new roads conform to these Regulations.
2. Statement from Town Engineer that proposed improvements to existing Town Roads substantially conform to these regulations or that no improvements are necessary.
3. Statement from Water Pollution Control Authority approving design of public sewers or that a developer's agreement has been signed.
4. Estimated cost of proposed improvements, broken down as follows:
  - A. Estimated cost of public sewers.
  - B. Estimated cost of proposed roads and drainage.
  - C. Estimated cost of proposed improvements to existing roads and drainage.
  - D. Estimated cost of erosion and sedimentation controls.
5. Cash bond in the amount of 4D above.
6. Cash or Surety Company
7. Bonding method as outlined in Section X of these Regulations in the amount of 4B above.
8. Statement from Water Pollution Control Authority stating that developer has provided bonding for 4A above.
9. Proof of notification of abutting property owners as required in Section IV.10.
10. A warranty deed from the record owner to the Town covering land to be used for Town streets, open space or other public purposes, with transfer of title to such interest to be effective on date of Town acceptance. Such deed shall be free and clear of all encumbrances which would affect public use of the land.
11. Easements and rights-of-way over property to remain in private ownership.
12. Rights to drain into or across private property.
13. Documentation detailing method of maintenance of proposed private roads, dedicated open space, and other required improvements.
14. The subdivider shall give the Town a covenant running with the land which obligates the owner of the premises on which any runoff control facilities are located or are to be located, as required by Section VIII of these regulation as amended, to maintain said facilities, providing that if the owner fails to maintain such facilities as required by the Town, within two (2) weeks after



notification by certified mail of the need for such maintenance, that the Town shall have the right to enter on the premises, perform the necessary work, and place a lien on the property.

15. The subdivider shall give the Town the right to call the cash bond required for erosion and sedimentation control within one (1) week after notification by certified mail of the need for such erosion and sedimentation control. The subdivider shall give the Town the right to enter onto the property to perform the necessary work.
16. A certified Erosion and Sedimentation Control Plan, as required by Section IX of these Regulations, as amended.
17. Per Section 16-262M of the Connecticut General Statutes, as amended, no subdivision will be approved which requires the expansion or creation of a community water company with fifteen (15) or more connections unless a certificate has been issued by the Department of Public Utility Control and the Department of Health Services to that company. The subdivider shall give the Commission, at the time of application, a signed statement that the provisions of Section 16-262M of the Connecticut General Statutes and any amendments subsequent thereto which are effective before final approval of the subdivision plans, have no application to the water supply for the proposed subdivision. The Commission shall have the option of requiring a reaffirmation of said signed statement at the time final approval is to be granted. The subdivider is deemed to have agreed to hold the Town of East Hampton harmless with respect to any loss to the Town resulting from any misstatement concerning the application of said statute, whether made negligently or otherwise.
18. "As-Built" plans for all physical improvements with a scale of 1" = 40' shall be submitted within sixty (60) days of completion of improvements as required by Section X.5 of these regulations, as amended.
19. A fire protection agreement with the Town of East Hampton Fire Department, its agents, representatives and officials, shall be signed by the developers and/or owners and filed with the Planning and Zoning Commission guaranteeing the provision of those structures, devices, services and measures deemed necessary by the officials of the Town of East Hampton Fire Department for the protection of the subdivision and the safety of its inhabitants, abutting neighbors and adjacent Town property from the dangers of fire to health, safety and property.

## XII ROAD STANDARDS

Work on existing or proposed roads shall be done by the subdivider, at the subdivider's own cost and expense, in accordance with the following standards and as provided for in the Town of East Hampton Road Standards, as amended:

1. General
  - A. No work shall proceed on any road improvements, either public or private, unless conditional or final approval has been received from the Commission, and a map filed with the Town Clerk.
  - B. No building permit will be issued for any building on a lot requiring public improvements unless the following conditions are met:
    - i. Lot served by proposed new Town road: Road accepted by Town Council and deed recorded.
    - ii. Lot served by proposed private road: Improvements accepted by Town Engineer and Town Manager.
    - iii. Improvements to existing Town Roads: Improvements accepted by Town Engineer and Town Manager.
  - C. Monuments shall be placed at points of curvature and tangency and angle points for all roads. Monuments shall be of stone or reinforced concrete four (4") inches square and four (4') feet long, with a brass or copper plug, drill hole, or cross marking the center of the square.

Monuments shall be set flush with finished grades, located by a registered surveyor, and installed by the subdivider.
  - D. Design speeds shall be in accord with Town of East Hampton Road Standards.
  - E. Upon suspension or completion of any portion of the work, all temporary structures, tools, equipment, and rubbish shall be removed. All ditches shall be filled. All sewers, drains, catchbasins and manholes cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired, and the whole work left in a neat, clean and safe condition.
  - F. Street alignment and grades shall be in harmony with existing and proposed streets and the Plan of Development, as well as meeting the criteria of the Town of East Hampton Road Standards, as amended.
  - G. Street signs conforming to Town specification shall be provided and installed by the subdivider.
  - H. Street construction shall be sufficient to carry potential future traffic.
  - I. No plan for a subdivision with lots on a permanent dead-end street shall be approved if the total number of existing and proposed lots on said street exceeds twenty (20). The

Commission may waive this requirement when fifty percent (50%) of the existing and proposed lots on said street provide good solar access.

- J. When sanitary or building storm sewers are constructed prior to house construction, the sanitary or storm sewer shall be installed to a point not less than six feet (6') within the lot. This provision shall also apply to underground utilities.
- K. Right-of-ways and sidewalks for pedestrian travel may be required by the Commission between subdivisions or between a subdivision and public property.
- L. Proposed cul-de-sacs streets or multiples thereof are intended to provide residential areas with adequate vehicular access while maintaining privacy and minimizing traffic flow. Therefore cul-de-sac streets shall not exceed 1,500 feet or service greater than 20 lots. Cul-de-sacs shall have a turn-around eighty feet (80') in diameter, with a one hundred-foot (100') diameter right of way. Cul de-sacs shall be measured from the nearest existing road intersection or a proposed road connection as shown on subdivision plans approved by the Commission. The Commission may grant a waiver of these requirements by a three-quarter, (3/4) vote of its entire membership (effective 12/06/03).
  - 1. The subject site exhibits adverse topographical conditions that require an extension of the maximum length to reasonably access and utilize the property.
  - 2. Where the potential for future street extension is proposed and provided for in the application and such extension is deemed appropriate by the Commission.
  - 3. Where such proposed extension is demonstrated to protect or preserve significant natural features present or proposed on the site.
  - 4. Where in the opinion of the Commission, a waiver of these requirements will result in a demonstrable benefit to the Town.

In all cases where a request for a waiver is requested, a referral to the Chief of Police and the Fire Marshal shall be made and resulting commentary by these officials shall be considered by the Commission.

In all cases the Commission shall clearly and specifically state the reason/s for their decision to waive the provisions of these requirements.

- M. The Commission reserves the right to require stricter road standards than those set forth when special or unusual project or site features make normal standards unworkable in whole or in part.
- N. All new roads shall comply with Town of East Hampton Road Standards, as amended.

## 2. New Roads Proposed for Private Use

New roads proposed for private use shall meet the standards as new roads proposed for Town acceptance with the following exceptions:

- A. Wearing surface. Not required, other than processed gravel or broken stone per Town of East Hampton Road Standards, as amended.
  - B. Sidewalks, wearing surface. Two (2") inches of bituminous concrete per Town of East Hampton Road Standards, as amended.
3. Subdivisions on Existing "Impassable" or "Unimproved" Town Roads.
- A. Subdivisions on one side:
    - i. Subdivisions on one side of an existing "Impassable" or "Unimproved" Town Road as defined in Town of East Hampton Road Standards, as amended, shall improve said road to substantially conform to the standards for new roads proposed for Town acceptance to the nearest intersection with an improved Town Road with the following exception:
      - a. Wearing surface: On the prepared and approved base course there shall be spread one and one-half inches (1 1/2") of fine, finished gravel rolled with a ten (10) ton roller. Three (3) applications of bituminous surface material conforming to Town of East Hampton Road Standards, as amended, shall be applied.
    - ii. Subdivisions on the side opposite an unimproved or impassable Town Road as improved above shall require application of three inches (3") of bituminous concrete pavement, constructed in two courses per Town of East Hampton Road Standards, as amended, to the nearest intersection with an improved Town Road, as well as installation of required curbing.
    - iii. Subdivisions on both sides of an unimproved or impassable Town Road shall improve said road to substantially conform to the standards for new roads proposed for Town acceptance to the nearest intersection as defined in Section 14.212 of the General Statutes of Connecticut, as amended, with an improved Town Road
4. Subdivisions on Existing "Semi-Improved" Town Roads
- Subdivisions on existing "Semi-Improved" Town Roads shall make provisions to improve said Town Road to substantially conform to the standards for new roads proposed for Town acceptance to the nearest intersection with an improved Town Road.
5. Large Subdivisions on Unimproved, Impassable, or Semi-Improved Town Roads
- Subdivisions on unimproved, impassable, or semi-improved Town Roads with twenty (20) or more lots, including proposed lots, shall be required to make improvements to the existing Town Road as listed in 3 and 4 above to more than one existing improved road, except in the case of subdivisions on roads intersecting with State highways.
6. Subdivisions on Existing Private Roads
- No subdivision will be approved on an existing private road unless it meets either of the following requirements:

- A. Road improved to substantially conform to standards for new private roads and association is set up to maintain said road.
- B. Road improved to standards for new Town Road and accepted by Town.

### **XIII GENERAL**

#### **1. Waivers**

Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, or the purpose of these Regulations may be served to a so that substantial justice may be done and public interest secured, if such waiver does not have the effect of nullifying the intent and purpose of these Regulations. The Commission shall not grant a waiver unless it finds, based upon the evidence presented to it in each specific case, that:

- a) The granting of the waiver will not have an adverse effect on adjacent property or on the public health or safety;
- b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other land in the area;
- c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; and
- d) The waiver will not in any manner vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.

A request for any waiver shall be submitted in writing by the applicant at the time of application acceptance by the Commission. The request shall state fully the grounds for the request and all of the facts relied upon by the applicant.

A waiver must be approved by a vote of three-fourths of all the members of the Commission. The Commission shall state upon its records the reasons for which a waiver is granted in each case. In approving a waiver, the Commission may require such conditions that will, in its judgment, substantially conform to the objectives of the standards or requirements of these Regulations.

#### **2. Repeal**

- A. Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets by the Town of East Hampton. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town of East Hampton.
- B. Any regulations pertaining to subdivider's roads or subdivisions which are inconsistent herewith are hereby repealed.

#### **3. Validity**

If any section, subsection, or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

#### **4. Enforcement**

These regulations shall be enforced by the Commission or its duly authorized representative.

#### **5. Penalties**

Any person, firm or corporation, making any subdivision of land without the approval of the Commission, shall be fined not more than the maximum fine allowed, pursuant to the General Statutes, for each lot sold, offered for sale or subdivided.

|                                |  |   |                          |
|--------------------------------|--|---|--------------------------|
|                                |  |   |                          |
| APPENDIX A - RECORDS RETENTION |  |   |                          |
|                                |  |   |                          |
| A-1 ZONING                     |  |   |                          |
|                                |  |   |                          |
| ITEM<br>NUMBER                 | RECORD SERIES TITLE                            | MINIMUM RETENTION REQUIRED                          | DISPOSITON               |
|                                |  |   |                          |
|                                | Application, including supportive<br>materials |   |                          |
|                                | for site plan (surveys, site layout)           |   |                          |
| M10-170                        | a. Approved                                    | 10 years after issuance of decision                 | destroy*                 |
| M10-175                        | b. Denied                                      | 2 years after denial decision                       | destroy*                 |
|                                |  |   |                          |
| M10-185                        | Certificate of Zoning Compliance               | 10 years after issuance of decision                 | destroy*                 |
|                                |  |   |                          |
| M10-195                        | Decision letter                                | 10 years after issuance of decision                 | destroy*                 |
|                                |  |   |                          |
| M10-205                        | Legal notice - pre hearing/decision            | 1 year after decision                               | destroy*                 |
|                                |  |   |                          |
| (M1-255)                       | Tapes, audio - zoning matters                  | 1 year after minutes are approved<br>unless pending | destroy*                 |
|                                |  | appeal, then retain 1 year after appeal<br>decision |                          |
|                                | Zone changes                                   |   |                          |
| M10-215                        | a. Application                                 | 2 Years after issuance of decision                  | destroy*                 |
| M10-220                        | b. Maps  | Permanent   | maintain in municipality |
| (M1-215)                       | c. minutes of public meetings                  | Permanent   | maintain in municipality |
|                                | (including hearings)                           |   |                          |
| M10-255                        | d. Supportive materials                        | 2 years after issuance of decision                  | destroy*                 |
|                                |  |   |                          |
| M10-235                        | Zoning regulations ( as amended)               | Permanent   | maintain in municipality |
|                                |  |   |                          |
|                                |  |   |                          |
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|                                |  |   |                          |
|                                |  |   | ZONING REGULATIONS       |

\* Municipalities may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are minimum retention requirements. Records may be retained for longer periods of time.



|                      |   |  |                          |
|----------------------|---|--|--------------------------|
| A-2 SITE PLAN REVIEW |   |  |                          |
| ITEM NUMBER          | RECORD SERIES TITLE                             | MINIMUM RETENTION REQUIRED                       | DISPOSTION               |
|                      | Application, including supportive materials     |  |                          |
|                      | for site plan ( survey, sites layouts)          |  |                          |
| M10-245              | a. Approved                                     | 10 years after issuance of decision              | destroy*                 |
| M10-250              | b. Denied                                       | 2 years after denial of decision                 | destroy*                 |
|                      |   |  |                          |
| M10-260              | Decision letter (includes site plan and survey  | 10 years after issuance of decision              | destroy*                 |
|                      |   |  |                          |
| M10-270              | Legal notices                                   | 1 year after appeal period                       | destroy*                 |
|                      |   |  |                          |
| (M1-215)             | Minutes of public meetings (including hearings) | permanent  | maintain in municipality |
|                      |   |  |                          |
|                      | Performance bond for developer                  |  |                          |
| M10-280              | a. Copy   | 2 years after released                           | destroy*                 |
| M10-285              | b. Original                                     | return to developer after release                | return                   |
|                      |   |  |                          |
|                      | Site plan                                       |  |                          |
| M10-295              | a. Built  | Life of use                                      | maintain in municipality |
| M10-300              | b. Not executed                                 | 5 years from issuance of decision of approving   |                          |
|                      |   | authority CGS 8-3 (i), (j)                       |                          |
| M10-305              | c. Revised site plans                           | Life of use                                      | maintain in municipality |
|                      |   |  |                          |
| (M1-255)             | Tapes, audio - zoning matters                   | 1 year after minutes are approved unless pending | destroy*                 |
|                      |   | appeal, then retain 1 year after appeal decision |                          |
|                      |   |  |                          |
|                      |   |  |                          |
|                      |   |  |                          |
|                      |   |  |                          |
|                      |   |  |                          |
|                      |   |  | ZONING REGULATIONS       |

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